



OFFICIAL MINUTES OF THE TUALATIN CITY COUNCIL MEETING FOR APRIL 05, 2024

Present: Councilor Christen Sacco; Councilor Cyndy Hillier; Councilor Octavio Gonzalez

Call to Order

Interim Chair Sacco called the meeting to order at 10:00a.m.

Pledge of Allegiance

Nomination of Subcommittee Chair

Interim Chair Sacco called for nominations for the office of Chair. Councilor Hillier nominated Interim Chair Sacco. There were no further nominations. Interim Chair Sacco closed nominations. The Subcommittee moved to elect Councilor Christen Sacco as Chair; Motion passed 2-0.

Councilor Gonzalez joined the meeting at 10:02a.m.

Overview of Process to amend and/or repeal Council Rules

City Attorney Kevin McConnell detailed the process to amend or repeal and replace the Rules. He also presented information contained in the April 5, 2024 Council Rules Subcommittee memorandum, noting that the Council reviewed the Rules in February 2023 and recommended a further review of Rules 2H- Attendance at Meetings, subsections 3&4; Rule 5A- Motions, subsections 1&2; Rule 5D- Public Comment, subsection 6; Rule 8B- Decorum, subsection 4; Rule 8A- Ethics; Rule 8C-Statements to the Media and other Organizations; Rule 8D- Use of Social media and Rule 12E- Travel Policy. The City Attorney set out the Council's reasoning for reviewing each rule.

Initial Review of Council Rules

i) Rules 5D(6)/8B(4)

The City Attorney recommended that Council Rule 5D(6) and 8B(4) be reviewed and amended. Rule 5D(6) states that: "[A]ny person making personal, impertinent, or slanderous remarks, or who becomes boisterous, threatening, or personally abusive while addressing the Council, may be requested to leave the meeting. Applause, boos or other public demonstrations by those attending the Council meeting are considered inappropriate behavior." Rule 8B(4) states that "audience members must abide by the rules of decorum contained in these Rules. No audience member may disrupt the conduct of the meeting , clap, cheer, hoot, holler, gesture, whistle, guffaw, jeer, boo, hiss, make remarks out of turn, use profanity, or the like." The Rule permits the Presiding Officer the authority to immediately rules an audience member out of order and immediately remove that person from the meeting.

The City Attorney explained that as written the rules may capture speech that is protected under the Federal and/or Oregon Constitutions. The City Attorney recommend that the rules be amended to strike protected speech and address only conduct that constitutes an actual disruption of the meeting. After discussion, the Subcommittee directed the City Attorney to draft a proposed amendments to Rules 5D(6), 8B(3) and 8B(4).

ii) **Rule 8A(2)(d)**

Rule 8A(2)(d) prohibits Members of Council from conducting themselves in manner so as to bring discredit upon the government of the City. The City Attorney stated the term “discredit” appeared to be vague and may need to be revised. Councilor Gonzalez agreed. Councilor Hillier questioned if the current language clearly states what would constitute a violation and recommended the Subcommittee consider adding language requiring Councilors to participate in regular ethics training from the Oregon Government and Ethics Commission.

iii) **Rule 5A(1)**

Rule 5A(1) requires that all motions must be distinctly worded. The Council previously questioned whether this rule was necessary. The City Attorney noted this exact language can be found in the League or Oregon Cities Model Rules of Procedure for Council Meetings, and explained that Roberts Rules requires the presiding officer to ensure that motions are clear. The Subcommittee discussed the possibility of amending the rule to clarify its intent.

iv) **Rules 8B(1-2)**

Chair Sacco and Councilor Hillier questioned whether Rules 8B(1-2) clearly set out how the Council Rules are to be enforced in the event of a breach of decorum, particularly when it appears as if the presiding officer is not enforcing the Rules. The City Attorney explained that the Rules require the presiding officer to enforce the Rules and decide all points of order, but that the presiding officer’s decision is subject to appeal by the Council. The Subcommittee requested that the City Attorney provide proposed language that details how the Council would appeal the presiding officer’s decision. In addition, Chair Sacco and Hiller questioned how a Councilor could respond to alleged inaccurate or inflammatory statements made by another Member of Council. The City Attorney stated that language could be added to the Rules to afford aggrieved Members of Council a procedure to address the issue. The Subcommittee directed the City Attorney to draft such language for their review.

v) **Rules 2H(3-4)**

The Subcommittee expressed interest in amending subsections 3 and 4 to allow a Member of Council to attend meetings remotely under certain circumstances. In relevant part the Rules state that the preference is for all Members of Council to attend in person, and that a Member of Council should not attend remotely more than two consecutive meetings. Councilor Hillier provided relevant background for the

Rules, which was to ensure the Members of Council were actually participating in Council meetings. The City Attorney noted that a Member of Council attending remotely who is having technical difficulties or is otherwise not participating in the meeting (e.g., turning off the camera and leaving the room) would not count for purposes of a quorum (which could result in a lack of a quorum necessary to conduct business). After discussion, the Subcommittee directed the City Attorney to provide draft language detailing a procedure to allow for remote attendance under certain circumstances.

vi) **Rules 8C(1-2); Rule 8D**

The City Attorney noted that the Council previously questioned whether these Rules needed to be clarified. Rule 8C(1-2) concerns Member of Council statements to the media and other organizations, while Rule 8D sets out the Council's social media policy. The Subcommittee directed the City Attorney to review these rules to determine whether any changes were necessary due to changes in state law as well as to review other local government council rules for other options.

vii) **Rule 12E**

Rule 12E sets out the City's travel policy for Members of Council. The Subcommittee expressed interest in increasing City funding for normal expenses incurred while Members of Council are carrying out their official duties. In addition, the Subcommittee expressed interest in amending Rule 12E(3)(a) regarding City payment of airfare. Per that rule, the City pays for roundtrip coach airfare, and members of Council are expected to book the least expensive airfare. The Subcommittee expressed interest in amending the rule to allow members of Council to travel comfortably and also account for an individual Member of Council's personal health needs, which is not always possible if the least expensive coach seat is selected. The Subcommittee directed the City Attorney to provide an amended rule for its review.

Next Subcommittee Meeting

The Subcommittee set its next meeting for May 3, 2024 from 10-11:30 a.m.

Adjournment

Chair Sacco adjourned the meeting at 11:06 a.m.

Sherilyn Lombos, City Manager

_____ / Kevin McConnell, Recording Secretary

_____ / Christen Sacco, Chair