

Council Business Meeting

May 19, 2020

Agenda Item	Second Reading of Ordinance 3183 Amending AMC 2.04.030 Adding Agenda Items	
From	Dave Lohman	City Attorney
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SUMMARY

The attached proposed ordinance amendment to Ashland Municipal Code 2.04.030 is to specify that a Councilor's request to add an item to the agenda of a Council meeting needs the assent of at least one other member of Council.

POLICIES, PLANS & GOALS SUPPORTED

N/A

BACKGROUND AND ADDITIONAL INFORMATION

At the March 3, 2020 regular business meeting, Council approved Resolution 2020-03 pertaining to Council Rules and Protocols. One of those approved rules requires a change in AMC 2.04.030B(1) to specify that a Councilor wishing to add an item to an agenda of a future Council meeting must get concurrence from at least one other member of the Council. By a majority vote at the March 3 business meeting, that specific change was approved.

AMC 2.04.030B(1) concerns only situations in which preparing for the proposed agenda item would require two or fewer hours of preparation by staff. Other subsections of AMC 2.04.030 make clear that assent by a majority of Councilors is needed when a Councilor's proposal to make an agenda addition is made at a Council meeting or when the proposal is made in advance but requires more than two hours of staff preparation time. Another subsection of AMC 2.04.030 allows the Mayor, City Administrator, and City Attorney to add items to a meeting agenda.

Attachment 1 shows the proposed ordinance amendment. Only a few words need to be changed in AMC 2.04.030 to make this change. The entire section on agendas is shown in the attachment, however, to help show how the proposed amendment would work with the other provisions on agendas.

On April 21, 2020, the Council approved the first reading of Ordinance 3183 Amending AMC 2.04.030 Adding Agenda Items. Second reading was scheduled for the May 5 Council meeting, but was moved to the May 19 meeting due to a lack of time.

FISCAL IMPACTS

N/A

STAFF RECOMMENDATIONS

N/A

ACTIONS, OPTIONS & POTENTIAL MOTIONS

I move to approve Ordinance 3183 concerning *AMC 2.04.030*, as shown in Attachment 1.

I move to approve Ordinance 3183 concerning *AMC 2.04.030*, as shown in Attachment 1, but with the following change:

REFERENCES & ATTACHMENTS

Attachment 1: Ordinance 3183 Amending AMC 2.04.030 Adding Agenda Items

1 staff time, including policy research and document drafting. ~~The~~ A proposed addition
2 ~~proposed by a Councilor~~ for the agenda of a particular upcoming business meeting must
3 be delivered to the City Administrator no later than noon of the Wednesday prior to that
4 Council meeting. The City Administrator shall determine the order of business of the item.
5 The Mayor may defer the item until a later meeting if the agenda of a particular meeting is
6 already lengthy or if, in the Mayor's sole judgment, the matter is not time-sensitive, but in
7 no case shall the Mayor defer the item to an agenda that is more than three months beyond
8 the date requested by the ~~Councilor~~ Council members submitting the item. Council
9 members will endeavor to have subjects and any materials they wish considered submitted
10 prior to finalization of the Council packet.

11 2. A Councilor who wants to add to the Council's agenda an item requiring more than two
12 hours of preparation by staff, including policy research and document drafting, should first
13 propose the addition at a Regular Meeting under Other Business from Council members or at
14 a Study Session. The Council should consider such additions to the Council agenda in light
15 of City priorities, including adopted City Council Goals, and workload. The Council must
16 agree to proceed with an issue or ordinance before staff time is spent preparing the matter for
17 Council action. The Councilor may present information or a position paper or ask for a
18 department report or committee recommendation. Councilors who agree that staff time can
19 be spent on a particular item are not bound to support the issue when it comes before the
20 Council for a vote

21 C. *During a meeting.* A topic may be added to the agenda by a majority vote of the Councilors
22 present. Generally these items should be limited to items of timeliness or emergencies.

23 Advance notice of executive sessions, however, must be given as required by State law.

24 D. *Postponing Agenda Items Before Consideration.*

25 1. If a Councilor will be absent from an upcoming Regular Meeting, the Councilor may
26 request during a Regular Meeting that consideration of an agenda item be postponed to a
27 future Regular Meeting. The request will be honored if the majority of the Council votes in
28 favor of postponement and the matter is not time-sensitive.

29 2. If the request to postpone is made outside a regular Council meeting the Councilor
30 requesting the postponement shall submit a request to the Mayor or City Administrator in

1 writing or by email as early as possible. The request to postpone will be honored unless the
2 majority of the Council at the public meeting votes not to postpone the item or if the matter
3 is time-sensitive.

4 3. If time expires before the City Council can consider an item on the agenda including an
5 advertised item, the unaddressed item shall automatically be continued to the next scheduled
6 Regular Meeting or Study Session; re-advertisement shall not be required for such continued
7 items. A note shall be placed on the Agenda referencing this continuance rule: "Items on the
8 Agenda not considered due to time constraints are automatically continued to the next
9 scheduled Regular Meeting or Study Session of the Council. AMC 2.04.030.E."

10 E. *Council Packets.* Written materials, from Councilors, staff and citizens, which are related
11 to agenda items to be included in the Council packet, must be submitted to the City
12 Administrator's office no later than 12:00 noon six days in advance of the Council meeting for
13 which it is intended. Materials submitted must include author's name and address.

14 F. *Study Session Agenda Preparation.* The City Administrator prepares the agenda for the
15 Study Sessions from:

- 16 1. Items requested by the Mayor and members of the Council to be listed on the agenda.
- 17 2. Items deemed appropriate by the City Administrator.
- 18 3. Business from the Council pertaining to committee reports and other business.
- 19 4. Items requested by City Commissions, Committees or Boards.

20 G. *Time Limits.* Items appearing on the Council Study Session agenda shall be assigned a
21 time limit and the Mayor shall hold discussion to within the time frame, unless the consensus
22 of the Council is to extend the time limit until an issue or item is discussed and resolved.

23 **SECTION 2. Severability.** Each section of this ordinance, and any part thereof, is
24 severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction,
25 the remainder of this ordinance shall remain in full force and effect.

26 **SECTION 3. Codification.** In preparing this ordinance for publication and distribution, the
27 City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but
28 within such limitations, may:

- 29 (a) Renumber sections and parts of sections of the ordinance;
- 30 (b) Rearrange sections;

- 1 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 2 (d) Delete references to repealed sections;
- 3 (e) Substitute the proper subsection, section, or chapter numbers;
- 4 (f) Change capitalization and spelling for the purpose of uniformity;
- 5 (g) Add headings for purposes of grouping like sections together for ease of reference; and
- 6 (h) Correct manifest clerical, grammatical, or typographical errors.

7 PASSED by the City Council this _____ day of _____, 2020.

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ATTEST:

City Recorder

SIGNED and APPROVED this _____ day of _____, 2020.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney