



## Staff Report

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**File #:** 20-123  
**Version:** 1

**Date:** 3/17/2020  
**Item #:** 2.a.

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**TO:** City Council, URA Board, and SHA Commission

**THROUGH:**

**FROM:** Steve Powers, City Manager and Executive Director

**SUBJECT:**

Temporary suspension of City Council Rules, URA Rules and SHA Bylaws regarding public meeting procedures.

Ward(s): All Wards

Councilor(s): All Councilors, URA Board Members, and SHA Commission Members

Neighborhood(s): All Neighborhoods

Result Area(s): Good Governance and Safe Community.

**ISSUE:**

Shall the City Council, URA Board, and SHA Commission suspend rules and adopt temporary procedures for public meetings to address public health issues related to the COVID-19 pandemic, including suspending oral public comment and limiting the number of people at a public meeting to 25 people?

**RECOMMENDATION:**

Suspend rules and adopt temporary procedures for public meetings to address public health issues related to the COVID-19 pandemic, including suspending oral public comment and limiting the number of people at a public meeting to 25 people.

**SUMMARY:**

National and Oregon states of emergency have been declared related to the COVID-19 pandemic. Public health authorities have urged social distancing, and Governor Kate Brown has recently prohibited gatherings of more than 25 people. In order to protect public health and safety, while allowing the City Council, Urban Renewal Agency Board, and Salem Housing Authority Commission to conduct necessary business, and comply with applicable rules regarding the frequency of meetings and procedures for meetings, it is necessary to suspend applicable rules and adopt temporary public meeting procedures for the governing bodies of Salem.

## **FACTS AND FINDINGS:**

### **Recommended actions:**

- 1) Suspend public comment at all City Council, URA Board, and SHA Commission meetings through April 27<sup>th</sup>.
- 2) Limit total attendance at all City Council, URA Board, and SHA Commission meeting to 25 people (inclusive of governing body members, staff, and the public) through April 27<sup>th</sup>,
- 3) The City Manager is delegated authority to, if necessary, cancel a meeting of the City Council, URA Board, or SHA Commission, notwithstanding an applicable rule that requires a minimum number of meetings in a month,
- 4) Council, URA Board, and SHA Commission public meetings may be conducted utilizing technology to allow members of the governing body, staff, and the public to attend and participate in the meeting, so long as the meetings are conducted consistent with state law.

The recommended suspension of rules and applicable of temporary rules will take effect immediately upon adoption and shall terminate on April 28, 2020.

#### 1) Public Comment:

Council, URA, and SHA rules provide for oral public comment. In an effort to encourage social distancing, it is recommended that Council suspend oral public comment at Council, URA, and SHA meetings. Public comment may still be submitted in writing pursuant to current rules.

Public testimony at public hearings is required, however, upcoming public hearings are being rescheduled, and if the need for a public hearing occurs, arrangements can be made to allow oral public testimony.

State public meetings law requires public meetings to be accessible to the public, and that notice of the principal subject for the meeting be provided, but state law does not require governing bodies to allow oral public comment.

#### 2) Attendance:

State law requires that meetings be accessible to the public. Generally, the City allows attendance in Council Chambers to the maximum allowed by the Fire Marshall, and provides a space for overflow attendance by providing a video and audio feed in the overflow room. However, the Governor has limited public gatherings to up to 25 people. For public meetings, this includes members of the governing body, staff, and members of the public. Therefore, it is necessary to limit total attendance at Council, URA and SHA meetings to a total of 25 people, inclusive of members of the governing bodies, staff, and public.

Further, public health authority guidance recommends that people maintain a minimum of six feet of

separation. Facilities has reviewed Council Chambers and it is feasible to maintain six feet of separation for the 25 total occupancy allowed at the meeting.

Overflow attendance at future council meetings for the duration of the emergency will be provided at the Salem Municipal Courtroom. The Courtroom will be equipped with audio/video capabilities in the same fashion as the City currently accommodates overflow attendance.

The City Manager has mandated that only essential City personnel will be in attendance at meetings, and the Fire Marshall will enforce the Governor's limitation of 25 people within the Council Chambers and the courtroom.

The City Manager is limiting agenda items for Council, the URA and SHA to only routine or time-sensitive matters. Delaying items of particular public interest to the extent feasible will limit the need for public attendance at meetings.

3) Frequency:

Further, Council Rules requires two regular meetings per month, while the URA Rules and SHA Bylaws require at least one regular meeting a month. At this time, staff anticipates keeping a regular meeting schedule for all three governing bodies. However, to the extent a regular meeting for one or more of the governing bodies is not necessary, or emergency conditions require cancelation of a meeting, this action will allow the City Manager to cancel a meeting of the City Council, URA Board, or SHA Commission.

4) Electronic/Virtual Meeting:

IT and Legal staff are reviewing the options for conducting public meetings virtually, and hope to provide options to encourage social distancing, while allowing Council and the public to have an adequate opportunity for engagement at public meetings. This action authorizes Council, URA, and SHA meetings to occur virtually, so long as the meetings are conducted consistent with state law.

Public Participation:

Public meetings of the City Council, URA Board, and SHA Commission are available on CCTV, Comcast channel 21, CCTV's YouTube feed, and are live-streamed on the City's Facebook page. While these options are available to a great number of interested residents, not everyone has the ability to access these options. Further, state law mandates that members of the public have the right to "attend," a public meeting. Limiting agenda items and public comment will substantially reduce the amount of people who want to attend public meetings.

Interested persons may continue to submit written testimony either via email or in person to the City Recorder's office or at the public meeting.

Procedures:

Council Rules may only be suspended by a two-thirds majority of members present. To adopt the rules set forth herein, it will be necessary for two-thirds of the members present at this Emergency

Meeting to approve of this item.

Budget Committee Rules:

It is also recommended that the City's Budget Committee approve meeting procedures consistent with the changes set forth in this report. The next scheduled Budget Committee meeting is set for April 15, 2020. The Committee may adopt similar meeting procedures at the beginning of that meeting.

**BACKGROUND:**

On March 8, 2020, Governor Kate Brown declared a state emergency related to COVID-19. On March 16, 2020, the Governor prohibited gatherings of more than 25 people.

Attachments:  
None.