



City of Tualatin

CITY OF TUALATIN Staff Report

TO: Honorable Mayor and Members of the City Council
THROUGH: Sherilyn Lombos, City Manager
FROM: Sean Brady, City Attorney
DATE: March 23, 2020

SUBJECT:

Consideration of Ordinance No. 1433-20, an Ordinance Relating to Public Meetings; and Amending Tualatin Municipal Code Chapter 1-04.

RECOMMENDATION:

Staff recommends Council adopt Ordinance No. 1433-20.

EXECUTIVE SUMMARY:

In 1973, the State of Oregon passed the Oregon Public Meetings Act, which enacted requirements related to the giving of public notice, and other provisions, for all public meetings in Oregon, including Tualatin's public meetings. That same year Tualatin adopted Ordinance No. 228-73, codified in Tualatin Municipal Code Chapter 1-4, to implement the Public Meetings Act requirements. While the State Public Meetings Act has been amended since 1973, Tualatin's ordinance has not. As a result, Tualatin's Municipal Code with respect to public meetings is not in harmony with State law.

Under Tualatin's code, Special Meetings in Tualatin require 48 hours advance notice and no emergency exception exists. In contrast, Oregon's Public Meetings Law (ORS 192.660 et seq.) requires 24 hours advance notice of Special Meetings, and it contains emergency exceptions where meetings can be called with less than 24 hours notice if an actual emergency is present.

The impact of Tualatin's current code is that the City Council cannot hold an emergency meeting with less than 48 hours notice. This makes it extremely challenging for the Council to respond to arising and ongoing emergency situations.

Ordinance No. 1433-20 proposes to delete the Special Meetings section in TMC 1-4, as well as the definitions section, to harmonize TMC 1-4 with Oregon's Public Meetings law. Adopting the Ordinance would result in Tualatin being able to call any Special Meeting with 24 hours advance notice, as well as to hold Special Emergency Meetings with less than 24 hours advance notice if an actual emergency is present. The Ordinance also contains an emergency clause making the Ordinance effective immediately upon adoption.

A corresponding resolution, Resolution No. 5486-20, is also being proposed to amend Council Rule 2(B)(3) and 2(C)(3) to delete the term "48 hours" and replace with the term "24 hours."

OUTCOMES OF DECISION:

Passing the Ordinance harmonizes the City's code with Oregon's Public Meetings law.

Not passing the Ordinance maintains the current 48 hour advance notice requirement for Special Public Meetings, including Emergency Meetings.

ALTERNATIVES TO RECOMMENDATION:

FINANCIAL IMPLICATIONS:

None.

ATTACHMENTS:

Ordinance No. 1433-20