

ORDINANCE No. 188280 As Amended

Establish rules of conduct, ejection and exclusion procedures for City Council meetings and at City Property and establish responsibilities of City Council Presiding Officer, the Bureau of Internal Business Services Director, and Persons-in Charge for enforcement of rules and procedures (Ordinance; amend Code Chapters 3.02, 3.15, and 5.36; add Code Chapter 3.18)

The City of Portland ordains:

Section 1. The Council finds:

1. City Council is delegated the responsibility to carry out the business of the City, through its actions at City Council meetings. Over the course of the last few years, disruptions at City Council meetings have become the undesirable norm which allowed a few individuals to halt Council meetings. Such disruptions prevented those who wish to attend and participate in Council meetings in a civil manner from doing so. Further such disruptions interfered with Council's ability to carry out scheduled City business safely and efficiently with the frequency of the need to pause meeting with repeated recesses or to cancel or reschedule meetings.
2. Moreover, City boards and commissions meetings have also similarly encountered the same increasing disruptive behaviors that interrupts those boards and commissions from carrying out City business in safe and efficient manner.
3. The City must clearly state the expectations for acceptable behavior and inform public meeting participants of the consequences for unacceptable behaviors. Disruptive, threatening and dangerous behaviors at City Council or meetings of City boards and commissions will no longer be tolerated. The Presiding Officer of these meetings, and designated Persons-in-Charge, should be able to take appropriate actions to eject persons who cause disorders at City Council meetings or meetings of City boards and commissions.
4. Ejection is one way to deal with public meeting disruption, dangerous or threatening behavior but cannot be the sole administrative remedy for dealing with disruptive, dangerous or threatening behaviors. In cases of repeated misbehavior or when dangers and threatening behaviors occur, persons-in-charge will have the additional tool of administrative exclusions to help maintain order and decorum. Arrests for criminal trespass should be the ultimate and most severe tool available for managing disorder and misbehavior at public meetings.
5. Code Chapter 3.02 should have an additional section describing expectations for City Council meetings.

6. As a municipal corporation, it is important that the City identify clearly who are City employees, staff or agents with person-in-charge authority to ask persons who engage in misbehavior at City properties to leave or face property exclusion or criminal trespass. Code Section 5.36.115 had provided a convoluted method of identification of persons-in-charge that needed revision.
7. The City must have generally applicable rules of conduct to ensure that City property managers can manage City real property assets in a prudent manner ensuring that City business can be carried out efficiently in a way to ensure use priorities can be met, the property is safe for employees who may work at the location, and real property assets are protected from unwanted damages or misuse. It is important to share the City's expectations for behavior with all users at City real properties by codifying a generally applicable set of Rules of Conduct for City Properties.
8. Where the general Rules of Conduct apply, generally applicable administrative exclusion procedure would apply to allow City property managers a default process for addressing disruption and other bad behaviors at City Property.
9. A new Code Chapter should be adopted to include the clear designation of Persons-in-Charge, those generally applicable Rules of Conduct, and the default administrative exclusion procedure. The general Rules of Conducts do not supplant specific rules that may be or could be adopted by property management bureaus. The new Code Chapter is intended to supplement, not supplant, those bureaus' authority and property management expertise to institute specific rules or prohibitions for a specific bureau's real property assets or to adopt additional rules for individual real property assets beyond the general Rules of Conduct.
10. Having the new Code Chapter means that the specific administrative rules of conduct the Office of Management and Finance, Bureau of Internal Business Services previously adopted and its exclusion procedure under Code Section 3.15.020 would be redundant. Therefore, Section 3.15.020 will be revised to address the Bureau of Internal Business Services authority and clarify that its property management responsibility will remain important over essential City real property assets and those property locations that are vital for City operations including leasehold space for bureau operations.

NOW, THEREFORE, the Council directs:

- a. City Code Chapter 3.02 is amended as shown in Exhibit A, amending 3.02.040 F Duties of the Presiding Officer, and adding Section 3.02.060 Rules of Conduct at City Council Meetings, Ejection and Exclusion.
- b. City Code Chapter 3.15 is amended as shown in Exhibit B, repealing and replacing paragraph 3.15.020 B.5.

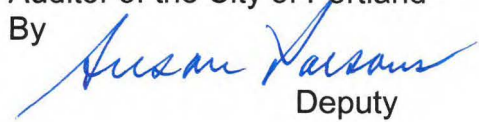
- c. City Code Section 5.36.115 is repealed.
- d. City Code Chapter 3.18 Rules of Conduct at City Property, as shown in Exhibit C, is added.

Passed by the Council: MAR 15 2017

Mayor Ted Wheeler
Prepared by: Betsy Ames, OMF
Date Prepared: February 27, 2017

Mary Hull Caballero
Auditor of the City of Portland

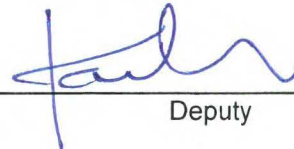
By



Deputy

Title

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<p>INTRODUCED BY Commissioner/Auditor: Mayor Ted Wheeler</p>	<p>CLERK USE: DATE FILED <u>FEB 28 2017</u></p>
<p>COMMISSIONER APPROVAL</p> <p>Mayor—Finance & Administration - Wheeler <i>RED</i></p> <p>Position 1/Utilities - Fritz</p> <p>Position 2/Works - Fish</p> <p>Position 3/Affairs - Saltzman</p> <p>Position 4/Safety - Eudaly</p>	<p>Mary Hull Caballero Auditor of the City of Portland</p> <p>By:  Deputy</p>
<p>BUREAU APPROVAL</p> <p>Bureau: OMF Bureau Head: Tom Rinehart <i>KLR fw TR</i></p>	<p>ACTION TAKEN:</p> <p>MAR 08 2017 PASSED TO SECOND READING As Amended MAR 15 2017 9:30 A.M.</p>
<p>Prepared by: Betsy Ames, OMF Date Prepared: February 27, 2017</p>	
<p>Impact Statement</p> <p>Completed <input checked="" type="checkbox"/> Amends Budget <input type="checkbox"/></p>	
<p>Portland Policy Document If "Yes" requires City Policy paragraph stated in document.</p> <p>Yes <input type="checkbox"/> No <input type="checkbox"/></p>	
<p>City Auditor Office Approval: required for Code Ordinances <i>Toni</i></p>	
<p>City Attorney Approval: required for contract, code, easement, franchise, comp plan, charter <i>[Signature]</i></p>	
<p>Council Meeting Date Mar 8, 2017</p>	

AGENDA

TIME CERTAIN

Start time: _____

Total amount of time needed:
(for presentation, testimony and discussion)

CONSENT

REGULAR

Total amount of time needed: 60 minutes
(for presentation, testimony and discussion)

FOUR-FIFTHS AGENDA	COMMISSIONERS VOTED AS FOLLOWS:	
	YEAS	NAYS
1. Fritz	1. Fritz ✓	
2. Fish	2. Fish ✓	
3. Saltzman	3. Saltzman ✓	
4. Eudaly	4. Eudaly ✓	
Wheeler	Wheeler ✓	