

ORDINANCE NO. 2044

AN ORDINANCE AMENDING THE CENTRAL POINT MUNICIPAL CODE CREATING
CHAPTER 2.05 RULES OF CONDUCT AT CITY MEETINGS

RECITALS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. Upon review, the staff and City Attorney for the City of Central Point determined that amendments to the Central Point Municipal Code are necessary to ensure the City can preserve order and decorum at City meetings, and provide for due process for a person who may be subject to an exclusion order.
- C. Words ~~lined through~~ are to be deleted and words **in bold** are added.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. The Central Point Municipal Code is hereby amended to add Chapter 2.05 Rules of Conduct at City Meetings, to read as follows.

**Chapter 2.05
Rules of Conduct at City Meetings**

2.05.010 Purpose

2.05.020 Ejection from meetings

2.05.030 Exclusion from meetings

2.05.010 Purpose.

A. To preserve order and decorum, the presiding officer or designee may direct that any person who disrupts any Council or Commission 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 or Commission may be in session.

B. For purposes of this Chapter, an ejection is an order made by the presiding officer to immediately leave the meeting, and an exclusion is an order made by a majority of the Council prohibiting a person from entering or remaining at future meetings for a specified period of time.

2.05.020 Ejection from meetings.

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A. 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 may issue an ejection. An ejection shall be for the remainder of the session at which the disruptive, dangerous or threatening behavior has occurred.

B. For purposes of this Section, a person disrupts a meeting of the Council or Commission 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 including booing or speaking out from anywhere other than the designated podium; carrying or displaying signs; any conduct that substantially interferes with ingress or egress to or free movement within the Council Chambers or other meeting location; 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.

C. 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 the content of the speech or conduct which is, under the circumstances, protected by the federal or Oregon constitution.

D. 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 is 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.

2.05.030 Exclusion from meetings.

A. If a person has previously been ejected for dangerous or threatening behavior before the Council or Commission within 1 year before the date of the present ejection, the person may be excluded from Council and/or Commission meetings for 30 days upon a finding by a majority of the Council that the person poses a threat to public safety. Written notice of such exclusion shall be given as provided in this Section.

B. If a person has been excluded from a Council or Commission meeting on one or more occasions within 1 year before the date of the present exclusion, the person may be excluded from Council and/or Commission meetings for 60 days upon a finding by a majority of the Council that the person poses a threat to public safety. Written notice of such exclusion shall be given as provided in this Section.

C. Notice of Exclusion shall be mailed to the person at his or her last known address subject to the exclusion by registered and first class mail and shall be in substantially the following form:

NOTICE OF EXCLUSION

Dear [SIR/MADAM]:

You are hereby excluded from the following property: [LOCATION/ADDRESS] ("property").

This letter is to inform you of the conditions and processes associated with your Notice of Exclusion. This exclusion is effective as of [DATE TRESPASSED]. You are prohibited from entering the property for a period of [LENGTH OF EXCLUSION/HOURS/EVENT].

In order to facilitate necessary actions or protected activities, you may be permitted upon prior approval to enter the property by giving at least one business day advance notice to [EXCLUDING AUTHORITY]. This Notice of Exclusion is given pursuant to ORS 164.245, as well as Central Point Municipal Code Chapter 2.05.030(C). Your entry upon the property without express permission may result in adverse consequences including, but not limited to, initiation of civil or criminal proceedings against you.

Should you feel this Notice of Exclusion has been made in error, or you desire to contest this Notice of Exclusion, an appeal may be made to the City Hearings' Officer by filing a notice of appeal within 10 days from the date the Notice of Exclusion was mailed. Such Notice must be timely filed with the City Recorder, City of Central Point, 140 S. Third Street, Central Point, OR 97502. The exclusion from the property shall remain in effect pending your appeal. On appeal, evidence may be offered and arguments made before an impartial hearings officer. You are not entitled to court appointed counsel at that appeal, however, you may retain counsel at your own expense. The decision of the Hearings' Officer shall be final.

Should you choose to not to appeal, this exclusion will expire by its own terms on [DATE EXCLUSION ENDS].

[Signed by Person Authorized to Issue]

D. Notwithstanding any other provisions of this Section, the Hearings Officer's review of the question of whether the excluded person poses a threat to public safety based upon dangerous or threatening behavior shall be based upon the audio and video record of the meeting in which such dangerous or threatening behavior was found to have occurred, applying the criteria described in this Section, as well as any other relevant evidence submitted into the record. Under no circumstances shall the presiding officer or any member

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of the Council or Commission 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. The decision of the Hearings' Officer shall be the final decision of the City.

E. It shall be unlawful for any person to be in the Council Chambers or any other place where the Council or Commission is meeting, at any time during which there is in effect an ejection or an exclusion of the person from such Council or Commission meetings. Violation of an exclusion or ejection order constitutes a criminal trespass in the 2nd degree per ORS 164.245.

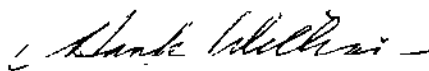
F. An exclusion issued under this Section does not affect or limit the right of the person excluded to submit written testimony or materials to the City recorder for inclusion in the record and for consideration by the Council or Commission, or otherwise lawfully to petition or seek redress from the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

G. 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, the presiding officer of such meeting may eject that person by applying the provisions of this Chapter.

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-B) need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 3. Effective Date. The Central Point City Charter states that an ordinance enacted by the Council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

PASSED by the Council and signed by me in authentication of its passage this 12th day of April 2018.


Mayor Hank Williams

ATTEST:


City Recorder

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