



TALENT CITY COUNCIL
STUDY SESSION AGENDA
- HELD AT COMMUNITY CENTER
& VIA ZOOM -
104 E. Main Street
June 18th, 2024 - 5:00 PM

To attend to the meeting via Zoom, please visit the City's website at www.cityoftalent.org for the link information. All Council meetings are digitally recorded and will be available on the City website: www.cityoftalent.org. The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to the City Recorder at 541-535-1566, x6.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the study session and/or meeting.

- 1. Call to Order / Roll Call**
- 2. Discussion on Council Rules of Procedure (*continued*)**
- 3. Adjournment**



City Council Staff Report

Meeting Date: June 18, 2024
Department: Legal
Staff Recommendation: Study

Staff Contact: Dave Lohman
E-Mail: dlohman@cityoftalent.org
Estimated Time: 60 mins.

ISSUE BEFORE THE COUNCIL

Which provisions in the current Council Rules of Procedure does Council wish to update?

BACKGROUND

Over the course of several study sessions, the Council has been considering proposed changes to the current Council Rules. In this session, Council will be asked to provide input on suggested changes beginning with Section 3E near the middle of the page numbered "6" of the attached proposed Council Rules excerpt and addressing succeeding provisions as long as the study session lasts.

RELATED COUNCIL POLICIES

None

POTENTIAL MOTIONS

None

ATTACHMENTS

Excerpt of Draft Amended Version of Council Rules of Procedure: pages 6 through 11

- b) The Mayor or any Councilor may request staff assistance through the City Manager's office to respond to a written communication. Any response utilizing staff time or City resources must represent Council policies or positions, and not those of individual Council members.

Commented [DL21]: These new Subsections 2H(5)(a) and (b) provide a relocated and revised version of current Section 12 (Written Communications). They were provisionally agreed upon at the 4/24/24 Council meeting.

Section 3. Agenda Preparation and Revision.

Commented [DL22]: Section Overview: This proposed Section 3 replicates current Section 3, except as noted in the comments below on particular subsections.

- A. The City Manager shall prepare the agenda of the business to be presented at a regular Council meeting, special meeting, study session or executive session. The City Manager shall have the discretion to determine the timing of placement of an item on the agenda for an upcoming meeting after considering meeting and staff time constraints. No advance Council approval shall be required for an agenda of any meeting.
- B. The Mayor or prospective Presiding Officer shall have the opportunity to review and discuss with the City Manager the draft agenda for an upcoming meeting prior to distribution.
- C. Staff shall endeavor to distribute agendas and informational material for meetings to the Mayor and Councilors at least three (3) business days prior the subject meeting.
- D. The items on the agenda shall follow the formal order of business prescribed by these rules.

Commented [DL23]: The first and second sentences of this provision are from current Section 3. The third sentence is a corollary included in LOC's Model Rules and the rules for multiple Oregon City Councils.

Commented [DL24]: This is a slight re-wording of current Section 3D.

Commented [DL25]: This proposed new provision reflects current practice.

STOPPED HERE AT 4/24/24 MEETING

- E. The City Manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The Presiding Officer shall announce such removal under announcements proclamations.
- F. Subject to Oregon Public Meetings Law, at the beginning of any meeting the City Manager, the Mayor, or any Councilmember may add or remove an agenda item by obtaining express approval from a majority of the Council present at the meeting,
- G. Members of the public may request that an item be placed on a Council agenda by bringing that request to the Council during the Public Forum portion of a meeting. Council may then request to add the item to a future agenda during discussion of Other Business.
- H. Recommendations from Council-appointed commissions and committees for City actions or approvals shall be forwarded to the City Manager for decision by the City Manager or for placement on a Council meeting agenda.

Commented [DL26]: This proposed new provision is intended to make clear that City actions proposed by City-appointed bodies are to be forwarded to the City Manager or the Council for approval, as appropriate.

Section 4. Conduct of Business.

- A. Presiding Officer.

Commented [DL27]: Section Overview: This proposed Section 4 incorporates current Sections 5 and 7, with revisions as described in the comments below on some of the subsections.

- (1) The Mayor shall preside at all meetings of the Council or, in the absence of the Mayor, the Council President shall preside. The Council President shall be elected at the first meeting of each odd-numbered year.
- (2) In the absence of the Mayor and the Council President, any Councilor may call a meeting to order for the purpose of electing, by majority vote, a Councilor to serve as temporary Presiding Officer for the meeting. Should either the Mayor or the Council President subsequently arrive at the meeting, the temporary Presiding Officer shall relinquish control of the meeting immediately upon conclusion of the item presently being discussed.
- (3) A Councilor serving as Presiding Officer in the Mayor's absence shall perform the duties of the Mayor but shall retain all rights and privileges of a Councilor while serving as Presiding Officer, except the right to vote on appeal of a decision they made while so serving.
- (4) In order to take part in debate, to make a motion, or to allow a Council meeting to proceed despite their temporary absence, the Mayor or the Council President presiding at a meeting may appoint a temporary Presiding Officer. Such a temporary appointment shall not continue beyond the attainment of the purpose for which the temporary appointment is made and, in any case, shall not continue beyond the meeting at which the appointment occurs.

Commented [DL28]: This proposed new provision is suggested in the LOC Model Rules. It resolves a thorny, not-infrequent question about a Councilor's ability to vote while serving temporarily as Presiding Officer. It is logically consistent with the standard rule that the Presiding Officer cannot vote on their own ruling on a Point of Order.

Commented [DL29]: This proposed new provision makes clear that a Presiding Officer's role in a meeting may, under prescribed procedure, extend beyond just facilitation. It is similar to a provision in Phoenix Council rules.

B. Agenda Protocol.

- (1) Once an agenda item has been announced, the Presiding Officer shall ask for any recusals on the agenda item, if applicable.
- (2) The Presiding Officer shall then ask for a staff report on the agenda item, if applicable.
- (3) Once the staff report is completed, the Presiding Officer shall entertain Councilor questions or general discussion of reasons for or against current Council consideration of the subject matter of the agenda item (before a motion is made about that item).
- (4) ~~Once the Council question and general discussion period about the agenda item is complete, the Presiding Officer may invite any speakers who have requested an opportunity to address the Council on that item, as provided in Section 2H(2) above.~~
- (5) The Council then may provide direction to staff regarding the agenda item, may vote on a motion a Councilor makes to take a specific action on the agenda item, or may take no action and move on to the next agenda item.
- (6) Call for Orders of the Day. By saying "I call for orders of the day," any Councilor may interrupt a speaker who has the floor to seek a ruling from the Presiding Officer that the order of the established agenda be followed. A Call for Orders of the Day does not require a second and is not amendable or debatable. Absent approval by a two-thirds vote of the Councilors present and voting on a subsequent motion to suspend the rules or to set aside the orders of the day, the Presiding Officer must rule that Council end discussion of

Commented [DL30]: This proposed Section 4B reformats current Section 7D without altering its content except to explicitly add the ability to Call for Orders of the Day, which is a provision from Robert's Rules that can aid in preserving order.

Commented [DL31]: This provision is deleted in favor of a new "Public Forum" definition in 4C(3) below. At its 3/6/24 meeting, Council provisionally decided to merge the opportunity for public comment on agenda items and non-agenda items.

whatever topic was then being addressed at the moment and consider instead the item then scheduled for discussion in the published agenda or revised agenda formally approved pursuant to Section 3F above or Section 4C below.

C. **Regular Meeting Order of Business.** The Presiding Officer shall move through the business of regular meetings in the following order of business, subject to the right of the Presiding Officer or the City Manager, with Council consent, to alter the order of business for purposes of improving the flow of a meeting or accommodating special presentations by consultants or other guests specified in the published agenda or revised agenda formally approved pursuant to Section 3F above or Section 4C below.

Commented [DL32]: This proposed Section 4C is essentially the same as current Section 7. Authority for the Presiding Officer to change the order of business "under the rules" is in Charter Section 17(d). Also new is a proposed separate agenda item for appointments, Section 4C(6).

(1) Call to Order/Roll Call.

(2) **Recognitions, Proclamations, Community Announcements.**

Commented [DL33]: The scope of this section of the agenda is proposed to be enlarged to include recognitions and proclamations, as well as the announcements by staff and community groups about community events and news.

(3) ~~Speakers Heard on Non-Agenda Items~~ **Public Forum.** The purpose of this item is to allow persons who meet the requirements of Section 2H herein to address the Council on any matter related to city government. Speakers may address the Council for up to five minutes, unless the Presiding Officer allocates less time in order to accommodate as many speaker requests as possible. The maximum time allotted for this agenda category at a regular Council meeting is 30 minutes. Speakers' comments shall not exceed their allotted time limitations unless the Council votes to suspend the rules. When a matter raised in the Public Forum section of a particular meeting's agenda is not already scheduled to be addressed later in that same meeting, the matter can be added to the agenda of a future meeting by agreement of the Council or can be taken up in the Other Business section of the current meeting's agenda pursuant to a successful motion to suspend the rules for that purpose.

Commented [DL34]: At its 3/6/24 meeting Council tentatively decided to expand the scope of this agenda category to make it be the time for any presentations by members of the public, whether or not their topic is addressed in a later item on the agenda and whether the speaker is attending the meeting in person or online.

(4) **Special Public Presentations.** Presentations are limited to fifteen minutes unless prior arrangements with the Presiding Officer or City Manager have been made.

Commented [DL35]: This title for this currently existing agenda category warrants clarification. Is this agenda category intended for staff presentations? For guests invited by staff, Councilors, or the Mayor to speak on specified topics related to City business?

(5) **Public Hearings.** All public hearings shall be subject to the notice requirements specified in City ordinance and/or state law. In the absence of any local or state requirements, a Notice of Public Hearing shall be published in a local newspaper at least seven days prior to the hearing. A copy of the Notice of Public Hearing shall also be posted at City Hall and on the City website at least seven days prior to the hearing. The purpose of public hearings is to: 1) provide input to the Council in the form of information and opinions from affected parties and members of the public; and 2) provide an opportunity for residents to be involved in municipal affairs. Public hearings may be continued to another meeting date as long as specified notice requirements are met.

(6) **Appointments.** Council approvals of appointments of individuals to City commissions, committees, or ad hoc bodies or to non-City agencies or organizations as City representatives.

Commented [DL36]: This proposed addition to the agendas for regular meetings highlights appointment decisions by giving them a specified slot in the agenda instead of addressing them as part of the consent calendar.

(7) **Consent Calendar.** The consent calendar includes routine or non-controversial items that can be considered as a single action without discussion or debate, except for simple

questions of clarification. Any member of the Council who does not wish to have an item considered under a single action without debate may ask to have that item removed from the Consent Calendar and taken up immediately after voting on the rest of the consent calendar or taken up as an individual item under New Business.

- (8) Unfinished Business. Items that were taken up at a previous meeting and not concluded will be heard under Unfinished Business. Unfinished business items will be heard at the next regularly scheduled Council meeting, unless the Council approves a motion to have an unfinished business item continued to a different date. Action on unfinished business will resume at the point at which the agenda item was being considered before the previous meeting was adjourned.
- (9) New Business. Items requiring a vote of the Council including resolutions, ordinances, budget matters, discussion of proposed policy changes or proposed projects, or any other business appropriate for Council discussion.
- (10) City Manager and Other Department Reports. Informational items from the City Manager and Department Heads. City Manager reports will generally take place at the first meeting of each month, and Department Head reports will generally take place at the second meeting of the month.
- (11) Committee Reports. Reports by Council members on the activities of City commissions or committees for which a Council member has been designated as the Council liaison or ex officio member or reports from non-city agencies or organizations to which the Council member has been appointed as the City representative.
- (12) Other Business. Items from the Mayor or Council, and items for future agendas.
- (13) Adjournment.

D. **Motion Procedure**

- (1) No motion or other proposed action shall be received when a prior motion or question is under debate, except for the following:
 - a. A Call for Orders of the Day;
 - b. A Point of Order;
 - c. A Motion to Suspend the Rules;
 - d. A Motion to Lay the Matter on the Table;
 - e. A Call for the Previous Question;
 - f. A Motion to Postpone;
 - g. A Motion to Refer; or
 - h. A Motion to Amend.
- (2) If a motion does not receive a second, it dies, and the Council then moves to a subsequent motion or to the next agenda item.

Commented [DL37]: This proposed Section 4D replicates current Section 7E-J , with some re-ordering.

- (3) When a motion is made and seconded, it shall be restated by the Presiding Officer prior to debate.
- (4) Once a motion is made and seconded, it may not be withdrawn without the consent of the Councilor who seconded it.
- (5) Any Councilor wishing to speak for or against a motion must be recognized by the Presiding Officer before speaking to the motion. Generally, the Councilor who made the motion shall be given the first opportunity to speak during the debate. Remarks made during debate shall be concise and focused on the motion being debated, in order to give all Councilors the same opportunity to participate in debate during the regular meeting time. No Councilor shall be allowed to speak more than once on a motion until every other Councilor has had an opportunity to do so.
- (6) Amending the Main Motion. A motion to amend the main motion can be made at any time during discussion of the main motion. The motion to amend must be seconded to be in order for debate on it to begin. Once the motion to amend is made and seconded, debate is carried out in the manner prescribed in this section. A motion to amend must be decided before the debate on the main motion can continue. If the motion to amend is approved, the debate returns to the main motion as amended. If the motion to amend is defeated, the debate returns to the main motion. No amendments may be made to a motion to amend.
- (7) Motion to Limit Debate or Motion for the Previous Question. A motion to set a time limit on debate or a motion for the previous question (to end debate altogether and go immediately to a vote) may be made any time during deliberations but may not be made while another speaker has the floor. Once a member has been recognized and the motion is made and seconded, it is immediately in order and supersedes any further discussion on the motion on the floor. A motion to set time limits on the debate or to move the previous question is not debatable and must be approved by a two-thirds vote of the members present and voting.
- (8) Motion to Reconsider. A motion to reconsider the vote on a previous motion may be made during Other Business, but only by a Councilor who voted on the prevailing side. The motion may be taken up immediately if no other business is pending or may be postponed to a later time or meeting by the order of the Presiding Officer. A motion to reconsider a previous vote requires a second, is subject to debate, and must be approved by a majority of those present and voting. The purpose of reconsideration is to permit correction of hasty, ill-advised, or erroneous action, or to consider new information or changed circumstances that have arisen since the original vote.
- (9) Motion to Suspend the Rules. A motion to suspend the rules is used to take up an item of business out of regular agenda order, or to set aside a standing procedural rule other than one established by City ordinance, City Charter, or state law. The motion must specify the action proposed to be accomplished by the suspension, must be seconded, and is not debatable or amendable. The motion must be approved by a two-thirds vote of the members present and voting. If approved, the suspension may not be in effect any longer than the time necessary to accomplish the proposed action specified in the motion. A

motion to suspend the rules cannot be made to suspend rules provided by City ordinance or state law, or to contravene provisions of the City Charter.

Commented [DL38]: This is a change prompted by discussion at the 3/6/24 Council meeting. The current Rules require only a majority vote. Robert's Rules (and most other parliamentary rules reference books) require a two-thirds vote. A broader or longer abandonment of the rule would require amendment of the Rules.

(10) Point of Order. Any Councilor or the Presiding Officer may interrupt a speaker who has the floor to raise a Point of Order at any time they believe that a violation of the Council Rules has occurred. A Point of Order must be made at the time a breach of the rules occurs and is not intended for minor infractions of the rules or for dilatory purposes. A Councilor making the Point of Order must address it to the Presiding Officer and be recognized by the Presiding Officer prior to stating the Point of Order. A second is not needed. Once the Point of Order has been stated, the Presiding Officer must rule on the Point of Order as stated without allowing debate on it. Before making a decision, however, the Presiding Officer may seek advice from the City Attorney or submit to the Council the decision on upholding or denying the Point of Order by a majority of those present and voting, excluding the Presiding Officer. A ruling by the Presiding Officer on a Point of Order is subject to the right of any Councilor to appeal the decision to the full Council. A motion to appeal the Presiding Officer's ruling on a Point of Order requires a second, is debatable, and fails absent a majority of votes. The Presiding Officer cannot vote on appeal of the Presiding Officer's ruling.

(11) Request for Information. Any member of the Council, including the Presiding Officer, may interrupt a speaker who has the floor to seek permission to request information from a fellow Councilor, the Mayor, a staff member, an invited speaker, or a person speaking during the Public Forum portion of a meeting, speaking in a public hearing, or speaking on an agenda item. The person speaking at the time of a Request for Information must discontinue speaking until disposition of the request. The request must be addressed to the Presiding Officer; must concern the topic under discussion; and must not include arguments or statements of fact (unless necessary to clarify the request). A second is not needed. Once the Request for Information has been stated, the Presiding Officer must uphold or deny it without allowing debate on it. The Presiding Officer's ruling on a Request for Information, as well as overuse or inappropriate use of the interjection may be challenged by a Point of Order.

(12) Special Rules for Land Use Matters. The procedures for the conduct of Quasi-Judicial Hearings and Hearings on Legislative Actions involving land use issues shall be governed by applicable city ordinance and/or state law. Prior to the commencement of one of the above-described proceedings, the City Manager shall provide the Presiding Officer with instructions setting forth the procedures to be followed. The Presiding Officer shall read the procedures into the record at the start of the hearing, and the hearing process will be governed by those procedures.

Section 5. Voting.

Commented [DL39]: Section Overview: This proposed Section 5 is the same as current Section 8.

A. Requirements. The affirmative vote of a majority of those present and voting at a meeting is required to approve any motion before the Council. Each Councilor present must vote on all motions unless they have an actual conflict of interest that would disqualify the member from voting, or if the Council agrees to suspend this rule for a particular vote. If a member of the Council has an actual conflict of interest, that conflict must be stated at the start of an agenda item, and the member must then refrain from participating in the agenda item or voting on