

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 formal land use hearings, which requires a specific public hearing process.)

**CITY OF NEWBERG
CITY COUNCIL AGENDA
JULY 19, 2010
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

VI. PUBLIC COMMENTS

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

VII. CONSENT CALENDAR

1. Consider a motion approving [Resolution No. 2010-2913](#) accepting jurisdiction over Sandoz Road and a portion of Springbrook Road. (Pgs. 3-8)
2. Consider a motion approving [Resolution No. 2010-2914](#) authorizing the City Manager to execute 2nd Street Improvement Project contract change order #2 to increase the contract price to \$457,121.85. (Pgs. 9-12)
3. Consider a motion approving [City Council Minutes](#) for June 7, 2010, and June 21, 2010. (Pgs. 13-26)

VIII. PUBLIC HEARING

Consider a motion to continue [Ordinance No. 2010-2728](#) approving the final assessments for the Columbia Drive (Group B) Local Improvement District until August 16, 2010. (Pgs. 27-28)

IX. COUNCIL BUSINESS

Discussion and review of Council Guidelines & Rules regarding the submittal of written testimony. (Pgs. 29-43)

X. ADJOURNMENT

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

INDEX OF ORDERS, ORDINANCES AND/OR RESOLUTIONS:

ORDINANCES:

Ordinance No. 2010-2728 approving the final assessments for the Columbia Drive Local Improvement District (Group B) Project.

RESOLUTIONS:

Resolution No. 2010-2913 accepting jurisdiction of Sandoz Road and a portion of Springbrook Road from Yamhill County.

Resolution No. 2010-2914 authorizing the City Manager to execute contract change order #2 with the Saunders Company, Inc. for \$18,657.22 to complete the 2nd Street Improvements Project.

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 all 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.

*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: July 19, 2010

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2010-2913

SUBJECT: Transfer of jurisdiction of the entire Sandoz Road and a portion of Springbrook Road from Yamhill County to the City of Newberg.

Contact Person (Preparer) for this Resolution: Paul Chiu, Senior Engineer

Dept.: Public Works Department

File No.:
(if applicable)

RECOMMENDATION: Adopt **Resolution No. 2010-2913** accepting jurisdiction over Sandoz Road and a portion of Springbrook Road starting at 285.12 feet south of the Hayes Street intersection to the Wilsonville Road intersection, subject to the conditions enumerated therein.

EXECUTIVE SUMMARY: Yamhill County Engineer, Mr. Bill Gille has conveyed the County's intent to surrender to the City, jurisdiction over several County roads including Sandoz Road and a portion of Springbrook Road that lie within the City limits. The proposed right-of-way transfer includes County's financial and pavement overlay incentives. City staff evaluated the County's intent and responded with willingness to acquire only Sandoz Road and a portion of Springbrook Road.

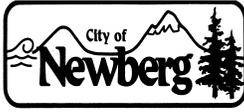
The streets under consideration (Exhibit "A") are:

- (a) All of Sandoz Road; and
- (b) That portion of Springbrook Road beginning 285.12 feet south of the centerline intersection of Springbrook Road and Hayes Street and continuing to the Wilsonville Road intersection, a distance of about 3,168.00 feet.

The Yamhill County Commission, following a duly noticed public hearing, passed Board Order No. 10-307 (Exhibit "B"), offering to transfer the above mentioned right-of-way jurisdiction to the City. Board Order No. 10-307 stipulates that the transfer shall be deemed accepted by the City on the enactment of appropriate municipal legislation. Following the transfer, the City shall be responsible for all maintenance and repair of the road segment and for the financing thereof.

FISCAL IMPACT: The County will pay the City \$77,493 which constitutes the cost the County would have paid to overlay the said portion of Springbrook Road desired by the City. The County will also perform an asphalt overlay project on Sandoz Road in summer 2010. The City will be responsible for the future maintenance of both streets.

STRATEGIC ASSESSMENT: It is appropriate that streets within the City limits of the City of Newberg be under the jurisdiction of the City. This will assure that any and all improvements will be in compliance with City standards.



RESOLUTION No. 2010-2913

**A RESOLUTION ACCEPTING JURISDICTION OF SANDOZ ROAD AND A
PORTION OF SPRINGBROOK ROAD FROM YAMHILL COUNTY**

RECITALS:

1. On March 29, 2010, Yamhill County conveyed its intent to surrender to the City, jurisdiction over several County roads including Sandoz Road and a portion of Springbrook Road that lie within the City limits. In response, the City expressed its interest to acquire only Sandoz Road and a portion of Springbrook Road. Those streets are shown in Exhibit "A". Exhibit "A" is hereby attached and by this reference incorporated.
2. The County initiated a formal process under ORS 373.270 and a duly noticed public hearing on the proposed transfer of jurisdiction was held in the Yamhill County Courthouse on June 2, 2010. No testimony opposed to the proposed transfer of jurisdiction was received.
3. On June 9, 2010, the County Board passed Board Order No. 10-307 which is shown in Exhibit "B". Exhibit "B" is hereby attached and by this reference incorporated. Based on the record of the public hearing and the request of the City of Newberg, a transfer of jurisdiction was found to be in the best interest of Yamhill County. The Board Order constituted a formal offer to transfer jurisdiction. The operative part of the Board Order provided as follows:
 - A. Yamhill County hereby offers to surrender jurisdiction over the following portions of Yamhill County roads to the City of Newberg, Oregon:
 - (i) All of Sandoz Road; and
 - (ii) That portion of Springbrook Road beginning 285.12 feet south of the centerline intersection of Springbrook Road and Hayes Street and continuing south to the Wilsonville Road intersection, a distance of approximately 3,168.00 feet.
 - B. Upon the City of Newberg's enactment of appropriate municipal legislation accepting the County's offer to surrender jurisdiction and in accordance with ORS 373.270(7) (2009 replacement part), the offer shall be deemed accepted with the following effect:
 - (i) The jurisdiction of the County over the subject portions of roads or for their improvement, construction or repair shall cease.
 - (ii) The full and absolute jurisdiction over the subject portions of roads for all purposes of repair, construction, improvement and the levying and collection of assessments therefore shall vest in the City of Newberg.
 - (iii) The City of Newberg shall have the same jurisdiction over the subject portions of

roads as by its charter and the laws of the State are given or granted it over any of the public streets and alleys of the City.

4. The conditions of Board Order No. 10-307 are satisfactory to the City of Newberg. It is now necessary and proper that Board Order No. 10-307 and the offer contained therein be accepted by appropriate legislation of this Council as the governing body of the City of Newberg.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The offer of Yamhill County, Oregon, as contained in Board Order No. 10-307, dated June 9, 2010, to surrender jurisdiction to the City of Newberg over the following described portions of road is hereby accepted: (a) all of Sandoz Road; and (b) that portion of Springbrook Road beginning 285.12 feet south of the centerline intersection of Springbrook Road and Hayes Street, and continuing south to the Wilsonville Road intersection, a distance of approximately 3,168.00 feet.
2. This resolution shall constitute notice to all persons concerned from the date of this resolution that the jurisdiction of Yamhill County over the portions of the roads described above shall cease. This resolution shall further constitute notice that the full and absolute jurisdiction over these road segments shall vest in the City of Newberg for all purposes of repair, construction, improvement, and levying and collection of assessments therefore.
3. A true copy of this resolution certified to be such by the City Recorder of the City of Newberg be forwarded to the Yamhill County Board of Commissioners.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 20, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 19th day of July 2010.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 22nd day of July 2010.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ___ / ___ /2010 meeting. Or, X None.

Exhibit "A"

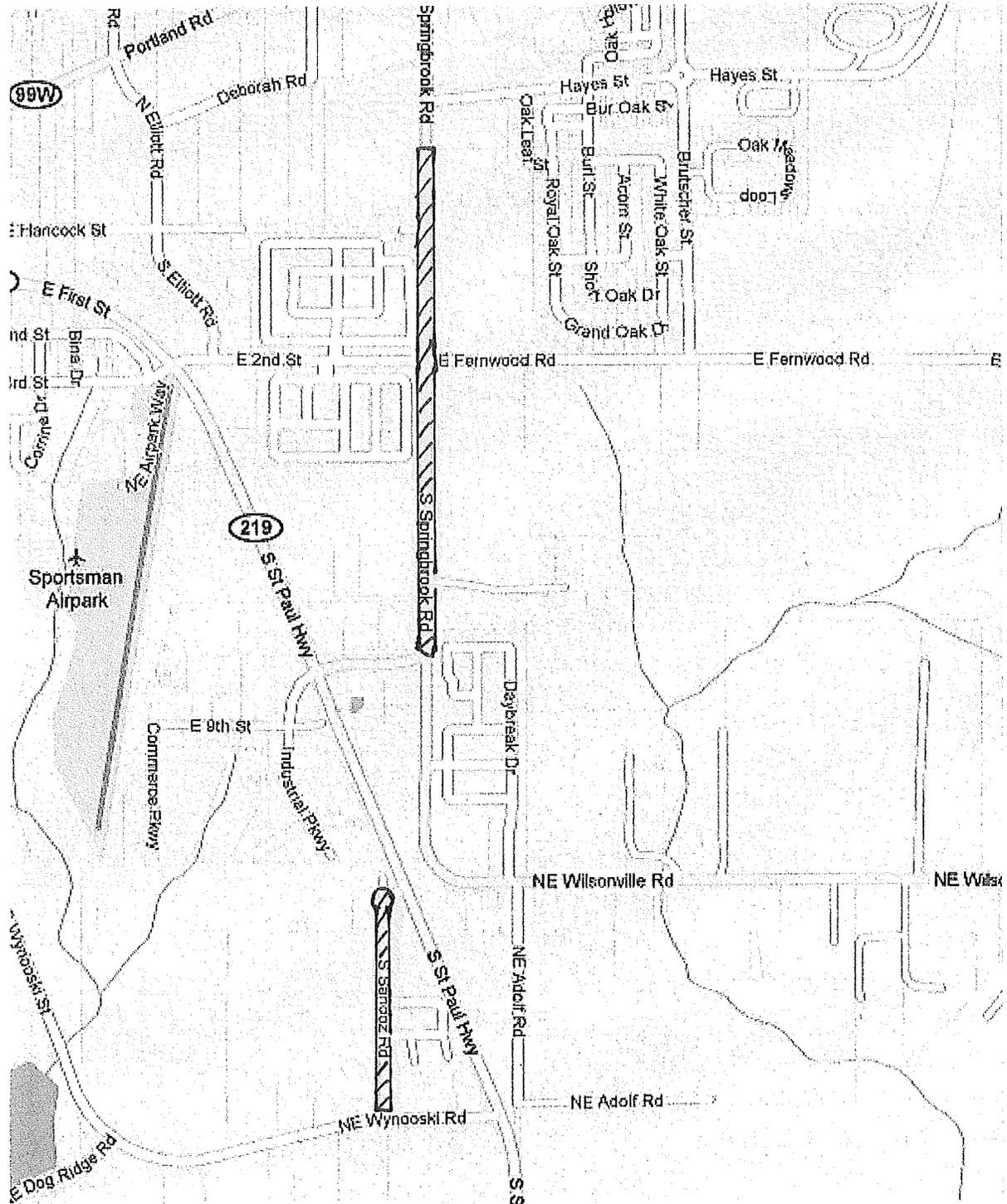


EXHIBIT "B"

IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

SITTING FOR THE TRANSACTION OF COUNTY BUSINESS

In the Matter of the Adoption)	
of an Order offering to Surrender)	
Jurisdiction to the City of Newberg)	BOARD ORDER 10-307
over Sandoz Road and a Portion of)	
Springbrook Road.)	

THE BOARD OF COMMISSIONERS OF YAMHILL COUNTY, OREGON ("the Board") sat for the transaction of county business in formal session on June 9, 2010 commissioners Kathy George, Mary P. Stern and Leslie Lewis participating.

THE BOARD MAKES THE FOLLOWING FINDINGS.

A. ORS 373.270 governs the transfer of jurisdiction over county roads within cities. The City of Newberg requested the county to initiate a process to surrender jurisdiction over Sandoz Road and a portion of Springbrook Road. A copy of the city's request is attached to Board Order 08-185. Board Order 10-195 was adopted April 14, 2010 to initiate a process to surrender jurisdiction over the described roads. The subject portions are described in the operative part of this Board Order. A public hearing was set for June 2, 2010 to consider the proposed transfer. Public notice of the hearing was given in accordance with ORS 373.270(2). On June 2, 2010 a public hearing was held in Room 32 of the Yamhill County Courthouse on the proposed transfer of jurisdiction. The question before the Board was whether a transfer of jurisdiction over the subject roads was necessary, expedient or in the best interest of the county. No testimony opposed to the proposed transfer of jurisdiction was received.

B. Based upon the record of the public hearing and the request of the City of Newberg, the Board finds that the transfer of jurisdiction over Sandoz Road and a portion of Springbrook Road is in the best interest of the county. NOW, THEREFORE,

IT IS HEREBY ORDERED BY THE BOARD AS FOLLOWS:

1. Yamhill County hereby offers to surrender jurisdiction over the following portions of Yamhill County roads:
 - a. All of Sandoz Road.
 - b. That portion of Springbrook Road beginning 285.12 feet south of the centerline intersection of Springbrook Road and Hayes Street (City of Newberg) and continuing to the Wilsonville Road intersection, a distance of about 3,168.00 feet.

EXHIBIT "B"

2. Upon the City of Newberg's enactment of appropriate municipal legislation accepting the county's offer to surrender jurisdiction, and in accordance with ORS 373.270(7) (2009 replacement part), the offer shall be deemed accepted with the following effect:

- a. The jurisdiction of the county over the subject portions of road or for their improvement, construction or repair shall cease.
- b. The full and absolute jurisdiction over the subject portions of road for all purposes of repair, construction, improvement and the levying and collection of assessments therefor shall vest in the City of Newberg.
- c. The City of Newberg shall have the same jurisdiction over the subject portions of road as by its charter and the laws of the state are given or granted it over any of the public streets and alleys of the city.

3. As soon a reasonably practicable following the city's enactment of appropriate municipal legislation described in numbered paragraph (2), the County will take the following actions:

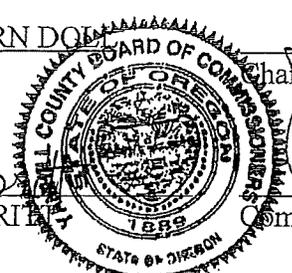
- a. The County will pay the City \$77,493, constituting the cost the County would have paid to overlay the portion of Springbrook Road desired by the City.
- b. The County will cause to be performed an overlay project on Sandoz Road.

DONE at McMinnville, Oregon on June 9, 2010.

ATTEST

YAMHILL COUNTY BOARD OF COMMISSIONERS

REBEKAH STERN DOERFLINGER
County Clerk



Kathy George
Chair
KATHY GEORGE

By: *Anne Brinkley*
Deputy ANNE BRINKLEY

Mary P. Stern
Commissioner
MARY P. STERN

FORM APPROVED BY:

John M. Gray, Jr.
JOHN M. GRAY, JR.
Yamhill County Legal Counsel

Leslie Lewis
Commissioner
LESLIE LEWIS

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 19, 2010

Order ____	Ordinance ____	Resolution <u>XX</u>	Motion ____	Information ____
No.	No.	No. 2010-2914		

SUBJECT: Authorize the City Manager to execute contract change order #2 with The Saunders Company, Inc. to increase the total contract price for the 2nd Street Improvements Project from the approved \$398,975.00 to \$457,121.85.	Contact Person (Preparer) for this Resolution: Paul Chiu, Project Manager Dept.: Public Works Department File No.: <i>(if applicable)</i>
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RECOMMENDATION: Adopt **Resolution No. 2010-2914** approving a contract change order.

EXECUTIVE SUMMARY: The Council awarded the contract for 2nd Street Improvements to The Saunders Company, Inc. (TSC) at their April 19, 2010 meeting per Resolution No. 2010-2893. That approval was for an amount up to \$398,975.00 which included the base bid amount and alternate bid items A and B. Alternate A was for street trees on the north side of 2nd Street. Alternate B was for frontage improvements in front of Nut Tree Mobile Home Park. Since the City did not have the necessary right-of-way obtained, Alternate B was not awarded at that time.

During construction, six additional downspouts from Mountainview mobile homes were discovered and required connections to the proposed 18” storm line on 2nd Street. TSC also discovered that two existing high pressure gas lines (a 2” and 8”) were in conflict with the same proposed 18” storm line. These gas lines were potholed and determined to be at the same depth as the proposed 18” storm line thus preventing the necessary rain drain connections from being made.

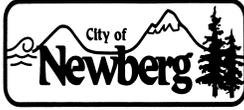
After exploring all options, City staff and TSC agreed on an economical design to resolve this conflict. The solution involves installing a new 12” storm line in a to-be-abandoned shallow storm trench which is located in between Mountainview mobile homes and the two gas lines.

Resolving the storm drainage issues requires two separate change orders. The initial one addressed the immediate actions to deal with storm drainage without severely impacting the project schedule as well as addressing other minor changes dealing with installation of conduit under the road bed for future power and communication infrastructure. Change Order No. 1, in the amount of \$72,503.63, has been executed by the City Manager for these initial actions plus it awarded Alternate B, now that the right-of-way from Nut Tree Mobile Home Park has been obtained. This increased the contract amount to \$438,464.63 (109.90% of the Council approved amount).

To complete this project, Change Order No. 2 for \$18,657.22 is necessary to address the remaining storm drainage issues (3 required manholes, additional potholing, steel plate protection and road bed fabric) plus a recently discovered unknown site condition where large block of concrete material was found to interfere with the road grade just east of Elliot Street. This second change order will add \$18,657.22 bringing the entire contract total to \$457,121.85 and represents an overall increase of 14.57% (or \$58,146.85) over the Council originally approved contract amount. This new contract total is still under the original budget of \$550,000.

FISCAL IMPACT: This is an approved Capital Improvement Project in the 09/10 and 10/11 budgets under account number 18-5150-702154, and is funded at \$550,000.00.

STRATEGIC ASSESSMENT: City’s commitment to provide pavement rehabilitation on heavily traveled streets to benefit local businesses continues with the completion of this project.



RESOLUTION No. 2010-2914

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE CONTRACT CHANGE ORDER #2 WITH THE SAUNDERS COMPANY INC. FOR \$18,657.22 TO COMPLETE THE 2ND STREET IMPROVEMENTS PROJECT

RECITALS:

1. The City of Newberg has awarded a contract to The Saunders Company, Inc. (TSC) to construct the 2nd Street Improvements Project on April 19, 2010 per Resolution No. 2010-2893.
2. During construction, TSC discovered six additional downspouts from Mountainview mobile homes and a conflict between two existing high pressure gas lines (a 2" and 8") and a proposed 18" storm line. City staff and TSC have agreed on an economical design to resolve this conflict and two separate change orders are required.
3. The City Manager has executed Change Order No. 1 to award Bid Alternate B and to address the immediate needs to install a new 12" storm line in a to-be-abandoned shallow storm trench lying in between Mountainview mobile homes and the two gas lines as well as addressing other minor changes dealing with installation of conduit under the road bed for future power and communication infrastructure. This increased the contract amount to \$438,464.63 (109.90% of the Council approved amount).
4. Change Order No. 2 for \$18,657.22 is necessary to address the remaining storm drainage issues (3 required manholes, additional potholing, steel plate protection and road bed fabric) plus a recently discovered unknown site condition where large block of concrete material was found to interfere with the road grade just east of Elliot Street. This second change order will bring the entire contract total to \$457,121.85 (which represents an increase of 14.57% over the Council's originally approved amount).
5. This capital improvement project is budgeted in FY 2009/10 and 2010/11 under account number 18-5150-702154 and the new contract is still under the original budget of \$550,000.00.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

Authorize the City Manager to execute Change Order No. 2 with The Saunders Company, Inc. for \$18,657.22 to complete the 2nd Street Improvements Project.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 20, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 19th day of July 2010.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 22nd day of July 2010.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through _____ Committee at ___ / ___ /201x meeting. Or, X None.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 19, 2010

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

SUBJECT: Approve the June 7, 2010, and June 21, 2010, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: Jennifer Nelson, Recording Secretary

Dept.: Administration

File No.:
(if applicable)

RECOMMENDATION:

Approve the June 7, 2010, and June 21, 2010, City Council minutes for preservation and permanent retention in the City's official records.

EXECUTIVE SUMMARY:

On June 7, 2010, and June 21, 2010, the City of Newberg City Council held public meetings. At those meetings, minutes were recorded in text.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

VI. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2010-2904** authorizing the City Manager to negotiate and enter into a Guaranteed Maximum Price Amendment for the construction of the Highway 240 Pump Station and Force Main Project with Mortenson Construction, in accordance with their contract with the City.
2. Consider a motion approving a **Proclamation** recognizing Sergeant Mark Cooke, Senior Officer Scott Liston, and Officer Thomas Sattler for actions taken saving the life of another and awarding them the Life Saving Award.
3. Consider a motion approving **City Council Minutes** for May 3, 2010.

MOTION: Rierson/McKinney approving the Consent Calendar including **Resolution No. 2010-2904** authorizing the City Manager to negotiate and enter into a Guaranteed Maximum Price Amendment for the construction of the Highway 240 Pump Station and Force Main Project with Mortenson Construction, in accordance with their contract with the City; a Proclamation recognizing Sergeant Mark Cooke, Senior Officer Scott Liston, and Officer Thomas Sattler for actions taken saving the life of another and awarding them the Life Saving Award; and the City Council Minutes for May 3, 2010. (5 Yes/0 No/1 Absent [Shelton]/1 Vacant) Motion carried.

VIII. NEW BUSINESS

Consider a motion approving **Resolution No. 2010-2903** approving the replacement of the existing downtown fall banners with new banners.

TIME – 7:17 PM

This item heard out of order from the agenda.

Mr. David Beam, Economic Development Planner, presented the staff report (see official meeting packet for full report).

Mr. Rob Felton, Newberg Downtown Revitalization Committee Chair, stated they have shown the new design to a lot of people and received feedback to make the proposed changes.

Councilor Denise Bacon asked if a student designed it. Mr. Felton replied the designer was a George Fox University student and they are planning on purchasing fifty of the flyers.

Ms. Pat Haight felt the banners should say something to promote downtown because Newberg is not just the home of George Fox University (GFU). She thought other business names should be on the banner and she did not understand why the sign in Sherwood for GFU does not mention Newberg.

Councilor Bart Rierson asked if the banners are seasonal. Staff replied there are four seasonal banners and added there were issues in the design process only allowing the name of the city and a logo. They worked with GFU and accepted the donation they made to the City.

Councilor Stephen McKinney asked if the City pays for the other banners. Staff replied the fall banner is paid for by GFU and the others are from state grants. They are not an expense of the City.

MOTION: Rierson/Witherspoon adopting **Resolution No. 2010-2903** approving the replacement of the existing downtown fall banners with new banners. (5 Yes/0 No/1 Absent [Shelton]/1 Vacant) Motion carried.

VII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2010-2727** amending the Newberg Municipal Code Chapter 53 Section 53.13 Allowing for Single Family Residential Stormwater Management Fee Credits.

TIME – 7:32 PM

Mayor Andrews called for any conflicts of interest or abstentions; none appeared.

Mr. Howard Hamilton, Public Works Director, presented the staff report (see official meeting packet for full report).

Councilor Rierson asked if these were ways for home owners to improve their property and would suggest waiving the entire fee for the properties that have large swales. Staff replied there are a few instances around town that serve more than one property.

Councilor McKinney asked about the fiscal impact of the ordinance. Staff said there had been about a 2.5% response.

Mayor Andrews opened and closed the public testimony; there were no public comments. The public hearing was closed. Discussions followed about a particular neighborhood near Hazelnut and Chehalem Drive and the swales there. Staff stated the Citizen Rate Review Committee (CRRC) directed staff to come back to the issue at a later session.

Councilor Bacon stated water is best handled by the environment and not through storm drains.

MOTION: Rierson/Bacon adopting **Ordinance No. 2010-2727** amending the Newberg Municipal Code Chapter 53 Section 53.13 Allowing for Single Family Residential Storm water Management Fee Credits as amended. (5 Yes/0 No/1 Absent [Shelton]/1 Vacant) Motion carried.

2. Consider a motion adopting **Resolution No. 2010-2902** establishing a funded low income residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation, and direct utility bill credits.

TIME – 7:53 PM

Mayor Andrews called for any conflicts of interest or abstentions; none appeared.

Mr. Hamilton and Ms. Janelle Nordyke, Finance Director, presented the staff report (see official meeting packet for full report).

Councilor Witherspoon asked how many documents are actually required to be submitted as proof of low income because it is not clear. Staff replied only one document from the list is required and a committee will review the applications to determine qualification.

Mayor Andrews asked for more detail about this review committee. Staff stated it would preferably consist of one council member, one staff member, and one citizen, but there are not any specific recommendations.

Discussion commenced on recommended changes to the application.

Councilor Rierson stated he is not sure about unemployment. He likes the idea of providing evidence of financial hardship. He would like to recommend the finance director and city manager review the requests

rather than a committee. If we make it too complicated he feels people will choose not to apply. Councilor Rierson stated he does not want the program to turn into a financial burden.

Councilor Bacon stated if you have citizens review them they may have issues with confidentiality.

Mayor Andrews asked if a household could be eligible for more than one of the programs we are offering. Mrs. Nordyke stated yes they can. Citizen Rate Review Committee (CRRC) only requested to review the requests that came from the non-profit groups.

Mayor Andrews opened the public testimony.

Mr. Hank Grum said he agreed with the short term necessity of the program with people being distressed because of the rate increases, but he disagreed with the principle of the assistance. He felt the reason citizens are in these positions is partly because of decisions that have been made recently by the Council and that the objective of municipal government is to provide for the common welfare of the citizens, rather than benefit of just a few. One problem he said is with fiscal priorities; he feels the March 15, 2010, decision for the Animal Shelter property to be donated to Habitat for Humanity and waiving certain fees is spreading the costs out over all citizens, but only benefiting two families. He opposed this approach and hoped that a different solution would be found next year.

Ms. Pat Haight stated she sees a lot of discrimination in the program because the low income people can prove they qualify a lot easier than someone like her who is unable to benefit from the program. She did not like the idea of rates increasing to cover the cost of funding the program to help people pay their utility bill and felt city government should not be in the business of social services. She felt it was an unfair program and that most citizens would not apply for the program. She felt the Council needed to look deeper into this and cut back costs.

Mayor Andrews closed public testimony.

Councilor Rierson felt this program was a good start; he wished to implement it quickly and make improvements in the future. He disagreed with some of the testimony because he felt it is Council's job to be compassionate towards the citizens and agreed the situation with those living in apartment complexes may need to be revisited. He hoped people would take advantage of the water audit to help save money. Staff said time limited the negotiation terms with landlords and apartment complexes, but agreed a way would need to be found to ensure any credits are passed on as savings to the renters.

Mayor Andrews discussed some numerical corrections with staff on pages nineteen and twenty concerning the amounts received currently and with additional funding. Grammatical corrections were suggested for clarity on page twenty-two beginning a sentence with "in addition to the one thousand dollars already budgeted..."

Councilor Rierson said he would like to see a chart rather the paragraph format, which could be unclear.

Councilor McKinney stated he was not in favor of proposal as it exists.

Councilor Witherspoon said he would be satisfied to amend eight to nine and to change program "costs" to "increases".

MOTION: Rierson/Bacon to adopt **Resolution No. 2010-2902** establishing a funded low income residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation, and direct utility bill credits, as amended and requesting staff to simplify the language to make it easier to understand.

Councilor McKinney felt the benefit of rate reduction would not be even-handed. He said he had hoped for something different from the proposal, such as an incentive for matching funds through grants. Low income citizens were getting assistance with more than just this program and felt this proposal would not address the needs of those falling through the cracks, he does not feel this is a program for rate payers.

Councilor Rierson said it is difficult to serve those who do not pay rates. He is not opposed to do work to serve those people falling through the cracks and rate payers will at least not see an increase until the CRRC meets again. He said this is not a plan that will address every need in the community, but he would like to do something in the right direction. In two years they can continue discussions to serve those not addressed with this program. He would rather support something positive now that helps a large majority rather than waiting until they come up with something that is perfect.

Councilor Bacon also agreed doing nothing because they are not doing enough was not the way to go. She felt the program was going in the right direction and she supported the resolution.

Discussions continued on the idea of matching funds with nonprofits receiving these monies and getting the CRRC to start an analysis and game plan to rectify the weak areas in the program.

Councilor McKinney continued with his concern for the lack of a mechanism to help the fifty-five and older group of citizens in Newberg who do not necessarily meet the low income status but are still struggling with the higher rates.

Mr. Danicic suggested the Council consider the current resolution and follow-up with a separate motion to address these other points. He also said a clean-up version of the resolution could be brought back on the Consent Calendar for the next meeting in order to not revisit the whole discussion.

Councilor McKinney wished to discuss the negative impact of the whole program in relation to funds CRRC was hoping to recoup based on their recommendations. He wondered if they would be able to achieve the goals anticipated with the recommended rate increase. Staff spoke of the original numbers used being more promising back in September than they are today which effects the intention for a 1% reserve account and noted revenue lost from conservation of water and paying lower rates does impact the goals for CRRC's initial intent.

VOTE: Councilor Rierson and Councilor Bacon agreed to withdraw their motion to adopt the resolution.

MOTION: Rierson/McKinney to table **Resolution No. 2010-2902** directing staff to return with corrections, but no substantive changes, which simplify the approval process for utility bill credits by having applications approved through the Finance Director and reviewed by the City Manager, rather than by the Citizen Rate Review Committee (CRRC), and to place it on the Consent Calendar for the June 21, 2010 City Council meeting. (5 Yes/0 No/1 Absent [Shelton]/1 Vacant) Motion carried.

VIII. NEW BUSINESS

Consider a motion approving **Resolution No. 2010-2903** approving the replacement of the existing downtown fall banners with new banners.

This item was heard out of agenda order and recorded above before the Public Hearing.

IX. COUNCIL BUSINESS

TIME – 9:12 PM

Councilor Rierson requested preparing an action plan with timing and funding shortfalls for the new Animal Shelter, showing where funds have been expended and the current balance to see where things stand. He felt this information would be useful to share with people for in-kind donations at their booth at the Old Fashioned Festival.

Councilor Witherspoon wished to discuss the traditional vs. a limited public forum to provide for more proficient meetings. Staff will begin working on the revision of the Council Rules in July; items like this will need to be included for these discussions.

Mayor Andrews asked about the process for reviewing candidates for the District No. 6 vacancy. Staff replied there was a late application received which needs to be discussed as well as how the Council wants to manage the process and vote. The Council agreed to accept the late application from Ernie Amundson, Jr. after staff explained the reasons. It was determined the candidates would be narrowed down to the top five and interviews would be conducted from predetermined questions that are sent to those five candidates beforehand. Voting would occur after some sort of grading system of their answers.

X. ADJOURNMENT

The meeting adjourned at 10:14 PM.

ADOPTED by the Newberg City Council this 19th day of July, 2010.

Norma I. Alley, City Recorder

ATTEST by the Mayor this ____ day of July, 2010.

Bob Andrews, Mayor

**CITY OF NEWBERG CITY COUNCIL MINUTES
JUNE 21, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting. A discussion on a Daytime Curfew occurred. No decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:00 PM.

II. ROLL CALL

Members

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

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Janelle Nordyke, Finance Director
	Howard Hamilton, Public Works Director	Jennifer Nelson, Recording Secretary
	David Beam, Economic Development Planner	

Others

Present: Pat Haight, William Elder, and Hank Grum

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was not performed, as the American flag was not present.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, spoke of upcoming items to be discussed at upcoming meetings, such as the League of Oregon Cities (LOC) legislative priorities on July 6, 2010, with a return response by July 16, 2010; Tier 2 of the Newberg-Dundee Bypass is open for public comment, a formal letter needs to be presented to the Oregon Department of Transportation (ODOT) in support or with concerns; Council Guidelines and Rules will be discussed on July 19, 2010, specifically regarding public testimony and the submission of written comments; a proposal for the Visitor Center funding will be discussed on July 6, 2010; and a review of the vision mission statements from one year ago will need to be scheduled with a Mid-Willamette Valley Council of Governments (MVCOG) representative facilitating to start towards completion in September.

V. APPOINTMENTS

Consider a motion to appoint Mr. Barry Horn for a term expiring June 30, 2014, and Mr. Michael Espana-McGeehon for a term expiring June 20, 2011, to the Library Board.

TIME – 7:16 PM

Mr. Barry Horn and Mr. Michael Espana-McGeehon, the two candidates for the Library Board positions each approached the Council and gave brief introductions.

Ms. Leah Griffith, Library Director, stated she has no say in the decisions made by the Library Board, but added the Library Board was very impressed with both candidates and recommended both for the vacant positions.

MOTION: Rierson/Shelton to ratify the Mayor's decision appointing Mr. Barry Horn for a term expiring June 30, 2014, and Mr. Michael Espana-McGeehon for a term expiring June 20, 2011, to the Library Board. (6 Yes/0 No/1 Vacant) Motion carried.

VI. PUBLIC COMMENTS

Ms. Pat Haight spoke of her concerns for documents being taken out of the library at the May 17, 2010, meeting and she returned to ask if there has been an update from the City Manager.

Mr. Danicic responded that copies of written documents stopped being printed at the library a while ago and the transition began to have all of them available online. He spoke with the Library Director, who could not remember the last time someone asked to see these kinds of documents, but library computers were available to view them online. If a printed copy is desired, the individual can come to City Hall to make a request.

Councilor Rierson added the Library Director would also make exceptions for other resource computers to be used if others were booked and volunteer staff could help to find the information.

Ms. Haight argued that not all documents are on the computer. She understands the effort to get everything online, but until the system is ready the City is denying access to public records. She did not feel it was fair that she had to give her name just to see four pages of a public record.

Councilor Rierson said that all information will be available and he felt it was reasonable to expect a name to be given if a reply is expected.

VII. CONSENT CALENDAR

1. Consider a motion adopting **Resolution No. 2010-2902** establishing a funded low income residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation, and direct utility bill credits.

This item was pulled from the Consent Calendar and added to the agenda for discussion under Old Business.

2. Consider a motion adopting **Resolution No. 2010-2906** amending the City of Newberg Employees Retirement Plan to authorize the Retirement Plan to make benefit payments to Al Blodgett in July 2009.

This item was pulled from the Consent Calendar and added to the agenda for discussion under New Business.

3. Consider a motion adopting **Resolution No. 2010-2907** amending the tax remedy benefit in the City of Newberg Employees Retirement Plan to conform to the amendment of the PERS tax remedy benefit in 2009 Oregon Laws chapter 868, section 1.
4. Consider a motion approve a **Sound Permit** for Newberg Friends Church Annual Outdoor Worship Service on July 11, 2010.

5. Consider a motion approving **City Council Minutes** for May 17, 2010.

MOTION: Shelton/McKinney approving the Consent Calendar including **Resolution No. 2010-2907** amending the tax remedy benefit in the City of Newberg Employees Retirement Plan to conform to the amendment of the PERS tax remedy benefit in 2009 Oregon Laws chapter 868, section 1; a Sound Permit for Newberg Friends Church Annual Outdoor Worship Service on July 11, 2010; and the City Council Minutes for May 17, 2010 as amended. (6 Yes/0 No/1 Vacant) Motion carried.

VIII. PUBLIC HEARING

1. Consider a motion adopting **Ordinance No. 2010-2728** approving the final assessments for the Columbia Drive (Group B) Local Improvement District Project.

TIME – 7:27 PM

Mayor Andrews called for any conflicts of interest or abstentions; none appeared.

Mr. Howard Hamilton, Public Works Director, presented the staff report (see official meeting packet for full report).

Councilor Bart Rierson asked for clarification from staff about the improvements being only for Group B. Staff directed their attention to page thirty-seven and pointed out which improvements were completed.

Mayor Andrews asked if the northwest corner of College Street and Columbia Drive were already improved with other development. Staff replied some improvements were part of the subdivision.

Councilor Marc Shelton asked about improvement with the Main Street improvement project being completed there. Staff replied that project is on hold because of the economic situation at this time, it is not included with the ODOT stimulus projects.

Mayor Andrews asked about the fiscal impact on the City's portion of the improvement costs and if there was a change from the initial commitment. Staff replied there was a little increase from the original commitment because of a need for a relocation of a water line, but staff did not have the original value on hand to compare those prices.

Mayor Andrews opened the public testimony.

Mr. William Elder said he lives on Main Street and is the President of the Trustees of the Presbyterian Church. He submitted a letter to the City Recorder and asked if the Council had been able to read it. It had not been received so he read it as part of his verbal testimony. His main concerns were that public works officials spoke of the costs being lower than estimated, but this was not reflected in the final assessment he received since it was one thousand dollars higher. Since he is accountable to the board of trustees, he needs to answer their questions about the improvement project, so he needs an explanation from the City first (see official meeting packet for full report).

Mayor Andrews closed the public testimony.

Mr. Hamilton further explained the water line was relocated because the plan did not show the correct depth. Once the street was opened, the water line had to be lowered, which was an additional cost. The work was all part of one project, which would not have been done if the improvement project had not come about. It was lowered just along the frontage of that property. Staff recommended approval of the final assessments.

Councilor Shelton stated there was a \$30, 615.00 increase from the original estimate.

Mr. Danicic clarified with staff that letters were mailed to each individual with the estimated assessment.

Mr. Elder confirmed his receipt of the estimate but said his understanding that the bid came in less than estimated, which is what prompted him to write the letter.

Mr. Danicic suggested not adopting the final assessment this evening in order to allow staff to go back and provide answers to the participants and so the costs are thoroughly understood.

MOTION: Witherspoon/McKinney to postpone deliberation to July 19, 2010, on **Ordinance No. 2010-2728** and the final assessments for the Columbia Drive (Group B) Local Improvement District Project until staff researches and provides documentation to the increase; accepting the letter from Mr. Elder into the record and closing the record. (6 Yes/0 No/1 Vacant) Motion carried.

2. Consider a motion adopting **Resolution No. 2010-2898** adopting the 2010-11 Budget, and appropriating as recommended by the Budget Committee on May 25, 2010, and including election to participate in the State Revenue sharing Program.

TIME – 7:48 PM

Ms. Janelle Nordyke, Finance Director, presented the staff report (see official meeting packet for full report).

Discussions occurred concerning the percentage of the revenue sharing from previous years to this year as well as how discrepancies in the Animal Shelter Fund 24 between what was budgeted and what was spent; staff stated this will be accounted for through a Supplemental Budget in September. An assessment of property tax revenue is also anticipated for a 92% collection.

Mayor Andrews called for any conflicts of interest or abstentions; none appeared. He opened the public testimony.

Mr. Hank Grum asked about the numbers in the Animal Shelter Fund; staff explained the estimated expenditure was approximately \$255,000.00 and the remaining will be in the next fiscal year because the project will not get us that far in the design phase; all of this will be reconciled in a Supplemental Budget. Mr. Grum continued with questions about the old animal shelter property being deeded to Habitat for Humanity; he wondered what the value of the property was and if the City could really afford to donate that property when water rates are being raised to pay back the waste water treatment plant, which the animal shelter has to reimburse.

Mr. Danicic replied an assessment of the value of the property has not been performed at this point and the value of the land has not been figured into the animal shelter project at this time. Council agreed to direct staff to create a development agreement with Habitat for Humanity for an affordable housing project; this is not complete and will come to the Council for final approval. It was a policy decision to donate the land.

Ms. Haight stated that she has reviewed the budget book and noticed columns did not add up and many forwarded balances were not correct. She also spoke of effluent reuse and the cost of watering the golf course putting the City into debt by \$13,000,000.00. She felt more time needed to be taken to proofread the budget document because it is inefficient and not right.

Mayor Andrews closed the public testimony.

Mr. Terry Mahr, City Attorney, added that an assessment of the old animal shelter property has not been completed recently but there was one completed a few years ago and staff will look for that assessment.

Ms. Nordyke recommended adopting the Budget as amended.

Councilor Rierson asked staff to state for the record the results of the recent audit of the City's budget. Staff replied the fiscal year Budget ending in 2009 was prepared by an outside auditor as required by Oregon State law and they did not have any findings. There were no material misstatements or double negatives and we were in compliance. They gave an unqualified opinion, which is the highest you can get.

Councilor Stephen McKinney thanked staff for their hard work and stated he has received satisfactory answers to the questions he had. His only concerns remaining were with the denial of the Cost of Living Adjustment (COLA) for unrepresented employees.

MOTION: Shelton/Witherspoon adopting **Resolution No. 2010-2898** adopting the 2010-11 Budget, and appropriating as recommended by the Budget Committee on May 25, 2010, and including election to participate in the State Revenue Sharing Program as amended with the addition of a 50/50 percent allocation. (6 Yes/0 No/1 Vacant) Motion carried.

IX. OLD BUSINESS

Consider a motion adopting **Resolution No. 2010-2902** establishing a funded low income residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation, and direct utility bill credits.

TIME – 8:28 PM

This item was pulled from the Consent Calendar.

Councilor Wade Witherspoon felt a more stringent procedure was needed to decide who is allocating the funds and how much; he felt more criteria was needed.

Councilor Rierson wondered how to direct staff to initiate a reevaluation mid-year of where the funds are expended and to give them to those who make the best use of the money.

MOTION: Shelton/Witherspoon adopting **Resolution No. 2010-2902** establishing a funded low income residential utility bill assistance program based upon information, outreach, water audits, plumbing rehabilitation, and direct utility bill credits.

Mayor Andrews asked if anyone can ask for a water audit. Staff replied the City has to pay for each audit and they are limiting the expense to a target group; anyone can ask, but only a qualified citizen can be recognized.

Councilor Rierson felt it would still be helpful to citizens that do not qualify. He said it is a beneficial tool for all citizens and if there is a way this can be facilitated by the City he would like to try. Staff replied the energy trust does not provide water audits until an individual qualifies for an Investment Grade Audit (IGA) through the City.

Councilor McKinney stated he was reluctant to approve this because he happens to be one of those that falls through crack, but he is hoping in the future the City can fix this for those who are not going to be helped with this proposal tonight.

Mr. Danicic stated that staff has been directed to look with the CRRC into renters and others that do not qualify or fall into this program.

VOTE: To adopt **Resolution No. 2010-2902.** (6 Yes/0 No/1 Vacant) Motion carried.

MOTION: **Rierson/Witherspoon** to work with the CRRC to review agencies using the relief part of the program and look at the allocation of resources so agencies that are more effective at using the funds are given preference and to determine criteria for granting how the funds will be used and to expand the water audit program to include all water users. (6 Yes/0 No/1 Vacant) Motion carried.

X. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2010-2908** supporting the submission of a grant application to the State of Oregon to fund sidewalk improvements along College Street. The application would be submitted under ODOT's Bicycle and Pedestrian Grant Program.

TIME – 8:45 PM

Mr. David Beam, Economic Development Planner, presented the staff report (see official meeting packet for full report).

Discussions occurred about the sidewalk improvement locations and if contiguous sidewalk would be provided, the ability to acquire needed property, the width of the road in certain areas, and safety for bicycle and pedestrian traffic.

Councilor Rierson suggested the City Manager look into identifying areas with a narrow right of way and contact the property owners to convince them to deed the right of way to the City as a way to improve the value of their property with the incentive of a free sidewalk built with grant money. Mr. Danicic asked if Council was comfortable with the expenditure of the funds to complete this survey.

Councilor Shelton thought the costs could be lowered by using the City's own surveyor.

Councilor Rierson felt it would be a wise investment.

Mr. Danicic recalled a consultant was hired about seven years ago; he will have staff review this and prepare a report by completing the adjustments internally for an estimate.

MOTION: **Rierson/Bacon** approving **Resolution No. 2010-2908** supporting the submission of a grant application to the State of Oregon to fund sidewalk improvements along College Street. The application would be submitted under ODOT's Bicycle and Pedestrian Grant Program. (6 Yes/0 No/1 Vacant) Motion carried.

2. Consider a motion adopting **Resolution No. 2010-2906** amending the City of Newberg Employees Retirement Plan to authorize the Retirement Plan to make benefit payments to Al Blodgett in July 2009.

TIME – 8:59 PM

This item was pulled from the Consent Calendar and added to the agenda for discussion under New Business.

Ms. Nordyke presented the staff report (see official meeting packet for full report).

Discussion occurred to make sure this only addressed the overpayment made to Mr. Al Blodgett, and has no effect on the city other than to correct the error. It is a one time only adjustment to keep the City in compliance. There were concerns a precedence was being set, the City Attorney stated this was not setting a policy and is not the way the City conducts business; the record states that this is only to correct an administrative error.

MOTION: Shelton/Witherspoon approving **Resolution No. 2010-2906** amending the City of Newberg Employees Retirement Plan to authorize the Retirement Plan to make benefit payments to Al Blodgett in July 2009 to correct an administrative error. (6 Yes/0 No/1 Vacant) Motion carried.

XI. COUNCIL BUSINESS

TIME – 9:09 PM

Mr. Danicic presented the District No. 6 vacancy rankings in order to select the top candidates for interviews.

MOTION: Witherspoon/Shelton to call the top five ranked candidates back for an interview at the June 28, 2010, Special Council Meeting including Ryan Howard, Ray Waller, Ernie Amundson, Jr., Dale Farris, and Robert Fitzner. (6 Yes/0 No/1 Vacant) Motion carried.

Councilor Rierson spoke of the next meeting with the school board and the importance of configuring the room to show an atmosphere of partnership regarding the daytime curfew issue. Discussions followed about past arguments and the benefits of this as a tool for the police department.

Mayor Andrews recessed for five minutes at 9:33 PM.

XII. EXECUTIVE SESSION

Executive Session pursuant to ORS 192.660(2)(I) relating to performance review of the city attorney.

City Council convened into Executive Session at 9:37 PM. No decisions were made.

XIII. ADJOURNMENT

The meeting adjourned at 10:13 PM.

ADOPTED by the Newberg City Council this 19th day of July, 2010.

Norma I. Alley, City Recorder

ATTEST by the Mayor this ____ day of July, 2010.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: July 19, 2010

Order ____ Ordinance XX Resolution ____ Motion ____ Information ____
No. No. 2010-2728 No.

SUBJECT: Request for continuance – approving the final assessments for the Columbia Drive (Group B) Local Improvement District.

Contact Person (Preparer) for this Order: Dain Eichel, Acting Public Works Director

Dept.: Public Works

File No.: _____
(if applicable)

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL

RECOMMENDATION:

Continue the hearing to August 16, 2010.

EXECUTIVE SUMMARY:

On June 21, 2010, the City Council held a hearing on the approval of the final assessments for the Columbia Drive (Group B) Local Improvement District. This hearing was continued to July 19, 2010.

Staff requires additional time to complete the necessary research, so it is requested to continue the hearing to August 16, 2010.

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: Month Day, Year

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

SUBJECT: Review of Council Guidelines & Rules regarding written submittal of testimony at City Council meetings.

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

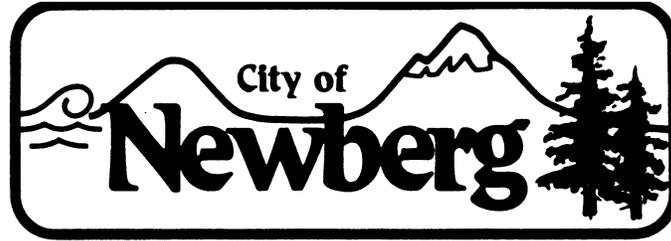
Dept.: Administration

File No.:
(if applicable)

EXECUTIVE SUMMARY: The City Council requested an opportunity to review the City Council Guidelines and Rules, especially regarding the written submittal of testimony at City Council meetings.

FISCAL IMPACT: None.

STRATEGIC ASSESSMENT: To adhere to Council goals for more proficient use of meeting time and to provide more clear outreach and better customer service to the citizens of Newberg.



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 not 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.