

# Council Business Meeting

October 1, 2019

<b>Agenda Item</b>	An Ordinance Amending Start and End Times for Council Business Meetings	
<b>From</b>	Kelly Madding	City Administrator
<b>Contact</b>	<a href="mailto:Kelly.madding@ashland.or.us">Kelly.madding@ashland.or.us</a> ; (541) 488-6002	

## **SUMMARY**

The City Council is being asked to approve a change to the Business meeting start and end times.

## **POLICIES, PLANS & GOALS SUPPORTED**

The Charter of the City of Ashland, Article VIII, Section 3 states: Council Meetings and Rules. The Council shall hold a regular meeting in the City at least once each month at a time and place which it designates. AMC 2.04.020(1) currently says regular business meetings of the Council are to take place on the first and third Tuesdays of each month beginning at 7 p.m. and ending no later than 10:30 p.m. Other meetings may be called as the Council deems necessary, with notice given the Mayor and Council members and the public as provided by ordinance. Minutes of any such special meeting shall be presented at the next regular Council meeting. The Council shall adopt rules for its proceedings.

## **PREVIOUS COUNCIL ACTION**

None

## **BACKGROUND AND ADDITIONAL INFORMATION**

The City Council discussed and directed staff to bring back an amendment to the end time for Business meetings. At a subsequent meeting the City Council discussed amending the start time for Business meetings as well. While there was no explicit direction, in the hopes of getting to a resolution quickly, staff has proposed a change to the start time commensurate with some of the discussion.

The Ordinance amendment includes:

- Changing the start time from 7:00 p.m. to 6:00 p.m.
- Changing the end time from 10:30 p.m. to 9:30 p.m.
- Allowing limited end time flexibility: If at 9:30 a motion or any amendment to the motion could continue to 9:40 p.m., at which time the motion would be immediately voted on.

## **FISCAL IMPACTS**

There are no fiscal impacts to the City.

## **STAFF RECOMMENDATION**

N/A

## **ACTIONS, OPTIONS & POTENTIAL MOTIONS**

I move to approve Ordinance No. 3181, changing the start time of Council Business meetings to 6:00 p.m. and changing the end time to 9:30 unless a motion, or any amendment to the motion has been made and seconded, then deliberation on the motion could continue to 9:40 p.m. at which time the motion would be voted on.

I move to amend Ordinance No. 3181 by changing \_\_\_\_\_

## **REFERENCES & ATTACHMENTS**

Attachment 1: Ordinance No. 3181; An Ordinance Relating to Rules of City Council; Amending Start and End Times for Business Meetings in AMC 2.04.020 and 2.04.050.

**ORDINANCE NO. 3181**

**AN ORDINANCE RELATING TO RULES OF CITY COUNCIL; AMENDING START AND END TIMES FOR BUSINESS MEETINGS IN AMC 2.04.020 AND 2.04.050**

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

**WHEREAS**, the Ashland City Council wishes to schedule its regular business meetings for a time as convenient as possible for both Councilmembers and members of the public; and

**WHEREAS**, the Ashland City Council wishes to create a limited exception to the current requirement to end its regular business meetings at a specific time in order to allow for a motion that already has been made, seconded, and discussed, to be decided upon during the meeting at which the motion is made.

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

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

2.50.020 Meetings

A. *Regular Meetings.* The regular sessions of the Council are on the first and third Tuesday of each month unless otherwise arranged, beginning at ~~**7:00 p.m.**~~ **6:00 p.m.** Meetings are required to end no later than ~~**10:30 p.m.**~~ **9:30 p.m.**; except in the following circumstance:

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

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

1 C. *Study Sessions.*

2 1. Study sessions are for Council members to receive background information and  
3 recommendations from staff or invitees with expertise on City business; to ask questions, discuss  
4 options, express their individual views on matters that may be voted on in subsequent Regular or  
5 Special Meetings; and to provide guidance to staff. The Council may vote in Study Sessions on  
6 guidance to staff concerning matters to be presented to Council for decision at subsequent  
7 meetings. By consensus, the Council also may direct staff to take action on other matters that do  
8 not require Council decision by ordinance or resolution. No particular cases involving quasi-  
9 judicial decisions may be discussed at Study Sessions.

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

13 3. Study sessions shall begin at 5:30 p.m. on the day before each Regular meeting unless  
14 otherwise arranged but shall not be held on national holidays. The Mayor or two Councilors may  
15 call a Study Session at any time with 72-hours advance notice.

16 D. *Executive Sessions.*

17 1. All meetings of the City Council shall be held in open sessions, except meetings that may be  
18 closed for those purposes specified in the Oregon Public Meetings Law (ORS 192.610 to  
19 192.690). These purposes include, but are not limited to, the employment and dismissal of public  
20 employees, the performance evaluation of the City Administrator and City Attorney, labor  
21 negotiations, real property transaction negotiations, and consulting with legal counsel on pending  
22 or threatened litigation. At any time during an executive session, a Councilor who feels a matter  
23 under consideration should be addressed exclusively in open session may state a point of order,  
24 which shall be ruled upon in the executive session as set forth in AMC B. *Special Meetings.* A  
25 Special Meeting may be called either by the Mayor or two members of the Council. Notice of the  
26 time and place of such Special Meeting and the subjects to be acted upon shall be delivered to all  
27 members of the Council at least 72 hours in advance of the time of the meeting, except in the case  
28 of an emergency, and the Council may consider and act only upon such matters as contained in  
29 the notice.  
30

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

4 3. Study sessions shall begin at 5:30 p.m. on the day before each Regular meeting unless  
5 otherwise arranged but shall not be held on national holidays. The Mayor or two Councilors may  
6 call a Study Session at any time with 72-hours advance notice.

7 E. *Emergency Meetings.* The City Administrator is responsible for implementation of the  
8 Emergency Management Plan. When the City Administrator determines that a state of emergency  
9 exists, the administrator will make a declaration to that effect and request the Mayor to call an  
10 emergency meeting of the Council in order to ratify the declaration of emergency. The emergency  
11 meeting of the Council will occur as soon as possible after the declaration of emergency. A  
12 quorum of the Council may not be possible due to emergency circumstances and is not required  
13 for this emergency meeting. Notwithstanding the advance notice requirements in Section  
14 2.040.020.B, D and F, notice of the emergency meeting can be made in the most expedient  
15 manner determined by the Mayor and need not be 72 hours in advance, but notice of the  
16 emergency Special Meeting must be given at least 24-hour in advance if feasible. In any case,  
17 minutes of any emergency meeting must meet the requirements of ORS 192.640(3) and 192.650.

18 F. *Notice of Meetings.* Advance notice of at least 72 hours shall be provided for all meetings,  
19 except for emergency meetings. Notice shall be sent to a newspaper with general local circulation  
20 and posted prominently on the City’s website. In the case of an emergency or when a state of  
21 emergency has been declared, public notice appropriate to the circumstances shall be provided  
22 and reasons justifying the lack of 72-hour notice shall be included in the minutes of such  
23 meeting. (Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007)

24 **SECTION 2.** Ashland Municipal Code Section 2.04.050 is hereby amended as follows:

25 2.50.050 Order of Business

26 The Mayor’s State of the City address shall occur in January of each year.

27 The Mayor or presiding officer may change the order of business on the agenda. The usual order  
28 of business will be as follows:

29 A. *Roll Call.*  
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1 B. *Approval of minutes of the previous meeting.* If there are no corrections or objections to the  
2 minutes, they shall be considered approved; otherwise, to be approved by vote. The minutes as  
3 approved shall be signed by the Mayor and City Recorder.

4 C. *Special presentations, proclamations and awards.* This item on the agenda is used to  
5 acknowledge special recognition and awards given to the City or for the Mayor to announce  
6 proclamations, which serve to encourage and educate the community. Proclamations shall be  
7 made and placed on the agenda at the discretion of the Mayor. Requests for recognition under this  
8 agenda item should be submitted in writing to the Mayor.

9 D. *Public Forum.*

10 1. Public forum is to precede the consent agenda unless public forum is moved to later in the  
11 agenda of a particular meeting by decision of the Mayor or presiding officer or by temporary  
12 suspension of the rules pursuant to Section 2.04.

13 2. Members of the public may speak during public forum about any topic not on the agenda for  
14 the same meeting. The agenda for public forum is 15 minutes, unless a majority of the Council  
15 votes to extend the time. On behalf of the City, any Councilor may request that any matter  
16 discussed during public forum be placed on a future Council agenda.

17 3. Public forum is not to be used to provide or gather additional testimony or information on a  
18 quasi-judicial matter. Public testimony will not be accepted on a matter subject to a public hearing  
19 where the record has been closed if the matter is still pending.

20 4. Persons wishing to speak during public forum are to submit a “speaker request form” prior to  
21 the commencement of the public forum and deliver the form to the City Recorder. The Mayor or  
22 presiding officer is to inform the audience on requirements for submission of the form. When  
23 possible and feasible, preference will be given the individuals who reside within the City limits of  
24 Ashland. Persons who do not reside in the City may be placed at the end of the list of those  
25 wishing to speak at public forum.

26 E. *Consent agenda.* Routine business items may be listed by the City Administrator under this  
27 item, which shall be acted upon in its entirety, except that the Mayor or any member of the  
28 Council may request that any item be moved to the regular agenda under the appropriate section  
29 of business.  
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1 *F. Public Hearings.*

2 1. Public hearings shall conclude at ~~9:00 p.m.~~ 8:00 p.m. and be continued to a future date to be  
3 set by the Council, unless the Council, by a two-thirds vote of those present, extends the  
4 hearing(s) until up to ~~10:30 p.m.~~ 9:30 p.m. at which time the Council shall set a date for  
5 continuance and shall proceed with the balance of the agenda.

6 2. Not more than two land-use appeal hearings shall be scheduled for any Regular Meeting of the  
7 Council. The City Administrator may, in the administrator's discretion, schedule additional  
8 legislative hearings depending on the anticipated length of the Council meeting.

9 3. Persons wishing to speak at public hearings are to submit a "speaker request form" prior to the  
10 commencement of the hearing and deliver the form to the City Recorder. The Mayor or presiding  
11 officer is to inform the audience of this requirement to submit the form prior to the  
12 commencement of the hearing. No testimony will be accepted on public hearings that have been  
13 closed.

14 *G. Public Testimony on Agenda Items.*

15 1. Members of the public who wish to speak on an agenda item that is not the subject of a public  
16 hearing at the same meeting (See Section F. above regarding public hearing testimony) may do so  
17 at the time set aside for that agenda item. If a member of the public or a Council member has  
18 requested time to speak on a consent agenda item, the presiding officer shall make time for a brief  
19 presentation by the requestor prior to the Council's vote on the consent agenda.

20 2. Persons wishing to speak on an agenda item are to submit a "speaker request form" prior to  
21 Council consideration of the agenda item and deliver the form to the City Recorder. The Mayor or  
22 presiding officer is to inform the audience on requirements for submission of the form.

23 3. The presiding officer will set time limits for people who ask to speak on agenda items. In  
24 general, the time limits should be set to enable all people who wish to present testimony. Time  
25 limits shall not be so short as to not allow speakers to address their topics.

26 *H. Unfinished business.*

27 *I. New business.*

28 *J. Ordinances, resolutions and contracts.*

29 1. Every ordinance is to be enacted in accordance with Article X of the City Charter. Copies of  
30 the ordinance shall be e-mailed to Council members and the Mayor at least fourteen days prior to  
the meeting. Council members may review the ordinance and forward suggestions for changes to

1 the City Attorney for consideration. Minor changes may be incorporated, substantive changes  
2 will be considered at the time of first reading. Any substantive changes to the ordinance must be  
3 verbally noted at first reading. Council members must submit comments to the City Attorney no  
4 later than 12:00 noon on the Wednesday prior to Council meeting.

5 Lengthy ordinances may be read by title only at Council meetings if the Ordinance title has been  
6 published in the local paper at least seven days in advance of the Council meeting.

7 2. Resolutions may be placed on the consent agenda and voted upon. Resolutions do not require a  
8 roll-call vote.

9 3. The voting on all ordinances may be by roll-call vote and recorded in the minutes showing  
10 those numbers voting for and those voting against.

11 *K. Other business from Council members.*

12 (Ord. 3100, amended, 2014; Ord. 2947, amended, 12/18/2007)

13  
14 **SECTION 3. Codification.** In preparing this ordinance for publication and distribution, the City  
15 Recorder shall not alter the sense, meaning, effect, or substance of the ordinance, but within such  
16 limitations, may:

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

25  
26 **SECTION 4. Severability.** Each section of this ordinance, and any part thereof, is severable,  
27 and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder  
28 of this ordinance shall remain in full force and effect.

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PASSED by the City Council this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

ATTEST:

City Recorder

Approved by City Attorney: \_\_\_\_\_

SIGNED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
John Stromberg, Mayor

Reviewed as to form:

\_\_\_\_\_  
David H. Lohman, City Attorney