

Council Business Meeting

July 19, 2022

Agenda Item	Second Reading of Ordinance No. 3210 regarding notice of meetings and amending Ashland Municipal Code 2.04.020.F.	
From	Joseph L. Lessard Katrina L. Brown Melissa Huhtula	City Manager City Attorney City Recorder
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SUMMARY

This is the time set for Second Reading of proposed Ordinance No. 3210 regarding notice of Council meetings and amending Ashland Municipal Code (AMC) 2.04.020.F. Proposed Ordinance No. 3210 would omit the requirement that notice of meetings be sent to a newspaper “with general local circulation” and instead require that notice be posted at City Hall and at Council Chambers, in addition to the being posted prominently on the City’s website.

POLICIES, PLANS & GOALS SUPPORTED

N/A

PREVIOUS COUNCIL ACTION

None

BACKGROUND AND ADDITIONAL INFORMATION

In August of 2021, the City of Ashland’s only print newspaper, *The Ashland Daily Tidings*, ceased publication. The only other print newspaper in general local circulation in the City of Ashland is experiencing staffing shortages and is continually extending the time required to get a public notice published. Proposed Ordinance No. 3210 would omit the requirement that notice of meetings be posted in a traditional newspaper with general local circulation. It would instead require that notice be posted prominently at both City Hall and City Council Chambers in addition to being posted on the City’s website. Oregon’s Public Meetings Laws (ORS 192.610 to 192.690) do not require that notice of meetings be published in a print newspaper with local circulation. They require that notice be “reasonably calculated to give actual notice to interested persons.” (See ORS 192.640). Notice will continue to be posted prominently on the City’s website as well as at City Hall and at City Council Chambers. In addition, notice will be posted at the online community news source *Ashland.news*. Council conducted First Reading of Ordinance No. 3210 at its July 5, 2022 regular business meeting and passed it to Second Reading without any amendments.

FISCAL IMPACTS

The proposed change to the noticing requirement would save the City of Ashland approximately \$700 per year.

STAFF RECOMMENDATION

Staff recommends that the City Council approve Second Reading of Ordinance No. 3210 for enactment.

ACTIONS, OPTIONS & POTENTIAL MOTIONS

1. I move to approve Second Reading of Ordinance No. 3210 for enactment.
2. I move to amend Ordinance No. 3210 as follows . . .

REFERENCES & ATTACHMENTS

Proposed Ordinance No. 3210

1 **ORDINANCE NO. 3210**

2 **AN ORDINANCE REGARDING THE NOTICE OF MEETINGS; AMENDING**
3 **ASHLAND MUNICIPAL CODE 2.04.020**

4 Annotated to show deletions and additions to the Ashland Municipal Code sections being
5 modified. Deletions are ~~bold-lined through~~, and additions are **bold underlined**.

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7 **THE PEOPLE OF THE CITY OF ASHLAND DO ORDAIN AS FOLLOWS:**

8 **SECTION 1.** Ashland Municipal Code Chapter 2.04.020 is hereby amended as follows:

9 **2.04.020**

10 A. Regular Meetings. The regular sessions of the Council are on the first and third Tuesday of
11 each month unless otherwise arranged, beginning at 6:00 p.m. Meetings are required to end no
12 later than 9:30 p.m., except in the following circumstance:

- 13 1. If a motion or any amendment to a motion has been made and has been seconded if a
14 second is required, deliberation on the motion shall be allowed to continue until no later than
15 9:40 p.m., at which time deliberation shall end; and any amendments to the motion and the
16 motion itself shall be voted upon immediately and without further deliberation or debate and
17 without passage of a motion to end debate.

18 B. Special Meetings. A special meeting may be called either by the Mayor or two members of
19 the Council. Notice of the time and place of such special meeting and the subjects to be acted
20 upon shall be delivered to all members of the Council at least seventy-two (72) hours in advance
21 of the time of the meeting, except in the case of an emergency, and the Council may consider and
22 act only upon such matters as contained in the notice.

23 C. Study Sessions.

- 24 1. Study sessions are for Council members to receive background information and
25 recommendations from staff or invitees with expertise on City business; to ask questions,
26 discuss options, express their individual views on matters that may be voted on in subsequent
27 regular or special meetings; and to provide guidance to staff. The Council may vote in study
28 sessions on guidance to staff concerning matters to be presented to Council for decision at
29 subsequent meetings. By consensus, the Council also may direct staff to take action on other

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1 matters that do not require Council decision by ordinance or resolution. No particular cases
2 involving quasi-judicial decisions may be discussed at study sessions.

3 2. Each study session shall include up to a total of fifteen (15) minutes for public forum, in
4 which persons may speak about any topic on the agenda for that study session. Persons
5 wishing to speak during public forum are to submit a “speaker request form” to the City
6 Recorder.

7 3. Study sessions shall begin at 5:30 p.m. on the day before each regular meeting unless
8 otherwise arranged, but shall not be held on national holidays. The Mayor or two (2)
9 Councilors may call a study session at any time with not less than seventy-two (72) hours’
10 advance notice.

11 D. Executive Sessions.

12 1. All meetings of the City Council shall be held in open sessions, except meetings that may
13 be closed for those purposes specified in the Oregon Public Meetings Law (ORS 192.610
14 through 192.690). These purposes include, but are not limited to, the employment and
15 dismissal of public employees, the performance evaluation of the City Manager and City
16 Attorney, labor negotiations, real property transaction negotiations, and consulting with legal
17 counsel on pending or threatened litigation. At any time during an executive session, a
18 Councilor who feels a matter under consideration should be addressed exclusively in open
19 session may state a point of order, which shall be ruled upon in the executive session as set
20 forth in AMC 2.04.040.C.4.b(1).

21 2. Notice of executive sessions shall be given as required by State law and such notice must
22 state the specific provision of law authorizing the session. The Mayor and City Councilors
23 will act in accordance with State law regarding confidentiality of information discussed in
24 executive sessions.

25 3. At the commencement of each executive session, the presiding officer must state on the
26 record that executive session information is confidential and may not be reported. The
27 proceedings may be reported if no such statement is made.

28 E. Emergency Meetings. The City Manager is responsible for implementation of the Emergency
29 Management Plan. When the City Manager determines that a state of emergency exists, the City

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1 Manager will make a declaration to that effect and will request that the Mayor call an emergency
2 meeting of the Council in order to ratify the declaration of emergency. The emergency meeting
3 of the Council will occur as soon as possible after the declaration of emergency. A quorum of the
4 Council may not be possible due to emergency circumstances and is not required for this
5 emergency meeting. Notwithstanding the advance notice requirements in subsections B, D and F
6 of this section, notice of the emergency meeting can be made in the most expedient manner as
7 determined by the City Manager and need not be seventy-two (72) hours in advance, but notice
8 of the emergency special meeting must be given at least twenty-four (24) hours in advance if
9 feasible. In any case, minutes of any emergency meeting must meet the requirements of ORS
10 192.640(3) and 192.650.

11 F. Notice of Meetings. Advance notice of at least seventy-two (72) hours shall be provided for
12 all meetings, except for emergency meetings. Notice shall be ~~sent to a newspaper with general~~
13 ~~local circulation and~~ posted prominently on the City's website and at City Hall and City
14 Council Chambers. In the case of an emergency or when a state of emergency has been
15 declared, public notice appropriate to the circumstances shall be provided and reasons justifying
16 the lack of seventy-two (72) hours' notice shall be included in the minutes of such meeting.

17 **SECTION 2. Codification.** In preparing this ordinance for publication and distribution, the
18 City Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within
19 such limitations, may:

- 20 (a) Renumber sections and parts of sections of the ordinance;
- 21 (b) Rearrange sections;
- 22 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 23 (d) Delete references to repealed sections;
- 24 (e) Substitute the proper subsection, section, or chapter numbers;
- 25 (f) Change capitalization and spelling for the purpose of uniformity;
- 26 (g) Add headings for purposes of grouping like sections together for ease of reference; and
- 27 (h) Correct manifest clerical, grammatical, or typographical errors.

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1 **SECTION 3. Severability.** Each section of this ordinance, and any part thereof, is severable,
2 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the
3 remainder of this ordinance shall remain in full force and effect.

4 ADOPTED this ____ day of _____, 2022.

6 ATTEST:

9 _____
10 Melissa Huhtala, City Recorder

12 SIGNED and APPROVED this ____ day of _____, 2022.

15 _____
16 Julie Akins, Mayor

18 Reviewed as to form:

21 _____
22 Katrina L. Brown, City Attorney