

Proposed Amendments to Council Rules

Rule 5(j) Special Orders of Business.

- (1) **Categories of special orders of business.** Agenda items that are deferred from the Consent Calendar; business that requires the selection from among options or that are of special importance to the Council; Mayor or Councilor items; any business held over from a previous meeting, other than public hearings and ordinances; management reports of special importance as determined by the City Manager; formal presentations by city boards, city commissions, city committees, neighborhood associations; and formal presentations by outside agencies providing services to or for, or engaged in other activities with the City, will be placed under Special Orders of Business. Items removed from the Consent Calendar shall have priority over any other Special Order of Business. (Resolution 2016-44)
- (2) **Mayor and Councilor Items.** New Business brought by the Mayor or a Councilor shall appear on the agenda as a special order of business. Any member of Council requesting that an item of new business be placed on the agenda ~~should~~ shall submit the request to the City Manager, in writing, not later than 9:00 a.m. the Tuesday preceding the Council meeting. Any item of new business provided after this deadline may be added to the agenda as an addition but shall not be acted upon at the meeting where first presented. “New business” as used in this section means a motion to take action or direct staff to perform activity on an item that is not on the meeting agenda or does not have a recommendation, such as information reports. Motions modifying recommendations on meeting agenda items, such as resolutions, action items, special orders of business or ordinances are not considered “new business” and are not subject to this rule. Council members may submit motions that modify recommendations for agenda items to be distributed to council for council’s awareness, but such motions are not subject to this rule. (Resolutions 87-29; 92-41; 94-42; 97-125; 98-9; 98-206; 2001-19; 2002-81; 2009-35; 2009- 95; 2011-46; 2012-2; 2016-44; 2024-5)

Rule 8: General Decorum

- Presiding Officer. The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal to and majority vote of the Council. (Resolution 2024-5)
- Councilors. Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these Rules. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in

personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

- Staff and Public. Members of the administrative staff, employees of the City and other persons attending Council meetings shall observe the same rules of procedure, decorum and good conduct applicable to the members of the Council.
- ~~Removal of Any Person. Any person who disrupts a Council meeting making personal, impertinent, slanderous or unauthorized remarks or who becomes boisterous while addressing the Council or attending a Council meeting shall first be warned by the Presiding Officer that they are "out of order", and that further disruption shall be cause to remove the person from the meeting. If the person continues to cause a disruption after being warned, the Presiding Officer may direct the Sergeant at Arms to remove the person. In case the Presiding Officer should fail to act, any member of the Council may obtain the floor and move to require enforcement of this rule; upon affirmative vote of the majority of the Council present, the Sergeant at Arms shall be authorized to remove the person or persons, as if the Presiding Officer so directed. (Resolution 2024-5)~~
- Enforcement of Decorum. The City Manager, or such member or members of the Salem Police Department as the City Manager shall designate, shall serve as the Sergeant-at-Arms of the Council meetings and shall carry out all orders and instructions given by the Presiding Officer for the purpose of maintaining order and decorum. (Resolution 2004-77)
- The Presiding Officer may temporarily suspend a meeting if the Presiding Officer deems a suspension necessary to address a disruption. (Resolution 2024-5)
- The Presiding Officer may suspend public comment for all participants if deemed necessary because actual disruptions of the meeting continue to occur after a warning has been given, subject to Council by majority vote to continue public comment.
- Within the venue where the meeting is held, attendees may not possess sticks, poles, or other objects, such as those objects that may be attached to a sign, that may injure others.

Rule 8.1 Ejection and Exclusion Disruptive Persons.

- (a) To preserve order and decorum, the presiding officer may direct that any person who cause an actual disruption of a Council meeting, or any person who engages in dangerous or threatening behavior, after first having been warned to cease and desist from such disruption or dangerous or threatening behavior, be ordered ejected from the meeting.

- (b) For purposes of these Rules, “actual disruption” means conduct that substantially interrupts, delays, or disturbs the peace and order of the meeting, making it substantially difficult or impossible for the meeting to continue in an orderly manner. Examples include, disorderly, boisterous, or disturbing conduct; shouting, threatening, or intimidating governing body members, staff, or attendees, or failing to relinquish the podium when requested.
- (c) For purposes of this Section, an ejection is an order made by the sergeant-in-arms to immediately leave the meeting, and an exclusion is an order made by the City Manager or their designees prohibiting a person from entering or remaining at future meetings for a specified period.
- (d) The presiding officer may rely on information provided by any member of council or staff who is physically present at the Council meeting that a person has disrupted the meeting or engaged in dangerous or threatening behavior.
- (e) Ejection.
1. The presiding officer or designee will give a warning to the person engaging in disruptive, dangerous or threatening behavior. If the person engaging in disruptive, dangerous or threatening behavior does not cease that behavior following the warning, the presiding officer or designee will direct that the sergeant-in-arm eject the person. An ejection shall be for the remainder of the meeting at which the disruptive, dangerous or threatening behavior has occurred.
 2. For purposes of this Section, a person causes an actual disruption of a meeting if the person engages in any conduct that obstructs or impedes the orderly carrying on of the business of the meeting. Such conduct includes, but is not limited to: any conduct that substantially prevents any other person from hearing, viewing or meaningfully participating in the meeting; any conduct that substantially interferes with ingress or egress to or free movement within meeting venue; shouting over, or otherwise disrupting, any person who is recognized by the presiding officer; any conduct that substantially interferes with City business conducted by City staff present at the session; or failure to obey any reasonable direction of the presiding officer or sergeant-in-arms.
 3. A direction of the presiding officer or sergeant-in-arms is reasonable if it is reasonably related to maintaining order and decorum. A direction of the presiding officer or sergeant-in-arms is not reasonable if it is directed to speech or conduct the right to engage in which is, under the circumstances, protected by the federal or Oregon constitution.

4. For purposes of this Section, behavior is dangerous or threatening if a reasonable person, exposed to or experiencing such behavior, could believe that the person was in imminent danger of physical harm from the behavior. Notwithstanding the provisions of this Section, if the presiding officer reasonably believes that a person's dangerous or threatening conduct constitutes an emergency, the presiding officer is not required to give the person a warning before ordering the person ejected.

(f) Exclusion.

1. If a person has previously been ejected for dangerous or threatening behavior before the Council within one year before the date of the present ejection, or for disruptive behavior on three or more separate occasions within one year before the date of the present ejection, the person shall be excluded from Council meetings for 30 days. Written notice of such exclusion shall be given as provided in this Section.
2. If a person has been excluded from the Council on one or more occasions within one year before the date of the present exclusion, the person shall be excluded from Council meetings for 60 days. Written notice of such exclusion shall be given as provided in this Section.
3. The City Manager or their designees, shall give written notice of any exclusion issued under this Section, and the person excluded may appeal the exclusion to the Hearings Officer in the manner provided under SRC Chapter 20j.
4. Notwithstanding any other provisions of this Code, the Hearing Officer's review of the question of whether the excluded person in fact engaged in disruptive, dangerous or threatening behavior shall be based upon the audio and video record of the meeting, and any written or oral testimony received by the Hearings Officer applying the criteria described in this Section. Under no circumstances shall the presiding officer or any member of council be compelled to testify at the hearing, or in any proceeding connected therewith. The exclusion shall be stayed upon the filing of the notice of appeal, but any stayed exclusion shall be counted in determining the length of any subsequent exclusion under this Section. If any exclusion is reversed on appeal, the effective periods of any exclusions that are not reversed shall be adjusted accordingly. If multiple exclusions issued to a person are simultaneously stayed, the effective periods for those which are affirmed shall run consecutively.

- (g) An ejection or exclusion issued under this Section does not affect or limit the right of the person to submit written testimony or materials as permitted by these rules, or otherwise lawfully to petition or seek redress from the City or its elected officials.

Rule 15: Public Comment

(a) Two periods for public comment will be reserved for every regular meeting of the Council. Each period shall not exceed a maximum of thirty minutes, unless a majority of Councilors present vote to extend the time. Subject to the limitations contained in subsection (e) of this section, the first period for public comment shall be limited to items placed on the agenda other than public hearings, and the second period of public comment shall be used to comment on any issue of City business, other than agenda items. The Presiding Officer may, unless a member of council objects, allow a person who desires to make comment on an item not on the agenda, to speak during the first comment period. Persons appearing in person shall be allowed to speak first during public comment, followed by persons appearing remotely. (Resolutions 2016-44; 2024-5)

(b) Persons wishing to speak in-person during public comment must sign the “Speaker’s Roster” with the person’s name and address or ward and the topic upon which the person wishes to speak, not later than the end of the opening exercises. (Resolution 2021-33)

(c) Persons wishing to speak remotely during public comment may, consistent with the requirements and procedures established by the City Manager, register to speak remotely via a link provided on the meeting agenda. Members of the public may speak about any topic not on the agenda during the last period for public comment, except as provided in subsection (d) of this rule. (Resolutions 2021-33; 2024- 5)

(d) If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting or a future meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about; a pending quasi-judicial land use matter; an item that is not a public matter; a matter which has been or is scheduled to be heard by a hearings official; or to provide or gather additional testimony or information on any matter after the official record has been closed which has been the subject of a public hearing. (Resolutions 2021-33; 2024-5)

(e) Speakers are limited to three minutes. Generally, the speakers will be called upon in the order in which they have signed in on the Speaker’s Roster, and the order in which they registered to speak remotely. Speakers shall identify themselves by their names and their address or ward. The Presiding Officer may allow additional persons to speak

if they have not signed the Speaker's Roster if sufficient time is left in the thirty-minute period. Speakers appearing remotely must turn on their video and audio when providing comment. (Resolution 2021-33)

(f) Should there be more speakers than can be heard for three minutes each during either of the thirty-minute periods provided for public comment, the Presiding Officer may sort the requests to speak or reduce the time allotted to each speaker to afford the greatest opportunity for each topic to be heard. (Resolution 2024-5)

(g) Councilors may, after obtaining the floor, ask questions of speakers during public comment. Members of council shall use restraint when exercising this option and shall attempt to limit questioning to no more than three minutes. The Presiding Officer may intervene if a member of council is violating the spirit of this rule. (Resolution 2021-33)

(h) Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers appearing in-person may utilize City provided audio or visual equipment located in the Council Chambers as a part of their comment but must provide the materials in a readable format to City staff prior to the meeting so that it may be installed on the City's equipment to avoid a delay or disruption of the meeting. Speakers appearing remotely must submit their media materials to the City prior to the meeting in accordance with requirements established by the City Manager. (Resolutions 2004-77; 2009- 35; 2021-33)

(i) Use of Profanity Prohibited. Speakers may not use profanity during public comment or in written testimony. Written comment that includes profanity may be excluded from the record or the profanity will be administratively redacted. The City broadcasts its meetings via YouTube, on Zoom and other platforms and through CC:Media's public access channels. The City and CC:Media are subject to Federal Communications Commission (FCC) regulations for such broadcasts and each are subject to fines and enforcement action through the FCC for broadcasting content, including profanity, that violates the FCC's rules. The FCC defines "profane content" to include "grossly offensive" language that is considered a public nuisance. The FCC further defines "grossly offensive" language that is so offensive to the public that it constitutes a public nuisance.

Rule 17: Membership on Boards or Commissions and Appointment of Councilor Liaisons

- (a) Except for the Urban Renewal Agency Board, the Housing Authority Commission, or Salem Hospital Facility Authority Board, no member of Council may serve on a City, Urban Renewal Agency, or Housing Authority board or commission. Members of Council may serve on Council, Agency Board, or Housing Authority

Commission committees that are advisory to staff or the Council, Board or Commission. (Resolution 2016-44)

(b) Councilor Liaison. Council may appoint a member of council as a liaison to a board or commission, consistent with these guidelines:

1. A Councilor liaison is a council member who is specifically assigned to a governance group to act as a connection between the group and council.
2. Requesting or Recommending a Liaison: Governance groups may request a councilor liaison from council. This request should be based on a majority vote from the group. In the request, the group should include why the group is requesting a liaison and what support they are hoping to receive.
3. Council initiated appointment. Council may appoint a council member as liaison to a group if council identifies a group needs additional support (e.g., the council lacks information from the group, the group struggles to make progress on the group's purpose).
4. Guidelines for appointment of a liaison:
 - a. Does the group have a broad or complex scope of activities that may be likely to require councilor support and input.
 - b. Complexity or nature of issues: Governance groups that deal with highly complex or technical issues may be more likely to require councilor support.
 - c. Groups that require funding or policy changes to effectively achieve their goals and objectives may benefit from a councilor liaison to operate effectively.
 - d. Scope/Impact on the Community: Groups that has large-scale impacts on the community may benefit from a councilor liaison who can provide information about community matters from Council. In addition, matters that have large-scale impacts on the community should have greater oversight to support positive engagement with the larger community.
 - e. Alignment with Council Priorities: Groups whose purpose and initiatives are strongly tied to work the council is doing may benefit from a councilor liaison who can ensure there is alignment in priorities and initiatives as well as provide relevant information between the group and council.
 - f. Council Member Capacity: Council should consider the capacity of council members to act as group liaisons. Liaisons should only be assigned if someone has availability to support the group.
5. The Council will have final approval of assigning a councilor liaison to adequately assess council capacity and desire. If a request is denied,

groups may submit another request in six months. Council may also consider if other resources may provide additional support to a group, in lieu of assigning a councilor liaison (e.g., a group may send more frequent reports or memos to council to communicate issues or challenges).

6. Assignment Review: Councilor liaison assignments should be reevaluated on an annual basis as part of the annual review process. This reevaluation should consider the same criteria listed above along with a consideration of the impact of the councilor liaison on the group. If the councilor liaison had little impact or was not used or needed, the councilor liaison should not be reassigned.
7. Role of Liaison. A liaison does not represent City Council unless City Council has provided specific direction.