Council Study Session

October 1, 2018

Agenda Item	Clarification of Council Rules and Protocols	
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Item Type	Requested by Council ☐ Update ☐ Request for Direction ☐ Presentation ☒	

SUMMARY

This agenda item is a next step in an extended conversation on clarifying and modifying, if appropriate, expectations about Council practices at study sessions and regular business meetings. At this October 1 Study Session, Council is asked to address highlighted Questions #17 through #21 in Attachment A. The other questions in Attachment A are ones that Council has already addressed in previous meetings (#1 through #16, #22, #30, and #31) or has yet to address in future meetings.

POLICIES, PLANS & GOALS SUPPORTED

Council Goal 2: Promote effective citizen communication and engagement.

BACKGROUND AND ADDITIONAL INFORMATION

Robert's Rules of Order serve as the default reference for meeting procedure. Over time, refinements or alternatives to Robert's Rules have been adopted to accommodate Ashland City Council's particular needs and circumstances.

In 2014, the ordinance concerning formal Council rules, AMC 2.04, was updated again. Since then, more ambiguities, uncertainties, and inconsistencies have surfaced and occasionally have become sources of frustration. Discussions in 2014 did not, for the most part, address informal Council practices. This agenda item, and similar ones to follow, is intended to give the Council an opportunity to identify problems with both codified and informal Council meeting practices and decide whether changes are in order.

Based on issues and questions about Council meeting practices that have arisen since 2014, staff so far has identified 37 questions believed to be worthy of Council discussion for purposes of either clarification or revision. Council may wish to add more questions to Attachment A, merge some, or strike some off the list.

The questions are grouped into the following general topics: agendas; study sessions; comments, presentations, and correspondence from citizens; deliberation rules; Councilmember requests for information or actions from staff; and miscellany.

At its November 20, 2017 study session, Council reached conclusions on questions #1 through #3 and #16 and #21. (See November 20, 2017 agenda and minutes.). At its regular business meeting on January 16, 2018, taking up the agenda item originally set for the December 18 study session, Council modified its previous conclusion on Question #2 and addressed questions #4 through #7. (See December 18, 2017 and January 16, 2018 agenda and minutes.) At its April 3, 2018, regular business meeting, Council reached

conclusions on questions #8 through #12 and #30 and #31. (See April 3, 2018 agenda and minutes.) At its July 16, 2018 study session, Council addressed questions #13 through #15. (See July 16, 2018 agenda and minutes.)

The "Council Conclusions" text under Questions #1 through #16, #22, #30, and #31constitute staff's summary of what seemed to be the provisional position of a majority of Councilmembers on each question; Council has not taken votes on those conclusions, and may well modify those conclusions when the time comes for formal approval in ordinance amendments, resolutions or written policies. Councilmembers may well want to review these tentative conclusions from previous meetings and point out at the October 1 meeting any inaccuracies in the stated conclusions.

The main reason for this agenda item, however, is to seek Councilmembers' responses to questions #17 through #21, which are highlighted in gray in Attachment A. For questions #17 through #20, a staff-suggested conclusion is provided, along with some factors ("Points and Authorities") and alternative conclusions to consider. While Question #21 was just recently addressed in the July 16, 2018 meeting, Council may wish to add further guidance.

The questions not previously addressed and not slated to be addressed as part of this October 1 agenda item (which are Questions #22 through #29 and #32 through #37) are set forth in the rest of Attachment A simply as questions, without staff-suggested conclusions or considerations to be weighed. As time permits, these remaining questions will be scheduled for discussion at future Study Sessions or regular business meetings of the Council.

FISCAL IMPACTS
N/A

DISCUSSION QUESTIONS
This agenda item is a next step in an extended conversation on clarifying and modifying, if appropriate, expectations about Council practices at study sessions and regular business meetings. At this October 1 meeting, Council is asked to address highlighted questions #17 through #21 in Attachment A. The other questions in Attachment A are ones that Council has already addressed in previous meetings (#1 through #16, #22, #30, and #31) or has yet to address in future meetings.

SUGGESTED NEXT STEPS
As time permits at upcoming study sessions, Council will be asked to address the unanswered questions in Attachment A, along with questions Councilmembers may wish to add to the list. Once agreement is reached on clarifications or changes to Council meeting practices, at future business meetings staff will propose ordinance amendments or resolutions needed to effect those changes or, perhaps, simple written interpretations of some rules.

REFERENCES & ATTACHMENTS
Attachment A: Council Rules and Protocols (10/1/18 Version)

ATTACHMENT A

COUNCIL RULES AND PROTOCOLS

(10/1/18 Version)

AGENDAS

1. **Question: Should contracts above a specified dollar amount be presented as individual matters for Council decision, as opposed to being included on the Consent Agenda?**

   Council Conclusion (11/20/17): On a trial basis, the City Administrator should place approval of any contract/procurement in excess of $100,000 on the regular business agenda.

2. **Question: Should minutes of City advisory bodies be included in the Council agenda packets, along with a summary of which advisory bodies have met recently?**

   Council Conclusion (1/16/18, modifying 11/20/17 tentative decision): Minutes for all standing and ad hoc advisory bodies are available on the opening page of the City website by clicking on the "City Commissions" tab or by clicking "Agendas and Minutes" in the Quick Link section of the homepage and using the dropbox to select the desired commission, committee, or board. Minutes are to be posted on the website shortly after each meeting whether approved or in not-yet-approved draft. Electronic versions of agendas for regular City Council meetings include an item providing hyperlinks to the minutes for each standing board or commission.

3. **Question: During a Council meeting, under what circumstances should the scheduled order of a meeting agenda be altered?**

   Council Conclusion (11/20/17): Councilors and the Mayor agree to adhere to the regular order of meeting agendas except in very rare circumstances and only after approval by a majority of the Council. No ordinance revision is necessary.

4. **Question: During a Council meeting, how should a Councilor go about adding an item to the agenda?**

   Council Conclusion (1/16/18): Retain current procedure, as provided in AMC 2.04.030C. During a meeting, a Councilor may move to add an item to the agenda for that meeting (or a future meeting). In the normal order of business, a motion to add an item to an agenda should be made at the time designated for "Other Business from Council Members." But the Mayor could change the order of business so as to take up the motion to add the item earlier in the meeting. If the motion to add an item to the current meeting's agenda receives a second, any debate, and majority approval, the item normally would be placed in the "Other Business from Council Members" section of the agenda. The Mayor, however, could decide to modify the order.

5. **<u>Question</u>: Outside of a meeting, how should a Councilor go about getting a matter added to an upcoming meeting agenda?**

   <u>Council Conclusion (1/16/18)</u>: Retain current procedure as provided in AMC 2.04.030B. An individual Councilor can get a matter added to a future Council meeting agenda by making a timely written request to the City Administrator, unless the item requires more than two hours of preparation by staff – in which case consent from a majority of the Council at a Council meeting is required.

6. **<u>Question</u>: How should a citizen go about getting a matter added to a Council meeting agenda?**

   <u>Council Conclusion (1/16/18)</u>: Retain current procedure. A citizen should make the request to any Councilor or the Mayor or City Administrator or to a City advisory board, commission, or committee or make the request as part of testimony during Public Forum.

7. **<u>Question</u>: During a Council meeting, how should a Councilor seek removal or postponement of a scheduled agenda item?**

   <u>Council Conclusion (1/16/18)</u>: Retain current procedures, as provided in AMC 2.04.040C.4.b(3) and 2.04.040C.4.j and k. Before or at the outset of consideration of a matter, a Councilor may "object to consideration of the question." After consideration of a matter has begun, a Councilor may "move to postpone the matter to a certain time" or "move to postpone the matter indefinitely." These are parliamentary mechanisms for deferring an agenda item which is believed to be not yet ripe for consideration.

8. **<u>Question</u>: Should the pre-meeting Council packet include any presentation slides to be shown at the following week's meeting?**

   <u>Council Conclusion (4/3/18)</u>: Staff should make every effort to complete presentation slides in time for inclusion in the Council agenda packet. If, after agenda packets are mailed out, changes to presentation slides become necessary to avoid misinformation, staff should highlight such changes early in Council's consideration of the apposite agenda item.

STUDY SESSIONS

9. **<u>Question</u>: Should/could Study Sessions be made more useful by treating them less like briefings and more like sessions for interactive exploration of key topics, adopting minimal formalities for presentations by and questioning of staff and for discussion among Councilmembers?**

   <u>Council Conclusions (4/3/18)</u>:
   a. Study Sessions should continue to be televised and held at Council Chambers.
   b. A more roundtable-like seating arrangement for Study Sessions at Council Chambers should be tried on a provisional basis to determine whether such an arrangement would further informal, wide-ranging, and inclusive dialogue.

c. Study Sessions should continue to begin at 5:30 p.m. on the Mondays before Tuesday business meetings. Unless a majority votes to extend an additional 30 minutes, Study Sessions should conclude no later than 7:00 p.m.
d. The preferred time for any Executive Sessions is just after adjournment of Study Sessions.
e. The Look Ahead need not be presented as an agenda item at Study Sessions; instead, it should be distributed in advance via email, allowing Councilmembers to ask about particular planned future agenda items either before or at a Study Session.
f. The Council should observe the current requirement in AMC 2.04.020C.2 that public forum presentations at a Study Session be limited to topics on the agenda for that Study Session.
g. ??Allow citizens the normal time for presentation but allow Councilmembers unlimited time for follow-up dialogue with and exploratory questioning of presenters.

10. **<u>Question</u>: Should Council be precluded from making decisions at Study Sessions?**

<u>Council Conclusions (4/3/18)</u>:

a. Study Sessions should be for providing Councilmembers background information and providing staff a rough sense of Councilmembers' interests and concerns about impending public issues.
b. Retain current practice, as provided in AMC 2.04.020C.1: "Study sessions are for Council members to receive background information and recommendations from staff or invitees with expertise on City business; to ask questions, discuss options, express their individual views on matters that may be voted on in subsequent Regular or Special Meetings and to provide guidance to staff. The Council may vote in Study Sessions on guidance to staff concerning matters to be presented to Council for decision at subsequent meetings. By consensus, the Council also may direct staff to take action on other matters that do not require Council decision by ordinance or resolution…."
c. ??In brief, provisional deliberations and decisions, including motions on directions to staff, are allowable at Study Sessions, but final decisions about resolutions, ordinances and policies are to be made at Regular business meetings.

11. **<u>Question</u>: Should someone (the Mayor or City Administrator) be responsible for providing a summary of action taken/direction given at the end of each Study Session agenda item?**

<u>Council Conclusion (4/3/18)</u>: Yes

COMMENTS/PRESENTATIONS/CORRESPONDENCE FROM CITIZENS

12. **<u>Question:</u> Should a person speaking before the Council be required to state his or her street address?**

<u>Council Conclusions (4/3/18)</u>: Require that persons making presentations to Council state (1) which city they reside in; or (2) which county they reside in, if in an unincorporated area; or (3) the organizations for which they are speaking or with which they are affiliated with respect to their presentations. Persons speaking at Public Forum or during public testimony on agenda items should include current contact information on the "Speaker Request" forms they submit to reserve an

opportunity to address the Council.

13. **<u>Question</u>: How should time limits on speakers on scheduled agenda items be determined?**

    <u>Council Conclusion (7/16/18)</u>: For agenda items at regular Council business meetings, retain current AMC 2.04.050G.2, which makes the Presiding Officer responsible for setting time limits on public testimony on scheduled agenda items. For Study Sessions, retain current AMC 2.04.050D.2, which limits public testimony to 15 minutes unless a majority of Councilors votes to extend that time.

14. **<u>Question</u>: At what point during consideration of a scheduled agenda item, should members of the public be invited to present their views on the item?**

    <u>Council Conclusion (7/16/18)</u>**:** Following staff's initial presentation on an agenda item and Councilmembers' opportunity to ask staff clarifying questions, members of the public should be invited to present their views. Next, Council may put to staff or invited "experts" any additional clarifying questions. Then Council should begin deliberation on the agenda item, either in the form of general colloquy or in the form of specific motions and debate. During this period of Council deliberation, members of the staff or invited "experts" may present additional information to the Council in response to a specific request from a Councilmember; during such Council deliberation, additional testimony from members of the public should be allowed only after a successful motion to suspend the rules. Any such questions and responses to and from non-Councilmembers allowed during Council deliberation should be to provide clarification of facts, and not to present argumentation or advocacy.

15. **<u>Question</u>: If a person goes to the trouble to provide public input on a matter, should the Council respond to that input immediately after? During Council's deliberation on the matter?**

    <u>Council Conclusion (7/16/18)</u>: Councilmembers should refrain from responding to Public Forum or agenda item testimony by members of the public. However, Councilmembers or City staff may be recognized by the Presiding Officer after completion of public testimony for purposes of correcting for the record any potentially misleading errors in a purported statement of fact.

16. **<u>Question</u>: Should follow-up questioning of speakers be permitted without suspension of Council Rules?**

    <u>Council Conclusion (11/20/17)</u>: Follow-up questions or responses by Councilmembers should be allowed without suspension of the rules (1) in Study Sessions; and (2) when the speaker is a subject matter expert invited by staff or Council to make a presentation. Follow-up questions or responses by Councilmembers should <u>not</u> be allowed with respect to testimony by members of the public during Public Forum or during testimony on agenda items except in unusual circumstances and after suspension of the rules. However, Councilmembers or City staff may be recognized by the Presiding Officer following testimony by members of the public for purposes of correcting for the record any

patent errors of fact.

17. **Question: Following a presentation to Council from staff or an invitee, should members of the public be permitted to direct arguments or questions to the presenter?**

    Staff-Suggested Conclusion: Presentations during regular business meetings and Study Sessions should be directed to the Council. Likewise, testimony by members of the public -- in Public Forum or in agenda item testimony -- should be directed to the Council, including any recommendations to the Council on questions to ask of staff or subject matter experts. Members of the public should not pose questions directly to presenters.

    Points and Authorities:
    a. The Charter and Code assign to the Mayor and Council sole authority to manage meetings, which includes managing the time and resources to be dedicated to any particular topic and deciding what matters warrant further discussion and when.
    b. Providing direction to and requiring clarity and accountability from City staff are the exclusive responsibility of their supervisors and elective Councilmembers.
    c. Direct questioning of presenters could well result in lengthy debates on matters of little consequence to decision factors of importance to Councilmembers.

    Alternative Conclusion to Consider:
    a. Direct questioning of a presenter by someone other than a Councilmember could be made allowable upon approval of a motion to suspend the rules.

18. **Question: If discussion of an agenda item begins in one meeting and is continued to a subsequent meeting, should a member of the general public who spoke before the Council at the first meeting have opportunity to speak before the Council on the same topic at the subsequent meeting?**

    Staff-Suggested Conclusion: In the event of continuation of an ordinance, resolution or quasi-judicial land use determination to a subsequent meeting, or when an ordinance is presented for Second Reading, members of the general public who had an opportunity to testify on the agenda item in one meeting should only be able to testify at a subsequent meeting if and to the extent the item presented for approval at the subsequent meeting has been revised. Continued agenda items other than quasi-judicial land use decisions, resolutions, or First or Second readings of ordinances should not be subject to this rule.

    Points and Authorities:
    a. If a continued agenda item has been revised since its presentation at an earlier meeting, even members of the general public who testified at the earlier meeting should have the opportunity to address the proposed revisions.
    b. Repeated testimony on an unchanged agenda item uses up limited available Council meeting time without providing new information or insights for consideration.
    c. Ability to suspend this rule should not apply to continuations of quasi-judicial land use determinations because of statutory deadlines and required opportunities for replies from opposing parties.

    Alternative Conclusions to Consider:

a. Council could make a motion to suspend the rules applicable to any follow-up testimony on a continued agenda item or to any follow-up testimony on Second Reading of an ordinance even absent changes on Second Reading.

19. **<u>Question</u>: Should a citizen's wish to testify on a matter on the Consent Agenda automatically cause the item to be pulled from the Consent Agenda for separate consideration by the Council, including public testimony?**

<u>Staff-Suggested Conclusion</u>: If a citizen signs up at a regular business meeting to testify on an item on the Consent Agenda, Council should hear the testimony on the item before voting on it. Then, a Councilor may ask that the agenda item be pulled from the Consent Agenda for separate Council consideration and voting.

<u>Points and Authorities</u>:

a. AMC 2.04.050G(1) already provides as follows: "If a member of the public or a Council member has requested time to speak on the consent agenda item, the presiding officer shall make time for a brief presentation by the requestor prior to the Council's vote on the consent agenda.
b. Because the above Code provision is arguably ambiguous as to Consent Agenda voting after a person has presented testimony on an item included in the Consent Agenda, Council may wish to revise the Code provision to reflect the final sentence in the above Staff-Suggested Conclusion.

<u>Alternative Conclusion to Consider</u>:

a. Retain current AMC 2.04.050G(1), in effect making it part of the Presiding Officer's meeting management responsibilities to clarify the process of dealing with the Consent Agenda after public testimony on an item within it.

20. **<u>Question</u>: How should Councilmembers and staff respond to citizens' correspondence sent directly to the entire Council? Sent to the City Administrator or the department director with copies to the entire Council? Sent to the City website? Sent directly to an individual Councilmember?**

<u>Staff-Suggested Conclusions</u>:

a. If citizen correspondence is addressed to just one Councilmember and appears to seek a response from just that individual Councilmember -- even though others may be copied on the correspondence -- the addressee should decide how best to respond. Staff should respond only upon request from the Councilmember and should send copies of the response to all Councilmembers.
b. If citizen correspondence is addressed to more than one Councilmember and appears to seek a response from each Councilmember recipient, each Councilmember recipient should decide how best to respond. Staff should respond only upon request from a Councilmember recipient and should send copies of the response to all Councilmembers.
c. If citizen correspondence seeking a response is addressed to the City Administrator or a Department Director, the recipient should respond directly to the correspondent and provide copies to the entire Council, whether or not all the Councilmembers received copies of the correspondence.

d. If citizen correspondence seeking a response is sent to the City website, the City Administrator should make sure the correspondent receives an appropriate response from City staff, with a copy to the entire Council.
e. For citizen correspondence on Parks matters, the APRC Director or the Parks Commission should be responsible for deciding how best to respond and provide copies to City Councilmembers and the City Administrator as appropriate.

21. <u>Question</u>: Should the Council adopt formal guidelines for those attending and making presentations at Council meetings?

<u>Council Conclusion (7/17/18)</u>: Staff should establish clear guidelines for those attending and making presentations at Council meetings and make such guidelines readily available and perhaps augment them with a brief video presentation just prior to the start of Council meetings. Written guidelines should cover at least the Council's conclusions on Questions 12 – 19 above.

DELIBERATION RULES

22. Question: Should every Councilor get a "turn" to speak on an issue before any Councilor gets a follow-up turn?

<u>Council Conclusion (11/20/17)</u>: During Council business meetings, every Councilor should get a turn to speak about an issue under consideration before any other Councilor gets a follow-up turn. During Study Sessions however, this rule should not be observed.

23. How should the Council's deliberation rule against negative remarks about the motivations or traits of others (AMC 2.04.040C.2) and the rule against criticizing any person in public meetings or emails (AMC 2.04.070D) be enforced?
24. Should the list of rules that Council can suspend be expanded?
25. How should a Councilor seek a suspension of Council rules?
26. Should suspension of the rules always require a formal vote?

COUNCILMEMBER REQUESTS FOR INFORMATION OR ACTIONS FROM STAFF

27. Outside of a meeting, how should a Councilor go about getting information from staff if the request likely to require no more than two hours of staff time? If the request is likely to require more than two hours of staff time?
28. How should an employee handle a request for information that is likely to require more than 2 hours of staff time?
29. Is the two-hour rule appropriate?

30. **<u>Question</u>: Should staff's response to a Councilor's inquiry always be sent to all Councilmembers?**

<u>Council Conclusion (4/3/18)</u>: Staff should provide all the Councilmembers copies of any responses to a Councilmember's inquiries or suggested guidance.

31. **<u>Question</u>: Should Councilmembers contact staff with questions or concerns about agenda items for upcoming meetings in advance of the meetings?**

    <u>Council Conclusion (4/3/18)</u>: If possible, after receiving agenda packets, Councilors with questions or concerns they would like to have addressed at an upcoming meeting should so advise the relevant staff presenters or the City Administrator in advance of the meeting.

32. What protocols, if any, should Councilmembers observe for questioning or making suggestions to staff other than Department Heads and those in the office of the City Administrator?

MISCELLANY

33. Should individual Councilors serve as Council liaisons to the various City departments, similar to their roles as liaisons to City advisory bodies?
34. Could changes be made to the Look Ahead to enhance its usefulness to Councilmembers?
35. What role should Councilmembers play in hiring for positions below Department Head level?
36. Should the current format for proposed ordinances and resolutions be revised?
37. What should enforcement consist of in the event of noncompliance with the rule against negative personal remarks about the motivations of others (AMC 2.04.040C (2) and (3) or noncompliance with the rule against criticizing any person (or staff) in public meetings or emails (AMC 2.04.080D and E)?