

Council Business Meeting

October 15, 2019

Agenda Item	Council Practices and Protocols	
From	Dave Lohman	City Attorney
Contact	david.lohman@ashland.or.us ; (541) 488-5350	

SUMMARY

To complete deliberations on Council operating procedures, this agenda item proposes a resolution finalizing Council Rules and Protocols.

POLICIES, PLANS & GOALS SUPPORTED

- Enhance and improve transparency and communication.

BACKGROUND AND ADDITIONAL INFORMATION

In July 2017, Council began a series of discussions on Council practices and protocols under the title “Council Rules.” In these sessions, staff posed 38 questions about Council procedures that had arisen multiple times in the past without resulting in clear understanding of the Council-preferred practices. The questions presented for discussion were generally accompanied by staff-suggested conclusions, points and authorities to consider, and alternative conclusions to consider. (Some questions were later revamped and merged.)

Some of the questions were addressed in study sessions; others in regular business meetings. These discussions occurred on the following dates: [Regular Business Meeting 08.15.17](#), [Study Session 11.20.17](#), [Regular Business Meeting 01.02.18](#), [Regular Business Meeting 04.03.18](#), [Study Session 07.16.18](#), and [Regular Business Meeting 12.04.18](#) and [Study Session 08.09.19](#)

The final subset of the 38 questions was addressed at the December 4, 2018 Regular Business Meeting. Then, in the August 19, 2019 Study Session, Council was presented with the full set of questions and conclusions and asked to confirm or revise the earlier tentative conclusions, focusing mostly on a few questions about which staff was uncertain as to the Council’s final disposition.

Staff’s takeaways from the August 19, 2019 Study Session are summarized below:

- Council directed staff to bring back for adoption at a future Regular Business Meeting a resolution containing the Council Rules and Protocols (which is why the attached resolution is on this October 15, 2019 meeting agenda).
- Councilmembers were encouraged by the Mayor to provide any additional feedback they might have to staff after the meeting as to the content of the proposed Council Rules and Protocols. Councilor Rosenthal did so, and his suggestions are noted in comments in the right-hand margin of the attached draft resolution.
- The resolution reflects staff’s understanding of the views expressed by a majority of Councilmembers at the August 19, 2019 Study Session or, in the absence of a clear majority, staff’s best guess as to the outcome if a Council vote were taken on the matter.

Attached are two versions of proposed Resolution. Attachment 1 is a “markup” version of the proposed Council Rules and Protocols, with proposed changes from the version provided to Council at the 08.19.19 Study Session indicated within the text in standard fashion and with staff comments and Councilor Rosenthal’s suggestions noted in the margin. The questions shown in the 08.19.19 version and earlier

versions, however, have been deleted; the Council’s tentative conclusions and the section headings remain the same as in the 08.19.19 version except as indicated by markups. Attachment 2 is a black-line version of Attachment 1; that is, all the additions and deletions proposed in the markup version have been accepted and incorporated into revised text, and the comments shown in Attachment 1 have been removed.

FISCAL IMPACTS

N/A

STAFF RECOMMENDATIONS

N/A

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. I move to approve Resolution No. 2019-30 concerning *Council Rules and Protocols* as shown in Attachment 2.

OR

2. I move to approve Resolution No. 2019-30 concerning *Council Rules and Protocols* as shown in Attachment 2, with the following changes.....

REFERENCES & ATTACHMENTS

Attachment 1: *Council Practices and Protocols* (08.19.19 version) with proposed deletions and additions shown in the text and with staff comments and Councilor Rosenthal’s suggestions noted in the margin.

Attachment 2: Staff-proposed final version of Attachment 1 in which all the additions and deletions shown in Attachment 1 have been accepted and incorporated into revised text and the comments shown in Attachment 1 have been removed.

RESOLUTION NO. 2019-30

A RESOLUTION ADOPTING COUNCIL PRACTICES AND PROTOCOLS

THE CITY COUNCIL OF THE CITY OF ASHLAND, OREGON, RESOLVES AS FOLLOWS:

SECTION 1. The City Council shall abide by the following Practices and Protocols unless they are modified by a superseding resolution. Notwithstanding this resolution, a particular practice or protocol may be suspended during deliberation of a matter upon majority approval of motion to suspend the rules, except for a practice or protocol which is also set forth in the Ashland Municipal Code and is not subject to a motion to suspend the rules. (*See AMC 2.04.010E*).

A. AGENDAS

1. Consent Agenda

The City Administrator should place approval of any contract/procurement in excess of \$100,000 on the regular business agenda, as opposed to inclusion on the Consent Agenda.

2. Minutes of Advisory Bodies

Minutes for all standing and ad hoc advisory bodies are to be 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 “view by” drop down box 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 are to include an item providing hyperlinks to the minutes for each standing board or commission.

3. Agenda Order

Councilors and the Mayor should adhere to the regular order of meeting agendas except in rare circumstances and only after approval by a majority of the Council.

4. Adding Agenda Items

- a. 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 take up the motion to add the item earlier in the meeting when appropriate, in order to recalibrate expectations for 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. See *AMC 2.04.030C*.
- b. Outside of a meeting, 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. See *AMC 2.04.030B*.

- c. Any citizen may seek to get a matter by making a request to any Councilor or the Mayor or City Administrator or to a City advisory board, commission, or committee or by making the request as part of testimony during Public Forum.

Commented [DL1]: Councilor Rosenthal: Should recommendation from 2 Councilmembers or the Mayor be a prerequisite?

5. Removing Agenda Items.

A Councilor may seek removal or postponement of a scheduled agenda item before or at the outset of consideration of the item by making an “objection 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. See *AMC 2.04.040C.4.b(3); 2.04.040C.4.j and k*.

6. Presentation Slides.

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.

B. STUDY SESSIONS

1. Miscellaneous Study Session Protocols

- a. Study Sessions should 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 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.~~ **before the start of Regular business meetings.**
- 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. ~~Public Forum presentations at a Study Session be limited to topics on the agenda for that Study Session. See *AMC 2.04.020C.2*~~

Commented [DL2]: At the 08.19.19 Study Session 2 Councilmembers favored removing this provision. Staff suggestion: Exclude this item from the resolution, but still experiment with the seating arrangement at Study Sessions at the Council Chambers in order to foster greater dialogue among Councilmembers.

Commented [DL3]: At the 08.19.19 Study Session 4 Councilmembers favored this change.

Commented [DL4]: At the 08.19.19 Study Session 2 Councilmembers favored deletion of this item and 3 Councilmembers appeared to favor retaining it.

- g. Councilmembers should be allowed ~~unlimited~~ **reasonable** time for follow-up dialogue with and exploratory questioning of presenters after presenters have used up their allotted time.

Commented [DL5]: This changes was suggested by Councilor Rosenthal.

2. Decisions at Study Sessions

- 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. *AMC 2.04.020C.1* says, “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.

3. Summations

The Mayor or City Administrator should be responsible for providing a summary of action taken/direction given at the end of each Study Session agenda item.

C. COMMENTS/ PRESENTATIONS/ CORRESPONDENCE FROM CITIZENS

1. Presenter Identification

Persons making presentations to Council should 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.

2. Time Limits on Presentations

For agenda items at regular Council business meetings, the presiding officer is responsible for setting time limits on public testimony on scheduled agenda items. *AMC 2.04.050G.2* For Study Sessions, public testimony is limited to 15 minutes unless a majority of Councilors votes to extend ~~extend~~ **revise or eliminate** that time. *AMC 2.04.050D.2*.

Commented [DL6]: This change was suggestec by Councilor Rosenthal.

3. Public Input on Agenda Items

- a. 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.
- b. 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. Such testimony should be heard at the outset of the Consent Agenda portion of the meeting. After the testimony, a Councilor may or may not ask that the subject agenda item be pulled from the Consent Agenda for separate Council consideration and voting.

4. Responses to Public Input

Follow-up questions or responses by Councilmembers should be allowed without suspension of the rules only (1) in Study Sessions; and (2) when the speaker is a staff presenter, or a subject matter expert invited by staff or Council to make a presentation. Follow-up questions or responses by Councilmembers should not 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 misleading errors in a purported statement of fact **or for the purpose of rebutting negative personal comments proscribed by AMC 2.04.040C.2.**

Commented [DL7]: This addition was suggested by Councilor Rosenthal.

5. Inquiries During Public Input.

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.

6. Renewed Public Input.

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.

7. Responses to Written Public Input

- 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, if so, should send copies of the response to all Councilmembers.
- b. If citizen correspondence is addressed to two or more Councilmembers and appears to seek a response from each Councilmember recipient, the City Administrator will (a) provide a responsive reply directly to the citizen if the subject matter is within the scope of City administration and will send copies of the reply to each Councilmember; or (b) notify the citizen and the Councilmembers that the correspondence concerns policy matters and that individual Councilmembers may or may not reply as appropriate and as time permits.
- 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 is sent to the City website or is posted on social media so as to alert the City Administrator to its presence and clearly seeks a response, the City Administrator will see that 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 will have responsibility for deciding how best to respond and provide copies to City Councilmembers and the City Administrator as appropriate.

8. Guidelines for Public Input

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.

D. COUNCIL DELIBERATION RULES

1. Taking Turns

During Council Regular business meetings, every Councilor should get a turn to speak about an issue under consideration before any other Councilor gets a follow-up turn. *AMC 2.04.040C.2*. During Study Sessions however, this rule need not be observed

2. Negative Personal Comments

Council members, as well as members of the public are to “make no negative personal remarks or comments about the motives or personal traits of others.” *AMC 2.04.040C.2*. “The Mayor and council members should strive not to criticize any person in a public meeting or in public

electronic mail messages.” *AMC 2.04.080D*. The rules against negative personal remarks or comments about the motive or traits of others during meetings should be enforced by the presiding officer. *AMC 2.04.040C.3*.

3. **Suspending Rules.**

Suspension of the rules can be achieved by a two-thirds affirmative vote on a motion to “suspend the rules in order to...” No debate or amendment is allowed, but a second is required and the Councilor making the motion can provide a brief justification. *Robert’s Rules of Order Newly Revised, 11th Edition (RONR), Section 25, pp. 260-62*. *AMC 2.04.0410E* allows only the following nine rules in *AMC 2.04* to be suspended without enacting an ordinance:

1. [AMC 2.04.020.A](#) (Regular Meeting days and times)
2. [AMC 2.04.020.C](#) (Study Session days, times, and content)
3. [AMC 2.04.040.B](#) (Attendance by electronic communication)
4. [AMC 2.04.040.C.4](#) (Parliamentary procedure)
5. [AMC 2.04.050.D.1](#) (Placement of Public Forum in agenda)
6. [AMC 2.04.050.D.4](#) (Rules on requests to speak at Public Forum)
7. [AMC 2.04.050.F.3](#) (Rules on requests to speak at Public Hearings)
8. [AMC 2.04.050.G.1](#) (Opportunity for public comment on agenda items)
9. [AMC 2.04.050.J.1](#) (Submittal of ordinances 14 days in advance of meeting)

a.) **Should suspension of the rules always require a formal vote?**

A Councilor can say, “I ask unanimous consent to suspend the rules to...”; the chair then asks if anyone objects and, if so, proceeds to take a vote as if a formal motion had been made. *Robert’s Rules of Order Newly Revised, 11th Edition (RONR), Section 25, pp 266-67*.

E. **COUNCILMEMBER REQUESTS TO STAFF FOR INFORMATION OR ACTIONS.**

1. **Council Requests to Staff**

- a. Outside of a meeting, a Councilor seeking information from staff should channel the request through the City Administrator to the pertinent Department Head. Email requests should be sent directly to the pertinent Department Head with a copy to the City Administrator. Requests for information should not be made directly to staff below Department Head level.
- b. If staff is likely to have to take more than two hours to provide a meaningful response to a request, the request must be approved by the Mayor or City Administrator or City Attorney, or by a majority vote of the Council. *AMC 2.04.080A*.

2. **Staff Responses to Councilor Requests**

- a. If the request is for readily available information, the employee should promptly provide the requested information and inform the employee's supervisor of the Councilor's request and the information provided.
- b. If an employee receives a Councilor request for input that likely would require fewer than two hours to produce, the employee should respond as follows:
 - i. Employee should provide the Councilor an estimate of the time required to produce the response and seek an agreement on how soon the response can be provided.
 - ii. Employee should forward the requested information to his/her supervisor for transmittal to the Department Head, who should be the one to transmit the information to the requester and also share the information with the City Administrator.
- c. When an employee receives a Councilor request for input that likely would require more than two hours to produce, the following steps should be taken:
 - i. Employee should provide to the requester an estimate of the time required over and above the time staff would otherwise be spending on the underlying matter in any event.
 - ii. Employee should remind the requester that a management policy directs employees to forward to the appropriate Department Head any Councilor request to which a meaningful response is likely to take more than two hours of staff time.
 - iii. The Department Head should ask the Mayor, City Administrator, or City Attorney to approve providing a response to the request or to add to an upcoming meeting agenda a question as to Council direction on whether and to what extent staff time should be devoted to responding to the request.
- d. Staff should provide all the Councilmembers copies of any responses to a Councilmember's inquiries or suggested guidance.

3. **Pre-Meeting Councilmember Communications with Staff.**

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.

SECTION 2. In preparing this resolution for publication and distribution, the City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such limitations, may: (a) Change reference numbers to agree with renumbered chapters, sections or other parts of the Ashland Municipal Code; (b) Delete references to repealed sections of the Code; (c) Change capitalization and spelling for the purpose of uniformity; and (d) Correct manifest clerical, grammatical, or typographical errors.

SECTION 3.

This resolution is effective upon adoption.

ADOPTED by the City Council this _____ day of _____, 2019.

ATTEST:

Melissa Huhtala, City Recorder

SIGNED and APPROVED this _____ day of _____, 2019.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney

1 agenda receives a second, any debate, and majority approval, the item normally would be placed
2 in the “Other Business from Council Members” section of the agenda. The Mayor, however,
3 could decide to modify the order. See *AMC 2.04.030C*.

4 b. Outside of a meeting, an individual Councilor can get a matter added to a future Council
5 meeting agenda by making a timely written request to the City Administrator, unless the item
6 requires more than two hours of preparation by staff – in which case consent from a majority of
7 the Council at a Council meeting is required. See *AMC 2.04.030B*.

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9 or City Administrator or to a City advisory board, commission, or committee or by making the
10 request as part of testimony during Public Forum.

11 5. Removing Agenda Items.

12 A Councilor may seek removal or postponement of a scheduled agenda item before or at the
13 outset of consideration of the item by making an “objection to consideration of the question.”
14 After consideration of a matter has begun, a Councilor may “move to postpone the matter to a
15 certain time” or “move to postpone the matter indefinitely.” These are parliamentary
16 mechanisms for deferring an agenda item which is believed to be not yet ripe for consideration.
17 See *AMC 2.04.040C.4.b(3); 2.04.040C.4.j and k*.

18 6. Presentation Slides.

19 Staff should make every effort to complete presentation slides in time for inclusion in the
20 Council agenda packet. If, after agenda packets are mailed out, changes to presentation slides
21 become necessary to avoid misinformation, staff should highlight such changes early in
22 Council’s consideration of the apposite agenda item.

23 B. STUDY SESSIONS

24 1. Miscellaneous Study Session Protocols

25 a. Study Sessions should be televised and held at Council Chambers.

26 b. Study Sessions should begin at 5:30 p.m. on the Mondays before Tuesday business
27 meetings. Unless a majority votes to extend an additional 30 minutes, Study Sessions should
28 conclude no later than 7:00 p.m.

29 c. The preferred time for any Executive Sessions is just before the start of Regular business
30 meetings.

1 d. The Look Ahead need not be presented as an agenda item at Study Sessions; instead, it
2 should be distributed in advance via email, allowing Councilmembers to ask about particular
3 planned future agenda items either before or at a Study Session.

4 e. Public Forum presentations at a Study Session be limited to topics on the agenda for that
5 Study Session. See *AMC 2.04.020C.2*.

6 f. Councilmembers should be allowed reasonable time for follow-up dialogue with and
7 exploratory questioning of presenters after presenters have used up their allotted time.

8 2. Decisions at Study Sessions

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10 providing staff a rough sense of Councilmembers' interests and concerns about impending public
11 issues.

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13 information and recommendations from staff or invitees with expertise on City business; to ask
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15 subsequent Regular or Special Meetings and to provide guidance to staff. The Council may vote
16 in Study Sessions on guidance to staff concerning matters to be presented to Council for decision
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23 The Mayor or City Administrator should be responsible for providing a summary of action
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29 speaking or with which they are affiliated with respect to their presentations. Persons speaking
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2 Council.

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7 to revise or eliminate that time. See *AMC 2.04.050D.2*.

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9 a. Following staff’s initial presentation on an agenda item and Councilmembers’
10 opportunity to ask staff clarifying questions, members of the public should be invited to present
11 their views. Next, Council may put to staff or invited “experts” any additional clarifying
12 questions. Then Council should begin deliberation on the agenda item, either in the form of
13 general colloquy or in the form of specific motions and debate. During this period of Council
14 deliberation, members of the staff or invited “experts” may present additional information to the
15 Council in response to a specific request from a Councilmember; during such Council
16 deliberation, additional testimony from members of the public should be allowed only after a
17 successful motion to suspend the rules. Any such questions and responses to and from non-
18 Councilmembers allowed during Council deliberation should be to provide clarification of facts,
19 and not to present argumentation or advocacy.

20 b. If a citizen signs up at a regular business meeting to testify on an item on the Consent
21 Agenda, Council should hear the testimony on the item before voting on it. Such testimony
22 should be heard at the outset of the Consent Agenda portion of the meeting. After the testimony,
23 a Councilor may or may not ask that the subject agenda item be pulled from the Consent Agenda
24 for separate Council consideration and voting.

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29 responses by Councilmembers should not be allowed with respect to testimony by members of
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1 circumstances and after suspension of the rules. However, Councilmembers or City staff may be
2 recognized by the presiding officer following testimony by members of the public for purposes
3 of correcting for the record misleading errors in a purported statement of fact or for the purpose
4 of rebutting negative personal comments proscribed by *AMC 2.04.040C.2*.

5 5. Inquiries During Public Input.

6 Presentations during regular business meetings and Study Sessions should be directed to the
7 Council. Likewise, testimony by members of the public -- in Public Forum or in agenda item
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9 questions to ask of staff or subject matter experts. Members of the public should not pose
10 questions directly to presenters.

11 6. Renewed Public Input.

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

19 7. Responses to Written Public Input

20 a. If citizen correspondence is addressed to just one Councilmember and appears to seek a
21 response from just that individual Councilmember -- even though others may be copied on the
22 correspondence -- the addressee should decide how best to respond. Staff should respond only
23 upon request from the Councilmember and, if so, should send copies of the response to all
24 Councilmembers.

25 b. If citizen correspondence is addressed to two or more Councilmembers and appears to
26 seek a response from each Councilmember recipient, the City Administrator will (a) provide a
27 responsive reply directly to the citizen if the subject matter is within the scope of City
28 administration and will send copies of the reply to each Councilmember; or (b) notify the citizen
29 and the Councilmembers that the correspondence concerns policy matters and that individual
30 Councilmembers may or may not reply as appropriate and as time permits.

1 c. If citizen correspondence seeking a response is addressed to the City Administrator or a
2 Department Director, the recipient should respond directly to the correspondent and provide
3 copies to the entire Council, whether or not all the Councilmembers received copies of the
4 correspondence.

5 d. If citizen correspondence is sent to the City website or is posted on social media so as to
6 alert the City Administrator to its presence and clearly seeks a response, the City Administrator
7 will see that the correspondent receives an appropriate response from City staff, with a copy to
8 the entire Council.

9 e. For citizen correspondence on Parks matters, the APRC Director or the Parks
10 Commission will have responsibility for deciding how best to respond and provide copies to City
11 Councilmembers and the City Administrator as appropriate.

12 8. Guidelines for Public Input

13 Staff should establish clear guidelines for those attending and making presentations at Council
14 Meetings and make such guidelines readily available and perhaps augment them with a brief
15 video presentation just prior to the start of Council meetings.

16 D. COUNCIL DELIBERATION RULES

17 1. Taking Turns

18 During Council Regular business meetings, every Councilor should get a turn to speak about an
19 issue under consideration before any other Councilor gets a follow-up turn. See *AMC*
20 *2.04.040C.2*. During Study Sessions however, this rule need not be observed

21 2. Negative Personal Comments

22 Council members, as well as members of the public are to “make no negative personal remarks
23 or comments about the motives or personal traits of others.” See *AMC 2.04.040C.2*. “The Mayor
24 and council members should strive not to criticize any person in a public meeting or in public
25 electronic mail messages.” See *AMC 2.04.080D*. The rules against negative personal remarks or
26 comments about the motive or traits of others during meetings should be enforced by the
27 presiding officer. See *AMC 2.04.040C.3*.

28 3. Suspending Rules.

29 Suspension of the rules can be achieved by a two-thirds affirmative vote on a motion to “suspend
30 the rules in order to....” No debate or amendment is allowed, but a second is required and the

1 Councilor making the motion can provide a brief justification. See *Robert's Rules of Order*
2 *Newly Revised, 11th Edition (RONR), Section 25, pp. 260-62. AMC 2.04.0410E* allows only the
3 following nine rules in *AMC 2.04* to be suspended without enacting an ordinance:

- 4 1. *AMC 2.04.020.A* (Regular Meeting days and times)
- 5 2. *AMC 2.04.020.C* (Study Session days, times, and content)
- 6 3. *AMC 2.04.040.B* (Attendance by electronic communication)
- 7 4. *AMC 2.04.040.C.4* (Parliamentary procedure)
- 8 5. *AMC 2.04.050.D.1* (Placement of Public Forum in agenda)
- 9 6. *AMC 2.04.050.D.4* (Rules on requests to speak at Public Forum)
- 10 7. *AMC 2.04.050.F.3* (Rules on requests to speak at Public Hearings)
- 11 8. *AMC 2.04.050.G.1* (Opportunity for public comment on agenda items)
- 12 9. *AMC 2.04.050.J.1* (Submittal of ordinances 14 days in advance of meeting)
- 13 a.) Should suspension of the rules always require a formal vote?

14 A Councilor can say, "I ask unanimous consent to suspend the rules to...."; the chair then asks if
15 anyone objects and, if so, proceeds to take a vote as if a formal motion had been made. *Robert's*
16 *Rules of Order Newly Revised, 11th Edition (RONR), Section 25, pp 266-67.*

17 E. COUNCILMEMBER REQUESTS TO STAFF FOR INFORMATION OR ACTIONS.

18 1. Council Requests to Staff

19 a. Outside of a meeting, a Councilor seeking information from staff should channel the
20 request through the City Administrator to the pertinent Department Head. Email requests should
21 be sent directly to the pertinent Department Head with a copy to the City Administrator.
22 Requests for information should not be made directly to staff below Department Head level.

23 b. If staff is likely to have to take more than two hours to provide a meaningful response to
24 a request, the request must be approved by the Mayor or City Administrator or City Attorney, or
25 by a majority vote of the Council. See *AMC 2.04.080A*.

26 2. Staff Responses to Councilor Requests

27 a. If the request is for readily available information, the employee should promptly provide
28 the requested information and inform the employee's supervisor of the Councilor's request and
29 the information provided.

30 b. If an employee receives a Councilor request for input that likely would require fewer than

1 two hours to produce, the employee should respond as follows:

2 i. Employee should provide the Councilor an estimate of the time required to produce the
3 response and seek an agreement on how soon the response can be provided.

4 ii. Employee should forward the requested information to his/her supervisor for transmittal
5 to the Department Head, who should be the one to transmit the information to the requester and
6 also share the information with the City Administrator.

7 c. When an employee receives a Councilor request for input that likely would require more
8 than two hours to produce, the following steps should be taken:

9 i. Employee should provide to the requester an estimate of the time required over and above
10 the time staff would otherwise be spending on the underlying matter in any event.

11 ii. Employee should remind the requester that a management policy directs employees to
12 forward to the appropriate Department Head any Councilor request to which a meaningful
13 response is likely to take more than two hours of staff time.

14 iii. The Department Head should ask the Mayor, City Administrator, or City Attorney to
15 approve providing a response to the request or to add to an upcoming meeting agenda a question
16 as to Council direction on whether and to what extent staff time should be devoted to responding
17 to the request.

18 d. Staff should provide all the Councilmembers copies of any responses to a
19 Councilmember's inquiries or suggested guidance.

20 3. Pre-Meeting Councilmember Communications with Staff.

21 If possible, after receiving agenda packets, Councilors with questions or concerns they would
22 like to have addressed at an upcoming meeting should so advise the relevant staff presenters or
23 the City Administrator in advance of the meeting.

24 **SECTION 2.** In preparing this resolution for publication and distribution, the City Recorder
25 shall not alter the sense, meaning, effect, or substance of the ordinance, but within such
26 limitations, may: (a) Change reference numbers to agree with renumbered chapters, sections or
27 other parts of the Ashland Municipal Code; (b) Delete references to repealed sections of the
28 Code; (c) Change capitalization and spelling for the purpose of uniformity; and (d) Correct
29 manifest clerical, grammatical, or typographical errors.

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SECTION 3.

This resolution is effective upon adoption.

ADOPTED by the City Council this _____ day of _____, 2019.

ATTEST:

Melissa Huhtala, City Recorder

SIGNED and APPROVED this _____ day of _____, 2019.

John Stromberg, Mayor

Reviewed as to form:

David H. Lohman, City Attorney