



**TALENT CITY COUNCIL
STUDY SESSION AGENDA
- HELD AT COMMUNITY CENTER
& VIA ZOOM -
104 E. Main Street
July 17th, 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 pages 12 – 17*)**
- 3. Adjournment**



City Council Staff Report

Meeting Date: July 17, 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 on section 5, page 12.

RELATED COUNCIL POLICIES

None

POTENTIAL MOTIONS

None

ATTACHMENTS

Excerpt of Draft Amended Version of Council Rules of Procedure: pages 12 - 17

[STOPPED HERE AT 6/18/24 MEETING]

Section 5. Voting.

Commented [DL41]: 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 any motions pertaining to the agenda item.
- B. Roll Call Vote. Voting on a matter shall occur by roll call if required by Charter or ordinance or if requested any Council member.
- C. Presiding Officer. A Presiding Officer may not vote on appeals from decisions they have made while acting as Presiding Officer. The Council President or a Councilor serving as Presiding Officer may vote on all other motions, unless they have an actual conflict of interest that would disqualify them from voting. The Mayor shall not vote on any matter of City business except in the case of a tie vote, in which case the Mayor is required to vote and shall not abstain unless the vote is on an appeal of a decision by the Mayor or unless they have an actual conflict of interest that would disqualify them from voting.
- D. Record of Votes. Unless the vote is unanimous, the ayes and nays of each Council member shall be recorded and entered in the minutes.

Section 6. Minutes.

Commented [DL42]: Section Overview: This proposed Section 6 is the same as current Section 4, except for the addition noted in the comment immediately below.

- A. Written minutes of all open regular and special meetings shall be prepared by the City Recorder or their designee. Staff shall endeavor to present minutes for approval by the Council at the next regular meeting or the meeting thereafter and shall be make meeting minutes available for public inspection and post them on the City website once approved. The City Recorder or the person taking the minutes shall sign the minutes after they have been approved by the City Council. All meetings shall be digitally-recorded, and the recordings shall be kept pursuant to state law and City retention policy.
- B. Written minutes shall include the rollcall of the meeting, and the exact wording of all motions, resolutions, orders, ordinances, and measures proposed. Minutes shall also state the actual results of all votes taken unless the vote is unanimous. In addition, the minutes should record the substance of the discussion on any matter before the Council, as well as references to any documents discussed.

Commented [DL43]: This revision gives the Recorder a little more deadline flexibility to account for their vacations or unusual intervening circumstances.

Commented [DL44]: Section Overview: This proposed Section 7 incorporates current Sections 9, 10, 11, 13, and 14 and adds new provisions as noted in the comments on particular subsections below.

Section 7. Council Member Conduct.

A. Decorum.

- (1) The duties of the Presiding Officer at any public meeting shall include preserving order and ensuring that Council Rules of Order are followed by Councilors and all other

Commented [DL45]: Except for proposed Section 7A(2) (which is current Section 9B), this proposed new provision states Council member meeting conduct guidelines that are as specific as possible. They parallel those stated for public participation in Council meetings in proposed Section 2H(2), but impose slightly more strict limitations on Council members, as befits their heightened responsibilities.

attendees.

- (2) The Mayor and Councilors shall conduct themselves so as to bring credit to the government of the City by respecting the rule of law, ensuring nondiscriminatory performance of public services, endeavoring to be adequately informed on matters for Council consideration, and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.
- (3) Discourse in any public meeting shall be pertinent to the matter under discussion.
- (4) Discourse in any public meeting shall avoid defamatory or derogatory statements about the personal characteristics, reputation, or motives of others.
- (5) The Mayor and Councilors shall not engage in advocacy during a Council meeting for or against a candidate, organization, or measure for which voter approval is being sought in an impending public election.
- (6) Neither the Mayor nor any Councilors shall engage in, or encourage others to engage in disruptive conduct, including applauding, cheering, singing, chanting, displaying signs and other distracting actions.
- (7) The Mayor or any Councilor may invoke a Point of Order to challenge conduct perceived to be contrary to Council Rules.

B. Ethics. The Mayor and Councilors shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. If the Mayor or any Councilor has an actual conflict of interest on a matter, the conflict shall be disclosed at the outset of any agenda item on that matter, and the person making the disclosure shall refrain from participating in any discussion or voting on the matter. If the Mayor or any Councilor has a potential conflict of interest on a matter, the conflict shall be disclosed at the outset of any agenda item on that matter, but the person making the disclosure may participate in any discussion and votes on the matter. It is up to the individuals who could possibly vote on a Council matter to make personal determinations regarding conflicts of interest.

In addition to matters of financial interest, The Mayor and Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council. This general obligation includes the duty to refrain from:

- (1) Disclosing confidential information or making use of special knowledge or information before it is made available to the general public;
- (2) Making decisions involving business associates, customers, clients and competitors;
- (3) Violating any Council rules in fact or intent;

- (4) Appointing relatives, clients or employees to boards and commissions;
- (5) Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends;
- (6) Seeking City employment of relatives;
- (7) Taking actions benefiting special interest groups at the expense of the city as a whole; and
- (8) Expressing in a forum available to the public a position that is contrary to the official position of the Council without so stating.

Commented [DL46]: This proposed Section 7B simply replicates current Section 9A.

C. Use of Electronic Devices.

- (1) All phones and other electronic devices shall be kept on silent or in vibrate mode during Council meetings.
- (2) In keeping with the intent of the state’s open meetings law, the use of electronic communications devices during Council meetings shall be limited and shall otherwise comply with all rules and laws applicable to proceedings before the Council or communications outside Council meetings.
- (3) Any electronic communication regarding a quasi-judicial matter to be considered by the Council is an ex-parte contact, and shall be disclosed, as required by law.
- (4) This rule does not prohibit the use of computers or other devices on the dais for viewing the Council meeting agenda and agenda packet during Council meetings. This rule also does not limit the use of electronic communication devices outside of public meetings. However, all electronic communications pertaining to city business both sent and received by members of the Council are subject to, and must comply with, the rules and laws applicable to public records.
- (5) As used in this section, “electronic communication devices” means laptop computers, smart phones, cell phones, or other similar devices capable of transmitting or receiving information or messages electronically.
- (6) As used in this section, “electronic communications” means e-mails, text messages, social media postings, or other forms of communication transmitted or received by technological means.

Commented [DL47]: This proposed Section 7C is just an update of current Section 13.

Commented [DL48]: This proposed Section 7D simply replicates current Section 13.

D. Confidentiality.

- (1) The Mayor and Councilors shall maintain the confidentiality of all confidential information provided to them, whether written or oral. No reference to, or discussion of, any confidential information shall occur beyond other Council members, the City Manager or City Attorney.
- (2) When the Council, in executive session, provides direction or consensus to staff on proposed contract terms and conditions, or related to negotiations regarding property

acquisition or disposal, or pending or likely legal claims or litigation, or employee negotiations, then all contact with negotiating parties shall be made only by designated staff or other representatives handling the negotiations or litigation. No Council member shall have any contact or discussion with any other negotiating party or its representative regarding any executive session discussion.

- (3) Although Oregon state law requires that the media be allowed to attend executive sessions except those concerning labor negotiations, Neither the Mayor nor any Councilor shall engage in discussion with the media outside the executive session on the topic of that session. If discussion of a confidential topic were to continue after adjournment of the executive session, media representatives would no longer be bound by confidentiality requirements.
- (4) The Mayor and Councilors are bound by the confidentiality rules pertaining to executive sessions even after they no longer serve as public officials.
- (5) The Council, by resolution, may censure a member who discloses a confidential matter.

E. Interactions with Staff and City Attorney.

- (1) Staff. The Mayor and Councilors shall respect the separation between their policy-making role and the City Manager's administrative role by:
 - a. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
 - b. Refraining from actions that would undermine the authority of the City Manager or department heads.
 - c. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Requests for assistance or information of a more complex nature be made through the City Manager's office.
 - i. Questions from the Mayor or individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
 - ii. The Mayor and members of the Council shall normally share with the entire Council information obtained from staff about City business. This provision, however, is not intended to apply to questions by the Mayor or members of the Council acting in their individual capacities rather than as City officials, nor to questions regarding conflicts of interest, meeting procedures, or similar issues particular to individual.
- (2) City Attorney.
 - a. The City Attorney represents the City of Talent acting through its duly elected governing board, the City Council. The City Attorney is not the personal attorney of the Mayor or any individual Councilor and is not authorized to provide legal advice concerning City matters to other members of the public.

Commented [DL49]: This proposed Section 7E(1) is an expanded restatement of current Section 11, based on suggestions in the LOC Model Rules.

- b. Requests to the City Attorney for legal advice may be made by the Mayor or any member of the Council during a Council meeting, as long as the request is relevant to the matter of City business under Council discussion. If the City Attorney is not present at the Council meeting, such a request may be conveyed to the City Attorney through the auspices of the Mayor or City Manager. Both the request and the resulting legal advice shall be made available to the entire Council at the first regular Council meeting following receipt of the legal advice.
 - c. The City Manager and the Mayor may consult the City Attorney on any matter of City business at any time.
 - d. In addition, communication with the City Attorney by the Mayor or individual Councilors is authorized and appropriate regarding questions about legal duties and responsibilities of City officials. Such issues could include questions about meeting procedures, possible conflicts of Interest, or similar issues particular to a individual City officials.
- (3) If possible, after receiving agenda packets, the Mayor or Council members with questions or concerns they would like to have addressed at an upcoming meeting should so advise relevant staff presenters, the City Manager, or the City Attorney in advance of the meeting.

Commented [DL50]: This proposed Section 7E(2) significantly revises current Section 10. The changes clarify when and how individual Council members can seek City Attorney assistance.

Commented [DL51]: This proposed new provision is modeled on similar provisions in Medford and Ashland rules.

Section 8. Media and Social Media Guidelines for City of Talent Public Officials, Including Staff

- A. A City of Talent public official is expected to refrain from expressing on publicly available media a personal position contrary to the official position of the public body on which they serve without making clear they are voicing their own individual views in contrast to those of the public body.
- B. Any City official’s social media site content that is related to City business, including communication between and individual elected officials and constituents, or the general public, or a site’s listing of “friends” or “followers” may be considered a public record subject to disclosure pursuant to the Oregon Public Records Act or to a subpoena in a lawsuit.
- C. When a City official intentionally or even inadvertently establishes what is deemed to be a public forum on social media sites, the official may be legally precluded from engaging in viewpoint discrimination, blocking users, or even deleting comments just because of their subject or opinion. Inviting comment on public matters, disseminating official information, or using one’s official title may result in such a social media site being deemed to be a public forum.
- D. Communication between elected City officials via social media or email, may constitute a “meeting” under the Open Public Meetings Act if it involves the discussion of public business subject to open meetings laws. For this reason, the Mayor and Councilors are discouraged from commenting or posting on each other’s social media pages.

Commented [DL52]: This is a proposed new section meant to establish mutual expectations for Council members’ and City employees’ use of media, including social media, outside of Council meetings. It is also a reminder that some intended “personal” comments in public media can be deemed to require public disclosure or result in other individual consequences.

E. The Mayor is the primary spokesperson for the City of Talent and is the City official authorized to present to media representatives or members of the public the officially-approved positions of the City. Upon request, the City Manager or department heads may provide objective factual information to media representatives or the public. Any public expression of personal opinions by City of Talent elected or appointed officials about City matters is to be clearly identified as such.

Commented [DL53]: This is a proposed new provision.