

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.)

**CITY OF NEWBERG
CITY COUNCIL AGENDA**

TUESDAY, FEBRUARY 22, 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. COUNCIL APPOINTMENTS

Consider a motion appointing Planning Commissioner Thomas Barnes and Councilor Stephen McKinney to the Newberg Urban Area Management Commission. (Pg. 3)

VI. 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)

VII. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2927** approving an agreement with the Chamber of Commerce to operate and manage a Visitor Information Center. (Pgs. 5-16)
2. Consider a motion approving **Resolution No. 2011-2931** approving an increase in ambulance services rates. (Pgs. 17-21)
3. Consider a motion approving **Resolution No. 2011-2932** supporting a Safe Routes to School application to the Oregon Department of Transportation. (Pgs. 23-25)
4. Consider a motion approving **Resolution No. 2011-2934** adopting a revised city manager position description. (Pgs. 27-33)
5. Consider a motion approving City Council Minutes for January 18, 2011. (Pgs. 35-40)

VIII. PUBLIC HEARINGS

1. Consider a motion approving **Order No. 2011-0030** amending the Comprehensive Plan map designation from Low Density Residential (LDR) to High Density Residential (HDR) and amend the Zoning designation from R-1 (Low Density Residential) to R-3 (High Density Residential) for a property located at 1103 North Meridian Street. (Pgs. 41-63)
(Record Closed, Council Deliberation Only)
(Quasi-Judicial Hearing)

*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.

2. Consider a motion approving **Ordinance No. 2011-2735** establishing provisions for second-hand dealers to operate in the City.
(Legislative Hearing)

IX. COUNCIL BUSINESS

Discussion on the revised Council Guidelines and Rules. (Pgs. 65-107)

X. ADJOURNMENT

INDEX OF ORDERS, ORDINANCES, AND/OR RESOLUTIONS:

ORDER(S):

Order No. 2011-0030 amending the Comprehensive Plan map designation from Low Density Residential (LDR) to High Density Residential (HDR) and amending the Zoning designation from R-1 (Low Density Residential) to R-3 (High Density Residential) for a property located at 1103 N. Meridian Street, Tax Lot 3218DA-2100.

ORDINANCE(S):

Ordinance No. 2011-2735 establishing provisions for second-hand dealers (businesses) to operate in the City of Newberg; delegating authority to the City police chief and/or his/her designee for application and permit approval, designation of regulated property and required reporting and other applicable decision making; and establishing chapter 116 entitled, "Second-Hand Dealers" to include the provisions of this ordinance.

RESOLUTION(S):

Resolution No. 2011-2927 approving an agreement with the Chehalem Valley Chamber of Commerce for Visitor Information Center Services and approving exemption for the solicitation method by the authority of the City Council as the Contract Review Board.

Resolution No. 2011-2931 adopting emergency medical serve rate increases effective March 1, 2011.

Resolution No. 2011-2932 supporting a Safe Routes to School application to the Oregon Department of Transportation for funding of a Traffic Safety and Bicycle Facility Project for Mabel Rush Elementary School.

Resolution No. 2011-2933 adopting the revised Newberg City Council Guidelines and Rules and repealing Resolution No. 2008-2807.

Resolution No. 2011-2934 adopting a revised city manager position description.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Manager'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 Norma Alley, City Recorder, at (503) 537-1283.

Public testimony will be heard on agenda items at the Council meeting. 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: February 22, 2011

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

SUBJECT: Appoint Thomas Barnes to the Newberg Urban Area Management Commission (NUAMC) as the Alternate Planning Commission/Citizen Advisory Committee Representative and Re-Appoint Councilor Stephen McKinney as the City Council Representative.

Contact Person (Preparer) for this Motion: Bob Andrews, Mayor
Dept.: City Council
File No.:
(if applicable)

RECOMMENDATION:

To consent to the appointment, by the Mayor, of Thomas Barnes as the alternate Newberg Planning Commissioner/Citizen Advisory Committee representative for a term expiring 12/31/2011 and the re-appointment of Councilor Stephen McKinney as the Newberg City Council representative for a term expiring 12/31/2011 on the Newberg Urban Area Management Commission (NUAMC).

EXECUTIVE SUMMARY:

The NUAMC is a seven member commission. It consists of three members appointed by the City Council, three appointed by the Yamhill County Board of Commissioners, and one at large position appointed by NUAMC, which is ratified by the two governing bodies. We currently have the below positions, with terms that expired December 31, 2010, needing to be filled:

Alternate Planning Commission/Citizen Advisory Committee Representative:

This position attends the NUAMC meeting in case the regular Planning Commission representative or the regular citizen advisory representative cannot attend a meeting. The Planning Commission met on Thursday, January 13, 2011, and recommends Thomas Barnes as the alternate for both positions. The Mayor concurs with this recommendation.

Newberg City Council Representative:

This position attends the NUAMC meeting as a Newberg City Council representative. Councilor Stephen McKinney has served in this position since May 2010, filling the vacancy left by the resignation of Bob Larson. This term expired December 31, 2010. The Mayor has recommended Councilor Stephen McKinney be re-appointed for another term expiring December 31, 2011.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

The Newberg Urban Management Commission serves a very important role in the betterment of our community. NUAMC will be asked to consider a number of important legislative and quasi-judicial matters in the future. A Commission with no vacancies will help prevent cancellation of meetings for lack of a quorum. A legally authorized Commission will be less subject to appeals arising from failure to observe the adopted Rules governing the Commission.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: January 18, 2011

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2011-2927

SUBJECT: Approval of an agreement with the Chehalem Valley Chamber of Commerce for Visitor Information Center services and an exemption for the solicitation method by the authority of the Council as the contract review board.

Contact Person (Preparer) for this
Resolution: **Dan Danicic, City Manager**
Dept.: **Administration**

RECOMMENDATION:

Adopt **Resolution No. 2011-2927** approving an agreement between the City of Newberg and the Chehalem Valley Chamber of Commerce for Visitor Information Center services and approve the exemption to enter into the agreement.

EXECUTIVE SUMMARY:

The Chehalem Valley Chamber of Commerce (Chamber) has requested additional funding in order to continue to provide Visitor Information Center services to the Newberg area. The City Council considered this request and passed a motion to increase the funding to the Chamber of Commerce under a new agreement.

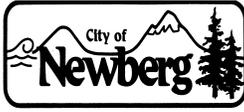
This agreement essentially provides for a partnership arrangement between the Chamber and the City for operations of a Visitor Information Center. The Chamber is expected to be responsible for partial funding of the Visitor Information Center. The Council as the Contract Review Board has the authority to exempt approval of agreements from the normal solicitation process. The Council as the Contract Review Board finds that this is a partnership arrangement; there are provisions for accountability; the method to funding is similar to a grant; the City has a long time relationship with the Chamber; this partnership method will save cost because the Chamber is partially funding these services; and the approval of the contract will not diminish competition.

FISCAL IMPACT:

The City will increase funding providing \$5,125.00 a month of funding to the Visitor Information Center for the remainder of the 2010/2011 Fiscal Budget per the contract. \$4,125.00 would come from General Fund (01.1110) and \$1,000.00 from the business licenses (14.4120). In the 2011/2012 Fiscal Budget the total \$61,500.00 would come out of the General Fund.

STRATEGIC ASSESSMENT:

The City Council has determined that the operation of a Visitor Information Center is in the best interests of the City's business community and promotes tourism, as well as economic development in the Newberg area.



RESOLUTION No. 2011-2927

A RESOLUTION APPROVING AN AGREEMENT WITH THE CHEHALEM VALLEY CHAMBER OF COMMERCE FOR VISITOR INFORMATION CENTER SERVICES AND APPROVING EXEMPTION FOR THE SOLICITATION METHOD BY THE AUTHORITY OF THE CITY COUNCIL AS THE CONTRACT REVIEW BOARD

RECITALS:

1. The City has previously entered into agreements with the Chehalem Valley Chamber of Commerce (Chamber) to operate a Visitor Information Center under the authority of Resolution No. 1996-1970, Resolution No. 1998-2121, and Resolution No. 2003-2483.
2. The City desires to continue that relationship and enter into an agreement with the Chamber of Commerce to provide Visitor Information Center services for the City.
3. The Chamber is willing to provide promotional development for the City, which includes services to market, solicit, advertise, promote, sponsor, and participate in conventions, sales meetings, trade shows, athletic or other exhibitions and competitions, film commission activities, and other activities in the City to help attract tourism to the City of Newberg area.
4. The City desires to support the Chamber with a portion of the transient room tax levied throughout the City, and the Chamber shall provide support in part by private sector contributions.
5. The City desires to improve the quality and efficiency of managing the Visitor Information Center, and finds the Chamber is duly qualified and able to provide that role.
6. The City Council, as the contract review board, has the authority to grant an exemption to the approval of the agreement based upon the criteria set out in Newberg City Code §34.07.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Manager is hereby authorized to sign the agreement attached as Exhibit “ A” and by this reference incorporated, providing for a City Visitor Information Center to be operated by the Chehalem Valley Chamber of Commerce.

2. The City Council as the contract review board approves an exemption to the normal solicitation process based upon the findings of fact attached is Exhibit "B" and by this reference incorporated.

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

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

Norma I. Alley, City Recorder

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

Bob Andrews, Mayor

LEGISLATIVE HISTORY

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

AGREEMENT
between
CITY OF NEWBERG
and
CHEHALEM VALLEY CHAMBER OF COMMERCE

This Agreement is entered into this _____ day of February, 2011, between the Chehalem Valley Chamber of Commerce, hereinafter referred to as "Chamber," and the City of Newberg a municipal corporation, hereinafter referred to as "City." This agreement supersedes all prior agreements between the City and Chamber.

RECITALS

1. Intent – The intent of the parties is to form a partnership arrangement in order for the Chamber to provide visitor information services. These services will be provided through a Visitor Information Center, referred to as "Center," for a period of five (5) years beginning July 1, 2010, and ending June 30, 2015.
2. Funding– Both the Chamber and the City will furnish funding for the Visitor Information Center's operations.
3. Exemption from Normal Solicitation Process – The City as the Contract Review Board is granting an exemption from the normal solicitation process. The exemption is specifically granted in the resolution (Resolution No. 2011-2927) authorizing the City to enter into this agreement.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

I. TERM OF AGREEMENT

The term of this Agreement is for five (5) years subject to approval of the annual business plan as follows:

1. Initial Five (5) Year Term – The five (5) year term will be from July 1, 2010 until June 30, 2015, subject to the provisions in paragraph b.
2. Annual Business Plan Approval – The business plan for the first year is attached as Exhibit "A" and by this reference incorporated. Approval of the contract will constitute acceptance and approval of the first year business plan. Thereafter, an annual business plan for the following fiscal year as used by the City (July 1st through June 30th) will be presented to the City on or before May 1st. The City will take action concerning the business plan on or before June 30th that year. The City's rejection of the business plan will suspend the City's obligation to make payments under the contract. The City and the Chamber will discuss in good faith any issues concerning the business plan with the objective to continue to operate the Center.
3. Renewal After Five (5) Year Term – There will be no automatic renewal after five- (5-) year term, unless the parties agree to such renewal. The contract will terminate at the end of the initial term (June 30, 2015). However, the parties will meet and discuss renewal of the contract in order to continue operation of the Center. These discussions will begin no later than October of 2014.

II. SERVICES TO BE PROVIDED

The scope of services that the Chamber shall provide is as follows:

1. Management and Administration – Management and administration of the Center located in the City of Newberg. Chamber shall provide all necessary staff, materials, and services to adequately represent the City in meeting with visitors, dispensing information regarding the area, developing necessary informational programs and coordinating with associated agencies and entities.
2. Visitor Promotion Activities – Chamber shall provide all functions, literature, advertising, staff, supplies, equipment and support associated with an educational awareness program designed to promote the City of Newberg area as a destination for tours and visitors. Membership with the Chamber will not be a prerequisite for representation within the Center or its activities. Chamber shall coordinate its activities, as appropriate, with affiliated organizations such as the Oregon Travel Council and other visitor promotional entities.

III. BUDGETING

In consideration of the services provided in this agreement, the City agrees to provide public sector funds to Chamber for the operation, management and performance of services outlined in this agreement.

The City will make monthly payments to the Chamber equal to 25% of the actual collected Transient Lodging Tax (TLT) revenue. The payment will be made within 30 days of the hotels quarterly reporting/payment deadline. Payment for the first half of fiscal year 2010/2011 shall be equal to 25% of the actual collected TLT less any payments already made to Chamber.

The City expects that the Chamber shall maintain a financial investment in the operation and management of the Center. For the first year of this agreement, the Chamber shall contribute a minimum of \$40,725. The amount of the Chamber's annual contribution shall hereafter be established in each year's business plan.

IV. REPORTING

1. Annual Business Plan – On May 1 of each year, Chamber shall submit a Business Plan containing a detailed budget and identification of activities and a statement of performance goals for all activities contemplated pursuant to this agreement. The Business Plan for the first year of this agreement is attached as Exhibit "A".

Chamber shall notify City in writing of any significant change made to the Business Plan.

2. Quarterly Reports – Chamber shall report to the City on a quarterly basis. Such reports shall be furnished to the Newberg City Council no later than the first regular meeting of the City Council during the second month following the end of the calendar quarter. Each report shall be for the previous quarter. The reports shall be furnished to the City in writing in time to meet the regularly scheduled City Council agenda deadline. Such deadline is 10:00am two Fridays prior to the City Council meeting. Such deadline time may be changed by the City. Notification of deadline change

shall be submitted to Chamber.

The report shall include the following information:

1. Financial reports, including Statement of Revenues & Expenditures which are specifically applicable to the Chamber's operation of the Center.
2. Activity report detailing progress on goals, objectives and tasks identified in the Business Plan.

V. RECORDS AND ACCOUNTING

Chamber shall maintain records and accounts that will allow the City to assure a proper accounting for all funds paid for the performance of this agreement. Within three business days of a written request by the City, Chamber shall make such records available for review by the City and other authorized entities requiring such records.

VI. HOLD HARMLESS

Chamber shall indemnify and hold harmless the City against any claims, damages or suits resulting from the operation of the Center. The Chamber shall furnish to the City a Certificate of Insurance showing that adequate insurance coverage has been provided and that the City has been named as an additional insured on the Chamber insurance policy. Such certificate shall be furnished to the City upon execution of the Agreement and additional proof of continued insurance coverage shall be furnished upon request by the City.

VII. TERMINATION OF AGREEMENT

This Agreement can be terminated as follows:

- a. At-will – By either party at will, without cause by giving notice of termination prior to January 1 for termination as of June 30 during the term of the agreement. Nothing in this notice of termination shall prohibit the parties from mutually agreeing to terminate the agreement at any time.
- b. Failure to Furnish Reports – If the Chamber fails to furnish quarterly or annual reports in a timely fashion as indicated under paragraph four (4) herein, the City may terminate the agreement subject to the notice and Chamber may be subject to reimburse the City for all payments made during the quarter for which the report has not been timely submitted; provided that Chamber has not within thirty (30) days, after written notice, provided a quarterly report.
- c. For Cause – The City has the right to terminate the Agreement for cause after notice to the Chamber if the Chamber has not corrected the situation where they are in violation of the contract within thirty (30) days after the notice.
- d. Notice – Notice required by the Agreement and under this paragraph will mailed to the address indicated below for each party:

City Manager

Executive Director

City of Newberg
PO Box 970
Newberg, OR 97132

Chehalem Valley Chamber of Commerce
415 E. Sheridan St.
Newberg, OR 97132

- e. Liability for Payments – The City will have no liability for any payments after termination of the Agreement. Chamber has no rights to rely upon this Agreement in making any obligations to any person about future funding of any position with the Center.

VIII. BUDGET LAWS OF THE STATE OF OREGON

The City of Newberg is a municipal corporation and is obligated under the budget laws of the State of Oregon known as the Local Budget Law. Any provision of the Agreement which is not in conformance with the Local Budget Law is null and void. Further, the City cannot expend monies beyond the revenues received. The City authorizes expenditures in accordance with the City’s Transient Lodging Tax Ordinance and its budget and revenue projections. If the City does not receive revenues in accordance with its projections, expenditures must be decreased.

IN EVIDENCE THE UNDERSIGNED HAVE EXECUTE THIS AGREEMENT:

CITY OF NEWBERG

414 E. First Street
Newberg, OR 97132
By Authority of
Resolution No. 2011-2927
(passed January 18, 2011).

**CHEHALEM VALLEY CHAMBER
OF COMMERCE**

415 E. Sheridan Street
Newberg, OR 97132

BY:

BY:

Daniel J. Danicic, City Manager Date

Sheryl Kelsh, Executive Director Date

APPROVED AS TO FORM AND CONTENT:

Terrence D. Mahr, City Attorney Date

**VISITOR INFORMATION CENTER
CONTRACT FOR SERVICES**

The Chehalem Valley Chamber of Commerce will contract with the City to manage the Newberg Area Visitor Information Center, currently located at 415 E. Sheridan Street, Newberg. It is the mission of the Newberg Visitor Information Center to grow the economic impact of tourism through enriching local experiences.

The Chehalem Valley Chamber of Commerce will carry out that mission by providing the following services:

1. Maintain regular open hours:
Minimum: 9am – 5pm, Monday through Friday
Summer: Memorial Day to September 30th, weekends four hours minimum
Total Hours: Minimum 2,000 hours, open to public
2. Plans and procedures to respond to visitor and resident inquiries via telephone, and internet in a timely manner.
3. Trained staff with destination and customer service expertise. All new employees to acquire Q-Service certification within 90 days of employment.
4. Copies of the appropriate and current local visitor information including maps, community profile, demographics, brochures or information about events, activities tourist destinations and points of interest. (Currently stocking over 600 different maps and brochures)
5. Maintain availability of current statewide travel materials provided by Travel Oregon and the Oregon Department of Transportation.
6. Access to basic visitor information after hours through an outdoor brochure rack.
7. Provide information and directions to local and area businesses and organizations including access to the computer and printed mapquest directional guides.
8. Assemble and provide Newberg Destination information as part of relocation requests, visitor requests and/or New Employee information.
9. Participate and seek destination marketing “best practices” through membership with Travel Yamhill County and the Oregon Destination Marketing Association.
10. Compile, organize and distribute an annual community information guide and Newberg area street map.
11. Maintain an online calendar of community events.
12. Maintain a website with visitor information.
13. Supply large employers such as George Fox University, A-dec, Climax and others materials for their

new employee packets.

14. Automobile parking within walking distance.
15. Drinking fountain or access to water during open hours.
16. Restrooms within walking distance, accessible to all members of the traveling public during open hours.
- 17 ADA Accessibility.
18. A landline telephone for staff or guest emergency use.
19. Report to City of Newberg:
 - a. Quarterly Financial Reports
 - b. Activity Report
 - c. Information relevant to local tourism

2010 - 2011 Visitor Information Center Budget
Chehalem Valley Chamber of Commerce

Income		10-11	
		BUDGET TOTALS	09-10 BUDGET
City of Newberg*		\$56,000	\$30,000
Chehalem Valley Chamber of Commerce Contribution		\$40,725	\$57,971
*Estimate provided by City of Newberg for period			
	TOTAL	\$96,725	\$85,971
Expenses			
Personnel - 1.5 FTE		\$44,975	\$44,975
Executive Director			
Director of Marketing & Programs			
Visitor Information Center Coordinator			
Visitor Information Center - Seasonal Help			
Bookkeeper (P/T)			
Benefits - Health Insurance & Retirement			
Taxes			
Marketing Expense		\$14,000	\$9,246
Newberg Graphic Tourism			
Travel Yamhill Valley - Co-op Ad Opportunities			
Willamette Valley Visitors Association - Co-op Ad Opportunities			
Governors Conference on Tourism - Oregon Destination Marketing Conference			
Visitor Information Center Brochure - Reprints & Tourism Inserts			
Website			
Travel Yamhill Valley - Membership			
Travel Oregon Co-op Advertising Opportunities			
Overhead		\$37,750	\$31,750
Calculated on 1/3 of overhead in Chamber Budget applicable to tourism			
Includes: Dues/Subscriptions, Admin. Insurance, Internet/Web,			
Miscellaneous, Supplies, Postage, Leases, Rent, Capital			
Improvements, Repair/Maintenance, Telephone, Utilities			
Yamhill Valley Visitors Association dues, Professional Fees			
Portland Oregon Visitors Association dues			
Rent* New starting 1/1/2011			
	TOTAL	\$96,725	\$85,971

Findings of Fact for Exemption

to Enter into the Agreement Between the City of Newberg and the Chehalem Valley Chamber of Commerce for Visitor Information Center Services

The City Council is the Contract Review Board (Board) pursuant to Newberg Municipal Code Chapter 34. The City Council in its authority as the Board grants an exemption from the normal solicitation process and approves entering into an agreement with Chehalem Valley Chamber of Commerce (Chamber) based on the following Findings of Fact:

1. Notice has been given through electronic advertisement pursuant to Code provision 34.12. The use of the electronic publication will be as effective as publication in a newspaper and will provide cost-savings to the City.
2. The City Council has considered this exemption at their January 18, 2011, meeting and took public comments at that time. The matter was continued to the February 22, 2011, meeting, in which it was considered in the open public session.
3. This is in the form of a partnership arrangement in which the City furnishes partial funding through the transient room tax and the Chamber contributes funding as well, thus, being a joint funding effort.
4. The Chamber reports to the City through quarterly reports and an annual business plan concerning the operations. This reporting gives accountability in a public way for expenditure of funds and serves as a report to the community on the services provided by the Visitor Information Center.
5. The method of funding the Visitor Information Center is similar to a grant method with contributions of matching funds by the Chamber.
6. Grants would ordinarily be exempt from Public Contracting Rules. This agreement actually provides for more accountability through the reporting mechanisms than would be found if a grant was issued.
7. The City has been a long time partner of the Chamber in furnishing a Visitor Information Center to the community.
8. This partnership arrangement method with the Chamber's participation will have cost savings to the City as compared with the City totally funding the Visitor Information Center.
9. With the sharing of costs by the Chamber and the partnership arrangement with accountability, this exemption would be unlikely to encourage favoritism in the awarding of public contracts.
10. The awarding of the agreement would substantially promote the public interest in a manner that could not practically be realized by complying with the solicitation requirements, such as a Request for Proposals. This is because this agreement requires partial funding of the Visitor Information Center through private sector funds from the Chamber.
11. Awarding of the agreement, in which documents that have resulted from a long-term relationship with the Chamber in operating the Visitor Information Center, will not diminish competition for public contracts. This is because the relationship has existed for such a long period of time.

Exhibit “B”

To Resolution No. 2011-2927

12. This agreement entered into with the Chamber as the sole source for the Visitor Information Center services is justified because:
 - a. The Chamber is furnishing partial funding of the services, which will save the City and the public costs from having to totally having to fund a Visitor Information Center.
 - b. The Chamber has operated the Visitor Information Center for a number of years with partial funding from the City and therefore has developed contacts and other methods of operation.
 - c. The Chamber is in a unique situation to have the relationships with the businesses that operate tourist industries within the city and surrounding areas, which are the destination and visited by the visitors using the services for the Visitor Information Center.
 - d. Through the business plan approval process, the Chamber and City will consult and confer concerning the continual adaptation and expansion of Visitor Information Center services.

13. Based on the above Findings of Fact and in consideration of the long-term, ongoing relationship, the Council authorizes the City to enter into the agreement with the Chamber to operate the Visitor Information Center. This agreement has been reached through direct negotiations with the Chamber. The process is exempt from the normal public contracting process. This exemption applies only to this particular agreement.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: February 22, 2011

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2011-2931

SUBJECT: Adopting an Ambulance Rate Increase

Contact Person (Preparer) for this

Resolution: Frank Douglas

Dept.: Fire

File No.:

RECOMMENDATION:

Adopt **Resolution No. 2011-2931** authorizing an increase in ambulance rates.

EXECUTIVE SUMMARY:

Newberg Fire Department operates a fire-based EMS system which utilizes cross-trained, dual role, firefighter/paramedics offering a high level of protection and services to our citizens. Fire based ambulance service is the most popular model for ambulance service in the USA, due to its ability to provide high service levels. Since 1994, the Fire Department has been operating the emergency medical service/ambulance division with the dual role firefighter/paramedics.

Since September, 2007, there have been no ambulance rate increases to reflect rising costs due to inflation, or to account for severe decreases in reimbursements made by the federal government for Medicare patients. The fire department relies heavily on ambulance transport fees to support both EMS and fire protection services. Without the EMS budget it is highly unlikely the City of Newberg could keep two fire stations open. The fire department may have to take emergency units off the street in 2010-2011 to meet budget. This potential reduction in emergency services is called a "brown out."

The EMS contingency fund has waxed and waned over the past six (6) years. The contingency has had a low of \$42,249.00 and a high of \$162,453.00. The 2007 rate increase helped. This year our EMS contingency is \$112,484.00. We may have to use a substantial portion of the contingency fund this year to maintain services. This scenario is not sustainable as the EMS budget has little reserve for unexpected emergencies.

The EMS budget is unable to set aside adequate funds for the replacement of ambulances. For example, EMS should be replacing an ambulance every 3-4 years. This requires setting aside \$45,000.00 to \$60,000.00 per year for ambulance replacement. In the 2010-11 budget EMS is only able to set aside \$18,000.00, which mean EMS is not contributing enough into Fund 33 (Fire & EMS Equipment Fee) which is used to replace fire apparatus and EMS units. It was only with an \$110,000.00 donation in 2009 from the Newberg Charitable Organization (NCO) that we were able to replace an old front-line ambulance with high mileage. We need to be able to build on our contingency fund and set money aside for replacement ambulances.

It is estimated that our EMS fund has lost between \$1 and \$2 million since the Medicare Fee Schedule began in 2002. The following is an example of what we were reimbursed prior to implementation of the Medicare Fee Schedule and what we are currently reimbursed by Medicare.

Without the Medicare Fee Schedule (pre-April 2002)

Ambulance Bill: \$1,000
 Medicare allowable: \$580.96
 Total collected from Medicare (80% of \$580.96) or \$464.77
 Total collected from the patient (out of pocket and/or 2nd insurance): \$419.04
Total collected \$1,000.00

With the Medicare Fee Schedule

Ambulance Bill: \$1,000.00
 Medicare allowable: \$396.06
 Total collected from Medicare: \$316.85 (80% of allowable)
 Total collected from the patient (out of pocket): \$79.21 (20% of allowable)
 Total written off as non-collectable per Medicare rules: \$603.94
Total collected: \$396.06

Difference collected between pre-Medicare Fee Schedule and current Medicare Fee Schedule is **\$603.94** per transport for our most common transport (ALS-1 Emergency). Medicare patients represent approximately 55% of our total ambulance transports. In 2010 we estimate we will have 2,200 transports.

Increasing ambulance rates will:

- Help NFD continue providing high levels of EMS care;
- Reduce total number of brown outs;
- Will help us replace old ambulances;
- Recover some funds lost due to Medicare Fee Schedule;
- Help NFD keep up with inflation, rising costs of medical supplies, and labor costs;
- Will continue to limit the use of tax dollars to support ambulance services;
- Will reduce the amount of property tax needed to staff fire stations because ambulance staff are cross-trained as firefighters.

New rates versus current rates are as follows:

Effective March, 2011:	CURRENT	PROPOSED MARCH, 2011
<u>Service</u>		
Basic Life Support Base Rate	\$1,000.00	\$1,200.00
Advanced Life Support (ALS) Base Rate	\$1,000.00	\$1,200.00
Hospital to Hospital Transfer (ALS & BLS)	\$1,000.00	\$1,200.00
Aid Call	\$300.00	\$360.00
Sit-Up Charge	\$200.00	\$240.00
Waiting Time	\$60.00	\$72.00/1/2 hour
Extra Technician	\$210.00	\$252.00
Mileage Rate	\$13.75	\$16.50/loaded mile

Effective March, 2012:

	MARCH, 2011	PROPOSED MARCH, 2012
Basic Life Support (BLS) Base Rate	\$1,200.00	\$1,440.00
Advanced Life Support (ALS) Base Rate	\$1,200.00	\$1,440.00
Hospital to Hospital Transfer (ALS & BLS)	\$1,200.00	\$1,440.00
Aid Call	\$360.00	\$432.00
Sit-Up Charge	\$240.00	\$288.00
Waiting Time	\$72.00/1/2 hour	\$86.40/1/2 hour
Extra Technician	\$252.00	\$302.40
Mileage Rate	\$16.50/loaded mile	\$19.80 / loaded mile

Ambulance Rate Survey – How we compare

Below are the current rates for some other agencies in Oregon including all other Yamhill County ambulance service providers. A full survey is available upon request.

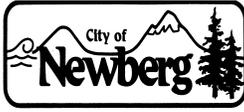
- Albany Fire Department: \$1,020.00 ALS / \$1,020.00 BLS / \$20.00 per loaded mile
- American Medical Response: \$1165.96 ALS / \$737.84 BLS / 15.72 per loaded mile
- Eugene Fire and EMS: \$1,600.00 ALS / \$1,600.00 BLS / \$20.00 per loaded mile
- Lane Rural Fire/Rescue: \$1,600.00 ALS / \$1,600.00 BLS / \$20.00 per loaded mile
- *McMinnville Fire Depart (MFD): \$984.00 ALS / \$843.00 BLS / \$17.00 per loaded mile
- **Metro West Ambulance: \$664.92 ALS / \$465.82 BLS / \$11.07 per loaded mile
- Sheridan Fire District: \$1,150.00 ALS / \$1,000.00 BLS / \$15.00 per loaded mile
- Springfield Fire and Rescue: \$1,600.00 ALS / \$1,600.00 BLS / \$20.00 per loaded mile
- Tillamook Ambulance: \$1,571.50 ALS / \$1,445.00 BLS / \$31.00 per loaded mile
- West Valley Fire Dist. (**Willamina**): \$1,200.00 ALS / \$800.00 BLS / \$12.00 per loaded mile

*MFD rate for non-residents is \$1,077.00 ALS / \$911.00 BLS

** Rates lower due to volume - less personal costs. If Metro West served Newberg at our call volume and our level of service, their rates would likely be much higher.

FISCAL IMPACT: Staff estimates an increase of an additional \$150,000.00 per year in revenue in each of the next two fiscal years. This will put the EMS fund in a better cash position to maintain services. It is expected the fire department may have to take emergency EMS units off the street periodically in 2011 and 2012 due to budget shortfall (brown outs). Additional revenue will reduce the number of brown outs.

STRATEGIC ASSESSMENT: The rate increase helps to maintain revenue levels necessary to maintain staffed ALS units and funds to replace old ambulances. A rate increase reduces the financial impact created by the Medicare Fee Schedule, rising medical equipment costs, and rising labor costs.



RESOLUTION No. 2011-2931

A RESOLUTION ADOPTING EMERGENCY MEDICAL SERVICE RATE INCREASES EFFECTIVE MARCH 1, 2011

RECITALS:

1. The City of Newberg Fire Department has been operating the emergency medical services/ambulance since 1994.
2. There has been no rate increase since September, 2007. Staff has attempted to maintain rates the same for the last three (3) years. This has required using contingency funds and a reliance on donations to purchase a new ambulance.
3. The City of Newberg Fire Department offers a FireMed program (\$45.00 per year per family) to protect families from the high cost of ambulance service. FireMed guarantees no out-of-pocket expenses for doctor ordered or medically necessary ambulance transports. Since Newberg FireMed started in 1994, we have never denied a claim.
4. Increased ambulance rates are necessary to stay current with inflation, and to make up for revenue lost due to cuts mandated by the Federal Medicare Fee Schedule. Medicare Fee Schedule was phased in over a number of years beginning April 1, 2002. Virtually all urban jurisdictions in the nation are experiencing the same problem with Medicare.
5. The ambulance rate increase proposed will not replace the revenue lost from implementation of the Medicare Fee Schedule, but may lessen the overall financial impact on the Emergency Medical Services (EMS) budget.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Newberg City Council approves a rate increase effective March 1, 2011, to the EMS/ambulance rates, which shall be as follows:

Basic Life Support (BLS) Base Rate	\$1,200.00
Advanced Life Support (ALS) Base Rate	\$1,200.00
Hospital to Hospital Transfer (ALS & BLS)	\$1,200.00
Aid Call	\$360.00
Sit-Up Charge	\$240.00
Waiting Time	\$72.00 per ½ hour
Extra Technician	\$252.00
Mileage Rate	\$16.50 per loaded mile

2. The Newberg City Council approves a rate increase effective March 1, 2012, to the EMS/ambulance rates, which shall be as follows:

Basic Life Support (BLS) Base Rate	\$1,440.00
Advanced Life Support (ALS) Base Rate	\$1,440.00
Hospital to Hospital Transfer (ALS & BLS)	\$1,440.00
Aid Call	\$432.00
Sit-Up Charge	\$288.00
Waiting Time	\$86.40 per ½ hour
Extra Technician	\$302.40
Mileage Rate	\$19.80 per loaded mile

3. The finance director shall review the status of the EMS fund on an annual basis. Following implementation of the above increases, if necessary, the finance director may recommend for Council consideration of an ambulance rate increase by at least the rate of inflation for the previous year.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: February 23, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of February, 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 24th day of February, 2011.

Bob Andrews, Mayor

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: February 22, 2011

Order _____ Ordinance _____ Resolution XX Motion _____ Information _____
No. No. No. 2011-2932

SUBJECT:
Support a Safe Routes to School application to the Oregon Department Of Transportation for funding a bicycling and traffic safety project on Deborah Road for Mabel Rush Elementary School

Contact Person (Preparer) for this Resolution:
Rob Charles, Public Works Director
Paul Chiu, Senior Engineer/Project Manager
Dept.: Public Works Department
File No.:

RECOMMENDATION: Adopt **Resolution No. 2011-2932** supporting a Safe Routes to School application to the Oregon Department of Transportation for funding a bicycle facility for Mabel Rush Elementary School and speed radar feedback signs on Deborah Road.

EXECUTIVE SUMMARY: The Oregon Department of Transportation (ODOT) Safe Routes to School (SRTS) program funds projects that promote children walking and bicycling to school and focus on improving traffic safety around qualified K-8 schools. Eligible projects may receive 100% federal funding for design and construction without a local match. Approximately \$2.2 million is available and the maximum award for each project is \$500,000.

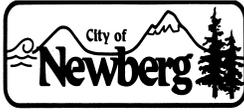
In October 2010, City staff invited an ODOT consultant with particular knowledge and expertise in the SRTS program, to meet with principals of public and parochial K-8 schools in Newberg. This meeting generated an immediate interest from Mabel Rush Elementary School to partner with the City to pursue SRTS funding for improvement of pedestrian and bicycling infrastructure around the school.

In November 2010, Mabel Rush fast-tracked the SRTS Action Plan with assistance from City staff. This Action Plan, together with the Notice of Intent to file a joint application by the City and Mabel Rush Elementary School, was reviewed and determined acceptable by ODOT. A total of 26 projects statewide have received permissions to submit the SRTS application. The City and Mabel Rush Elementary School have submitted a joint application to ODOT in January 2011.

A Safe Routes Advisory Committee made up of nine members from bicycle and pedestrian advocacies, traffic planning and engineering, law enforcement, school districts and communities across the state will provide project scoring and selection. ODOT will notify all applicants regarding project selection in May 2011.

FISCAL IMPACT: The SRTS application, if successful, will provide full funding of \$359,470 for the design and construction of the project. The City would provide staff for project coordination and management.

STRATEGIC ASSESSMENT: This project may be a guiding light for other K-8 schools in Newberg to follow. This project promotes health and traffic safety in school areas. It aligns with the City's new mission statement, "The City of Newberg serves its citizens, promotes safety, and maintains a healthy community."



RESOLUTION No. 2011-2932

**A RESOLUTION SUPPORTING A SAFE ROUTES TO SCHOOL
APPLICATION TO THE OREGON DEPARTMENT OF TRANSPORTATION
FOR FUNDING OF A TRAFFIC SAFETY AND BICYCLE FACILITY
PROJECT FOR MABEL RUSH ELEMENTARY SCHOOL**

RECITALS:

1. The Oregon Department of Transportation (ODOT) announced a request for project proposals in the Safe Routes to School (SRTS) Program in September 2010. Eligible projects include those that promote children walking and bicycling to school and focus on traffic safety around qualified K-8 schools. Selected projects will receive federal funding for design and construction without local match and advance to construction in 2012 and 2013.
2. In November 2010, the City of Newberg submitted a SRTS Action Plan by Mabel Rush Elementary School (MRES) with a joint Notice of Intent to apply for SRTS funding. In December 2010, ODOT reviewed the Notice and gave the City permission to submit a full application.
3. Traffic Safety Commission provided unanimous support for the project at its January 2011 meeting. Staff subsequently submitted a complete application to ODOT in January 2011.
4. A Safe Routes Advisory Committee, made up of nine members from bicycle and pedestrian advocacies, traffic planning and engineering, law enforcement, school districts and communities across the state will provide project scoring and selection. ODOT will notify all applicants regarding project selection in May 2011.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Newberg City Council supports the application for Safe Routes to School funding by the City and Mabel Rush Elementary School to install speed feedback signs on Deborah Road and bicycle racks and shelters on Mabel Rush school property.

2. If the SRTS application is successful, the Newberg City Council authorizes the City Manager to negotiate or enter into an inter-governmental agreement with ODOT to secure the funding.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: February 23, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of February 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 24th day of February 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through the Traffic Safety Commission at their January 11, 2011 meeting.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: February 22, 2011

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2011-2934

SUBJECT: Adopting a revised position description for the city manager

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

RECOMMENDATION:

Adopt **Resolution No. 2011-2934** adopting a revised city manager position description.

EXECUTIVE SUMMARY:

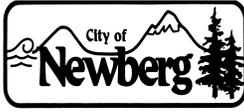
The revised position description is intended to better define the role and requirements of the city manager. It will also serve as guidance for the development of a new performance review criteria, which focuses on the critical elements of the position.

FISCAL IMPACT:

None

STRATEGIC ASSESSMENT:

Position descriptions are necessary documents affecting employees' positions in a multitude of areas, including assignment of duties, classification of the position, identification of training and development needs, recruitment and exam development, organization and planning of the work unit, and the establishment of performance evaluation goals and standards.



RESOLUTION No. 2011-2934

A RESOLUTION ADOPTING A REVISED CITY MANAGER POSITION DESCRIPTION

RECITALS:

1. The City has a position titled city manager.
2. The position description for the city manager was last reviewed in 2010 and formally adopted by the Newberg City Council through Resolution No. 2010-2901.
3. The position description was reviewed to accurately reflect the current duties, responsibilities, and activities of the position.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The position description of City Manger is attached as Exhibit "A" and by this reference is hereby adopted.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: February 23, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of February, 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 24th day of February, 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

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

CITY OF NEWBERG
Position Description

NOTE: Additions to Resolution 2010-2901 in [BOLD] – deletions noted with ~~strikethrough~~

TITLE: City Manager **SALARY RANGE:** \$110,000 – \$130,000

DEPARTMENT: Administration **LOCATION:** City Hall

CHARTER LEVEL:

- **Position:** The Charter designates the city manager position.
- **Personnel:** City personnel are supervised on a day-to-day basis and reviewed by the city manager. The city manager works under the guidance of the City Council and is subject to its direction.
- **Budget:** The city manager is responsible for preparing and administering the budget for the City of Newberg.

DIVISION: City Manager

DATE: February 201[1]0

GENERAL PURPOSE:

Performs high-level administrative, technical, and professional work in directing and supervising the administration of city government. The city manager demonstrates knowledge of all laws, ordinances, resolutions, and orders to ensure that they are performed in good faith. The city manager may serve as department head of one or more departments.

The city manager is an appointive officer of the city as provided for in Chapter VIII, Section 34 of the Charter. This excerpt follows:

Section 34. City Manager.

(a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and councilors for the proper administration of all city business. The city manager will assist the mayor and councilors in the development of city policies, and carry out policies established by ordinances, resolutions, and orders.

(b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.

(c) The manager need not reside in the city or the state at the time of appointment.

(d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

(e) The manager must:

(1) Attend all council meetings unless excused by the mayor or council;

(2) Make reports and recommendations to the council about the needs of the city;

- (3) Administer and enforce all city ordinances, resolutions, orders, franchises, leases, contracts, permits, and other city decisions;
 - (4) Appoint, supervise and remove city employees;
 - (5) Organize city departments and administrative structure;
 - (6) Prepare and administer the annual city budget;
 - (7) Administer city utilities and property;
 - (8) Encourage and support regional and intergovernmental cooperation;
 - (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;
 - (10) Perform other duties as directed by the council;
 - (11) Delegate duties, but remain responsible for acts of all subordinates.
- (f) The manager has no authority over the council, city attorney, or the judicial functions of the municipal judge.
- (g) The manager, the city attorney, and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.
- (h) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.
- (i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

SUPERVISION RECEIVED:

The city manager works under the broad policy guidance of the City Council, and is subject to its direction.

SUPERVISION EXERCISED:

The city manager shall exercise supervision over all municipal employees either directly or through subordinate supervisors, exclusive of city attorney, legal department staff, and municipal judge.

REQUIRED KNOWLEDGE, SKILLS, AND ABILITIES:

- Extensive knowledge of modern policies and practices of public administration; working knowledge of municipal finance, human resources, public works, public safety, and community development.
- Knowledge of state laws and local ordinances, resolutions, and orders; oversees that they are faithfully performed.
- Skill in preparing and administering municipal budgets; skill in planning, directing, and administering municipal programs.
- Ability to prepare and analyze comprehensive reports; ability to carry-out assigned projects to their completion; ability to effectively communicate verbally and in writing; ability to establish and maintain effective working relationships with employees, city officials, and the public; ability to efficiently and effectively administer a municipal government.
- Demonstrate effective personal traits such as initiative, creativity, judgment, fairness, and impartiality; demonstrates respect for individuals and for city property and utilities.

- Ability to foster a work environment that supports and encourages the investigation and implementation of innovative applications.

[PERSONAL TRAITS:

- **Demonstrates initiative.**
- **Demonstrates sound judgment.**
- **Demonstrates fairness and impartiality.**
- **Demonstrates creativity.]**

MINIMUM QUALIFICATIONS FOR EDUCATION, EXPERIENCE, AND CERTIFICATION:

A Baccalaureate degree is required in public administration, political science, business management, or a closely related field, and a Master’s degree in public administration is preferred, from an accredited college or university; five (5) years of experience as a municipal administrator; acquire and maintain appropriate, recognized professional certification; and a valid state driver’s license.

TYPICAL EXAMPLES OF WORK:

The city manager may perform a combination of some or all of the following duties that are a representative sample of the level of work appropriate to this position. However, these examples do not include all duties that an employee may be expected to perform, as directed by the City Council. The following examples do not constitute an employment agreement between the employer and the employee and is subject to change by the employer as the needs of employer and requirements of the job change consistent with contract of employment.

1. Management:
 - a. Responsible for the management and supervision of all city departments, agencies, and offices to achieve goals within available resources by appropriately delegating duties.
 - b. Oversees the administration of workloads and staff assignments by studying, standardizing, and determining work roles, responsibilities, and procedures to improve efficiency and effectiveness of operations; preparing work schedules to expedite workflow.
 - c. Appoints and removes all department heads, ~~officers,~~ and employees of the city, ~~except for members of the City Council.~~
 - d. Assures the training, motivation, and evaluation of city staff and directs changes as needed.
2. Planning Goals:
 - a. Provides leadership and direction in the development of short and long-range plans with the city staff and the City Council.
 - b. Oversees the administration of plans, reviews progress, and directs changes as needed, based on new developments in technology, legislation, practices, and regulations.
 - c. Investigates, integrates, and implements technology where administratively and fiscally feasible.
 - d. Gathers, interprets, and prepares data for studies, reports, and policy recommendations.
 - e. Coordinates department activities with other departments and agencies as needed.
3. Communications:
 - a. Provides written and oral professional advice to the City Council and department heads in a timely, clear, thorough, and concise manner.
 - b. Communicates official plans, policies, and procedures to staff, **the media,** and to the general public.

- c. Presents information to councils, boards, commissions, civic groups, and to the general public.
 - d. Issues clearly written and concise oral instructions to assign duties and examine work for exactness, neatness, and conformance to policies and procedures.
 - e. Maintains harmony among city staff and works to resolve grievances[, **in a consistent manner**], including giving and accepting direction and instructions in a positive ~~manner~~ **[way]**.
4. Fiscal Agent/**Budget Officer**:
- a. Assures that assigned areas of responsibility are performed within budget and demonstrates effective and efficient use of budgeted funds, personnel, materials, facilities, and time pursuant to ORS Chapters 291-297.
 - b. **[As budget officer,]** performs cost control activities and monitors revenues and expenditures in all departments, to assure sound fiscal control and to encourage innovative practices.
 - c. **[As budget officer,]** prepares annual budget requests and ensures that the budget addresses the City Council's goals and objectives.
5. Community Relations:
- a. ~~Performs~~ **[Advises]** and assists city staff in performing duties to adjust errors and to address complaints.
 - b. Projects a positive public image and is courteous to the public at all times.
 - c. Maintain effective relations with media representatives.
 - d. Promotes cooperation among the City Council, staff, and citizens in developing policies and to build a sense of community.
6. Intergovernmental Relations:
- a. Maintains effective communication with local, regional, state, and federal government agencies.
 - b. **[Actively]** pursues financial resources (grants) from other agencies.
 - c. Contributes to good government through participation in local, regional, and state committees and organizations.
 - d. ~~Lobbies effectively with legislators and state agencies regarding city programs and projects.~~ **[Effectively represents city programs and projects with legislators and state agencies in coordination with the City Council and mayor.]**
 - e. **[Keeps the City Council informed of current plans and activities of administration and new developments in technology, legislation, governmental practices and regulations.]**

WORK CONDITIONS:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individual's with disabilities to perform the essential functions.

- 1. Must be bondable.
- 2. Ability to deal with distraught or difficult individuals.
- 3. Ability to attend monthly staff meetings and activities outside of normal working hours.
- 4. Ability and willingness to travel as needed and perform the duties and responsibilities.

REQUIRED TOOLS AND EQUIPMENT USED:

Skilled in operating personal computer, including word processing, database, and spreadsheet management, motor vehicle; ten-key calculator; phone; copy, scanner, and fax machine.

PHYSICAL DEMANDS:

While performing the duties of this job, the employee is frequently required to talk or hear; sit; use hands to handle, feel or operate objects, tools, or controls; and reach with hands and arms; stand or walk for considerable distances or time. Must occasionally lift and move up to 25 pounds. Specific vision abilities include close vision, distance vision, peripheral vision, depth perception, and the ability to adjust focus.

SELECTION GUIDELINES:

The selection process includes a formal application; rating of education, experience, and certification; oral interview; and reference and background checks.

Approval by Motion on month/date, year

By: _____
Mayor

Signature Attest that Motion was duly passed accepting position description

Effective Date: month/date, year

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: February 22, 2011

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

SUBJECT: Approve the January 18, 2011, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: Norma Alley, City Recorder
Dept.: Administration
File No.:

RECOMMENDATION:

Approve the January 18, 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
TUESDAY, JANUARY 18, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

An Executive Session was held during the Work Session prior to the meeting. Executive Session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection. 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	Norma Alley, City Recorder
	Barton Brierley, Planning and Building Director	Jennifer Nelson, Recording Secretary
	Terrence Mahr, City Attorney (arrived at 8:13 PM)	

Others

Present: Michael A. Maloney

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reminded Council about the budgeting work session on January 24, 2011. There will be a general discussion on big picture items over the next five years and staff will be asking for guidance on the General Fund. He announced there were no issues at the wastewater treatment plant and pump stations during the recent period of heavy rainfall and followed-up on Ms. Pat Haight's questions from the previous Council meeting regarding the check for \$24,000.00 to Springbrook Hazelden; it was a refund for permit fees from their expansion, not for any drug rehabilitation services, for staff.

V. PUBLIC COMMENTS

Mr. Michael A. Maloney came to the Council with concerns over a recent water bill he received for \$468.00, when his monthly bill is usually around \$78.50. He has called City Hall twice trying to figure this out since he is on a fixed income and he would need substantial help to resolve this since he did not use the water he is being charged for.

Councilor Denise Bacon asked if he has received his bill for the month of January yet and if he has checked for water leaks. Mr. Maloney replied he has not yet received the next bill and is still waiting to see what is going on with the December billing; he had a plumber friend come over to take a look but he found nothing wrong with the system. He contacted staff twice, but has not heard back from anyone.

Councilor Bart Rierson said it sounds like something unusual has happened and is not satisfied he does not have any answers yet. He asked the City Manager if the water meter can be checked before the next bill comes out.

Mr. Maloney said staff informed him that according to their computer he is back to his regular water usage for January, but nothing has changed on his end.

Councilor Stephen McKinney spoke of two other cases similar to this where holes were found in the pipes between the meter and the home, and any leakage would be considered the responsibility of the homeowner; he said it would be important to have a professional assessment completed.

Mr. Danicic told Mr. Maloney he wished to work with him directly on this matter and find out more about the process, who he spoke to, and how it was handled. He said it is possible for the City to credit him for the breakage, but they will ask him to find out what the problem is quickly and get it taken care of.

Ms. Janelle Nordyke, Finance Director, asked about his irrigation system and if that had been turned off.

Mr. Maloney said he shut it off in late October and had to tighten it two days later when a wet spot was noticed; he was given an adjustment form the first time he came in, which he filled out and returned, but the City had no record of seeing that form.

Mr. Danicic gave him his card and said he would be in touch with him tomorrow to figure this out.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2930** approving the municipal judge's nine month evaluation.
2. Consider a motion approving City Council Minutes for December 6, 2010, and December 20, 2010.

<p>MOTION: Witherspoon/Bacon approving the Consent Calendar including Resolution No. 2011-2930 approving the municipal judge's nine month evaluation and the City Council Minutes for December 6, 2010, and December 20, 2010, as amended (7 Yes/0 No) Motion carried.</p>

VII. NEW BUSINESS

1. Consider a motion accepting the Chamber of Commerce's 2009/2010 3rd and 4th quarter budget report.

TIME – 7:27 PM

Ms. Sheryl Kelsh, Director of Chamber of Commerce, presented the report, including a handout given to the City Recorder (see official meeting packet for full report).

Councilor Marc Shelton asked about their plans to relocate as a result of the Chehalem Park and Recreation District (CPRD) starting to charge them rent and how that would compare with what CPRD is charging them. Ms. Kelsh replied it the rent would be comparable and that CPRD has not started charging them yet; they decided if they have to pay rent and there is not a large difference, it would be better to go for the location that will serve the customers best.

Mayor Andrews spoke of a video stream recently seen in Salem and if there has been any discussion of a public site where this kind of thing could be made available. Ms. Kelsh was not sure she had seen what he was talking

about but it was worth investigating and the natural place to have something like that would be at the Visitors Center.

Mayor Andrews asked if the City of Newberg and the Chamber of Commerce were the only two entities funding the Visitors' Center. Ms. Kelsh replied that the City of Dundee contributed \$2,000.00 in 2009 and \$2,500.00 in 2010 for the Visitors' Center.

Councilor Shelton asked if they have considered bringing this contribution formally into the budget. Ms. Kelsh said she would have to ask the finance committee how that would be done and if she can plan for it in the future it will be in there, but they cannot put it in if they cannot plan for it.

Councilor Wade Witherspoon asked if there was a way to get a report on the total number of tourism dollars coming into community on an annual basis. Ms. Kelsh spoke of a company producing a monthly report for Yamhill County and Travel Oregon is planning to pick up the tab on this report to see if they can get more details on the Willamette Valley region; they are not sure yet how detailed this will be.

Councilor Shelton asked about The Allison being online for a full year yet and what it is contributing to the Transient Lodging Tax (TLT). Mr. Danicic replied they are not yet at a full four-quarters of operation, but they are getting close.

Ms. Kelsh spoke about demands from people who want to do more things outside and efforts made for the future trail system and the kayak shack.

Councilor Shelton spoke of recent concerns with the Newberg-Dundee bypass plans and the 11th Street crossing and suggested keeping a close eye on this area to make sure user access will not be compromised to the riverfront and plans for this as a future tourist destination.

MOTION: Shelton/Rierson accepting the Chamber of Commerce's 2009/2010 3rd and 4th quarter budget report. (7 Yes/0 No) Motion carried.

2. Consider a motion accepting **Resolution No. 2011-2927** approving an agreement with the Chamber of Commerce to operate and manage a Visitor Information Center.

TIME – 7:51 PM

Ms. Jessica Cain, Chamber of Commerce Board Member, joined Ms. Kelsh to answer questions and voice concerns about the agreement.

Mr. Danicic presented the staff report and reviewed areas of suggested changes and corrections (see official meeting packet for full report).

Councilor Shelton asked for the legal clarification between a partnership and an agreement and at what point it fails to be partnership and become more like a contracted service. Staff said as long as the Chamber is contributing financially it maintains a partnership status

Councilor Witherspoon said the City's contribution is tied to a percentage and felt it would make sense the Chamber's is as well.

Councilor Rierson said he was not opposed to this, but he is concerned the TRT will grow at a faster rate than the Chamber member dues and other revenues will; he did not see the Chamber keeping up with that level of participation.

Councilor Ryan Howard agreed this was a good point, although he was in favor of a set percentage in the beginning to follow where the City's contribution was; but, he does not wish to leave it to be determined on an annual basis.

Councilor Shelton felt the business plan requirement is the mechanism put in place to evaluate the contributions.

Councilor Bacon was concerned with pricing the Chamber out of business if membership falls; she did not expect them to match the City's investment equally and she thought a year to year amount might challenge everyone to wonder what next year would bring. She felt a previously suggested \$50,000.00 is a lot to expect five years from now.

Ms. Cain said the \$50,000.00 did not work because it exceeds their budget and the business plan is a good opportunity to look at these matters annually and set the dollar amounts. Being tied to a percentage of the TLT also does not work because as that increases they still have to consider other obligations to their members, not just the Visitors' Center.

Councilor Shelton suggested the \$40,725.00 from the Chamber this year could represent the minimum and the \$56,000.00 from Council because he does not wish to start from square one each year.

Councilor Howard asked what the benefit was for Council to be locked into 25% of the TLT for the next five years then, rather than assessing this periodically.

Ms. Cain said they would not know how prepare their budget if the do not know what they will be receiving. She said their Board of Directors started a task force to create a five year plan to help meet the City's goals and they need some commitment from Council in order to commit to their lease.

Councilor Rierson said he liked the idea of an annual review because unforeseen issues come up, also the TLT will grow more quickly than the Chamber's revenue and there may be an opportunity to spend the money somewhere else. The Visitors' Center provides a good return on the investment, but this review allows for accountability if the City is contributing \$100,000.00 and the Chamber is only giving \$10,000.00. Citizens will want to know what is being done with that money.

Councilor Shelton added other partners, like Dundee, need to be encouraged to regularize their contributions and commit to a set amount as well.

Councilor Witherspoon said he supported an annual submission of a business plan, he just wished there was a clearer way to avoid haggling each year what the contribution figure is going to be, especially if the Council membership changes; but, he felt there is currently a good enough relationship between the City and the Chamber to work this out.

Ms. Cain discussed their concerns for the "at will" termination clause since they are looking into creating a lease obligation with the new location and there is already a mechanism in place to reject the business plan every year by not approving it. There was also discussion over the use of a clause about "not discriminating" since this is a hard term to define.

Mr. Terrence Mahr, City Attorney, explained the reasoning behind the "at will" clause to avoid litigation by giving a six month notice.

Councilor McKinney suggested making the corrections discussed and having a second reading of the complete, modified agreement.

MOTION: Shelton/Witherspoon to hold deliberations on **Resolution No. 2011-2927** until February 22, 2011. (7 Yes/0 No) Motion carried.

VIII. COUNCIL BUSINESS

TIME – 9:01 PM

Councilor McKinney spoke of a letter he received with the results of the City’s audit stating that the City is doing its job correctly; he wished to commend the Finance Director and the Finance department on a job well done.

MOTION: McKinney/Rierson to have the record include the letter issued from the auditor’s reporting the Finance Director and Finance department are doing an excellent job. (7 Yes/0 No) Motion carried.

Mayor Andrews recessed at 9:07 PM and reconvened into the Executive Session.

IX. EXECUTIVE SESSION

Executive Session pursuant to ORS 192.660(2)(f) to consider information or records that are exempt by law from public inspection.

TIME – 9:15 PM

X. ADJOURNMENT

The meeting adjourned at 10:09 PM.

ADOPTED by the Newberg City Council this 22nd day of February, 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 24th day of February, 2011.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: February 22, 2011

Order XX Ordinance Resolution Motion Information
No. 2011-0030 No. No. No. No.

SUBJECT: Comprehensive Plan Map Amendment from LDR to HDR and Zoning amendment from R-1 to R-3 for property located at 1103 N Meridian St.

Contact Person (Preparer) for this Motion: Jessica Nunley, AICP
Dept.: Planning & Building
File No.: CPA-10-001/ZMA-10-001

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL

NOTE: The record for this hearing was closed on December 6, 2010; the City Council is now at the point of deliberation on the proposal.

RECOMMENDATION:

The Planning Commission recommended that the Council adopt Order No. 2011-0030, which would amend the Comprehensive Plan map designation from Low Density Residential (LDR) to High Density Residential (HDR) and amend the Zoning designation from R-1 (Low Density Residential) to R-3 (High Density Residential) for a property located at 1103 N Meridian Street, Tax Lot 3218DA-2100.

Since that time, the applicant and a group of neighbors and interested parties met several times to discuss the proposal. Housing Authority of Yamhill County remains firmly in favor of the requested zone change so they can move forward with their future development plans. The neighborhood group remains adamantly opposed to the proposed zone change.

If the Council chooses to approve the requested zone change, the group requests that the conditions noted in the attached ordinance be applied. The conditions would address several building and site design concerns.

These conditions are contained in the attached order. Staff recommends approval of the order with these conditions.

EXECUTIVE SUMMARY:

The Housing Authority of Yamhill County is the owner of property located at 1103 N Meridian Street. The property is approximately 3.39 acres in size and currently has a historic two-story house, shed, garage, and mature trees on the site. The property was added to the Newberg Historic Resource Inventory in 1985. The property is adjacent to another historic house to the north, and single family housing to the west and south. A senior condominium housing development is directly across the street to the east, and an apartment complex is to the north of the condominium development on the east side of Meridian Street.

The Housing Authority's proposal is to amend the Comprehensive Plan designation of the site from LDR (Low Density Residential) to HDR (High Density Residential) and amend the Zoning designation of the site from R-1 (Low Density Residential) to R-3 (High Density Residential). The applicant's future plans for the property include developing some type of multi-family housing structures around the existing historic structure. The applicant has indicated that they will preserve as many of the existing mature trees as possible, and that they plan to retain, improve, and reuse the existing historic structure as part of their overall site.

The Planning Commission held hearings on October 14, 2010 and November 10, 2010 to consider the proposal. After reviewing the evidence and hearing substantial public testimony, the Planning Commission adopted Resolution 2010-285 recommending that the City Council approve the requested Comprehensive Plan map and Zoning map amendment. The proposal meets the applicable Development Code criteria and Comprehensive Plan goals and policies, as summarized by the following points:

- There is a demonstrated need for HDR land in the Comprehensive Plan.
- There is adequate infrastructure to serve the site – sewer, water, stormwater, and transportation.
- The site meets the site suitability criteria for HDR land – one acre or greater in size, less than 10% slope, 1:1 or lower improvement to land value ratio, lack of wetlands or streams, access to a minor collector street (direct access to Meridian Street), adequate public utilities serving the site, and near downtown commercial areas and other public services.
- The proposal will likely result in preservation of the historic structure.
- The site has close proximity to many public services.

The City Council held a hearing on December 6, 2010 to consider the proposal. At that hearing, there was substantial testimony both for and against the proposal. Council continued the hearing to their December 20, 2010 meeting, and again to their February 7, 2011 meeting. The applicant and a group of interested neighbors met several times since the December 20, 2010 Council hearing to discuss the proposal in more detail. While both sides remain firmly in their original positions of support or opposition, common ground was found on several conditions of approval that would be requested should the Council choose to approve the proposed zone change.

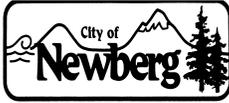
The City Council considered the proposal on February 7, 2011. The Council received a memo from staff at the hearing detailing the outcome of recent meetings between the applicant and neighborhood group. The memo included the proposed conditions of approval that were agreed upon in principle by both the applicant and the neighborhood group, should the proposal be approved. Council deliberated on the proposal and directed staff to return on February 22, 2011 with a revised Order 2011-0030 that incorporated the conditions of approval contained in the memo, as modified by Council's direction during deliberation. Staff has incorporated the conditions of approval into the Order 2011-0030 included here and dated February 22, 2011, and has modified conditions (B)(e), (B)(i), and (B)(j) per Council's direction.

FISCAL IMPACT:

No direct fiscal impact. The applicant must pay for any costs associated with future development, such as utility connections and facilities.

STRATEGIC ASSESSMENT:

Staff finds that the application meets the applicable Development Code criteria and Comprehensive Plan goals and policies.



ORDER No. 2011-0030

AN ORDER AMENDING THE COMPREHENSIVE PLAN MAP DESIGNATION FROM LOW DENSITY RESIDENTIAL (LDR) TO HIGH DENSITY RESIDENTIAL (HDR) AND AMENDING THE ZONING DESIGNATION FROM R-1 (LOW DENSITY RESIDENTIAL) TO R-3 (HIGH DENSITY RESIDENTIAL) FOR A PROPERTY LOCATED AT 1103 N MERIDIAN STREET, TAX LOT 3218DA-2100, WITH SPECIFIC CONDITIONS

RECITALS:

1. On August 19, 2010, the Housing Authority of Yamhill County submitted an application requesting a Comprehensive Plan map amendment from LDR (Low Density Residential) to HDR (High Density Residential) and a Zoning map amendment from R-1 (Low Density Residential) to R-3 (High Density Residential) for a 3.39 acre property located at 1103 N Meridian Street, Yamhill County tax lot 3218DA-2100.
2. There is a demonstrated need for HDR land to meet the need for multi-family dwelling units in the Newberg Comprehensive Plan. This site is suitable for HDR based on topography, access, adequate infrastructure, site size, and proximity to parks, schools, and shopping areas.
3. There is adequate infrastructure to serve the site. City water and sanitary sewer lines with adequate capacity to serve future development are located nearby. The adjacent minor collector road, Meridian Street, is functioning at a level of service A and is projected to continue to function at a level of service A even with the addition of trips generated from future development. Meridian Street is also served by a regular Chehalem Transit bus route.
4. Redevelopment of the site as a whole will encourage preservation, renovation, and reuse of the existing historic house as part of the overall project site.
5. The proposal meets the applicable Development Code criteria and Comprehensive Plan goals and policies for approval.
6. The Planning Commission held hearings to consider the proposal on October 14, 2010 and November 10, 2010. At their November 10, 2010 meeting, the Planning Commission adopted Resolution 2010-285 recommending that City Council approve the requested Comprehensive Plan and Zoning map amendment.
7. The City Council held a hearing on December 6, 2010 to consider the proposal. Deliberation on the item was continued to the February 7, 2011 City Council hearing. The City Council held a final hearing on the proposal on February 22, 2011. After reviewing the evidence and hearing public testimony, the City Council finds that the application meets the applicable Development Code criteria and Comprehensive Plan goals and policies for approval, with specific conditions of approval.

THE CITY OF NEWBERG ORDERS AS FOLLOWS:

1. The Comprehensive Plan designation is changed from Low Density Residential (LDR) to High Density Residential (HDR), and the Zoning designation is changed from R-1 (Low Density Residential) to R-3 (High Density Residential) for the property located at 1103 N Meridian St, Tax Lot 3218DA-2100, as shown in Exhibit “B” and described in Exhibit “C” and by this reference are hereby adopted.
2. The findings shown in Exhibit “A” and by this reference is hereby adopted.
3. The Comprehensive Plan and Zoning map amendment shall comply with the following conditions of approval:
 - (A) The zone change is contingent on the current owner, Housing Authority of Yamhill County, constructing a housing project on the site. If Housing Authority sells the property without constructing a housing project on the site, then the zoning will revert to the current R-1 without the conditions listed below.
 - (B) The zone change requires the Housing Authority to go through design review and historic review on the future housing project. During that review, the Planning Commission is directed to consider:
 - (a) A drainage plan that meets Development Code requirements.
 - (b) Requirements for installation of sidewalks and walkways adjacent to the site and along the paths to major destinations, such as improvements to the Meridian rail crossing or sidewalk infill along Meridian Street. Requirements must be proportional to the impacts.
 - (c) Plans to make the historic house visible from the street.
 - (d) Architectural designs for new buildings that complement the historic house on the property.
 - (e) Plans to preserve the existing house and retain its character as a historic structure.
 - (f) A plan for occasional public access to the historic house, such as access during annual historic tour events or availability for scheduled tours.
 - (g) A plan for recognition of the heritage of the house and property, such as placing a placard and prominent display at the house.
 - (h) Plans to preserve as many of the existing trees on site as practical given design requirements.
 - (i) Parking management plan that includes guidelines for keeping off-street parking available for residents and visitors.
 - (j) Lighting plans to provide appropriate site lighting for on-site security and to control light impacts to neighbors.
 - (k) Plans for play areas within the complex that meet or exceed Development Code requirements.
 - (C) The following will be requirements of the design review for the future development:
 - (a) Installation of fence adjacent to all private property.
 - (b) Marking curbs no-parking near driveway entrances.
 - (D) Prior to submitting for design review, the applicant shall meet with interested adjacent neighbors and a representative of Spaulding Oaks Condominium Association to discuss:

- (a) The proposed site design.
- (b) The proposed drainage and grading plan.
- (c) The architectural design of the buildings.

(E) The Traffic Safety Commission is directed to consider Meridian Street and whether to limit on street parking or designate no-parking areas. This review should occur in conjunction with design review for the future housing project. The review also is to involve the Yamhill County Transit Area and investigate the possibilities of placing a bus stop along the street, both to provide service to the area and to limit parking near driveways.

4. The Newberg Comprehensive Plan land need and supply tables shall be amended to reflect the change.

➤ **EFFECTIVE DATE** of this order is the day after the adoption date, which is: February 23, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of February, 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 24th day of February, 2011.

Bob Andrews, Mayor

QUASI-JUDICIAL HISTORY

By and through the Newberg Planning Commission at their 10/14/10 and 11/10/10 meetings.

ATTACHED:

Exhibit "A": Findings

Exhibit "B": Location Map

Exhibit "C": Legal Description

Exhibit "A": Findings to Order 2010-0030

1103 N Meridian Comprehensive Plan Map Amendment & Zoning Amendment, File: CPA-10-001/ZMA-10-001

This section discusses the applicable Newberg Development Code requirements and Newberg Comprehensive Plan goals and policies. Several of the similar criteria are grouped together for ease of analysis and findings. Many of the Comprehensive Plan goals and policies are largely aspirational and meant to guide the City’s decision makers, rather than being approval criteria.

Section I: Comprehensive Plan Housing Land Needs and Buildable Land Supply History

Newberg’s Comprehensive Plan has consistently shown a significant need for additional HDR (High Density Residential) land. Recent plan updates and appeals of those updates have made it difficult to track what the current approved need is. However, in every case, the need is far more than can be met solely by this proposed amendment. Following is a history of recent decisions related to land need and supply.

2005 Comprehensive Plan Land Need and Supply Amendments

In 2005, the City Council adopted amendments to the Comprehensive Plan, including updated residential land need and supply numbers for LDR (Low Density Residential), MDR (Medium Density Residential) and HDR (High Density Residential) land designations. The updates were based on data from the Housing and Residential Land Needs Report compiled by Johnson-Gardner in 2004. The amendments were adopted and acknowledged through the post-acknowledgment plan amendment process in 2005. The 2005 Comprehensive Plan has residential land data for the 20-year period from 2005-2025, and the future planning period out to 2040. That data shows that the City had a demonstrated need for 89 buildable acres of HDR (High Density Residential) through 2025, and an additional 83 acres of HDR land through 2040:

Plan Designation	Buildable Acres Needed 2005-2025	Buildable Acres in UGB (2004)	Surplus (Deficit) for 2005-2025	Buildable Acres Needed 2026-2040
LDR	612	359	(253)	735
MDR	173	142	(31)	191
HDR	89	13	(76)	83
Total	874	514	(380)	1009

Source: Newberg Ordinance 2005-2626

Plan Amendments Since 2005

In the time since the Comprehensive Plan was updated in 2005, the City has added HDR acreage to the UGB. The HDR acreage was increased through UGB amendments, Comprehensive Plan amendments, and Zoning amendments, and reduced by development of HDR lands. The 2010 buildable land inventory, compiled by the Newberg Planning and Building Department, shows that the City now has 45 buildable acres of HDR in the UGB. This number was reached by adding the amount of land designated as HDR and subtracting HDR land that was developed over the past five years.

Plan Designation	Buildable Land
Low Density Residential	585 ac.
Medium Density Residential	132 ac.
High Density Residential	45 ac.
Commercial	120 ac.
Industrial	56 ac.
Park	41 ac.
Institutional	92 ac.
TOTAL	1,071 ac.

Source: Newberg Planning and Building Department (2010)

February 2010 Plan Amendments

The 2010 buildable land inventory was included and adopted with the Economic Opportunity Analysis (EOA) in February 2010 (Ordinance 2010-2723). That decision was challenged and appealed to the Land Use Board of Appeals (LUBA). LUBA affirmed the buildable land inventory data portion of the report and remanded the EOA to the City for further work and clarifications in other areas. LUBA’s decision is currently being appealed to the State Court of Appeals. However, Newberg may rely upon the plan amendments adopted along with the EOA for this land use decision based on ORS 197.625(3)¹ based on the following:

- (1) The amendments were adopted in compliance with ORS 197.610 and 197.615.

¹ORS 197.625(3)(a) Prior to its acknowledgment, the adoption of a new comprehensive plan provision or land use regulation or an amendment to a comprehensive plan or land use regulation is effective at the time specified by local government charter or ordinance and is applicable to land use decisions, expedited land divisions and limited land use decisions if the amendment was adopted in substantial compliance with ORS 197.610 and 197.615 unless a stay is granted under ORS 197.845.

(b) Any approval of a land use decision, expedited land division or limited land use decision subject to an unacknowledged amendment to a comprehensive plan or land use regulation shall include findings of compliance with those land use goals applicable to the amendment.

(c) The issuance of a permit under an effective but unacknowledged comprehensive plan or land use regulation shall not be relied upon to justify retention of improvements so permitted if the comprehensive plan provision or land use regulation does not gain acknowledgment.

(d) The provisions of this subsection apply to applications for land use decisions, expedited land divisions and limited land use decisions submitted after February 17, 1993, and to comprehensive plan and land use regulation amendments adopted:

- (A) After June 1, 1991, pursuant to periodic review requirements under ORS 197.628, 197.633 and 197.636;
- (B) After June 1, 1991, to meet the requirements of ORS 197.646; and
- (C) After November 4, 1993.

(2) The proposal is a land use decision.

(3) The proposal complies with the applicable statewide planning goals, including Goal 10 (Housing), as detailed in Section IV of these findings.

(4) The February 2010 plan amendments are predicated upon previous comprehensive plan changes that were acknowledged as complying with the statewide planning goals. The inventory used the same methodology as outlined in the 2005 amendments. The changes to the inventory (From 13 acres HDR to 45 acres HDR) are due (a) additions due to adding HDR land into the UGB, (b) additions due to redesignation of property already within the UGB as HDR, and (c) subtractions due to development of HDR designated land since 2005.

April 2010 Housing Element Amendments

The Council adopted updates to the Housing Element of the Comprehensive Plan in April 2010 (Ordinance 2010-2724). The Housing Element contains the following information: updated population and demographic information, existing housing characteristics, recent trends in housing construction, future housing needs, land needs for housing, other aspects of housing to be addressed, and actions needed for housing. The Housing Element contains updated residential buildable land need and supply data that matches what was adopted by Council in February 2010 with the EOA. The decision to adopt the Housing Element was appealed to LUBA. LUBA issued a remand order on November 8, 2010 for the Housing Element. Two potentially relevant matters of the remand order include: (1) The City was directed to provide further explanation of the housing needs calculations, and (2) The City was directed to provide further justification for designating “lots or portions of lots that, because of . . . topography, irregular placements of buildings, or limited accessibility could not be readily developed if urban services were available.”

The application for the proposed Comprehensive Plan map and Zoning map amendment was filed prior to the remand order being issued. Because the April 2010 Housing Element amendments were remanded, this land use decision does not rely upon those amendments. However, this decision can be based on the needs shown in the 2005 Comprehensive Plan amendments and the current buildable land inventory as reflected in the 2010 buildable lands inventory, as adopted in February 2010. The need for HDR land is substantial in all scenarios.

On the first remand issue of need, for this decision Newberg relies on the adopted and acknowledged land needs as established in Ordinance 2005-2626 and not on the April 2010 amendments. On the second issue of inventory, Newberg staff examined whether any HDR land was designated non-buildable because of the challenged criteria: “lots or portions of lots that, because of . . . topography, irregular placements of buildings, or limited accessibility could not be readily developed if urban services were available.” Staff found that no HDR land was designated non-buildable based on this criteria, so the remand has no effect on inventory.

2010-2025 Unmet Need Based on 2005 Adopted and Acknowledged Comprehensive Plan

Ordinance 2005-2626 established a need for 89 buildable acres of HDR land for the period 2005-2025.

According to the Johnson-Gardner Housing and Residential Land Need Report (2004) 22% of those 89 acres would be needed 2010 or before (568 of 2,554 units = 22%)². This which would equal approximately 20 acres (89 acres x 22% = 20 acres). Therefore, the needed acres, based on the 2005 data, would be 69 buildable HDR

² Johnson-Gardner, *Newberg Housing and Residential Land Needs Report*, 2004, page 31.

acres (89 acres – 20 acres = 69 acres). If we subtract the current amount of buildable HDR acreage shown in the adopted 2010 buildable land inventory (45 buildable acres) we have a total deficit of 24 buildable HDR acres (69 acres – 45 acres = 24 buildable acres). Additional need through 2030 could be shown based on the 2005 Comprehensive Plan, however that is unnecessary for this application, because the proposed change of about 3.39 acres would fill only a small percentage of the total need through 2025, much less 2030.

Section II. Newberg Development Code § 151.122: Procedures for Comprehensive Plan Map and Zoning Map Amendments.

(A) Type III Plan and zoning map amendments – one parcel or small group of parcels.

(3) Amendment Criteria. The applicant must demonstrate compliance with the following criteria:

(a) The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this code;

Finding: Section IV of these findings addresses the Comprehensive Plan goals and policies. It can be found that this proposal is consistent with and promotes numerous applicable goals and policies, as summarized below.

Need for HDR & Multi-Family Housing

Section I of these findings demonstrated a need for 69 buildable acres of HDR land for the 2010-2025 period, as shown in the table below.

Plan Designation	Buildable Acres Needed 2005-2025	Buildable Acres Needed 2010-2025 (Adjusted from 2005 data)	Buildable Acres in UGB (2010 BLI)	Surplus (Deficit) for 2010-2025
LDR	612	436	585	149
MDR	173	166	132	(34)
HDR	89	69	45	(24)
Total	874	671	762	91

Source: Newberg Planning and Building Department

The proposed amendment would add 3.39 acres (about 3.14 buildable acres) of HDR land to the buildable land inventory. This would meet about 13% of the need through 2025, and a smaller percent of the 20-year need through 2030.

As part of the Affordable Housing Action Plan, the Affordable Housing Ad Hoc Committee surveyed land within the UGB and identified 17 acres that the City should consider initiating a zone change to HDR. Other properties may also be suitable for HDR, and rezoning could be initiated by the property owner

through this Type III process³. Even if the identified 17 acres were rezoned to HDR, the City would still have a need for additional buildable HDR land. This proposal could help meet that need.

Adequate Infrastructure to Serve the Site

The proposed site has existing sewer, water, and transportation facilities available with adequate capacity to serve the maximum density of the proposed zone change. There is an existing 8-inch sewer line with a manhole right at the northern property edge in Evergreen Drive. The application contains a report on sanitary sewer calculations done by Sisul Engineering, calculating the capacity of the existing sewer line with existing & potential maximum R-1 density (15 units) and existing & potential maximum R-3 density (96 units). When infiltration rates are added in, the existing + maximum R-1 density would use approximately 51% of the pipe capacity and the existing + maximum R-3 density would use approximately 70% of the pipe capacity. Therefore, the pipe capacity is adequate to accommodate the proposed zone change. There are existing water lines in Evergreen Drive and Meridian Street with adequate capacity to support the proposed zone change. Any development of the site would require the public water line to be looped through from Evergreen Drive to Meridian Street to ensure adequate flow, a standard practice on most large development sites.

The proposed multi-family development site is located adjacent to Meridian Street and would take direct access from the street. Meridian Street is developed to the minor collector standard with 34 feet curb to curb pavement width, two 10-foot travel lanes divided by striping, and 7 foot parking lanes on both sides of the street. According to the applicant's traffic impact study, Meridian St is functioning at a level of service A in front of the site, and is projected to continue to function at a level of service A even with the addition of trips generated from the proposed development. The sight distance from the proposed site's frontage is adequate for cars entering and exiting the site. In the past three years only one crash occurred in the stretch of Meridian from Fulton to Sierra Vista St, and that was caused by a driver running through a stop sign from Sierra Vista onto Meridian Street, so no significant traffic safety concerns are noted for the area. Any future development on the site would likely require a bicycle and pedestrian connection through the site from Meridian Street to Evergreen Drive, which would lead to Sierra Vista Drive and College Street. In addition, Meridian Street is served by a regular Chehalis Transit Bus Route.

Site is Suitable for HDR Development

This site meets the site suitability criteria for High Density Residential housing as specified in the Ad Hoc Committee on Newberg's Future Report to City Council (2005):

- Site size of one acre or greater;
- 10% or less slope;
- 1:1 or lower improvement to land value ratio considered redevelopable;
- Lack of wetlands and streams;

³ The committee did consider the subject property, and recommended that, due to the historic home, a request for a zone change should be initiated by the property owner and not the city.

- Access to a minor collector street;
- Adequate public utilities already serve the site; and
- Located within 1/4 mile of Jaquith Park and George Fox University, and within 1/2 mile of the downtown commercial area.

The proposed site is also suitable for HDR development because it meets the Comprehensive Plan policies of high density housing location, dispersal of high density housing, design of high density housing, and compatibility with surrounding development. The proposed site is adjacent to a minor collector road which will provide adequate access for higher density housing. The site is directly across the street from properties zoned R-3 – a senior condominium housing development is directly across the street and an apartment complex is directly north of that. The site is also adjacent to property zoned R-2 (Medium Density Residential) to the south. As shown on the map in Attachment 4, high density housing is currently dispersed throughout the City; this would continue that trend. Future development on the site will be compatible with the existing historic structure due to the City’s design review criteria for historic properties. In addition, any development will have to meet the additional design review criteria for multi-unit housing.

Preservation of the Historic Structure

The applicant has indicated that they intend to preserve the existing historic house and re-use it in some capacity for their project, possibly for on-site offices. According to the previous property owner, the existing house is decaying and is in need of much repair in order to be habitable or to be used for offices. Redevelopment of the site in such a way that will not require subdivision will encourage renovation, preservation, and reuse of the existing historic house as part of the overall project site. In addition, Newberg has Development Code standards that protect inventoried historic structures; any proposed demolition of structures or building of new structures on a historic site requires a Type III review before the Planning Commission.

Availability of Public Services

The proposed site is within walking distance of many commercial and public services: 1/8 mile to Jaquith Park to the west; 1/4 mile to Friendsview Manor and George Fox University to the south and east; 1/2 mile to the downtown commercial area and just over 1/2 mile to the Newberg Library to the south; and less than a mile to Nap’s Thriftway at the southwest end of the commercial area. This meets the Comprehensive Plan policies of high density housing being located near public services and public open spaces. It also means that residents of the proposed high density housing may walk, bike, or take public transit to commercial areas, jobs, parks, and schools.

(b) Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change.

Finding: Public facilities and services are available to support the proposed uses. There is an existing 8-inch sanitary sewer line to the property, with a manhole connection at the northern edge of the property at the end of Evergreen Drive. The applicant’s sanitary sewer calculations report indicates, and City staff concurs, that there is adequate capacity in the system to support the zone change at the maximum permitted density for the proposed zone. There are existing water lines in Evergreen Drive

and Meridian Street with adequate capacity to support the proposed zone change. Any development of the site would require the public water line to be looped through from Evergreen Drive to Meridian Street to ensure adequate flow, a standard practice on most large development sites. The site is accessed by Meridian Street, a fully improved minor collector street with a 34 foot curb-to-curb pavement width, two 10-foot travel lanes, 7-foot parking lanes on both sides, and 5-foot sidewalks, the standard width for minor collector streets. Meridian Street is currently functioning at a level of service A in front of the site, and is projected to continue to function at a level of service A even with the addition of trips generated from the proposed development. Therefore, all public facilities and services have adequate capacity to serve the proposed change.

(c) Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

Finding: The State Transportation Planning Rule is meant to determine whether proposals “significantly affect” existing or planned transportation facilities, and if they do affect them, to ensure that they are properly mitigated. The Rule says that:

“a plan or land use regulation amendment significantly affects a transportation facility if it would: (a) Change the functional classification of an existing or planned transportation facility; (b) Change standards implementing a functional classification system; or (c) As measured at the end of the planning period identified in the adopted transportation system plan: (A) Allow land uses or levels of development that would result in types of levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility; (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.”

The proposed plan amendment site is located adjacent to Meridian Street, which is classified as a Minor Collector in the City’s Transportation System Plan. Meridian Street is built to the standards of a Minor Collector: 34 feet of pavement width, two 10 foot travel lanes, 7 foot parking lanes on both sides, and 5 foot sidewalks on both sides. The proposal would not change the functional classification of Meridian Street, or of any other existing or planned transportation facilities. The proposal would also not change any of the standards implementing the City’s functional classification system.

One of the main purposes of the traffic impact study included with the applicant’s application package is to determine whether the project meets subsection (c) of the Transportation Planning Rule. The traffic study analyzes the trip generation and distribution, safety analysis, and operational analysis of the proposed project to determine the impact the proposal will have on the transportation system. The trip generation is based on the maximum possible density allowed by the proposed zone; in this case that would be 96 possible dwelling units. That number is compared with the trips that would be generated by the possible maximum density allowed by the current zone, 15 units. The traffic study indicates that the proposed zone change could result in a net increase of 38 trips during the morning peak hour, with

31 exiting the site and 7 entering the site. In the evening peak hour, the maximum density could result in a net increase of 46 trips, with 30 entering and 16 exiting the site. The actual trips generated by the site may be fewer due to the unlikelihood of the site being built out at the maximum density – with the preservation of the existing house and preservation of many trees, site build-out will more likely be around 70 – 80 possible units. Most of the trips to and from the site are projected to be on Meridian Street south of the project site (going south toward Highway 99W and north back to the site).

Sight distance from the site frontage was examined and determined to be adequate, meaning that access to the proposed site could be taken from any point along its Meridian Street frontage. In the past three years, there was one reported crash at N College Street & Sierra Vista Drive and one crash at N Meridian Street & Sierra Vista Drive. Based on this small number of crashes, no significant traffic safety concerns are noted in the area.

Current trips along Meridian Street in front of the site were counted to be about 263 trips per hour in the evening peak hour, or about 1 car every 13 seconds on average. Development of the site is projected to increase this to around 307 trips per hour in the evening peak hour, or about 1 car every 12 seconds. This is approximately 7% of the capacity of Meridian Street.

The traffic study also looked at capacity analysis for the area and surrounding intersections for the expected project build-out in 2010 and to 2025. Capacity analysis looks at the volume-to-capacity (v/c) ratio for intersections; in other words, how much traffic an intersection can handle before it's at peak capacity, which would be a ratio of 1.0. The intersection is then given a letter grade ranging from A (best) to F (worst) for its level of service based on the v/c ratio for the intersection. The traffic study analysis shows that all of the surrounding intersections are operating at an acceptable level of service under all analysis scenarios. The evening peak hour level of service at N College St & Sierra Vista Dr drops to an E using the 2025 scenario and the level of service at N Meridian St & Fulton St drops to a D using the 2025 scenario, all other intersections continue to operate at a level C or above through all scenarios. The traffic study explains that the proposed development will likely have a minimal effect on intersection functions, and that the level of service for those intersections would be similar with or without the additional trips generated by the proposal.

According to the traffic study, the future trips generated from the proposed zone change will not “significantly affect” the transportation system – all study area intersections are projected to operate acceptably through the year 2025 planning horizon. Therefore, the proposal meets the State Transportation Planning Rule.

Section III. Historic Review Criteria & Applicable Historic Comprehensive Plan Goals and Policies

§ 151.492 Alteration, New Construction, Demolitions. (B) New Construction Type III Review Criteria.

Review Required. If an application is made to build a new building on a landmark site, the Planning Commission shall review the request through the Type III procedure to assure the plans are compatible with any existing Landmark structures on the site. No new structure or major public improvement shall be constructed without review pursuant to the following criteria.

Review Criteria. Designs shall be compatible with any existing Landmark structures on the site in terms of size, scale, material and character. Contemporary designs shall not be discouraged when they do not destroy significant historical, architectural, or cultural material. Review criteria shall include consideration of the guidelines listed in subdivision (A)(3)⁴.

Comprehensive Plan Section G. Open Space, Scenic, Natural, Historic and Recreational Resources. 3. Historic Resources Policies.

Policy a: The continued preservation of Newberg's designated historic sites and structures shall be encouraged.

Policy d: The City will encourage the re-use of historic structures such as the establishment of bed and breakfast operations, specialty shops, restaurants and professional offices.

Finding: This proposal affects a property that is on Newberg's Historic Resources Inventory. At this time, the proposal is only for a Comprehensive Plan map amendment and Zoning map amendment, not for a development proposal to modify the site. All future development on this site will require a Type III Design Review before the Planning Commission to ensure that the plans are compatible with the existing historic structures. At the time of that future review, the application must show that the new structures would be compatible with the existing historic structures in terms of size, scale, material and character.

The applicant has indicated that they intend to preserve the existing historic house and re-use it in some capacity for their project, possibly for on-site offices. According to the previous property owner, the existing house is decaying and is in need of much repair in order to be habitable or to be used for offices. Redevelopment of the site in such a way that will not require subdivision will encourage renovation, preservation, and reuse of the existing historic house as part of the overall project site. In addition, Newberg has Development Code standards that protect inventoried historic structures; any proposed demolition of structures or building of new structures on a historic site requires a Type III review before the Planning Commission.

⁴ The specifics of § 151.492(A)(3) are not listed here as they are not applicable to this current application. However, in general, the review criteria include design elements to be included and made compatible with the existing historic structure including the following: average setback; architectural elements; building orientation; vehicle parking/storage; fences.

Therefore, the application is consistent with and promotes the City's historic preservation criteria and policies.

Section IV. Applicable Statewide Planning Goals and Newberg Comprehensive Plan Goals & Policies

A. Citizen Involvement Goal

Goal: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: Part of the citizen involvement program includes opportunities for citizen involvement in planning. In this case, citizens have an opportunity to comment on this proposal, both in writing and by testifying at either the Planning Commission or City Council hearings. In addition, the applicant for this proposal held two neighborhood meetings for the purpose of discussing the project with neighbors before the official public process started.

E. Air, Water, and Land Resource Quality Policies

Policy 1: Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: The proposed project site is within the Newberg city limits and is already served with City water, sanitary sewer facilities, and streets with adequate capacity to serve the maximum permitted density of the proposed zone. The project proposal indicates a desire and willingness to preserve many of the large attractive trees on the site; tree preservation will help increase the carrying capacity of the site's air and land resource base.

Statewide Planning Goal 10: To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

NCP I. Housing Goals and Policies

Goal: To provide for a diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels.

2. Location Policies. a: Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.

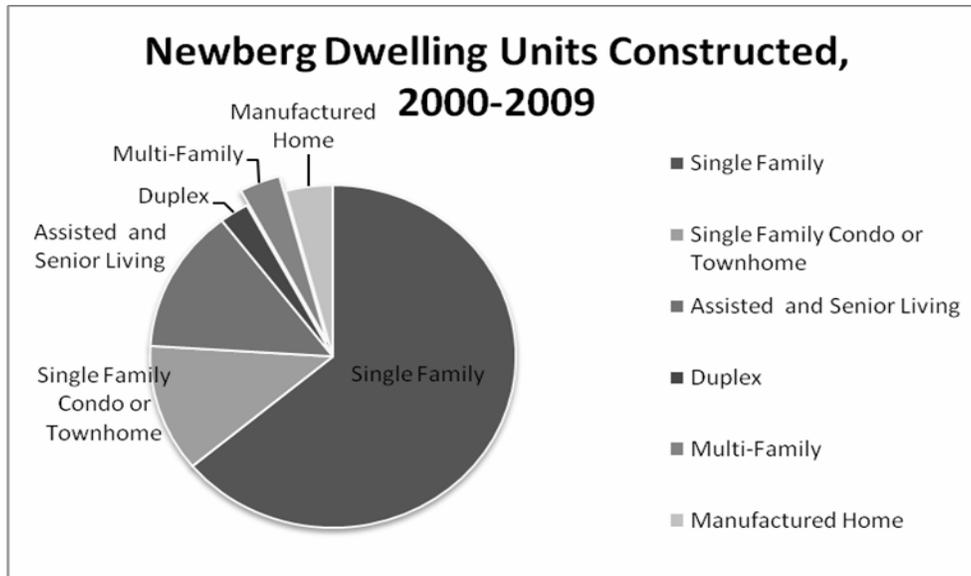
3. Mix Policies. b: Low and moderate income housing should not be concentrated within particular areas of the City.

3.i: The City shall encourage subsidized housing for low income people.

3.j: The City shall encourage innovation in housing types and design as a means of offering a greater variety of housing and reducing housing costs.

3.k: The City shall encourage an adequate supply of rental housing dispersed throughout the city to meet the needs of renters.

Finding: According to data from the Newberg Planning and Building Department, recent residential development has been mostly single family. This is due to a variety of factors, including the lack of available higher density residential land. The graph below illustrates that construction of single-family units has far outpaced construction of multi-family units in Newberg since 2000.



Source: Newberg Planning and Building Department

The City also has a shortage of low income housing, as evidenced by our ongoing Affordable Housing project that recently culminated in the Affordable Housing Action Plan. Although the owner of the property makes no difference when reviewing a project proposal (as all proposals must meet the code criteria), the City has an obligation, reflected here in the comprehensive plan policies, to ensure that there is adequate housing of all density types and for every income level. The proposed zone change would help the City remedy its deficit of available multi-family housing.

As shown on the map in Attachment 4, rental apartments are dispersed throughout the city in many different residential neighborhoods, including on both the north and south sides of Highway 99W and in the east and west areas of town. The proposed project site is located across the street from a senior condominium complex, and near another apartment complex north of the senior condominiums. There are few other rental apartments located near the proposed site. It is difficult to determine how many single-family housing units are being used for rental units; however, the 2000 Census found that 30.7% of all occupied housing units in Newberg were rented. The 2006-2008 American Community Survey found that 34% of all occupied housing units in Newberg were rented. This increase is undoubtedly due in part to the recession, but also speaks to the demand for rental units in Newberg. A scan of the Newberg Graphic classified ads on October 5, 2010 revealed 16 units or houses for rent, ranging in price from \$425 for a bedroom in a house, \$569 - \$750 for a one-bedroom unit, \$635 - \$1195 for a two-bedroom, \$795 - \$1245 for a three-bedroom, and \$1250 - \$1500 for a four-bedroom. Of those 16, three appear to be apartments for rent, two are townhouses for rent, eight appear to be houses for rent, two are manufactured homes, and one is a room for rent in an existing household. According to the American Community Survey, 42% of renters in Newberg are paying 30% or more of their income for housing (a common threshold for unaffordability). Therefore, the City's stock of rental housing is not adequately meeting the needs of renters. According to the American Community Survey, from 2006-2008 Newberg had a vacancy rate of 6%. Since most of the dwelling units in Newberg are single-family structures (66%), we may assume that a certain number of those vacant properties are not affordable to

many residents. The City also had recent discussions with several property managers who said they were currently seeing apartment vacancy rates around 3%. This proposal may help the City remedy that deficit of affordable rental housing.

The proposed site is located adjacent to a minor collector and would not cause traffic to move through low density areas on local residential streets. In addition, the proposed site is within walking and biking distance of many commercial and public services: 1/8 mile to Jaquith Park to the west; 1/4 mile to Friendsview Manor and George Fox University to the south and east; 1/2 mile to the downtown commercial area and just over 1/2 mile to the Library to the south; and less than a mile to Nap's Thriftway at the southwest end of the commercial area. The project site also has close proximity to several arterial streets including College St to the west, Mountainview Dr to the north, and Highway 99W to the south.

Any future development on the site will require a design review process where the applicant will need to meet not only the basic design review criteria, but also the additional multi-family design review criteria and the historic review criteria. The City would have future opportunities to influence the design of the development and encourage innovation of housing types and design. The proposed zone change would provide an opportunity for a housing type that is currently less available in Newberg.

J. Urban Design Goals and Policies

Goal 1: To maintain and improve the natural beauty and visual character of the City.

1. General Policies. b: Design review should be provided for all new developments more intensive than duplex residential use.

1.1.e: Developments should respect the natural ground cover of their sites to the extent possible and plans should be made to preserve existing mature, non-hazardous trees in healthy condition.

1.1.l: The City shall encourage compatible architectural design of new structures in the community.

1.1.n: The City shall encourage innovative design and ensure that developments consider site characteristics and the impact on surrounding areas.

1.1.r: Developments of medium or high density shall be of a quality and design which will effectively offset the greater density.

Goal 2: To develop and maintain the physical context needed to support the livability and unique character of Newberg.

Policy c: Neighborhoods should be designed to promote safety and interaction with neighbors, with items such as walking paths and neighborhood parks.

Finding: Any future development on this property will require design review approval. Because this proposal is on an inventoried historic site, any new structures must be compatible with the existing historic house. The Newberg Development Code also has supplementary design review standards that multi-family developments must meet, including compatibility with adjacent sites. The site characteristics for future development would be looked at closely to encourage the best design of the

property and to properly mitigate any impacts on surrounding uses. In addition, because this is an inventoried historic property, any historic review will go before the Planning Commission for a decision.

The project application includes an arborist's report that surveyed all of the site's trees and determined which were healthy and should be preserved and which should be removed. The applicant has indicated that they will make an effort to preserve many of the trees on the site by including them in the site plan and designing the site around them.

Newberg has standards in the Development Code for pedestrian connectivity, such as not having excessive block lengths and requiring walkways where possible to break up long blocks. In this case, if the property were to be developed at its current zone with single-family residential houses, public access from Evergreen Drive through to Meridian Street would likely be required for adequate site access. The applicant has proposed a future multi-unit development that would take access only from Meridian St. Due to the long block length between Sierra Vista Dr and Fulton St, a public pathway through the future multi-unit complex would likely be required so that area residents may more easily reach Jaquith Park and College Street.

K. Transportation Goals and Policies

Goal 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

Policy b.2: The City shall encourage higher density development in residential areas near transit corridors, commercial areas and employment centers, including the downtown.

Goal 5: Maximize pedestrian, bicycle and other non-motorized travel throughout the City.

Policy 5.c: All new and improved commercial, office, institutional, and multi-family development shall be conveniently and directly accessible from the public right-of-way by bicycle and on foot.

Goal 9: Create effective circulation and access for the local transportation system.

Policy c: Develop a system of roads that provide for efficient movement of traffic, considering the general design guidelines below: 5) Minor Collectors. A minor collector provides access to abutting properties and serves the local access needs of neighborhoods by channeling traffic to the major collector and arterial street system. A minor collector is not intended to serve through traffic.

- *56 to 65 feet of right-of-way with 10 foot public utility easements.*
- *34 to 42 feet curb to curb*
- *Parking on both sides of the street, replaced by bike lanes where needed.*
- *A minimum four and one-half (4 ½) foot planter strip and five-foot sidewalk on both sides of the street.*

Finding: The applicant has included the Chehalem Transit Bus Routes map in their application packet. The map clearly shows that the bus route includes Meridian Street. Therefore, the proposed site meets the goal of promoting reliance on alternative modes of transportation and the policy of locating higher density development near transit corridors. In addition, the proposed site is within easy walking and biking distance to the downtown commercial core as well as to Friendsview Manor and George Fox University, two of Newberg's largest employers.

The proposed multi-family development site is located adjacent to Meridian Street and would take direct access from the street. Any future development on the site would likely require a bicycle and pedestrian connection through the site from Meridian Street to Evergreen Drive, which would lead to Sierra Vista Drive and College Street. Meridian Street is classified as a minor collector, and is developed to the minor collector standard with 34 feet curb to curb pavement width, two 10-foot travel lanes divided by striping, and 7 foot parking lanes on both sides of the street. According to the applicant's traffic impact study, Meridian St is functioning appropriately: the sight distance from the proposed site's frontage is adequate; in the past three years only one crash occurred in the stretch of Meridian from Fulton to Sierra Vista St (caused by a driver running through a stop sign from Sierra Vista onto Meridian Street); and the level of service rating is adequate for all nearby intersections through 2025.

According to staff GIS calculations, the distance between Sierra Vista Dr and the railroad tracks on Meridian Street is approximately 925 ft on the west side and 900 ft on the east side. After removing area for existing driveways (~154 ft on the west side and ~135 ft on the east side), the totals were ~771 ft on the west side and ~765 ft on the east side. Using these numbers, the amount of current on-street parking spaces available on Meridian Street is approximately 38 spaces per side (771 & 765 divided by 20 ft parking space length). A staff survey of that same area at different times of day on five different days found that the average use of the parking spaces was 7 used spaces on the west side and 6 used spaces on the east side, or about 17% of the available spaces. Any development on the proposed project site would require off-street parking on their lot to serve the dwelling units. However, Meridian Street still has capacity to accommodate further on-street parking if additional parking is d for area residents.

L. Public Facilities and Services Goals and Policies

Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

1. All Facilities & Services Policies. f: Maximum efficiency for existing urban facilities and services will be encouraged though infill of vacant City land.

2. Sewers and Water Policies. c: Developments with urban densities should be encouraged to locate within the area which can be serviced by Newberg's present sanitary sewer system.

Finding: It is appropriate to use land within the city limits to its highest and best use in order to preserve the efficiency of public facilities to serve urban development. The proposed site has existing sewer and water facilities available, with adequate capacity to serve the maximum density of the proposed zone change. It is more efficient to use an existing site such as this as opposed to extending new public utilities to an undeveloped vacant parcel without such services.

There is an existing 8-inch sewer line with a manhole right at the northern property edge in Evergreen Drive. The application contains a report on sanitary sewer calculations done by Sisul Engineering, calculating the capacity of the existing sewer line with existing & potential maximum R-1 density (15 units) and existing & potential maximum R-3 density (96 units). The report found that the peak sewer line flow rates for existing + maximum R-1 density would use approximately 45% of the pipe capacity

and that existing + maximum R-3 density would use approximately 63% of the pipe capacity. When infiltration rates are added in, the existing + maximum R-1 density would use approximately 51% of the pipe capacity and the existing + maximum R-3 density would use approximately 70% of the pipe capacity. Therefore, the pipe capacity is adequate to accommodate the proposed zone change.

M. Energy Goals and Policies

Goal: To conserve energy through efficient land use patterns and energy-related policies and ordinances.

1. Planning Policies. a: The City will encourage energy-efficient development patterns. Such patterns shall include the mixture of compatible land uses and a compactness of urban development.

Finding: Use of the proposed site for higher density housing would meet this goal and policy by encouraging compactness of urban development in an area that is served by transit and within walking and biking distance to the downtown commercial core, Friendsview Manor, and George Fox University. In addition, the land uses are inherently compatible with the high density housing directly across Meridian Street and medium density housing on the south side of the project site.

Exhibit B: Location Map

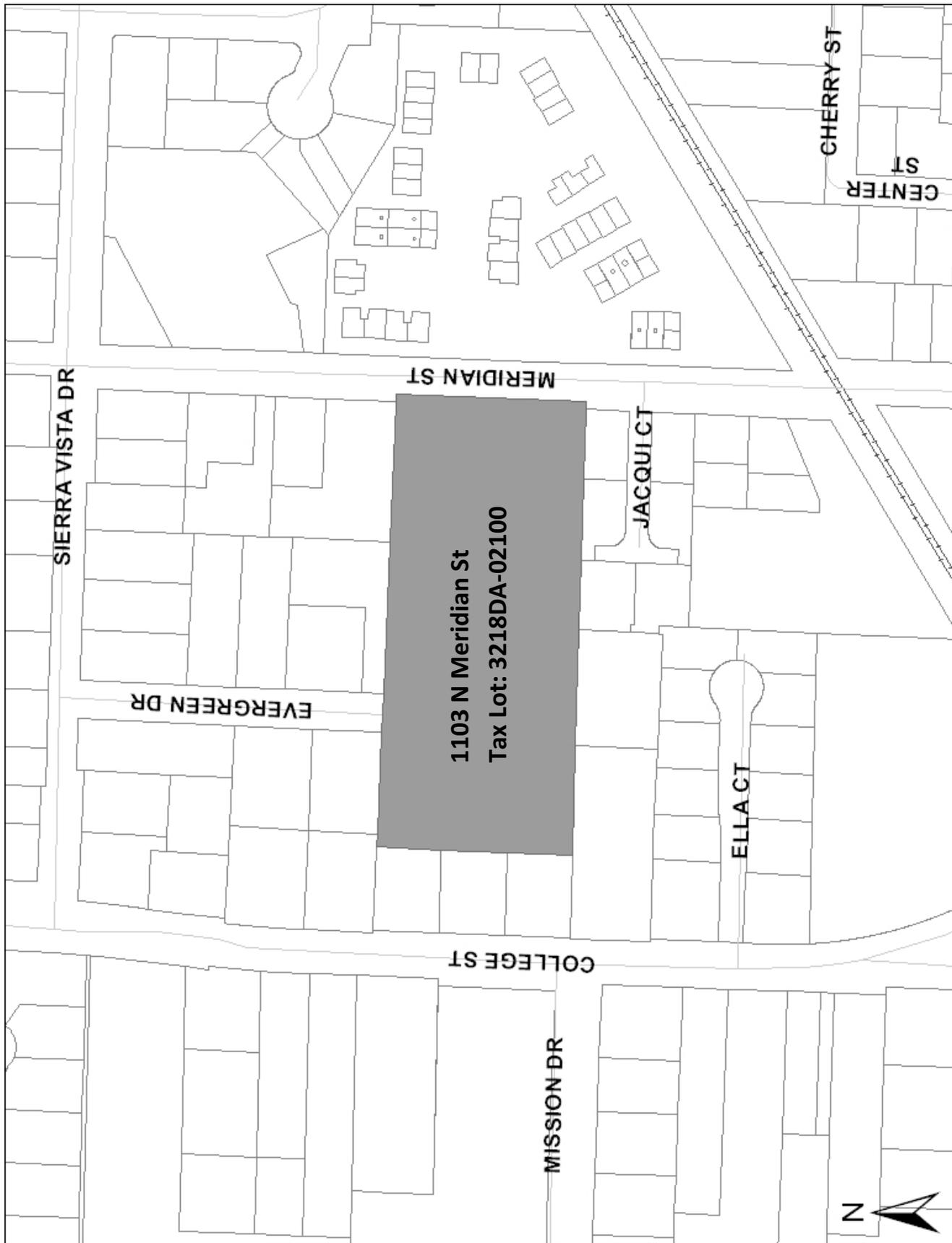


Exhibit "C": Legal Description

EXHIBIT "A"

File No.: **1032-1564264**

Policy No.: **1564264**

Real property in the City of Newberg, County of Yamhill, State of Oregon, described as follows:

A part of the D. D. Deskins Donation Land Claim No. 54 in Township 3 South, Range 2 West, of the Willamette Meridian in Yamhill County, Oregon, bounded and described as follows, to-wit:

BEGINNING at a point on the Section line between Sections 17 and 18 in said Township and Range, said point being 723 feet South of the Quarter Post between said Sections and being also 396 feet South of the intersection of the North boundary line of said Donation Land Claim with said Section line; thence South along said Section line 245 feet; thence South 89°11' West 609 feet to the Southeast corner of tract conveyed to Dale D. Voss, et ux. by deed recorded February 24, 1954 in Book 172, Page 417, Deed Records; thence North 00°11' East 254.6 feet to the South line of land conveyed to George W. Constable by deed recorded August 2, 1949 in Book 153, Page 771, Deed Records, and thence East 608.4 feet to the place of beginning.

APN: R3218DA-2100

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: February 22, 2011

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

SUBJECT: Resolution Adopting the Revised Guidelines and Rules of the Council.

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

EXECUTIVE SUMMARY:

The council adopted the present guidelines and rules (G&R) on January 2, 2007. The council amended the G&R's by adding a provision dealing with the meeting compensation on September 2, 2008. The guidelines and rules were not meant to be extensive and/or cover all subjects. The rules portion is an attempt to clarify and set past practices of the council. This is an extensive revision of those rules. The rules attempt to cover many anticipated issues that might arise at council meetings and other meetings of the city. It is also an aim of the rules to give direction to council members so they can be familiar with how meetings take place. The rules also address the commissions and committees of the council in order to give some consistency.

The city's adopted charter specifies that the city must adopt rules governing its meetings and prescribing a manner of keeping records of those council meetings. These rules are also governed by the Oregon Public Records and Meetings Law. Any rules of the council must comply with state law. The charter does not specify in detail the council rules. The charter allows the council discretion when establishing the rules and procedures. However, state law applies in many aspects to the operation of the council. For example: Oregon Open Meeting Law, statutes concerning land use procedures and state ethics law.

The present Council Guidelines and Rules are very brief and do not address many issues that in practice are necessary to conduct the meetings. (Attached to this RCA is the present Council Guidelines and Rules as Exhibit "A"). Therefore, the rules have been rewritten and revised considerably in this new document. However, the guidelines remain the same. The guidelines are not as specific as the rules. In this document, the guidelines are separated from the rules. The guidelines provide direction to the council for building good relations with one another and with the public. The rules will need to be expanded at council direction to address developing areas, such as electronic mail.

These rules have borrowed policies from other cities on the idea that it is better to have a reasonable policy in place rather than proceed with no policy. This revision and expansion should be an ongoing process. This is part of the full implementation of the city charter and the ongoing review of the City Code.

This "first reading" of the revised guidelines and rules should be an opportunity for further council input and public comment. There have been many suggestions incorporated into this revision, as well as review of other cities' rules. The rules may then be discussed at a follow-up work session, and the final first revision be adopted at the next available council meeting.

Additional areas may be addressed and brought to the council for approval. These rules should serve as a guiding document for the commissions and committees that act as advisory boards to the city council. Council guidance on procedure for those commissions and committees is important.

It is also important that the operating tradition of the council be placed in the rules, which will give the council more legal authority. Rules as to when evidence may be presented, as well as the authority of the mayor to control meetings, are important factors in upholding decisions.

PLEASE NOTE:

- 1) Guidelines - As indicated above, the guidelines have been separated from the rules. The guidelines remain basically as written. In other councils, some of these issues are addressed in “council team agreements” through goal sessions and meetings meant to build relationships so that council members can work together. These guidelines can be developed as the council works to fulfill its mission statement and addresses the matters before them.

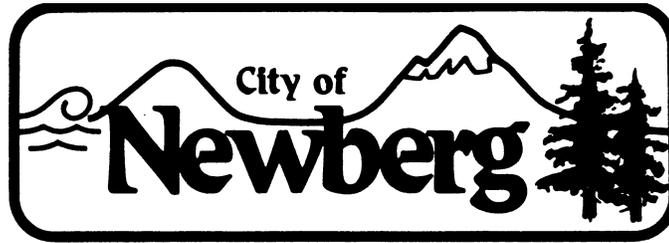
- 2) Council Rules - The rules are a separate document which lay out procedures, specifically on how to conduct the business of the council. They provide a blueprint which can be followed and passed down to the sub-committees. The more lengthy rules are similar to other cities’ rules.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

It is important that the council have proper authority to conduct meetings. The guidelines and rules is an important tool of the city for proper authority; to take necessary actions to ensure that procedures are correctly followed; so that meetings are conducted in an orderly manner; and so that decisions are upheld if reviewed. These rules will serve as an important document to direct commissions and committees of the city who act as advisors to the council concerning city policy and decisions. These rules will also provide the public with a “road map” on how the council conducts business, thereby providing transparency in the workings of the council.



CITY COUNCIL GUIDELINES AND RULES

September, 2008

NEWBERG CITY COUNCIL GUIDELINES

As a member of the Newberg City Council I will:

- Trust and respect the opinions of fellow Council members, and, I will be well informed and participate in the decisions of the Council.
- Accept responsibility to attend all Council meetings and Council sub-committees assigned.
- Fulfill obligations to share with other Council members the membership on the committees as required.
- Provide appropriate notification to the Mayor, Council President or City Manager of an absence as soon as practical prior to the meeting time.
- Not disclose information which is confidential and, when asked by the public for information that is still confidential, will state that the information is confidential.
- Make every attempt to resolve any conflict with a fellow Council member prior to bringing the conflict to the attention of the Council.
- Expect to be informed of all issues and data in a timely manner.

NEWBERG CITY COUNCIL MEETING EXPECTATIONS

As a Newberg City Council member I will:

- Make the citizens comfortable and part of the process at the meetings.
- Make visitors comfortable by being courteous and respecting their opinions.
- Do my best to communicate in clear, concise and audible language and written communications.
- Make sure my tone of voice is friendly and sincere.
- Honor and act on all requests for action and/or information in a timely and courteous manner.
- Discuss issues, but not personalities with non-Council members.
- After an issue has been voted on, I will speak for myself carefully, in a manner that does not undermine the integrity or motives of the Council, even if my opinions are different from the Council's decision. In quasi-judicial matters, I will explain the reasons why I cast a negative vote when I am in the minority.

Newberg City Council Rules

Councils need rules to decide questions on debating, voting, membership, attendance and agendas. The rules are intended to serve as a guide for the Council. One of the missions of the City 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. Ultimately, the Council may need to vary from these rules from time to time to best serve the public interest and the first rule provides the Council with that authority.

COUNCIL FINAL AUTHORITY ON GUIDELINES AND RULES: All questions regarding the rules shall be resolved by majority vote of the Newberg City Council.

CALL TO ORDER

Mayor's Duty: The Mayor shall call the Council members to order at the hour designated for the meeting. Should there not be a quorum present, it shall be the duty of the City Recorder to immediately inform the absent members, except those known to be unavoidably absent, that their presence is required to enable the Council to proceed with business. Should there not be a quorum within 15 minutes the members present shall adjourn until a quorum can be gathered or to the next regular meeting time established by the Council.

Mayor's Absence: If the Mayor is absent, the President of the Council shall call the Councilors to order. If both the Mayor and Council President are absent, the Councilors present shall agree on someone to serve as Chair and this person shall call the Council meeting to order.

Quorums: A majority of the members in office shall constitute a quorum for the transaction of business. In the event of the lack of a quorum, a smaller number of the members of the Council may meet and compel the attendance of the absent members.

Entire Membership: It is the interpretation of the City that when the Charter refers to the entire membership of the Council, that membership shall be the entire six (6) Councilors and the mayor elected at large. Absence from a particular meeting does not affect the required number for the majority of the entire membership. However, if an office is vacant, that office shall not be counted when counting the entire membership of the Council.

Definition of Majority:

1. For the purpose of a quorum, a majority of the Council members in office.
2. For the passing of a motion or resolution, a majority of the Council members present at a quorum.
3. For the passing of an order or ordinance, a majority of the Council members in office.

DEBATING AND VOTING

Mayor's Role: The Mayor shall preserve order and decorum, may speak to the points of order in preference to other members and shall 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 shall name who is to speak

first.

Address the Presiding Officer: When any member is about to speak in debate or deliver any matter to the Council, that member should respectfully address the presiding officer and should confine the remarks to the question under consideration and avoid personalities.

Voting Required: Every member who is present when a question is addressed shall vote for or against the question unless the Council excuses them; or, for just legal cause without being excused by the Council.

Chair Pro Tempore -- Right to Vote: A member of the Council acting as Chair Pro Tem may vote in all cases in which that member might vote if not so acting.

Discussion on Agenda Items: Discussion may occur at any time on an item.

Seconds on Motions: Generally, no motion shall 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.

Separating Items for Debate and Vote: If an item in debate contains several points, any member may have it divided. The member who made the original motion shall have the right to designate the order of voting for each separate item.

Reconsideration: When a question has been decided, it shall 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.

SPECIAL MEETINGS, AGENDAS AND ADDITIONAL ITEMS FOR COUNCIL CONSIDERATION

Special Meetings: Special meetings may be held at any time upon the Mayor's own motion or at the request of three (3) members of the Council. All meetings of the Council shall be called, noticed and held in accordance with the Rules of the Council, the Newberg City Charter and the Open Meeting Laws of the State of Oregon.

Non-agendized Items: The City Manager may, prior to the meeting, send out additions to the Agenda with the appropriate documentation and information. The Council may consider items which are not listed on the published agenda. The Council must by majority place the item on the Agenda. Action may then be taken on the item.

Time for Submission: Items for the Council agenda shall be submitted in time to allow for sufficient research by staff and recommendations from subcommittees or advisory committees of the City Council.

Reports to be Provided: Normally, the Mayor and each Councilor shall receive a report on each Council item to be considered by the Council at least one week prior to the Council meeting.

Additional Items: The City Manager may, after consulting with the Mayor or presiding member, up to 48 hours prior to the meeting, send out additions to the agenda with the appropriate documentation and information. The

Council may add the items not on the agenda.

Consent Calendar: The City Manager shall place items which have been previously reviewed by the City Council or items which are obviously routine in nature on the Consent Calendar. Items may be removed from the Consent Calendar by the Mayor or by a majority vote of the City Council. Ordinances shall not be placed on the Consent Calendar. Communications from the Floor shall be held prior to the approval of the Consent Calendar.

Council Items and Public Input: Council members should bring to the formal Council meeting items for discussion with the Mayor and City Manager. Any item brought before the Council from the public during the Communications from the Floor part of the agenda, should be referred to the staff for appropriate action and a report returned to the Council and the public citizen who expressed those concerns. Such procedure should not prevent the staff, Mayor, or City Council from answering directly to a citizen inquiry at the time it is brought before the Council.

Communications from the Floor: Persons speaking to the Council from the floor will be given the opportunity to speak for not less than three (3) minutes nor more than five (5) minutes; and speakers may share their time at the discretion of the Mayor or presiding officer. The Mayor may extend the time limit. Speakers may address the Council for less than their allotted time. Speakers are encouraged to submit information in writing at least ten (10) days prior to the Council meeting for the Council's review. Speakers may also submit information at the meeting, but it may or may not be read and considered by the Mayor and Council.

Agenda Availability: Council agendas are available for inspection at the Public Library, the City Administration Offices and on the City website one week prior to the City Council meeting. Interested residents are encouraged to read the agenda along with supporting material, and address questions to the Mayor, City Council or City staff prior to the meeting. The Mayor and Council value public input. In order to efficiently conduct the City's business, those who have concerns are encouraged to address these issues prior to the Council meeting.

RECORDS

City Recorder: The City Recorder shall be the ex officio clerk of the Council, attend all its meetings unless excused, and keep an accurate record of the proceedings of the Council meetings. The City Manager shall appoint and supervise the City Recorder and may appoint such deputy city recorders as may be needed.

QUALIFICATIONS TO HOLD OFFICE

Office Eligibility: The City Charter of the City of Newberg provides that no person shall be eligible to fill an elective office of the City unless at the time of the election, the person is a qualified voter and has resided in the City for at least one year immediately preceding the election and is living in the District for which they will be running. It is a requirement that the person continue to meet the qualifications throughout the term. The Council is the final judge of the qualifications and election of its members. (See Charter Section 28 for further eligibility requirements.)

ATTENDANCE

Attendance Duty: It is the duty of each Council member and the Mayor to attend all meetings of the Council. The Charter provides in Section 32 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 the consent of the Council. The

consent of the Council for such absence must be in writing and obtained prior to such absence. Consent will be given for good cause.

Excused Absence: When any Council member cannot attend a meeting of the Council, the member shall notify the Mayor or City Manager prior to the meeting. If the absence is for good cause, the absence shall be listed in the minutes as excused. If the absence is not for good cause, or prior permission is not obtained, except in the case of an emergency, the absence shall be listed in the minutes as unexcused.

Explanation if Unexcused: If any member has two unexcused absences from Council meetings or sub committee meetings of the Council, the Council may request an explanation at a regular meeting.

Filling Vacancies: Section 33 of the City Charter provides that vacancies in elective offices of the City shall be filled by appointment of the majority of the remaining members of the Council. When such vacancies occur, the Council shall follow the same procedures that the City uses to nominate persons for appointment on any board, committee or commission. In the event that all elective offices become vacant, the City Manager shall request the Secretary of State to call for a special election to fill the vacancies on the Council.

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.

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.

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

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

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.

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.

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

AGENDAS, MEETING TIME AND PLACE

Meetings of the Council: The Council shall conduct two (2) meetings per month, unless the second meeting is canceled by the Mayor and approved by the Council.

Meeting times and location. The Business Meetings of the Council shall be regularly held at the Public Safety Building on the first Monday of the month, unless that Monday is holiday in which case it will be held the following evening, and on the third Monday of the month, unless the third Monday is a holiday in which case it will be held the following evening. The second meeting of the month shall be an adjourned meeting of the first meeting. The Council Business Meeting and subsequent adjourned meetings shall be begin at 7:00 P.M.

Business Meeting Agenda: The order of business and the agenda of the City Council Business Meeting is as follows:

- I. Call Meeting to Order/Administration of Oath of Office
- II. Roll Call
- III. Pledge of Allegiance
- IV. Special Presentations and Recognitions
- V. City Manager's Report
- VI. Council Appointments
- VII. Communications from the Floor (30 minutes maximum which may be extended at the Mayor's or President's discretion; an opportunity to speak for three (3) minutes but nor more than five (5) minutes per speaker allowed)
- VIII. Consent Calendar (orders and ordinances cannot appear on the Consent Calendar.)
- IX. Public Hearings
- X. Continued Business
- XI. New Business
- XII. Council Business
- XIII. Executive Session (if necessary)
- XIV. Adjournment

The Mayor may, at his/her discretion, change the order of the agenda concerning Communications from the Floor and allow communications concerning items on the agenda or other Council business.

Work Session Meeting: The City Council may hold a work session prior to the Council Business meeting. The work session shall 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 Agenda shall be as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Review of the Council Agenda and Meeting (no decisions or actions to be taken on the items.)
- IV. Council Housekeeping Items (schedules, requests, announcements, limited to items of clarification, organization, calendar and questions of a general nature.)
- V. Executive Session (if necessary)
- VI. Adjourn

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 shall be kept by the City Recorder.

Study Session Meeting: The City 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 and confer with staff or other experts. The Study Session Agenda shall be as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Presentation of Information
- IV. Discussion and Questions
- V. Executive Session (if necessary)
- VI. Adjourn

The Mayor may allow questions and public comments. Minutes of the study session shall be kept by the City Recorder.

Joint Meeting or Community Forum Meeting: The City Council may hold, from time to time, meetings with other governmental entities or an open forum to discuss issues, relationship, strategic plans, or controversial issues. The agenda for these meetings shall be as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Joint Meeting or Community Forum Agenda
- IV. Summary and Closing Comments by Council and Mayor
- V. Adjourn

The purpose of this meeting is to listen and communicate. Comments from the public would be invited during item III. Minutes of the joint or community forum meeting shall be kept by the City Recorder.

CITY COUNCIL AD HOC COMMITTEES

Committee Structure of the Council: The Mayor shall have the authority to form ad hoc committees. The Mayor or City Manager may refer matters to the appropriate committee. The administrative responsibilities are as follows:

Ad Hoc Committees: The Mayor may form ad hoc committees to deal with specific tasks within specific time frames and make recommendations to the Council. The Mayor shall establish the membership criteria for the ad hoc committees and residency may not be required.

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

Membership on Ad hoc Committees: Each ad hoc committee of the Council shall have members appointed by the Mayor. Each member of the ad hoc committee shall have an equal vote on the committee. The reports of the ad hoc committee shall 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 sees fit.

Removal of Members of the Committee: The Mayor may remove any member of the ad hoc committee at any

time. Members of the committee shall be removed if the member fails to attend two (2) 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.

Meetings of the Ad hoc Committees: The meeting time and place of the committees shall be decided by the Chair with the consent of the committee. The meeting time and place may be changed provided there is adequate legal notice. The Chair shall 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.

STANDING COMMITTEES OF THE CITY COUNCIL

Finance Committee: This committee shall meet quarterly or more frequently if a specific project is assigned to:

1. Review budget, revenue, expenditures and investments of the City;
2. Provide information to the resident members of the committee;
3. Undertake specific projects and programs as assigned or by the City Council, or which are based on recommendations from the Committee with the approval of the Council;
4. Review City operations and expenses;
5. Make policy recommendations to the Council.

This committee will make recommendations to the Council. This Committee shall perform other duties as assigned by the Council from time to time. The Finance Director shall provide staff support.

City Manager's Responsibility: The City Manager shall attend standing committee meetings unless excused by the Mayor. The Manager has the authority to delegate work assigned by the Committee to any member of the City staff. The standing committee shall give its recommendation, suggestions and input to the staff through the Manager. The committee does not have the authority to require the Manager to perform any task. However, the Manager is encouraged to work cooperatively with the standing committees.

Approval: The last full revision of the City Council Guidelines and Rules was completed and adopted by Resolution No. 2007-2692 on January 2, 2007. The City Council amended the approved City Council Guidelines and Rules by adding a provision dealing with meeting compensation and attendance on September 2, 2008 by approving Resolution No. 2008-2807.

PARLIAMENTARY PROCEDURES ...at a glance

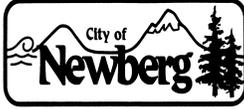
TO DO THIS:	YOU SAY THIS:	May you interrupt the speaker?	Do you need a second?	Is it debatable?	Can it be amended?	What vote is needed?	Can it be reconstructed?
Adjourn meeting	"I move that we adjourn	No	Yes	No	No	Majority	No
Call Intermission	"I move that we recess for	No	Yes	No	Yes	Majority	No
Complain about noise, etc	"I rise to a question of privilege	Yes	No	No	No	No vote	No (usually)
Temporarily suspend consideration of an issue	"I move to table the motion	No	Yes	No	No	Majority	No
End debate on an Amendment	"I move the previous question	No	Yes	No	No	2/3	No (1)
Postpone discussion for a certain time	"I move to postpone the discussion until...	No	Yes	Yes	Yes	Majority	Yes
Give closer analysis of something...	"I move to refer the matter to staff or committee...	No	Yes	Yes	Yes	Majority	Yes (2)
Amend a motion	"I move to amend the motion by	No	Yes	Yes (3)	Yes	Majority	Yes
Introduce business	"I move that...	No	Yes	Yes	Yes	Majority	Yes

THE MOTIONS LISTED ABOVE ARE IN ORDER OF PRECEDENCE...BELOW THERE IS NO ORDER

Protest breach or rules or Conduct	"I rise to a point of order	Yes	No	No	No	No vote (4)	No
Vote on ruling of the chair	"I appeal from the Chair's decision	Yes	Yes	Yes	No	Majority (5)	Yes
Suspend rules temporarily	"I move to suspend the rules so that"	No	Yes	No	No	2/3	No
Avoid considering an improper matter..	"I object to consideration of this motion	Yes	No	No	No	2/3 (6)	(7)
Verify a voice vote by having	"I call for a division or "Division"	Yes	No	No	No	No vote	No
Request information	"Point of information	No	No	No	No	No vote	No
Take up a matter previously tabled	"I move to take from the table	No	Yes	No	No	Majority	No
Reconsider a prior action	"I move to reconsider the vote on...	No	Yes	(8)	No	Majority	No

1. Unless vote on motion is not taken.
2. Unless the committee or staff has already taken up the subject.
3. Only if the motion to be amended is debatable.
4. Except in doubtful cases.
5. A majority vote in negative needed to reverse ruling of chair.
6. A 2.3 vote in negative needed to prevent consideration of main motion.
7. Only if the main question or motion was not, in fact, considered.
8. Only if motion to be reconsidered is debatable.

The Chair reserves the right to recognize meeting participants and interpret the procedure on all matters of process unless over-ruled by the Council.



RESOLUTION NO. 2011-2933

**A RESOLUTION ADOPTING THE REVISED NEWBERG CITY
COUNCIL GUIDELINES AND 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. The rules are also the proper place to direct procedures for commissions and committees of the council.
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. The rules are also meant to give direction to the city's committees and commissions.
5. It is the intention of the Council that these guidelines and rules not be static documents but be expanded and modified as the need occurs.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. Adoption of Council Guidelines – The City Council hereby repeals Resolution No. 2008-2807 and adopts the Council Guidelines of the City Council of the City of Newberg as set out in Exhibit “A,” which is attached and by this reference incorporated.
2. Adoption of Council Rules – The City Council hereby adopts the Council Rules of the City Council of the City of Newberg 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, as a necessity 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 in which case the ruling of the majority of the council as to the correctness of the interpretation or application 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 shall 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 a rule of the council, nor will that failure be used as grounds to invalidate any action taken by the council.
7. Effect of Adoption – Upon adoption, 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: February 23, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 22nd day of February, 2011.

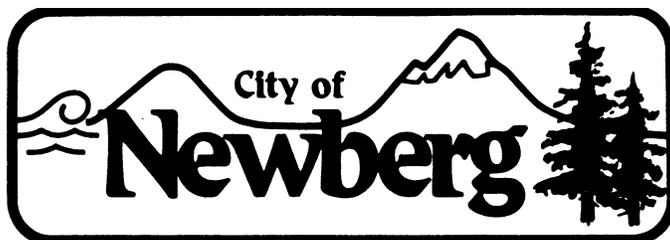
Norma I. Alley, City Recorder

ATTEST by the Mayor this 24th day of February, 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through City Council Committee at 10/04/2010 meeting. Or, None.
(committee name) (date) (check if applicable)



--- DRAFT 1 ---

**COUNCIL
GUIDELINES OF THE
CITY COUNCIL OF
THE CITY OF
NEWBERG**

February, 2011

COUNCIL GUIDELINES OF THE CITY COUNCIL OF THE CITY OF NEWBERG

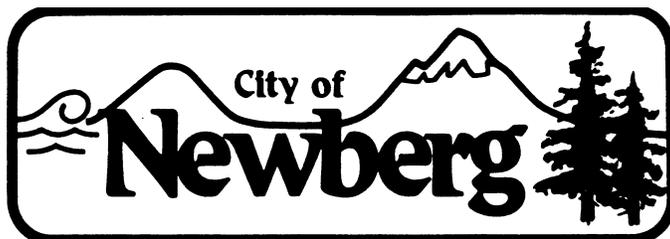
As a member of the Newberg City Council, council members will strive to do the following:

- 1). Trust and respect the opinions of fellow council members, and be well informed 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 still 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) Expect to be informed of all issues and data in a timely manner.

NEWBERG CITY COUNCIL MEETING EXPECTATIONS

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

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



-- DRAFT 1 --

**COUNCIL RULES OF
THE CITY COUNCIL
OF THE CITY OF
NEWBERG**

February, 2011

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Newberg City Council Rules

SECTION 1 – AUTHORITY

Rule 1.1 Authority of Rules –

The City Charter, section 11, 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 the rules will be resolved by majority vote of the city 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, with the council has the authority to require discussion at the meetings to 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 within 30 days of taking office. Each appointed or elected council member will acknowledge in writing that the member has received and reviewed a copy of these council 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. All final action by the council will take place at council meetings that are open to the public.

Rule 2.2 Quorum –

Pursuant to City Charter, at Section 13, 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 number of council members in office that will constitute a quorum for the transaction of business.

Rule 2.5 Vote Required –

The 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 –

The City Charter, at Section 17, requires the concurrence of the entire membership of the council for the passage of an ordinance. The entire membership of the council is the six (6) councilors and the mayor who is elected at large. The absence from a particular meeting does not affect the required number for the majority of the entire membership. However, if an office 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" 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, Newly Revised," 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 they may be needed. The records of the proceedings are to be known as "minutes" and will be kept in accordance with the Oregon Public Records and Meetings Law and in a manner prescribed by these rules pursuant to City Charter, Section 15.

SECTION 3 – CITY COUNCIL MEMBERS

Rule 3.1 Qualifications to Hold Office –

The city charter provides that no person will be eligible to fill the elective office of mayor or city council member of the city, 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. The City Charter, at Section 28 sets out complete qualifications for eligibility for these elective offices.

Rule 3.2 Attendance –

It is the duty of each councilor and the mayor to attend all meetings of the council. Section 32 of the 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 the consent of the council. 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 as to the absences.

Rule 3.3 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. Lack of notification will normally constitute an unexcused absence. The council has the authority to make the final decision concerning these absences.

Rule 3.4 Explanation of Unexcused –

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

Rule 3.5 Filling Vacancies –

Section 33 of the 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 will request the Secretary of State to call a special election to fill the vacancies of the council.

Rule 3.6 Compensation for Attendance at Meetings –

The Newberg City Code, at Section 30.01, provides that council members will receive compensation at 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 are as Follows:

1. **Regular or Special Meetings of the City Council –**

The meetings of the city council are any regular or special meetings of the city council, including any work sessions, goal settings, or informal 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 electronic means.

2. Council Committees –

City council committees or any committee board or other entity, which the council member attends in their official capacity representing the city or the city council. The committee will include any committee in which the members are appointed by the mayor with the approval of the city council and will also include any other committee in which the city council or mayor appoints the member to represent the city.

B. 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.

C. Non-Compensated Meetings:

Social meetings in which the main purpose of the meeting is social are not subject to the meeting compensation. Social meetings will include meetings such as city county dinners, annual banquet awards, and other.

D. Policy:

In considering what 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.

E. 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 –

The city charter provides that the council must meet at least once a month at a time and place designated by the council. 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. This rule is in conjunction with City Code Section 30.35, which states that the council may provide other regular council meetings besides the once a month meeting.

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 Oregon Public Meetings Law. The purpose of the notice is to give adequate notice to the public of business to be considered by the council at their meeting. 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 Oregon Public Meetings Law.

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 Oregon Public Meetings Law.

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 City Code, Section 30.36. 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 Oregon Public Meetings Law. The procedure followed at the special meeting will be the same as the procedure followed at the regular meetings.

Rule 4.6 Emergency Meetings –

The mayor, upon the mayor’s own motion may, and by giving notice thereof 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 that an actual emergency exists. The meeting will be called and notice will be given pursuant to Oregon Public Meetings Law. Attempts will be made to contact the media by telephone, fax, or e-mail to provide notice of the emergency meeting.

Rule 4.7 Executive Session Meetings –

Council may meet in executive session in accordance with the Oregon Public Meetings Law. Matters discussed in executive session will be exempt from public disclosure pursuant to Oregon Public Meetings Law. 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 Oregon Public Meetings Law may attend. The council by rule may define “news media representatives” within the meaning of the Oregon Public Meetings Law 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 city 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. The president of the council has the authority to place matters on the agenda and to object to matters being placed on the agenda. 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. The final authority on 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 commissions, subcommittees or advisory committees of the council.

Rule 5.4 Reports to be Provided –

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

Rule 5.5 Additional Items –

After consulting with the mayor, the city manager may, no later than forty-eight (48) hours prior to the meeting, send out additions to the agenda with appropriate documentation and information. The council may add the information not currently on the agenda. With prior notice to the council and under certain 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 mayor may extend the time limit. The maximum time allowed for communications from the floor, including all speakers is thirty (30) minutes. 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 for the council's review. 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 strict time limits established by council rules. 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 obviously routine in nature on the Consent Calendar. Items may be removed from the Consent Calendar by mayor or by request of a council member. Ordinances will not be placed on the Consent Calendar. Communications from the floor will be held prior to the approval of the Consent Calendar.

Rule 5.8 Agenda Availability –

Council agendas and the accompanying documents are available at city administrative offices 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. 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 agenda will be as follows:

- I. Call Meeting to Order
- II. Roll Call
- III. Review of the Council Agenda and Meeting (no decisions or actions to be taken on the items.)
- IV. Council Housekeeping Items (schedules, requests, announcements, limited to items of clarification, organization, calendar and questions of a general nature.)
- V. Executive Session (if necessary)
- VI. Specific Items for Presentations
- VII. Reports or Presentations from Commission, Committees, Ad-hoc Committees, or Groups Invited by the Council
- VIII. 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 as follows:

- I. Call meeting to Order/Administration of Oath of Office
- II. Roll Call
- XV. Pledge of Allegiance
- XVI. Special Presentations and Recognitions
- XVII. City Manager’s Report
- XVIII. Council Appointments
- XIX. 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)
- XX. Consent Calendar (orders and ordinances cannot appear on the Consent Calendar.)
- XXI. Public Hearings
- XXII. Continued Business
- XXIII. New Business
- XXIV. Council Business
- XXV. Executive Session (if necessary)
- XXVI. Adjournment

The mayor may, at the mayor's discretion, change the order of the agenda and allow communications concerning items on the agenda or other council business.

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 agenda will be as follows:

- VIII. Call Meeting to Order
- IX. Roll Call
- X. Presentation of Information
- XI. Discussion and Questions
- XII. Executive Session (if necessary)
- XIII. Specific Items for Presentations
- XIV. Reports or Presentations from Commission, Committees, Ad-hoc Committees, or Groups Invited by the Council
- XV. Adjourn

The Mayor may allow questions and public comments. 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, from time to time, meetings with other governmental entities or an open forum to discuss issues, relationship, strategic plans, or controversial issues. The agenda for these meetings will be as follows:

- XVI. Call Meeting to Order
- XVII. Roll Call
- XVIII. Joint Meeting or Community Forum Agenda
- XIX. Summary and Closing Comments by Council and Mayor
- XX. Adjourn

The purpose of this meeting is to listen and communicate. Comments from the public would be invited during item III. Minutes of the joint or community forum meeting will be kept by the city recorder.

SECTION 6 – PRESIDING OFFICER

Rule 6.1 Mayor –

Pursuant to City Charter, at Section 9, 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 City Charter, Section 10, 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 Item –

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 then 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. Should there not be a quorum present, it will be the duty of the city recorder to immediately inform the absent members, except those known to be unavoidably absent, that their presence is required to enable the council to proceed with business. Should there not be a quorum within fifteen (15) minutes, the members present will adjourn until a quorum can be gathered or to be the next meeting time established by the council or to the next regular meeting time.

Rule 7.2 Points of Order –

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.

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.

Rule 7.9 Public Legislative Hearing –

Pursuant to the City Charter, at Chapter IV, the council exercises legislative authority. 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 “A” to these rules and by this reference is incorporated.

Rule 7.10 First Reading of Ordinances –

The City Charter, at Section 17, 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 ready 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 week before the meeting. The council establishes, by this rule, the practice that an ordinance will be presented to the council for consideration and discussion at one meeting prior to the passage of the ordinance. The ordinance may be finally acted upon at the first meeting that the ordinance is proposed if a majority of the entire membership decides to do so. The ordinance may 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 7.11 Public Administrative Hearing –

Pursuant to City Charter, at Chapter V, the council exercises its administrative authority. 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, the council will follow the administrative hearing format. That format is hereby attached as Exhibit “B” to these rules and by this reference is incorporated.

Rule 7.12 Public Quasi-judicial Hearing –

Pursuant to City Charter, at Chapter VI, the council exercises its quasi-judicial authority. That quasi-judicial

authority is usually exercised by adoption of an order. 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 separate and distinct types of quasi-judicial public hearing procedures that will be used by the council.

- 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 “C” 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 public hearing procedure, the council will use the procedure that is hereby attached as Exhibit “D” 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 notify interested persons who participate in the hearing and to be able to send them information, it is necessary for interested persons to register at the council meeting before making oral comments and/or providing input at the meeting. Interested persons should register for each subject they wish to make comments concerning. These public comment registration forms will be made part of the meeting records in accordance with Oregon Public Records Law. The registration forms will contain a provision where persons may indicate that they do not wish for their address, phone number, and email address to be released in any public records request. When interested persons address the council or give oral comments, they should state their name, but do 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 has the authority to change, revise, and/or amend the form to best implement 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 set out in the council rules. The person should comply with the guidelines as set out in “How to Testify,” which is hereby attached as Exhibit “E” and by this reference is incorporated.

SECTION 8 – ENFORCEMENT OF COUNCIL RULES

Rule 8.1 Presiding Officer –

The presiding officer will enforce the council rules. In addition, the 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 presiding officer will enforce order, prevent attacks on personalities or impugning 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 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 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 observed; 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; shoes should be worn; and outside jackets should be removed.

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 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 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 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. The mayor will notify the council and the city manager of the formation of an ad-hoc committee, including the purpose of the committee, as well as a list of the membership.

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 and residency may not be required.

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) 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 Oregon Public Meetings Law.

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 members of all ad-hoc committees. The ex-officio members may attend any committee. 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 Oregon Public Meetings Law.

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.

SECTION 12 – TRAINING
(SAVED FOR EXPANSION)

SECTION 13 – GOAL SETTING
(SAVED FOR EXPANSION)

SECTION 14 – RECORD OF MEETINGS
(SAVED FOR EXPANSION)

SECTION 15 – CITY COMMISSIONS AND COMMITTEES
(SAVED FOR EXPANSION)

SECTION 16 – STANDING COMMITTEES OF THE COUNCIL
(SAVED FOR EXPANSION)

SECTION 17 – ETHICS
(SAVED FOR EXPANSION)

SECTION 18 – MISCELLANEOUS
(SAVED FOR EXPANSION)

SECTION 19 – AMENDMENTS TO COUNCIL RULES

Rule 19.1 AMENDMENTS –

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



PARLIAMENTARY PROCEDURES
(NEXT PAGE)

PARLIAMENTARY PROCEDURES ...at a glance

TO DO THIS:	YOU SAY THIS:	May you interrupt the speaker?	Do you need a second?	Is it debatable?	Can it be amended?	What vote is needed?	Can it be reconstructed?
Adjourn meeting	"I move that we adjourn	No	Yes	No	No	Majority	No
Call Intermission	"I move that we recess for	No	Yes	No	Yes	Majority	No
Complain about noise, etc	"I rise to a question of privilege	Yes	No	No	No	No vote	No (usually)
Temporarily suspend consideration of an issue	"I move to table the motion	No	Yes	No	No	Majority	No
End debate on an Amendment	"I move the previous question	No	Yes	No	No	2/3	No (1)
Postpone discussion for a certain time	"I move to postpone the discussion until...	No	Yes	Yes	Yes	Majority	Yes
Give closer analysis of something...	"I move to refer the matter to staff or committee...	No	Yes	Yes	Yes	Majority	Yes (2)
Amend a motion	"I move to amend the motion by	No	Yes	Yes (3)	Yes	Majority	Yes
Introduce business	"I move that...	No	Yes	Yes	Yes	Majority	Yes

THE MOTIONS LISTED ABOVE ARE IN ORDER OF PRECEDENCE...BELOW THERE IS NO ORDER

Protest breach or rules or Conduct	"I rise to a point of order	Yes	No	No	No	No vote (4)	No
Vote on ruling of the chair	"I appeal from the Chair's decision	Yes	Yes	Yes	No	Majority (5)	Yes
Suspend rules temporarily	"I move to suspend the rules so that"	No	Yes	No	No	2/3	No
Avoid considering an improper matter..	"I object to consideration of this motion	Yes	No	No	No	2/3 (6)	(7)
Verify a voice vote by having	"I call for a division or "Division"	Yes	No	No	No	No vote	No
Request information	"Point of information	No	No	No	No	No vote	No
Take up a matter previously tabled	"I move to take from the table	No	Yes	No	No	Majority	No
Reconsider a prior action	"I move to reconsider the vote on...	No	Yes	(8)	No	Majority	No

1. Unless vote on motion is not taken.
2. Unless the committee or staff has already taken up the subject.
3. Only if the motion to be amended is debatable.
4. Except in doubtful cases.
5. A majority vote in negative needed to reverse ruling of chair.
6. A 2.3 vote in negative needed to prevent consideration of main motion.
7. Only if the main question or motion was not, in fact, considered.
8. Only if motion to be reconsidered is debatable.

The Chair reserves the right to recognize meeting participants and interpret the procedure on all matters of process unless over-ruled by the council.

DRAFT OUTLINE FOR PUBLIC HEARING

Newberg City Council

▶ LEGISLATIVE HEARING ◀

Exhibit "A"
To Council Rules
(Resolution 2933)

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

DRAFT OUTLINE FOR PUBLIC HEARING

Newberg City Council

► ADMINISTRATIVE HEARING ◀

Exhibit “B”
To Council Rules
(Resolution 2933)

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

Exhibit “C”
To Council Rules
(Resolution 2933)

***DRAFT 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

DRAFT 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. 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.

Exhibit "E" To

HOW TO TESTIFY

The City Staff has prepared this information in order to make it easier for you to testify. The City encourages all interested parties to testify either orally **or in writing (or both)**. Your testimony will become part of the permanent record of the decision and can assist the City Council in reaching a decision. If you do not testify at the meeting, you may be precluded from appealing the project later if you are not satisfied with the decision.

1. **Registration Cards:** Fill out a registration card entitled "**CITY OF NEWBERG, PUBLIC COMMENT REGISTRATION CARD**". These cards let the Mayor know that someone wishes to speak on an item. The cards are generally located by the door on the way in to the meeting. If you are unable to locate the cards, please write down your name and address on any piece of paper and indicate the agenda item that you wish to speak about. **It is not necessary to testify orally at the meeting, you may submit written comments.** Hand the registration card to the staff so that they can forward to the Mayor. The Mayor will announce the deadline for submitting the registration card. Don't wait until just before you speak! If no one is signed up to speak, the public testimony portion could be closed before you have a chance to testify.
2. **Agenda:** Get a copy of the agenda. It should be located near the registration cards. The agenda will have the hearing number listed on it. (Typically called "**PUBLIC HEARINGS**"). The agenda item number and file number need to be on the registration card. Can't find an item on the agenda? Ask a staff member.

Note: Not all items on the agenda are open for public testimony.

3. **Staff Report and Criteria:** Get a copy of the staff report. The staff report will have more detailed information about the project and should be located by the registration cards and agendas. Read through the staff report paying particular attention to the **criteria** and the responses to the criteria. Oregon law requires testimony to be directed to the criteria for approving an application. The criteria are a list of "tests" that the project must meet in order to be approved. The criteria vary from application to application. The "burden of proof" in meeting the criteria is on the applicant. **To assist you in finding the criteria, there is an abbreviated list of the criteria immediately behind the cover page of the staff report.**
4. **Patience:** Often times the meetings move very slowly due to complicated issues and the public testimony process. Use this time to organize your thoughts, read through the staff report and to jot down some notes to assist you in speaking. Please be considerate of other people testifying by being quiet or by moving outside the room to talk to others.
5. **Speaking:** The Mayor will call each agenda item as it comes up on the agenda. If you turned in a registration card you will be asked to speak when your turn comes up. **To follow the public hearing process, a list of the steps of the public hearing is contained in back of the agenda titled "PUBLIC HEARING".** You will be able to testify under step 4, titled **PUBLIC TESTIMONY/PUBLIC COMMENT REGISTRATION FORM**. When you testify, please state your name and address for the record (it's a double check in case someone forgets to submit a registration card). The Mayor will often set time limits on the amount of testimony that each person is allowed to provide. Typically, the time limit is five (5) minutes but could be modified depending on the item. The Mayor will state the time limit at the start of the hearing.
6. **Written Information:** **Feel free to submit written information into the record at the hearing (either to summarize your testimony or substitute for testifying orally).** Staff will summarize this information prior to the Council making their final decision.
7. **Nervous?** It is difficult to speak in front of people. Try to remain calm, your testimony is a valuable and important part of the public input process. We want to hear what you have to say!