



Chapter 3.02 Council Organization and Procedure

City Code Chapter

(Chapter replaced by Ordinance 160414, effective February 16, 1988.)

[3.02.010 Council Meetings.](#)

(Amended by Ordinances 166314, 170834, 177787, 182541 and [190476](#), effective June 30, 2021.)

A regular meeting of the City Council shall be held once a week and will generally be held each Wednesday, commencing at 9:30 a.m., and, as necessary, recessed sessions will be held each Wednesday at 2:00 p.m. and the following Thursday at 2:00 p.m. in the Council Chambers. City Council may hold its recessed session in the evening of either day beginning at 6:00 p.m. upon motion adopted by the Council at least 2 weeks prior to the meeting date. When either day falls on a legal holiday the meeting shall be held on the next succeeding business day at the same hour unless otherwise directed by Council during a regularly scheduled session not less than two weeks prior to the meeting. Any session may, upon motion adopted by the Council, be held at a place other than the Council Chamber, but the place shall be within the City limits.

[3.02.020 Special Meetings.](#)

(Amended by Ordinance [185877](#), effective March 1, 2013.)

Special meetings of the Council may be held at any time upon a request signed by three members of the Council. A written notice of the time and place of the meeting shall be delivered by the Auditor to each member of the Council at his or her office in the City Hall, not later than 24 hours preceding the meeting. The Auditor shall also post on the City's website and distribute electronically to interested persons a notice of the meeting containing a summary of matters anticipated to be considered, not later than 24 hours preceding the meeting. The Mayor, the President of the Council or any three members of the Council may call an emergency special meeting of the Council under any of the following conditions:

- A.** A disaster which has occurred or is imminent;
- 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;
- F.** An emergency declared by the President of the United States. The requirements contained in this Section for the agenda and for publication and notice of special meetings shall not apply, but the person or persons calling the emergency special meeting shall notify every other available Council member and the City Auditor or Deputy Auditor, and notification to the media and other interested persons is required. The minutes for the meeting shall describe the emergency justifying less than 24 hours notice. The notice must be appropriate to the circumstances. At an emergency special meeting only matters connected with the emergency shall be considered. No emergency special meeting shall be held without the presence of the Auditor, Deputy Auditor or Auditor's designee who shall

act as the clerk of the meeting according to appropriate provisions of the Charter and shall keep a full and complete record of the proceedings. An emergency special meeting shall be deemed to be in session upon the presence of a quorum, and consideration of any ordinance or resolution at an emergency special meeting shall be governed by the appropriate Sections of the Charter. No ordinance or resolution shall be considered at the emergency special meeting unless it is in writing and unless an original copy has been filed with the Auditor before action thereon. An emergency special meeting may be held at a place other than the Council Chambers but shall be open to the public and all provisions of the Charter relating to legislative acts of the Council shall apply to any ordinance passed by the Council at the emergency special meeting.

[3.02.025 Attendance by Electronic Communication.](#)

(Repealed by Ordinance [190839](#), effective June 24, 2022.)

[3.02.026 Attendance by Electronic Communication.](#)

(Added by Ordinance [190476](#); amended by Ordinance [190839](#), effective June 24, 2022.)

- A.** Members of the City Council may attend and be present at public meetings by means of telephone or other electronic communication.
- B.** City Council members who expect to attend by means of telephone or other electronic communication must notify the Auditor or designate prior to commencement of the meeting or as soon as reasonably practicable. The Auditor or designate must make reasonable efforts to notify all City Council members when some or all members are expected to attend by means of electronic communication.
- C.** Except for an executive session, the Council shall make available at least one place where, or at least one electronic means by which, the public entitled to attend the meeting can listen to the communication at the time it occurs by speakers or other devices. The place provided may be a place where no members of the Council are physically present. All other requirements of state law and City Code concerning the conduct of meetings by electronic communication shall be met.
- D.** The Presiding Officer or designee may rely on information provided by any member of the Council, 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.

[3.02.030 Entry of Documents on Agenda.](#)

(Amended by Ordinances 165402, 166314, 170834, 177787, 182515, [185877](#) and [188719](#), effective December 13, 2017.)

- A.** Notice and Filing of Documents. The City Auditor shall post on the City's website and distribute electronically to interested persons, at least 24 hours before each meeting, a summary of matters to come before the Council at the next meeting. The summary shall be known as the Portland City Council Agenda. Documents for inclusion on the Agenda shall be filed in the Office of the City Auditor before 12:00 p.m. each Tuesday of the week preceding the Council meeting except when otherwise required due to the date of a legal holiday. In this event, the Auditor shall give notice to all bureaus of the revised time for filing agenda items.
- B.** The Order of Business on the Council Agenda. Items of Council business shall be heard in the following order:
1. Communications from the public or governmental jurisdictions other than City.
 2. Time Certain matters.

3. Consent Agenda.

- a.** Reports of City Officers;
- b.** Reports from Committees or Commissions;
- c.** Matters submitted by Order of Council, a Committee of Council or by two or more Council members;

d. Items introduced by and identified as such from:

(1) The Mayor;

(2) The Commissioners, in order of position. Beginning January 1 of every year, items introduced by the Commissioner in Position No. 1 shall be placed first, followed by the Commissioner in Position No. 2, then the Commissioner in Position No. 3, then the Commissioner in Position No. 4. The order of placement shall be modified on the first day of each subsequent calendar quarter so that items introduced by the Commissioner whose Position number was first in order in the previous calendar quarter are placed last in order; and

(3) The City Auditor.

The provisions of Section 3.02.036 shall apply to matters on the Consent Agenda.

- 4.** Regular Agenda. The business of the Council on the Regular Agenda shall be presented in the same order as items B.3.a.-d. above.

C. Schedule of Council items.

- 1.** The Auditor's Office has the discretion to schedule items in a manner making the best use of Council time including consolidating all of the Council's business into one session. Generally, business items including purchases, contracts, personnel actions, budgetary matters, franchises, claims, nuisances, street vacations, local improvements, permits and similar actions will be presented at the Wednesday 9:30 a.m. meeting.
- 2.** Appeals and hearings of land use matters which require notification under the Planning and Zoning Code will generally be scheduled at the recessed meeting. on Wednesday unless otherwise announced.
- 3.** Any item of business which is expected to require considerable testimony and/or Council discussion may be filed for consideration at the Wednesday or Thursday sessions and may be the only item to be heard, if the Auditor so determines.
- 4.** The Auditor may shift matters listed for presentation on Thursday to the following Wednesday if, due to items being withdrawn, there are insufficient items to merit holding a Thursday session. Notice shall be placed on the council Chamber door stating the reschedule date and time.
- 5.** Matters not appearing on the Agenda may be considered by the Council under suspension of rules at any session.
- 6.** The Auditor shall prepare a supplementary Agenda which shall be designated and known as the Four-Fifths Agenda, which shall contain a summary of matters filed in his or her office not later than 5:00 p.m. on the preceding Tuesday for consideration at either the following Wednesday or Thursday session.

All documents filed with the Auditor intended for the Four-Fifths Agenda shall be initialed by four members of the Council or their representatives, as designated in Section 3.02.040 D.2.

7. Matters ordered by the Council to be considered at a special time other than the listed sessions shall be considered at the special time as directed by the Council. Council members may direct that special items be listed for meetings other than those specified above.

3.02.035 Ordinance Wording.

A. Ordinance exhibits.

1. If the directive portion of an ordinance refers to an exhibit, unless the ordinance directs otherwise, the following language is understood to follow; to wit "said exhibit is by this reference incorporated as if set out verbatim."

2. Unless the ordinance directs otherwise, the Auditor shall determine when a copy of an exhibit is to be provided with a copy of the ordinance.

B. Appropriation designation. The budget ordinance makes the annual appropriation and defines the level of accounting control. When the directive section of an ordinance includes a reference to an appropriation, the ordinance shall control the appropriation at the same accounting level in the original budget ordinances. These appropriations are subject to the limitations on specific appropriations or types of expenditure stated in the budget ordinance. The designation of an appropriation in an ordinance by subaccount below the level of control may be adjusted administratively without an amending ordinance provided there is no change in the appropriation at the level of control, unless the ordinance directs otherwise.

3.02.036 Consent Agenda.

(Amended by Ordinances 166314 and 17787, effective August 13, 2003.)

A. Those who file documents for inclusion on the Council Agenda shall clearly designate such items as "Consent" or "Regular" Agenda. The Council Agenda shall clearly distinguish Consent from Regular Agenda items. The Auditor shall make an appropriate designation if none is assigned.

B. The Consent Agenda may include any matter for Council consideration except:

1. Appeals of land use decisions or other land use matters requiring a hearing under City Charter or State law;
2. Any matter which will increase an appropriation unit's budget; or
3. Any matter requested to be placed on the regular agenda at the time of filing with the Auditor.

C. The Consent Agenda shall be positioned in the Council Agenda in accordance with Section 3.02.030.

D. An item designated for the Consent Agenda may be removed from the Consent Agenda by a Council member or any individual prior to Council vote on the Consent Agenda. The request may be in either written or verbal form. When removed, items shall be considered individually at the end of the Consent Agenda at the same Council meeting. A request to pull an item from Consent shall be made to the City Auditor prior to the beginning of the Council meeting, or presented verbally at the Council meeting.

E. At any meeting at which there is a Consent Agenda, the ayes and nays shall be taken upon the passage of all items on the Consent Agenda by a single Council vote. It shall not be necessary that there be a reading of the titles or the effect of the items on a Consent Agenda. Items on a Consent Agenda shall not be subject to amendment or

debate. Consideration of the Consent Agenda requires at least four Council members to be present and voting. Action on the Consent Agenda shall require a unanimous vote of all Council members present.

3.02.037 Time Certain Agenda.

(Amended by Ordinances 177787, [184046](#) and [191150](#), effective March 1, 2023.)

A. Any Council member, the City Auditor, City Attorney, City Purchasing Agent, Hearings Officer, City Planning Commission, and any other City appointed board or commission filing an item with the City Auditor for City Council consideration may designate the item as “time certain.”

B. A request for time certain designation shall be made in writing to the City Auditor at least 4 days prior to the filing deadline for the regular Council agenda items; or by verbal request by the City Council or member thereof at any time prior to City Council action on a particular item. The request shall include an estimate of time to be devoted to the particular item.

C. The City Auditor shall schedule the item for hearing before the City Council and inform the office requesting the time certain designation.

D. The Council Agenda shall clearly distinguish time certain items from all other items.

3.02.040 Rules of the Council.

(Amended by Ordinances 162784, 165402, 166075, 166314, 170834, 177787, 178617, 180371, 182515 and [188280](#), effective April 14, 2017.)

A. Suspension and Repeal of Rules - Robert’s Rules of Order.

- 1.** These rules are a combination of some provisions from the City of Portland Charter and of the Council Rules. These rules are adopted pursuant to Charter Section 2-111.
- 2.** Non Charter provisions adopted under this section may be suspended or repealed as provided by Section 3.02.040 I.8. The Charter provision may not be suspended or repealed except by a vote of the people.
- 3.** “Robert’s Rules of Order Newly Revised” shall be considered authority in deciding any questions arising on points of order not covered by these rules.

B. Quorum Requirement.

- 1.** Three members of the Council shall constitute a quorum. A quorum shall be required to conduct official City business except that less than a quorum may:
 - a.** Adjourn or recess the meeting; and
 - b.** Compel the attendance of the other members.
- 2.** In the event a quorum is not present, the members present shall adjourn to some fixed time.
- 3.** The City Auditor is authorized to indicate for the record when a Council meeting has been cancelled for lack of a quorum, and at that time shall identify for the record the date and time when any items scheduled for the cancelled agenda shall be considered. Notice of the rescheduled date and time shall be placed on the Council Chamber door.

C. Presiding Officer.

- 1.** The Mayor shall preside over all meetings, except in the Mayor's absence the President of the Council shall preside.
- 2.** When a quorum is present, but the Mayor and President of the Council are absent, the following procedures shall be used:
 - a.** The member present who most recently served as President of the Council shall serve as President pro tempore; or,
 - b.** The duties of President pro tempore shall be assumed by the Council member holding the position with the lowest number if no member present has served formerly as President of the Council.

D. Council Agenda.

- 1.** Ordinances, resolutions and reports shall be introduced by the Council, a committee of the Council, a member of the Council or the City Auditor.
- 2.** A matter placed on the Four-Fifths agenda shall be approved for placement on the agenda by at least four Council members each of whom will be present when the matter is considered.
- 3.** Time certain items shall be placed on the agenda as provided by Section 3.02.037 and shall be considered as close to the designated time as possible.
- 4.** Items on the regular agenda shall be considered in the numerical order listed except the order of the agenda may be changed by a majority vote of the Council.
- 5.** All questions relating to the priority of business shall be decided without debate by a majority vote.
- 6.** Postponement of Land Use Hearings.
 - a.** A request to postpone the scheduled date of a quasi-judicial land use hearing before Council must be made in writing and filed with the City Auditor at least seven (7) days before the scheduled hearing date. The Council will not consider or grant any request to postpone such a hearing that is filed less than seven (7) days before the scheduled hearing date unless:
 - (1)** The applicant and appellant all agree in writing to a postponement, or
 - (2)** The Council finds circumstances exist that justify the late filing of a written request for a postponement and that failing to postpone the hearing will result in substantial prejudice to a party's interests.
 - b.** The exception in Section 3.2.040 D.6.a. is available only when the applicant and appellant are different persons or entities.
 - c.** The Council makes the final determination as to whether the person requesting the postponement under Section 3.02.040 D.6.a.(2) has adequately shown that circumstances exist justifying a postponement. Persons relying on this exception to request a postponement should be prepared to proceed with a scheduled appeal hearing in the event the Council denies the request for a postponement.
 - d.** Guidelines.

(1) Examples of circumstances that potentially qualify as circumstances justifying a postponement less than seven days before the scheduled hearing date Section 3.02.040 D.6.a.(2) include:

- (a)** Death of a family member;
- (b)** Illness or hospitalization of the person requesting the postponement, the applicant or the appellant, or a member of such person's family;
- (c)** Unavailability of a key witness or consultant;
- (d)** Unavoidable scheduling conflict not known in advance (such as a conflicting court date or hearing date before another hearings body).

E. Preparation of Council Agenda.

1. The Auditor shall prepare the agenda.
2. The asterisk symbol, *, shall precede the Agenda number of each emergency ordinance. Ordinances passed to second reading and continued matters shall specify the Agenda number under which the item was most recently listed.
3. The Commissioner in charge shall report on matters in their assigned bureau and shall:
 - a. Prepare a report in writing which states the facts and a recommendation;
 - b. Sign the report, however, the report may be signed by an authorized administrative assistant.
4. A request from the public to address Council shall be in writing, and be in a form which states:
 - a. the nature of the request;
 - b. the reason for the request; and
 - c. the requester's name, address and phone number.

The Clerk will notify the requester of the date it will be considered by Council; the request will normally be placed at the beginning of the Regular Agenda at the Wednesday morning session. The requester will be given three minutes to testify but may also submit written materials before or at the meeting. Only five communication requests will be placed on the Agenda per week. Requesters are limited to one oral communication to Council per calendar month under this section. Once a requestor has presented an oral communication to the Council under this section, the Clerk shall not schedule that person for another oral communication to Council in the same calendar month.

5. Matters being placed on the agenda shall be:
 - a. Signed by a Commissioner or the City Auditor or a designee for whom an authorization has been filed with the City Auditor. When the matter is not signed by the Commissioner in Charge or the Auditor, then notice of such action shall be given to all members of Council at least one week prior to the hearing of the matter.
 - b. Approved by the City Attorney in the case of contracts, amendments to contracts, easements, Code changes, Charter amendments and Comprehensive Plan amendments.

F. Duties of the Presiding Officer.

1. The presiding officer shall:

- a.** Preserve order and decorum;
- b.** Name who is to speak first when two or more members address the presiding officer at the same time;
- c.** Limit discussion by Council members so that no member speaks more than once on an agenda item until every other member choosing to speak has spoken unless the requested speech is necessary for others to understand the issue being considered; and,
- d.** Decide all questions by Order subject to an appeal to the Council as a whole by any two members.

2. The presiding officer may:

- a.** Speak to points of order before other members speak; and,
- b.** Set limits for public testimony.
- c.** Enforce the Rules of Conduct at City Council meetings described in Section 3.02.060.

G. Readings, Public Testimony and Council Debate.**1. Non Emergency Ordinance.**

- a.** A non-emergency ordinance shall have two public readings of its title or the effect of the ordinance.
- b.** Except as provided in the Charter for ordinances approving a franchise, at least five days shall elapse between the introduction and final passage of an ordinance, and no ordinance shall be amended within five days of its final passage.

2. Emergency Ordinance.

- a.** An emergency ordinance shall have one public reading of its title or the effect of the ordinance.
- b.** An emergency ordinance may be enacted upon the date of its introduction provided that:
 - (1)** It contains a statement that an emergency exists; and,
 - (2)** It specifies with distinctness the facts or reasons constituting the emergency.

3. Resolutions.

- a.** A resolution shall have one public reading of its title or the effect of the resolution.

4. Procedures for Ordinances and Resolutions.

- a.** The Commissioner in charge shall have the privilege to speak first on the matter under consideration.
- b.** Public testimony shall be limited to the first reading of any type of ordinance unless otherwise stated on the record by the Presiding Officer at the end of the public testimony on the first reading.

5. Reports.

a. The presiding officer shall determine whether public testimony shall be received and the amount of time which shall be allotted to each person.

6. Public testimony will be allowed on the first reading of an item for three minutes per person unless time limits have been otherwise specified.

7. Council members shall confine themselves to the question in debate, shall avoid personalities and shall address the presiding officer before speaking.

8. A Council member called to order by the presiding officer shall immediately cease speaking unless permitted to explain by the presiding officer. The member may ask the Council to rule on the question of being able to continue with speech, but there shall be no debate. Three affirmative votes shall be required to overrule the presiding officer.

H. Motions.

1. All motions shall be distinctly worded, and the individual vote on each motion shall be recorded.

2. No motion shall be received when a question is under debate except for the following:

- a.** To lay the matter on the table;
- b.** To call for the previous question;
- c.** To postpone to a date certain;
- d.** To refer;
- e.** To amend; or,
- f.** To postpone indefinitely.

3. Motions set forth in Section 3.02.040 H.2. shall have the following priority; Section 3.02.040 H.2.a. shall have the highest priority and Section 3.02.040 H.2.f. the lowest. A demand for a roll call shall not abrogate the right to make any of the motions in accordance with the priorities.

4. No motion shall be considered unless it is seconded and once a motion is seconded:

- a.** It shall be stated by the presiding officer before debate; and,
- b.** It shall be reduced to writing if requested by a Council member.

5. A motion may be withdrawn by the mover at any time before an amendment is made to it or if no amendment is made, before a vote is taken on it.

6. A Council member may have a motion divided which contains several elements, but the mover shall have the right to designate upon which element the vote shall first be taken.

7. A motion to call the previous question shall preclude all amendments and debate on the main question until it is decided.

8. A motion to lay a matter on the table shall be decided without debate. A matter on the table may be considered at any regular, recessed, or special meeting of the Council except that Four-Fifths agenda items require a vote as provided in Section 3.02.040 I.7.

9. The presiding officer shall allow sufficient time for an amendment before ordering the roll to be called. No amendments shall be considered during the roll call, but a Council Member may explain succinctly the reasons for the vote.

10. The minutes shall include all motions.

I. The Required Vote.

1. Non Emergency Ordinances.

a. An Ordinance Involving a Fee Matter. An ordinance involving a fee matter is an ordinance which approves, approves with conditions or denies a request for which a fee has been paid. Three affirmative votes shall be required to pass an ordinance involving a fee matter. In the event there is a tie vote, the matter shall be continued to the next regular agenda or to such other times as the Council may direct.

b. An Ordinance Not Involving a Fee Matter. Three affirmative votes shall be required to pass a non-emergency ordinance which does not involve a fee matter. In the event there is a tie vote, the matter shall fail.

2. Emergency Ordinances. The unanimous vote of all members present and no less than four members shall be required to pass an emergency ordinance.

3. Resolutions. Three affirmative votes shall be required to pass a resolution.

4. Land Use Planning Orders. Three affirmative votes shall be required to deny or affirm an appeal of a quasi-judicial matter before the Council and to adopt the findings, conclusion and order.

5. Consent Agenda. The unanimous vote of all members of the Council present and no less than four members shall be required to approve the matters on the consent calendar.

6. Reports. Three affirmative votes shall be required if approval or acceptance of a report is requested. No vote shall be required on reports of an informative nature which request no Council action; they will be placed on file or filed for no further consideration.

7. Four-Fifths Calendar.

a. Three affirmative votes shall be required to pass a matter on the Four-Fifths Calendar.

b. A Four-Fifths matter laid on the table may not be taken up at the same meeting without a Four-Fifths vote, but it may be taken up at a subsequent meeting by a majority vote.

8. Suspension of Rules. Four affirmative votes shall be required to suspend or rescind a rule contained in this Chapter, however, rules in this Chapter which also appear in the Charter shall not be suspended or rescinded.

9. Exceptions. The requirement of three affirmative votes shall not apply to a motion to adjourn or recess or to compel the attendance of absent members. It shall require an affirmative vote of a majority of the Council Members present.

10. Ordinance Granting Franchise. Four affirmative votes shall be required to pass an ordinance granting a franchise.

11. Recordation of Vote. The minutes shall include the results of all votes.

12. Order of Voting. In all roll call votes, the Mayor shall vote last. The roll call for Commissioners' votes shall be in order of position. Beginning January 1 of every year, the Commissioner in Position No. 1 shall vote first, followed by the Commissioner in Position No. 2, then the Commissioner in Position No. 3, then the Commissioner in Position No. 4. The roll call order shall be modified on the first day of each subsequent calendar quarter so that the Commissioner whose position number was first in the roll call order in the previous calendar quarter shall vote last.

J. Reconsideration.

- 1.** It shall be in order for any member who voted with the prevailing side to move for reconsideration. Any member may second the motion. No motion shall be made more than once.
- 2.** No motion for reconsideration shall be made after the ordinance, resolution or act has gone out of the possession of the Council. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the Council.
- 3.** The prevailing side in a motion to remove the emergency clause from an emergency ordinance is the side which prevented the emergency ordinance from being enacted.

K. Effective Date.

- 1.** The following ordinances shall take effect immediately upon the passage or at any specified date less than thirty days after passage.
 - a.** Ordinances making appropriations and the annual tax levy;
 - b.** Ordinances relative to local improvements and assessments; and
 - c.** Emergency ordinances.
- 2.** A non-emergency ordinance except as provided in Section 3.02.040 K.1.a. and b. and the Charter for an ordinance granting a franchise shall take effect thirty days after passage unless a later date is fixed on the ordinance in which event it shall take effect at the later date. The filing of a referendum petition shall suspend the effective date of the ordinance.
- 3.** A resolution shall become effective upon adoption unless otherwise stated in the resolution.

L. Objection to Ordinance.

- 1.** At any time within ten days after the passage of any ordinance which does not take effect immediately, any member of the Council may file, in writing, objections to the ordinance, which shall be considered and voted by the Council at its next regular meeting.
- 2.** If a majority vote to sustain the objections, the ordinance shall be deemed repealed and shall not take effect unless again passed in the same manner as a new ordinance.

M. Appointments.

- 1.** The Mayor shall make all appointments to Committees unless otherwise ordered by the Council or otherwise provided by Charter or Code.
- 2.** The member first named shall act as chairperson.

N. Adjournment.

1. A motion to adjourn shall require an affirmative vote of a majority of the Council Members present and shall be decided without debate.
2. When a motion to adjourn has been put to a vote, and it has failed, it shall not be considered again until some other business has been considered.

[3.02.050 Authority to Adopt Rules, Procedures and Forms.](#)

(Added by Ordinance 177787, effective August 13, 2003.)

The Auditor is authorized to adopt rules, procedures, and forms to implement the provisions of Chapter 3.02.

[3.02.060 Rules of Conduct at City Council Meetings, Ejection and Exclusion.](#)

(Added by Ordinance [188280](#); amended by Ordinances [189556](#) and [190476](#), effective June 30, 2021.)

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 Chief Administrative Officer of the Office of Management and Finance, the Deputy Chief Administrative Officer of the Office of Management and Finance, or their designees prohibiting a person from entering or remaining at future meetings for a specified period of time.

C. 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.

D. 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.

E. 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.

F. The Chief Administrative Officer of the Office of Management and Finance, the Deputy Chief Administrative Officer of the Office of Management and Finance, 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.

G. 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 member of the Council 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.

H. 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.

I. 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 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.

J. 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.

Upcoming and Recent Changes

[Ordinance Number 190839](#)

Effective Date: June 24, 2022

[Ordinance Number 190476](#)

Effective Date: June 30, 2021

[View all changes](#)