

Recommended Changes to Council Rules		
<u>Rule</u>	<u>Change</u>	<u>Summary of change</u>
Rule 2(c): The Presiding Officer	Change “chairman” to “chair”	Elimination of gendered language.
Rule 4(b): Special Meetings and Work Sessions	<p><b>(b) Special Meetings and Work Sessions.</b> Special meetings and work sessions may be called by the Presiding Officer, by request of any five Councilors, or by the City Manager. Notice shall be given to each Councilor, the City Manager, and the business office of each <del>local newspaper and radio and television station</del> <u>recognized news media</u> which has on file a written request for notice of special meetings, and may be delivered by mail, by electronic facsimile (FAX), <u>email</u>, or by personal delivery. To the greatest extent practicable, special meetings should be held on the third Monday in the month. Work sessions should be scheduled on the <del>second and fourth</del> <u>third</u> Mondays in the month <u>to the extent practical</u>. Work sessions are a form of special meeting, and Council has the authority, under the Charter and Oregon public meetings law to act on motions and make final decisions at work sessions. Council may, by motion, direct staff to take certain actions at a work session, but shall defer final action or decision on substantive policy issues to a Council meeting other than a work session.</p>	<p>Clarification of recognized new media that received notice of council meetings.</p> <p>Changes general guidance that work sessions should be held on the third Monday of the month to the extent practical, instead of the first and third Mondays prior to council meetings.</p>
Rule 4(c): Executive Sessions	<p><b>(c) Executive Sessions.</b> Executive sessions may be called by the Presiding Officer, by the request of five Councilors, the City Manager or the City Attorney. Only Council members, the City Manager, and persons specifically invited by the Council or the City Manager shall be allowed to attend executive sessions.</p>	<p>Clarifies that no one except authorized staff may record an executive session.</p> <p>Provides that no virtual attendance at executive sessions is permitted except</p>

	<p>Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations. <u>Except for City staff as required by law, no one attending an executive session may electronically record the meeting.</u> No matter discussed during executive session may be disclosed by any person present during such session. <u>No virtual attendance or participation shall be provided for members of Council, staff, or representatives of the media for executive sessions, except as authorized by the City Manager or in case of an emergency pursuant to ORS 192.640, in which case the circumstances justifying an emergency shall be read into the record at the beginning of the meeting.</u></p>	<p>in the case of emergency or as authorized by the City Manager.</p>
<p>Rule 4(d): Location of Meetings.</p>	<p><b>(d) Location of Meetings.</b> Council meetings shall be held within the jurisdictional boundaries of the City. Work sessions may be held outside the City limits, if no deliberations toward a decision are made. Inter-jurisdictional meetings may be held outside City limits, but should be as close to Salem as practical. No Council meeting shall be held at any place where discrimination on the basis of an individual's <u>race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity, housing status, and source of income</u> <del>race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability</del> is practiced. For this purpose, meetings do not include visitations or attendance at any national, regional, or state association to which the Councilor belongs.</p>	<p>Conforms non-discrimination requirement with SRC chapter 97 – Human Rights.</p>

Rule 4(f): Public Attendance.	<b>(f) Public Attendance.</b> Except for properly called executive sessions, all meetings and work sessions shall be open to public attendance, including the ability to <del>view and listen to</del> <u>participate at</u> meetings and work sessions electronically <u>to the extent reasonable</u> . (Resolutions 87-29; 92-41; 93-137; 94-43; 98- 206; 99-44; 2000-61; 2009-35; 2021-33)	Conforms rule with recent change in state law mandating electronic allowance for electronic attendance by the public at meetings.
Rule 5(a): Order of Business & Opening Exercises	Allows City Council to change the order of business on an agenda by simple majority vote, instead of 2/3 majority.  Deletes “ceremonial” to allow non-ceremonial presentations during opening exercises to conform to current practice.	
Rule 5(h): Consent Calendar	Clarifying language.	
Rule 5(i): Council Notification of Land Use Decisions	Clarifying language.	
Rule 5(j): Special Orders of Business	Changes deadline for a councilor to submit a written Councilor Motion to the City Manager from 9:30 to 9:00 a.m. on the Tuesday prior to a council meeting.	
Rule 6(a): Communications.	Clarifying language.  Requires written communications from the public to Council on agenda items to be submitted by Tuesday prior to the council meeting instead of Wednesday in order for the communication to be included in the council agenda packet, required because council agendas are now normally published on Tuesdays instead of Wednesdays.	
Rule 8(b): Decorum.	Clarifying language.	

Rule 8(f): Suspension of Meeting.	<b><u>(f) The Presiding Officer may temporarily suspend a meeting if the Presiding Officer deems a suspension necessary to address a disruption.</u></b>	Gives express authority for the presiding officer to temporarily suspend a meeting (recess) to address a disruption in the meeting.
Rule 9: Rules of Debate.	Clarifying language and removal of gendered language.	
Rule 10: Consideration of Business.	Clarifying language and removal of gendered language.	
Rule 13: Councilor Protest against Council Action.	Clarifying language and removal of gendered language.	
Rule 15: Public Comment	Updates to accommodate virtual attendance and participation by parties.	
Rule 16: Public Hearings Generally	Clarifying language and removal of gendered language. Clarifying language that groups, including neighborhood associations and applicants have a combined 15 minutes to provide testimony. Individuals may still sign up separately to speak on their own behalf.	
Rule 16(L) Public Hearings Generally.	Requires a person that wishes to exempt their personal contact information from being disclosed at a public meeting to submit the request by Tuesday, instead of Wednesday, prior to a council meeting. Change made to accommodate Wednesday publication of the agenda.	
Rule 18: Procedure to fill vacancies.	Clarifies procedures that apply when Council, as opposed to voters, fill a vacancy on City Council.	
Rule 19(a) & (b): Hearings on land use matters.	Clarifying language.	
Rule 19(d):	<b><u>(d) Consideration of Testimony submitted during the open record period. Pursuant to the requirements of Oregon law, Council delegates to staff the authority to determine if</u></b>	Clarifies that applicable staff may exclude improper evidence from the record in a quasi-judicial land use

	<p><u>testimony submitted during an open record period must be excluded in the record. Testimony and evidence that must be excluded from the record may include, but is not limited to, new evidence when applicable rules prohibit new evidence, confidential information, or testimony submitted after the record is closed.</u></p>	<p>hearing, when applicable law or council action has closed the record to that type of evidence.</p>
<p>Rule 21: Designation of Guest Councilor.</p>	<p>Clarifies that guest councilors shall not participate in deliberations during quasi-judicial land use hearings.</p>	<p>Addresses concern that a guest councilor, who is not a member of council and has no authority to make decisions on the matter, does not unduly influence the decision and create a basis for remand by LUBA or the courts.</p>
<p>Rule 22: Council Communications</p>	<p>New recommended rule.</p> <p><b>Rule 22: Council Communications.</b></p> <p><b>(a)</b> Members of Council shall not send or forward emails concerning City business to other members of Council when the total number of members in the email thread constitutes a quorum of Council. This includes the sender of the email and all recipients, including recipients that are copied or blind-copied.</p> <p><b>(b)</b> City staff shall blind-copy Council when sending emails to all a quorum or more of Council members to avoid “reply-all” responses.</p> <p><b>(c)</b> Council members desiring to send communications to all or a quorum or more of Council members shall submit the communication to the City Manager to be included in the agenda for the next regular Council meeting. Communications that need to occur prior to</p>	<p>Purpose of recommended rule is to avoid public meeting and records violations by not committing serial public meeting violations though using the “reply-all” function on emails to a quorum or more of council.</p> <p>Requires a council who desires to send a message to a quorum or more of council to send the communication to the City Manager.</p>

	<p>the next regular meeting shall be submitted to the City Manager and the City Manager shall forward the communication to members of Council as appropriate. Deliberations among a quorum of Council on City business may not occur through email or other means outside of a Council meeting.</p>	
Rule 23: Remote Attendance and Participation.	Updates rule to conform to state law and current practice.	
Rule 24: Social Media.	<p><u>New recommended rule.</u></p> <p><b>Rule 24: Social Media.</b></p> <ul style="list-style-type: none"> <li>a. Council member’s personal social media account can be an effective method for members to communicate with constituents and inform the public regarding the city and Council business. Council members’ speech on personal social media accounts is a form of free expression protected by the First Amendment. Neither the City nor the City Council govern or endorse the content of council members’ personal views or statements outside a council meeting.</li> <li>b. Oregon public records and meetings laws limit deliberations of a governing body (such as the City Council) to public meetings and require the retention of public records. It is possible for a quorum of a governing body to, unwittingly, commit a public meeting violation by commenting on other members’ social media posts. Further, to the extent that a council member’s social media account holds itself out to be an official account of the City of Salem, it is possible for the content of the member’s account to be deemed public records and that the account is a public “City” account, subject to Constitutional</li> </ul>	See Staff Report for Discussion.

	<p>protections. The person maintaining a public record is responsible for preserving and providing public access to the record consistent with the requirements of Oregon law.</p> <p>c. In order to avoid violations of Oregon public meeting and public records laws and to ensure that Councilors' personal social media accounts remain personal to the member and not "City" accounts, the City Council adopts the following rules regarding council members personal social media accounts:</p> <ul style="list-style-type: none"> <li>i. Council members shall not use City of Salem logos or marks, such as "City of Salem – at your service," or variants thereof.</li> <li>ii. Council members shall include the following disclaimer on all person social media accounts: "This is not an official City of Salem, Oregon account. The views and opinions expressed are author's and do not necessarily represent the views of the City of Salem or Salem City Council. The City of Salem and the Salem City Council do not endorse the views and opinions expressed or endorse any linked information herein."</li> </ul> <p>d. Council members shall not violate public meeting law by conducting deliberations with a quorum of City Council in social media platforms or otherwise.</p>	
Rule 25: Standards of Conduct	<p><u>New recommended rule:</u></p> <p><b>Rule 25: Standards of Conduct.</b> The Salem City Council has</p>	See Staff Report for Discussion.

	<p>adopted these standards of conduct to encourage public confidence in the integrity of the City of Salem and its fair and effective operation. Council members shall abide by the standards contained herein.</p> <ul style="list-style-type: none"><li>a) <u>Act in the Public Interest</u>. Council members shall work for the common good of the people of Salem and not for any private or personal interest, and they will endeavor to treat all persons, claims and transactions in a fair and equitable manner.</li><li>b) <u>Comply with the Law</u>. Council members shall comply with the law of the United States, State of Oregon, and the City of Salem.</li><li>c) <u>Conduct of Members</u>. Council members shall not act abusively, make personal charges or verbal attacks upon the character or motives of other members of the City Council, staff or the public.</li><li>d) <u>Respect for Process</u>. Council members' duties shall be performed in accordance with the processes and rules of order established by the City Council.</li><li>e) <u>Conduct of Public Meetings</u>. Council members shall inform themselves of public issues, listen attentively to public discussions before the body and focus on the business at hand.</li><li>f) <u>Decisions Based on Merit</u>. Council decisions shall be based upon the merits and substance of the matter at hand.</li></ul>	
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	<p>g) <u>Communication.</u></p> <ul style="list-style-type: none"> <li>i. Council members shall communicate with other council members with the respect and professionalism that the position is entitled and shall in compliance with Council Rule 8(b), 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.</li> <li>ii. Council members shall share substantive information that is relevant to a matter under consideration received from sources outside the public decision-making process with the public and other council members by providing that information to staff to be included in the record of the proceeding.</li> </ul> <p>h) <u>City and State Ethics Laws.</u> Council members shall comply with Salem Revised Code chapter 12 and Oregon Revised Statutes chapter 242 concerning ethical standards for public officials and Salem Charter, Section 62 – Ethical Standards for Decision-Making.</p> <p>i) <u>Advocacy.</u> To the best of their ability, when representing the City, council members shall represent the official policies and positions of the City Council. When presenting their personal opinions or positions, members shall state that they do not represent the Council or the City.</p> <p>j) <u>Improper Influence.</u> Except at a City Council meeting, council members shall refrain from using their position to influence</p>	
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	<p>the deliberations or decisions of City staff.</p> <p>k) <u>Policy Role of Members</u>. Council members shall respect and adhere to the Council-Manager form of governance of the City of Salem as implemented by the Salem Charter and Salem Revised Code.</p> <p>l) <u>Positive Work Environment</u>. Council members shall support the maintenance of a positive and constructive environment for residents, businesses and City employees and volunteers.</p> <p>m) <u>Compliance and Enforcement</u>. Council members have the primary responsibility to ensure that ethical standards are understood and met and that the public can continue to have full confidence in the integrity of the City of Salem and City Council.</p>	
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