Legislation Details (With Text)

File #:	21-345 **Version:** 1		
Type:	Informational Report	**Status:**	Filed
		In control:	City Council
On agenda:	7/26/2021	**Final action:**	7/26/2021
Title:	Proposed changes to Council Rules to accommodate virtual participation at council meetings. Ward(s): All Wards Councilor(s): All Councilors Neighborhood(s): All Neighborhoods Service Area(s): Good Governance		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Rule changes for hybrid meetings v2, 2. HB 2560		

Date	Ver.	Action By	Action	Result
7/26/2021	1	City Council	received and filed	

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Dan Atchison, City Attorney

SUBJECT:

Proposed changes to Council Rules to accommodate virtual participation at council meetings.

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Service Area(s): Good Governance

SUMMARY:

The proposed changes to Council Rules conform to direction from the Council Rules Committee to accommodate virtual participation at council meetings in compliance with House Bill 2560 (2021).

ISSUE:

Information only.

RECOMMENDATION:

Information only.

FACTS AND FINDINGS:

During the COVID-19 pandemic, the City Council and the City's boards and commissions met virtually via ZOOM. At City Council, URA and SHA meetings, the public was able to watch and listen to meetings via cable access, CC:Media channel 21, and via live stream on Facebook. Interested persons have been able to participate in public comment and public hearings by signing up on ZOOM.

State of Oregon face covering and social distancing requirements were rescinded on July 1, 2021, and the City reopened City offices to in-person visitors on July 19, 2021. With the reopening of City facilities, including the Civic Center, City Council may return to in-person meetings, without mandatory face coverings or social distancing. The City's COVID-19 Emergency Declaration and City Manager's COVID-19 Emergency Order remain in effect.

The 2021 Oregon Legislature passed House Bill 2560, which becomes effective on January 1, 2022. The bill requires local governments, "to the extent reasonably possible," to provide the public an opportunity to; 1) electronically access and attend public meetings, and; 2) electronically submit oral and written testimony.

The City Council Rules Committee met on Thursday, July 15, 2021 to consider different options for Council meetings. The options included; 1) completely in-person meetings with no ability for councilors or the public to participate virtually; 2) a hybrid option allowing both council members and the public to attend and participate in-person or virtually.

The Committee recommends that City Council, on an interim/trial basis, proceed with a hybrid meeting format. The Committee indicated that a hybrid meeting format would lower barriers to public attendance and participation and be consistent with the City's goals to reduce carbon emissions by allowing members of council and the public to avoid vehicle trips to attend meetings in person.

Hybrid Meeting Format

Hybrid public meetings allow governing body members and the public to participate in a meeting either virtually (via Zoom, Teams, or other electronic meeting applications) or in-person.

- Public Comment and Public Hearings:

Persons attending in-person may sign up for public comment or public hearings at the meeting. Persons attending virtually may sign up for public comment or public hearings online via the City's website. During the pandemic, online signups were limited to the first ten people, consistent with Council Rules that limit public comment to three minutes per person and a 30-minute limit for each public comment section of the agenda. The Committee recommends that the City not limit the

number of people who sign up online and allow Council to apply the 30-minute limit on public comment on a viewpoint neutral, as-needed basis. However, online signups will still be limited to 8:00 am to 2:00 pm on the day of the meeting in order to facilitate the hybrid meeting format. The public will still be able to view and hear meetings online via CC:media and Facebook but will not be able to participate virtually unless they have signed up earlier in the day.

- Council member virtual attendance:

Council Rule 23 permits electronic attendance by members. Prior to the pandemic, the City utilized a telephone call-in for members. Members will now be able to attend meetings through Zoom.

- Communications:

An amendment to Council Rule 6 is proposed to eliminate the requirement to provide 15 copies of written testimony and further simplify the requirements for submitting written testimony. Written communications regarding agenda items submitted before 5:00 pm on the day of the meeting will be provided to council members electronically before the meeting. Written testimony submitted after 5:00 pm on the day of the meeting, including written testimony submitted in-person at the meeting, will be distributed electronically to council members as soon as practical, but may not be immediately available at the meeting.

- Safety Measures:

The Committee recommended that safety measures to mitigate the spread of COVID-19 by installed at Council Chambers prior to resuming in-person council meetings. Facilities staff are providing appropriate shielding and other distancing changes at speaker podiums and limiting seating to ensure social distancing options for the public.

In-Person Only Meetings

The Committee did not recommend Council amend its procedures to conduct completely in-person meetings with no virtual option for members or the public. The Committee indicated that a hybrid meeting format would lower barriers to public attendance and participation and be consistent with the City's goals to reduce carbon emissions by allowing members of council and the public to avoid vehicle trips to attend meetings in person. Further, due to House Bill 2560, if Council continues to allow a virtual/electronic attendance option for council members, it must provide an equivalent option for members of the public.

Next Steps:

The Committee recommended that Council the hybrid meeting option be implemented as an interim measure, and that Council review meeting procedures prior to January 2022. The proposed rule changes will be effective upon adoption, and the issue of meeting procedures will be placed on Council's agenda for late November for review.

Pursuant to Council Rule 24, amendments to Council Rules must first be presented to council at least ten days prior to council action on the proposed rules and must be approved by a two-thirds majority of councilors present. Therefore, the proposed rules will be placed on the August 9, 2021 council meeting for potential council action.

BACKGROUND:

With the conclusion of mandatory social distancing and face covering requirements, the City Council may resume in-person meetings without those restrictions. With the passage of House Bill 2560, it is necessary to make certain changes to the Council Rules to accommodate virtual participation by the public and council members.

Dan Atchison
City Attorney

Attachments:

1. Proposed Amendments to Council Rules.
2. House Bill 2560