Background: Chapter 3.02 in the Portland City Code sets out the organization of City Council and its meeting procedures. The current Chapter could benefit from improved organization and clarity. This draft: (1) incorporates changes required by the new Charter; (2) reorganizes the Chapter and makes it easier to find information; and (3) uses plain language.

Chapter 3.02 Council Organization and Procedure

3.02.010 Council Meetings.

A. Quorum Requirement.

1. Seven Councilors is a quorum. A quorum is required to conduct official Council business, except that less than a quorum may:

    a. Adjourn or recess a meeting; or

    b. Compel the attendance of the other Councilors.

2. If there is no quorum, the Councilors in attendance will adjourn to a fixed time or until the next scheduled regular meeting.

3. The Auditor records when a Council meeting is cancelled for lack of a quorum and the date and time when items scheduled for the cancelled meeting will be considered. The Auditor provides notice of the rescheduled date and time.

B. Telephone and Virtual Attendance.

1. Councilors may attend meetings by telephone or virtually.

2. Councilors who attend by telephone or virtually must notify the Auditor prior to the meeting or as soon as reasonably practicable. The Auditor must make reasonable efforts to notify all Councilors when some or all Councilors are expected to attend by telephone or virtually.

3. Except for an executive session, the Council will make available at least one place where, or at least one electronic means by which, the public can listen to the meeting at the time it occurs. ~~The~~ If a place is provided, it may be a place where no Councilors are physically present. All other requirements of City Code and state law concerning the conduct of meetings by telephone or virtually must be met.

C. Regular Meetings.

1. Time. A regular meeting will be held at least two times per calendar month, including the first week of January following each general election. Council may adopt a schedule by ordinance. If Council does not adopt a schedule, meetings will be held on the first Wednesday of the month at 9:30 a.m. and the third Wednesday of the month at 6:00 p.m. A recessed session of a Wednesday meeting will be held at 2:00 p.m. on that Wednesday or the following Thursday at 2:00 p.m. When a meeting falls on a legal holiday, the meeting will be held on the next succeeding business day at the same hour or, upon motion adopted by Council during a regular meeting at least 14 days prior, on the day and at the time designated by Council.

2. Location. A regular meeting will be held in Council Chambers. Council may designate the location(s) of Council Chambers by ordinance. A meeting may, upon motion adopted by Council during a regular meeting at least 14 days prior, be held at a place other than Council Chambers, but the place must be within the City and satisfy public meeting requirements.

D. Special Meetings.

Special meetings may be held at any time upon a request delivered to the Auditor signed by seven Councilors or ~~signed by six Councilors and~~ the Mayor, with the written consent of six Councilors. The Auditor must electronically deliver notice of the meeting to each Councilor and to interested persons and post the notice on the City's website. The notice must include the meeting time, location, and a summary of items anticipated to be considered. Notice must be delivered and posted at least 24 hours before the meeting.

E. Emergency Meetings.

1. The Council President, the Council Vice President, any four Councilors or the Mayor may call an emergency meeting with less than 24 hours' notice under any of the following circumstances:

    a. A disaster ~~has occurred~~ or ~~is~~ imminent disaster;

    b. An emergency affecting or tending to affect the public health or safety;

    c. War or hostile enemy action;

    d. A civil defense alert on the immediate possibility of enemy action;

    e. An emergency declared by the Governor; or

    f. An emergency declared by the President of the United States.

2. The notice requirements for special meetings do not apply, but the person(s) calling the emergency meeting must notify as soon as reasonably practicable:

~~(i)~~ a. every other available Councilor, the Mayor, the City Administrator, and the Auditor; and

~~(ii)~~ b. the media and other interested persons.

3. No emergency meeting may be held without the Auditor ~~or the Auditor's designee~~, who acts as the clerk and keeps a full and complete record of the meeting. ~~-~~The minutes must describe the emergency justifying less than 24 hours' notice.

4. An emergency meeting is in session upon the attendance of a quorum. Only written ordinances or resolutions connected to the emergency, a copy of which must be submitted to the Auditor before Council acts on the item, may be considered. Charter provisions relating to Council's legislative acts apply to any ordinance passed at an emergency meeting.

5. An emergency meeting may be held at a place other than Council Chambers, but the place must be open to the public and the meeting must satisfy public meeting requirements.

3.02.020 Council Agenda.

A. Notice.

At least 24 hours before each meeting, the Auditor posts the agenda on the City's website and distributes it electronically to interested persons.

B. Item Submission.

1. Any Councilor, a committee of the Council, the Mayor, or the Auditor may submit an item. The President will review each item and recommend whether the item should be considered immediately by the full Council or referred to a particular committee. The Council ~~will~~may approve~~, and~~or may amend, the President's recommendations as provided in Subsection C.2. of this Section.

2. Items and all associated documents must be submitted to the Auditor before 12:00 p.m. each Tuesday of the week preceding the meeting except when otherwise required due to a legal holiday. In this event, the Auditor gives notice to the Council, Mayor, and interested parties of the revised submission deadline.

3. The ~~President~~Auditor, in coordination with the ~~Auditor~~President, has discretion to ~~ensure when~~determine that an item is complete.

~~3~~4. The President, in coordination with the Auditor, has discretion to determine ~~and~~ the meeting ~~when the~~ at which a complete item will be heard and must place complete items on an agenda in a timely manner.

~~4~~5. If an item includes exhibits, the exhibits are incorporated into the item as if the exhibits were set out in full in the text of the item~~verbatim~~.

~~5~~6. The City Attorney must approve contracts and amendments to contracts, amendments to Code and Charter, amendments to the Comprehensive Plan, and easements before those items are placed on the agenda.

C. Order of Business.

Items on the consent and regular agendas are heard in the following order. However, before publication of the agenda, the President, in coordination with the Auditor, may order the agenda to best use Council time.

1. Agenda Approval. The affirmative vote of at least a majority of Councilors in attendance is required to approve the agenda, to reorder items on the agenda, or to add an item to the next meeting's agenda.

2. President's Recommendations. The affirmative vote of at least a majority of Councilors in attendance is required to approve or amend the President's recommendations under Subsection ~~(~~B.~~)~~(1.~~)~~ of this Section.

3. Public Communications to Council~~Comment~~.

    a. A request to address Council must be submitted to the Auditor in writing and state the nature of the comment and the requester's name.

    b. The Auditor notifies the requester of the date they will be heard by Council. Only five comments are heard per meeting. Requesters are limited to one comment per calendar month. Public comment is normally heard at the beginning of the regular agenda. ~~-~~Each requester has three minutes~~, but~~ and may also submit written materials before or at the meeting.

4. Time Certain Items.

    a. Time certain items must be so designated.

    b. A written request must be made to the President and Auditor in accordance with administrative rule.

    c. ~~-~~The Auditor, in coordination with the President, schedules the item and informs the office requesting the time certain designation.

    d. Items will be considered as close to the designated time as possible.

    e. Appeals of land use decisions or other land use matters requiring a hearing under Charter or state law must be time certain items.

5. Consent Agenda.

    a. Consent agenda items must be so designated.

    b. Any item may be placed on the consent agenda except land use appeals, land use matters requiring a hearing and increases in budget appropriations.

6. Regular Agenda.

    a. Appropriation ordinances.

    b. Emergency ordinances.

    c. Second reading of non-emergency ordinances.

    d. First reading of non-emergency ordinances.

    e. Resolutions.

    f. Reports.

        (1) Council Committees.

        (2) Mayor, City Administrator or Auditor.

        (3) Volunteer Boards or Commissions.

D. Nine-Twelfths Agenda.

1. ~~-~~The Auditor prepares a supplementary agenda, known as the ~~Nine-Twelfths~~nine-twelfths agenda, containing a summary of items submitted not later than noon on the preceding Tuesday for consideration at the following meeting.

2. The written consent of at least nine Councilors, each of whom must be present when the item is considered, is required to consider an item on the ~~Nine-Twelfths~~nine-twelfths agenda.

E. Suspension of Rules.

Items not on the agenda may be considered at any meeting if Council suspends the rules by the affirmative vote of at least nine Councilors.

3.02.030 Council Actions

A. Non-Emergency Ordinance.

1. Procedure.

a. A non-emergency ordinance has two public readings of its title.

b. Except as provided in the Charter for ordinances granting a franchise, at least five days must pass between the introduction and passage of a non-emergency ordinance. A non-emergency ordinance cannot be amended within five days of its passage.

c. Public testimony is three minutes per person unless the presiding officer specifies another time, and testimony is limited to the first reading unless the presiding officer states otherwise on the record at the end of testimony at the first reading.

2. Vote Requirement.

a. Quasi-Judicial Matter. At least seven affirmative votes are required to pass or seven negative votes are required to deny an ordinance approving, approving with conditions, or denying a quasi-judicial matter for which an application or appeal fee has been paid. ~~If there is a tie vote, and the Mayor's vote would be decisive, the Mayor may participate; otherwise, t~~The item may be continued to the next regular agenda or as directed by the Council.

b. Not a Quasi-Judicial Matter. Except as otherwise provided in the Charter and Subsection a. above, at least seven affirmative votes are required to pass an ordinance. ~~-~~If there are fewer than seven affirmative votes~~is a tie vote~~, the ordinance fails.

c. At least seven affirmative votes are required to amend an ordinance prior to passage.

3. Effective date.

a. A non-emergency ordinance takes effect ~~thirty~~30 days after passage unless the ordinance sets a later date or as provided in Subsection b. below. The filing of a referendum petition suspends the effective date.

b. Ordinances making appropriations and the annual tax levy and ordinances relating to local improvements and assessments take effect immediately upon passage unless the ordinance sets a date less than ~~thirty~~30 days after passage.

B. Emergency Ordinance.

1. Procedure.

a. An emergency ordinance has one public reading of its title.

b. The ordinance will state that an emergency exists and specify the facts or reasons constituting the emergency.

c. Public testimony is three minutes per person unless the presiding officer specifies another time.

d. The asterisk symbol will precede the ~~agenda number~~title of each emergency ordinance.

2. Vote Requirement. At least nine affirmative votes are required to pass an emergency ordinance. At least seven affirmative votes are required to amend an emergency ordinance prior to passage.

3. Effective Date. Emergency ordinances take effect immediately upon passage unless the ordinance sets a date less than ~~thirty~~30 days after passage.

C. Franchise Ordinance.

1. Procedure. Procedures will be consistent with the Charter.

2. Vote Requirement. At least nine affirmative votes are required to pass an ordinance granting a franchise. At least seven affirmative votes are required to amend a franchise ordinance before its passage.

3. Effective Date. An ordinance granting a franchise takes effect ~~sixty~~60 days after passage unless the ordinance sets a later date. The filing of a referendum petition suspends the effective date.

D. Resolution.

1. Procedure. A resolution has one public reading of its title. Public testimony is three minutes per person unless the presiding officer specifies another time.

2. Vote Requirement. At least seven affirmative votes are required to pass a resolution or to amend a resolution before passage.

3. Effective Date. A resolution becomes effective immediately upon passage unless the resolution sets another date.

E. Report.

1. Procedure. The presiding officer determines whether public testimony is received and the amount of time for each person to testify.

2. Vote Requirement. At least seven affirmative votes are required if acceptance of a report is requested. ~~-~~No vote is required on informative reports which request no Council action; informative reports are placed on file.

3. Effective Date. Acceptance of a report is effective immediately upon acceptance.

F. Quasi-Judicial Land Use Decision.

1. Procedure. Quasi-judicial land use procedures are governed by Title 33 and are identified in the mailed notice for the hearing.

2. Vote Requirement. At least seven affirmative votes are required to deny or affirm an appeal of a quasi-judicial land use decision and to adopt the findings, conclusion, and order.

3. Effective Date. The effective date of a quasi-judicial land use decision is identified in Title 33.

G. Consent Agenda.

1. Procedure.

a. An item may be removed by a Councilor or any person. A request to remove an item must be made to the Auditor either prior to the meeting or at the meeting but before the vote on the ~~Consent Agenda~~consent agenda. A removed item will be considered individually at the same meeting.

b. The vote is a single Council vote without reading the titles of individual items. Items are not subject to amendment or debate.

2. Vote Requirement. The unanimous vote of all Councilors in attendance, and no less than nine Councilors, are required to approve the ~~Consent Agenda~~consent agenda.

H. Nine-Twelfths Agenda.

1. Procedure. The procedure is the same as the procedure for the type of item.

2. Vote Requirement. The vote requirement is the same as the requirement for the type of item.

I. Ordinance Objection.

1. Within ten days after passage of an ordinance that does not take effect immediately, any three Councilors may submit a written objection to the Auditor. The objection will be considered and voted on at the next regular meeting.

2. If at least seven affirmative votes sustain the objection, the ordinance is repealed and does not take effect unless again passed in the same manner as a new ordinance.

3.02.040 Council Rules.

A. President and Vice President Election.

1. At the first regular meeting of the year, whenever the position of President or Vice President becomes vacant, or oftener at Council's option, the Council elects from its members a President and Vice President by majority vote of those in attendance.

2. The Vice President must be from a different district than the President unless no Councilor from another district is willing to serve.

3. The President or Vice President may be removed by the affirmative vote of at least nine Councilors.

~~3~~4. The position of President or Vice President becomes vacant if the President or Vice President resigns the position, ~~or~~ vacates their Councilor seat, or is removed.

~~4~~5. At the first meeting in 2025 and until the first President is elected, the Auditor, through the Council Clerk and assisted by legal counsel, will serve as a non-voting *ex officio* presiding officer to facilitate the election of the first President.

B. President and Vice President Duties.

1. The President is the presiding officer and will:

a. Promote efficient Council operations, including the coordination and submission of agenda items to the Auditor, recommend whether submitted items are referred to the full Council or a committee, and assist in preparing the agenda.

b. Preside over Council meetings, including the preservation of order and decorum. The President:

(1)~~1.~~ Assigns seats in Council Chambers.

(2)~~2.~~ Sets limits for public testimony.

(3)~~3.~~ Speaks to points of order before other Councilors. Decides questions of order subject to an appeal to the full Council by three Councilors. A Councilor called to order must immediately stop talking, but may ask the Council to rule without debate on the question of being able to continue talking.

(4)~~4.~~ Names who speaks first when two or more Councilors speak at the same time.

(5)~~5.~~ Allows ~~everyone~~ each Councilor to speak once on an item until every Councilor choosing to speak has spoken unless the requested speech is necessary for others to understand the issue being considered.

(6)~~6.~~ Ensures Councilors confine themselves to the question under debate and refrain from personal criticism.

(7)~~7.~~ Allows sufficient time for an amendment before ordering a ~~role~~roll call vote. No amendment may be made during the vote.

c. Sign items accepted by and requiring execution or agreement by Council.

~~d. Serve as the primary point of contact between Council and the Mayor and City Administrator.~~

2. The President may delegate any duties to the Vice President during the President's absence or at the President's discretion.

3. The Vice President acts as the presiding officer at Council meetings in the President's absence. ~~-~~If the position of President is vacant, the Vice President acts as President until Council elects a new President.

4. When a quorum attends a Council meeting, but the President and Vice President are absent, the presiding officer will be:

a. The Councilor who most recently served as President; or

b. ~~-~~If no Councilor in attendance served as President, the Councilor who most recently served as Vice President; or

c. If no Councilor in attendance served as President or Vice President, the Councilor from the same district as the President whose last name is first in alphabetical order.

C. General Rules of Procedure.

1. The Committee Chair or elected official submitting an item speaks first on the item.

2. Voting Order. In roll call votes, the presiding officer votes last. Other Councilors vote by district in numerical order, then by alphabetical order of last name within each district. The district order is rotated the first day of each calendar quarter, with the previously first district rotated to the last position.

3. Suspension of Rules. At least nine affirmative votes, or the unanimous consent of the Council with at least nine members in attendance, are required to suspend a rule in this Chapter; however, Council may not suspend a rule that reflects a Charter provision.

D. Motions.

1. A motion is only considered if it is seconded. If a motion is seconded, the presiding officer clearly states the motion before debate and, if requested by a Councilor, has the motion reduced to writing.

2. Only the following motions, considered in descending priority with Subsection 2.~~i~~a. having the highest priority, may be made when a question is under debate:

   a.~~i.~~ Lay the matter on the table ~~(this motion is decided without debate)~~;

   b.~~ii.~~ Call for the previous question;

   c.~~iii.~~ Postpone to a date certain or postpone indefinitely;

   d.~~iv.~~ Refer to a committee; or

   e.~~v.~~ Amend.

3. A Councilor may withdraw their motion at any time before an amendment is made to it or, if no amendment is made, before a vote is taken on it.

4. A motion with several elements may be divided. But the Councilor who made the initial motion may designate which element is voted on first.

5. A motion to call the question requires an affirmative vote of at least a majority of Councilors in attendance.

6. Motion for Reconsideration.

   a. ~~-~~A Councilor who voted with the prevailing side may move for reconsideration. Any Councilor may second the motion.

   b. A motion for reconsideration may only be made once per item.

   c. The motion must be made before the adjournment of the meeting when the item was considered by Council.

   d. The prevailing side for purposes of moving to reconsider an emergency ordinance is the side which prevented the emergency ordinance from passing.

7. A motion to recess, adjourn, or compel attendance requires an affirmative vote of at least a majority of the Councilors in attendance. A motion to adjourn is decided without debate. If a motion to adjourn has been put to a vote, and failed, it is not considered again until some other business has been considered.

E. Robert's Rules of Order.

Robert's Rules of Order Newly Revised resolves procedural questions not covered by these rules.

3.02.050 Council Committees

A. Formation. By resolution, Council may form and terminate standing, special, or other committees to assist Council's legislative function. The resolution specifies the subject matter, duties, membership, and chair of each committee.

B. Authority. A committee has only those duties delegated by Council resolution. No committee has authority to make decisions that bind the Council or the City. Committees are advisory bodies to the Council and may only make recommendations upon matters referred to them by the Council, and all such recommendations are subject to Council's final determination.

C. Membership. Committees must be composed of less than a quorum of Council. A committee generally consists of four ~~or more~~to six Councilors, with at least one Councilor but no more than two from each district. A quorum is a majority of committee members.

D. Rules. Council may adopt committee rules and procedures by resolution.

E. After an item has been referred to a committee, the Council may withdraw the item and return it to the full Council by an affirmative vote of at least seven Councilors.

~~3.02.060 Auditor Authority.~~

~~The Auditor is authorized to adopt rules, procedures and forms to implement the provisions of Chapter 3.02. "Auditor" in Chapter 3.02 means the Auditor or the Auditor's designee.~~

3.02.06~~7~~0 Rules of Conduct at City Council Meetings, Ejection and Exclusion.

A. To preserve order and decorum, the presiding officer or designee may direct that any person who disrupts any Council meeting, or any person who engages in dangerous or threatening behavior, after first having been warned to cease and desist from such disruption or dangerous or threatening behavior, be ejected or excluded from Council Chambers or such other place as the Council may be in session.

B. ~~-~~For purposes of this Section, an ejection is an order made by a Person-in-Charge to immediately leave the meeting, and an exclusion is an order made by the City Administrator or their designees prohibiting a person from entering or remaining at future meetings for a specified period of time.

C. The presiding officer or designee may rely on information provided by any Councilor, the Mayor, City Administrator, City staff or Person-in-Charge as designated in Code Section 3.18.010 who is physically present at the Council meeting that a person has disrupted the meeting or engaged in dangerous or threatening behavior~~for purposes of Code Section 3.02.060~~.

D. Ejection or exclusion shall be issued in the following manner:

1. -The presiding officer or designee will give a warning to the person engaging in disruptive, dangerous, or threatening behavior. If the person engaging in disruptive, dangerous, or threatening behavior does not cease that behavior following the warning, the presiding officer or designee will issue an ejection. An ejection shall be for the remainder of the session at which the disruptive, dangerous, or threatening behavior has occurred.

2. -For purposes of this Section, a person disrupts a meeting of the Council if the person engages in any conduct that obstructs or impedes the orderly carrying on of the business of the meeting. -Such conduct includes, but is not limited to: any conduct that substantially prevents any other person from hearing, viewing or meaningfully participating in the meeting; any conduct that substantially interferes with ingress or egress to or free movement within the Council Chambers or such other place as the Council may be in session; shouting over, or otherwise disrupting, any person who is recognized by the presiding officer; any conduct that substantially interferes with City business conducted by City staff present at the session; or failure to obey any reasonable direction of the presiding officer.

3. A direction of the presiding officer is reasonable if it is reasonably related to maintaining order and decorum. -A direction of the presiding officer is not reasonable if it is directed to speech or conduct the right to engage in which is, under the circumstances, protected by the federal or Oregon constitution.

4. For purposes of this Section, behavior is dangerous or threatening if a reasonable person, exposed to or experiencing such behavior, could believe that the person was in imminent danger of physical harm from the behavior. -Notwithstanding the provisions of this Section, if the presiding officer reasonably believes that a person's dangerous or threatening conduct constitutes an emergency, the presiding officer is not required to give the person a warning before ordering the person ejected.

E. If a person has previously been ejected for dangerous or threatening behavior before the Council within 1 year before the date of the present ejection, or for disruptive behavior on three or more separate occasions within 1 year before the date of the present ejection, the person shall be excluded from Council meetings for 30 days. Written notice of such exclusion shall be given as provided in this Section.

F. If a person has been excluded from the Council on one or more occasions within 1 year before the date of the present exclusion, the person shall be excluded from Council meetings for 60 days. Written notice of such exclusion shall be given as provided in this Section.

G. -The City Administrator or their designees, shall give written notice of any exclusion issued under this Section, and the person excluded may appeal the exclusion to the Code Hearings Officer in the manner provided under Section 3.18.030.

H. -Notwithstanding any other provisions of this Code, the Hearing Officer's review of the question of whether the excluded person in fact engaged in disruptive, dangerous or threatening behavior shall be based upon the audio and video record of the meeting, applying the criteria described in this Section. Under no circumstances shall the presiding officer or any Councilor be compelled to testify at the hearing, or in any proceeding connected therewith. The exclusion shall be stayed upon the filing of the notice of appeal, but any stayed exclusion shall be counted in determining the length of any subsequent exclusion under this Section. If any exclusion is reversed on appeal, the effective periods of any exclusions that are not reversed shall be adjusted accordingly. If multiple exclusions issued to a person are simultaneously stayed, the effective periods for those which are affirmed shall run consecutively.

I. It shall be unlawful for any person to be in the Council Chambers or in any other place where the Council is meeting, at any time during which there is in effect an ejection or an exclusion of the person from Council meetings.

J. An exclusion issued under this Section does not affect or limit the right of the person excluded to submit written testimony or materials to the Auditor, acting as Council Clerk, for inclusion in the record and for consideration by the Council, or otherwise lawfully to petition or seek redress from the City or its elected officials.

K. The provisions of this Section apply to any public meeting of a City board or commission. If a person engages in disruptive, dangerous or threatening behavior at a public meeting of a City board or commission, any Person-in-Charge may eject that person by applying the provisions of this Section.

3.02.070 Auditor Authority.

The Auditor is authorized to adopt rules, procedures, and forms to implement the provisions of Chapter 3.02. "Auditor" in Chapter 3.02 means the Auditor or the Auditor's designee.