



MEMORANDUM

CITY OF TUALATIN

TO: Council Rules Subcommittee

FROM: Kevin McConnell, City Attorney KRM
Signer ID: 2Z1GX00M12...

DATE: April 01, 2024

SUBJECT: COUNCIL RULES SUBCOMMITTEE
APRIL 5, 2024 MEETING

This memorandum is designed to assist the Council Rules Subcommittee (the Subcommittee) in its review of the Council Rules (the Rules). On February 26, 2024, Council appointed a Council Rules Subcommittee to review the Rules and report back with proposed changes, if any. Rule 11A permits the Council to amend its Rules, while Rule 11B permits Council to repeal and replace Rules. An amended Rule must be approved by a majority of a quorum of the Council, and becomes effective at the next Council meeting. Likewise, a Rule that is repealed and replaced with another Rule must be approved by a majority of a quorum of Council; however, a replacement Rule becomes effective 30 days after it is approved.

The Subcommittee is free to review the Rules and recommend changes it deems necessary and/or beneficial. It is of note that the Council reviewed the Rules on February 13, 2023 and identified several that warranted further review:

- **Rule 2H- Attendance at Meetings, subsections 3 & 4.** These Rules state that the preference is for Councilors to attend meetings in person and that no Councilor should attend remotely more than two consecutive meetings. It was discussed that the Council might want to amend, given the ease in which Councilors can fully participate in Council Meetings remotely.
- **Rule 5A- Motions, subsections 1&2.** These provisions require motions to be “distinctly worded” and that the Presiding Officer must repeat the motion prior to a vote. It was discussed that these provisions feel very prescriptive, perhaps more so than necessary.

- **Rule 5D- Public Comment, subsection 6; Rule 8B- Decorum, subsection 4.** These provisions limit types of speech permitted in a Council Meeting and allow the Presiding Officer to remove a community member engaging in prohibited speech from the meeting. The City Attorney will discuss issues with these provisions at the Subcommittee meeting and set out possible alternatives.
- **Rule 8A- Ethics.** The Council discussed possible updates due to changes in state law.
- **Rule 8C- Statements to the Media and Other Organizations and Rule 8D- Use of Social Media.** Council opined that these provisions may need to be clarified and/or cleaned up.
- **Rule 12E- Travel Policy.** Council questioned whether these provisions could be made more concise and if other local governments had provisions that could work in Tualatin.

The Subcommittee may want to engage in a review of the provisions above as well as identify any other Rules in need of review and/or revision. During the course of your meetings, Subcommittee members may find the following documents helpful in its review of the Rules:

- League of Oregon Cities Model Rules of Procedure for Council Meetings:
<https://www.orcities.org/application/files/7316/9222/9843/ModelRulesofProcedureforCouncilMeetings-updated8-15-23.pdf>
- Lake Oswego City Council Rules of Procedure:
<https://www.ci.oswego.or.us/citycouncil/rules-procedure>
- Beaverton City Council Rules of Procedure:
<https://beaverton.municipal.codes/BC/2.11.075>
- Gresham City Council Rules:
<https://greshamoregon.gov/WorkArea/DownloadAsset.aspx?id=2740>
- Hillsboro City Council Rules: <https://www.hillsboro-oregon.gov/home/showdocument?id=1138>
- Tigard City Council Team Agreement: [5108_City_Council_Team_Agreement.pdf](#) ([destinyhosted.com](#))
- Tigard City Council Rules: (Attached as additional document)

- Western City Article – “Establishing a Code of Conduct to Guide your Council”:
<https://www.westerncity.com/article/beyond-ethics-establishing-code-conduct-guide-your-council>

I look forward to our April 5 meeting, and feel free to reach out to me directly with any questions.

Tigard City Council

Ground Rules

The City Council's Ground Rules play an important role in ensuring the Mayor and Councilors have a common understanding and collective agreement on working together in the spirit of partnership. Coupled with the City Council's Team Agreement, the two documents provide consistency and clarity on expectations to effectively govern the City.



1. Communications

a. Responses to the Public

- i. All public statements, information, or press releases should be handled by the Mayor, City Manager, or designee.
- ii. Councilors may respond to community requests for information.
- iii. When sharing information, it is important to be clear whether the Councilor is stating personal opinions or sharing the majority position of the Council.
- iv. Only the City Council as a body can make promises or commitments on behalf of the City.

b. Social Media

- i. All content on social media accounts used for City business is considered public record.
- ii. Any social media account on which the Mayor/Councilor posts information about City business, or information that might be construed by the public as being about City business, must be archived by the City and treated in accordance with Oregon Public Records Law.
- iii. All posts on social media regarding a decision potentially before Council should include a disclaimer that the views expressed represent the views of the author and not the views of the Tigard City Council.
- iv. When commenting on another Mayor/Councilor's social media post regarding a decision potentially before Council, Mayor/Councilors should be mindful of Public Meetings Law.



c. Communications with the Organization

- i. The City Council respects the separation between the policy making (Council function) and administration (City Manager function) and strives to work with City teammates in the spirit of partnership, mutual respect, and support.
- ii. The City Council respects the professional duties of the City Manager and City teammates.
- iii. The City Council relies on the City Manager to direct the administrative functions of the organization and will refrain from interfering with the team’s ability to implement policy decisions, including directing the work of teammates.

d. Representing the City 24/7

- i. If a member of the City Council appears before another governmental agency or organization to give a statement on an issue, the member should state:
 - 01. Whether the statement reflects personal opinion or is the official position of the City; and
 - 02. Whether the statement is supported by a majority of the Council.
- ii. If the member is representing the City, the member should support and advocate for the official City position on the issue rather than a personal viewpoint.



2. Council Liaison Roles

- a. **A Council Liaison maintains a critical connection between the City Council and a designated committee, advisory board, or task force. The primary purpose is to facilitate communication between the Council and appointed member groups.**
- b. **From time to time, the Council may appoint ad hoc committees or task forces to help address various topics or issues facing the City and appoint a Councilor(s) to serve as a liaison.**
- c. **The liaison plays a key role by working with City teammates to share committee recommendations with the rest of the Council during their regular Council reports.**
- d. **It is important for the liaison to share Council feedback with the committee they are assigned. The City Council should carefully balance their participation with empowering the volunteer members to share their diverse perspectives.**



3. Administering the Council Ground Rules

- a. **All members of the City Council will review the Ground Rules and sign an agreement to comply with the rules.**
- b. **If the Mayor or a Councilor perceives one of the rules to be violated, they should first address the concern with the individual, consult with the Mayor or City Manager, and as a last resort request an item be placed on a City Council agenda to determine the next steps for resolution.**