

**CITY OF NEWBERG COUNCIL AGENDA
APRIL 18, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

I. CALL MEETING TO ORDER*

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. CITY MANAGER'S REPORT

V. PUBLIC COMMENTS

(30 minutes maximum, which may be extended at the Mayor's discretion, with an opportunity to speak for no more than 5 minutes per speaker allowed)

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2943** approving the annual evaluation of the city manager. (Pgs. 3-5)
2. Consider a motion to approve March 7, 2011, City Council minutes. (Pgs. 7-10)

VII. PUBLIC HEARING

Consider a motion approving **Ordinance No. 2011-2738** allowing an extension for expiring subdivisions and planned developments. (Pgs. 11-12)

VIII. NEW BUSINESS

Consider a motion approving **Resolution No. 2011-2933** adopting new Council Rules and Guidelines. (Pgs. 13-43)

IX. COUNCIL BUSINESS

Consider a motion approving a City of Newberg Vision Statement. (Pg. 45)

X. ADJOURNMENT

*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

INDEX OF ORDERS, ORDINANCES, AND/OR RESOLUTIONS:

ORDINANCE(S):

Ordinance No. 2011-2738 allowing additional extensions for expiring subdivisions and planned developments during the current recession.

RESOLUTION(S):

Resolution No. 2011-2933 adopting the amended city council guidelines, the revised city council rules, and repealing Resolution No. 2008-2807.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please call (503) 554-7793

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. The exception is land use hearings, which requires a specific public hearing process. The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

City of Newberg Mission Statement:

The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.

*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 18, 2011

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2011-2943	Motion ___	Information ___
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SUBJECT: Resolution Approving the Annual Evaluation of the City Manager.

Contact Person (Preparer) for this
Motion: Bob Andrews, Mayor
Dept.: Administration
File No.:

RECOMMENDATION:

Adopt **Resolution No. 2011-2943** approving the annual evaluation of the city manager.

EXECUTIVE SUMMARY:

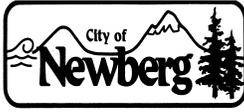
The City Council performed an annual evaluation of the city manager. That evaluation was held during executive session in which no decisions were made. This resolution is to solidify that evaluation and to provide a formal guidance of his performance.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

The evaluation of the city manager is necessary in order to increase communication between the City Council and the city manager concerning the performance of the city manager in accomplishing his assigned duties and responsibilities.



RESOLUTION No. 2011-2943

A RESOLUTION APPROVING THE 2011 ANNUAL EVALUATION OF THE CITY MANAGER

RECITALS:

1. In accordance with the Newberg City Charter, the city manager is the chief executive office of the City of Newberg, which reports directly to the mayor and city council and is supervised by the governing body.
2. The city has a contract with the city manager and pursuant to that contract; the City Council will evaluate the city manager in executive session.
3. The Open Meetings Law of the State of Oregon allows the evaluation of the job performance of the chief executive officer to be conducted in executive session by the City Council and pursuant to such standards, criteria, and policy directives adopted by Resolution No. 1999-2191 on July 19, 1999.
4. The mayor, city councilors, and the city manager met in executive session on April 4, 2011, to discuss the city manager's annual evaluation.
5. The mayor has submitted the written evaluation which will be placed in the city manager's personnel file after being adopted by the City Council.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The written evaluation of the city manager, which is attached as Exhibit "A", which is attached and by this reference is hereby adopted.
2. The city manager shall be given a copy of the evaluation to sign and may make any written comments after which the written evaluation shall be placed in the city manager's personnel file.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 19, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this ____ day of _____, 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this _____ day of _____, 2011.

Bob Andrews, Mayor

**City Manager (Daniel Danicic)
Annual Written Evaluation – 2011
By Newberg City Council**

The City Council has received a written report from the city manager concerning his performance during his evaluation period. The respective mayor and councilors have met with the city manager in executive session on April 4, 2011, to discuss their evaluation of his performance from April, 2010, to April, 2011.

The City Council has evaluated the performance of Daniel Danicic as the city manager of the City of Newberg. As part of the evaluation council reviewed the report given them by the city manager indicating his self-evaluation during the evaluation period. The City Council assessed the manager's performance in seven major categories:

1. Management
2. Planning Goals
3. Communications
4. Fiscal Agent/Budget Officer
5. Community Relations
6. Intergovernmental/Interagency Relations
7. Personal Traits

Overall the City Council found the manager's performance fell between excellent and exceeds expectations. The City Council felt the working relationship with the city manager was excellent and improving as time went on. The Council expressed satisfaction with the initial goal setting and looks forward to further long-range strategic planning in partnership with the city manager.

DATED this ____ day of _____, 2011.

Bob Andrews, Mayor

Denise Bacon, Councilor

Ryan Howard, Councilor

Stephen McKinney, Councilor

Bart Rierson, Councilor

Marc Shelton, Councilor

Wade Witherspoon, Councilor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 18, 2011

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve the March 7, 2011, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: Norma Alley, City Recorder
Dept.: Administration

RECOMMENDATION:

Approve the March 7, 2011, City Council minutes for preservation and permanent retention in the City's historical records.

EXECUTIVE SUMMARY:

The City of Newberg City Council held a public meeting and minutes were recorded in text. In accordance to Oregon State Records Management law, the City of Newberg must preserve these minutes in hard copy form for permanent retention.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG CITY COUNCIL MINUTES
MARCH 7, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A Work Session was held prior to the meeting. A general discussion was held about the proposal for the City Council Guidelines and Rules. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:07 PM.

II. ROLL CALL

Members

Present:	Mayor Bob Andrews	Denise Bacon	Ryan Howard	Stephen McKinney
	Bart Rierson	Marc Shelton	Wade Witherspoon	

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Norma Alley, City Recorder
		Jennifer Nelson, Minutes Recorder

Others

Present: Roger Wiltshire, Denise Bellon, Sally Dallas, and Kris Horn

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, followed up on previous questions about locksmith services being provided through the fire department for the general public; in the two recent cases where this happened both involved toddlers locked inside a vehicle or a home. Panicked parents called 9-1-1 for assistance. It is the job of public safety to respond and always will. He also spoke of the new security measures at City Hall and the need for proximity cards or guest passes to access certain common staff areas and the elevator.

V. PUBLIC COMMENTS

Mr. Roger Wiltshire spoke of being a free American, and how this country was founded on capitalism, not socialism, communism, or anything else. He spoke of The Holy Bible, The Declaration of Independence, The Constitution, and The Pledge of Allegiance giving quotes about the foundation of this country and the inalienable rights of life, liberty, and the pursuit of happiness. He said a common theme through these documents was "liberty" and "tranquility" and offered several definitions of both words. He felt that wearing hats, coats, or dark glasses were of no danger to public safety or welfare and the Council guidelines 8.3 and 8.4 were a violation of his rights to freedom and tranquility.

Ms. Denise Bellon spoke with the council about the use of the trolley for the Newberg ARTwalk and how free rides were being provided to encourage attendance at this downtown event. She asked for tourism funds to be granted to support continuing the use of the trolley during the Newberg ARTwalk activities. Sponsorship for one evening costs \$400.00 and has been collected from downtown businesses up until this point, but businesses are having difficulty funding it now. She spoke of the benefits to businesses outside of the core downtown

along with plans to create full maps with destination points. The Chamber of Commerce granted them \$1,200.00 and the remaining balance is \$3,600.00. Councilor Marc Shelton said he understands the intent and asked if anyone had talked with Chehalem Valley Transit and if they compete with what you are doing. Ms. Bellon said they have not been asked.

Ms. Kris Horn, Co-Founder of ARTwalk, spoke of the growth in participation and the trolley helping to get people to the far ends of the event. The cost for the participating businesses is already great and they have been unable to absorb the additional cost of the trolley.

Mayor Andrews asked if the trolley route goes by the normal parking areas on 2nd Street and Blaine Street and behind the Cultural Center. Ms. Horn did not believe it did, but passengers do go through the walkway on 1st Street.

VI. CONSENT CALENDAR

Consider a motion approving **Resolution No. 2011-2935** authorizing the city manager to dedicate a portion of the property at 921 S. Blaine Street as public right-of-way.

MOTION: Rierson/Shelton approving the Consent Calendar including **Resolution No. 2011-2935** authorizing the city manager to dedicate a portion of the property at 921 S. Blaine Street as public right-of-way. (7 Yes/0 No) Motion carried.

VII. PUBLIC HEARINGS

Consider a motion approving **Ordinance No. 2011-2734** amending the Newberg Comprehensive Plan and Development Code to reflect the Newberg-Dundee Bypass Tier 2 alignment.

Mr. Barton Brierley, Planning and Building Director, presented the staff report including a PowerPoint summary and recommended adoption (see official meeting packet for full report).

Councilor Ryan Howard asked for more detail on the interchange overlay and what it implies for that area. Staff said there are two reasons for interchange overlay; to coordinate with the Oregon Department of Transportation (ODOT) for future development and for notification purposes. The concern was for this area to not be a destination creation, but to get traffic around the City, so commercial uses such as convenience stores, gas stations, or drive-ins would not be allowed by the bypass interchange.

Mayor Andrews opened for public testimony; none appeared. Staff recommended approval. The public hearing was closed.

MOTION: Shelton/Witherspoon approving **Ordinance No. 2011-2734** amending the Newberg Comprehensive Plan and Development Code to reflect the Newberg-Dundee Bypass Tier 2 alignment, read by title only.

Mayor Andrews spoke of the ongoing evolution of the transportation planning rules and what significant impacts are anticipated from what is being done in state legislature. Staff said there are some things being pondered by legislators that would better address circumstances like this. There is a plan for a bypass, which can only move forward when funding is available and the planning rules are not clear. They are hoping the rules will be clarified and other concerns are coming up, but these amendments will help this City to get down the road a little way while waiting for the different parts to come together. This will allow the bypass to become more official.

Councilor Denise Bacon asked about special planning to replace the affordable housing being lost because people are already being moved out of town due to no comparable housing here in town. She has a big issue with moving Newberg residents elsewhere. Staff said she has a right to be concerned and there are ways to address this issue so ODOT needs to keep their end of the bargain and efforts need to continue to replace that housing in Newberg.

Councilor Bart Rierson asked about the ways Newberg can work with ODOT since this is a high priority and Council does not like displacing city residents. He felt the need to support what is right by the citizens and he was concerned that moves are already starting when any ground-breaking is so far off. Staff suggested inviting ODOT representatives to give a report on their process and to see how they are planning to help be proactive to replace some of the lost housing.

Councilor Wade Witherspoon spoke of his experiences sitting on the parkway committee and hearing detailed reports on ODOT's process of relocating. The process is fair and they try to find housing in a certain radius; he was comfortable with their presentation that they are doing everything they can and sometimes people are getting a better deal than where they were. It is uncomfortable, but ODOT is doing all they can.

Councilor Shelton felt a report of ODOT's process would be unnecessary since the Mayor and Councilor Witherspoon can report this to the rest of the Council, but he did think the language should be changed on page 39, the first page of Exhibit "B", to say these things "must" be done rather than "shall". He also said he is hearing things a little differently on the street than what has been heard in ODOT's presentation about their process.

VOTE: To approve **Ordinance No. 2011-2734** amending the Newberg Comprehensive Plan and Development Code to reflect the Newberg-Dundee Bypass Tier 2 alignment, read by title only. (7 Yes/0 No) Motion carried.

VIII. COUNCIL BUSINESS

TIME – 7:57 PM

Council discussed how to proceed with the request made this evening to use Transient Lodging Tax dollars to fund the trolley for the Newberg ARTwalk. There were concerns about committing portions of this funding source when this could potentially go against what may be generated for the General Fund. There was a request for more information and to follow-up with this during the budget process.

X. ADJOURNMENT

The meeting adjourned at 8:09 PM.

ADOPTED by the Newberg City Council this 18th day of April, 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of April, 2011.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 18, 2011

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2011-2738 No.

SUBJECT: Ordinance allowing additional extensions for expiring subdivisions and planned developments

Contact Person (Preparer) for this Motion: Barton Brierley, AICP
Dept.: Planning and Building
File No.: DCA-11-003
(if applicable)

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL

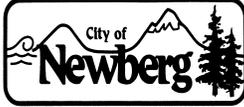
RECOMMENDATION:

Adopt **Ordinance No. 2011-2738**, allowing an additional extension of up to one year for expiring subdivisions and planned unit developments.

EXECUTIVE SUMMARY: In May, 2009, the City Council authorized an additional extension of one year for subdivisions and partitions that were due to expire. Several projects had not progressed due to the current recession. There are still two subdivisions and two planned unit developments that have yet to be platted. These include the Springbrook plat (north of Mountainview Drive), and the Crestview Crossing plat (north of Providence Hospital). The attached ordinance would allow the Planning and Building Director (or Planning Commission where specified) to grant an additional extension of up to one year for expiring developments.

FISCAL IMPACT: The City would lose new application fees if these were to reapply. The review fees are estimated to cover the costs of processing the applications, so the change would essentially be revenue neutral. There is a cost to review each extension application. The fee to consider an extension is \$135.

STRATEGIC ASSESSMENT: Development approvals should have expiration dates in cases of changes in circumstances, for example major code changes, changing public utility availabilities, or the effect of other changes in proximity to the development. In the past two years there have been few major changes that would affect development, therefore in most cases development approvals could be extended without significant consequences.



ORDINANCE No. 2011-2738

**AN ORDINANCE ALLOWING ADDITIONAL EXTENSIONS FOR EXPIRING
SUBDIVISIONS AND PLANNED DEVELOPMENTS DURING THE CURRENT
RECESSION**

RECITALS:

1. The Newberg Development Code provides for expirations of approved subdivisions, partitions, planned developments, site design reviews, and other applications. These expirations are necessary to insure that developments continue to be appropriate in cases of changing conditions, and that the community continues to be aware of proposed developments.
2. During the current year, the country is experiencing a significant recession, causing many developments to be delayed.
3. The Council wishes to allow these developments additional time to be completed where appropriate.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Planning and Building Director or other hearings authority set forth in the Newberg Development Code is hereby authorized to consider and grant, if appropriate, an extension of up to one year to an approved subdivision or planned unit development plat. This is in addition to extensions allowed under the applicable Development Code standards, and extensions approved through Ordinance 2009-2716.
2. The application for extension shall be processed in accordance with the procedures and criteria set forth in the applicable sections listed above, and may be subject additional conditions as set forth in the applicable section.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: May 18, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of April, 2011, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of April, 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ___ / ___ / ___ meeting. Or, x None.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 18, 2011

Order ___ Ordinance ___ Resolution X Motion ___ Information XX
No. No. No. 2011-2933

SUBJECT: Resolution adopting amended City Council Guidelines, revised City Council Rules, and repealing Resolution No. 2008-2807.

Contact Person (Preparer) for this
Motion: Dawn Wilson
Dept.: City Attorney's Office
File No.:

EXECUTIVE SUMMARY:

The council has reviewed the draft of these guidelines and rules a number of times in work session, as well as in open council meetings. During these reviews, there were suggested changes and amendments. Many of those have been incorporated into this final draft.

The guidelines have been amended, but not extensively revised. They address the relationship between the councilors, as well as between the council and the public. They would ordinarily be reviewed during a goal setting process.

The rules are a major revision of the previous council rules, which did not attempt to address many issues and procedures the council used. It is hoped that these rules will become guidance to future councils. These rules will be fluid and must be reviewed periodically. The council has the full authority to alter the rules or not abide by the rules when in the judgment of the council the best interest of the city and/or the public would be served.

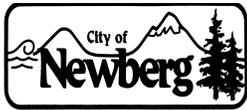
There are a number of sections in the rules that leave room for expansion. This office will be addressing those sections in the future as time permits and as needed. The revised rules are in a form which will be useful to the council and should be adopted at this stage.

FISCAL IMPACT:

The rules largely adopt present practice. It is anticipated that there will be no financial impact.

STRATEGIC ASSESSMENT:

Provides a document that will serve to guide future councils and give proper authority for conducting meetings. The council rules maintain and implement the council's authority pursuant to the city charter.



RESOLUTION No. 2011-2933

**A RESOLUTION ADOPTING THE AMENDED CITY COUNCIL
GUIDELINES, THE REVISED CITY COUNCIL RULES, AND
REPEALING RESOLUTION No. 2008-2807**

RECITALS:

1. The city charter of the City of Newberg specifies that the council must adopt council rules to govern its meetings and provide for the keeping of records of those meetings.
2. The city adopted the present Council Guidelines and Rules (G&R's) in January of 2007 by Resolution No. 2007-2692. The G&R's were amended in September of 2008 by Resolution No. 2008-2807, dealing with compensation and attendance. This is an expanded revision of those G&R's.
3. The guidelines and rules of the council are further governed by the Oregon Public Records and Meetings Laws.
4. In this revision, the guidelines have been set out in a separate document. The rules are far more extensive and cover many more situations.
5. It is the intention of the council that these guidelines and rules not be static documents but be reviewed periodically, expanded and modified as needed.
6. The council has reviewed the draft of these guidelines and rules in work session, as well as regular council meetings. During these discussions, additions, revisions, and amendments to the rules were suggested and many of those have been incorporated into this final document.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. Adoption of Council Guidelines – The city council adopts the City of Newberg Council Guidelines as set out in Exhibit “A,” which is attached and by this reference incorporated. These guidelines may be referred to as “council guidelines.”
2. Adoption of Council Rules – The city council adopts the City of Newberg Council Rules as set out in Exhibit “B,” which is attached and by this reference incorporated. These rules may be referred to as “council rules.”
3. Interpretation of the Rules – The city council is the final authority in interpretation of its rules. The mayor, in conducting meetings, must apply the council rules. Any interpretation by the mayor or presiding officer of the council rules, as applied, are deemed to be correct unless challenged by any council member at the appropriate time. If there is a challenge, the council will make a ruling as to the correctness of the interpretation, and that ruling will be final.

4. Duty of City Manager and City Attorney – It is the duty of the city manager and the city attorney to call to the council’s attention the procedure and application of the rules on the matters before the council at their meetings. This advice on the council rules will be given by addressing the mayor or presiding officer during the council meeting.
5. Assistance to Mayor or Presiding Officer – In accordance with the city charter, the mayor or presiding officer has the duty to facilitate the council meetings, preserve order, and determine the order of business pursuant to the council rules. The mayor or presiding officer has the authority to designate a person as parliamentarian for council meetings and/or seek assistance in facilitating and carrying out their duties at those meetings. The duration of such appointments will be determined by the mayor or presiding officer and may be changed at any time. However, in the absence of such designation or the absence of the parliamentarian, the city attorney will serve as parliamentarian.
6. Decisions of the Council – No decision of the council will be invalidated or held null and void because the council failed to follow the rules of the council, nor will that failure be used later as grounds to invalidate any action taken by the council.
7. Repeal of Resolution No. 2008-2807 – The city council hereby repeals Resolution No. 2008-2807, which is attached as Exhibit “C,” and by this reference incorporated.
8. Effect of Adoption – Upon adoption on the effective date of adoption as stated below, the revised council guidelines and council rules will take the place of and supersede all other G&R’s of the city council.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 19, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of April, 2011.

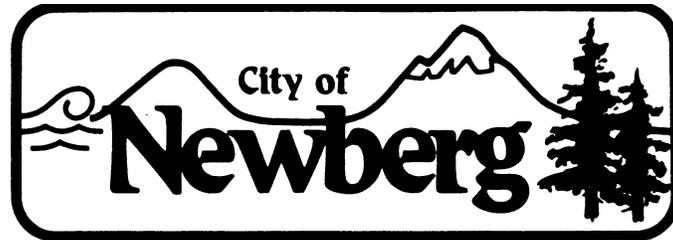
Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of April, 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through City Council Committee at 10/04/2010 & 02/22/2011 meeting.



CITY OF NEWBERG COUNCIL GUIDELINES

April 18, 2011

CITY OF NEWBERG COUNCIL GUIDELINES

As a member of the Newberg City Council, council members will strive to do the following:

- 1). Trust and respect the opinions of fellow council members and participate in the decisions of the council.
- 2) Accept responsibility to attend all council meetings and council sub-committees assigned.
- 3) Fulfill obligations to share with other council members the membership on the committees as required.
- 4) Provide appropriate notification to the mayor, council president or city manager of an absence as soon as practical prior to the meeting time.
- 5) Not disclose information which is confidential and, when asked by the public for information that is confidential, will state that the information is confidential.
- 6) Make every attempt to resolve any conflict with a fellow council member prior to bringing the conflict to the attention of the council.
- 7) Make an effort to study material presented in a timely manner and be informed on all issues.

NEWBERG CITY COUNCIL MEETING EXPECTATIONS

As a Newberg City Council member, council members will strive to do the following:

- 1) Make the citizens and visitors feel welcomed at the meetings by involving them in the process, being courteous to them, and respecting their opinions.
- 2) Do their best to communicate in clear, concise and audible language and written communications.
- 3) Make sure that their tone of voice is friendly and sincere.
- 4) Honor and act on all requests for action and/or information in a timely and courteous manner.
- 5) Discuss issues, but not personalities with non-council members.
- 6) After an issue has been voted on, council members will speak for themselves carefully, in a manner that does not undermine the integrity or motives of the council, even if their personal opinion differs from the council's decision.
- 7) In quasi-judicial matters, members will explain at the meeting the reasons why they cast a negative vote when it is in the minority.

Exhibit “B”
To Resolution No. 2011-2933
(Total of 25 pages)

CITY OF NEWBERG COUNCIL RULES

April 18, 2011

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Newberg City Council Rules

SECTION 1 – AUTHORITY

Rule 1.1 Authority of Rules

Section 11 of city charter provides that the council will adopt council rules by resolution to govern its meetings and proceedings. These rules will decide questions and give direction on debating, voting, membership, attendance, agendas, and other matters. The rules are intended to serve as a guide for the council. One of the goals of the council is to work with the residents of Newberg and provide a positive atmosphere at council meetings. These rules provide the basic outline required to work together. The council may need to vary from these rules from time to time to best serve the public interest.

Rule 1.2 Council Authority

All questions regarding these rules will be resolved by majority vote of the council.

Rule 1.3 Limited Public Forum

The meetings of the council, including regular meetings, special meetings, work sessions and emergency meetings are open to the public in accordance with the Oregon Public Meetings Law. The meetings are considered a limited public forum at which council business is conducted in accordance with the agenda and rules of the council. The mayor, as the presiding officer, along with the council has the authority to require discussion at the meetings be addressed to the matters that are appropriate to be considered, to limit the time for discussion, and to restrict input concerning the matters to be discussed. The council has the right to require persons attending the meeting, addressing the council or participating in the meeting to conform to the rules of the council and directions of the mayor or the presiding officer.

Rule 1.4 Presentation to Council Members

These council rules will be presented to all council members at or before the time they take the oath of office. Each appointed or elected council member will acknowledge in writing that the member has received and reviewed a copy of these council rules within 30 days of receiving the rules. The city recorder will furnish a form of acknowledgement to the member and retain the signed copy.

SECTION 2 – GENERAL RULES

Rule 2.1 Open Meetings

All council meetings will be held in accordance with the Oregon Public Meetings Law (“OPML”). All final action by the council will take place at council meetings that are open to the public.

Rule 2.2 Quorum

Section 13 of city charter provides that a majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of the absent members.

Rule 2.3 Compelling Attendance

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 council member may move for a call of the house. 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 council members present must concur for the call of the house motion to

pass. If the motion is passed, then all unexcused absent council 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 council members at the meeting. The mayor is authorized to recess the meeting to a time certain while attendance is being compelled.

Rule 2.4 Vacant Positions as Relates to Quorum

If a council position is vacant, that vacant office will not be counted in determining the majority of the council members that is necessary for a quorum to conduct business.

Rule 2.5 Vote Required

Section 14 of the city charter provides that expressed approval of a majority of the quorum of the council is necessary for any council decision except when the charter or council rules requires approval by a concurrence of a majority of the entire membership of the council.

Rule 2.6 Entire Membership

Section 17 of city charter provides that a concurrence of the entire membership of the council is required for the passage of an ordinance. The entire membership of the council is comprised of six (6) councilors and the mayor who is elected at large. The concurrence of the entire membership of the council requires the concurrence of four (4) councilors. The absence from a particular meeting does not affect the required number of councilors to constitute the majority of the entire membership. However, if an office of position of councilor is vacant, that office will not be considered when determining the entire membership of the council. This interpretation is applicable to any time the concurrence of the majority of the entire membership of the council is required for any council decision.

Rule 2.7 Rules of Order

"Robert's Rules of Order, Newly Revised, Tenth Edition" or the latest editions published thereafter hereafter referred to as "Robert's Rules of Order" will govern all council proceedings unless they conflict with these rules. The mayor will have the authority to appoint a parliamentarian for the council. If there is no person appointed as parliamentarian or that person is absent, the city attorney will advise the mayor concerning parliamentarian matters.

Rule 2.8 Suspension of Rules

The vote to suspend council rules including Robert's Rules of Order, requires a majority vote of those members of the council who are present. If the motion is carried, the rules will be suspended for that item only.

Rule 2.9 Records of Proceedings

The city recorder will be the ex-officio clerk of the council, attend all the meetings unless excused and keep an accurate record of the proceedings of the council meetings. The city manager will appoint and supervise the city recorder. The city manager may appoint such deputy city recorders as needed. The records of the proceedings are to be known as "minutes." The minutes will be kept in accordance with the Oregon Public Records and Meetings Law and in a manner prescribed by these rules pursuant to Section 15 of the city charter.

SECTION 3 – CITY COUNCIL MEMBERS

Rule 3.1 Council Defined

Section 8 of city charter states that the council consists of a mayor nominated and elected from the city at large and six (6) councilors nominated from districts and elected from the city at large.

Rule 3.2 Qualifications to Hold Office

Section 28 of the city charter provides for complete qualifications for eligibility of elective office of mayor and city council members of the city. The city charter provides that no person will be eligible to fill the elective office of mayor or city council member unless at the time of the election that person is a qualified voter and has resided in the city for at least one year immediately preceding the election. In addition, in order for a person to be eligible for a council position, that person must live in the district from which the person is nominated to run for the council position. Furthermore, it is a requirement that the person once elected to the office of mayor or council member must continue to meet the qualifications for that office throughout their term. The council is the final judge of the qualifications in election of its members.

Rule 3.3 Attendance

It is the duty of each councilor and the mayor to attend all meetings of the council. Section 32 of the city charter provides that an office will be deemed vacant upon the absence from meetings of the council for sixty (60) days or the absence from the city for thirty (30) days without council consent. The consent of the council for such absence must be in writing and obtained prior to such absence, if possible. Consent will be given for good cause. The council has the authority to make the final decision concerning good cause.

Rule 3.4 Excused Absence

When a councilor cannot attend a meeting, the member will notify the mayor, presiding officer, or city manager prior to the meeting. The mayor or presiding officer will determine if the absence is considered “excused” or “unexcused.” If the absence is for good cause and there are no objections from other councilors who are present, the city recorder will record the absence in the minutes as excused. If the councilors, upon an affirmative vote of the majority of the councilors present, determine the absence is not for good cause, the city recorder will record the absence in the minutes as unexcused. There will be a presumption that the absence is unexcused if there is no notification of the absence prior to the meeting. The council will make the final decision on whether or not an absence is excused or unexcused.

Rule 3.5 Explanation of Unexcused

If any member has two (2) consecutive unexcused absences from meetings or subcommittee meetings of the council, the council may request an explanation at a regular meeting of the council.

Rule 3.6 Filling Vacancies

Section 33 of city charter provides that vacancies of elected offices of the city will be filled by appointment by a majority of the remaining councilors. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. When such vacancies occur, the council will follow the procedure set out for filling that specific vacancy as adopted by the council or as set out in these rules. In the event that all elected offices become vacant, the city manager requests the Secretary of State to call a special election to fill the vacancies of the council.

Rule 3.7 Compensation for Attendance at Meetings

Section 2.05.010 of the city code provides that council members will receive compensation at the rate of ten dollars (\$10) per meeting for attendance at “meetings of the city council and city council committees.” The mayor, as a member of the council, is entitled to the meeting compensation.

A. Compensated Meetings

The meetings for which council members are compensated for attendance are as follows:

1. Regular or Special Meetings of the Council

Any regular or special meetings of the council, including any work sessions, goal settings, or informal meetings that are officially called whether or not a quorum is present and regardless if the member attends in person or by electronic means.

2. Subcommittees of the Council

Any subcommittee of the council to which the member is appointed or attends in their official capacity or is an ex-officio, voting or non-voting member.

3. Boards, Commissions, and Committees of the City

City boards, commissions, and committees for which the council member is appointed by the mayor with approval of the council or the member is an ex-officio, voting or non-voting member.

4. Boards, Commissions, and Committees of Other Entities

Boards, commissions, and committees of governmental or non-governmental or private organization in which the council member is appointed by the mayor with approval of the council or appointed by the council or is an ex-officio, voting or non-voting member.

B. Non-Compensated Meetings

The meetings for which council members do not receive compensation for attendance are as follows:

1. Social Meetings

Social meetings in which the main purpose of the meeting is social. Social meetings will include meetings such as city/county dinners, annual banquet awards, and other types of celebration meetings.

2. Budget Meetings

Per ORS 294.336 compensation applies to city budget committee meetings that are held in accordance with the local budget law, which are held annually to review and approve the budget.

C. Waiver of Compensation

A council member may waive the meeting compensation that the council member is entitled to receive. The waiver must be in writing. The waiver will be for at least a six (6) month period corresponding to the payment periods the city has established. The waiver is subject to other administrative regulations that may be applicable. The city

recorder will furnish a form of waiver to the member and retain the signed copy.

D. Voluntary Attendance

The attendance by the council member may be on a voluntary basis by the council member. The member is still entitled to compensation for this meeting attendance.

E. Policy

In considering which meetings will be compensated, the purpose of the meeting compensation is to encourage council members and to recognize the sacrifices they make in personal time.

F. Questions

Any questions which arise over which meetings should be compensated will be decided by the city council.

SECTION 4 – COUNCIL MEETINGS

Rule 4.1 Regular Meetings

Section 12 of the city charter provides that the council must meet at least once a month at a time and place designated by the council. It further provides that the council may designate other regular council meetings besides the once a month meeting mandated by the city charter. The council designates through these rules two regular meetings of the council, which will be held on the first and third Monday of each month, except on holidays in which event the council will meet on the next ensuing business day as provided by city code Section 2.05.140.

Rule 4.2 Notice of Meeting

The notice of the regular meeting of the council, including the agenda which lists items to be considered by the council, will be given in accordance with the OPML. However, the notice does not limit the matters that can be considered by the council nor prevent the council from taking up any matter brought before the council in accordance with the OPML.

Rule 4.3 Meeting Times and Places

The regular meetings of the council will begin with a work session at 6:00 p.m. followed by a regular business session at 7:00 p.m. Regular council meetings will take place in the Public Safety Building in the training room, unless specifically designated to occur at another location. Any other such location will be noted in the notice of the meeting.

Rule 4.4 Special Meetings

Special meetings may be called at any time upon the mayor's request or the request of three (3) members of the council. All meetings of the council will be called, noticed, and held in accordance with the city charter, city code, rules of the council, and the OPML.

Rule 4.5 Special Meetings Limited Purpose

Notice of a special meeting will designate the time and place, as well as the business to be considered in accordance with Section 2.05.150 of the city code. Only business as set forth in the notice will be considered by the council, unless an actual emergency occurs in which case notice will be given in accordance with the OPML. In accordance with Section 2.05.160 of the city code, the rules of procedure for special meetings will be the same as those provided for general meetings of the council insofar as such rules are applicable. The agenda to be followed at the special meeting will generally be

the agenda format for the study session set out in Rule 5.11.

Rule 4.6 Emergency Meetings

The mayor upon the mayor’s own motion, may, by giving notice to all members of the council, call an emergency meeting. An emergency meeting of the council may be called on less than 24 hours’ notice provided an actual emergency exists. The meeting will be called and notice will be given pursuant to OPML. Attempts will be made to contact the media to provide notice of the emergency meeting.

Rule 4.7 Executive Session Meetings

Council may meet in executive session in accordance with the OPML. Matters discussed in executive session will be exempt from public disclosure pursuant to OPML. Council members will not disclose matters discussed in executive session. The city manager and city attorney will attend all executive sessions, unless they are excluded by the council or have requested to be excused. City staff persons, as allowed by the council, may attend. Other persons authorized by OPML may attend. The council by rule may define “news media representatives” within the meaning of the OPML statute, which are allowed to attend executive sessions. All final action or decisions must be made in public session.

Rule 4.8 Adjourned and Recessed Meeting

The council may adjourn or recess any meeting to a later date and time by a majority vote of the council members present. At least 24 hours’ notice will be given announcing the date and time of the adjourned or recessed meeting if possible.

Rule 4.9 Cancellation of Meeting

Upon a majority vote of the council members present, a meeting may be canceled when deemed appropriate. If there is no business to transact or a quorum of the council cannot attend and there is no urgent necessity to have the meeting, the mayor with advice and consent of the city manager may cancel the meeting. Council members will be notified of the cancellation prior to notice being given to the public. Notice of cancellation will be given as soon as possible to the public in a manner aimed at giving adequate notice.

**SECTION 5 – AGENDAS AND ADDITIONAL ITEMS FOR
CONSIDERATION**

Rule 5.1 Preparation of Agenda

The city manager with the advice and consent of the mayor will prepare the agenda along with appropriate documentation for council meetings. Any member of the council may request, through the city manager, for a matter to be placed upon the agenda. Such request is subject to the advice and consent of the mayor. Each meeting agendas format will be prepared as prescribed in the rules. If there is no item to be considered under a section of the agenda, that section will be omitted from the agenda and the agenda will be renumbered accordingly. The final authority on the agenda matters is the city council.

Rule 5.2 Non-Agendized Items

Prior to the meeting, the city manager may send out additions to the agenda with the appropriate documentation. The council may consider the items which are not listed on the published agenda. The council must, by a majority, place the item on the agenda. Action may then be taken on the item.

Rule 5.3 Time for Submission of Items

Items for the council agenda will be submitted in time to allow for sufficient research by staff and

recommendations from council boards, commissions, or committees.

Rule 5.4 Reports by the Staff

Normally the councilors will receive a report from the staff on each council item to be considered by the council at least one (1) week prior to the council meeting.

Rule 5.5 Additional Items

After consulting with the mayor, the city manager may, not later than forty-eight (48) hours prior to the meeting, send out additions to the agenda with appropriate documentation and information. With prior notice to the council and under circumstances that cannot be avoided, the city manager may submit additional documentation at the council meeting. Any councilor may request and will be granted adequate time to review the documentation or delay deliberation concerning the matter.

Rule 5.6 Communications from the Floor

Persons speaking to the council from the floor will be given the opportunity to speak no more than five (5) minutes. Speakers may share their time at the discretion of the mayor. The maximum time allowed for communications from the floor, 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. Speakers who wish the council to consider written material are encouraged to submit information in writing at least ten (10) days prior to the council meeting. In the case of public hearings or items on the council agenda for action, the submission of written material for consideration or inclusion in the record may be subject to stricter time limits established by council and publicized by the city. Speakers may also submit information at the meeting. However, it will not be considered by the council unless there is time for the council to read and consider the material.

Rule 5.7 Consent Calendar

The city manager will place items which have been previously reviewed by the council or items which are routine in nature on the consent calendar. Items may be removed from the consent calendar by the mayor or by request of a council member. Ordinances and orders will not be placed on the consent calendar. Communications from the floor will be held prior to the approval of the consent calendar to allow the public to address items under consent calendar. Their collective comments under communications from the floor will be limited to five (5) minutes.

Rule 5.8 Agenda Availability

Council agendas and the accompanying documents are available at the city recorder's office and are posted on the city website normally one (1) week prior to the council meeting. Interested persons are encouraged to read the agenda along with supporting material, and address questions to the mayor, council or city staff prior to the meeting. The mayor and council value public input. In order to efficiently conduct city business, those who have concerns are encouraged to address these issues prior to the council meeting.

Rule 5.9 Work Session Meeting Agenda

The council may hold a work session prior to the council business meeting and as needed. The work session will be attended by the city manager, the city attorney, the mayor and the council. Other department heads will be expected to attend work sessions if requested by the city manager. The work session is intended for discussion and no decisions or actions will be taken on the items. The work session agenda will be as follows:

- I. Call Meeting to Order

- II. Roll call
- III. Review of the council agenda and meeting
- IV. Council housekeeping items (schedules, requests, announcements, limited to items of clarification, organization, calendar and questions of a general nature.)
- V. Executive session
- VI. Adjournment

These work sessions are open to the public and the public is welcome to attend. Public input will not be taken except with specific permission of the council. Minutes of the work session will be kept by the city recorder. The agenda may be altered at the convenience of the council.

Rule 5.10 Business Meeting Agenda

The council may hold its regular business meetings at the time and place as specified in these rules. The business meeting agenda will be is as follows:

- I. Call Meeting to Order
- II. Administration of Oath of Office
- III. Roll Call
- IV. Pledge of Allegiance
- V. Reports, Special Presentations, or Recognitions from City Boards, Commissions, Committees, Organizations Invited by the Council
- VI. City Manager’s Report
- VII. Council Appointments
- VIII. Communications from the Floor (30 minutes maximum which may be extended at the mayor’s discretion; an opportunity to speak for not more than five (5) minutes per speaker allowed)
- IX. Consent Calendar
- X. Public Hearings
- XI. Continued Business
- XII. New Business
- XIII. Council Business
- XIV. Executive Session
- XV. Adjournment

At the mayor’s discretion, the mayor may change the order of the agenda and allow communications concerning items on the agenda or other council business. Minutes of the business meeting will be kept by the city recorder.

Rule 5.11 Study Session Meeting Agenda

The council, from time to time, may hold a study session at a location to be determined based on facility availability. The purpose of the study session is to explore and analyze issues, as well as to confer with staff or other experts. The study session is intended for discussion and no decisions or actions will be taken on the items. The study session agenda will be as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Presentation of Information
- IV. Discussion and Questions
- V. Executive Session
- VI. Specific Items for Presentations
- VII. Reports or Presentations from Boards, Commission, Committees, or Groups Invited by the Council
- VIII. Adjourn

These study sessions are open to the public and the public is welcome to attend. Public input will not be taken except with specific permission of the council. Minutes of the study session will be kept by the city recorder.

Rule 5.12 Joint Meeting or Community Forum Meeting Agendas

The council may hold joint meetings or community forums with other governmental entities or with the city’s boards, commissions, or committees or other governmental entities or an open forum to conduct business and to discuss issues, relationships, strategic plans, or controversial issues. The agenda for these meetings or forums will be as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Purpose of Joint Meeting or Community Forum
- IV. Discussion or Deliberation
- V. Summary and Closing Comments
- VI. Adjourn

The purpose of the community forum would be to listen and communicate. These meetings are open to the public and the public is welcome to attend. Public input will not be taken except with specific permission of the council. Minutes of the joint meeting or community forum meeting will be kept by the city recorder.

SECTION 6 – PRESIDING OFFICER

Rule 6.1 Mayor

Section 9 of city charter provides that the mayor will preside over and facilitate all council meetings, preserve order, enforce council rules, and determine the order of business pursuant to council rules. The mayor is a voting member of the council and has no veto authority. The mayor, with the consent of the council, will appoint members of boards, commissions, and committees established by ordinance or resolution. The mayor will sign all records of council decisions. The mayor serves as the political head of the city.

Rule 6.2 Council President

In the absence of the mayor, the council president will act as mayor and serve as the presiding officer. Pursuant to section 10 of city charter at the first meeting each year, the council will elect a council president from its membership. Whenever in these rules, the mayor is mentioned and the mayor is absent, the council president can exercise the authority as the mayor. The council president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform the mayor’s duties.

Rule 6.3 Presiding Officer Pro Tem

In the absence of the mayor and council president at any meeting of the council where a quorum is present, the council members present may appoint a presiding officer pro tem who will preside at the meeting. The presiding officer pro tem will exercise all the authority of the mayor.

Rule 6.4 Presiding Officer Pro Tem for Specific Items

The mayor, with the consent of the appointed council member and the concurrence of the members present, may appoint a council member to serve as the presiding officer pro tem for specific items to come before the council meeting for consideration. If any councilor objects to the appointment, the consent of the quorum will be obtained. The rulings and decisions of the presiding officer pro tem will have the same force and effect as those of the mayor. The mayor will be allowed to participate as any other council member.

SECTION 7 – PROCEDURES AT MEETINGS

Rule 7.1 Mayor’s Duty

The mayor will call the council members to order at the hour designated for the meeting. The mayor may compel attendance in accordance with council rule 2.3. Should there not be a quorum within fifteen (15) minutes the members present will adjourn until a quorum can be gathered or until the next scheduled meeting time established by the council or to the next regular meeting time.

Rule 7.2 Mayor’s Role

The mayor will preserve order and decorum, may speak to the points of order in preference to other members and will decide all questions of order subject to an appeal to the council by a majority of the members. No member may speak more than once on an item concerning an appeal of the mayor's decision without permission of the council. If two or more members request the floor at once, the mayor will name who is to speak first.

Rule 7.3 Address the Mayor

When any councilor is about to speak in debate or deliver any matter to the council, that councilor should respectfully address the mayor or presiding officer. The councilor should confine the remarks to the question under consideration and avoid addressing personalities.

Rule 7.4 Voting Required

Every councilor who is present will vote for or against the question before the council unless the council excuses that councilor from voting. Every councilor may refrain for just legal cause without being excused by the council. Councilor will announce the legal reason or justification for abstaining from voting.

Rule 7.5 Discussion on Agenda Items

Discussion may occur at any time on an item. The mayor will control and determine what item will be discussed.

Rule 7.6 Seconds on Motion

Generally, no motion will be considered unless it has been seconded. When a motion is seconded, the mover may withdraw the motion with the consent of the second at any time before discussion and before any amendment is proposed. Routine motions that have the general consent of the council do not require a second, unless requested by any member of the council. Other motions not requiring a second

include division, point of order, parliamentary inquiry, permission to withdraw or modify a motion and other such procedural inquiries.

Rule 7.7 Reconsideration

When a question has been decided, it will be in order for a member who voted on the prevailing side to move for reconsideration at the same meeting or next following meeting only.

Rule 7.8 Failure to Follow Rules

Failure to follow the rules of the council in conducting business or to abide by the rules of procedure does not invalidate the decisions of the council nor will it be grounds to later challenge the validity of the decision.

Rule 7.9 First Reading of Ordinances

Section 17 of city charter provides that the council exercises its legislative authority by adoption of ordinances. Ordinances require the concurrence of a majority of the entire membership of the council. This section of the charter provides that an ordinance may be read by title only without having to read the ordinance fully in open council meeting if no council member present requests such reading and the ordinance is available in writing at least one (1) week before the meeting. By this rule, the council establishes the council preference that an ordinance will be presented to the council for consideration and discussion at one (1) meeting prior to the passage of the ordinance. The ordinance may be finally acted upon at the first meeting that the ordinance is presented if a majority of the entire membership concurs. In that case the ordinance can be read by title only as provided in the city charter. In order to comply with the requirement that an ordinance be read in full, the exhibits or attachments to the ordinance will not have to be read as long as they are available in writing to the public at least one (1) week before the meeting.

Rule 7.10 Public Legislative Hearing

The council exercises legislative authority pursuant to Chapter IV of the city charter. The legislative authority is usually exercised by adoption of an ordinance. When the council conducts a public hearing concerning the exercise of its legislative authority, the council will follow the legislative hearing format. That format is hereby attached as Exhibit “1” to these rules and by this reference incorporated.

Rule 7.11 Public Administrative Hearing

The council exercises administrative authority pursuant to Chapter V of the city charter. That administrative authority is usually exercised by adoption of a resolution. When the council conducts a public hearing concerning the exercise of its administrative authority, council will follow the administrative hearing format. That format is hereby attached as Exhibit “2” to these rules and by this reference incorporated.

Rule 7.12 Public Quasi-judicial Hearing

The council exercises its quasi-judicial authority. The quasi-judicial authority is usually exercised by adoption of an order pursuant to Chapter VI of the city charter. When the council conducts a public hearing concerning the exercise of its quasi-judicial authority, the council will follow the quasi-judicial hearing format. There are two (2) separate and distinct types of quasi-judicial public hearing procedures that will be used by the council, and they are as follows.

A. Quasi-judicial Land Use Public Hearing Procedure

Whenever the council is considering a land use matter, which requires a quasi-judicial land use public hearing procedure, the council will use the procedure that is hereby

attached as Exhibit “3” and by this reference is incorporated.

B. Quasi-judicial Non-Land Use Public Hearing Procedure

Whenever the council is considering a non-land use matter, which requires a quasi-judicial land use public hearing procedure, the council will use the procedure that is hereby attached as Exhibit “4” and by this reference is incorporated.

Rule 7.13 Ex-parte’ Contact

Whenever the council conducts a quasi-judicial public hearing, the council should declare any ex-parte’ contact. When the hearing conducted is a quasi-judicial land use public hearing, the ex-parte’ contact is governed by the appropriate state law concerning ex-parte’ contacts in quasi-judicial land use matters. Whenever the ex-parte’ contact concerns quasi-judicial non-land use public hearings, the councilor should attempt to clearly state any ex-parte’ contact. However, failure to state ex-parte’ contact will not be grounds to question, appeal, or overturn the decision of the council unless it can be shown that failure to declare the ex-parte’ contact constituted substantial prejudice to a party raising the objection.

Rule 7.14 Public Comment Registration

In order to properly notify citizens who participate in the hearing and to be able to send them information, it is necessary for the interested person to register at the council meeting before making oral comments and/or providing input at the meeting. The interested person shall register for each subject under which they wish to provide comment. 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. When the interested person addresses the council or gives oral comments, that person should state their name, but does not need to state their mailing address, phone number, or email address. A form complying with this rule will be available at all meetings of the council. The city manager is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.

Rule 7.15 How Interested Person Should Testify

Each interested person addressing the council should do so in a courteous and considerate manner. The person needs to register and follow other rules as provided in the council rules. The public will be furnished guidelines and should comply with these guidelines for testifying before the council. The document setting out the guidelines and helpful information to assist the public in testifying will be entitled, “How to Testify.” The city manager is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.

SECTION 8 – ENFORCEMENT OF COUNCIL RULES

Rule 8.1 Presiding Officer

The mayor or presiding officer will enforce the council rules. In addition, the mayor or presiding officer has the authority to preserve decorum and will determine all points of order, subject to the right of any councilor to appeal to the council. The mayor or presiding officer will enforce order, prevent attacks on personalities or the impugning of members’ motives, and keep those in debate to the question under discussion.

Rule 8.2 Councilors

Councilors will preserve order and decorum during council meetings, and will not by conversation or other action delay or interrupt the proceedings or refuse to obey the orders of the mayor or presiding

officer and council rules. Councilors will when addressing staff or councilors confine themselves to questions or issues that are under discussion; will not engage in personal attacks; will not impugn the motives of any speaker; and will at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of office. Councilors will not attack the knowledge, skills, abilities and personalities or impugn city staff members' motives in council or at any city meetings. In council meetings, councilors may discuss or suggest anything with the city manager related to city business.

Rule 8.3 Attire at Council Meetings

All persons at Council meetings will be properly attired in order to maintain the atmosphere of respect for the Council proceedings. Proper attire will include shirt and shoes that are appropriate for the public meetings similar to judicial proceedings. Attire may vary depending upon custom and tradition. This rule will not be used to infringe upon anyone's freedom of religion or necessary attire for accommodation purposes. For example, men should remove their hats in council meetings; women may cover their heads as traditionally allowed; all "outside" headgear should be removed; dark glasses, unless medically-necessary should be removed; a shirt or blouse should be worn; muddy shoes or boots should be removed; and shoes should be worn.

Rule 8.4 Removal of Any Person

Any persons making disruptive or threatening remarks or actions during a meeting will forthwith be barred from further audience at that meeting, unless permission to continue is granted by a majority vote of the councilors present. The mayor or presiding officer may summon the assistance of the police or other administrative staff to prevent further interruption by such person by any action necessary, including the removal of that individual. In case the mayor or presiding officer should fail to act, any councilor may obtain the floor and move to require enforcement of this rule; upon an affirmative vote of the majority of the councilors present, the police or administrative staff will be authorized to remove the person(s) as the mayor or presiding officer so directs.

SECTION 9 – AD-HOC COMMITTEES

Rule 9.1 Structure of Ad-hoc Committees

The mayor will have the authority to form ad-hoc committees and may refer matters to the appropriate committee.

Rule 9.2 Duty of Ad-hoc Committees

The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes and make recommendations to the council. The mayor will establish the membership criteria for the ad-hoc committees. Residency may be a required criteria but does not have to be a required criteria.

Rule 9.3 Appointment of Ad-hoc Members

The mayor will appoint members of the ad hoc committees. The mayor will designate the chair person and the vice chair. Membership on the committees will be appointed as needed to advise the council on specific programs or projects. Members will continue to serve until their mission is accomplished, replacement or reappointment.

Rule 9.4 Functions of Ad-hoc Committees

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. The council has the authority to follow the recommendations, change the recommendations, refer the matter back to the committee or take any other action the Council deems appropriate.

Rule 9.5 Removal of Members of Ad-hoc Committee

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. The mayor has the authority to grant an excused absence and in the mayor's absence, the committee chair has the authority.

Rule 9.6 Meetings of the Ad-hoc Committees

The meeting time and place of the committees 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. However, a majority of the committee, as determined by telephone poll, may request a meeting of the committee. Meetings are public meetings and will be conducted in accordance with the OPML.

Rule 9.7 Staff Support of Ad-hoc Committee

The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee. The city manager will assign the specific duties to the staff supporting and working with the membership of the ad-hoc committees. 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.

Rule 9.8 Ex-officio Members of Ad-hoc Committees

The mayor, city manager, and the city attorney will be ex-officio, non-voting members of all ad-hoc committees. The ex-officio members may attend any committee meeting. If they attend, they may participate in the discussion as is appropriate. However, they are not required to attend committee meetings.

SECTION 10 – ELECTRONIC MAIL

Rule 10.1 Electronic Mail

All councilors will observe the following guidelines when using an electronic method for correspondence in their elected roles:

A. Subject to Disclosure

All council e-mail correspondence is subject to the Oregon Public Records and Meetings Laws and is subject to disclosure.

B. Purpose of Email

E-mail may be used for correspondence, to schedule meetings, send informative messages, or request information from other members of the council, the city manager, or city department directors.

C. Not Appropriate for Policy Issues with a Quorum

E-mail may not be used to discuss policy issues with a quorum of the council at one time or a quorum of a standing advisory body in any manner which would be in violation of the OPML.

SECTION 11 – PROCLAMATIONS

Rule 11.1 Request for Proclamations

Organizations, citizens, or councilors may request proclamations that proclaim a specified date or dates to recognize the efforts of various community groups and individuals. Upon receipt, the city recorder will notify the mayor of the request. Upon the approval of the mayor, the city recorder will prepare the proclamation for the mayor's signature.

Rule 11.2 Reading of Proclamations

At the discretion of the mayor, a proclamation will be read at the council meeting and presented or mailed to the requesting organization or group.

SECTIONS 12-19 – *[RESERVED FOR EXPANSION]*

SECTION 20 – MISCELLANEOUS

Rule 20.1 Amendments to Council Rules

Amendments to these council rules will be by made by resolution.

OUTLINE FOR PUBLIC HEARING

Newberg City Council

► LEGISLATIVE HEARING ◀

1. CALL TO ORDER

OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

3. STAFF REPORTS

4. PUBLIC TESTIMONY

A. Mayor Announces Time Limits

B. Citizen Testimony

1. Invites citizen to the table to speak into the microphone.
2. Inform citizen to state name at beginning of testimony.
3. Remind citizen to briefly state input.
4. Order of Citizens' Testimony.
 1. Proponent
 2. Opponent
 3. Undecided

C. Close of Public Testimony

5. RECOMMENDATIONS FROM STAFF

6. COUNCIL DELIBERATION

7. DECISION

A. Ordinance – Action usually requires passage of ordinance

B. Roll Call Vote – Vote is done by roll call

1. By title only
2. Reading in full
3. “First Reading” council rule

C. Majority of Entire Membership – Ordinances require majority of entire membership for passage

D. Combination – Can be combined with other council action

OUTLINE FOR PUBLIC HEARING
Newberg City Council

▶ ADMINISTRATIVE HEARING ◀

1. CALL TO ORDER

OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

3. STAFF REPORTS

4. PUBLIC TESTIMONY

A. Mayor Announces Time Limits

B. Citizen Testimony

1. Invites citizen to the table to speak into the microphone.
2. Inform citizen to state name at beginning of testimony.
3. Remind citizen to briefly state input.
4. Order of Citizens’ Testimony.
 1. Proponent
 2. Opponent
 3. Undecided

C. Close of Public Testimony

5. RECOMMENDATIONS FROM STAFF

6. COUNCIL DELIBERATION

7. DECISION

A. Resolution – Action usually requires passage of resolution

B. Vote – Voice vote is permitted

C. Majority of the Quorum is required for passage

D. Combination – Can be combined with other council action

Newberg City Council

***QUASI-JUDICIAL LAND-USE
PUBLIC HEARING PROCEDURE
(Land Use)***

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

**CITY ATTORNEY LEGAL ANNOUNCEMENTS:
READ “[Quasi-Judicial Announcements](#)” Sheet**

3. STAFF REPORT
4. PUBLIC TESTIMONY
 - Time Limits: A. Mayor sets time limits
 - B. Citizen goes to witness table, states name & presents testimony
 - A. PROPONENTS (Principle Proponent/s first, then others or undecided)
 - B. OPPONENTS AND UNDECIDED
 - C. PRINCIPAL PROPONENT REBUTTAL

5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR
6. PUBLIC AGENCY LETTERS OR COMMENTS
7. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING

CITY ATTORNEY LEGAL ANNOUNCEMENTS

8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION
9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT
10. ACTION BY THE CITY COUNCIL
 - A. ORDER – Usually requires passage of order.
 - B. VOTE – Voice vote is permitted.
 - C. MAJORITY OF A QUORUM – Requires majority of the quorum for passage.
 - D. COMBINATION – Can be combined with other council action; separate vote on each action is required.

Newberg City Council

***QUASI-JUDICIAL NON-LAND-USE
PUBLIC HEARING PROCEDURE
(Non-Land Use)***

1. **OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY, PROCEDURE, AND TIME ALLOTMENTS**
2. **CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION**

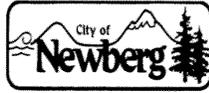
**CITY ATTORNEY LEGAL ANNOUNCEMENTS:
READ “[Quasi-Judicial Announcements](#)” Sheet**

3. **STAFF REPORT**
4. **PUBLIC TESTIMONY**
 - Time Limits: A. Mayor sets time limits**
 - B. Citizen goes to witness table, states name & presents testimony**
 - A. **PROPOSERS (Principle Proponent/s first, then others or undecided)**
 - B. **OPPOSERS AND UNDECIDED**
 - C. **PRINCIPAL PROPOSER REBUTTAL**
5. **QUESTIONS OF PROPOSERS AND OPPOSERS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR**
6. **PUBLIC AGENCY LETTERS OR COMMENTS**
7. **CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING**

CITY ATTORNEY LEGAL ANNOUNCEMENTS

8. **FINAL COMMENTS FROM STAFF AND RECOMMENDATION**
9. **DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT**
10. **ACTION BY THE CITY COUNCIL**
 - A. **ORDER** – Usually requires passage of order.
 - B. **VOTE** – Voice vote is permitted.
 - C. **MAJORITY OF A QUORUM** – Requires majority of the quorum for passage.
 - D. **COMBINATION** – Can be combined with other council action; separate vote on each action is required.

Exhibit "C"
To Resolution No. 2011-2933
(Total of 2 pages)



RESOLUTION No. 2008-2807

**A RESOLUTION AMENDING THE CITY COUNCIL GUIDELINES
AND RULES ADOPTED JANUARY OF 2007 BY ADDING A
PROVISION DEALING WITH MEETING COMPENSATION**

RECITALS:

1. The City Council, from time to time, has revised its Guidelines and Rules.
2. The last full revision was completed and adopted by Resolution No. 2007-2692 on January 2, 2007.
3. The Council has discussed meeting compensation and after amendment, Code Section 30.01 provides that Council Members shall receive \$10 per "meeting of the City Council and City Council Committees."
4. The City Council wishes to clarify which meetings the members will be compensated for attending and to encourage Council Members to participate fully in necessary committees and representation of the City at those committees.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council Guidelines and Rules of January 2007 will be amended to add the following paragraphs under ATTENDANCE after the paragraph entitled **Filling Vacancies**:
 1. **Compensation for Attendance at Meetings:** The Newberg City Code provides that Council Members (the Mayor is a voting member of the Council and entitled to meeting compensation) will receive compensation of \$10 per meeting for attendance at "meeting[s] of the City Council and City Council Committees." This amount was set in 2008 and can be changed by the City Council. See City Code § 30.01 COMPENSATION OF COUNCIL AND MAYOR.
 2. **City Council Meetings:** The meetings of the City Council for which meeting compensation shall be paid are any regular or special meetings of the City Council, including any work sessions, goal settings, or informational meetings that are officially called and notified whether or not a quorum is present and regardless of whether or not the Member attends in person or by other electronic means.
 3. **City Council Committees:** Meetings of the City Council Committees are any committee, board or other entity which the Council Member attends in their official capacity representing the City or the City Council. The Committee shall include any committee on which the Members are appointed by the Mayor with approval of the City

Exhibit "C"
To Resolution No. 2011-2933
(Total of 2 pages)

Council and shall also include any other committee in which the City Council or Mayor appoints the Member to represent the City.

4. **Voluntary Attendance:** The attendance by the Council Member may be on a volunteer basis by the Council Member.

5. **Social Meetings:** Meetings in which the main purpose of the meeting is social in nature are not subject to payment of the meeting compensation. Social meetings shall include meetings, such as City County dinners, annual banquets, award banquets, and other social events.

6. **Policy:** In considering what meetings shall be compensated, the purpose of the meeting compensation is to encourage Council Members to attend meetings and to recognize the sacrifice they make in time and expense in attending those meetings.

7. **Questions:** Any question as to whether a meeting should be compensated will be decided by the City Council.

2. This amendment (paragraph entitled "**Compensation for Attendance at Meetings**") to the Guidelines and Rules will be placed in the Guidelines and Rules under ATTENDANCE as the last paragraph.
3. The rules shall then reflect the rules as of January 2007 when the major revision occurred and amended on September 2, 2008 (the date this resolution is passed).

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: September 3, 2008.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of September 2008.


Daniel Danicic, City Recorder

ATTEST by the Mayor this 4th day of September 2008.


Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ____/____/200x meeting. Or, ___ None.
(committee name) (date) (check if applicable)

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 18, 2011

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve a Vision Statement for the City of Newberg.

Contact Person (Preparer) for this Motion: Daniel Danicic, City Manager
Dept.: Administration
File No.:

RECOMMENDATION:

Adopt one of the two Vision Statements for the City of Newberg:

1. Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, vibrant community valuing diversity, partnerships and opportunity.
2. Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic community valuing diversity, partnerships and opportunity.

EXECUTIVE SUMMARY:

On March 21, 2011, the Newberg City Council held a work session to brainstorm and discuss different options for a Vision Statement. After discussion, the City Council reached consensus on presenting the two Vision Statements above for the entire City Council to continue discussions and make a formal motion to approve one of them.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

A vision statement is a valuable instrument for the vitality of the City of Newberg. Approving a vision statement provides guidance and leadership in the every day workings of city staff.