

CITY OF SALEM



585 Liberty St SE
Salem, OR 97301

Staff Report

File #: 16-268

Date: 10/24/2016

Version: 2

Item #:

TO: Mayor and City Council
FROM: Council Rules Committee

SUBJECT:

Revised Report - Proposed amendments to Council and Urban Renewal Agency Rules regarding moving the meeting time to 6:00 p.m. from 6:30 p.m., moving Mayor and Councilor items to "special orders of business" on the agenda, requiring public hearings to begin by 7:30 p.m., restricting Council and Agency Board members from serving on City, Agency, or Housing Authority boards and commissions, and other administrative changes.

Ward(s): All Wards

Councilor(s): All Councilors

Neighborhood(s): All Neighborhoods

ISSUE:

Shall the City Council adopt Resolution No. 2016-44, which will amend the Council Rules to;

- 1) Move the meeting time of Council meetings to 6:00 p.m. from 6:30 p.m., or immediately after a meeting of the Urban Renewal Agency or Housing Authority, effective January 1, 2017;
- 2) Move Mayor and Councilor items from "New Business" to "Special Orders of Business" on the agenda;
- 3) Require public hearings to begin no later than 7:30 p.m.;
- 4) Restrict members of Council from serving on City, Agency or Housing Authority "boards" or "commissions";
- 5) Allow the Presiding Officer to allow a member of the public, who wishes to speak on a topic, other than an agenda item, to speak during the first public comment period; and
- 6) Require members of Council, who wish to propose a Mayor or Councilor item, to submit the item to the City Manager by Tuesday the week preceding the Council meeting, instead of Wednesday, which is the current requirement.

RECOMMENDATION:

Adopt Resolution No. 2016-44, which will amend the Council Rules to;

- 1) Move the meeting time of Council meetings to 6:00 p.m. from 6:30 p.m., or immediately after a meeting of the Urban Renewal Agency or Housing Authority, effective January 1, 2017;
- 2) Move Mayor and Councilor items from "New Business" to "Special Orders of Business" on the

agenda;

- 3) Require public hearings to begin no later than 7:30 p.m.;
- 4) Restrict members of Council from serving on City, Agency or Housing Authority "boards" or "commissions";
- 5) Allow the Presiding Officer to allow a member of the public, who wishes to speak on a topic, other than an agenda item, to speak during the first public comment period; and
- 6) Require members of Council, who wish to propose a Mayor or Councilor item, to submit the item to the City Manager by Tuesday the week preceding the Council meeting, instead of Wednesday, which is the current requirement.

SUMMARY AND BACKGROUND:

This is a revised report in order to; (1) Correct grammatical errors in the original report, and; (2) Revise the recommendation concerning the 6:00 pm start time for Council Meetings to be effective January 1, 2017.

The Council Rules Committee, comprised of Mayor Anna Peterson, Councilors Andersen, Bennett, and Nanke have met periodically over the past several months to consider updates to the Council Rules and corresponding changes to the Urban Renewal Agency Board Rules. The Committee recommends that Council adopt the proposed changes, identified in the above recommendation.

FACTS AND FINDINGS:

- 1) Change Council Meeting Time to 6:00 p.m. from 6:30 p.m. The Committee recommends this change as a matter of convenience and efficiency for the public, City staff and Council. Council meetings frequently end after 9:00 pm. Late meetings reduce the public's ability and willingness to attend and participate in the public process, and hinder staff and Council's ability to effectively communicate and deliberate on significant issues that come before the Council. An earlier meeting time may result in meetings ending earlier in the evening mitigating this concern. If approved, this change will be effective January 1, 2017.
- 2) Mayor and Councilor Items. Moving these items to "Special Orders of Business," item 5 on the agenda, from "New Business," item 9, will allow these items to be discussed earlier in the meeting. This will be more convenient for the public and for City staff, instead of waiting until the end of the meeting.
- 3) Require Public Hearings to begin no later than 7:30 p.m. Public hearings occur on the agenda after opening exercises, public comment and the consent calendar. They also occur after previously scheduled Urban Renewal Agency Board and/or Housing Authority meetings. In most cases hearings are able to begin prior to 7:30 p.m., but in some instances hearings begin later. Requiring public hearings to begin by 7:30 p.m. will provide more convenience to members of the public who attend Council meetings to participate in public hearings. Council, on occasion, may need to shorten, or suspend, other agenda items in order to ensure that the

public hearing portion of the meeting begins by 7:30 p.m. Failure to begin a public hearing, even in violation of this rule, will not result in any substantial harm to participants, however, with the rule, Council will be better able to manage the time of the meeting.

- 4) Serving on City/Agency/Authority Boards or Commissions. Under the doctrine of "incompatibility of office" members of governing bodies, such as the City Council or Agency Board, are prohibited from serving on other governing bodies, such as the Planning Commission, advisory boards, or decision making bodies. Further, members of Council serving on boards or commissions that have decision making, or advisory roles for the City or Agency can upset the balance on those boards or commissions, and can give the appearance of impropriety for the council member.

The Committee recommends that this common law rule be expressly stated in the Council Rules to remove any ambiguity. The rule only applies to City of Salem, Urban Renewal Agency or Housing Authority boards and commissions. Members of Council will still be able to be members of other boards or commissions under the jurisdiction of other agencies. Further, council members will still be able to sit on the "committees" (which are in fact Council subcommittees), and member of Council will still serve as members of the Urban Renewal Agency Board, and Housing Authority Commission.

- 5) Public Comment. The council meeting agenda provides two opportunities for public comment; the first period is limited to agenda items, other than public hearings; the second period is limited to other than agenda items. Frequently only one or a few citizens will sign up for the second comment period. Under the current rule, these citizens need to wait through the entire meeting before providing their three minutes of public comment.

This rule change memorializes the current council practice of allowing, but not requiring, the Presiding Officer to allow a citizen who wishes to speak on a topic other than an agenda item, to speak during the first comment period. In the event that several people have sign up to speak on a topic other than an agenda item, and the agenda is already full, the Presiding Officer may elect to wait until the second comment period to allow these comments.

- 6) Moving the Deadline for Submission of Mayor or Councilor Items to Tuesday from Wednesday. The City now uses "Legistar" to produce and distribute the Council, Agency and Housing Authority agenda. The efficiencies gained from this product allow the City to distribute the agendas sooner. Previously agendas for Monday meetings were finalized and distributed on Thursday or Friday the week before the meeting. Due to the accelerated distribution schedule, it is necessary for Council members to submit their items on Tuesday the week before the Council meeting in order for that item to appear on the regular agenda.

Dan Atchison
City Attorney

Attachments:

1. Resolution No. 2016-44
2. Exhibit 1, Amendments to Council Rules

09/08/2016