

City of Bend Council Rules Subcommittee Minutes
August 21, 2017

1. Call to Order

The meeting of the Council Rules Subcommittee was called to order at 3:04 p.m. on Monday, August 21, 2017, in the Awbrey Butte Conference Room at Bend City Hall, 710 NW Wall. Present were committee members Mayor Casey Roats, Councilors Bruce Abernethy and Bill Moseley.

Also present: Eric King, City Manager, Mary Winters, City Attorney, Richard Coe, Bend Bulletin.

2. Review of Council Rules

Ms. Winters opened with discussion on minor changes Ian Leitheiser made to the rules. Mr. King has added a Council Goals section. An additional email will be provided by Ms. Winters for input/thoughts, and to go through the code.

Ms. Winters reviewed the proposed changes.

Media Statements

Councilor Moseley raised questions on how Councilors should be representing themselves as elected officials when they may have varying views.

Ms. Winters stated that it is fine to give a personal statement vs. actually being asked Council's position. Nothing in the rules prohibits a Councilor from expressing a personal opinion.

The group discussed use of social media. The social media policy should be separate.

Councilor Moseley cautioned when speaking on behalf of the city, to be clear on Council's overall position.

Councilor Abernethy shared an example following the Transportation Strategy Session. He disagreed with a statement Councilor Moseley posted on Facebook. He didn't think it was accurate.

Ms. Winters stated that Council Rules haven't caught up with social media.

Liaisons

Ms. Winters noted a small change regarding the Mayor appointing a council member and an alternate to act as a liaison. Councilors will inform the Mayor of interest.

Councilor Abernethy noted he overstepped his role at the Charter Review Committee.

Mayor Roats noted the importance of reviewing rules when new council members are brought onboard.

Mr. King explained that by establishing goals, they include statements for explaining Council's position. Liaison to a neighborhood association is a different role than that of liaisons to appointed committees. The group requested Ms. Winters add more structure on the liaison role to communicate expectations through the approved goals, objectives and work plan.

Agenda

Ms. Winters stressed this is probably the most important section. She reviewed proposed changes to land use items. Action items is defined. The Mayor is to meet with the City Manager for scheduling. She didn't want to take away complete flexibility, but if an item needs action, it should be put on agenda as a formal motion, which may include work session, and additional staff time. This takes out the seven days notification, which gives flexibility for any Councilor to get something on the work session agenda.

Councilor Abernethy questioned number three, and requested to soften the language regarding "action item." He said this felt like a vote before a topic has been vetted.

Mr. King gave an example of the vacation rental issue on Theater Drive. In this case, he needed to make sure there were four Councilors that wanted to make the change. This wouldn't require a work session since it is clean-up.

Councilor Moseley asked for clarification in paragraph one, determination of agenda items. An elected official should be able to trump a staff position. He agreed it should start with the City Manager but ultimately an elected person should determine what's on the agenda.

Ms. Winters asked about logistics. Without a directly elected or paid Mayor, it would be difficult to always make the determination of what goes on the agenda.

Mr. King stated that 90% of what's on agenda has to go on because it's official business. In practice, the Mayor reviews the agenda before it's published.

Mr. King summarized that they would change the language to add that the Mayor determines scheduling and approves agenda items.

The discussion returned to part three, how the agenda is set.

Mayor Roats asked to make the rules strict about contacting staff directly. He didn't want staff responding to one Councilor if there's not a majority. Ms. Winters stated that issues should go through the City Manager.

Mr. King commented that any Councilor can get something on the agenda. It's just subject to scheduling.

Mayor Roats encouraged more dialogue among Councilors. Topics should be raised at the first work session of the month.

Mayor Roats stated that he doesn't hear back from 95% of people when putting some work into their questions and concerns. He wanted to make sure we have process to ensure support and give Council time for reflection.

Councilor Moseley noted Paragraph 2, and that work sessions are already jammed. Scheduling shouldn't be used as a tool to indefinitely postpone someone.

Councilor Abernethy suggested if there was unanimous support an item can be scheduled sooner, if not there may be a longer process. Ms. Winters suggested that items with unanimous support could move forward immediately.

Councilor Abernethy asked on what grounds will the City Manager and Mayor move items forward. Mr. King answered with the legislative agenda, and suggested if something is not on the agenda, to have it put on within three meetings.

Mayor Roats wants to ensure energy is not spent on things going nowhere. It still takes four Councilors to move something forward following a work session.

Mr. King referenced the climate action ordinance. This process would require an initial request, a work session, then with support of four Councilors, a regular agenda item.

Ms. Winters clarified that Council can change the agenda with a motion. Things should be noticed.

Mayor Roats noted currently there is a low barrier to entry for people to get in front of Council. Councilor Moseley added that this is a courtesy to public.

Ms. Winters referenced the Charter stating that "Question before Council" isn't defined. The Charter requires four Councilors for a decision.

Mayor Roats recommended having the Mayor at City Hall to deal with issues and better understand staff workload.

Mr. King requested to go back to page 4, #7 to add clarifying language, "or these rules."

Ms. Winters stated that Council can go to executive session during any noticed meeting.

Mayor Roats summarized that these changes will not preclude the full Council from taking an action item forward. Any Councilor can make a request to have something included in the work session.

Mr. King reminded that any Councilor can get anything on a work session. If a Councilor wants to get an action item on the agenda, it needs four Councilors in agreement.

Mayor Roats asked to use the allocated block of time each month, and Council should be more aware of how many requests Council is taking on.

Ms. Winters referenced the downtown presentation, and code change to pathways. She was unclear on parking, which is a policy decision. It would be helpful to have a work session at the beginning of month to understand Council's priorities.

Councilor Abernethy suggested that work plan is better phrasing than work session. The first work session of each month can be used for reviewing the work plan for future months.

Mayor Roats stated that it's not appropriate for Council to sit through issues for one Council member. He would prefer an email to the City Manager's Office, with a request to discuss at the next 1-2 work sessions. He doesn't want an individual Councilor's issues to take up precious time. A political body should be able to lobby each other instead of going straight to Mr. King or Ms. Winters.

Ms. Winters cautioned this might be perceived as shutting down the minority to get on the work session.

Councilor Moseley commented he is conflicted on this issue. It is a democracy, people have a right to be heard. He preferred to set a low bar for adding items.

Mayor Roats questioned what this would preclude. Ms. Winters answered that there is additional power in the rules for the Mayor. There is still a lot of flexibility to shut down discussion.

Councilor Abernethy is in agreement that the Mayor has veto power on scheduling. Any Councilor should be able to request a topic for one work session.

Mr. King noted that what Mayor Roats is articulating is good. It will help manage expectations, but not make it a stifling, process-oriented issue.

Mayor Roats noted that the Mayor is the ultimate approver of the agenda, but the majority can overrule if needed.

Proclamation Policy

Ms. Winters noted the shortened proclamation policy per Robyn Christie is on page 10.

Work Session

Ms. Winters reviewed the work session section, clarifying the intent of questions and informal discussion.

Councilor Abernethy asked to change the language to Mayor, not Council.

General Order of Business

Ms. Winters commented on Page 11, general order of business.

Councilor Abernethy suggested a maximum of 20 minutes to keep Council time efficient.

Mayor Roats commented that as a goal, Councilor's should keep items and discussion to three minutes. Councilor Mosely said that motions should not be raised.

Ms. Winters commented that it may be a problem to have to make motions out of executive session. She suggested five minutes and adding, "Generally motions are inappropriate unless directed out of executive session."

The group agreed that the goal should be three minutes.

Councilor Moseley asked to have updates of projects more than \$2 million.

Mr. King noted there is a monthly report from EIPD, it would be up to Council to request specific updates. He would like to do quarterly CIP updates, but it often gets moved down on the level of importance.

Ms. Winters suggested putting Council business after the public hearings. Mr. King noted that we currently don't have Council business on agenda. Does Council want to? Ms. Winters suggested to list the item, including CIP updates.

Mr. King noted the CIP can be put on the consent agenda and can be removed if Council wants to talk about it.

Councilor Moseley asked if it is appropriate to ask committees to make recommendations similar to the Affordable Housing Committee. He asked if there is a specific time to hear from groups.

Mr. King noted it has been put under goals under a new section on page 22, Section H. He proposed quarterly check in meetings connected to Council goals.

Ms. Winters added the recommendations.

Mobile Devices

Councilor Moseley asked about the mobile device section. Mr. King replied it's a holdover from a previous Council that did lots of texting during meetings.

Mayor Roats noted that he is often on-call, and the language doesn't preclude Council from taking urgent communications.

Roll Call

Ms. Winters referred to section 17, Roll Call. She asked how attached Council is to roll call votes during resolutions.

Council agreed to remove it.

Goal Setting

Ms. Winters reviewed the proposed Goal Setting section.

Mr. King noted this is a first attempt to outline the process. This outlines the process with the budget. It includes seeking input from interested parties. Minimum day-long goal setting. The goals will include performance metrics. A timeline is included.

Councilor Moseley asked if it is possible to start seeking input before Councilors are sworn in. Mr. King said that there is a Council orientation before a Councilor is sworn in but not a way to take direction before they take office.

Councilor Moseley questioned what this is trying to do for the overall big picture. Mr. King answered the process is different based on the Council.

Summary

Ms. Winters noted that they still needed to cover the ordinance, social media policy, and how to move these recommendations through Council. They will schedule another meeting for 45 minutes to an hour.

Mr. King summarized the changes:

- Clarify how the rules apply to the City Manager review,
- Change liaison role to include Council Goals,
- Clarify how items are placed on the agenda, items will be placed on the work session within three meetings, review and approval of agenda items by the Mayor,
- Strike seven days for requests,
- Add CIP update to the agenda,
- Add a goal to keep Council action and reports to 3 minutes.

3. Adjournment

The meeting adjourned at 4:40 p.m.

Respectfully submitted,

Robyn Christie, City Recorder

/EB