



**City Council**

**February 2<sup>nd</sup>, 2026**

**6pm**

**Newberg Public Safety Building 401 E. Third Street**

**Denise Bacon Community Room**

**Online: <https://us06web.zoom.us/j/89536547180>**

**Public Comment Registration**

**View Slides**

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**1. Call to Order**

**2. Roll Call**

**3. Pledge of Allegiance**

**4. City Manager Report**

**4.1. Narrative for January 2026 Events**

**5. Public Comments**

**6. Presentations**

**6.1. Northwest Accreditation Alliance**

**6.2. Storm Water Masterplan Phase II**

**a. Presentation**

**7. New Business**

**7.1. Storm Water Master Plan Approval**

**a. Exhibit A- Newberg Stormwater Master Plan Phase II Scope of Work**

**7.2. Council Rules Changes to Public Comment for Safety and Decorum**

**a. Attachment 1: Proposed Changed- Redline Version**

**b. Attachment 2: Proposed Changes- Clean Version**

**c. Attachment 3: Current Council Rules**

**d. Written Comment 1\***

**e. Written Comment 2\***

**7.3. Code Update Direction**

**a. Presentation**

**Adjournment**

**ADA Statement:** Contact the City Recorder's Office for physical or language accommodation at least 2 business days before the meeting. Call (503) 537-1283 or email [cityrecorder@newbergoregon.gov](mailto:cityrecorder@newbergoregon.gov). For TTY services please dial 711.

\*Indicates supplementary item

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: (February 2, 2026)**

Order  Ordinance  Resolution  Motion  Information  Proclamation

Subject: CM narrative for January 2026 events

Staff: Will Worthey CM

Department: Administration

Work Session  Business Session

Order On Agenda: CM report

**Is this item state mandated? Yes  No**

**If yes, please cite the state house bill or order that necessitated this action: NA**

**Recommendation:** NA

**Executive Summary:** The summary of events conducted by city departments in January of 2026.

**Fiscal Impact:** All were conventionally budgeted items.

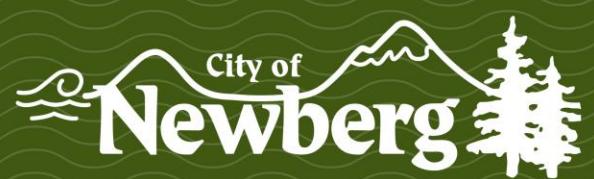
**Council Goals:**

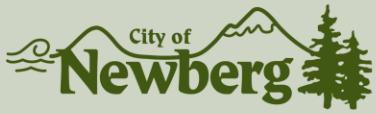
**Goal 4: Create and maintain a high level of transparency with our residents in order to build trust.**

O1: Expand communication outreach in regard to regular city events and additional involvement with city businesses by the end of 2026.

# Newberg CM report

Monthly Events for January 2026





## **CM Staff Committee Focus – STRIVE**

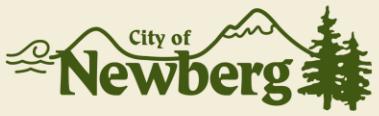
Recently I highlighted the work of our stellar safety committee from working on policy to making the inspections and recommendations that keep us safe at work.

Today I want to take a moment to refresh everyone on the STRIVE committee.

The people on the committee wear many hats, so I want to cover what they do and the excellent results!

The STRIVE committee does three things:

1. It serves as an ethics watchdog for the city and is made up of the number 2 person in each department.
2. The STRIVE committee meets to select the member of staff that has most recently been shown to live one of our core values.
3. Lastly STRIVE committee chooses from eligible nominations the annual city award winners for the positions of the George Layman award, the Rookie of the year award and the Visionary award.



The committee therefore both rewards the positive actions of our staff by way of the awards and recognition but also serves as a neutral space where any staff member can go to report any senior member of staff suspected of sexual, racial or physical harassment, or ethics violations like theft or the misappropriation of public funds or resources.

This provides an independent channel for staff to use that is separate from the HR process.

Significantly STRIVE reinforces both our desired behaviors and serves as a well-known deterrent to negative behaviors.

We are incredibly happy with the results the committee has achieved over the years as shown by our stellar insurance loss record – so very different from the way things were before 2021.

I am equally proud of our STRIVE award winners.  
Here is a link to see our most recent winners:

[\*\*www.tinyurl.com/STRIVE26\*\*](http://www.tinyurl.com/STRIVE26)

... and thank you again recent award recipients Elias, Cynthia, Jon, Emily, and Gabriella you are an example to all of us!



## Community Development Happenings

- Hawaiian Bros opened January 19th
- TVFR has submitted engineering and building permits for Temporary and Rebuilt Station 20
- Hess Creek Preserve Ph 2 has been submitted for Planning Design Review/Stream Corridor Review
- 16,000 square feet Flex Industrial buildings approved corner of Hancock/Elliott (Across Elliott from Pacific Pride)
- 40,000 square feet Flex Industrial buildings submitted for Planning Review at corner of Wynooski/Sandoz (by the animal shelter)
- Renne Field project - met with CPRD to discuss improvements to Blaine St and possible coordination with planned TUF project

## Community Engagement

- Highest engagement posts: Boys Night Out (Mouse statue) on the move from Butler Property, City relaunching Photo Enforcement at Villa and 99W
- Worked with City Recorder to put out information about city council updates and notifications to increase transparency
- Continued to encourage residents to download and use SeeClickFix
- Picked up the thread on the city's Opportunity to Recycle report, collaborating with Waste Management to get the report completed for 2025 and planning for 2026
- Shared information about Winter weather safety, from cold weather preparedness to car emergency kits
- Shared information about how sidewalks in Newberg are managed



**1 SEE AN ISSUE**

**2 TAKE A PICTURE**

**3 REPORT WITH SEECLICKFIX**

Learn More: [bit.ly/scfnewberg](http://bit.ly/scfnewberg)



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- Date Changes
- Agenda Updates
- Meeting Details



## A mouse on the move!

Librarians continue to advocate for the mouse to come to the Newberg Library as its natural new home!!



**NDPD** has reported a relatively quiet month! Great work Officers.

Officer McDonough letting  
kids sit in his patrol car →



## **City Recorder**

- Hiring new Emergency Management Coordinator at this time
- Trained new Finance staff on records management, public meetings, and more!
- Completed detailed review of the Municipal Code
- Prepared and conducted training on the new Council Rules for Committees
- Welcomed a guest for a Mayor for a Day experience
- Massive shredding project to eliminate paper records after digitization

## **Engineering Events - Groundwater Treatment Plant Filter Covers**

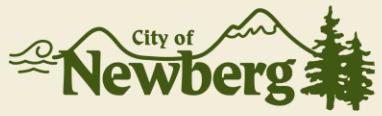
- The fabric-covered steel building that will enclose the two contact basins is anticipated for delivery in February/March
- Final completion date for construction is April 16, 2026, and Cedar Mill Construction appears to be on schedule

## **Engineering Events - Main Street Waterline Replacement**

- 90% of design was submitted to city for review week on January 16th. 90% workshop meeting with City occurred January 27th
- ODOT ROW permit will be submitted after incorporating city comments from 90% review meeting

## **Engineering – AI powered androids**

- Danette in Engineering starting a review of the price and possible use of AI powered androids for use in various city departments
- I anticipate we will have more to say about this by mid summer



## **For the month of January Finance did the following:**

- Issued W-2s to employees including the new OBBBA (One Big Beautiful Bill Act) Overtime reporting
- Issued 1099s to vendors
- Participated in interviews for the new Public Works Director
- Had first Rate Review Committee meeting on Wastewater (next meeting is end of month for Water)
- Red-light cameras went live at the end of the month

## **Public Works Maintenance:**

- A strong focus on downtown cleaning and sweeping
- Sweeping Debris – 83 cubic yds
- New Meters Installed – 4
- Ordered signs for College street to replace delaminated ODOT signs

## Public Works Maintenance:

- A 3-inch water leak on E 9th Street was quickly addressed by the crew
- The issue caused minimal disruption and no significant damage to the area, with traffic and nearby businesses unaffected



New water meters are in the process  
of being installed for the new housing  
development on Collina →



← PWM water crew replaced a water  
valve on Center Street as part of  
routine maintenance

## Public Works – Facilities Work

- The PSB kitchen remodel is progressing as planned and is on schedule
- Painting of both the kitchen and hallway areas was also conducted in the month of January



# So that's it for January 2026 Events!

As ever you can be assured that residents' tax dollars have been hard at work as usual.

Questions?

# REQUEST FOR COUNCIL ACTION



Order  Ordinance  Resolution  Motion  Information  Proclamation

Subject: Newberg-Dundee Police Department Re-accreditation

Staff: Jeff Kosmicki

Department: Newberg-Dundee Police Department

Work Session  Business Session

Order On Agenda: Early if possible

**February 2, 2026**

**Is this item state mandated?** Yes  No

ORS 181A.657 Accreditation of law enforcement agencies

**Recommendation:** NA.

**Executive Summary:** January 12th, 2026, the Northwest Accreditation Alliance Professional Standards Committee met to review the recent assessment. The board unanimously voted to approve the Newberg-Dundee Police Department's receipt of accredited status.

The Newberg-Dundee Police Department has maintained accreditation since 2004, providing independent verification that agency policies meet modern professional policing standards. This accreditation ensures continuous self-assessment of policies, procedures, and operational practices in compliance with Oregon law.

Key benefits include reduced civil liability exposure, decreased potential for costly settlements, possible reductions in liability insurance premiums, and enhanced service delivery to residences throughout the community.

**Fiscal Impact:** Annual Costs

Lexipol Policy Manul - \$6,050

Power DMS, accreditation software - \$550

Northwest Accreditation Alliance Membership Dues - \$2,975

**Council Goals:** This important program applies to council **goal 3** (*Enhancing community safety*) and **goal 4** (*creating and maintaining a high level of transparency with our residents in order to build trust*). This goal is met by following best practice policies and

standards that are recognized by the State of Oregon through the NW Accreditation Alliance.

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: (February 2, 2026)**

Order  Ordinance  Resolution  Motion  Information  Proclamation

**Subject:**

An introduction to the Storm Water Master Plan (SWMP) update phase II

Staff: CM  
Department: Engineering

Work Session  Business Session

Order On Agenda: Continuing Business

**Is this item state mandated?** Yes  No

**If yes, please cite the state house bill or order that necessitated this action:**

The National Pollutant Discharge Elimination System (NPDES) permit program is delegated to the Oregon DEQ. Cities with municipal separate storm sewer systems that discharge into public waterways must obtain an NPDES permit. These permits mandate that cities develop, implement, and “enforce a comprehensive Stormwater Management Plan (SWMP) to the maximum extent practicable”.

**Recommendation:**

This part of this evening is a re-introduction to the SWMP process. The spending authorization request comes separately. The recommendation will be the spending request.

**Executive Summary:**

The purpose of this presentation is to re-acquaint council with the SWMP and also explain the merits of the already budgeted for project.

**Fiscal Impact:**

\$237,000 already budgeted for and in the CIP list for the biennium.

**Council Goals:**

Ongoing Objective A:

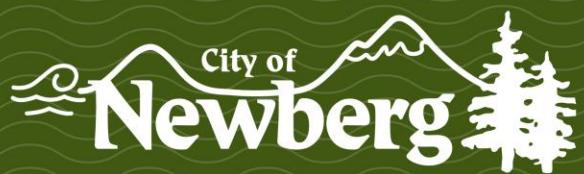
Ensure Newberg infrastructure (roads, water, city employees) is in good repair and supply.

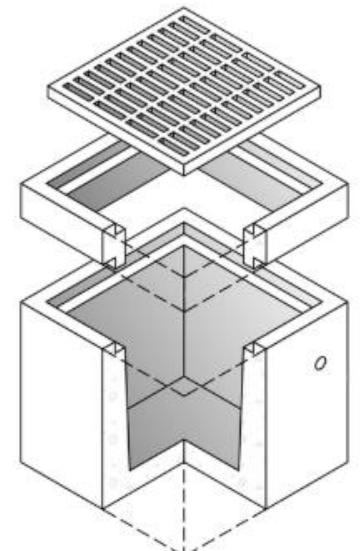
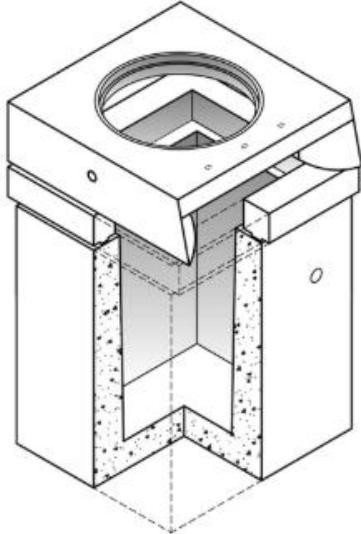
- Review the capital improvement projects annually.

# Stormwater Master Plan Update (SWMP) Phase II

## 2026 – 2046 Planning Period

2 February 2026





# First a Few Stormwater Basics for Newberg

The City of Newberg Public Works Team manages:

- 76.9 miles of storm pipes
- In addition to these pipes, the city's stormwater infrastructure includes 3,287 catch basins
- We also have approximately 7.14 acres of storm swales and basins
- We need to plan for repairs to the current system and where new lines will be required to stop possible flooding

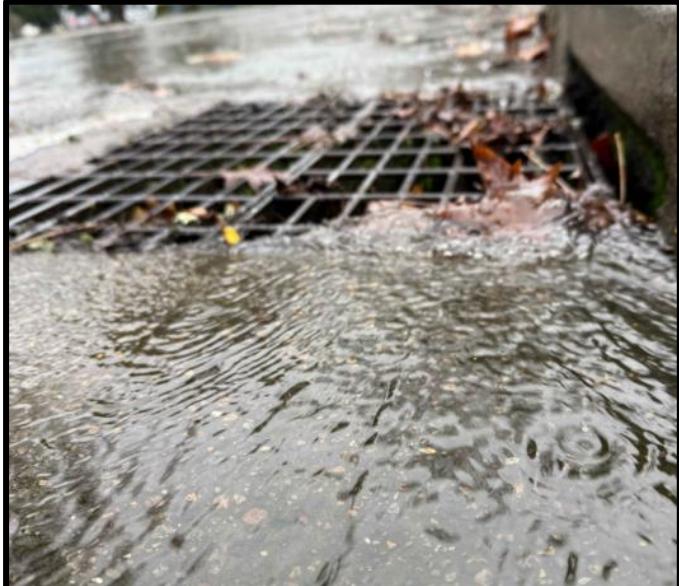
# The Purpose of the SWMP

- Current Newberg Municipal Code requires an update every 5 years
- Account for growth in the last 5 years, IE: Mountainview Drive
- Increased reliability of hydraulic model, currently used to inform problem areas and projects
- Without doing this work we cannot know what needs to be on the CIP list 5, 10 or even 20 years into the future – that's the main point of this massive project

# The Purpose of the SWMP

- It is included in the approved Capital Improvement Plan & has been budgeted for
- Current Newberg Municipal Code requires an update every 5 years. The last update was completed in June of 2021
- Significant development has occurred since last plan
- Phase I of the plan has been completed (flow monitoring work etc)
- Drainage concerns, such as Springbrook Road, remain outstanding

# Current SWMP Capital Improvement Plan



- Current CIP is based on uncalibrated modeling (not up to date)
- Current plan outlines \$9.5 Million in needed improvements over the 20-year horizon
- There are currently 26 separate projects in that planning horizon
- Focus and optimization is needed to update and prioritize projects and associated budgets

# Results of SWMP data gathering to date

- Phase I tasks completed
  - Data review: problem areas, buildable lands, GIS
  - Real world flow monitoring (for model calibration)
  - Engineering, design standards and Code review
- Preparation for Phase II is complete
  - Flow monitoring data ready for calibrating model

# SWMP Phase II Overview

- Optimize City Engineering Standards and Municipal Code to meet regulatory needs but remain development friendly
- Update stormwater model
  - Calibrate to align with real world metering (completed in phase I)
  - Evaluate existing infrastructure
- Update Capital Improvement Plan (CIP)
- Prepare a maintenance plan
- Evaluate staffing levels and provide recommendations
- Provide comprehensive planning budget

# Direct Benefits of updated SWMP

- Provides fiscally responsible plan for City Funds to manage storm infrastructure long term
- Calibrated model will increase reliability, informing updated CIP
- Provide clear short- and long-term actions/recommendations
  - Staffing levels
  - Maintenance activities
  - Prioritized projects to alleviate problem areas
- Prepare the city for future state regulatory requirements

# Timeline and Budget for SWMP Phase II

- 20-year Planning period for SWMP scoped (2026-2046)
- Newberg Municipal Code requires update every 5 years (*13.20.030 Drainage Master Plan*)
  - Master Planning efforts assess cadence of needed future updates
  - Frequency may be reduced to 10 years based on recommendation
  - In the long run this will save more money
- Phase II level of effort is expected to be \$237K based on the data in hand already (\$350K was budgeted)

# The Future?

It is entirely possible that this is the last time we will do the data gathering by hand, I expect AI powered robots to be involved in ten years.



Questions?\*

\* I am not an engineer but to save money I occasionally play one on TV.

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: February 2, 2026**

Order  Ordinance  Resolution  Motion  Information  Proclamation   
No. 2026-4006

Subject: A Resolution Granting Approval to Initiate the Storm Water Master Plan	Staff: Will Worthey Department: Capital Engineering
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Business Session	Order On Agenda: Consent
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Hearing Type: Administrative
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**Is this item state mandated?** Yes  No

**If yes, please cite the state house bill or order that necessitated this action:**

**Recommendation:**

Staff recommends approving the initiation of the Storm Water Master Plan (SWMP) Phase II project.

This could be accomplished with a motion to this effect:

“I move to approve the 2026 Storm Water Master Plan Project”

**Executive Summary:**

During the first biennium committee work and CIP work the Storm Water Master plan was introduced and approved by council. This Resolution will authorize the work to begin. Considerable data gathering has already been accomplished with GIS and flow meter resources.

See attachment Exhibit A - Keller Engineering SWMP memo and scope of work.

**Fiscal Impact:**

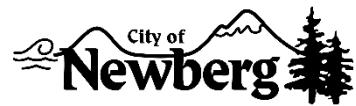
The fiscal impact of this data gathering and report creation work will come to \$237,000. This was conventionally budgeted. By getting ahead of possible problem areas early the city can avoid costly and damaging floods and other issues later.

**Council Goals:**

**Goal 4: Create and maintain a high level of transparency with our residents in order to build trust.**

O1: Expand communication outreach regarding regular city events and additional involvement with city businesses by the end of 2026.

The SWMP will return several more times to council in the next few months.



# RESOLUTION NO. 2026-4006

## A Resolution to Gain Authorization to Proceed with the Storm Water Plan Update 2026

### Recitals:

1. Under current NMC chapter 13 – 13.20.030, the stormwater plan must be reviewed every five years.
2. In 2025 the city began gathering data such as as-built diagrams of stormwater lines and GIS data to begin the Storm Water master plan process.
3. In November of 2025 Keller Engineering prepared a scope of work for the city and this was discussed in the December 15 council session.

### The City of Newberg Resolves as Follows:

1. To approve the expenditure of \$237,000 to carry out and complete the Storm Water master plan.

**Effective Date** of this resolution is the day after the adoption date, which is: February 3, 2026.

**Adopted** by the City Council of Newberg, Oregon, this 2<sup>nd</sup> day of February, 2026.

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Rachel Thomas, City Recorder

**Attest** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

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Bill Rosacker, Mayor

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Date: November 29, 2025  
Project Number: KA# 224060-006  
Project Name: City of Newberg – Stormwater Master Plan Update, Phase II

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## **BACKGROUND**

The City of Newberg (City) desires to complete a master plan update for their stormwater system. This follows the Newberg Municipal Code requirement, NMC 13.20.030 Drainage Master Plan, to update the plan every 5-years. The previous master plan was completed in 2021 and 2014 prior to that. Stormwater runoff is collected from approximately 5.81 square miles or 3,718 acres of land in the Willamette River watersheds. Three primary watersheds drain Newberg which include Spring Brook, Hess Creek and Chehalem Creek. The population of Newberg is 25,138 as of the 2020 census. The collection system is comprised of approximately 73 miles of pipe, 18 miles of open channels, and 3,650 structures, including manholes, catch basins, ditch inlets, and outfalls. Planning objectives include, identifying existing deficiencies, evaluating improvement alternatives, developing a master plan, capital improvement plan for the 20-year planning period, and evaluating the storm water utility rate, system development charges (SDCs), and fee-in-leu charge. The planning effort will be paid for with City funds.

The stormwater master plan update project has been split into two phases. Phase 1 will be complete in June of 2025 and included data evaluation and data gap evaluation of the current GIS database, recommended data collection, flow monitoring for model calibration, and problem area identification.

Phase II will include the remaining tasks to complete a master plan update as defined in this scope of work with the completion of Phase I. This scope includes survey, model update and evaluation, staffing evaluation, maintenance evaluation and recommendations, development of a capital improvement plan, a final document, and public meetings.

The following engineering services will be provided by Keller Associates, Inc. (Consultant):

## **SCOPE OF WORK: PHASE 1**

### **TASK 1: PROJECT MANAGEMENT & MEETINGS**

*There is no change to this Task, except that an additional level of effort will be added to address the Phase II schedule.*

### **TASK 2: DATA EVALUATION / REVIEW / RECOMMENDATIONS**

#### *Consultant Responsibilities*

- 2.1 Assemble Existing GIS Data. No change to this subtask - complete
- 2.2 Request for Information. No change to this subtask – ongoing information exchange for the duration of the project is anticipated.
- 2.3 Problem Area Identification, GIS Database and Hydraulic Model Evaluation and Comparison. No change to this subtask - complete

- 2.4 GIS Data Analysis – Survey Data Collection Recommendations. No change to this subtask - complete

### **TASK 3: FLOW MONITORING**

- 3.1 Flow Monitoring. No change to this subtask - complete
- 3.2 Scoping. No change to this subtask - complete

### **TASK 4: PLANNING CRITERIA DEVELOPMENT (ENGINEERING STANDARDS, CODE AND COMPREHENSIVE PLAN REVIEW)**

#### *Consultant Responsibilities*

- 4.1 Review Relevant Municipal Code (Chapters 12, 13, and 15) Planning and Zoning, Streets, Sidewalks and public Places, and Utilities Code. Recommendations will be added to Municipal code to update the recommended recurrence of a SWMP update from every 5 years to 10 years.
- 4.2 Review Engineering Design Standards. No change to this subtask - complete
- 4.3 Regulatory and Planning Criteria Summary. Additional language may be provided to include TMDL and Phase II guidance and recommendations for the next 10-year planning horizon. Guidance and recommendations may also be provided as part of the CIP in Task 9.
- 4.4 Establish Level of Service. No change to this subtask - complete
- 4.5 Documentation. No change to this subtask - complete

### **TASK 5: LIMITED TOPOGRAPHIC SURVEY**

- 5.1 Survey. Utilizing Identified field survey needs from Phase I and coordination with City staff, consultant will coordinate data collection based on an updated survey needs figure. Utilizing the services of a subconsultant, provide field surveying services. For budgeting purposes, a \$20,000 budget has been set aside for field survey data collection services. Should additional field work be required, these services will be provided as an additional service.

#### *City Responsibilities*

- Provide feedback on Phase I survey needs figure.
- Facilitate site access and right of entry where needed to collect survey.

#### *Assumptions*

- Survey will be limited to stormwater infrastructure necessary to update model.
- Subconsultant will be used to collect survey.

### **TASK 6: MODEL UPDATE AND TECHNICAL ANALYSIS**

#### *Consultant Responsibilities*

- 6.1 Hydrology Update. Update existing conditions model hydrology based on basin geometry, time of concentration calculations, design storm events, land use and soil runoff characteristics. Utilize available contour and GIS data to delineate sub-basins within the study area. Utilize available NRCS soils data to develop hydrologic parameters. Review available land use data and aerial imagery to identify runoff characteristics.

Future condition hydrology will be developed based on updated existing hydrology by incorporating future growth and full buildout of the city following city zoning, land use and anticipated development. Developable lands inventory figure will be utilized for this task.

- 6.2 Existing Conditions Assessment. Complete an existing conditions assessment of the collection system. This is anticipated to utilize available pipe material, age, and condition information from observations, CCTV summary reports, and City staff interviews. Based on this information, summarize general system conditions and identify recommended improvements.
- 6.3 Develop Hydraulic Model. Use existing GIS mapping, model, and field survey data (completed as part of Task 5), to update the collection system model. Model lines will be limited to trunklines primarily larger than 12 inches in diameter as well as system components for known problem areas identified by City staff.
- 6.4 Model Calibration. Compare existing model results to collected flow data, Task 3, and adjust model parameters such that model results more closely reflect observed peak flow conditions. Model calibration will be completed for up to two storm events.
- 6.5 Existing System Evaluation and Establish Design Storm Events. Exercise computer model to evaluate the existing system hydraulic capacity. Evaluate system for remaining capacity, pipeline surcharging, and ponding based on the hydraulic capacity of the pipelines and open channel conveyance. Utilize NOAA data and City input to define design storm events. For budgeting purposes, up to five design storms (i.e. 2-year, 10-year, 25-year, 50-year, and 100-year storm) will be considered.

The open channel creek systems will not be evaluated due to previous evaluation to assess hydromodification in 2014. The recommendations for mitigation will be reviewed and evaluated for implementation over the last ten years. Action items may be recommended as part of the CIP and Program recommendations to further address hydromodification.

- 6.6 Future System Evaluation. Exercise computer model with future hydrology to evaluate conveyance infrastructure for anticipated future flows. It is assumed that development policies for onsite detention/retention will be such that future peak flows will not exceed existing peak flows and so no additional future modeling scenarios will be developed. Develop basin delineation and trunk lines for future expansion areas such as the River Front. Where basins shift for the future expansion areas, the model will be updated to reflect these adjustments.
- 6.7 Model Result Tables. Prepare tables and corresponding figures for model results of existing and future conditions, if evaluated. Tables will present basic model input with peak flows and conveyance infrastructure capacity. Corresponding maps will be prepared to locate infrastructure.
- 6.8 Documentation. Prepare draft document section, summary tables, and figures to be incorporated into final master plan document following city review.

#### *City Responsibilities*

- Provide input and review planning criteria on Consultant provided materials.

#### *Assumptions*

- No environmental work covered under this scope, including field work such as wetland delineations, biological assessments, and cultural resource surveys.
- CCTV reports will be reviewed if available. No CCTV video will be reviewed.

- The study area includes approximately 3,700 acres within the city and includes those areas draining into the Urban Growth Boundary (hydrological evaluation only) and discharging to one of the larger waterways.
- Hydraulic analysis will assume typical pipeline roughness and no pipeline obstructions. Also, assume free outfalls for outfalls to be modeled. Typical open channel sections will be used as needed to maintain continuity of a collection system when channel geometry is not available.
- No geologic site reconnaissance of the proposed pipeline trunk routes is included in this scope and budget.
- More detailed explorations or analyses performed during predesign or final design phases could result in new information which impacts the geotechnical assumptions made based solely on the geologic and hazard maps developed by others.
- Rain gage data at WWTP or similar will be available for documenting storms through the 2024-2025 winter. If a rain gage with 15-minute data in close proximity to the city is not available, the Consultant can provide a weather station.
- Hydraulic model will evaluate conveyance pipe and open ditches but not natural water ways such as Hess Creek.

*Deliverables*

- Draft plan section, including draft base maps.
- Existing and future conditions models in EPA SWMM format.
- Model result tables with corresponding figure

## **TASK 7: STORMWATER SYSTEM MAINTENANCE**

*Consultant responsibilities:*

- 7.1 Stormwater System Maintenance Plan. For each major system component (i.e., ditches/swales, pipelines, catch basins, and detention facilities) identified in the GIS, develop an estimated annual cost to maintain the Capital Improvement Plan (CIP) projects, identified in TASK 9: , and existing infrastructure in consultation with City staff. Provide a description of the estimating methodology, assumed unit costs, and basis of the unit costs. The City may leverage this effort to contract maintenance services. The maintenance effort identified in this task will be integrated into a comprehensive program outlined in Task 9 to address potential TMDL and NPDES Phase II community requirements.

Consultant will work with City staff to better understand how public vs private facilities are maintained and how the city can enforce private facility maintenance through agreements or other mechanisms. Consultant will review mechanisms from other cities such as Oregon City and City of Portland and provide recommendations.

- 7.2 Documentation. Prepare draft section, summary tables, and figures to be incorporated into the final master plan document following city review.

*City Responsibilities*

- Provide input and review recommendations to Consultant-recommended maintenance activities.
- Provide one set of consolidated comments on deliverables.

*Assumptions*

- No new data will be collected for this Task.

*Deliverables*

- Draft master plan document section, summary tables, and figures, in Microsoft Word.

## **TASK 8: STAFFING LEVEL ANALYSIS**

*Consultant responsibilities:*

- 8.1 Interview Staff Materials. Prepare materials and questionnaires to review City staffing levels. These will be provided to operations staff to assist Consultant in understanding the current operational status.
- 8.2 Summarize Existing Staffing Levels. Document existing full-time equivalent staffing levels committed to the City's stormwater system.
- 8.3 Develop Staffing Level Recommendations. Where staffing levels are inadequate to perform recommended activities identified in the CIP and programs, estimate additional staffing efforts in terms of equivalent full-time employees per comparison with regional equivalent Cities. The staffing level analysis will integrate needs to address potential TMDL and NPDES Phase II permit requirements.
- 8.4 Documentation. Prepare draft document section, summary tables, and figures to be incorporated into the final master plan document following city review.

*City Responsibilities*

- Provide one set of consolidated comments on deliverables.
- Participate and provide feedback with respect to operations and maintenance time commitments for maintaining city infrastructure.
- Provide comments on draft chapter within 3 weeks of delivery.

*Assumptions*

- Recommended staffing will be based on industry-standard staffing, previously documented staffing needs, and professional judgment.

*Deliverables*

- Draft master plan document section, summary tables, and figures, in Microsoft Word.

## **TASK 9: CAPITAL IMPROVEMENT PLAN (CIP)**

*Consultant responsibilities:*

- 9.1 **Problem Area Prioritization.** Work with the City to review problem areas identified through the planning process and develop a methodology for prioritizing the (15) fifteen most pressing locations. These fifteen locations will then be developed into the CIP through the following tasks in Task 9.

Once the hydrologic and hydraulic model has been updated and calibrated, the project team will prioritize and fast-track the evaluation of Springbrook Road near Middlebrook Drive and Springbrook Way. The system is currently under capacity and causes roadway flooding. Potential alternatives will be evaluated to identify a preferred alternative with city input, based on the modeling results. The work completed by students at George Fox University will be evaluated and considered as part of the effort to fast-track a solution to this known and ongoing problem area.

- 9.2 **Evaluate Alternatives.** With the updated hydraulic model, evaluate up to two (2) improvement alternatives to develop a preferred alternative to correct the identified problems. These may include parallel / replacement conveyance systems, flow rerouting, and detention basins (structural and non-structural controls). Identify locations for facilities that show potential strategic value as detention, water quality, debris flow catchment, or controlled surcharge flood storage based on geography, ownership, capacity, land use, and development potential. Benefits and drawbacks will be summarized for each alternative. Incorporate recommended improvement alternatives into an overall master plan with associated graphic(s).
- Evaluation results will be provided to the City for feedback and input. The City's feedback will be incorporated into the preferred alternative selection for each identified problem area.
- 9.3 **Phasing, Planning Level Costs, and SDC Eligibility.** Organize recommended improvements by priority and develop an American Association of Cost Engineering (AACE) Class 5 planning level cost estimates. Prioritization will be completed with City input primarily based on infrastructure needs while considering development pressures. A simple schedule will be developed for CIP implementation. Project fact sheets for CIPs will be created. Fact sheets will include a brief description, project name/identification, project purpose and description, budget breakdown, and a graphic. Each sheet will also include information on how each project will address TMDL requirements and potential land acquisition needs required for CIP implementation. For projects intended to benefit new growth, estimate the portion of the project that would be eligible for System Development Charges. All recommended projects will be summarized in a 20-year improvement table that will be divided into four year blocks to align with the City fiscal schedule, referencing the applicable fact sheet and SDC eligibility.
- 9.4 **Program Recommendations:** Develop program recommendations for repair or replacement, Operations and Maintenance (O&M) activities, water quality, water quality retrofit of existing facilities, CCTV collection, and TMDL regulatory requirements. These recommendations will consider potential changes needed to comply with as a Phase II NPDES MS4. Where improvements are anticipated to increase or decrease the system's O&M activities, estimate the annual operating budget impact of improvements outlined in the CIP and program recommendations.
- 9.5 **Draft Plan Section.** Prepare draft section writeup. Incorporate the City's comments into the final document.

#### *City Responsibilities*

- Provide one set of consolidated comments on deliverables.
- Provide a review of the alternatives considered, input on selection criteria, and ultimate selection of preferred alternatives.
- Provide comments on draft chapter within 3 weeks of delivery.

#### *Assumptions*

- The Consultant's opinions of probable cost represent the Consultant's judgment as an experienced and qualified design professional. Since the Consultant has no control over the cost of labor, materials, equipment, or services furnished by others, or over the City's and other Consultant's methods of determining prices, or over competitive bidding or market conditions, the Consultant does not guarantee that proposals, bids, or actual construction cost will not vary from opinions of probable cost prepared by the Consultant.

- Up to two (2) alternatives will be evaluated for each of the 15 problem areas identified for fact sheets. Up to 15 fact sheets will be developed.
- Future developments are anticipated to restrict post-development flows equal to or less than predevelopment conditions.
- Program recommendations will include a description of the overall program's need and an estimated budget based on a desktop evaluation of existing information and data.

*Deliverables*

- Capital improvement table and location figure, in pdf format.
- Estimate of SDC eligibility for each capital improvement.
- Fact sheet for each capital improvement, in pdf format.
- Draft master plan document section, summary tables, and figures, in Microsoft Word and PDF.

## **TASK 10: FINAL PLAN DOCUMENTATION & PUBLIC MEETINGS**

*Consultant responsibilities:*

- 10.1 Draft Final Master Plan. Prepare and combine draft documents into a comprehensive master plan. Add an executive summary and assemble appendix materials. Incorporate revisions and comments into a refined draft master plan for presentation at public meetings. Assist the City in developing staff recommendation reports.
- 10.2 Public Meetings. Prepare meeting materials and attend meetings, one (1) Planning Commission hearing, and one (1) City Council hearing.
- 10.3 Produce Final Master Plan Documents. Finalize the master plan based on final comments or changes recommended by the Planning Commission or the City Council. Provide an executive summary of the master plan and a prioritized list of CIP projects suitable for inclusion in the Comprehensive Plan.

*City Responsibilities*

- City staff will conduct one-on-one meetings with the Technical Advisory Committee, Planning Commissioners, and Councilors to identify potential areas of concern before the meetings.
- City staff will compile written comments from community members during adoption work sessions or hearings (both during comment periods and the hearings themselves).
- Lead interaction with the Technical Advisory Committee, City Council, Staff, Planning Commission, and the public.
- Provide comments on draft chapter within 3 weeks of delivery.

*Assumptions*

- Scope excludes preparing, submitting, and responding to regulatory and funding agencies.
- One (1) presentation will be developed. One (1) for the public, Planning Commission and City Council meeting near end of the study. The presentation will be prepared for a total of two (2) public meetings.
- The Consultant is not responsible for coordinating, inviting, identifying, or communicating with participants in the public meetings outside of the public meetings.
- The Planning Commission and City Council hearings will last up to two and one half (2.5) hours, excluding travel time and preparation. Travel time for each meeting is assumed to be Two (2) hours round trip.
- Up to two (2) consultant staff will attend each public meeting.
- The City will provide translation services, if necessary.

*Deliverables*

- One (1) draft and one (1) final hard copy of the final master plan and one (1) searchable PDF copy of the draft and final copy.
- Draft Final Master Plan in Word and pdf format
- Public meeting presentation materials in pdf format.

## **SCHEDULE**

Consultant intends to complete Phase II scope within 14 months of NTP issue date. This schedule assumes timely delivery of requested information and input from the City.

## **COMPENSATION**

As compensation for services to be performed by Consultant, the City will pay Consultant as described in the following table. The total authorized budget amount shall not be exceeded without written authorization from the City.

<b>Task</b>	<b>Type</b>	<b>Amount</b>
Task 1 - Project Management	LS	\$25,000
Task 2 – Data Collection, Review, and Base Map Development	LS	\$6,400
Task 3 – Flow Monitoring	LS	\$0
Task 4 – Planning Criteria Development	LS	\$8,300
Task 5 – Survey	LS	\$26,800
Task 6 – Model Development and Technical Analysis	LS	\$62,900
Task 7 – Stormwater System Maintenance	LS	\$8,900
Task 8 – Staffing Level Analysis	LS	\$10,500
Task 9 – Capital Improvement Plan (CIP)	LS	\$48,900
Task 10 – Final Plan Documentation and Public Meetings	LS	\$35,300
<b>TOTAL CONSULTANT BUDGET</b>	<b>LS</b>	<b>\$233,000</b>

LS = Lump Sum      TM = Time and Materials

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: February 2, 2026**

Order  Ordinance  Resolution  Motion  Information  Proclamation

Subject: Updates to the Council Rules to change public comment parameters and ensuring decorum and safety at public meetings.

Staff: Rachel Thomas  
Department: Administration

Business Session

Order On Agenda: New Business

Hearing Type: Administrative

**Is this item state mandated?** Yes  No

**If yes, please cite the state house bill or order that necessitated this action:**

**Recommendation:** Consider the proposed update to the council rules and provide direction to staff on the following:

1. Does Council desire to add decorum standards to our Council Rules?
2. Does Council desire to eliminate general comment and only receive comment on items listed on the agenda?

## **Executive Summary:**

In these times of inflamed passions, staff want to ensure that public meetings remain efficient and safe for all present. Maintaining decorum is critical in ensuring safety in our meetings and allowing for peaceful civil discourse.

In order to maintain efficient meetings and decorum during public meetings, changes have been suggested to the current council rules surrounding public comment and decorum.

While decorum has always been a part of various policies and procedures, clarifying expectations in these rules will allow for more transparency in how decorum is upheld during meetings.

## **Fiscal Impact:** N/A

## **Council Goals:**

Goal 4: Create and maintain a high level of transparency with our residents in order to build trust.

Attachment 1: Proposed changes to Council Rules- Redline version

Attachment 2: Proposed changes to Council Rules- Clean Copy

Attachment 3: Current Council Rules



# Newberg City Council, Board, Committee & Commission Guidelines 2025

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# **CHAPTER 1 – General Governance**

## **I. Rules of Procedure**

- A. These rules are intended to govern City Council and all boards, committees, and commissions (hereafter referred to as standing committees) of the city.
- B. Unless otherwise provided by charter or ordinance, Council meetings, and the meetings of any board, commission, or committee of city council, shall be guided by Robert's Rules of Order for Small Boards.<sup>1</sup> These rules are adopted according to NMC, Charter, Ch III, Section 11.
- C. Members of the council or governing body are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- D. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

## **II. Quorum**

- A. A quorum is required to conduct official city business.<sup>2</sup>
- B. The members of the council are the city councilors and mayor. The members of a standing committee are as defined at their creation. Fifty percent plus one of the members of the council or a standing committee shall constitute a quorum. Vacancies in office do not count towards determining a quorum.
- C. In the event a quorum is not present, the members of the governing body present shall adjourn the meeting, or a smaller number may meet and compel attendance of absent members as outlined in Rule II D.
- D. When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any member may move for a call of the house.
  1. The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent members will be requested to attend or return to the meeting. The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent members at the meeting. The presiding officer is authorized to recess the meeting to a

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<sup>1</sup> Robert's Rules of Order Newly Revised, 12th edition, section 49:21.

<sup>2</sup> NMC Charter, CH 3, Section 13.

certain time while attendance is being compelled.

### **III. Presiding Officer**

#### **A. City Council:**

1. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.<sup>3</sup>
2. If the mayor is absent or otherwise unable to preside, the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.<sup>4</sup>
3. If both the mayor and the president of the council are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
  - a. The city recorder shall call the council to order and call the roll of the members.
  - b. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.
  - c. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
  - d. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.
  - e. This process may be used to elect a presiding officer for a portion of a meeting if the mayor or council president is unable to preside over a single item.

#### **B. Standing and Ad-Hoc Committees:**

1. The chair shall preside over all meetings.
2. In the chair's absence the vice chair shall preside over the meeting.
3. If both the chair and vice chair are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
  - a. The staff liaison shall call the meeting to order and call the roll of the

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<sup>3</sup> (NMC, Charter, Ch III, Section 9)

<sup>4</sup> (NMC, Charter, Ch III, Section 10).

members.

- b. Those members present shall elect, by majority vote, a temporary presiding officer for the meeting.
- c. Should either the chair or vice chair arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
- d. The presiding officer shall retain all rights and privileges of a member when acting in this capacity.
- e. This process may be used to elect a presiding officer for a portion of a meeting if the chair or vice chair is unable to preside over a single item.

#### **IV. Other Elected and Appointed Officers**

- A. City Manager. The city manager is required to attend all meetings of the council, unless excused by council, and is permitted to participate in any discussion; however, the city manager has no authority to cast a vote on any decision rendered by the council.<sup>5</sup>
- B. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion on legal questions, either written or oral.
- C. City Recorder. The city recorder or designee shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.

#### **V. Agendas**

- A. The city recorder or designee shall prepare an agenda for every regular meeting, and for every special meeting. Staff liaisons serve as the designee for all standing committee meetings.
- B. Agendas and informational material for meetings shall be distributed to the council at least 7 days preceding the meeting. Supplemental items will be distributed at least 2 days prior to the meeting. Agendas and informational materials for standing committees should be distributed at least 7 days prior to the meeting and are required to be distributed more than 48 hours in advance of the meeting.<sup>6</sup>
- C. The mayor's approval shall be required for the publication of an agenda of any council meeting.
- D. With the consent of the mayor, the city manager may remove any items on the council agenda at any time prior to a meeting convening. The presiding officer

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<sup>5</sup> (NMC, Charter, Ch VIII, Section 34, e, 1.)

<sup>6</sup> Note: Some actions taken by council and or standing committees may require even more notice. All legal requirements for notice shall be followed.

shall announce such removal under announcements/proclamations.

- E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager and get the approval of the mayor at least 10 days prior to the meeting. A member of a standing committee who wishes to have an item placed on the agenda shall advise their staff liaison and get the approval of the chair at least 10 days prior to the meeting.
- F. If a request to include an agenda item is denied, written explanation shall be provided by the presiding officer to the requesting council member at least seven days prior to the meeting. If denied, the requesting council member may request, during the meeting and in open session, that the item be placed on the agenda. If the requesting council member obtains the support of at least one other council member, the item will be included on the agenda.
- G. Notwithstanding anything to the contrary above, the council may consider items which are not listed on a published agenda.
- H. Written Communications to Council
  - 1. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
  - 2. The city manager may, under their discretion, bring any matter raised by unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report which sets forth the reason the matter should be considered by the council, and making a recommendation for council action.
- I. All items submitted to the council packet will require an executive summary of the decision before the council, and items over 100 pages in length will require an index, or hyperlinks, to the specific sections and attachments.
- J. Items that are legislative in nature, or that are deemed complex, will have a work session before the hearing, resolution, or main decision point is brought before the council. This may be waived by a majority of council.

## **VI. Order of Business**

The order of business for all regular meetings of City Council shall be as follows. However, when it appears to be in the best interest of the public, the order of business may be changed for any single meeting with the approval of the mayor. Agendas for special meetings may follow this order or be adjusted according to the purpose of the meeting. Committees may follow this order or set their own agenda order as desired.

- A. Call to order
- B. Roll call

- C. **Pledge of Allegiance**
  - D. **Announcements**
  - E. **Proclamations and Awards**
  - F. **City Manager's Report**
  - G. **Public comment on items not on the agenda**
  - H. **Consent Agenda**
  - I. **Continued Business**
  - J. **New Business**
  - K. **Council Business**
  - L. **Adjournment**
- A. **Call to Order.** The presiding officer shall call all meetings of the council to order.
  - B. **Roll Call.** The city recorder or staff liaison shall conduct a roll call to determine which members of the body are present and which are absent.
    1. The attendance shall be properly reflected in the minutes.
    2. If roll call determines that a quorum is not present, this shall be addressed by Rule II.
  - C. **Pledge of Allegiance** This will be led by the presiding officer.
  - D. **Announcements.** Announcements are intended to be procedural in nature, such as an item being removed from the agenda, motions to reorder, insert or change agenda items. This also includes motions to remove items from the consent calendar.
  - E. **Proclamations and Awards.** Proclamations are awards or recognition of individuals by the council.
  - F. **City Manager's Report.** The City Manager will give a report at each regular council meeting with updates from all departments of the city. The first report of each month will include narrative information, the second report of each month will include statistical information. The council may ask questions of the city manager upon conclusion of the report being given. The city manager may call upon his staff to assist in answering questions.
  - G. **Public Comment - See Chapter 5, Section III.**
  - H. **Consent Agenda.** To expedite the council's business, routine agenda items shall be placed on the consent agenda.
    1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.

2. Any item on the consent agenda may be removed for separate consideration by any member.
  3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the request for council action, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member must declare a conflict of interest.
- I. Continued Business. This section of the agenda will include items that are being returned to council after previous introduction, work session, or consideration at a recent meeting.
  - J. New Business. This section of the agenda will include items that are being considered for the first time. This may include topics freshly presented to council after a period of more than six months.
  - K. Council Business. To include appointments, reports from councilors on standing committees, nominations and similar council business.
  - L. Adjournment. Meetings will be adjourned by the presiding officer.

## **CHAPTER 2 – Meeting Time, Location and Frequency**

### **I. City Council**

#### **A. Regular meetings**

1. The council shall meet every first and third Monday evening of each month, except for meetings falling on designated holidays, which will be held on the next business day. Regular meetings shall begin at 6 p.m. Should there be a lack of business, lack of quorum, or other conflict, the meeting may be cancelled, with consent of the mayor, providing at least one meeting occurs in the given month.<sup>7</sup> Regular meetings will be limited to 4 hours and will be adjourned by 10pm except by majority vote of the body.

#### **B. Special meetings**

1. Special meetings may be called by the presiding officer or by request of three members.
2. Notice of a special meeting of council shall be given to all members of the council and the city manager via email. Should the meeting occur within 72 hours of the notice, all attempts will be made to reach the council and city manager by telephone.
3. Special meetings shall be noticed in accordance with Oregon's public

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<sup>7</sup> NMC, Charter, Chapter 3, Section 12

meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. Notice of the special meeting shall be given to each member, the city manager or staff liaison, and each local newspaper, radio, and television station which has requested notice of special meetings.

C. Emergency meetings

1. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
2. Emergency meetings may be called by the mayor by the request of three members of council, or by the city manager.
3. Emergency meetings may only be held by City Council.
4. Notice of the emergency meeting shall be given to each member of the council, the city manager, and all reasonable attempts will be made to inform each local newspaper, radio, and television station which has requested notice of meetings.
5. Notice of the emergency meeting shall be given to all members of council and the city manager via telephone and email.
6. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

D. Executive Sessions.

1. Executive sessions may only be held by City Council. Executive sessions may be called by the presiding officer, at the request of three members of council, by the city manager, or by the city attorney.
2. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions. Generally, the city recorder will be present to take minutes, if excused, another minute taker will be identified.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation, and the news media is a party to the litigation.
4. Cameras, tape recorders, and other recording devices may not be used in executive sessions, except for any official executive session recording made by city staff.
5. All executive sessions will be held in person only, without a virtual attendance option, unless a virtual option is approved by a majority vote in open session.

E. Work Sessions

1. Work sessions are permitted to present information in preparation for regular or special meetings.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the council or committee is not permitted to take formal or final action on any matter at a work session.
4. Work sessions may be called by the presiding officer, at the request of three members of Council, by the city manager, or by the city attorney.
5. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

## **II. Board, Commission, and Committee Meetings**

- A. Shall meet according to the schedule produced by the city recorder's office each year. This will be developed in accordance with the code, resolution, law, and necessity. Committees may add additional meetings or reschedule meetings if necessary.
- B. Must be properly noticed in accordance with Oregon Public Meetings Law.
- C. Meetings may be canceled due to lack of quorum or lack of business by the presiding officer.

## **III. Location**

- A. Council meetings shall be held in the Denise Bacon Room in the Public Safety Building and simultaneously through Zoom or other virtual meeting platforms. Board, commission, and committee meetings will be held in various locations as appropriate, as noticed on the meeting agenda, and simultaneously through Zoom or another virtual meeting platform.
- B. In the event the regular meeting room is not available for a meeting, the meeting shall occur at a venue open to the public which is located within the jurisdictional limits of the city. All meeting locations shall meet the requirements of Oregon's Public Meeting Law.
- C. At the direction of the presiding officer, the meeting may also move to a fully virtual format. (For example: In the case of inclement weather.)
- D. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
- E. Interjurisdictional meetings may be held outside of the city's jurisdictional limits but

should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

#### **IV. Notice**

- A. The city recorder or designee shall provide notice of all meetings in accordance with Oregon's public meeting law.

#### **V. Attendance**

- A. Members of council or committees shall advise the presiding officer and city manager/city recorder/staff liaison if they will be unable to attend any meetings.
- B. Under Article VII, Section 32 of the charter, a council position becomes vacant upon declaration of the council if the member of council is absent from the city for 30 days or more without council consent, or from all meetings of the council within a 60-day period without council consent.
- C. Committee members may be excused from their position if they are not present for at least 75% of meetings in a year in accordance with Title II, Chapter 2.15.005 (D.) of the Newberg Municipal Code.
- D. Members may attend meetings in person or virtually by phone or video conferencing.

### **CHAPTER 3 – Ordinances and Resolutions**

#### **I. Ordinances**

- A. All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein. Sections 16 and 17 of city charter provide that the council exercises its legislative authority by adoption of ordinances.
- B. Except as authorized by subsection (C), adoption of an ordinance shall, before being put upon its final passage, be fully and distinctly read in open council meeting.
- C. The reading may be by title only if no council member present at the meeting requests to have the ordinance read in full, provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- D. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts that ordinance.
- E. Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.
- F. After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the city recorder's name and title.

- G. A script for the adoption of an ordinance will be followed to ensure compliance with these rules. See attachments.
- H. Effective Date: An ordinance shall take effect 30 days after adoption or at a later date to be specified in the ordinance.
  - 1. The following shall take effect immediately upon its passage:
    - a. Ordinances making appropriations and the annual tax levy; and
    - b. Emergency ordinances.

## **II. Resolutions**

- A. Resolutions considered by and voted upon by the council or committee shall adhere to the rules outlined here.
- B. An affirmative vote of a majority of the council or committee present shall be necessary to pass a resolution.
- C. When a resolution is rejected, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered for a period of not less than three months, unless at least three members petition for early consideration. Resolutions containing substantial amendments may return for consideration within the 3 month window.
- D. Reconsideration
  - 1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
  - 2. No motion shall be made more than once.
  - 3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.
- E. Effective date. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

## **CHAPTER 4 – Land Use Hearings**

### **I. General Conduct of Hearings**

- A. Any party may speak in person or through their attorney.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. The party must also bring 10 copies of the written testimony for the council/commission and staff.

- C. If a party desires to make its testimony or evidence available as part of the meeting's agenda packet, it must be submitted to the city recorder or designated staff by noon the Friday before the meeting for council meetings, or 2 days ahead for all other meetings.<sup>8</sup> If the testimony or evidence is not submitted to the city recorder or designated staff by this deadline, it still may be submitted to the city recorder or designated staff at the time of the hearing and included in the record, but it shall not be included in the meeting's agenda packet.
- D. No person may speak more than once without obtaining permission from the presiding officer.
- E. Upon being recognized by the presiding officer, any member may question any person who testifies.
- F. As directed by the presiding officer, staff may question any person who testifies.
- G. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- H. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder or staff liaison shall note the numbers of such persons for the record in the minutes. Persons testifying are asked to avoid repeating testimony already entered into the record and instead indicate support if they are in agreement with such testimony.
- I. The presiding officer may reduce time limits for testimony equally based on the number of people signed up to speak, respectively, "in favor" or "opposed", to ensure all parties have an opportunity to speak and to ensure compliance with statutory shot clocks for land use decision making.<sup>9</sup>

## **II. Quasi-Judicial Land Use Matters**

### **A. Scope of Review**

- 1. All appeals of quasi-judicial land use proceedings shall be conducted pursuant to NMC 15.100.160 through 5.100.190, Appeals.

### **B. Conflicts of Interest, Abstention, Recusal, Ex Parte Communications**

- 1. A member of the council or commission shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
  - a. The member has an actual conflict of interest, as defined by the Oregon Revised Statutes or the city charter/rules and must recuse from participation. The disclosure and recusal must be noted in the minutes.

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<sup>8</sup> (see Chapter 5, Section 3

<sup>9</sup> (See also, Part II, Quasi-Judicial Land Use Matters - Hearing Procedures)

- b. The member was not present during the public hearing and must abstain from participation. However, the member may participate if they reviewed. The evidence, including recordings of the hearing, and declared such fact for the record.
  - c. The member has a bias, as determined by applicable law, that prevents them from considering evidence and applying applicable criteria in making an impartial decision on the application.
2. Members shall disclose all ex parte contacts regarding the proceeding at the commencement of any quasi-judicial land use proceeding. If the disclosed ex parte communication results in bias and/or a conflict of interest, the member shall recuse from participation as stated in (II)(B)(1)(a) and (c) above.
  1. “Ex parte contact” means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view.

C. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
2. The decision shall be based on the applicable standards and criteria as set forth in the city’s municipal code, including if applicable the city’s comprehensive plan and any other land use standards imposed by state law or administrative rule.
3. Proponents, any opponents, and those who are neutral on the proposal may submit written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
4. City staff may submit supplemental written findings in response to testimony and as requested by the hearing body to address questions raised during the hearing.

D. Hearing Procedures

The order of hearings in quasi-judicial land use matters shall be:

1. *Land Use Hearing Disclosure Statement*

The city attorney, presiding officer, or their designee, shall read the land use hearing disclosure statement, which shall include:

- a. A list of the applicable criteria;
- b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use

- regulation which the person believes to apply to the decision;
- c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council or other hearing body and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. *Call for ex-part contacts*
    - a. The presiding officer shall inquire whether any member has had ex-part contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact.
    - b. “Ex parte contact” means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view. Ex parte contact can also be access to evidence or information that is not available to the public or the hearing body, which may include visiting the site of a land use application.
  2. *Call for recusals*
    - a. The presiding officer shall inquire whether any member must recuse from participating in the hearing due to a conflict of interest.
    - b. Actual Conflict of Interest: If a member announces an actual conflict of interest, as outlined by Oregon Revised Statutes or the city charter/rules, that member must recuse themselves and leave the hearing. The recusal is recorded in the minutes.
    - c. Potential Conflict of Interest: If a member has a potential conflict of interest, they can declare the potential conflict and continue participation in the matter. The declared potential conflict is recorded in the minutes.
    - d. Any member announcing a conflict of interest shall state the nature of the conflict, and if the conflict requires recusal, shall not participate in the proceeding unless the person’s vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
  3. *Staff summary*
    - a. Planning staff shall present a summary and recommendation concerning the proposal.
  4. *Presentation of the Case*
    - a. Proponent’s case. Twenty minutes total.

- b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
  - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
5. *Close of hearing*
    - a. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
  6. *Deliberations*
    - a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.

7. *Findings and Order*
  - a. The body may approve or reject the proposal.
  - b. The body shall adopt findings to support its decision.
  - c. The body may incorporate findings proposed by the proponent, the opponent or staff in its decision.

B. Continuances

1. A party can request either a hearing continuance or an open record period as provided by Oregon Revised Statutes. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances.
- d. There is a 120-day time limitation for the city to make a final land use decision, imposed by the Oregon Revised Statutes, and this 120-day period is not extended unless the applicant requested the continuance or if the applicant otherwise agrees to the extension of the time limitation.<sup>10</sup>

### III. Legislative Land Use Matters

- A. Hearings Procedures
1. The order of procedures for hearings on legislative land use matters shall be:
  2. *Call for abstentions*
    - a. Inquire whether any member wishes to abstain from participation in the

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<sup>10</sup> See ORS 227.178.

hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings. The City Recorder or designated staff shall record the abstention in the minutes.

3. *Staff summary*
  - a. Staff shall present a summary of the proposal, statement of the applicable criteria, and recommendations concerning the proposal.
4. *Presentation of the Case*
  - a. Staff Presentation or Proponent's case. As approved by the presiding officer.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
5. *Close of hearing*
  - a. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
6. *Deliberations*
  - a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.
7. *Reopening Hearing*
  - a. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the body, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## **CHAPTER 5 – Motions, Debate, Public Comment and Voting**

### **I. Motions**

#### **A. The following rules shall apply to motions:**

1. All motions shall be distinctly worded using plain language.
2. If a motion does not receive a second, it dies.
3. The body will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. Any motion shall be reduced to writing if requested by a member.
5. A motion to amend can be made to a motion that is on the floor and has been seconded.
6. Amendments are voted on first, then the main motion if voted on as amended.

7. No motion shall be received when a question is under debate except for the following:
  - a. To lay the matter on the table; (Put the issue on indefinite hold.)
  - b. To call for the previous question; (End debate and immediately vote.)
  - c. To postpone; (Delay until a specified time.)
  - d. To refer; or (Send the matter to another committee or person for more information or a recommendation.)
  - e. To amend. (To change the motion on the table.)
8. A motion may be withdrawn by the mover at any time without the consent of the body.
9. A member may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
10. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
  - a. A call for the question fails without a majority vote.
  - b. Debate on the main subject resumes if the motion fails.
11. A motion that receives a tie vote fails.
12. The presiding officer shall cause the motion to be stated before the vote.
13. A motion to adjourn cannot be amended.

B. Motion to Reconsider

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. No motion shall be made more than once.
3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.

## **II. Debate**

- A. The following rules shall govern the debate of any item being discussed by the council or committee:
1. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
  2. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

## **III. Public Comment and Decorum**

#### A. Decorum during a meeting

In order to provide for efficient and safe public meetings that allow for peaceful civil discourse, the following rules are set to ensure decorum.

1. All persons in attendance at a public meeting should avoid conduct which is unreasonably loud, disruptive, or profane. Rude, slanderous, or threatening remarks will not be permitted. Any noise or disturbance from the audience which interrupts the proceedings is not permitted. Anyone doing so may be removed from the meeting.
2. Should an individual violate appropriate conduct for a meeting, the presiding officer may dismiss them from the meeting
3. If an individual is asked to leave after violating conduct standards, and will not, the individual may be trespassed under ORS 164.245.

#### A.IV. Public Comment

1. Public comment may be received at regular council meetings, standing committee meetings, and certain ad hoc committee meetings. The public shall have the right to comment at City Council meetings on all items that require a vote by the City Council, and all items on the agenda; the City Council will not accept public comment unrelated to agenda items. Because of the limited role, purpose, and authority of standing committees and ad hoc committees, and in order to promote efficiency and maintain order, standing committees will only receive public comment related to the subject of the committee or topics at that meeting, while ad hoc committees will receive public comment only to the extent it is specifically included in their directives. .
2. When an interested person addresses the council or gives oral comments, that person should state their name and indicate if they are a resident of the city.
3. Public comment is a time for comment; it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the council or city staff.
4. The maximum time allowed for public comments on any given item, including all speakers, is thirty 30 minutes. The mayor has the discretion to extend or reduce the time allotted to each speaker or may extend the comment period beyond the allotted 30 minutes to accommodate the needs of the meeting.
5. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

3.6.

#### B.V. Public Comment Registration

1. Those giving public comment are required to register on the city website (by noon on the day of the meeting) or in person at the public meeting before making comments and/or providing input at the meeting.
2. Registration is due before the meeting is called to order, except in the case of public hearings. An interested person shall register separately for each subject under which they wish to provide comment.
  - a. For public hearings, public comment registration will close when the public testimony portion of the hearing is closed.
  - b. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request.
  - c. A form complying with this rule will be available at all meetings. The city recorder is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.
3. Those desiring to give public comment over the phone or through the virtual meeting option (Zoom or other virtual meeting platforms) are required to register by noon the day of the meeting.
  - a. Should the meeting take place before 3pm, registration will be required by noon the day before the meeting, should this registration deadline fall on a weekend, registration will be due the Friday prior to the meeting. No Zoom or other virtual meeting platforms or phone comments will be received without prior registration.

C. Non-Agenda Items and Consent Calendar

- ~~1. Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar will speak under general public comments. Those people will be given the opportunity to speak for no more than five 5 minutes. Speakers may share their time at the discretion of the mayor.~~
- ~~2.1. The maximum time allowed for public comments, including all speakers, is thirty 30 minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.~~

D.VI. Comment on Agenda Items other than Consent Calendar

1. Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes following the introduction of the item. Time limits may be changed for a meeting to accommodate the number of speakers. Speakers may share their time at the

discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

4.

#### E.VII. Written Materials

1. Comments including any attachments (written comment, images, etc.), can be emailed to the City Recorder or dropped off at City Hall by 12:00 p.m. (noon) the Friday before the meeting. Materials more than 10 pages long should be submitted as early as possible to ensure sufficient time for council review. Written comment must be accompanied by a public comment registration form.
2. If written comment cannot be provided prior to the deadline, members of the public are to bring 10 printed copies of the item to the meeting and provide one copy to the City Recorder or staff member taking public comment registrations.
3. Written comments will not be read into the record.

#### E.VIII. Electronic Materials

1. Speakers may submit electronic audio or visual material to be played during the time permitted for their comment.
2. Speakers must provide the materials in a format compatible with city software to the City Recorder on the Friday prior to the council meeting by 12:00 p.m. so that it may be installed on the city's equipment to avoid delays or disruption of the meeting. All items will be virus screened and will not be used should a threat be detected.

#### G. Multiple Speakers

1. ~~Should there be more speakers than can be heard during the 30 minutes allowed for public comment, the presiding officer may reduce the time allotted to each speaker or may extend the comment period.~~

#### H.IX. Council or Member Inquiries

1. Councilors or committee members may, upon recognition by the presiding officer, ask questions of speakers during public comment. Members shall use restraint when exercising this option and shall limit questions to no more than three minutes. The presiding officer may intervene if a member is violating the spirit of this guideline.

4.

#### IV.X. Voting

The following rules shall apply to voting on matters before the council. The express approval of a majority of a quorum of the council is necessary for any council decision, except as otherwise set forth in these rules or when the charter requires approval by a majority of the

council. For standing committees, the express approval of a majority of the quorum is necessary for any decision.

A. Consent Agenda

A majority of quorum present is required to approve the matters on a consent agenda.

B. Resolutions

A majority of quorum present shall be required to pass a resolution.

C. An Ordinance

A majority of all council members is required to pass an ordinance.

D. Emergency Ordinance

An emergency ordinance shall require the majority of quorum present.

E. Budget

The budget shall require majority of quorum present to pass.

F. Suspension of Rules

A majority of quorum present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the city's charter shall not be suspended or rescinded.

G. All votes shall be recorded in the minutes and may not be by secret ballot.

H. Ties

Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.

## CHAPTER 6 – Minutes

I. **Generally**

A. All minutes shall be in written form, in addition, an electronic copy of the meeting recording will be maintained by the city recorder in accordance with the appropriate record retention schedule.

B. The minutes shall be action minutes and contain the following information:

1. The date, time and place of the meeting;
2. The members present and absent;
3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;

4. The results of all votes and the vote of each member by name; and
5. The substance of any discussion.

## **CHAPTER 7 – Appointments**

### **I. Appointments of City Staff**

A. The council appoints and can remove those positions identified in the city's charter. This includes City Attorney and Municipal Judge.

B. Appointments and Removals

All appointments and removals require a majority vote of the entire council.

C. Interference

If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge's exercise of judicial authority or discretion.

### **II. Appointments of Members to Boards, Commissions and Committees**

A. Unless otherwise mandated by applicable law, the mayor shall appoint the members of any standing board, commission, or committee with the consent of the council in accordance with the code, resolution, or law that governs them.

1. Standing boards, commissions or committees are those established by the municipal code, resolution, or state law, intended to be permanent or long-term, to fulfill an ongoing need of the city. (ex. Budget Committee, Historic Preservation Commission, Planning Commission)

B. Ad-Hoc Committees

1. The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes and make recommendations to the council. Ad-hoc committees are intended to be temporary.
2. The mayor will establish the membership criteria for the ad-hoc committees. Residency does not have to be a required criterion. The mayor will appoint members of the ad-hoc committees, subject to council ratification.
3. The mayor may remove any member of the ad-hoc committee at any time. Members of the committee will be removed if the member fails to attend two 2 consecutive meetings of the committee without being excused prior to the meeting.
4. The mayor has the authority to grant an excused absence, and in the mayor's absence, the committee chair has the authority.
5. The mayor will designate the chairperson and the vice chair. Members will

continue to serve until their mission is accomplished, replacement or reappointment.

6. Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad-hoc committee will have only the authority of recommendations to the council.
7. The meeting time and place of the committee will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet.
8. A majority of the committee may request a meeting. All meetings are public meetings and will be conducted in accordance with the OPML.
9. The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee.
10. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

C. Removals

Except as otherwise required by applicable law, all appointed board, committee, or commission persons may be removed by the mayor with the consent of council.

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## **CHAPTER 8 – Ethics, Decorum, Outside Statements**

### **I. Ethics**

- A. All members of the council and committees shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
  1. Disclosing confidential information.
  2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
  3. Expressing an opinion contrary to the official position of the council or committee without so saying.
  4. Conducting themselves in a manner so as to bring discredit upon the government of the city.

### **II. Decorum**

- A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council or committee.
- B. Members shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
- C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members.

### **III. Statements to the Media and Other Organizations**

#### **A. Representing the City**

If a member of the council or committee, including the mayor, appears as a representative of the city before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council or committee.

#### **B. Personal Opinions**

If a member of the council or committee, including the mayor, appears in their personal capacity before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

C. Suggested Language

Councilors and committee members are encouraged to use statements such as "This is my personal opinion and not the official opinion of the Newberg City Council (or relevant body)."

## **CHAPTER 9 – Interactions with Staff & City Attorney**

### **I. Staff**

- A. All members of the council and committees shall respect the separation between their role and the city's manager's responsibility by:
1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
  2. Refraining from actions that would undermine the authority of the city manager or a department head.
  3. Refraining from contacting the City Manager or Department Heads from 6pm Friday- 6am Monday, except in the case of an emergency.
  4. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager.
    - a. Questions from individual members of the council requiring significant time or resources (2 hours or more) shall require the approval of the council.
    - b. Members of the council shall share any information obtained from staff with the entire council.
    - c. This section is not intended to apply to questions by members of the council acting in their individual capacity. Inquiries of a personal nature (i.e. utility billing issues, personal permits) shall be handled through the avenues available to all citizens.
    - d. This section is not intended to apply to questions regarding conflict of interest or similar issues particular to a member of the council.

### **II. City Attorney**

- A. Council members may make requests to the City Attorney for information and advice in relation to council business.
1. Council members should understand that the City Attorney must prioritize the city's legal issues and may not be able to respond immediately to Council requests.
  2. Requests for legal advice that require greater than two hours of attorney time

will require the concurrence of the majority of the Council.

## **CHAPTER 10 – Censure**

### **I. Rules Violations**

- A. The council may enforce these rules and ensure compliance with city ordinances, charter, and state laws applicable to governing bodies.
- B. If a member of council violates these rules, city ordinances, the city charter, or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member via:
  1. Public reprimand;
  2. Removal from committee assignments; and/or
  3. The removal from the position of council president.

### **II. Investigating Violations**

- A. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) in order to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter, or state laws applicable to governing bodies has occurred.
- B. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

## **CHAPTER 11 – Amendment and Repeal**

### **I. Amendment**

- A. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.
- B. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed and open for comment by the public.
- C. All amendments to these rules require a majority vote.
- D. Amended rules shall not go into effect until the meeting after the rule is approved.

## **II. Repeal**

- A. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
- B. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
- C. Any proposed repeal and replacement of these rules shall be done by resolution, noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
- D. Any repeal and replacement of these rules requires a majority of the full council vote.
- E. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved unless otherwise noted in the resolution.

# OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

## ► LEGISLATIVE HEARING ◀◀

### 1. CALL TO ORDER

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

### 2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	<b>Script</b>
	<b>Presiding Officer:</b> Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex parte contact?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### 3. STAFF REPORTS

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### 4. PUBLIC TESTIMONY

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. CLOSE OF PUBLIC TESTIMONY

	<b>Script</b>
	<b>Presiding Officer:</b> Public testimony is called to a close.

## 6. RECOMMENDATIONS FROM STAFF

	<b>Script</b>
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 7. COUNCIL DELIBERATION

<b>Councilors should seek acknowledgement and then speak on the issue</b>	<b>Script</b>
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 8. ORDINANCE DECISIONS

**Ordinances - Action usually requires passage of an ordinance; the relevant motions are listed in the Ordinance Action Guide.**

## ORDINACE ACTION GUIDE

### First action: Waive the second reading.

If this is the first meeting in which this ordinance is considered, council should waive the second reading through the following motion.	Script
	<b>Presiding Officer:</b> I move to waive the second reading of Ordinance [####].

### Second action can be one of 4 steps:

1. Motion for Approval	Script
	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title]
2. Motion to Read in Full	Script
	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title] and ask that it be read in full.
3. Motion to Approve Amended Ordinance	Script
Amended ordinance must be read in full if approved in the same meeting as amendments are made.	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title] with amendments and ask that amendments be read in full.
4. Motion to Table the Ordinance Motion:	Script
	<b>Presiding Officer:</b> I move to table this ordinance to be considered at our next meeting.

### Third Action: Roll Call Vote

#### Script

**Presiding Officer:** A motion has been made to (repeat the motion).

**Presiding Officer to the city recorder or meeting clerk:** Please take a roll call vote. (The city recorder or meeting clerk calls the roll and announces the number of ayes and nos.)

**Presiding officer:** The motion [passes or passes unanimously or fails]

### Majority of Entire Membership

**Ordinances require majority of the entire membership for passage, this means a majority of all of the councilors, not of the quorum present.**

7 members	4 votes required for passage
6 members	4 votes required for passage
5 members	3 votes required for passage
4 members	3 votes required for passage

# OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

## ► ADMINISTRATIVE HEARING ◀

### 1. CALL TO ORDER

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

### 2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	<b>Script</b>
	<b>Presiding Officer:</b> Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex parte contact?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### 3. STAFF REPORTS

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### 4. PUBLIC TESTIMONY

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. CLOSE OF PUBLIC TESTIMONY

	<b>Script</b>
	<b>Presiding Officer:</b> Public testimony is called to a close.

## 6. RECOMMENDATIONS FROM STAFF

	<b>Script</b>
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 7. COUNCIL DELIBERATION

<b>Councilors should seek acknowledgement and then speak on the issue.</b>	<b>Script</b>
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 8. DECISIONS

**Resolutions - Action usually requires passage of a resolution; the relevant motion should be:**

	<b>Script</b>
<b>Vote: voice vote is permitted</b>	<b>Motion:</b> I make a motion to approve Resolution [#####], [Title].  <b>Presiding Officer:</b> A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no. (Pause) The motion [passes unanimously or passes or fails.]

### Majority of Quorum

**Resolutions require majority of the quorum for passage.**

<b>7 members present</b>	4 votes required for passage
<b>6 members present</b>	4 votes required for passage
<b>5 members present</b>	3 votes required for passage
<b>4 members present</b>	3 votes required for passage

# **OUTLINE FOR PUBLIC HEARINGS**

**Newberg City Council**

## **► QUASI-JUDICIAL LAND-USE & NON-LAND-USE ◀**

### **1. CALL TO ORDER**

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider (topic of hearing). At this time, I will open the public hearing. Citizens will be able to testify on this issue and should submit a public comment registration at the back table should they wish to speak.

### **2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**

	<b>Script</b>
<b>City Attorney Legal Announcements: Read “quasi-judicial announcements” sheet</b>	<b>Presiding Officer:</b> Do any members of this [council board, committee or commission] need to declare a conflict of interest, abstention, or ex parte contact or an objection to the jurisdiction?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### **3. STAFF REPORTS**

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### **4. PUBLIC TESTIMONY**

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. At the end the principal proponent will have a chance to offer a rebuttal.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR

	Script
	<b>Presiding Officer:</b> Do any members of the council have questions for those who have given testimony?

## 6. PUBLIC AGENCY LETTERS OR COMMENTS

	Script
	<b>Presiding Officer:</b> Now we will receive testimony from any public agencies. Written testimony has been entered into the record and provided to members of the Council and staff.

## 7. CLOSE OF PUBLIC TESTIMONY

	Script
	<b>Presiding Officer:</b> Public testimony is called to a close.
	<b>City Attorney Legal Announcements</b>

## 8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

	Script
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

Councilors should seek acknowledgement and then speak on the issue.	Script
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 10. ACTION BY THE COUNCIL

**Orders - Action usually requires passage of an order; the relevant motion should be:**

	<b>Script</b>
<b>Vote: voice vote is permitted</b>	<b>Motion:</b> I make a motion to approve Order [#####], [Title].  <b>Presiding officer:</b> A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no  <b>Presiding officer:</b> The motion [passes or passes unanimously or fails]
<b>Majority of Quorum</b>	
<b>Orders require majority of the quorum for passage.</b>	
<b>7 members present</b>	4 votes required for passage
<b>6 members present</b>	4 votes required for passage
<b>5 members present</b>	3 votes required for passage
<b>4 members present</b>	3 votes required for passage



# Newberg City Council, Board, Committee & Commission Guidelines 2025

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# **CHAPTER 1 – General Governance**

## **I. Rules of Procedure**

- A. These rules are intended to govern City Council and all boards, committees, and commissions (hereafter referred to as standing committees) of the city.
- B. Unless otherwise provided by charter or ordinance, Council meetings, and the meetings of any board, commission, or committee of city council, shall be guided by Robert's Rules of Order for Small Boards.<sup>1</sup> These rules are adopted according to NMC, Charter, Ch III, Section 11.
- C. Members of the council or governing body are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- D. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

## **II. Quorum**

- A. A quorum is required to conduct official city business.<sup>2</sup>
- B. The members of the council are the city councilors and mayor. The members of a standing committee are as defined at their creation. Fifty percent plus one of the members of the council or a standing committee shall constitute a quorum. Vacancies in office do not count towards determining a quorum.
- C. In the event a quorum is not present, the members of the governing body present shall adjourn the meeting, or a smaller number may meet and compel attendance of absent members as outlined in Rule II D.
- D. When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any member may move for a call of the house.
  1. The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent members will be requested to attend or return to the meeting. The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent members at the meeting. The presiding officer is authorized to recess the meeting to a

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<sup>1</sup> Robert's Rules of Order Newly Revised, 12th edition, section 49:21.

<sup>2</sup> NMC Charter, CH 3, Section 13.

certain time while attendance is being compelled.

### **III. Presiding Officer**

#### **A. City Council:**

1. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.<sup>3</sup>
2. If the mayor is absent or otherwise unable to preside, the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.<sup>4</sup>
3. If both the mayor and the president of the council are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
  - a. The city recorder shall call the council to order and call the roll of the members.
  - b. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.
  - c. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
  - d. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.
  - e. This process may be used to elect a presiding officer for a portion of a meeting if the mayor or council president is unable to preside over a single item.

#### **B. Standing and Ad-Hoc Committees:**

1. The chair shall preside over all meetings.
2. In the chair's absence the vice chair shall preside over the meeting.
3. If both the chair and vice chair are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
  - a. The staff liaison shall call the meeting to order and call the roll of the

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<sup>3</sup> (NMC, Charter, Ch III, Section 9)

<sup>4</sup> (NMC, Charter, Ch III, Section 10).

members.

- b. Those members present shall elect, by majority vote, a temporary presiding officer for the meeting.
- c. Should either the chair or vice chair arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
- d. The presiding officer shall retain all rights and privileges of a member when acting in this capacity.
- e. This process may be used to elect a presiding officer for a portion of a meeting if the chair or vice chair is unable to preside over a single item.

#### **IV. Other Elected and Appointed Officers**

- A. City Manager. The city manager is required to attend all meetings of the council, unless excused by council, and is permitted to participate in any discussion; however, the city manager has no authority to cast a vote on any decision rendered by the council.<sup>5</sup>
- B. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion on legal questions, either written or oral.
- C. City Recorder. The city recorder or designee shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.

#### **V. Agendas**

- A. The city recorder or designee shall prepare an agenda for every regular meeting, and for every special meeting. Staff liaisons serve as the designee for all standing committee meetings.
- B. Agendas and informational material for meetings shall be distributed to the council at least 7 days preceding the meeting. Supplemental items will be distributed at least 2 days prior to the meeting. Agendas and informational materials for standing committees should be distributed at least 7 days prior to the meeting and are required to be distributed more than 48 hours in advance of the meeting.<sup>6</sup>
- C. The mayor's approval shall be required for the publication of an agenda of any council meeting.
- D. With the consent of the mayor, the city manager may remove any items on the council agenda at any time prior to a meeting convening. The presiding officer

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<sup>5</sup> (NMC, Charter, Ch VIII, Section 34, e, 1.)

<sup>6</sup> Note: Some actions taken by council and or standing committees may require even more notice. All legal requirements for notice shall be followed.

shall announce such removal under announcements/proclamations.

- E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager and get the approval of the mayor at least 10 days prior to the meeting. A member of a standing committee who wishes to have an item placed on the agenda shall advise their staff liaison and get the approval of the chair at least 10 days prior to the meeting.
- F. If a request to include an agenda item is denied, written explanation shall be provided by the presiding officer to the requesting council member at least seven days prior to the meeting. If denied, the requesting council member may request, during the meeting and in open session, that the item be placed on the agenda. If the requesting council member obtains the support of at least one other council member, the item will be included on the agenda.
- G. Notwithstanding anything to the contrary above, the council may consider items which are not listed on a published agenda.
- H. Written Communications to Council
  - 1. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
  - 2. The city manager may, under their discretion, bring any matter raised by unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report which sets forth the reason the matter should be considered by the council, and making a recommendation for council action.
- I. All items submitted to the council packet will require an executive summary of the decision before the council, and items over 100 pages in length will require an index, or hyperlinks, to the specific sections and attachments.
- J. Items that are legislative in nature, or that are deemed complex, will have a work session before the hearing, resolution, or main decision point is brought before the council. This may be waived by a majority of council.

## **VI. Order of Business**

The order of business for all regular meetings of City Council shall be as follows. However, when it appears to be in the best interest of the public, the order of business may be changed for any single meeting with the approval of the mayor. Agendas for special meetings may follow this order or be adjusted according to the purpose of the meeting. Committees may follow this order or set their own agenda order as desired.

- A. Call to order
- B. Roll call

- C. **Pledge of Allegiance**
  - D. **Announcements**
  - E. **Proclamations and Awards**
  - F. **City Manager's Report**
  - G. **Public comment on items not on the agenda**
  - H. **Consent Agenda**
  - I. **Continued Business**
  - J. **New Business**
  - K. **Council Business**
  - L. **Adjournment**
- A. **Call to Order.** The presiding officer shall call all meetings of the council to order.
  - B. **Roll Call.** The city recorder or staff liaison shall conduct a roll call to determine which members of the body are present and which are absent.
    1. The attendance shall be properly reflected in the minutes.
    2. If roll call determines that a quorum is not present, this shall be addressed by Rule II.
  - C. **Pledge of Allegiance** This will be led by the presiding officer.
  - D. **Announcements.** Announcements are intended to be procedural in nature, such as an item being removed from the agenda, motions to reorder, insert or change agenda items. This also includes motions to remove items from the consent calendar.
  - E. **Proclamations and Awards.** Proclamations are awards or recognition of individuals by the council.
  - F. **City Manager's Report.** The City Manager will give a report at each regular council meeting with updates from all departments of the city. The first report of each month will include narrative information, the second report of each month will include statistical information. The council may ask questions of the city manager upon conclusion of the report being given. The city manager may call upon his staff to assist in answering questions.
  - G. **Public Comment - See Chapter 5, Section III.**
  - H. **Consent Agenda.** To expedite the council's business, routine agenda items shall be placed on the consent agenda.
    1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.

2. Any item on the consent agenda may be removed for separate consideration by any member.
  3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the request for council action, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member must declare a conflict of interest.
- I. Continued Business. This section of the agenda will include items that are being returned to council after previous introduction, work session, or consideration at a recent meeting.
  - J. New Business. This section of the agenda will include items that are being considered for the first time. This may include topics freshly presented to council after a period of more than six months.
  - K. Council Business. To include appointments, reports from councilors on standing committees, nominations and similar council business.
  - L. Adjournment. Meetings will be adjourned by the presiding officer.

## **CHAPTER 2 – Meeting Time, Location and Frequency**

### **I. City Council**

#### **A. Regular meetings**

1. The council shall meet every first and third Monday evening of each month, except for meetings falling on designated holidays, which will be held on the next business day. Regular meetings shall begin at 6 p.m. Should there be a lack of business, lack of quorum, or other conflict, the meeting may be cancelled, with consent of the mayor, providing at least one meeting occurs in the given month.<sup>7</sup> Regular meetings will be limited to 4 hours and will be adjourned by 10pm except by majority vote of the body.

#### **B. Special meetings**

1. Special meetings may be called by the presiding officer or by request of three members.
2. Notice of a special meeting of council shall be given to all members of the council and the city manager via email. Should the meeting occur within 72 hours of the notice, all attempts will be made to reach the council and city manager by telephone.
3. Special meetings shall be noticed in accordance with Oregon's public

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<sup>7</sup> NMC, Charter, Chapter 3, Section 12

meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. Notice of the special meeting shall be given to each member, the city manager or staff liaison, and each local newspaper, radio, and television station which has requested notice of special meetings.

C. Emergency meetings

1. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
2. Emergency meetings may be called by the mayor by the request of three members of council, or by the city manager.
3. Emergency meetings may only be held by City Council.
4. Notice of the emergency meeting shall be given to each member of the council, the city manager, and all reasonable attempts will be made to inform each local newspaper, radio, and television station which has requested notice of meetings.
5. Notice of the emergency meeting shall be given to all members of council and the city manager via telephone and email.
6. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

D. Executive Sessions.

1. Executive sessions may only be held by City Council. Executive sessions may be called by the presiding officer, at the request of three members of council, by the city manager, or by the city attorney.
2. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions. Generally, the city recorder will be present to take minutes, if excused, another minute taker will be identified.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation, and the news media is a party to the litigation.
4. Cameras, tape recorders, and other recording devices may not be used in executive sessions, except for any official executive session recording made by city staff.
5. All executive sessions will be held in person only, without a virtual attendance option, unless a virtual option is approved by a majority vote in open session.

E. Work Sessions

1. Work sessions are permitted to present information in preparation for regular or special meetings.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the council or committee is not permitted to take formal or final action on any matter at a work session.
4. Work sessions may be called by the presiding officer, at the request of three members of Council, by the city manager, or by the city attorney.
5. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

## **II. Board, Commission, and Committee Meetings**

- A. Shall meet according to the schedule produced by the city recorder's office each year. This will be developed in accordance with the code, resolution, law, and necessity. Committees may add additional meetings or reschedule meetings if necessary.
- B. Must be properly noticed in accordance with Oregon Public Meetings Law.
- C. Meetings may be canceled due to lack of quorum or lack of business by the presiding officer.

## **III. Location**

- A. Council meetings shall be held in the Denise Bacon Room in the Public Safety Building and simultaneously through Zoom or other virtual meeting platforms. Board, commission, and committee meetings will be held in various locations as appropriate, as noticed on the meeting agenda, and simultaneously through Zoom or another virtual meeting platform.
- B. In the event the regular meeting room is not available for a meeting, the meeting shall occur at a venue open to the public which is located within the jurisdictional limits of the city. All meeting locations shall meet the requirements of Oregon's Public Meeting Law.
- C. At the direction of the presiding officer, the meeting may also move to a fully virtual format. (For example: In the case of inclement weather.)
- D. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
- E. Interjurisdictional meetings may be held outside of the city's jurisdictional limits but

should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

#### **IV. Notice**

- A. The city recorder or designee shall provide notice of all meetings in accordance with Oregon's public meeting law.

#### **V. Attendance**

- A. Members of council or committees shall advise the presiding officer and city manager/city recorder/staff liaison if they will be unable to attend any meetings.
- B. Under Article VII, Section 32 of the charter, a council position becomes vacant upon declaration of the council if the member of council is absent from the city for 30 days or more without council consent, or from all meetings of the council within a 60-day period without council consent.
- C. Committee members may be excused from their position if they are not present for at least 75% of meetings in a year in accordance with Title II, Chapter 2.15.005 (D.) of the Newberg Municipal Code.
- D. Members may attend meetings in person or virtually by phone or video conferencing.

### **CHAPTER 3 – Ordinances and Resolutions**

#### **I. Ordinances**

- A. All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein. Sections 16 and 17 of city charter provide that the council exercises its legislative authority by adoption of ordinances.
- B. Except as authorized by subsection (C), adoption of an ordinance shall, before being put upon its final passage, be fully and distinctly read in open council meeting.
- C. The reading may be by title only if no council member present at the meeting requests to have the ordinance read in full, provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- D. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts that ordinance.
- E. Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.
- F. After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the city recorder's name and title.

- G. A script for the adoption of an ordinance will be followed to ensure compliance with these rules. See attachments.
- H. Effective Date: An ordinance shall take effect 30 days after adoption or at a later date to be specified in the ordinance.
  - 1. The following shall take effect immediately upon its passage:
    - a. Ordinances making appropriations and the annual tax levy; and
    - b. Emergency ordinances.

## **II. Resolutions**

- A. Resolutions considered by and voted upon by the council or committee shall adhere to the rules outlined here.
- B. An affirmative vote of a majority of the council or committee present shall be necessary to pass a resolution.
- C. When a resolution is rejected, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered for a period of not less than three months, unless at least three members petition for early consideration. Resolutions containing substantial amendments may return for consideration within the 3 month window.
- D. Reconsideration
  - 1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
  - 2. No motion shall be made more than once.
  - 3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.
- E. Effective date. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

## **CHAPTER 4 – Land Use Hearings**

### **I. General Conduct of Hearings**

- A. Any party may speak in person or through their attorney.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. The party must also bring 10 copies of the written testimony for the council/commission and staff.

- C. If a party desires to make its testimony or evidence available as part of the meeting's agenda packet, it must be submitted to the city recorder or designated staff by noon the Friday before the meeting for council meetings, or 2 days ahead for all other meetings.<sup>8</sup> If the testimony or evidence is not submitted to the city recorder or designated staff by this deadline, it still may be submitted to the city recorder or designated staff at the time of the hearing and included in the record, but it shall not be included in the meeting's agenda packet.
- D. No person may speak more than once without obtaining permission from the presiding officer.
- E. Upon being recognized by the presiding officer, any member may question any person who testifies.
- F. As directed by the presiding officer, staff may question any person who testifies.
- G. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- H. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder or staff liaison shall note the numbers of such persons for the record in the minutes. Persons testifying are asked to avoid repeating testimony already entered into the record and instead indicate support if they are in agreement with such testimony.
- I. The presiding officer may reduce time limits for testimony equally based on the number of people signed up to speak, respectively, "in favor" or "opposed", to ensure all parties have an opportunity to speak and to ensure compliance with statutory shot clocks for land use decision making.<sup>9</sup>

## **II. Quasi-Judicial Land Use Matters**

### **A. Scope of Review**

- 1. All appeals of quasi-judicial land use proceedings shall be conducted pursuant to NMC 15.100.160 through 5.100.190, Appeals.

### **B. Conflicts of Interest, Abstention, Recusal, Ex Parte Communications**

- 1. A member of the council or commission shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
  - a. The member has an actual conflict of interest, as defined by the Oregon Revised Statutes or the city charter/rules and must recuse from participation. The disclosure and recusal must be noted in the minutes.

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<sup>8</sup> (see Chapter 5, Section 3

<sup>9</sup> (See also, Part II, Quasi-Judicial Land Use Matters - Hearing Procedures)

- b. The member was not present during the public hearing and must abstain from participation. However, the member may participate if they reviewed. The evidence, including recordings of the hearing, and declared such fact for the record.
  - c. The member has a bias, as determined by applicable law, that prevents them from considering evidence and applying applicable criteria in making an impartial decision on the application.
2. Members shall disclose all ex parte contacts regarding the proceeding at the commencement of any quasi-judicial land use proceeding. If the disclosed ex parte communication results in bias and/or a conflict of interest, the member shall recuse from participation as stated in (II)(B)(1)(a) and (c) above.
  1. “Ex parte contact” means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view.

C. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
2. The decision shall be based on the applicable standards and criteria as set forth in the city’s municipal code, including if applicable the city’s comprehensive plan and any other land use standards imposed by state law or administrative rule.
3. Proponents, any opponents, and those who are neutral on the proposal may submit written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
4. City staff may submit supplemental written findings in response to testimony and as requested by the hearing body to address questions raised during the hearing.

D. Hearing Procedures

The order of hearings in quasi-judicial land use matters shall be:

1. *Land Use Hearing Disclosure Statement*

The city attorney, presiding officer, or their designee, shall read the land use hearing disclosure statement, which shall include:

- a. A list of the applicable criteria;
- b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use

- regulation which the person believes to apply to the decision;
- c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council or other hearing body and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. *Call for ex-part contacts*
    - a. The presiding officer shall inquire whether any member has had ex-part contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact.
    - b. “Ex parte contact” means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view. Ex parte contact can also be access to evidence or information that is not available to the public or the hearing body, which may include visiting the site of a land use application.
  2. *Call for recusals*
    - a. The presiding officer shall inquire whether any member must recuse from participating in the hearing due to a conflict of interest.
    - b. Actual Conflict of Interest: If a member announces an actual conflict of interest, as outlined by Oregon Revised Statutes or the city charter/rules, that member must recuse themselves and leave the hearing. The recusal is recorded in the minutes.
    - c. Potential Conflict of Interest: If a member has a potential conflict of interest, they can declare the potential conflict and continue participation in the matter. The declared potential conflict is recorded in the minutes.
    - d. Any member announcing a conflict of interest shall state the nature of the conflict, and if the conflict requires recusal, shall not participate in the proceeding unless the person’s vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
  3. *Staff summary*
    - a. Planning staff shall present a summary and recommendation concerning the proposal.
  4. *Presentation of the Case*
    - a. Proponent’s case. Twenty minutes total.

- b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
  - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
5. *Close of hearing*
    - a. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
  6. *Deliberations*
    - a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.

7. *Findings and Order*
  - a. The body may approve or reject the proposal.
  - b. The body shall adopt findings to support its decision.
  - c. The body may incorporate findings proposed by the proponent, the opponent or staff in its decision.

B. Continuances

1. A party can request either a hearing continuance or an open record period as provided by Oregon Revised Statutes. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances.
- d. There is a 120-day time limitation for the city to make a final land use decision, imposed by the Oregon Revised Statutes, and this 120-day period is not extended unless the applicant requested the continuance or if the applicant otherwise agrees to the extension of the time limitation.<sup>10</sup>

### III. Legislative Land Use Matters

- A. Hearings Procedures
  1. The order of procedures for hearings on legislative land use matters shall be:
  2. *Call for abstentions*
    - a. Inquire whether any member wishes to abstain from participation in the

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<sup>10</sup> See ORS 227.178.

hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings. The City Recorder or designated staff shall record the abstention in the minutes.

3. *Staff summary*
  - a. Staff shall present a summary of the proposal, statement of the applicable criteria, and recommendations concerning the proposal.
4. *Presentation of the Case*
  - a. Staff Presentation or Proponent's case. As approved by the presiding officer.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
5. *Close of hearing*
  - a. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
6. *Deliberations*
  - a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.
7. *Reopening Hearing*
  - a. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the body, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## **CHAPTER 5 – Motions, Debate, Public Comment and Voting**

### **I. Motions**

#### **A. The following rules shall apply to motions:**

1. All motions shall be distinctly worded using plain language.
2. If a motion does not receive a second, it dies.
3. The body will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. Any motion shall be reduced to writing if requested by a member.
5. A motion to amend can be made to a motion that is on the floor and has been seconded.
6. Amendments are voted on first, then the main motion if voted on as amended.

7. No motion shall be received when a question is under debate except for the following:
  - a. To lay the matter on the table; (Put the issue on indefinite hold.)
  - b. To call for the previous question; (End debate and immediately vote.)
  - c. To postpone; (Delay until a specified time.)
  - d. To refer; or (Send the matter to another committee or person for more information or a recommendation.)
  - e. To amend. (To change the motion on the table.)
8. A motion may be withdrawn by the mover at any time without the consent of the body.
9. A member may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
10. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
  - a. A call for the question fails without a majority vote.
  - b. Debate on the main subject resumes if the motion fails.
11. A motion that receives a tie vote fails.
12. The presiding officer shall cause the motion to be stated before the vote.
13. A motion to adjourn cannot be amended.

B. Motion to Reconsider

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. No motion shall be made more than once.
3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.

## **II. Debate**

- A. The following rules shall govern the debate of any item being discussed by the council or committee:
1. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
  2. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

## **III. Public Comment and Decorum**

A. Decorum during a meeting

In order to provide for efficient and safe public meetings that allow for peaceful civil discourse, the following rules are set to ensure decorum.

1. All persons in attendance at a public meeting should avoid conduct which is unreasonably loud, disruptive, or profane. Rude, slanderous, or threatening remarks will not be permitted. Any noise or disturbance from the audience which interrupts the proceedings is not permitted. Anyone doing so may be removed from the meeting.
2. Should an individual violate appropriate conduct for a meeting, the presiding officer may dismiss them from the meeting
3. If an individual is asked to leave after violating conduct standards, and will not, the individual may be trespassed under ORS 164.245.

IV. Public Comment

1. Public comment may be received at regular council meetings, standing committee meetings, and certain ad hoc committee meetings. The public shall have the right to comment at City Council meetings on all items that require a vote by the City Council, and all items on the agenda; the City Council will not accept public comment unrelated to agenda items. Because of the limited role, purpose, and authority of standing committees and ad hoc committees, and in order to promote efficiency and maintain order, standing committees will only receive public comment related to the subject of the committee or topics at that meeting, while ad hoc committees will receive public comment only to the extent it is specifically included in their directives. .
2. When an interested person addresses the council or gives oral comments, that person should state their name and indicate if they are a resident of the city.
3. Public comment is a time for comment; it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the council or city staff.
4. The maximum time allowed for public comments on any given item, including all speakers, is thirty 30 minutes. The mayor has the discretion to extend or reduce the time allotted to each speaker or may extend the comment period beyond the allotted 30 minutes to accommodate the needs of the meeting.

V. Public Comment Registration

1. Those giving public comment are required to register on the city website (by noon on the day of the meeting) or in person at the public meeting before

making comments and/or providing input at the meeting.

2. Registration is due before the meeting is called to order, except in the case of public hearings. An interested person shall register separately for each subject under which they wish to provide comment.
  - a. For public hearings, public comment registration will close when the public testimony portion of the hearing is closed.
  - b. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request.
  - c. A form complying with this rule will be available at all meetings. The city recorder is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.
3. Those desiring to give public comment over the phone or through the virtual meeting option (Zoom or other virtual meeting platforms) are required to register by noon the day of the meeting.
  - a. Should the meeting take place before 3pm, registration will be required by noon the day before the meeting, should this registration deadline fall on a weekend, registration will be due the Friday prior to the meeting. No Zoom or other virtual meeting platforms or phone comments will be received without prior registration.

## **VI. Comment on Agenda Items**

1. Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes following the introduction of the item. Time limits may be changed for a meeting to accommodate the number of speakers. Speakers may share their time at the discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

## **VII. Written Materials**

1. Comments including any attachments (written comment, images, etc.), can be emailed to the City Recorder or dropped off at City Hall by 12:00 p.m. (noon) the Friday before the meeting. Materials more than 10 pages long should be submitted as early as possible to ensure sufficient time for council review. Written comment must be accompanied by a public comment registration form.
2. If written comment cannot be provided prior to the deadline, members of the public are to bring 10 printed copies of the item to the meeting and provide one copy to the City Recorder or staff member taking public comment registrations.

3. Written comments will not be read into the record.

### **VIII. Electronic Materials**

1. Speakers may submit electronic audio or visual material to be played during the time permitted for their comment.
2. Speakers must provide the materials in a format compatible with city software to the City Recorder on the Friday prior to the council meeting by 12:00 p.m. so that it may be installed on the city's equipment to avoid delays or disruption of the meeting. All items will be virus screened and will not be used should a threat be detected.

### **IX. Council or Member Inquiries**

1. Councilors or committee members may, upon recognition by the presiding officer, ask questions of speakers during public comment. Members shall use restraint when exercising this option and shall limit questions to no more than three minutes. The presiding officer may intervene if a member is violating the spirit of this guideline.

## **X. Voting**

The following rules shall apply to voting on matters before the council. The express approval of a majority of a quorum of the council is necessary for any council decision, except as otherwise set forth in these rules or when the charter requires approval by a majority of the council. For standing committees, the express approval of a majority of the quorum is necessary for any decision.

#### **A. Consent Agenda**

A majority of quorum present is required to approve the matters on a consent agenda.

#### **B. Resolutions**

A majority of quorum present shall be required to pass a resolution.

#### **C. An Ordinance**

A majority of all council members is required to pass an ordinance.

#### **D. Emergency Ordinance**

An emergency ordinance shall require the majority of quorum present.

#### **E. Budget**

The budget shall require majority of quorum present to pass.

#### **F. Suspension of Rules**

A majority of quorum present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the city's charter shall not be suspended or rescinded.

- G. All votes shall be recorded in the minutes and may not be by secret ballot.

- H. Ties

Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.

## **CHAPTER 6 – Minutes**

### **I. Generally**

- A. All minutes shall be in written form, in addition, an electronic copy of the meeting recording will be maintained by the city recorder in accordance with the appropriate record retention schedule.
- B. The minutes shall be action minutes and contain the following information:
1. The date, time and place of the meeting;
  2. The members present and absent;
  3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  4. The results of all votes and the vote of each member by name; and
  5. The substance of any discussion.

## **CHAPTER 7 – Appointments**

### **I. Appointments of City Staff**

- A. The council appoints and can remove those positions identified in the city's charter. This includes City Attorney and Municipal Judge.
- B. Appointments and Removals

All appointments and removals require a majority vote of the entire council.

- C. Interference

If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge's exercise of judicial authority or discretion.

### **II. Appointments of Members to Boards, Commissions and Committees**

- A. Unless otherwise mandated by applicable law, the mayor shall appoint the

members of any standing board, commission, or committee with the consent of the council in accordance with the code, resolution, or law that governs them.

1. Standing boards, commissions or committees are those established by the municipal code, resolution, or state law, intended to be permanent or long-term, to fulfill an ongoing need of the city. (ex. Budget Committee, Historic Preservation Commission, Planning Commission)

B. Ad-Hoc Committees

1. The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes and make recommendations to the council. Ad-hoc committees are intended to be temporary.
2. The mayor will establish the membership criteria for the ad-hoc committees. Residency does not have to be a required criterion. The mayor will appoint members of the ad-hoc committees, subject to council ratification.
3. The mayor may remove any member of the ad-hoc committee at any time. Members of the committee will be removed if the member fails to attend two 2 consecutive meetings of the committee without being excused prior to the meeting.
4. The mayor has the authority to grant an excused absence, and in the mayor's absence, the committee chair has the authority.
5. The mayor will designate the chairperson and the vice chair. Members will continue to serve until their mission is accomplished, replacement or reappointment.
6. Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad-hoc committee will have only the authority of recommendations to the council.
7. The meeting time and place of the committee will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet.
8. A majority of the committee may request a meeting. All meetings are public meetings and will be conducted in accordance with the OPML.
9. The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee.
10. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

C. Removals

Except as otherwise required by applicable law, all appointed board,

committee, or commission persons may be removed by the mayor with the consent of council.

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## **CHAPTER 8 – Ethics, Decorum, Outside Statements**

### **I. Ethics**

- A. All members of the council and committees shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
  1. Disclosing confidential information.
  2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
  3. Expressing an opinion contrary to the official position of the council or committee without so saying.
  4. Conducting themselves in a manner so as to bring discredit upon the government of the city.

### **II. Decorum**

- A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council or committee.
- B. Members shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
- C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members.

### **III. Statements to the Media and Other Organizations**

#### **A. Representing the City**

If a member of the council or committee, including the mayor, appears as a representative of the city before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council or committee.

#### **B. Personal Opinions**

If a member of the council or committee, including the mayor, appears in their personal capacity before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

C. Suggested Language

Councilors and committee members are encouraged to use statements such as "This is my personal opinion and not the official opinion of the Newberg City Council (or relevant body)."

## **CHAPTER 9 – Interactions with Staff & City Attorney**

### **I. Staff**

- A. All members of the council and committees shall respect the separation between their role and the city's manager's responsibility by:
1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
  2. Refraining from actions that would undermine the authority of the city manager or a department head.
  3. Refraining from contacting the City Manager or Department Heads from 6pm Friday- 6am Monday, except in the case of an emergency.
  4. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager.
    - a. Questions from individual members of the council requiring significant time or resources (2 hours or more) shall require the approval of the council.
    - b. Members of the council shall share any information obtained from staff with the entire council.
    - c. This section is not intended to apply to questions by members of the council acting in their individual capacity. Inquiries of a personal nature (i.e. utility billing issues, personal permits) shall be handled through the avenues available to all citizens.
    - d. This section is not intended to apply to questions regarding conflict of interest or similar issues particular to a member of the council.

### **II. City Attorney**

- A. Council members may make requests to the City Attorney for information and advice in relation to council business.
1. Council members should understand that the City Attorney must prioritize the city's legal issues and may not be able to respond immediately to Council requests.
  2. Requests for legal advice that require greater than two hours of attorney time

will require the concurrence of the majority of the Council.

## **CHAPTER 10 – Censure**

### **I. Rules Violations**

- A. The council may enforce these rules and ensure compliance with city ordinances, charter, and state laws applicable to governing bodies.
- B. If a member of council violates these rules, city ordinances, the city charter, or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member via:
  1. Public reprimand;
  2. Removal from committee assignments; and/or
  3. The removal from the position of council president.

### **II. Investigating Violations**

- A. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) in order to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter, or state laws applicable to governing bodies has occurred.
- B. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

## **CHAPTER 11 – Amendment and Repeal**

### **I. Amendment**

- A. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.
- B. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed and open for comment by the public.
- C. All amendments to these rules require a majority vote.
- D. Amended rules shall not go into effect until the meeting after the rule is approved.

## **II. Repeal**

- A. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
- B. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
- C. Any proposed repeal and replacement of these rules shall be done by resolution, noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
- D. Any repeal and replacement of these rules requires a majority of the full council vote.
- E. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved unless otherwise noted in the resolution.

# OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

## ► LEGISLATIVE HEARING ◀◀

### 1. CALL TO ORDER

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

### 2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	<b>Script</b>
	<b>Presiding Officer:</b> Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex parte contact?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### 3. STAFF REPORTS

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### 4. PUBLIC TESTIMONY

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. CLOSE OF PUBLIC TESTIMONY

	<b>Script</b>
	<b>Presiding Officer:</b> Public testimony is called to a close.

## 6. RECOMMENDATIONS FROM STAFF

	<b>Script</b>
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 7. COUNCIL DELIBERATION

<b>Councilors should seek acknowledgement and then speak on the issue</b>	<b>Script</b>
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 8. ORDINANCE DECISIONS

**Ordinances - Action usually requires passage of an ordinance; the relevant motions are listed in the Ordinance Action Guide.**

## ORDINACE ACTION GUIDE

### First action: Waive the second reading.

If this is the first meeting in which this ordinance is considered, council should waive the second reading through the following motion.	Script
	<b>Presiding Officer:</b> I move to waive the second reading of Ordinance [####].

### Second action can be one of 4 steps:

1. Motion for Approval	Script
	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title]
2. Motion to Read in Full	Script
	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title] and ask that it be read in full.
3. Motion to Approve Amended Ordinance	Script
Amended ordinance must be read in full if approved in the same meeting as amendments are made.	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title] with amendments and ask that amendments be read in full.
4. Motion to Table the Ordinance Motion:	Script
	<b>Presiding Officer:</b> I move to table this ordinance to be considered at our next meeting.

### Third Action: Roll Call Vote

#### Script

**Presiding Officer:** A motion has been made to (repeat the motion).

**Presiding Officer to the city recorder or meeting clerk:** Please take a roll call vote. (The city recorder or meeting clerk calls the roll and announces the number of ayes and nos.)

**Presiding officer:** The motion [passes or passes unanimously or fails]

### Majority of Entire Membership

**Ordinances require majority of the entire membership for passage, this means a majority of all of the councilors, not of the quorum present.**

7 members	4 votes required for passage
6 members	4 votes required for passage
5 members	3 votes required for passage
4 members	3 votes required for passage

# OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

## ► ADMINISTRATIVE HEARING ◀

### 1. CALL TO ORDER

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

### 2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	<b>Script</b>
	<b>Presiding Officer:</b> Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex parte contact?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### 3. STAFF REPORTS

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### 4. PUBLIC TESTIMONY

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. CLOSE OF PUBLIC TESTIMONY

	<b>Script</b>
	<b>Presiding Officer:</b> Public testimony is called to a close.

## 6. RECOMMENDATIONS FROM STAFF

	<b>Script</b>
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 7. COUNCIL DELIBERATION

<b>Councilors should seek acknowledgement and then speak on the issue.</b>	<b>Script</b>
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 8. DECISIONS

**Resolutions - Action usually requires passage of a resolution; the relevant motion should be:**

	<b>Script</b>
<b>Vote: voice vote is permitted</b>	<b>Motion:</b> I make a motion to approve Resolution [#####], [Title].  <b>Presiding Officer:</b> A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no. (Pause) The motion [passes unanimously or passes or fails.]
<b>Majority of Quorum</b>	
<b>Resolutions require majority of the quorum for passage.</b>	
<b>7 members present</b>	4 votes required for passage
<b>6 members present</b>	4 votes required for passage
<b>5 members present</b>	3 votes required for passage
<b>4 members present</b>	3 votes required for passage

# **OUTLINE FOR PUBLIC HEARINGS**

**Newberg City Council**

## **► QUASI-JUDICIAL LAND-USE & NON-LAND-USE ◀**

### **1. CALL TO ORDER**

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider (topic of hearing). At this time, I will open the public hearing. Citizens will be able to testify on this issue and should submit a public comment registration at the back table should they wish to speak.

### **2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**

	<b>Script</b>
<b>City Attorney Legal Announcements: Read “quasi-judicial announcements” sheet</b>	<b>Presiding Officer:</b> Do any members of this [council board, committee or commission] need to declare a conflict of interest, abstention, or ex parte contact or an objection to the jurisdiction?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### **3. STAFF REPORTS**

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### **4. PUBLIC TESTIMONY**

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. At the end the principal proponent will have a chance to offer a rebuttal.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR

	<b>Script</b>
	<b>Presiding Officer:</b> Do any members of the council have questions for those who have given testimony?

## 6. PUBLIC AGENCY LETTERS OR COMMENTS

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will receive testimony from any public agencies. Written testimony has been entered into the record and provided to members of the Council and staff.

## 7. CLOSE OF PUBLIC TESTIMONY

	<b>Script</b>
	<b>Presiding Officer:</b> Public testimony is called to a close.
	<b>City Attorney Legal Announcements</b>

## 8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

	<b>Script</b>
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

<b>Councilors should seek acknowledgement and then speak on the issue.</b>	<b>Script</b>
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 10. ACTION BY THE COUNCIL

**Orders - Action usually requires passage of an order; the relevant motion should be:**

	<b>Script</b>
<b>Vote: voice vote is permitted</b>	<b>Motion:</b> I make a motion to approve Order [#####], [Title].  <b>Presiding officer:</b> A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no  <b>Presiding officer:</b> The motion [passes or passes unanimously or fails]
<b>Majority of Quorum</b>	
<b>Orders require majority of the quorum for passage.</b>	
<b>7 members present</b>	4 votes required for passage
<b>6 members present</b>	4 votes required for passage
<b>5 members present</b>	3 votes required for passage
<b>4 members present</b>	3 votes required for passage



# Newberg City Council, Board, Committee & Commission Guidelines 2025

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# **CHAPTER 1 – General Governance**

## **I. Rules of Procedure**

- A. These rules are intended to govern City Council and all boards, committees, and commissions (hereafter referred to as standing committees) of the city.
- B. Unless otherwise provided by charter or ordinance, Council meetings, and the meetings of any board, commission, or committee of city council, shall be guided by Robert's Rules of Order for Small Boards.<sup>1</sup> These rules are adopted according to NMC, Charter, Ch III, Section 11.
- C. Members of the council or governing body are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- D. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

## **II. Quorum**

- A. A quorum is required to conduct official city business.<sup>2</sup>
- B. The members of the council are the city councilors and mayor. The members of a standing committee are as defined at their creation. Fifty percent plus one of the members of the council or a standing committee shall constitute a quorum. Vacancies in office do not count towards determining a quorum.
- C. In the event a quorum is not present, the members of the governing body present shall adjourn the meeting, or a smaller number may meet and compel attendance of absent members as outlined in Rule II D.
- D. When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any member may move for a call of the house.
  1. The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent members will be requested to attend or return to the meeting. The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent members at the meeting. The presiding officer is authorized to recess the meeting to a

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<sup>1</sup> Robert's Rules of Order Newly Revised, 12th edition, section 49:21.

<sup>2</sup> NMC Charter, CH 3, Section 13.

certain time while attendance is being compelled.

### **III. Presiding Officer**

#### **A. City Council:**

1. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.<sup>3</sup>
2. If the mayor is absent or otherwise unable to preside, the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.<sup>4</sup>
3. If both the mayor and the president of the council are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
  - a. The city recorder shall call the council to order and call the roll of the members.
  - b. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.
  - c. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
  - d. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.
  - e. This process may be used to elect a presiding officer for a portion of a meeting if the mayor or council president is unable to preside over a single item.

#### **B. Standing and Ad-Hoc Committees:**

1. The chair shall preside over all meetings.
2. In the chair's absence the vice chair shall preside over the meeting.
3. If both the chair and vice chair are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
  - a. The staff liaison shall call the meeting to order and call the roll of the

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<sup>3</sup> (NMC, Charter, Ch III, Section 9)

<sup>4</sup> (NMC, Charter, Ch III, Section 10).

members.

- b. Those members present shall elect, by majority vote, a temporary presiding officer for the meeting.
- c. Should either the chair or vice chair arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
- d. The presiding officer shall retain all rights and privileges of a member when acting in this capacity.
- e. This process may be used to elect a presiding officer for a portion of a meeting if the chair or vice chair is unable to preside over a single item.

#### **IV. Other Elected and Appointed Officers**

- A. City Manager. The city manager is required to attend all meetings of the council, unless excused by council, and is permitted to participate in any discussion; however, the city manager has no authority to cast a vote on any decision rendered by the council.<sup>5</sup>
- B. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion on legal questions, either written or oral.
- C. City Recorder. The city recorder or designee shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.

#### **V. Agendas**

- A. The city recorder or designee shall prepare an agenda for every regular meeting, and for every special meeting. Staff liaisons serve as the designee for all standing committee meetings.
- B. Agendas and informational material for meetings shall be distributed to the council at least 7 days preceding the meeting. Supplemental items will be distributed at least 2 days prior to the meeting. Agendas and informational materials for standing committees should be distributed at least 7 days prior to the meeting and are required to be distributed more than 48 hours in advance of the meeting.<sup>6</sup>
- C. The mayor's approval shall be required for the publication of an agenda of any council meeting.
- D. With the consent of the mayor, the city manager may remove any items on the council agenda at any time prior to a meeting convening. The presiding officer

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<sup>5</sup> (NMC, Charter, Ch VIII, Section 34, e, 1.)

<sup>6</sup> Note: Some actions taken by council and or standing committees may require even more notice. All legal requirements for notice shall be followed.

shall announce such removal under announcements/proclamations.

- E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager and get the approval of the mayor at least 10 days prior to the meeting. A member of a standing committee who wishes to have an item placed on the agenda shall advise their staff liaison and get the approval of the chair at least 10 days prior to the meeting.
- F. If a request to include an agenda item is denied, written explanation shall be provided by the presiding officer to the requesting council member at least seven days prior to the meeting. If denied, the requesting council member may request, during the meeting and in open session, that the item be placed on the agenda. If the requesting council member obtains the support of at least one other council member, the item will be included on the agenda.
- G. Notwithstanding anything to the contrary above, the council may consider items which are not listed on a published agenda.
- H. Written Communications to Council
  - 1. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
  - 2. The city manager may, under their discretion, bring any matter raised by unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report which sets forth the reason the matter should be considered by the council, and making a recommendation for council action.
- I. All items submitted to the council packet will require an executive summary of the decision before the council, and items over 100 pages in length will require an index, or hyperlinks, to the specific sections and attachments.
- J. Items that are legislative in nature, or that are deemed complex, will have a work session before the hearing, resolution, or main decision point is brought before the council. This may be waived by a majority of council.

## **VI. Order of Business**

The order of business for all regular meetings of City Council shall be as follows. However, when it appears to be in the best interest of the public, the order of business may be changed for any single meeting with the approval of the mayor. Agendas for special meetings may follow this order or be adjusted according to the purpose of the meeting. Committees may follow this order or set their own agenda order as desired.

- A. Call to order
- B. Roll call

- C. **Pledge of Allegiance**
  - D. **Announcements**
  - E. **Proclamations and Awards**
  - F. **City Manager's Report**
  - G. **Public comment on items not on the agenda**
  - H. **Consent Agenda**
  - I. **Continued Business**
  - J. **New Business**
  - K. **Council Business**
  - L. **Adjournment**
- A. **Call to Order.** The presiding officer shall call all meetings of the council to order.
  - B. **Roll Call.** The city recorder or staff liaison shall conduct a roll call to determine which members of the body are present and which are absent.
    1. The attendance shall be properly reflected in the minutes.
    2. If roll call determines that a quorum is not present, this shall be addressed by Rule II.
  - C. **Pledge of Allegiance** This will be led by the presiding officer.
  - D. **Announcements.** Announcements are intended to be procedural in nature, such as an item being removed from the agenda, motions to reorder, insert or change agenda items. This also includes motions to remove items from the consent calendar.
  - E. **Proclamations and Awards.** Proclamations are awards or recognition of individuals by the council.
  - F. **City Manager's Report.** The City Manager will give a report at each regular council meeting with updates from all departments of the city. The first report of each month will include narrative information, the second report of each month will include statistical information. The council may ask questions of the city manager upon conclusion of the report being given. The city manager may call upon his staff to assist in answering questions.
  - G. **Public Comment - See Chapter 5, Section III.**
  - H. **Consent Agenda.** To expedite the council's business, routine agenda items shall be placed on the consent agenda.
    1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.

2. Any item on the consent agenda may be removed for separate consideration by any member.
  3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the request for council action, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member must declare a conflict of interest.
- I. Continued Business. This section of the agenda will include items that are being returned to council after previous introduction, work session, or consideration at a recent meeting.
  - J. New Business. This section of the agenda will include items that are being considered for the first time. This may include topics freshly presented to council after a period of more than six months.
  - K. Council Business. To include appointments, reports from councilors on standing committees, nominations and similar council business.
  - L. Adjournment. Meetings will be adjourned by the presiding officer.

## **CHAPTER 2 – Meeting Time, Location and Frequency**

### **I. City Council**

#### **A. Regular meetings**

1. The council shall meet every first and third Monday evening of each month, except for meetings falling on designated holidays, which will be held on the next business day. Regular meetings shall begin at 6 p.m. Should there be a lack of business, lack of quorum, or other conflict, the meeting may be cancelled, with consent of the mayor, providing at least one meeting occurs in the given month.<sup>7</sup> Regular meetings will be limited to 4 hours and will be adjourned by 10pm except by majority vote of the body.

#### **B. Special meetings**

1. Special meetings may be called by the presiding officer or by request of three members.
2. Notice of a special meeting of council shall be given to all members of the council and the city manager via email. Should the meeting occur within 72 hours of the notice, all attempts will be made to reach the council and city manager by telephone.
3. Special meetings shall be noticed in accordance with Oregon's public

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<sup>7</sup> NMC, Charter, Chapter 3, Section 12

meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. Notice of the special meeting shall be given to each member, the city manager or staff liaison, and each local newspaper, radio, and television station which has requested notice of special meetings.

C. Emergency meetings

1. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
2. Emergency meetings may be called by the mayor by the request of three members of council, or by the city manager.
3. Emergency meetings may only be held by City Council.
4. Notice of the emergency meeting shall be given to each member of the council, the city manager, and all reasonable attempts will be made to inform each local newspaper, radio, and television station which has requested notice of meetings.
5. Notice of the emergency meeting shall be given to all members of council and the city manager via telephone and email.
6. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

D. Executive Sessions.

1. Executive sessions may only be held by City Council. Executive sessions may be called by the presiding officer, at the request of three members of council, by the city manager, or by the city attorney.
2. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions. Generally, the city recorder will be present to take minutes, if excused, another minute taker will be identified.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation, and the news media is a party to the litigation.
4. Cameras, tape recorders, and other recording devices may not be used in executive sessions, except for any official executive session recording made by city staff.
5. All executive sessions will be held in person only, without a virtual attendance option, unless a virtual option is approved by a majority vote in open session.

E. Work Sessions

1. Work sessions are permitted to present information in preparation for regular or special meetings.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the council or committee is not permitted to take formal or final action on any matter at a work session.
4. Work sessions may be called by the presiding officer, at the request of three members of Council, by the city manager, or by the city attorney.
5. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

## **II. Board, Commission, and Committee Meetings**

- A. Shall meet according to the schedule produced by the city recorder's office each year. This will be developed in accordance with the code, resolution, law, and necessity. Committees may add additional meetings or reschedule meetings if necessary.
- B. Must be properly noticed in accordance with Oregon Public Meetings Law.
- C. Meetings may be canceled due to lack of quorum or lack of business by the presiding officer.

## **III. Location**

- A. Council meetings shall be held in the Denise Bacon Room in the Public Safety Building and simultaneously through Zoom or other virtual meeting platforms. Board, commission, and committee meetings will be held in various locations as appropriate, as noticed on the meeting agenda, and simultaneously through Zoom or another virtual meeting platform.
- B. In the event the regular meeting room is not available for a meeting, the meeting shall occur at a venue open to the public which is located within the jurisdictional limits of the city. All meeting locations shall meet the requirements of Oregon's Public Meeting Law.
- C. At the direction of the presiding officer, the meeting may also move to a fully virtual format. (For example: In the case of inclement weather.)
- D. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
- E. Interjurisdictional meetings may be held outside of the city's jurisdictional limits but

should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

#### **IV. Notice**

- A. The city recorder or designee shall provide notice of all meetings in accordance with Oregon's public meeting law.

#### **V. Attendance**

- A. Members of council or committees shall advise the presiding officer and city manager/city recorder/staff liaison if they will be unable to attend any meetings.
- B. Under Article VII, Section 32 of the charter, a council position becomes vacant upon declaration of the council if the member of council is absent from the city for 30 days or more without council consent, or from all meetings of the council within a 60-day period without council consent.
- C. Committee members may be excused from their position if they are not present for at least 75% of meetings in a year in accordance with Title II, Chapter 2.15.005 (D.) of the Newberg Municipal Code.
- D. Members may attend meetings in person or virtually by phone or video conferencing.

### **CHAPTER 3 – Ordinances and Resolutions**

#### **I. Ordinances**

- A. All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein. Sections 16 and 17 of city charter provide that the council exercises its legislative authority by adoption of ordinances.
- B. Except as authorized by subsection (C), adoption of an ordinance shall, before being put upon its final passage, be fully and distinctly read in open council meeting.
- C. The reading may be by title only if no council member present at the meeting requests to have the ordinance read in full, provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- D. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts that ordinance.
- E. Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.
- F. After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the city recorder's name and title.

- G. A script for the adoption of an ordinance will be followed to ensure compliance with these rules. See attachments.
- H. Effective Date: An ordinance shall take effect 30 days after adoption or at a later date to be specified in the ordinance.
  - 1. The following shall take effect immediately upon its passage:
    - a. Ordinances making appropriations and the annual tax levy; and
    - b. Emergency ordinances.

## **II. Resolutions**

- A. Resolutions considered by and voted upon by the council or committee shall adhere to the rules outlined here.
- B. An affirmative vote of a majority of the council or committee present shall be necessary to pass a resolution.
- C. When a resolution is rejected, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered for a period of not less than three months, unless at least three members petition for early consideration. Resolutions containing substantial amendments may return for consideration within the 3 month window.
- D. Reconsideration
  - 1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
  - 2. No motion shall be made more than once.
  - 3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.
- E. Effective date. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

## **CHAPTER 4 – Land Use Hearings**

### **I. General Conduct of Hearings**

- A. Any party may speak in person or through their attorney.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. The party must also bring 10 copies of the written testimony for the council/commission and staff.

- C. If a party desires to make its testimony or evidence available as part of the meeting's agenda packet, it must be submitted to the city recorder or designated staff by noon the Friday before the meeting for council meetings, or 2 days ahead for all other meetings.<sup>8</sup> If the testimony or evidence is not submitted to the city recorder or designated staff by this deadline, it still may be submitted to the city recorder or designated staff at the time of the hearing and included in the record, but it shall not be included in the meeting's agenda packet.
- D. No person may speak more than once without obtaining permission from the presiding officer.
- E. Upon being recognized by the presiding officer, any member may question any person who testifies.
- F. As directed by the presiding officer, staff may question any person who testifies.
- G. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- H. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder or staff liaison shall note the numbers of such persons for the record in the minutes. Persons testifying are asked to avoid repeating testimony already entered into the record and instead indicate support if they are in agreement with such testimony.
- I. The presiding officer may reduce time limits for testimony equally based on the number of people signed up to speak, respectively, "in favor" or "opposed", to ensure all parties have an opportunity to speak and to ensure compliance with statutory shot clocks for land use decision making.<sup>9</sup>

## **II. Quasi-Judicial Land Use Matters**

### **A. Scope of Review**

- 1. All appeals of quasi-judicial land use proceedings shall be conducted pursuant to NMC 15.100.160 through 5.100.190, Appeals.

### **B. Conflicts of Interest, Abstention, Recusal, Ex Parte Communications**

- 1. A member of the council or commission shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
  - a. The member has an actual conflict of interest, as defined by the Oregon Revised Statutes or the city charter/rules and must recuse from participation. The disclosure and recusal must be noted in the minutes.

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<sup>8</sup> (see Chapter 5, Section 3

<sup>9</sup> (See also, Part II, Quasi-Judicial Land Use Matters - Hearing Procedures)

- b. The member was not present during the public hearing and must abstain from participation. However, the member may participate if they reviewed. The evidence, including recordings of the hearing, and declared such fact for the record.
  - c. The member has a bias, as determined by applicable law, that prevents them from considering evidence and applying applicable criteria in making an impartial decision on the application.
2. Members shall disclose all ex parte contacts regarding the proceeding at the commencement of any quasi-judicial land use proceeding. If the disclosed ex parte communication results in bias and/or a conflict of interest, the member shall recuse from participation as stated in (II)(B)(1)(a) and (c) above.
  1. “Ex parte contact” means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view.

C. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
2. The decision shall be based on the applicable standards and criteria as set forth in the city’s municipal code, including if applicable the city’s comprehensive plan and any other land use standards imposed by state law or administrative rule.
3. Proponents, any opponents, and those who are neutral on the proposal may submit written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
4. City staff may submit supplemental written findings in response to testimony and as requested by the hearing body to address questions raised during the hearing.

D. Hearing Procedures

The order of hearings in quasi-judicial land use matters shall be:

1. *Land Use Hearing Disclosure Statement*

The city attorney, presiding officer, or their designee, shall read the land use hearing disclosure statement, which shall include:

- a. A list of the applicable criteria;
- b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use

- regulation which the person believes to apply to the decision;
- c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council or other hearing body and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
  - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
2. *Call for ex-part contacts*
    - a. The presiding officer shall inquire whether any member has had ex-part contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact.
    - b. “Ex parte contact” means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view. Ex parte contact can also be access to evidence or information that is not available to the public or the hearing body, which may include visiting the site of a land use application.
  2. *Call for recusals*
    - a. The presiding officer shall inquire whether any member must recuse from participating in the hearing due to a conflict of interest.
    - b. Actual Conflict of Interest: If a member announces an actual conflict of interest, as outlined by Oregon Revised Statutes or the city charter/rules, that member must recuse themselves and leave the hearing. The recusal is recorded in the minutes.
    - c. Potential Conflict of Interest: If a member has a potential conflict of interest, they can declare the potential conflict and continue participation in the matter. The declared potential conflict is recorded in the minutes.
    - d. Any member announcing a conflict of interest shall state the nature of the conflict, and if the conflict requires recusal, shall not participate in the proceeding unless the person’s vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
  3. *Staff summary*
    - a. Planning staff shall present a summary and recommendation concerning the proposal.
  4. *Presentation of the Case*
    - a. Proponent’s case. Twenty minutes total.

- b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
  - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
5. *Close of hearing*
    - a. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
  6. *Deliberations*
    - a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.

7. *Findings and Order*
  - a. The body may approve or reject the proposal.
  - b. The body shall adopt findings to support its decision.
  - c. The body may incorporate findings proposed by the proponent, the opponent or staff in its decision.

B. Continuances

1. A party can request either a hearing continuance or an open record period as provided by Oregon Revised Statutes. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances.
- d. There is a 120-day time limitation for the city to make a final land use decision, imposed by the Oregon Revised Statutes, and this 120-day period is not extended unless the applicant requested the continuance or if the applicant otherwise agrees to the extension of the time limitation.<sup>10</sup>

### III. Legislative Land Use Matters

- A. Hearings Procedures
  1. The order of procedures for hearings on legislative land use matters shall be:
  2. *Call for abstentions*
    - a. Inquire whether any member wishes to abstain from participation in the

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<sup>10</sup> See ORS 227.178.

hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings. The City Recorder or designated staff shall record the abstention in the minutes.

3. *Staff summary*

- a. Staff shall present a summary of the proposal, statement of the applicable criteria, and recommendations concerning the proposal.

4. *Presentation of the Case*

- a. Staff Presentation or Proponent's case. As approved by the presiding officer.
- b. Persons in favor. Five minutes per person.
- c. Persons opposed. Five minutes per person.
- d. Other interested persons. Five minutes per person.

5. *Close of hearing*

- a. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.

6. *Deliberations*

- a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.

7. *Reopening Hearing*

- a. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the body, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## **CHAPTER 5 – Motions, Debate, Public Comment and Voting**

### **I. Motions**

A. The following rules shall apply to motions:

1. All motions shall be distinctly worded using plain language.
2. If a motion does not receive a second, it dies.
3. The body will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. Any motion shall be reduced to writing if requested by a member.
5. A motion to amend can be made to a motion that is on the floor and has been seconded.
6. Amendments are voted on first, then the main motion if voted on as amended.

7. No motion shall be received when a question is under debate except for the following:
  - a. To lay the matter on the table; (Put the issue on indefinite hold.)
  - b. To call for the previous question; (End debate and immediately vote.)
  - c. To postpone; (Delay until a specified time.)
  - d. To refer; or (Send the matter to another committee or person for more information or a recommendation.)
  - e. To amend. (To change the motion on the table.)
8. A motion may be withdrawn by the mover at any time without the consent of the body.
9. A member may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
10. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
  - a. A call for the question fails without a majority vote.
  - b. Debate on the main subject resumes if the motion fails.
11. A motion that receives a tie vote fails.
12. The presiding officer shall cause the motion to be stated before the vote.
13. A motion to adjourn cannot be amended.

B. Motion to Reconsider

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. No motion shall be made more than once.
3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.

## **II. Debate**

- A. The following rules shall govern the debate of any item being discussed by the council or committee:
1. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
  2. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

## **III. Public Comment**

A. Public Comment

1. Public comment may be received at regular council meetings, standing committee meetings, and certain ad hoc committee meetings. The public shall have the right to comment at City Council meetings on all items that require a vote by the City Council, and the City Council will accept public comment unrelated to agenda items. Because of the limited role, purpose, and authority of standing committees and ad hoc committees, and in order to promote efficiency and maintain order, standing committees will only receive public comment related to the subject of the committee or topics at that meeting, while ad hoc committees will receive public comment only to the extent it is specifically included in their directives. .
2. When an interested person addresses the council or gives oral comments, that person should state their name and indicate if they are a resident of the city.
3. Public comment is a time for comment; it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the council or city staff.

B. Public Comment Registration

1. Those giving public comment are required to register on the city website (by noon on the day of the meeting) or in person at the public meeting before making comments and/or providing input at the meeting.
2. Registration is due before the meeting is called to order, except in the case of public hearings. An interested person shall register separately for each subject under which they wish to provide comment.
  - a. For public hearings, public comment registration will close when the public testimony portion of the hearing is closed.
  - b. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request.
  - c. A form complying with this rule will be available at all meetings. The city recorder is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.
3. Those desiring to give public comment over the phone or through the virtual meeting option (Zoom or other virtual meeting platforms) are required to register by noon the day of the meeting.
  - a. Should the meeting take place before 3pm, registration will be required by noon the day before the meeting, should this registration deadline fall on a weekend, registration will be due the Friday prior to the meeting. No Zoom

or other virtual meeting platforms or phone comments will be received without prior registration.

C. Non-Agenda Items and Consent Calendar

1. Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar will speak under general public comments. Those people will be given the opportunity to speak for no more than five 5 minutes. Speakers may share their time at the discretion of the mayor.
2. The maximum time allowed for public comments, including all speakers, is thirty 30 minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

D. Agenda Item other than Consent Calendar

1. Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes following the introduction of the item. Speakers may share their time at the discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

E. Written Materials

1. Comments including any attachments (written comment, images, etc.), can be emailed to the City Recorder or dropped off at City Hall by 12:00 p.m. (noon) the Friday before the meeting. Materials more than 10 pages long should be submitted as early as possible to ensure sufficient time for council review. Written comment must be accompanied by a public comment registration form.
2. If written comment cannot be provided prior to the deadline, members of the public are to bring 10 printed copies of the item to the meeting and provide one copy to the City Recorder or staff member taking public comment registrations.
3. Written comments will not be read into the record.

F. Electronic Materials

1. Speakers may submit electronic audio or visual material to be played during the time permitted for their comment.
2. Speakers must provide the materials in a format compatible with city software to the City Recorder on the Friday prior to the council meeting by 12:00 p.m. so that it may be installed on the city's equipment to avoid delays or disruption of the meeting. All items will be virus screened and will not be used should a threat be detected.

G. Multiple Speakers

1. Should there be more speakers than can be heard during the 30 minutes allowed for public comment, the presiding officer may reduce the time allotted to each speaker or may extend the comment period.

H. Council or Member Inquiries

1. Councilors or committee members may, upon recognition by the presiding officer, ask questions of speakers during public comment. Members shall use restraint when exercising this option and shall limit questions to no more than three minutes. The presiding officer may intervene if a member is violating the spirit of this guideline.

## **IV. Voting**

The following rules shall apply to voting on matters before the council. The express approval of a majority of a quorum of the council is necessary for any council decision, except as otherwise set forth in these rules or when the charter requires approval by a majority of the council. For standing committees, the express approval of a majority of the quorum is necessary for any decision.

A. Consent Agenda

A majority of quorum present is required to approve the matters on a consent agenda.

B. Resolutions

A majority of quorum present shall be required to pass a resolution.

C. An Ordinance

A majority of all council members is required to pass an ordinance.

D. Emergency Ordinance

An emergency ordinance shall require the majority of quorum present.

E. Budget

The budget shall require majority of quorum present to pass.

F. Suspension of Rules

A majority of quorum present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the city's charter shall not be suspended or rescinded.

G. All votes shall be recorded in the minutes and may not be by secret ballot.

H. Ties

Tie votes shall indicate a denial of the proposal. If the tie is a matter that has

been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.

## **CHAPTER 6 – Minutes**

### **I. Generally**

- A. All minutes shall be in written form, in addition, an electronic copy of the meeting recording will be maintained by the city recorder in accordance with the appropriate record retention schedule.
- B. The minutes shall be action minutes and contain the following information:
  1. The date, time and place of the meeting;
  2. The members present and absent;
  3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
  4. The results of all votes and the vote of each member by name; and
  5. The substance of any discussion.

## **CHAPTER 7 – Appointments**

### **I. Appointments of City Staff**

- A. The council appoints and can remove those positions identified in the city's charter. This includes City Attorney and Municipal Judge.
- B. Appointments and Removals  
All appointments and removals require a majority vote of the entire council.
- C. Interference

If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge's exercise of judicial authority or discretion.

### **II. Appointments of Members to Boards, Commissions and Committees**

- A. Unless otherwise mandated by applicable law, the mayor shall appoint the members of any standing board, commission, or committee with the consent of the council in accordance with the code, resolution, or law that governs them.
  1. Standing boards, commissions or committees are those established by the municipal code, resolution, or state law, intended to be permanent or long-term, to fulfill an ongoing need of the city. (ex. Budget Committee, Historic Preservation Commission, Planning Commission)

B. Ad-Hoc Committees

1. The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes and make recommendations to the council. Ad-hoc committees are intended to be temporary.
2. The mayor will establish the membership criteria for the ad-hoc committees. Residency does not have to be a required criterion. The mayor will appoint members of the ad-hoc committees, subject to council ratification.
3. The mayor may remove any member of the ad-hoc committee at any time. Members of the committee will be removed if the member fails to attend two consecutive meetings of the committee without being excused prior to the meeting.
4. The mayor has the authority to grant an excused absence, and in the mayor's absence, the committee chair has the authority.
5. The mayor will designate the chairperson and the vice chair. Members will continue to serve until their mission is accomplished, replacement or reappointment.
6. Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad-hoc committee will have only the authority of recommendations to the council.
7. The meeting time and place of the committee will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet.
8. A majority of the committee may request a meeting. All meetings are public meetings and will be conducted in accordance with the OPML.
9. The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee.
10. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

C. Removals

Except as otherwise required by applicable law, all appointed board, committee, or commission persons may be removed by the mayor with the consent of council.

## **CHAPTER 8 – Ethics, Decorum, Outside Statements**

### **I. Ethics**

- A. All members of the council and committees shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
  1. Disclosing confidential information.
  2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
  3. Expressing an opinion contrary to the official position of the council or committee without so saying.
  4. Conducting themselves in a manner so as to bring discredit upon the government of the city.

### **II. Decorum**

- A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council or committee.
- B. Members shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
- C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members.

### **III. Statements to the Media and Other Organizations**

#### **A. Representing the City**

If a member of the council or committee, including the mayor, appears as a representative of the city before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council or committee.

#### **B. Personal Opinions**

If a member of the council or committee, including the mayor, appears in their personal capacity before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

C. Suggested Language

Councilors and committee members are encouraged to use statements such as "This is my personal opinion and not the official opinion of the Newberg City Council (or relevant body)."

## **CHAPTER 9 – Interactions with Staff & City Attorney**

### **I. Staff**

- A. All members of the council and committees shall respect the separation between their role and the city's manager's responsibility by:
1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
  2. Refraining from actions that would undermine the authority of the city manager or a department head.
  3. Refraining from contacting the City Manager or Department Heads from 6pm Friday- 6am Monday, except in the case of an emergency.
  4. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager.
    - a. Questions from individual members of the council requiring significant time or resources (2 hours or more) shall require the approval of the council.
    - b. Members of the council shall share any information obtained from staff with the entire council.
    - c. This section is not intended to apply to questions by members of the council acting in their individual capacity. Inquiries of a personal nature (i.e. utility billing issues, personal permits) shall be handled through the avenues available to all citizens.
    - d. This section is not intended to apply to questions regarding conflict of interest or similar issues particular to a member of the council.

### **II. City Attorney**

- A. Council members may make requests to the City Attorney for information and advice in relation to council business.
1. Council members should understand that the City Attorney must prioritize the city's legal issues and may not be able to respond immediately to Council requests.
  2. Requests for legal advice that require greater than two hours of attorney time

will require the concurrence of the majority of the Council.

## **CHAPTER 10 – Censure**

### **I. Rules Violations**

- A. The council may enforce these rules and ensure compliance with city ordinances, charter, and state laws applicable to governing bodies.
- B. If a member of council violates these rules, city ordinances, the city charter, or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member via:
  1. Public reprimand;
  2. Removal from committee assignments; and/or
  3. The removal from the position of council president.

### **II. Investigating Violations**

- A. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) in order to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter, or state laws applicable to governing bodies has occurred.
- B. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

## **CHAPTER 11 – Amendment and Repeal**

### **I. Amendment**

- A. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.
- B. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed and open for comment by the public.
- C. All amendments to these rules require a majority vote.
- D. Amended rules shall not go into effect until the meeting after the rule is approved.

## **II. Repeal**

- A. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
- B. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
- C. Any proposed repeal and replacement of these rules shall be done by resolution, noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
- D. Any repeal and replacement of these rules requires a majority of the full council vote.
- E. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved unless otherwise noted in the resolution.

# OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

## ► LEGISLATIVE HEARING ◀◀

### 1. CALL TO ORDER

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

### 2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	<b>Script</b>
	<b>Presiding Officer:</b> Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex parte contact?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### 3. STAFF REPORTS

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### 4. PUBLIC TESTIMONY

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. CLOSE OF PUBLIC TESTIMONY

	<b>Script</b>
	<b>Presiding Officer:</b> Public testimony is called to a close.

## 6. RECOMMENDATIONS FROM STAFF

	<b>Script</b>
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 7. COUNCIL DELIBERATION

<b>Councilors should seek acknowledgement and then speak on the issue</b>	<b>Script</b>
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 8. ORDINANCE DECISIONS

**Ordinances - Action usually requires passage of an ordinance; the relevant motions are listed in the Ordinance Action Guide.**

## ORDINACE ACTION GUIDE

### First action: Waive the second reading.

If this is the first meeting in which this ordinance is considered, council should waive the second reading through the following motion.	Script
	<b>Presiding Officer:</b> I move to waive the second reading of Ordinance [####].

### Second action can be one of 4 steps:

1. Motion for Approval	Script
	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title]
2. Motion to Read in Full	Script
	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title] and ask that it be read in full.
3. Motion to Approve Amended Ordinance	Script
Amended ordinance must be read in full if approved in the same meeting as amendments are made.	<b>Presiding Officer:</b> I move to approve Ordinance [####], [Title] with amendments and ask that amendments be read in full.
4. Motion to Table the Ordinance Motion:	Script
	<b>Presiding Officer:</b> I move to table this ordinance to be considered at our next meeting.

### Third Action: Roll Call Vote

#### Script

**Presiding Officer:** A motion has been made to (repeat the motion).

**Presiding Officer to the city recorder or meeting clerk:** Please take a roll call vote. (The city recorder or meeting clerk calls the roll and announces the number of ayes and nos.)

**Presiding officer:** The motion [passes or passes unanimously or fails]

### Majority of Entire Membership

**Ordinances require majority of the entire membership for passage, this means a majority of all of the councilors, not of the quorum present.**

7 members	4 votes required for passage
6 members	4 votes required for passage
5 members	3 votes required for passage
4 members	3 votes required for passage

# OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

## ► ADMINISTRATIVE HEARING ◀

### 1. CALL TO ORDER

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

### 2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	<b>Script</b>
	<b>Presiding Officer:</b> Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex parte contact?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### 3. STAFF REPORTS

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### 4. PUBLIC TESTIMONY

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. CLOSE OF PUBLIC TESTIMONY

	<b>Script</b>
	<b>Presiding Officer:</b> Public testimony is called to a close.

## 6. RECOMMENDATIONS FROM STAFF

	<b>Script</b>
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 7. COUNCIL DELIBERATION

<b>Councilors should seek acknowledgement and then speak on the issue.</b>	<b>Script</b>
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 8. DECISIONS

**Resolutions - Action usually requires passage of a resolution; the relevant motion should be:**

	<b>Script</b>
<b>Vote: voice vote is permitted</b>	<b>Motion:</b> I make a motion to approve Resolution [#####], [Title].  <b>Presiding Officer:</b> A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no. (Pause) The motion [passes unanimously or passes or fails.]
<b>Majority of Quorum</b>	
<b>Resolutions require majority of the quorum for passage.</b>	
<b>7 members present</b>	4 votes required for passage
<b>6 members present</b>	4 votes required for passage
<b>5 members present</b>	3 votes required for passage
<b>4 members present</b>	3 votes required for passage

# **OUTLINE FOR PUBLIC HEARINGS**

**Newberg City Council**

## **► QUASI-JUDICIAL LAND-USE & NON-LAND-USE ◀**

### **1. CALL TO ORDER**

	<b>Script</b>
<b>Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments</b>	<b>Presiding Officer:</b> This hearing is to consider (topic of hearing). At this time, I will open the public hearing. Citizens will be able to testify on this issue and should submit a public comment registration at the back table should they wish to speak.

### **2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**

	<b>Script</b>
<b>City Attorney Legal Announcements: Read “quasi-judicial announcements” sheet</b>	<b>Presiding Officer:</b> Do any members of this [council board, committee or commission] need to declare a conflict of interest, abstention, or ex parte contact or an objection to the jurisdiction?  (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

### **3. STAFF REPORTS**

	<b>Script</b>
	<b>Presiding Officer:</b> Now we will hear a report from our staff on this item.

### **4. PUBLIC TESTIMONY**

	<b>Script</b>
<b>The presiding officer announces time limits</b>  <b>Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.</b>	<b>Presiding Officer:</b> I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. At the end the principal proponent will have a chance to offer a rebuttal.  Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

## 5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR

	Script
	<b>Presiding Officer:</b> Do any members of the council have questions for those who have given testimony?

## 6. PUBLIC AGENCY LETTERS OR COMMENTS

	Script
	<b>Presiding Officer:</b> Now we will receive testimony from any public agencies. Written testimony has been entered into the record and provided to members of the Council and staff.

## 7. CLOSE OF PUBLIC TESTIMONY

	Script
	<b>Presiding Officer:</b> Public testimony is called to a close.
	<b>City Attorney Legal Announcements</b>

## 8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

	Script
	<b>Presiding Officer:</b> Could we please hear the recommendation from staff on this issue?

## 9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

Councilors should seek acknowledgement and then speak on the issue.	Script
	<b>Presiding Officer:</b> Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

## 10. ACTION BY THE COUNCIL

**Orders - Action usually requires passage of an order; the relevant motion should be:**

	<b>Script</b>
<b>Vote: voice vote is permitted</b>	<b>Motion:</b> I make a motion to approve Order [#####], [Title].  <b>Presiding officer:</b> A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no  <b>Presiding officer:</b> The motion [passes or passes unanimously or fails]
<b>Majority of Quorum</b>	
<b>Orders require majority of the quorum for passage.</b>	
<b>7 members present</b>	4 votes required for passage
<b>6 members present</b>	4 votes required for passage
<b>5 members present</b>	3 votes required for passage
<b>4 members present</b>	3 votes required for passage

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: February 2, 2026**

Order  Ordinance  Resolution  Motion  Information  Proclamation

Subject: Introduction to upcoming code updates

Staff: Rachel Thomas

Department: City Recorder/Administration

Order On Agenda: New Business

**Is this item state mandated?** Yes  No

**If yes, please cite the state house bill or order that necessitated this action:**

**Recommendation:** Receive information on the planned code update process and anticipated changes to code over the coming year. Provide feedback to staff on any specific details you would like them to address.

## **Executive Summary:**

The City of Newberg's Municipal Code has been created piecemeal over 135 years to meet the needs of the city. As problems have arisen codes have been created. Over time, portions of code begin to fall out of use, become outdated, or need revision. From time to time, the city has undergone recodifications (clean ups and rewrites) of our code that ensure legal compliance. In modern day, the best practice for this is to conduct the process about every 10 years with more frequent updates and checks.

The City Manager requested that staff do a comprehensive review of the current state of the code and identify and sections that need revision. The City Recorder conducted a line-by-line review of the code, excluding Building and Development codes which already have a consistent review cycle, and identified over 100 instances where the current code needs/may need revision.

Over the coming year, staff will begin the revision process by bringing sections of code for council review, revising as needed, and presenting Ordinances to council for approval. This work will result in a cleaned up and modern municipal code and a reduction in overlap with state law, creating easier enforcement for our officers and legal team, and easier to follow code for our citizens.

## **Fiscal Impact:**

Estimated: \$15,000 in publishing costs with our code publishing company, this cost is covered in the City Recorder's professional services budget.

Legal costs will be incurred on a case-by-case basis for more complex revisions. This is budgeted for as part of our typical legal expenses.

**Council Goals:**

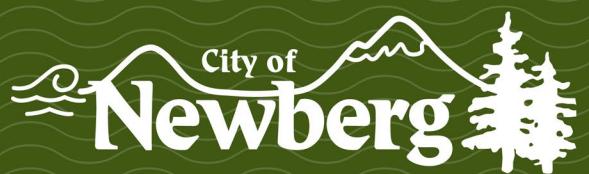
This work supports the following goals:

Goal 3: Enhance Community Safety

Goal 4: Create and maintain a high level of transparency with our residents in order to build trust.

Staff would suggest that the creation of an Objective for Goal 4 related to this project would be appropriate in the upcoming Council Goals refresh discussion.

# 2026 Code Revision Project



# The Problem

- Outdated
- No longer needed
- Irrelevant
- Changes needed

# Process

- CR evaluated line by line to identify potential issues
- City Prosecutor identified obvious changes needed for legal reasons
- Police Administrative Sergeant advised from PD perspective

# We've found

## **Over 100 issues to examine**

- Clear cut removals
- Small wording changes
- Major council policy decisions
- Larger clean up projects

# Plan of Action

- Staff will bring sections of code to Council, a little at a time
- We will ask for general direction from Council
- Staff will draft new code and work with legal to clean it up
- Final ordinances will come back to Council for revisions and approval
- Potential recodification after major changes are finished

# What you can look forward to:

- Frequent references to dance halls, billiards parlors, and card playing by youths
- Code sections that are already covered by state law
- No e-bike code
- Spitting in public!
- Pardonning rabid dogs
- Iceboxes and privies
- And more!

# Next Steps

- First bunch will come for discussion and direction
- Item that simply need to be deleted will come first
- Feedback and ideas appreciated!

# Questions?

Rachel Thomas

City Recorder

[cityrecorder@newbergoregon.gov](mailto:cityrecorder@newbergoregon.gov)

503-537-1283