



**CITY COUNCIL AGENDA  
OCTOBER 19, 2015, 7:00 PM**

**PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

**Mission Statement**

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

**Vision Statement**

*Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.*

**I. CALL MEETING TO ORDER**

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE**

**IV. CITY MANAGER'S REPORT**

**V. PUBLIC COMMENTS**

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

**VI. CONSENT CALENDAR**

1. Minutes for September 21 and September 28 Pages 1-11
2. Resolution 2015-3227, A Resolution authorizing the City Manager Pro Tem to appoint recommended candidates to positions in multiple departments Pages 12-15
3. Resolution 2015-3232, A Resolution authorizing the City Manager Pro Tem to approve the purchase of two replacement patrol vehicles for the Newberg-Dundee Police Pages 16-26
4. Resolution 2015-3233, A Resolution authorizing the City Manager Pro Tem to approve the purchase of radios for police in the amount of \$113,223.65 and fire in the amount of \$160,644.75. Pages 27-54

**VII. PUBLIC HEARING – LEGISLATIVE**

1. Ordinance 2015-2789, An Ordinance repealing Ordinance Nos. 2997-2667 and 2007-2673, pertaining to Municipal Water Service and a development agreement for property located at 9680 Adolf Road, Tax Lot 3228-00900. Pages 55-92

**Agenda continued on next page**

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.

**VIII. NEW BUSINESS**

1. Resolution 2015-3208, A Resolution amending the City Council guidelines and rules (G & R's) from April of 2011. Pages 93-147

**IX. COUNCIL BUSINESS**

1. Consideration of December 21, 2015 Council meeting Pages 148-149

**X. ADJOURNMENT**

*ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than two business days prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.*

**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. Speakers who wish the Council to consider written material are encouraged to submit written information in writing by 12:00 p.m. (noon) the day of the meeting.**

# *REQUEST FOR COUNCIL ACTION*

**DATE ACTION REQUESTED: October 19, 2015**

**Order \_\_\_      Ordinance \_\_\_      Resolution \_\_\_      Motion XX      Information \_\_\_**  
**No.                      No.                      No.**

**SUBJECT: Minutes**

**Contact Person (Preparer) for this  
Motion: Sue Ryan, City Recorder  
Dept.: Administration  
File No.:**

**RECOMMENDATION:**

Approve City Council minutes from September 21 & 28, 2015.

**NEWBERG CITY COUNCIL MINUTES  
REGULAR SESSION  
SEPTEMBER 21, 2015, 7:00 PM  
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

The work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Bob Andrews, Councilors Lesley Woodruff, Stephen McKinney, Scott Essin, Denise Bacon and Tony Rourke. Also present were City Manager Pro Tem Terry Mahr, City Manager Pro Tem Steve Rhodes, City Attorney Truman Stone, City Recorder Sue Ryan, City Engineer Kaaren Hofmann, Community Development Director Doug Rux and Public Works Director Jay Harris.

**REVIEW OF COUNCIL AGENDA:**

Mayor Andrews said Council would hear a presentation then recess for the Fire Department promotional ceremony, return and convene the regular meeting. Following the appointments they would have their second Work Session presentation.

**COUNCIL BUSINESS:**

Councilor Essin wanted to talk about the tree at the library. Mayor Andrews wanted to talk about the strategy session and LOC conference.

**PRESENTATION**

CE Hofmann presented information on the Infiltration and Inflow Private Lateral Program and why they wanted to reduce the extra flows to the Wastewater Treatment Plant. As a part of the Meridian Street sewer project, the contractor would video the private laterals to determine what the actual impacts were for the system. Staff was also looking at removing cross connections. Most jurisdictions that started an Infiltration and Inflow program found that the private laterals needed to be addressed to get the most benefit of the system. The Code stated property owners were responsible for private laterals. One option to address these would be to continue to have the property owners make the improvements as staff found them and possibly give them a cash incentive or provide financing. The other option was to have the City make the improvements as part of the public project. They needed to decide which option to do and put together a program with public outreach and education. There was discussion about what constituted a failure of a private lateral, the enforcement process, funds that might be available for a loan program, and whether the City could fund replacements.

CMPT Rhodes said in Pacifica, California they had an active I & I Program. They went citywide and had contractors bid for a set price to do the work for the property owners. The property owners worked directly with the contractors but the City got a set price for them. They also put an Inspection On Sale Program in place so when a home sold their lateral had to be inspected and replaced if needed before the sale closed. The City inspected all of the lateral work that was done. Ms. Hofmann thought 40-60% of private laterals were an issue in Newberg.

Mayor Andrews asked Council if they wanted to change the Code and if not, were there some avenues they could provide for property owners especially if the cost was a hardship. There was consensus to leave the Code as it was and for staff to come back with guidelines.

Mayor Andrews adjourned the work session at 6:30 p.m.

**CALL MEETING TO ORDER**

The Mayor called the meeting to order at 7:10 p.m.

**ROLL CALL**

Members Present:	Mayor Bob Andrews	Scott Essin	Stephen McKinney
	Lesley Woodruff	Denise Bacon	Mike Corey
	Tony Rourke		
Staff Present:	Terry Mahr, City Manager Pro Tem	Steve Rhodes, City Manager Pro Tem	
	Truman Stone, City Attorney	Sue Ryan, City Recorder	
	Kaaren Hofmann, City Engineer	Jay Harris, Public Works Director	
	Doug Rux, Community Development Director		
	Jessica Pelz, Associate Planner		

**PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was performed.

**APPOINTMENTS:** Mayor Andrews recommended several appointments and reappointments to City Committees.

**MOTION: Bacon/Rourke** moved to reappoint Stuart Brown and Terry Emery to the Affordable Housing Commission, appoint E.C. Bell and Mike Gougler to the Affordable Housing Commission, reappoint Blair Didway to the Citizens Rate Review Committee, and to appoint Nick Morace, Holly Bradford and Rick Rogers to the Citizens Rate Review Committee. Motion carried (7 Yes/ 0 No).

**PRESENTATIONS:**

Public Works Director Jay Harris presented information on street maintenance funding and options. A pavement condition analysis was done and showed the pavement was in fair condition, but was plummeting quickly if funds were not invested in the system. He discussed types of pavement conditions, maintenance techniques and timing, Pavement Condition Index, budget constraints, options and revenue sources, and need for a dedicated and stable funding source. He then explained the potential supplemental funding options such as a street utility fee, general obligation bond, local option levy, local gas tax, and what other jurisdictions were doing. He asked Council if they were interested in identifying funding sources for a pavement program, and if so, which funding level and what kind of funding sources.

Councilor Corey asked if enough money would come in from a street utility fee. PWSD Harris explained they needed to receive at least \$1.9 million per year in order to maintain the roads, although staff would not recommend starting that high and try to reduce costs. These fees did not have a sunset clause, but they would need to check in and make sure they were catching up and getting ahead of the curve. A \$10 million dollar general obligation bond would be \$190 per year for a \$225,000 house.

Councilor McKinney asked if there was a hybrid option. PWSD Harris explained the different funding level options. He recommended maintaining the existing PCI, using a little less than \$1.9 million per year and finding a funding option or combination of funding options and bringing a consultant to do a check in a few years to reevaluate. There was discussion on the different funding levels and options.

**CITY MANAGER PRO TEM'S REPORT:**

CMPT Mahr said he was leaving as City Manager Pro Tem as Mr. Rhodes was taking over as of today. They had been maintaining services well and keeping business going. CMPT Rhodes was happy to be there and was looking forward to working with the Council.

**PUBLIC COMMENTS:** None.

**CONSENT CALENDAR:**

**MOTION: Bacon/Rourke** moved to adopt the Consent Calendar, including convening the Citizens Rate Review Committee and instruct the committee to begin the rate review process under the authority as described in Newberg Municipal Code 2.15.130, and that the committee meet on October 15, 2015 and set a schedule to accomplish these tasks. Motion carried (7 Yes/ 0 No).

**PUBLIC HEARING:**

Ordinance 2015-2787, Recreational Marijuana Ban on early sales by Medical Marijuana Dispensaries:

Mayor Andrews opened the public hearing and called for any abstentions, conflicts of interest, or objections to jurisdiction. There were none.

City Attorney Truman Stone gave the staff report. This issue came from statutes passed in the last legislative session. The immediate issue was whether the City would allow or ban early sales of Recreational Marijuana by Medical Marijuana Dispensaries. The Council directed staff to return with an ordinance to ban the early sales.

Proponents:

Doug Heuer was in favor of the ordinance to ban the early sale of Recreational Marijuana. It wasn't about the safety of the schoolchildren as much more dangerous products, such as alcohol and tobacco, were being sold near schools. His testimony to the legislature was about the lawlessness of the League of Oregon Cities and asking law enforcement to not return the marijuana they seized. If they wanted to keep prohibition longer, they needed to keep banning it.

Opponents:

Joe Weil was a Medical Marijuana grower. Since the passing of the early recreational measure, he found his patients had been approached by recreational users to get marijuana. Currently there was no access to Recreational Marijuana, but people were allowed to possess it. Without the access they were pushing people into the black market or asking people to break the rules.

Joe Consani said he and his wife, Sheri Ralston, had a Medical Marijuana Dispensary. If they delayed the sale of Recreational Marijuana, it was delaying the resolution to the problem. It needed to be legal, regulated, and a safe supply. He said the rollout had already been done in Colorado and Washington and the problems that were thought to happen had not happened. Recreational sales took away the black market business. He thought early sales would benefit the community.

Ryan Hardy was an opponent to the ordinance on the ban. The recreational substances available for people to partake of were lethal. This was shown with alcohol and tobacco products, and they took more lives than marijuana. He didn't see why they would ban something that had health benefits to it. It was a healthier substitute for those who smoked tobacco. A lot of people had medical conditions and were not able to obtain the medicinal cannabis. He thought it was ironic that at age 18 someone could get tobacco but not marijuana.

Tonya Killion was a daily pot user because of a severe back and hip injury. She said prescription medicines had not helped her but using marijuana and yoga had helped her. She could get her card medically but she had lots of friends who used marijuana for things such as anxiety and depression who did not qualify for a card and needed to have access to Recreational Marijuana. There was a black market that people were using. She thought Recreational Marijuana should be sold legally as soon as possible and they should provide people a safe place to get it.

Aimee Reeves was opposed to the ban. Her whole life she had suffered from depression and anxiety. She had been prescribed many different antidepressants that did not work well. She had begun using marijuana and used it daily. She was able to earn a college degree and work for a multimillion dollar industry all while using marijuana daily. She did not want to have to go to the black market, but to a clean, safe place. Her ailment didn't qualify for a card. She encouraged early Recreational Marijuana sales. It was unfair to be able to have it legally, but have nowhere to get it.

Sheri Ralston said she and her husband were opening a Medical Marijuana Dispensary off Springbrook Road. She would like the option of selling marijuana recreationally. The current laws and security measures to run a Medical Marijuana Dispensary were strict. There had not been crime at these facilities, except internal theft by employees. Nothing would change if they sold Recreational Marijuana. Cash would not be stored at her facility and there would be a sign out front that said that. People used Recreational Marijuana for a wide range of reasons that were not necessarily recreational, but had to buy on the black market or ask other medical marijuana card holders to obtain it for them. They had a right to get safe product. The reason early recreational sales were put into place was to mitigate black market sales. She encouraged the Council to allow them to have recreational sales in Newberg. The closest dispensaries were 30 or more minutes away.

Abdullah Naimi was a cannabis farmer. There was an outdated view of what a marijuana user was. A Medical Marijuana Dispensary was a place to be educated and change the negative view of it.

Nithasha Koukoumanos had been a special ed teacher and had gone through a major car crash and two back surgeries. She had to leave work to try and recover. Conventional medicine had not helped her but all other types of alternative medicine including the use of marijuana had helped her. She came from a conservative family and she had researched marijuana extensively. Cannabis had helped her recovery process and was her only form of pain management. She had to rely on friends or family members to get her marijuana for a year while she was trying to get her card, but could not go to a dispensary yet. Not all marijuana was equal, there were different strains for different ailments, and you didn't always

know what you were getting when you got it from a friend. It was important to realize how marijuana could help various people.

CA Stone said the City had received written communication from Ms. Ralston and Mr. Heuer. He had drafted the ordinance at Council's direction and did not have a recommendation. If the ordinance passed, the ban could last until the end of 2016. If it did not pass, beginning October 1 Recreational Marijuana could be sold in Medical Marijuana Dispensaries. He discussed other jurisdictions that had and had not imposed a ban on early recreational sales.

Mayor Andrews closed the public hearing.

Council Deliberations:

**MOTION: McKinney/Corey** moved to waive the second reading of the ordinance. Motion passed (5 Yes/ 2 No [Bacon/Rourke]).

Councilor Essin wanted clarification that the City was able to ban the early sales. CA Stone said this ordinance related to Senate Bill 460 regarding the opting out of the early sale period. It would have no effect once OLCC licensed retail outlets. Councilor Essin asked where the money would go from the sales.

CA Stone said for early sales the State would impose a 25 percent tax to be collected on a statewide basis and distributed accordingly. A moratorium on early sales would not prohibit the City from receiving revenue from the State. If the City banned any activities after the full recreational program was up and going, then it would bar the City from receiving State revenue.

Councilor Essin said it was a tempting situation because of the 25 percent tax. He had done research about marijuana causing brain damage to young people with developing minds. It was not the same as alcohol. While it could be beneficial as a controlled substance to people with illness, it was sending a message to our youth that it was a drug that could be taken lightly. He would be voting on the side of supporting the ban.

Councilor Bacon would be voting to oppose the ban. She had received a number of calls from women ages 50-70 who were not comfortable coming that evening to the meeting to speak in public. They were supportive of obtaining marijuana in a safe, secure place and were not comfortable growing it themselves and did not want to buy it on the black market. She shared her personal experience with health and how her doctor recommended marijuana. As far as kids were concerned, it wasn't up to the City Council to regulate everything that kids were exposed to.

Councilor Corey would be voting for the Ordinance because the City needed to get more information from the State. He thought it should be licensed, but the State had not yet come up with the regulations yet.

Councilor Rourke said whether the Council banned it or not didn't do anything for the children. There was a black market, but people could grow it now if they wanted. If people wanted it they would find it. He was struggling with why the Council wanted to ban it. The State had clear guidance to this one provision for early sales and Medical Marijuana Dispensaries were regulated. A ban would not prevent children from getting marijuana.

Councilor Corey said part of what was not solved was how the tax structure would be made up. He had no issue against Medical Marijuana Dispensaries. His issue was recreational use being sold at the dispensaries and how the oversight would be controlled.

Councilor McKinney would support the ban. There were strict regulations for dispensaries, but there was still considerable ambiguity regarding who, when, and how the laws would be enforced. They wanted to ban the sales because of these ambiguities. There had not been discussion regarding people who were operating under the influence of marijuana and the impact they would have on the community.

Councilor Woodruff would be in support of the ban. She had the same questions and concerns as Councilor McKinney.

Mayor Andrews would be voting in favor of the ban. They were not saying no to Recreational Marijuana, but that they were not ready for the early sales.

**MOTION: McKinney/Corey** moved to adopt Ordinance 2015-2787, an Ordinance of the City of Newberg declaring a ban on the early sale of Recreational Marijuana by Medical Marijuana Dispensaries and declaring an emergency to be read by title only. Motion passed (5 Yes/ 2 No [Bacon/Rourke]).

#### **NEW BUSINESS:**

##### Resolution 2015-3218, TSP amendment initiation

Associate Planner Jessica Pelz said the City received an application from ODOT to amend the Transportation System Plan to reflect two things that had happened since the 2013 TSP amendment to adopt the Phase 1 Bypass details. Since the amendment, the lane configuration of Highway 219 had changed and the Ladd Hill Neighborhood Association raised issues about the Bypass/Wilsonville Road intersection for a no-through movement. Staff was asking Council to initiate the process for these two amendments, which would then go through a public hearing with the Planning Commission and then back to Council. Staff recommended adoption of the resolution.

Councilor Woodruff asked if there was an estimate of how long the public hearing process would take and if it would affect the bypass completion. AP Pelz said Planning Commission would hear the issue in November, and the Council in December. At this time ODOT was moving forward with the existing construction plans showing the through movement. If the Council approved the resolution, it would require changing the construction plans.

Councilor McKinney asked for clarification on Figures 1 and 2. Community Development Director Doug Rux explained Figure 1 was a configuration of two south bound lanes on Highway 219 that ODOT concluded they did not need. Figure 2 was the current proposal from the Ladd Hill Neighborhood Association. Councilor Essin asked if this was the time to discuss whether the no-through movement was a good idea. AP Pelz explained the process. This was not making a decision on the amendments, it was to direct staff to study the issue and bring it to the Planning Commission for a public hearing and the Planning Commission would forward a recommendation to the Council, and the Council would make the final decision. Councilor Essin was satisfied with what was already in place.

Hillery Crew, Newberg resident, was concerned about through traffic in her neighborhood. She did not support looking at a change because any traffic that was diverted to Wilsonville Road would impact her ability to get out and move around. She thought Springbrook would be the next Dundee. Those who wanted the change did not live on Wilsonville Road and would not be impacted.

Charles Conniry, Newberg resident, was concerned about the impact to Fernwood Road if traffic was directed onto Wilsonville into Newberg. Currently it was a safe road with pedestrians and golf carts often using it. It would be a safety hazard, detract from the ambiance of the golf course, and they all had to make sacrifices for progress. He asked the Council not to consider moving forward with investigation on this option.

Gary Bliss, Newberg resident, had reviewed the plan and did not think it merited further study as it would not function as intended. In his 45 years as a Civil Engineer, he had built many arterial roads with intersections such as the one proposed. It had been his experience that they did not work. People ignored signs and would make illegal turns. He used Wilsonville Road often and there was traffic and speeding on the road. This proposal would eliminate the cross traffic so anyone in west or north Newberg would not have access to Wilsonville Road unless they traveled other roads that were not intended for that much traffic. Wilsonville Road was meant to join the community and this proposal would deny that. The City allowed golf carts on Brutscher and Fernwood, and now they were proposing to mix transient traffic with those. There were 250 homes in the proximity of the golf course that could use the same roads with golf carts. He recommended the City not proceed with considering this design.

Elaina Medina, Newberg resident, opposed initiating the amendment. The no-through option would be dangerous and disruptive to her neighborhood. They were already going to see increased traffic on Fernwood with the new apartment complex that was being constructed with 180 units. She commuted on Fernwood to Wilsonville and in the winter Corral Creek Road could be a very dangerous country road. It was often closed in the winter and could be very icy. Drivers would still access Wilsonville Road by going through neighborhoods where children, golf carts, and seniors used the streets. She asked that Council not initiate the resolution.



Jessica Moretti, Newberg resident, was opposed to the resolution. It would take more time and money, and they wanted to get the bypass done. She was opposed on behalf of all the skate boarders, stroller pushers, dog walkers, golfers, tractor drivers, joggers, and moms like her that did not want any more noise or traffic on Fernwood.

Alex Rix, Newberg resident, said there was a senior community on Fernwood and a large field nearby that was used for youth sport events. He urged Council to take that into consideration and reject this proposal.

Darryl Palmer, Newberg resident, was against the amendment for all of the reasons that had been stated that night.

Roger Kuhlman, Newberg resident, had followed the public presentations with ODOT and recently learned of the proposed changes. He was concerned about the short construction timeline, and that it would take time to fully vet other options. He supported not considering this amendment and leaving the plans the way they were.

Stan Halle, a County resident, was a proponent for the resolution. The intent of the bypass was to redirect traffic either south to McKay Road or north to Springbrook and back to 99W. It was never to use Wilsonville Road as a de-facto extension of the bypass. When the amendment to include Wilsonville Road was approved by Council in 2013, ODOT made misrepresentations that had been proven incorrect. ODOT violated the National Environmental Protection Act by claiming that they had done analysis modeling when they had not. They were in support of the bypass, but not in support of Wilsonville Road becoming the extension. Many children crossed Wilsonville Road and there were schools, private driveways, farms, garbage trucks, and school buses on the road and it already was unsafe. They had prepared a lawsuit to take to district court, but wanted to work with the City, School District, and County to come to a resolution. There would be unintended consequences and he requested that the resolution be adopted. ODOT did not think it would affect the construction timeline as Wilsonville Road construction would be the last thing to be done. In the amendment ODOT put in that they would continue to monitor and mitigate problems when and if they arose.

Councilor McKinney asked if there was an environmental question or was this just being used as a delay? Mr. Halle said there was an environmental question and they were not trying to delay the project. He said changing it to Wilsonville Road without doing the proper modeling analysis was a violation of NEPA. ODOT came up with the no-through design to mitigate the problem.

Councilor Essin asked CA Stone about the lawsuit. CA Stone had not seen the proposed lawsuit and did not think the City would be a party to the lawsuit. It would be an issue between ODOT and those contesting ODOT's action. Litigation took time and if it ended up in court, it could result in a delay until it was resolved.

Councilor Essin asked CDD Rux about making these changes. CDD Rux explained if Council initiated the process, staff would look at the information prepared by ODOT and other options for the configuration. Staff would have to review the pros and cons before making a recommendation to the Planning Commission on this proposal. Councilor Essin asked about the repercussions of keeping what was already in place. CDD Rux said possible repercussions could include filing legal proceedings and not proceeding with the construction timeline for the project.

Councilor McKinney discussed the bypass design. What were the impacts for Springbrook Road? CDD Rux said if ODOT did not move forward with the Springbrook Road improvements, the Wilsonville Road connection would not be removed. Staff had discussed the movement that would occur in these intersections and would have to look into the options further. The option brought forward by ODOT was one option, but there might be others to look at.

Councilor Bacon clarified a compromise that was good for both parties could happen. CDD Rux said it was possible, but would require a discussion among all the parties and review of the traffic analysis and Transportation System Plan. The other option was what was in the TSP needed to be constructed.

Councilor Essin did not think they should make any changes. There was a threat of a lawsuit if they wanted to go with a different option than the Ladd Hill Neighborhood Association suggested. The City was already going to spend a lot of time on side routes because the original bypass was not constructed. They would not find a solution to prevent traffic from going on Wilsonville Road.

**MOTION: Essin** moved to deny Resolution 2015-3218, A Resolution initiating an amendment to the Transportation System Plan for changes to the road and lane configuration of Highway 219 and the Highway 219/Phase 1 Bypass/Wilsonville Road intersection. Motion died for lack of a second.

Councilor Rourke said this was happening because ODOT made a mistake. Passing the resolution gave them a chance to fix the mistake, but they did not have to approve the no-through option. He did not have a problem with the current configuration, but was inclined to go through the hoops with the intent that the result would benefit Newberg and its citizens.

**MOTION: Rourke/Corey** moved to adopt Resolution 2015-3218, A Resolution initiating an amendment to the Transportation System Plan for changes to the road and lane configuration of Highway 219 and the Highway 219/Phase 1 Bypass/Wilsonville Road intersection.

Councilor Essin cautioned the Council that even if they could come up with a solution, the Ladd Hill neighborhood still might sue. He was opposed to the resolution.

Councilor Corey said he supported the resolution because they were sending it back to consider the options. Unfortunately the bypass was not going to go through to 99W and there would be a lot of problems on Newberg streets.

Councilor McKinney thought this was ODOT's solution to the problem, and they would force it to happen. The initiation of this process would make things worse for Newberg. Staff needed to find a suitable solution to the problem regardless of what Ladd Hill or ODOT had to say.

Councilor Rourke said staff would not be able to do anything until this process was initiated. AP Pelz said the way it had been done in the past was for Council to initiate an amendment to the TSP. CDD Rux explained the process was the same as used in the 2012 TSP amendment. Staff did not have all of the information yet to make a recommendation. Councilor McKinney thought staff could come up with a better solution to the problem. Rather than passing this resolution, they should leave it to staff to find a solution that did not sacrifice Newberg. What the citizens said was important and he hoped the resolution would fail.

Mayor Andrews said they were not supporting one option by passing the resolution. They were initiating examination of an amendment. He was in support of the resolution.

Councilor Bacon was in support of the resolution. She hoped that they could come up with a plan that was safe for everyone. If it came back in the form that had been presented by ODOT, she would not support it.

Motion passed (4 Yes/ 3 No [Essin/Rourke/McKinney]).

#### Resolution 2015-3228, Initiation of Comp Plan amendment

AP Pelz said this resolution would initiate Comprehensive Plan and Development Code amendments to adopt the Transportation System Plan as a whole. All of the draft materials would be presented at the upcoming joint Council/Planning Commission meeting on September 28.

Councilor Rourke asked whether the two amendments would end up correlating? AP Pelz said they had anticipated getting the ODOT amendments earlier so it would not be an issue. The TSP project was a separate project with ODOT and expired the end of February. Councilor Rourke thought they should wait until the other issue was resolved before proceeding with the Comprehensive Plan amendment.

CDD Rux said the contract between ODOT and DKS Associates ran out at the end of December, but they were negotiating an extension to the end of February. If they were to wait until January to initiate it, it would go to the Planning Commission in February when the contract ran out. Delaying it until the other issue was resolved might put them be in the position where they would not have a consultant to help through the hearing process and make changes to the documents.

Councilor Corey agreed with Councilor Rourke about not going forward with the resolution at this time.

Councilor Bacon said this was the 20-year plan for all of the City’s streets and transportation network. She did not think it should be stopped because of one intersection.

**MOTION: Bacon/Woodruff** moved to approve Resolution 2015-3228, A Resolution initiating Comprehensive Plan and Development Code amendments to adopt the Transportation System Plan and associated policies and regulations. Motion carried (6 Yes/ 1 No [Essin]???)

**COUNCIL BUSINESS:**

Mayor Andrews reminded City Council about the Visioning Session on October 3<sup>rd</sup> and confirmed that everyone could attend. He asked if there were any issues with the LOC Conference.

Councilor Essin said the tree at the Library had been evaluated by an arborist and they would be able to save the tree. He wanted to look at the arborist report.

Councilor Woodruff announced the FISH Community Open House to celebrate the opening of the waiting room since the Council helped fund its renovation.

Mayor Andrews said after the LOC Conference he would be coming out with the charges for the two subcommittees he had appointed at the last meeting, one regarding marijuana and the other regarding City Manager recruitment. Staff needed direction regarding funding options for street maintenance.

PWSD Harris would prepare a memorandum with options for the next Council meeting. There was discussion on routing it through the Rate Review Committee.

**ADJOURNMENT:** The meeting was adjourned at 10:45 p.m.

**ADOPTED** by the Newberg City Council this 12th day of October, 2015.

\_\_\_\_\_  
Sue Ryan, City Recorder

**ATTESTED** by the Mayor this \_\_\_\_ day of October, 2015.

\_\_\_\_\_  
Bob Andrews, Mayor

**NEWBERG CITY COUNCIL and PLANNING COMMISSION  
MINUTES  
TRANSPORTATION SYSTEM PLAN WORKSHOP  
SEPTEMBER 28, 2015, 6:00 PM  
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)**

**CALL MEETING TO ORDER**

The Mayor and Planning Commission Chairman called the meeting to order at 6:00 p.m.

**ROLL CALL**

Council Members Present:

Mayor Bob Andrews	Scott Essin	Stephen McKinney	Lesley Woodruff
Denise Bacon	Mike Corey	Tony Rourke	

Planning Commission Members Present:

Chair Gary Bliss	Jason Dale	Matthew Fortner	Patrick Johnson
Philip Smith	Cathy Stuhr		

Staff Present: Stephen Rhodes, City Manager Pro Tem

Sue Ryan, City Recorder

Doug Rux, Community Development Director

Jessica Pelz, Associate Planner

Steve Olson, Associate Planner

Kaaren Hofmann, City Engineer

Truman Stone, City Attorney

Garth Appanaitis, DKS Associates

Carl Springer, DKS Associates

Terry Cole, ODOT

**PUBLIC COMMENTS:** None

**TRANSPORTATION SYSTEM PLAN UPDATE WORKSHOP:**

CDD Rux said tonight was about the update to the Transportation System Plan and not on the Council's action on September 21 regarding Wilsonville Road. There had been discussions between ODOT and DKS Associates and the contract would be extended until the end of June 2016 instead of February.

**PRESENTATION – TSP OVERVIEW:**

AP Pelz introduced DKS Associate Garth Appanaitis who would lead the discussion on the TSP update (need spelling of his name). She said this evening was meant to be a discussion on the goals, overall TSP draft, project list, project maps, and draft Code amendments. All transportation related issues would be resolved before the TSP would be adopted.

Mr. Appanaitis, DKS Associates, gave an overview of the process that had taken place so far, major elements and key assumptions of the Plan, and project list. Stakeholder interviews were done as well as holding an Open House and people could continue to submit comments. In general people liked the mix of projects, wanted staff to revisit the project costs, the CPRD projects were likely not going to be funded as they did not have funding, they should look at downtown opportunities, and map the future bypass phases.

Councilor McKinney asked if right-of-way had been purchased for the aspirational bypass? Terry Cole, ODOT, said no protective right-of-way had been purchased outside of the Phase 1 corridor and it was not in the budget within the planning horizon. Four lanes had been acquired for Phase 1.

PC Stuhr asked how this plan interfaced with the County plan for projects outside of the UGB. Mr. Appanaitis discussed how the projects could be put in the plan and would require ongoing staff coordination between the agencies. Project E-19 was an example, and could come off the map.

PC Stuhr suggested putting it on a separate map and any other projects like it.

Councilor Essin asked about the likely and unlikely funding, was the City going to be responsible for the funding sources? How did they know what was likely and unlikely?

Mr. Appanaitis said by being on the list it did not require or commit any entity to fund a project. It was looking at opportunities and what would most likely occur. Mr. Cole said the funding estimates had been developed with the help of city staff based on historical expenditures. They had looked at resources around the region and what share might come to Newberg. It was based on the current revenue stream, and was a conservative estimate for the future.

Councilor Essin said the bypass map ended at Highway 219, was there no consideration of where the traffic would go until Phase 2? Mr. Cole said this was to show the Phase 1 segment, the rest of the corridor had been analyzed and the alignment up to 99W had been identified.

**CODE AMENDMENT DISCUSSION:**

AP Pelz reviewed the Development Code amendments proposed that would refine the language to provide clarity and modernization and would reorganize the layout of Chapter 15. Sections were added to address existing policies and the public utilities and storm water sections had been bulked up. The Comprehensive Plan amendments removed redundancy and also reflected the current bypass and outdated policies were removed.

PC Stuhr suggested adding words “provide for safe, efficient, and equitable” in the street standards purpose. Under construction of new streets it stated “the adjoining land abutting the opposite side of the street was in the city limits and Urban Growth Boundary” and she thought they should say “or Urban Growth Boundary”. Regarding the Comprehensive Plan, some of the “shoulds” had been changed to “shalls” and vice versa in Comprehensive plan. AP Pelz thought it should be “should” in the Comprehensive Plan.

CDD Rux said the general rule of thumb was for the Comprehensive Plan the word “should” was used and for the implementing regulations the word “shall” was used. Staff was trying to correct any broken links among the documents and streamline the language to make it easier to understand and be more transparent.

PC Stuhr thought all the “shoulds” and “shalls” should be corrected.

**WRAP UP AND NEXT STEPS:**

AP Pelz said staff would take Council comments as they reviewed the materials. The draft would be finalized and brought to the Planning Commission first, and then the Council. It would not be brought back until the Wilsonville Road issue was resolved.

Mayor Andrews asked for an update on the bicycle and pedestrian project on College Street. CE Hofmann said the next phase of the bicycle and pedestrian project on N College Street was scheduled to start design in 2017.

Councilor Rourke said some charts did not have dollar signs attached to them. Mr. Appanaitis said they would go through and review those charts.

**ADJOURNMENT:** The meeting was adjourned at 7:00 p.m.

**ADOPTED** by the Newberg City Council this 19th day of October, 2015.

\_\_\_\_\_  
Sue Ryan, City Recorder

**ATTESTED** by the Mayor this \_\_\_\_ day of October, 2015.

\_\_\_\_\_  
Bob Andrews, Mayor

# *REQUEST FOR COUNCIL ACTION*

**DATE ACTION REQUESTED: October 19, 2015**

<b>Order</b> ___	<b>Ordinance</b> ___	<b>Resolution</b> <u>XX</u>	<b>Motion</b> ___	<b>Information</b> ___
<b>No.</b>	<b>No.</b>	<b>No. 2015-3227</b>		

**SUBJECT: Resolution authorizing the City Manager Pro Tem to appoint recommended candidates to positions in multiple departments as listed below.**

**Contact Person (Preparer) for this Motion: Nancy McDonald, Interim Human Resources Director  
Dept.: Administration  
File No.:**

**RECOMMENDATION:**

Adopt **Resolution No. 2015-3227** Authorizing the City Manager Pro Tem to appoint recommended candidates to positions in multiple departments as listed below.

**EXECUTIVE SUMMARY:**

The City Charter, Chapter VIII, Section 34(h) provides the manager pro tem “has the authority and duties of manager, except that a Manager Pro Tem may appoint or remove employees only with council approval”.

The City Manager Pro Tem Steve Rhodes and Interim Human Resources Director McDonald have reviewed the recommendations for hire submitted by the position’s supervisors and recommend the hiring of said candidates to the council for their approval pursuant to the city charter as stated above.

The City of Newberg has successfully recruited for the vacant positions listed below. The recommended candidates either have been vetted through the appropriate hiring procedure for each department as indicated.

Public Works Department – Wastewater Treatment Plant Line Item: 06-5131-431000

Public Works Department – Water Treatment Plant Line Item: 07-5141-431000

**Operator I** Two full time, non-exempt, AFSCME-represented positions

- Current budget includes funding for one full time position at each treatment plant.
- Interview panel: Plant Superintendents Craig Pack & Dan Wilson; Sr. Operators P. Snegirev & T. Hinzman.
- Recommended candidates: Forrest Anderson & Travis Hyder.
- Candidate Anderson is a city resident and Volunteer Firefighter/E.M.T with Newberg Fire Department.
- Candidate Hyder has a B.S. in General Science from OSU and is Operations Manager of Lone Fire Landscaping, and has previous work experience with Oregon Mainline Paving.

Police Department – Communication Dispatch Services

Line Item: 01-2310-420000

**Communications Officer** Full Time, non-exempt, NDPSA-represented position

- Current budget includes funding for a full time position.
- Position had been filled by Shawna Martin, who recently resigned.
- 38 applicants, 16 candidates interviewed by Support Services Supervisor Newell with a panel made up of an officer, a records clerk and Dispatch Supervisor Miller.
- Recommended candidate: Kari Lawson.
- Candidate Lawson is a city resident with long term employment at Fred Meyer. She is active in the community and has served on the Traffic Safety Commission since 2011.

**FISCAL IMPACT:**

Funding for these positions are in the adopted FY 2015-2016 Budget under the appropriate salary and benefit line items as indicated above.

**STRATEGIC ASSESSMENT:**

Departments are working at less than full-staff capacity; quickly refilling these vacancies is the fiscally responsible solution.



## RESOLUTION No. 2015-3227

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### A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO APPOINT RECOMMENDED CANDIDATES TO POSITIONS IN MULTIPLE DEPARTMENTS

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#### RECITALS:

1. Reason for Vacancies: These regular, full time positions have been recently vacated.
2. Recommendations: Interim Human Resources Director McDonald recommends the appointment of the candidates listed for appropriate departments as soon as possible.
3. Funding: Position funding is within the FY 2015-2016 Budget and is indicated by the applicable departmental personnel services line items.
4. Manager Pro Tem Appointment: Steve Rhodes was appointed manager pro tem on September 8, 2015, by the city council. He has reviewed the recommendations for hire submitted by the supervisors of the positions and recommends the hiring of said candidates to the vacant positions. The City Charter, Chapter VIII, Section 34(h) provides the manager pro tem “has the authority and duties of manager, except that a manager pro tem may appoint or remove employees only with council approval”.

#### THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The city council approves the appointment by the city manager pro tem of the selected candidates:

Forrest Anderson	–	Operator I – Wastewater Treatment Plant
Travis Hyder	–	Operator I – Water Treatment Plant
Kari Lawson	–	Communications Officer – Dispatch Center, Police Department

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: October 20, 2015.



**ADOPTED** by the City Council of the City of Newberg, Oregon, this 19th day of October, 2015.

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Sue Ryan, City Recorder

**ATTESTED** by Mayor this \_\_\_\_\_ day of August, 2015.

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Bob Andrews, Mayor

# *REQUEST FOR COUNCIL ACTION*

**DATE ACTION REQUESTED: October 19, 2015**

<b>Order</b> ___	<b>Ordinance</b> ___	<b>Resolution</b> <u>XX</u>	<b>Motion</b> ___	<b>Information</b> ___
<b>No.</b>	<b>No.</b>	<b>No. 2015-3232</b>		

**SUBJECT: Authorize the City Manager Pro Tem to approve the purchase of two (2) replacement vehicles for the Newberg-Dundee Police Department**

**Contact Person (Preparer) for this Motion: Chris Bolek – Patrol Captain**  
**Dept.: Police**  
**File No.:**

**RECOMMENDATION:**

Adopt **Resolution No. 2015-3232** authorizing the City Manager Pro Tem to approve the purchase of two (2) new 2016 Ford Police Interceptor Utility vehicles from Landmark Ford in Tigard Oregon.

**EXECUTIVE SUMMARY:**

The City of Newberg is a member of the Oregon Department of Administrative Services Cooperative (ORCPP). Under this cooperative, the State of Oregon bid for Ford police vehicles is currently awarded to Landmark Ford, Tigard; Gresham Ford; Gresham, and Power Ford Lincoln, Newport. Due to proximity, the Police Department and City of Newberg opted to purchase the vehicles from Landmark Ford under the State bid. The vehicles will be ordered from Landmark Ford and are base priced at \$25,776 per vehicle. Additional factory electrical and lighting options will also need to be purchased with each vehicle to make the subsequent up fit of police equipment less costly. Landmark Ford has agreed to sell these vehicles, with additional options, to the City of Newberg for the price of \$29,481 each.

The Newberg-Dundee Police Department has completed the bid process to “build” these base police package vehicles; adding the specific radios, lighting, seats, markings, etc. that actually makes the vehicle a police patrol vehicle. The job do this work will be awarded to Star Cars as they are a local vender and experienced with proven service. This is still in accordance with our purchasing guidelines as they are well within 5% of the winning bid. The final bid obtained indicates that the “build” can be done for each vehicle at a cost of \$10,517.69.

**FISCAL IMPACT:** Purchase will be made via funds already set aside for this fiscal year. Replacement of police vehicles and “build” has been budgeted under account numbers 32-2110-610000 (Vehicle Replacement) and 01-2120-610000 (Capital Outlay).

**STRATEGIC ASSESSMENT:** These vehicles will be replacement vehicles and not additions to the patrol vehicle fleet. Replacing aging police vehicles, be it detective, patrol, or pool cars with excessive mileage and /or engine hours is imperative to the efficient use of vehicle maintenance funds by reducing maintenance costs.



## ***RESOLUTION No. 2015-3232***

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**A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO  
APPROVE THE PURCHASE OF TWO REPLACEMENT PATROL  
VEHICLES FOR THE NEWBERG-DUNDEE POLICE**

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### **RECITALS:**

1. The Newberg-Dundee Police Department is finding it necessary to replace two patrol vehicles. Repair and maintenance costs of older, high mileage vehicles will continue to rise due to the age and wear on the vehicles.
2. The vehicles will be obtained under the Oregon Department of Administrative Services Cooperative (ORCPP) from Landmark Ford. The bid to build the vehicles into marked police patrol vehicles is complete and will comply with ORS Chapter 279 and the City of Newberg Purchasing Manual.
3. The final costs to purchase, build, and complete both vehicles as marked police patrol vehicles is \$79,997.38. Funding to purchase these vehicles is budgeted under the Vehicle Replacement Account of the police department; 32-2110-610000 and Capital Outlay Account; 01-2120-610000.

### **THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

The City Council, acting as the Contract Review Board for the City, does hereby authorize the City Manager Pro Tem to approve the purchase of (2) new 2016 Ford Police Interceptor Utility vehicles, built (equipment and labor) as authorized marked police vehicles, for a total purchase price of \$79,997.38.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: October 20, 2015.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 19<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
Sue Ryan, City Recorder

**ATTEST** by the Mayor this \_\_\_\_ day of October, 2015.

\_\_\_\_\_  
Bob Andrews, Mayor



# QUOTE #:062915PIU

**Customer Billing Information:**

City of Newberg  
414 E. 2nd Street  
Newberg, OR 97132

**Customer Ship To:**

Police Department  
Newberg, OR 97132

Purchase Order Number:

Attention: Eric Ronning

<b>Quote Number:</b> 062915PIU	<b>Project - Vehicle - Description</b> 2016 FORD PI - UTILITY	<b>Date:</b> 6/29/2015
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Part #	Description	Qty	UM	Each	Total ...
	This Quote is Priced Per Vehicle: 2016 Ford Police Interceptor - Utility				
CCSO-PI-UTILITY	Contract Price: Ford PI-Utility w/ PDC, Harness, Hardware & Labor	1	BID		
2015+ FORD-PI-UTIL...	2015+ Ford PI-Utility: Total Parts	1	PRTS	1,511.08	1,511.08
2015+ FORD-PI-LABOR	2015+ Ford PI PPV: Total Installation Labor	1	TL	2,250.00	2,250.00
	SUBTOTAL: CCSO Contract Price: Ford PI-Utility w/ PDC, Harness, Hardware & Labor				3,761.08
		1		0.00	0.00
		1		0.00	0.00
				0.00	0.00
STAR-DISC1	Ford Partial Prep Credit			-286.00	-286.00
STAR-MISC1	Dealer Purchase Coordinator & Processing	1	VEH	200.00	200.00
SHOP-1	Shop Supplies	1	SS	10.00	10.00
FREIGHT-1	Freight Charges	1	FRT	201.00	201.00
HS-VS-1200-INUT	Havis 12" Ford Utility Console w/ Faceplates	1	ASSY	329.75	329.75
HS-C-ARM-104	Havis Molded Armrest, Mounts To Trak-Mount Base (Pad: 5.25" x 10")	1	ASSY	121.91	121.91
HS-CUP2-E-C	Havis Dual External Cup Holder	1	EA	34.97	34.97
AB-14.0553	Able2 Power Point 3 Outlet Box	1	EA	16.26	16.26
425-2490	Map Light LED w/ Blue Cover	1	EA	39.95	39.95
425-2827	Console Side Mount Post	1	EA	99.00	99.00
PMS-CS-G1	GETAC Clamshell Mounting Solution with 1" x 6.75" Swing Arm (425-3062)	1	ASSY	355.00	355.00
WEI-001	Single Gun Mount-AR-Hand Cuff Key	0	ASSY	263.50	0.00
MAG-RL1019	LED Mag-Lite With Charger	2	EA	148.98	297.96
T-361879	UHF Male Crimp RG58U/A Emerson (PL-259) Connector	1	EA	6.25	6.25
T-71969	Amphenol MiniUHF Male Crimp RG58U/A	1	EA	6.60	6.60
T-429700	Antenna Mount 0-6GHz 25' RG58/U Dual Shield Cable	2	EA	21.25	42.50
SNLB-PACK	Whelen Lightbar w/ CenCom Sapphire Package by Sirenet	1	PK	1,650.00	1,650.00
475-0304	Space Creator-High Security High Visibility Window (Includes Center HSEP only)	1	ASSY	765.00	765.00

**Thank you for the opportunity to exceed your expectations Quote is valid for 60 days Free Pickup & Delivery**

<p><b>23480 NE Hyland Drive, Newberg, Oregon 97132 * www.Star-Cars.net</b></p> <p><b>Phone: 503-538-3436 * Fax: 503-538-3102 * Email: Admin@Star-Cars.net</b></p>	<p><b>Total: continued</b></p>
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# QUOTE #:062915PIU

<b>Quote Number:</b> 062915PIU	<b>Project - Vehicle - Description</b> 2016 FORD PI - UTILITY	<b>Date:</b> 6/29/2015	<b>Customer Billing Information:</b>  City of Newberg 414 E. 2nd Street Newberg, OR 97132	<b>Customer Ship To:</b>  Police Department Newberg, OR 97132
			Purchase Order Number:	Attention: Eric Ronning

Part #	Description	Qty	UM	Each	Total ...
475-0789	Patriot Lower Extension Panels for Space Creator cage for the Ford Interceptor SUV	1	ASSY	117.00	117.00
AD-SUVIC1311	Aedec Molded Transport Seat w/ Center Belt Kit and Upper Metal Mesh Screen	1	ASSY	862.03	862.03
AD-MLP01-017	Aedec Polycarbonate Window Overlay for Metal Mesh	1	EA	36.89	36.89
SM-WK0595ITU12	Setina Ford PI-Utility Polycarbonate Window Barriers	1	PR	206.10	206.10
SM-PB400	Setina PB400 Aluminum Push-Bumper.	1	EA	290.00	290.00
SN-SP1	Sirennet Compact 150 Watt Siren Speaker	2	EA	156.00	312.00
SO-ETHFSS-SP	SoundOff Signal Select-A-Pattern Headlight Flasher	1	EA	38.86	38.86
C3-CD3766BW	Code 3 Chase Dual Color 12 LED Light - Blue & White (Passenger Side Push Bumper)	1	EA	72.29	72.29
C3-CD3766RW	Code 3 Chase Dual Color 12 LED Light - Red & White (Driver Side Push Bumper)	1	EA	72.29	72.29
C3-CD3766BW	Code 3 Chase Dual Color 12 LED Light - Blue & White (Driver Side Rear Window)	1	EA	72.29	72.29
C3-CD3766RW	Code 3 Chase Dual Color 12 LED Light - Red & White (Passenger Side Rear Window)	1	EA	72.29	72.29
C3-HB6PAK-PI-RB	Code3 HB6PAK Twist Lock Hide-A-Blast for Ford P.I. - Red/Blue (Tail Light Housing)	2	EA	64.71	129.42
TP-AC-UV-CARGO-MNT	Troy Products Tilt-Up Cargo Mount for Ford PI - Utility	0	ASSY	300.00	0.00
TP-AC-UV-TRAY-H	Troy Products Electronics Tray that Bolts to the Underside of the UV Cargo Mount	0	ASSY	200.00	0.00
PDXDECAL-2CR	Wrap 2 Front Doors (White) w/ Reflective Door Badges & "Newberg-Dundee Police" on Rear of Vehicle	1	WRAP	585.00	585.00

**Thank you for the opportunity to exceed your expectations Quote is valid for 60 days Free Pickup & Delivery**

23480 NE Hyland Drive, Newberg, Oregon 97132 * <a href="http://www.Star-Cars.net">www.Star-Cars.net</a> Phone: 503-538-3436 * Fax: 503-538-3102 * Email: <a href="mailto:Admin@Star-Cars.net">Admin@Star-Cars.net</a>	<b>Total: <u>\$10517.69</u></b>
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NEWBERG-DUNDEE POLICE VEHICLE UPFIT BID REQUEST SHEET

Customer Billing Information:

City of Newberg 414 E. 2nd Street  
Newberg, OR 97132

Customer Ship To:

Police Department  
Newberg, OR 97132

Quote Number:            Project - Vehicle - Description            Date:  
  2016 FORD PI - UTILITY

Attention: Eric Ronning

Part #	Description	Qty	UM	Each	Total ...
	This Quote is to be Priced Per Vehicle: 2016 Ford Police Interceptor - Utility				
2015+ FORD-PI-UTIL...	2015+ Ford Pi-Utility :w/ Power Dist. Ctr, Wiring Harness, Misc brackets and Hardware.	1	PRTS		
2015+ FORD-PI-LABOR	2015+ Ford PI PPV: Total Installation Labor	1	TL		
	<b>SUBTOTAL: Ford Pi-Utility w/ PDC, Harness, Hardware &amp; Labor</b>				
FORD-K-8A	Ford Police Interceptor Utility: Part# K-8A	1	VEH	25,776.00	25,776.00
2016MY FORD-OPTIO...	Total Suggested Ford Option Codes (Option Codes to be ordered are listed at bottom of document.)	1	OPT	3,705.00	3,705.00
	<b>SUBTOTAL: Amount to Landmark Ford per Vehicle</b>				<b>29,481.00</b>
MISC1	Dealer Purchase Coordinator & Processing	1	VEH		
SHOP-1	Shop Supplies	1	SS		
FREIGHT-1	Freight Charges	1	FRT		
HS-VS-1200-1 NUT	Havis 12" Ford Utility Console w/ Faceplates	1	ASSY		
HS-C-ARM-104	Havis Molded Armrest, Mounts To Trak-Mount Base (Pad: 5.25" x 10")	1	ASSY		
HS-CUP2-E-C	Havis Dual External Cup Holder	1	EA		
AB-14.0553	Able2 Power Point 3 Outlet Box	1	EA		
425-2490	Map Light LED w/ Blue Cover	1	EA		
425-2827	Console Side Mount Post	1	EA		
PMS-CS-G1	GETAC Clamshell Mounting Solution with 1" x 6.75" Swing Arm (425-3062)	1	ASSY		
MAG-RL1019	LED Mag-Lite With Charger	2	EA		
T-361879	UHF Male Crimp RG58U/A Emerson (PL-259) Connector	1	EA		
T-71969	Amphenol MiniUHF Male Crimp RG58U/A	1	EA		
T-429700	Antenna Mount 0-6GHz 25' RG58/U Dual Shield Cable	2	EA		
Lightbar/controler-PACK	Whelen Lightbar w/ CenCom Sapphire Package	1	PK		
475-0304	Space Creator-High Security High Visibility Window (Includes Center HSEP only)	1	ASSY		

Attention: Eric Ronning

Part #	Description	Qty	UM	Each	Total ...
475-0789	Patriot Lower Extension Panels for Space Creator cage for the Ford Interceptor SUV	1	ASSY		
AD-SUVIC1311	Aedec Molded Transport Seat w/ Center Belt Kit and Upper Metal Mesh Screen	1	ASSY		
AD-MLP01-017	Aedec Polycarbonate Window Overlay for Metal Mesh	1	EA		
SM-WK0595ITU12	Setina Ford PI-Utility Polycarbonate Window Barriers	1	PR		
SM-PB400	Setina PB400 Aluminum Push-Bumper.	1	EA		
SP1	Compact 150 Watt Siren Speaker	2	EA		
ETHFSS-SP	SoundOff Signal Select-A-Pattern Headlight Flasher	1	EA		
C3-CD3766BW	Code 3 Chase Dual Color 12 LED Light - Blue & White (Passenger Side Push Bumper)	1	EA		
C3-CD3766RW	Code 3 Chase Dual Color 12 LED Light - Red & White (Driver Side Push Bumper)	1	EA		
C3-CD3766BW	Code 3 Chase Dual Color 12 LED Light - Blue & White (Driver Side Rear Window)	1	EA		
C3-CD3766RW	Code 3 Chase Dual Color 12 LED Light - Red & White (Passenger Side Rear Window)	1	EA		
C3-HB6PAK-PI-RB	Code3 HB6PAK Twist Lock Hide-A-Blast for Ford P.I. - Red/Blue (Tail Light Housing)	2	EA		
WRAP	Wrap 2 Front Doors (White) w/ Reflective Door Badges & "Newberg-Dundee Police" on Rear of Vehicle	1	WRAP		
Ford Option Codes to be ordered on vehicle.	86P,86T,66C, 99R, 44C,153,549, 17T,18W, 21L, 21W, 43D, 51R, 52P,53M, 55B, 55D, 59J, 60A, 60R, 63B, 76R, 87R				

# Estimate



Date	Estimate #
8/10/2015	1114

Safety Vehicle Systems  
2240 Judson Steet se  
OR 97302

Phone #
503.581.7758

Name / Address
Newberg-Dundee Police Dept Eric Ronning PO Box 970 Newbeg, Oregon 97132

Project	P.O. No.	Rep	Job Ticket
		TM	

Item	Description	Qty	Rate	Total
	2016 FORD PI - UTILITY			
SVS-Exp-Panel	SVS Custom Power dist Panel, Timer, Relay, Wiring, Bracket & Hardware	1	495.00	495.00
Labor	All Labor to perform job	38	65.00	2,470.00
shop Supplies	wire, zip ties, loom, nuts, bolts	1	240.00	240.00
freight	Shipping charges	1	250.00	250.00
Misc	(C-VS-1200-INUT) Havis Shield 2013-2016 Ford Police Interceptor Utility Vehicle Specific 12" Console	1	311.44	311.44
Misc	(C-ARM-104) Molded Armrest To Mount To Trak-Mount Base	1	115.14	115.14
C-CUP2-E-C	Havis Dual External Cup Holder	1	32.62	32.62
14.0553	3 Acc Outlet box 12V	1	24.53	24.53
425-2490	5 LED Blue map light	1	49.35	49.35
425-2827	Jotto Charger console mounting base. Attaches to side of consoles and mounts to any Jotto desk arm	1	115.50	115.50
DS-GTC-201-3	Docking Station with Triple High-Gain Antenna for Getac F110 Tablet	1	631.94	631.94
Misc	RL10119 Mag Lite Flashlight with Charger	1	133.00	133.00
	T-361879 (Included in Shop Supplies)			
	T-71969 (Included in Shop Supplies)			
503384	Larsen RG58 dual shield co ax antenna cable	2	26.64	53.28
IW8BRBR	Whelen Liberty 2 WeCan 48" Light Bar. 5 IWDLB, 5 IWDLR, 1 ITL12, 1 IA3 & MKEZ Strap Kit.	1	1,660.80	1,660.80
CCSRN3	New CenCom Sapphire	1	773.18	773.18
Misc	(475-0304)Space Creator - High Security/High Visibility Window (Includes Center HSEP ONLY)	1	393.75	393.75
Misc	(475-0789)HSEP - 2P - Steel	1	56.88	56.88
SUVIC1311	2013 PI SUV C/BELT	1	856.25	856.25
MLP01-017	Aedec Prisoner seat PC WINDOW UPGRADE	1	36.64	36.64
SVS-WB-INTER-...	SVS Lexan Window Guards (Pair)	1	154.00	154.00
BK0534ITU12	PB400 VS ALUM BUMPER FULL, 12-13 INTERCEPTOR UTILITY	1	243.34	243.34
C3100	Code 3 Siren speaker	2	158.20	316.40
ETHFSS-SP-ISO	Isolated headlight flasher	1	46.45	46.45
<b>Total</b>				



# Estimate

Date	Estimate #
8/10/2015	1114



Safety Vehicle Systems  
2240 Judson Steet se  
OR 97302

Phone #
503.581.7758

Name / Address
Newberg-Dundee Police Dept Eric Ronning PO Box 970 Newbeg, Oregon 97132

Project	P.O. No.	Rep	Job Ticket
		TM	

Item	Description	Qty	Rate	Total
Misc	(3766BW)Code3 Chase Dual Color 12 LED Light Head (Blue & White Passenger Side of Push Bumper)	1	91.08	91.08
Misc	(3766RW)Code3 Chase Dual Color 12 LED Light Head (Red & White Driver Side of Push Bumper)	1	91.08	91.08
Misc	(3766BW)Code3 Chase Dual Color 12 LED Light Head (Blue & White Driver Side of Rear Window)	1	91.08	91.08
Misc	(3766RW)Code3 Chase Dual Color 12 LED Light Head (Red & White Passenger Side of Rear Window)	1	91.08	91.08
Misc	(HB6PAK-PI-RB)Code 3 Hide-A-Blast 6 Pack. (Red & Blue Tail Light Housing)	2	65.00	130.00
Misc	Install Wrap White All Doors, Reflective Badges & Text by PDX Wraps	1	495.00	495.00
<b>Total</b>				\$10,448.81



Wire Works LLC  
4775 Portland Rd NE  
Suite 200  
Salem, Or 97305

# Estimate

Date	Estimate #
8/5/2015	4148

Newburg-Dundee Police Department  
414 E 2nd Street  
Newberg OR 97132

Job	P.O. No.	Rep
		GC

Item	Description	Qty	Rate	Total
Vehicle Transfers	2016 Ford Interceptor SUV Vehicle to be purchased from Landmark Ford built to customer specs	1	29,481.00	29,481.00
Ch27.1.14	Power distribution: 911 Circuits power distribution panel. 27 circuits, single stage timer, 14 foot. SPECIFY MOUNTING BRACKET	1	585.95	585.95T
MPFISUVGB	911 Circuits mounting bracket for the Ford Utility SUV. Mounts in glove box.	1	25.00	25.00T
WWSS-002	Front of vehicle: Wire Works siren speaker and universal bracket. 100 watt	1	156.00	156.00T
BK0534ITU16	Setina PB400 Aluminum push bumper for the 2016+ Ford Interceptor SUV.	1	262.54	262.54T
UHF2150A	Whelen Headlight/Grille Light Flasher with 4 Flash Patterns for Positive or Negative Headlight Switching (not for Chevy Impala)	1	48.49	48.49T
CD3766BW	Code 3 Chase Dual Color 12 LED Light. Blue and white LED's	1	85.84	85.84T
CD3766RW	Code 3 Chase Dual Color 12 LED Light. Red and white LED's	1	85.84	85.84T
KB LIB II IX/IW ...	Top of vehicle: Whelen Liberty II light bar. 50" bar with 3 LED takedowns and single color.	1	1,554.00	1,554.00T
LARNMOKHFU...	Larsen high frequency coax. RG58/U Dual Shield cable. 25 foot length. No connector.	2	22.50	45.00T
HB6PAK-RB	Rear of vehicle: Code 3 6-Pack LED Hide-A-Blast. Red/blue LED's	2	69.85	139.70T

Thank you for the opportunity!	<b>Subtotal</b>
	<b>Sales Tax (0.0%)</b>
	<b>Total</b>



Wire Works LLC  
4775 Portland Rd NE  
Suite 200  
Salem, Or 97305

# Estimate

Date	Estimate #
8/5/2015	4148

Newburg-Dundee Police Department  
414 E 2nd Street  
Newberg OR 97132

Job	P.O. No.	Rep
		GC

Item	Description	Qty	Rate	Total
CD3766BW	Side of vehicle: Code 3 Chase Dual Color 12 LED Light. Blue and white LED's	1	85.84	85.84T
CD3766RW	Code 3 Chase Dual Color 12 LED Light. Red and white LED's	1	85.84	85.84T
475-0304	Prisoner area: Patriot Products Space Creator Partition for the 2013+ Ford Interceptor SUV. High Security/ High Visibility window option	1	630.00	630.00T
475-0789	Patriot lower extension panels for Space Creator cage for the Ford Interceptor SUV.	1	91.00	91.00T
SUVIC1311	Aedec prisoner seat system for the Ford SUV. Includes seat, rear partition and center pull seat belts.	1	908.31	908.31T
Misc	Aedec MLP01-017	1	36.96	36.96
WK0595ITU12	Setina poly carbonate window barriers for 2012 and up Interceptor SUV	1	198.70	198.70T
C-VS-1200-INUT	Officer's area: Havis 2013-2014 Ford Police Interceptor Utility Vehicle Specific 12" Console	1	263.80	263.80T
C-ARM-104	Havis Molded Armrest To Mount To Trak-Mount Base	1	97.52	97.52T
C-CUP2-E-C	Havis dual external mount cup holder. Mounts to the rear of all horizontal C-Series console or the top of any flat surface.	1	26.64	26.64T
CCSRN36	Whelen CenCom Sapphire Siren w/ 3 Section Control Head	1	744.00	744.00T
425-5071	Jotto Desk 3 outlet cig power box.	1	16.80	16.80T
425-2490	Jotto Desk USB 5 LED Flexlight	1	35.00	35.00T
425-2827	Jotto Desk 06+ Charger console mounting base. Attaches to side of consoles and mounts any Jotto Desk arm.	1	92.40	92.40T
425-3062	Jotto Desk 6.75" straight arm. Small mounting holes.	1	50.40	50.40T
Thank you for the opportunity!		<b>Subtotal</b>		
		<b>Sales Tax (0.0%)</b>		
		<b>Total</b>		



Wire Works LLC  
4775 Portland Rd NE  
Suite 200  
Salem, Or 97305

# Estimate

Date	Estimate #
8/5/2015	4148

Newburg-Dundee Police Department  
414 E 2nd Street  
Newberg OR 97132

Job	P.O. No.	Rep
		GC

Item	Description	Qty	Rate	Total
425-5182	Jotto Desk GK mounting plate. Attaches to bottom of various MDT docking stations to allow mounting to Jotto arms.	1	46.20	46.20T
DS-GTC-202-3	Havis docking station for the Getac tablet F110. Has 3 antenna pass through.	1	668.62	668.62T
C-MD-202	Havis tilt, swivel, motion device. Motion device that enables 180° horizontal rotation for laptops and docking stations	1	57.46	57.46T
RE-2019	Maglight metal housing flashlight. Includes 12V charging cord, charger base and flashlight.	1	85.97	85.97T
Labor	Labor required to complete the build of a vehicle	34	70.00	2,380.00T
Shop Supplies	Shop supplies to complete job. Includes zip ties, connectors, loom, etc.	1	200.00	200.00T
Freight out	Freight to customer.	1	250.00	250.00T
Graphics Installati...	Graphics Installation Fee	1	250.00	250.00T
Graphics Material	Graphics Material and/or design.	1	250.00	250.00T

Thank you for the opportunity!	<b>Subtotal</b>	\$40,020.82
	<b>Sales Tax (0.0%)</b>	\$0.00
	<b>Total</b>	\$40,020.82

# *REQUEST FOR COUNCIL ACTION*

**DATE ACTION REQUESTED: October 19, 2015**

<b>Order ___ No.</b>	<b>Ordinance ___ No.</b>	<b>Resolution <u>XX</u> No. 2015-3233</b>	<b>Motion ___</b>	<b>Information ___</b>
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**SUBJECT: Authorize Motorola 800 MHz radio purchase for Newberg Fire/EMS and Newberg-Dundee Police.**

**Contact Person (Preparer) for this Motion: Mary Newell, SSMgr/Police Department  
Dept.: DC Alex Haven/Newberg Fire Department  
File No.:**

**RECOMMENDATION:**

Adopt Resolution No. 2015-3233, authorizing the City Manager Pro Tem to approve the purchase of Motorola 800 MHz radios for Newberg Fire/EMS and Newberg-Dundee Police from Motorola Solutions, Inc.

**EXECUTIVE SUMMARY:**

City of Newberg agencies – police and fire – are dispatched off the WCCCA (Washington County Consolidated Communications Agency) radio backbone. WCCCA is in the process of a major upgrade from an analog system to a digital system. Newberg police and fire have been budgeting and applying for grants to upgrade existing radios or purchase new radios to meet the requirements of the digital system.

Anticipating funding replacement of radios to coincide with the WCCCA upgrade by 2018, radio purchases to date have been on an as needed basis. Annually, Newberg Fire/EMS and Newberg-Dundee Police budget an amount towards radio replacement in Fund 32.

WCCCA recommends the Motorola APX series of radios. Currently, City of Newberg police, fire, communications and public works radios are utilizing a variety of models of Motorola 800 MHz radios; some are upgradable and some are not. XTS/XTL model radios are upgradeable to P25; however, they cannot be upgraded to P25 Phase II, which is what the WCCCA system will require when overall WCCCA upgrade is complete. Further, the XTS/XTL models will not be supported much beyond the cutover date, still anticipated in 2018. WCCCA suggests purchasing APX radios, if agencies are purchasing radios today. Radios are public safety rated, able to sustain the rigorous elements of day-to-day police and fire activities: dropping, heat, water resistant, et cetra.

WCCCA and C800 (Clackamas County Radio system) have negotiated special pricing for radios purchased within the next year and through the upgrade. Per radio cost goes down as the quantity of the group purchase goes up. Newberg-Dundee Police and Newberg Fire recommend purchasing radios now to take advantage of the discounted pricing which offers substantial savings. (Exhibit A)

Newberg-Dundee Police has held off purchasing radios pending the switch to the digital system. However, many police radios are very old, having been in service since 1998, and are experiencing issues with radio audio quality and reliability. Police recommends the purchase of 17 portable radios now through the radio replacement fund, and an additional 18 portable radios later through a combination of Radio Replacement Funds and anticipated Homeland Security Grant Funds.

Newberg Fire/EMS purchased 25 APX series radios (20 portables and 5 mobile) in 2014 to begin the replacement process of its 108 mobile and portable radios. To continue that process NFD is requesting approval to purchase 25 additional portable radios

- Assistance to Firefighters Grant (AFG)- in 2014 NFD applied for grant funding to replace 25 portable radios through the AFG program. In July 2015, NFD was awarded partial funding of this project in the amount of \$62,250 in which NFD must contribute at least 10% (\$6,250) of that amount toward the overall purchase of portable radios.

Radio pricing is through the WSCA (Western States Contracting Alliance) contract so a competitive bid process is not required.

This initial purchase by police is for dual band portable radios. The Newberg Fire/EMS purchase of portable radios is a combination of dual band and single band. Dual band radios provide users the ability to communicate with public safety users on the Yamhill County 450 MHz radio system within Yamhill County, while maintaining interoperability with our adjacent Washington, Clackamas and Marion County neighbors.

### **FISCAL IMPACT:**

For this initial purchase, Newberg-Dundee police requests approval for \$113,223.65 from Fund 32, the police Radio Replacement Account.

Newberg Fire Department/EMS requests approval for \$160,644.75 from Fund 32 fire/EMS radio replacement account. Because of grant funding awarded to NFD, \$62,250 of the overall amount requested by NFD will be reimbursed. The total impact to the NFD radio replacement funds will be \$98,394.75.

Funding for this purchase is included in the approved FY 2015-2016 budget.

### **STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):**

Goal #3 – Provide a high level of Public Safety services.

Ensuring reliable public safety rated radios will provide Newberg Public Safety first responders with the communication technology necessary to keep the community safe.

Dual-band radios will provide full interoperability between primary City of Newberg police, fire and EMS emergency responders with all other Yamhill County UHF 450 MHz radio user agencies.

The ability to participate in fully realistic, cooperative trainings, exercises and drills with our Yamhill County police and fire agencies will better prepare our first responders for a major catastrophic event, such as an earthquake or multi-casualty event.

## ***RESOLUTION No. 2015-3233***

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**A RESOLUTION AUTHORIZING THE CITY MANAGER PRO TEM TO APPROVE THE PURCHASE OF RADIOS FOR POLICE IN THE AMOUNT OF \$113,223.65 AND FIRE IN THE AMOUNT OF \$160,644.75**

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### **RECITALS:**

1. City of Newberg public safety utilizes the WCCCA (Washington County Consolidated Communications) 800 MHZ radio backbone for dispatching police, fire and emergency services personnel.
2. The WCCCA radio system is migrating from an analog system to a digital system by 2018, requiring Newberg public safety to upgrade their radios to P25 Phase II capability by 2018.
3. Much of the Newberg radio hardware, some in use since 1998, is old, outdated, and unreliable and need to be replaced, and some newer radios cannot be upgraded to P25 Phase II capability.
4. The safety of our citizens and our public safety personnel is dependent on quality, reliable radio equipment.
5. WCCCA has recommended the Motorola APX series radios be purchased and has negotiated significant savings when done in a group purchase.
6. The cost of the purchase of these police and fire radios was approved in the FY 2015-2016 City budget.

### **THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

1. The City Council, acting as Contract Review Board for the City, does hereby authorize the City Manager Pro Tem to approve the purchase of radios from Motorola Solutions, Inc. in the amount of \$113,223.65 for the Newberg-Dundee Police Department and \$160,644.75 for Newberg Fire Department.

///

2. We will continue to investigate funding opportunities to help supplement future purchases.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: October 20, 2015.

**ADOPTED** by the City Council of the City of Newberg, Oregon, and this 19th day of October, 2015.

\_\_\_\_\_  
Sue Ryan, City Recorder

**ATTEST** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Bob Andrews, Mayor





September 18, 2015

Ron Polluconi, Washington County Consolidated Communications Agency (WCCCA)  
John Hartsock, Clackamas 800 Radio Group (C800)  
Mary Newell, City of Newberg Police Department  
Chief Alex Haven, City of Newberg Fire Department

**RE: P25 Subscriber Radios**

Dear Mr. Polluconi, Mr. Hartsock, Ms. Newell, and Chief Haven:

Motorola Solutions, Inc. ("Motorola") is pleased to have the opportunity to provide the Washington County Consolidated Communications Agency ("WCCCA"), Clackamas 800 Radio Group (C800), and the City of Newberg with quality communications equipment. The Motorola project team has taken great care to propose a solution that will meet your needs and provide unsurpassed value.

This proposal is based on the terms and conditions of the WSCA Contract No. 02702 (the "WSCA Contract"). Pricing is also based upon the WSCA Contract, although additional pricing incentives may be offered. You may accept Motorola's proposal by issuing a purchase order that (i) refers to and incorporates by reference this proposal, and (ii) identifies the order as a WSCA Contract No. 02702 transaction.

Thank you for the opportunity to provide a proposal for these solutions. Should you require further clarification or have any questions regarding our proposal, please feel free to contact Andrew Chyterbok at 360-409-3223 or by email at [andrew.chyterbok@motorolasolutions.com](mailto:andrew.chyterbok@motorolasolutions.com). Motorola Solutions appreciates your interest in our company, products, and services. We look forward to continuing our relationship serving WCCCA, C800, and the City of Newberg.

Sincerely,

Motorola Solutions, Inc.

A handwritten signature in blue ink, appearing to read 'Travis Boettcher'.

Travis Boettcher  
MSSSI Vice President

# P25 SUBSCRIBERS



The design, technical, pricing, and other information ("Information") furnished with this submission is proprietary information of Motorola Solutions, Inc. ("Motorola") and is submitted with the restriction that it is to be used for evaluation purposes only. To the fullest extent allowed by applicable law, the Information is not to be disclosed publicly or in any manner to anyone other than those required to evaluate the Information without the express written permission of Motorola.

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SECTION 1

# SUBSCRIBER EQUIPMENT AND PRICING

## 1.1 SUBSCRIBER PRICING SUMMARY AND TERMS

Agency	Pricing
C800	\$1,515,648.63
WCCCA	\$314,844.00
City of Newberg Police	\$113,223.65
City of Newberg Fire	\$160,644.75
KMF Server-WCCCA Master Site	\$0
Total	\$2,104,361.03

Pricing based on minimum order quantity of 461 subscriber radio units.

Pricing based on Purchase Orders received prior to October 23, 2015.

Pricing based on receipt of equipment prior to December 31, 2015.

KMF Server for testing of encrypted communications and key sharing with neighboring systems.

## 1.2 PAYMENT TERMS

100% Net 30 upon shipment.

## 1.3 PARTICIPATING AGENCY SUBSCRIBER EQUIPMENT LISTS AND PRICING

The Subscriber Equipment Lists and Pricing are included on the following pages.



# Customer Proposal

Account Manager: Andrew Chyterbok

Phone: 360 409 3223

Customer Number: **1036267947**

2252 NW 27th Circle

Prepared By: Andrew Chyterbok

Camas, WA 98607

PREPARED FOR: <b>John Hartsock</b>	Bill To	
COMPANY: <b>C800</b>	Address: <b>Please Advise</b>	<b>Please Advise</b>
PHONE: (503) 780-4806		
EMAIL: <a href="mailto:john.hartsock@frontier.com">john.hartsock@frontier.com</a>		

## Canby PD

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
2	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$2,918.02
2	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$684.95
2	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$1,596.00
2	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$399.00
2	GA00580	ADD: TDMA OPERATION	\$299.25	\$598.50
2	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$574.56
2	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
2	G67	REMOTE MOUNT	\$197.51	\$395.01
2	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$50.54
2	W22	ADD: PALM MICROPHONE	\$47.88	\$95.76
2	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	\$79.80
2	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$133.00
2	GA00229	APX GPS ACTIVATION	\$99.75	\$199.50
2	QA03399	ENHANCED DATA	\$99.75	\$199.50
2	GA00226	GPS ANTENNA	\$49.88	\$99.75
2	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$242.00
2	G298	ENCRYPTION P25 & MDC OTAR	\$492.10	\$984.20
2	G843	AES ENCRYPTION APX	\$315.88	\$631.75
<b>Canby PD Subtotal</b>				<b>\$9,881.84</b>

## Lake Oswego PD

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
10	H98UCF9PW6 N	APX6000 700/800 MODEL 2.5 PORTABLE	\$1,721.02	\$17,210.20
10	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$3,424.75
10	H38	ADD: SMARTZONE OPERATION	\$798.00	\$7,980.00
10	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$1,995.00
10	QA00580	ADD: TDMA OPERATION	\$299.25	\$2,992.50
10	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$665.00
10	QA00782	APX GPS ACTIVATION	\$99.75	\$997.50
10	QA03399	ENHANCED DATA	\$99.75	\$997.50
10	Q629	AES ENCRYPTION	\$315.88	\$3,158.75

10	Q498	ASTRO 25 OTAR W/ MULTIKEY	\$492.10	\$4,921.00
10	H885BK	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$84.00	<del>\$841.00</del> \$15

PAGE 36  
\$45,182.20

**Lake Oswego PD Subtotal**

**Sandy FD**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
8	H49TGD9PW1 N	APX7000XE DIGITAL PORTABLE RADIO	\$2,550.94	\$20,407.52
8	QA00569	ADD: 7/800MHZ PRIMARY BAND	\$0.00	\$0.00
8	QA00574	ADD: VHF SECONDARY BAND	\$0.00	\$0.00
8	QA00579	ADD: ENABLE DUAL BAND OPERATION	\$665.00	\$5,320.00
8	QA00577	ADD: APX7000XE MODEL 3 OPTION	\$332.50	\$2,660.00
8	H38	ADD: SMARTZONE OPERATION	\$997.50	\$7,980.00
8	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$2,739.80
8	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$1,596.00
8	QA00580	ADD: TDMA OPERATION	\$299.25	\$2,394.00
8	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$532.00
8	QA01427	ALT: IMPACT GREEN	\$16.63	\$133.00
8	QA00782	APX GPS ACTIVATION	\$99.75	\$798.00
8	QA03399	ENHANCED DATA	\$99.75	\$798.00
8	Q58	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$102.00	\$816.00
8	PMMN4062	IMPRES REMOTE MICROPHONE	\$80.25	\$642.00
8	WPLN7080	IMPRES Single Unit Charger	\$93.75	\$750.00

**Sandy FD Subtotal** **\$47,566.32**

**Clackamas County Sheriff's Office**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
25	H98UCF9PW6 N	APX6000 700/800 MODEL 2.5 PORTABLE	\$1,721.02	\$43,025.50
25	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$8,561.88
25	H38	ADD: SMARTZONE OPERATION	\$798.00	\$19,950.00
25	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$4,987.50
25	QA00580	ADD: TDMA OPERATION	\$299.25	\$7,481.25
25	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$1,662.50
25	QA00782	APX GPS ACTIVATION	\$99.75	\$2,493.75
25	QA03399	ENHANCED DATA	\$99.75	\$2,493.75
25	Q629	AES ENCRYPTION	\$315.88	\$7,896.88
25	Q498	ASTRO 25 OTAR W/ MULTIKEY	\$492.10	\$12,302.50
25	H885BK	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$84.00	\$2,100.00
22	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$32,098.22
22	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$7,534.45
22	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$17,556.00
22	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$4,389.00
22	GA00580	ADD: TDMA OPERATION	\$299.25	\$6,583.50
22	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$6,320.16
22	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
22	G67	REMOTE MOUNT	\$197.51	\$4,345.11
22	W4404	ANT 3DB GAIN 762-870MHZ	\$25.27	\$555.94

22	W22	ADD: PALM MICROPHONE	\$47.88	\$1,053.36
22	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	<del>\$671.90</del> 15
22	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	PAGE 037
22	GA00229	APX GPS ACTIVATION	\$99.75	\$2,194.50
22	QA03399	ENHANCED DATA	\$99.75	\$2,194.50
22	GA00226	GPS ANTENNA	\$49.88	\$1,097.25
22	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$2,662.00
22	G298	ENCRYPTION P25 & MDC OTAR	\$492.10	\$10,826.20
22	G843	AES ENCRYPTION APX	\$315.88	\$6,949.25
1	M30URS9PW1 N	7/800 SINGLE BAND APX7500	\$1,719.69	\$1,719.69
1	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$342.48
1	G51	ENH: SMARTZONE OPERATION APX6500	\$997.50	\$997.50
1	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$199.50
1	GA00580	ADD: TDMA OPERATION	\$299.25	\$299.25
1	G442	O5 CONTROL HEAD	\$287.28	\$287.28
1	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
1	G138	APX MOTORCYCLE CH SFWR	\$0.00	\$0.00
1	G67BA	ADD: REMOTE MOUNT MOTORCYCLE	\$266.00	\$266.00
1	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$25.27
1	W22	MOTORCYCLE PALM MIC	\$47.88	\$47.88
1	B18	AUXILARY SPEAKER MOTORCYCLE	\$39.90	\$39.90
1	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$66.50
1	G298	ENCRYPTION P25 & MDC OTAR	\$492.10	\$492.10
1	G843	AES ENCRYPTION APX	\$315.88	\$315.88
1	GA00229	APX GPS ACTIVATION	\$99.75	\$99.75
1	QA03399	ENHANCED DATA	\$99.75	\$99.75
1	GA00269	GPS ANTENNA	\$49.88	\$49.88
1	W15	WEATHER PROOF HOUSING ENCLOSURE BLACK	\$598.50	\$598.50
1	G78	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$158.00	\$158.00

**CCSO Subtotal**

**\$227,760.84**

**Mollala FD**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
3	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$4,377.03
3	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$1,027.43
3	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$2,394.00
3	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$598.50
3	GA00580	ADD: TDMA OPERATION	\$299.25	\$897.75
3	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$861.84
3	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
3	G66	DASH MOUNT	\$83.13	\$249.38
3	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$75.81
3	W22	ADD: PALM MICROPHONE	\$47.88	\$143.64
3	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	\$119.70
3	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$199.50
3	GA00229	APX GPS ACTIVATION	\$99.75	\$299.25
3	QA03399	ENHANCED DATA	\$99.75	\$299.25
3	GA00226	GPS ANTENNA	\$49.88	\$149.63
3	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$363.00

**Gladstone FD**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
5	H98UCF9PW6 N	APX6000 700/800 MODEL 2.5 PORTABLE	\$1,721.02	\$8,605.10
5	QA02818	LIION IMPRES FM/CSA 2300M (NNTN8092)	\$33.25	\$166.25
5	QA02006	ENH: APX6000XE RUGGED RADIO	\$532.00	\$2,660.00
5	H38	ADD: SMARTZONE OPERATION	\$798.00	\$3,990.00
5	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$1,712.38
5	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$997.50
5	QA00580	ADD: TDMA OPERATION	\$299.25	\$1,496.25
5	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$332.50
5	QA01427	ALT: IMPACT GREEN	\$16.63	\$83.13
5	QA00782	APX GPS ACTIVATION	\$99.75	\$498.75
5	QA03399	ENHANCED DATA	\$99.75	\$498.75
5	H885BK	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$84.00	\$420.00
5	NNTN8092	SPARE BATTERY FM LIION IMPRES 2300MAH BATTERY	\$106.50	\$532.50
5	PMMN4062A	MICROPHONE	\$80.25	\$401.25
5	NNTN7624	IMPRES VEHICULAR CHARGER (FULL KIT)	\$292.50	\$1,462.50

**Gladstone FD Subtotal****\$23,856.85****Clackamas Fire District # 1**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
134	H98UCF9PW6 N	APX6000 700/800 MODEL 2.5 PORTABLE	\$1,721.02	\$230,616.68
134	QA02818	LIION IMPRES FM/CSA 2300M (NNTN8092)	\$33.25	\$4,455.50
134	QA02006	ENH: APX6000XE RUGGED RADIO	\$532.00	\$71,288.00
134	H38	ADD: SMARTZONE OPERATION	\$798.00	\$106,932.00
134	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$45,891.65
134	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$26,733.00
134	QA00580	ADD: TDMA OPERATION	\$299.25	\$40,099.50
134	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$8,911.00
134	QA01427	ALT: IMPACT GREEN	\$16.63	\$2,227.75
134	H885BK	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$84.00	\$11,256.00
134	NNTN8092	SPARE BATTERY FM LIION IMPRES 2300MAH BATTERY	\$106.50	\$14,271.00
134	PMMN4062	IMPRES RSM, NOISE CANC. EMERGENCY BUTTON 3.5MM JACK	\$80.25	\$10,753.50
20	NNTN7686	APX CHARGER INSERT ADAPTER FOR XTS MULTI-UNIT CHARGER	\$155.25	\$3,105.00
15	NNTN7687	APX CHARGER INSERT ADAPTER FOR XTS SINGLE-UNIT CHARGE	\$33.75	\$506.25
12	NNTN7624	IMPRES VEHICULAR CHARGER (FULL KIT)	\$292.50	\$3,510.00
12	H51UCF9PW6 N	APX 4000 7/800 MHZ MODEL 2 PORTABLE	\$1,167.74	\$14,012.88
12	QA04865	TWO KNOB CONFIGURATION	\$0.00	\$0.00
12	QA02756	3600 OR 9600 TRUNKING BAUD SIN	\$1,044.05	\$12,528.60
12	QA00580	ADD: TDMA OPERATION	\$299.25	\$3,591.00
12	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$798.00
12	H885BK	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$84.00	\$1,008.00
12	QA00582	UPGRADE BATTERY IMPRES LI-ION 2300MAH UL BATTERY (NNTN8092)	\$97.50	\$1,170.00
12	PMMN4062	IMPRES RSM, NOISE CANC. EMERGENCY BUTTON 3.5MM JACK	\$80.25	\$963.00



12	NNTN8560	SPARE HIGH CAPACITY BATTERY IMPRES LI-ION 2300MAH UL BAT	\$116.25	\$1,395.00
12	NNTN8169	INSERT, UNIVERSAL SUC	\$33.75	<del>\$1,160.15</del>
<b>PAGE 39</b>				
47	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$68,573.47
47	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$16,096.33
47	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$37,506.00
47	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$9,376.50
47	GA00580	ADD: TDMA OPERATION	\$299.25	\$14,064.75
47	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$13,502.16
47	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
47	G66	DASH MOUNT	\$83.13	\$3,906.88
47	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$1,187.69
47	W22	ADD: PALM MICROPHONE	\$47.88	\$2,250.36
47	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	\$1,875.30
47	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$3,125.50
47	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$5,687.00
26	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$37,934.26
26	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$8,904.35
26	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$20,748.00
26	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$5,187.00
26	GA00580	ADD: TDMA OPERATION	\$299.25	\$7,780.50
26	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$7,469.28
26	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
26	G67	REMOTE MOUNT	\$197.51	\$5,135.13
26	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$657.02
26	W22	ADD: PALM MICROPHONE	\$47.88	\$1,244.88
26	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	\$1,037.40
26	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$1,729.00
26	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$3,146.00

**CCFD # 1 Subtotal**

**\$894,553.06**

**Clackamas County Corrections**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
50	H98UCF9PW6 N	APX6000 700/800 MODEL 2.5 PORTABLE	\$1,721.02	\$86,051.00
50	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$17,123.75
50	H38	ADD: SMARTZONE OPERATION	\$798.00	\$39,900.00
50	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$9,975.00
50	QA00580	ADD: TDMA OPERATION	\$299.25	\$14,962.50
50	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$3,325.00
50	QA00782	APX GPS ACTIVATION	\$99.75	\$4,987.50
50	QA03399	ENHANCED DATA	\$99.75	\$4,987.50
50	Q629	AES ENCRYPTION	\$315.88	\$15,793.75
50	Q498	ASTRO 25 OTAR W/ MULTIKEY	\$492.10	\$24,605.00
50	H885BK	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$84.00	\$4,200.00
50	PMMN4062	REMOTE SPEAKER MIC	\$80.25	\$4,012.50
50	WPLN7080	SINGLE UNIT CHARGER	\$93.75	\$4,687.50

**CC Corrections Subtotal**

**\$234,611.00**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
3	H98UCF9PW6 N	APX6000 700/800 MODEL 2.5 PORTABLE	\$1,721.02	\$5,163.06
3	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$1,027.43
3	H38	ADD: SMARTZONE OPERATION	\$798.00	\$2,394.00
3	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$598.50
3	QA00580	ADD: TDMA OPERATION	\$299.25	\$897.75
3	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$199.50
3	QA00782	APX GPS ACTIVATION	\$99.75	\$299.25
3	QA03399	ENHANCED DATA	\$99.75	\$299.25
3	Q629	AES ENCRYPTION	\$315.88	\$947.63
3	Q498	ASTRO 25 OTAR W/ MULTIKEY	\$492.10	\$1,476.30
3	H885BK	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$84.00	\$252.00
3	PMMN4062	REMOTE SPEAKER MIC	\$80.25	\$240.75
3	PMNN4403	SPARE STANDARD LIION IMPRES 2150MAH BATTERY	\$95.25	\$285.75
3	WPLN7080	IMPRES Single Unit Charger	\$93.75	\$281.25
3	NNTN7624	IMPRES VEHICULAR CHARGER (FULL KIT)	\$292.50	\$877.50
1	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$1,459.01
1	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$342.48
1	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$798.00
1	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$199.50
1	GA00580	ADD: TDMA OPERATION	\$299.25	\$299.25
1	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$287.28
1	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
1	G67	REMOTE MOUNT	\$197.51	\$197.51
1	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$25.27
1	W22	ADD: PALM MICROPHONE	\$47.88	\$47.88
1	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	\$39.90
1	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$66.50
1	GA00229	APX GPS ACTIVATION	\$99.75	\$99.75
1	QA03399	ENHANCED DATA	\$99.75	\$99.75
1	GA00226	GPS ANTENNA	\$49.88	\$49.88
1	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$121.00
1	G298	ENCRYPTION P25 & MDC OTAR	\$492.10	\$492.10
1	G843	AES ENCRYPTION APX	\$315.88	\$315.88

**West Linn PD Subtotal**

**\$20,180.83**

<b>C800 TOTAL</b>	<b>\$1,515,648.63</b>
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Account Manager: Andrew Chyterbok

Phone: 360 409 3223

 Customer Number: **1001004051**

2252 NW 27th Circle

Prepared By: Andrew Chyterbok

Camas, WA 98607

PREPARED FOR: <b>Ron Polluconi</b>	Bill To	
COMPANY: <b>WCCCA</b>	Address: <b>Please Advise</b>	<b>Please Advise</b>
PHONE: 503-690-4911 x266		
EMAIL: <a href="mailto:rpolluconi@wccca.com">rpolluconi@wccca.com</a>		

**Forest Grove FD**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
2	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$2,918.02
2	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$684.95
2	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$1,596.00
2	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$399.00
2	GA00580	ADD: TDMA OPERATION	\$299.25	\$598.50
2	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$574.56
2	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
2	G66	DASH MOUNT	\$83.13	\$166.25
2	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$50.54
2	W22	ADD: PALM MICROPHONE	\$47.88	\$95.76
2	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	\$79.80
2	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$133.00
2	GA00229	APX GPS ACTIVATION	\$99.75	\$199.50
2	QA03399	ENHANCED DATA	\$99.75	\$199.50
2	GA00226	GPS ANTENNA	\$49.88	\$99.75
2	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$242.00

**Forest Grove FD Subtotal**
**\$8,037.13**
**Tigard PD**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
2	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$2,918.02
2	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$684.95
2	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$1,596.00
2	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$399.00
2	GA00580	ADD: TDMA OPERATION	\$299.25	\$598.50
2	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$574.56
2	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
2	G67	REMOTE MOUNT	\$197.51	\$395.01
2	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$50.54
2	W22	ADD: PALM MICROPHONE	\$47.88	\$95.76
2	R18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	\$79.80

2	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$133.00
2	GA00229	APX GPS ACTIVATION	\$99.75	\$199.50
2	QA03399	ENHANCED DATA	\$99.75	\$199.50
2	GA00226	GPS ANTENNA	\$49.88	\$99.75
2	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$242.00
2	G298	ENCRYPTION P25 & MDC OTAR	\$492.10	\$984.20
2	G843	AES ENCRYPTION APX	\$315.88	\$631.75

**Tigard PD Subtotal**

**\$9,881.84**

**Forest Grove PD**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
4	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$5,836.04
4	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$1,369.90
4	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$3,192.00
4	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$798.00
4	GA00580	ADD: TDMA OPERATION	\$299.25	\$1,197.00
4	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$1,149.12
4	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
4	G67	REMOTE MOUNT	\$197.51	\$790.02
4	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$101.08
4	W22	ADD: PALM MICROPHONE	\$47.88	\$191.52
4	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	\$159.60
4	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$266.00
4	GA00229	APX GPS ACTIVATION	\$99.75	\$399.00
4	QA03399	ENHANCED DATA	\$99.75	\$399.00
4	GA00226	GPS ANTENNA	\$49.88	\$199.50
4	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$484.00
4	G610	REMOTE MOUNT 30' CABLE	\$16.63	\$66.50

**Forest Grove PD Subtotal**

**\$16,598.28**

**Beaverton PD**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
4	H98UCF9PW6 N	APX6000 700/800 MODEL 2.5 PORTABLE	\$1,721.02	\$6,884.08
4	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$1,369.90
4	H38	ADD: SMARTZONE OPERATION	\$798.00	\$3,192.00
4	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$798.00
4	QA00580	ADD: TDMA OPERATION	\$299.25	\$1,197.00
4	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$266.00
4	QA00782	APX GPS ACTIVATION	\$99.75	\$399.00
4	QA03399	ENHANCED DATA	\$99.75	\$399.00
4	Q629	AES ENCRYPTION	\$315.88	\$1,263.50
4	Q498	ASTRO 25 OTAR W/ MULTIKEY	\$492.10	\$1,968.40
4	H885BK	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$84.00	\$336.00
2	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$2,918.02
2	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$684.95
2	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$1,596.00

2	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$399.00
2	GA00580	ADD: TDMA OPERATION	\$299.25	\$598.50
2	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$585.78
2	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
2	G67	REMOTE MOUNT	\$197.51	\$395.01
2	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$50.54
2	W22	ADD: PALM MICROPHONE	\$47.88	\$95.76
2	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	\$79.80
2	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$133.00
2	GA00229	APX GPS ACTIVATION	\$99.75	\$199.50
2	QA03399	ENHANCED DATA	\$99.75	\$199.50
2	GA00226	GPS ANTENNA	\$49.88	\$99.75
2	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$242.00
2	G298	ENCRYPTION P25 & MDC OTAR	\$492.10	\$984.20
2	G843	AES ENCRYPTION APX	\$315.88	\$631.75

**Beaverton PD Subtotal**

**\$27,954.72**

**TVF&R**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
12	H98UCF9PW6 N	APX6000 700/800 MODEL 2.5 PORTABLE	\$1,721.02	\$20,652.24
12	QA02818	LIION IMPRES FM/CSA 2300M (NNTN8092)	\$33.25	\$399.00
12	QA02006	ENH: APX6000XE RUGGED RADIO	\$532.00	\$6,384.00
12	H38	ADD: SMARTZONE OPERATION	\$798.00	\$9,576.00
12	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$4,109.70
12	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$2,394.00
12	QA00580	ADD: TDMA OPERATION	\$299.25	\$3,591.00
12	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$798.00
12	QA01427	ALT: IMPACT GREEN	\$16.63	\$199.50
12	QA00782	APX GPS ACTIVATION	\$99.75	\$1,197.00
12	QA03399	ENHANCED DATA	\$99.75	\$1,197.00
12	H885BK	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$84.00	\$1,008.00
12	NNTN7624	IMPRES VEHICLE CHARGER	\$292.50	\$3,510.00
12	WPLN7080	IMPRES Single Unit Charger	\$93.75	\$1,125.00
3	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$4,377.03
3	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$1,027.43
3	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$2,394.00
3	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$598.50
3	GA00580	ADD: TDMA OPERATION	\$299.25	\$897.75
3	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$861.84
3	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
3	G66	DASH MOUNT	\$83.13	\$249.38
3	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$75.81
3	W22	ADD: PALM MICROPHONE	\$47.88	\$143.64
3	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	\$119.70
3	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$199.50
3	GA00229	APX GPS ACTIVATION	\$99.75	\$299.25
3	QA03399	ENHANCED DATA	\$99.75	\$299.25
3	GA00226	GPS ANTENNA	\$49.88	\$149.63
3	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$363.00

**WCCCA**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
8	H51UCF9PW6 N	APX 4000 7/800 MHZ MODEL 2 PORTABLE	\$1,167.74	\$9,341.92
8	QA04865	TWO KNOB CONFIGURATION	\$0.00	\$0.00
8	QA02756	3600 OR 9600 TRUNKING BAUD SIN	\$1,044.05	\$8,352.40
8	QA00580	ADD: TDMA OPERATION	\$299.25	\$2,394.00
8	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$532.00
8	H885BK	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$84.00	\$672.00
1	WPLN4219	IMPRES MULTI UNIT CHARGER with DISPLAY	\$487.50	\$487.50

**WCCCA Subtotal****\$21,779.82****Washington County Sheriff's Office**

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
10	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,459.01	\$14,590.10
10	G806	ENH: ASTRO DIGITAL CAI OP APX	\$342.48	\$3,424.75
10	G51	ENH: SMARTZONE OPERATION APX6500	\$798.00	\$7,980.00
10	G361	ADD: P25 TRUNKING SOFTWARE	\$199.50	\$1,995.00
10	GA00580	ADD: TDMA OPERATION	\$299.25	\$2,992.50
10	G442	ADD: APX O5 CONTROL HEAD	\$287.28	\$2,872.80
10	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
10	G67	REMOTE MOUNT	\$197.51	\$1,975.05
10	W484	ANT 3DB GAIN 762-870MHZ	\$25.27	\$252.70
10	W22	ADD: PALM MICROPHONE	\$47.88	\$478.80
10	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.90	\$399.00
10	G996	ENH: OVER THE AIR PROVISIONING	\$66.50	\$665.00
10	GA00229	APX GPS ACTIVATION	\$99.75	\$997.50
10	QA03399	ENHANCED DATA	\$99.75	\$997.50
10	GA00226	GPS ANTENNA	\$49.88	\$498.75
10	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$1,210.00
10	G298	ENCRYPTION P25 & MDC OTAR	\$492.10	\$4,921.00
10	G843	AES ENCRYPTION APX	\$315.88	\$3,158.75
10	G610	REMOTE MOUNT CBL 30 FEET	\$16.63	\$166.25

3	M25URS9PW1 N	APX6500 7/800 MHZ MID POWER MOBILE	\$1,426.10	\$4,278.30
3	G806	ENH: ASTRO DIGITAL CAI OP APX	\$334.75	\$1,004.25
3	G51	ENH: SMARTZONE OPERATION APX6500	\$780.00	\$2,340.00
3	G361	ADD: P25 TRUNKING SOFTWARE	\$195.00	\$585.00
3	GA00580	ADD: TDMA OPERATION	\$292.50	\$877.50
3	G72	UPGRADE to O3 CONTROL HEAD (SUBSTITUTE O5 CONTROL HEAD)	\$614.90	\$1,844.70
3	G444	ADD: CONTROL HEAD SOFTWARE	\$0.00	\$0.00
3	G67	ADD: REMOTE MOUNT MID POWER	\$193.05	\$579.15
3	G175	ANT 3DB ELEVATED FEED 762-870	\$48.75	\$146.25
3	G90	NO MICROPHONE NEEDED	\$0.00	\$0.00
3	B18	ADD: AUXILARY SPKR 7.5 WATT	\$39.00	\$117.00
3	G996	ENH: OVER THE AIR PROVISIONING	\$65.00	\$195.00

3	GA00229	APX GPS ACTIVATION	\$97.50	\$292.50
3	QA03399	ENHANCED DATA	\$97.50	\$292.50
3	GA00226	GPS ANTENNA	\$48.75	\$146.25
3	G24	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$121.00	\$363.00
3	G298	ENCRYPTION P25 & MDC OTAR	\$492.10	\$1,476.30
3	G843	AES ENCRYPTION APX	\$315.88	\$947.63
3	GA00259	UNIVERSAL RELAY CONTROLLER	\$166.25	\$498.75
3	GA00260	CABLE URC TO TRANSCEIVER	\$9.98	\$29.93
3	G610	REMOTE MOUNT CBL 30 FEET	\$16.63	\$49.88
3	GA00806	ADD SIREN & LIGHTS KEYPAD for O3 control head	\$33.25	\$99.75
3	TT2592	WHELEN/MOTOROLA SIREN	\$262.68	\$788.03
3	TT05707	SIREN HARDWARE INSTALL KIT	\$13.30	\$39.90
3	TT05900	SIREN TO RADIO CABLE	\$43.23	\$129.68
20	H98UCF9PW6 N	APX6000 700/800 MODEL 2.5 PORTABLE	\$1,721.02	\$34,420.40
20	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$6,849.50
20	H38	ADD: SMARTZONE OPERATION	\$798.00	\$15,960.00
20	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$3,990.00
20	QA00580	ADD: TDMA OPERATION	\$299.25	\$5,985.00
20	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$1,330.00
20	QA00782	APX GPS ACTIVATION	\$99.75	\$1,995.00
20	QA03399	ENHANCED DATA	\$99.75	\$1,995.00
20	Q629	AES ENCRYPTION	\$315.88	\$6,317.50
20	Q498	ASTRO 25 OTAR W/ MULTIKEY	\$492.10	\$9,842.00
20	QA01837	UPGRADE BATTERY-LIION IMPRES IP67 2900MAH (NNTN7038)	\$66.50	\$1,330.00
20	H885BK	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$84.00	\$1,680.00
20	NNTN7038	SPARE HIGH CAPACITY LIION IMPRES IP67 2900MAH BATTERY	\$106.50	\$2,130.00
20	WPLN7080	IMPRES Single Unit Charger	\$93.75	\$1,875.00

**WCSO Subtotal**

**\$162,396.08**

<b>WCCCA TOTAL</b>	<b>\$314,844.00</b>
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# Customer Proposal

Account Manager: Andrew Chyterbok

Phone: 360 409 3223

Customer Number: **1001004051**

2252 NW 27th Circle

Prepared By: Andrew Chyterbok

Camas, WA 98607

PREPARED FOR : COMPANY : <b>WCCCA_C800_City of Newberg Radio System</b> PHONE : EMAIL :
--

## KMF Solution

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
1	T7537	KVL 4000 KEYLOADER + STANDARD OPTIONS	\$3,012.30	\$3,012.30
1	T7688	KMF SERVER AND CLIENT SOFTWARE + SERVICES	\$139,567.00	\$139,567.00
		QUANTITY 461 SUBSCRIBER DISCOUNT		(\$142,579.30)

<b>TOTAL</b>	<b>\$0.00</b>
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# Customer Proposal

Account Manager: Andrew Chyterbok

Phone: 360 409 3223

Customer Number: **1000430059**

2252 NW 27th Circle

Prepared By: Andrew Chyterbok

Camas, WA 98607

PREPARED FOR: <b>Mary Newell</b>	Bill To	
COMPANY: <b>Newberg-Dundee Police Department/9-1-1</b>	Address: <b>Please Advise</b>	<b>Please Advise</b>
PHONE: (503) 537-1221		
EMAIL: <a href="mailto:mary.newell@newbergoregon.gov">mary.newell@newbergoregon.gov</a>		

## Newberg PD

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
17	H97TGD9PW1 N	APX7000 700/800 MODEL 2.5 PORTABLE	\$2,133.99	\$36,277.75
17	QA00569	7/800MHZ PRIMARY BAND	\$0.00	\$0.00
17	QA00576	UHF RANGE 2 SECONDARY BAND	\$0.00	\$0.00
17	QA00579	ENABLE DUAL BAND OPERATION	\$665.00	\$11,305.00
17	QA00577	LARGE COLOR DISPLAY AND FULL KEYPAD	\$332.50	\$5,652.50
17	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$5,822.08
17	H38	ADD: SMARTZONE OPERATION	\$997.50	\$16,957.50
17	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$3,391.50
17	QA00580	ADD: TDMA OPERATION	\$299.25	\$5,087.25
17	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$1,130.50
17	QA00782	APX GPS ACTIVATION	\$99.75	\$1,695.75
17	QA03399	ENHANCED DATA	\$99.75	\$1,695.75
17	Q629	AES ENCRYPTION	\$315.88	\$5,369.88
17	Q498	ASTRO 25 OTAR W/ MULTIKEY	\$492.10	\$8,365.70
17	HA00025	3 YR ENCRYPT RSA COMPREHENSIVE	\$275.00	\$4,675.00
17	NNTN7038	SPARE HIGH CAPACITY LIION IMPRES IP67 2900MAH BATTERY	\$106.50	\$1,810.50
17	WPLN7080	IMPRES Single Unit Charger	\$93.75	\$1,593.75
2	NNTN7065	IMPRES MULTI UNIT CHARGER without DISPLAY (1 Display)	\$591.00	\$1,182.00
17	PMMN4084	PLUS RSM NC IP54 THRD 3.5MM JACK RX	\$71.25	\$1,211.25

<b>NEWBERG PD TOTAL</b>	<b>\$113,223.65</b>
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Account Manager: Andrew Chyterbok

Phone: 360 409 3223

 Customer Number: **1000430041**

2252 NW 27th Circle

Prepared By: Andrew Chyterbok

Camas, WA 98607

PREPARED FOR: <b>Alex Haven</b>	Bill To	
COMPANY: <b>Newberg Fire Department</b>	Address: <b>Please Advise</b>	<b>Please Advise</b>
PHONE: 503-537-1230		
EMAIL: <a href="mailto:alex.haven@newbergoregon.gov">alex.haven@newbergoregon.gov</a>		

#### Newberg FD

<u>Qty.</u>	<u>Model</u>	<u>Description</u>	<u>Unit Price</u>	<u>Total Price</u>
20	H49TGD9PW1 N	APX7000XE DIGITAL PORTABLE RADIO	\$2,550.94	\$51,018.80
20	QA00569	ADD: 7/800MHZ PRIMARY BAND	\$0.00	\$0.00
20	QA00572	UHF RANGE 2 PRIMARY BAND	\$0.00	\$0.00
20	QA00579	ADD: ENABLE DUAL BAND OPERATION	\$665.00	\$13,300.00
20	QA00577	ADD: APX7000XE MODEL 3 OPTION	\$332.50	\$6,650.00
20	H38	ADD: SMARTZONE OPERATION	\$997.50	\$19,950.00
20	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$6,849.50
20	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$3,990.00
20	QA00580	ADD: TDMA OPERATION	\$299.25	\$5,985.00
20	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$1,330.00
20	QA01427	ALT: IMPACT GREEN	\$16.63	\$332.50
20	QA00782	APX GPS ACTIVATION	\$99.75	\$1,995.00
20	QA03399	ENHANCED DATA	\$99.75	\$1,995.00
20	Q58	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$102.00	\$2,040.00
5	H49TGD9PW1 N	APX7000XE DIGITAL PORTABLE RADIO	\$2,550.94	\$12,754.70
5	QA00569	ADD: 7/800MHZ PRIMARY BAND	\$0.00	\$0.00
5	QA00574	VHF SECONDARY BAND	\$0.00	\$0.00
5	QA00579	ADD: ENABLE DUAL BAND OPERATION	\$665.00	\$3,325.00
5	QA00577	ADD: APX7000XE MODEL 3 OPTION	\$332.50	\$1,662.50
5	H38	ADD: SMARTZONE OPERATION	\$997.50	\$4,987.50
5	Q806	ADD: ASTRO DIGITAL CAI OPERATION	\$342.48	\$1,712.38
5	Q361	ADD: P25 9600 BAUD TRUNKING	\$199.50	\$997.50
5	QA00580	ADD: TDMA OPERATION	\$299.25	\$1,496.25
5	G996	ADD: PROGRAMMING OVER P25 (OTAP)	\$66.50	\$332.50
5	QA01427	ALT: IMPACT GREEN	\$16.63	\$83.13
5	QA00782	APX GPS ACTIVATION	\$99.75	\$498.75
5	QA03399	ENHANCED DATA	\$99.75	\$498.75
5	Q58	2 YR ADDITIONAL SERVICE FROM THE START (3 TOTAL)	\$102.00	\$510.00
25	NNTN8575	IMPRES XE RSM, FM FOR APX W/ DUAL MIC NOISE SUPPRESSION	\$360.00	\$9,000.00
50	NNTN7038	SPARE LIION IMPRES IP67 2900MAH BATTERY	\$106.50	\$5,325.00
2	NNTN7073	IMPRES MULTI UNIT CHARGER with DISPLAY	\$1,012.50	\$2,025.00

<b>NEWBERG FD TOTAL</b>	<b>\$160,644.75</b>
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SECTION 2

# ENCRYPTION EQUIPMENT

## 2.1 OVERVIEW

### 2.1.1 Encryption Capability

#### **ASTRO® 25 KEY MANAGEMENT FACILITY - KMF**

The Motorola Key Management Facility (KMF) is a Project 25 compliant Mission Critical enterprise solution which facilitates secure key management and distribution to land mobile radios, In-line Network Encryptors (INE), and secure mobile phones.

The KMF enables effective planning, implementation, and execution of security doctrine for a diverse set of user requirements.

The KMF uses Over-The-Air Rekeying (OTAR) to remotely transfer key management messages to the devices. With OTAR, the KMF can send messages to update a device's keys, poll the device, inhibit the device, and erase the device's keys. Devices can also send key management messages to the KMF to acknowledge events or to request a key update.

The KMF is composed of:

- Windows® 2008 Server.
- KMF Server and Client Software.
- Windows 7 Client; and KMF CRYPTR.

The KMF version is based on the number of users, agency partitions and clients.

The mid-tier KMF solution which will support 1,000 subscribers. The mid-tier solution can be expanded later to our high tier solution of 64,000 subscribers as the need for encryption grows.

The Key Management Facility (KMF) server involves the distribution and protection of key information to ensure that only the voice traffic sender and recipient have the key, allowing only them to communicate. An efficient and effective means of distributing and updating encryption keys (i.e., to "manage" keys) is via Over-the-Air-Rekeying (OTAR) to subscribers and via Over-the-Ethernet-Keying (OTEK) to MCC 7500 Consoles and AISs.

This feature will allow properly equipped APX and XTL/XTS series radios on the WCCCA / C800 ASTRO Integrated Voice & Data (IV&D) system to perform OTAR. The OTAR feature availability is dependent upon adequate IV&D data coverage. All data coverage and associated services are provided "as-is", meaning there are no specific data coverage guarantees associated with this design.



Figure 2-1, represents the process of over the air rekeying.

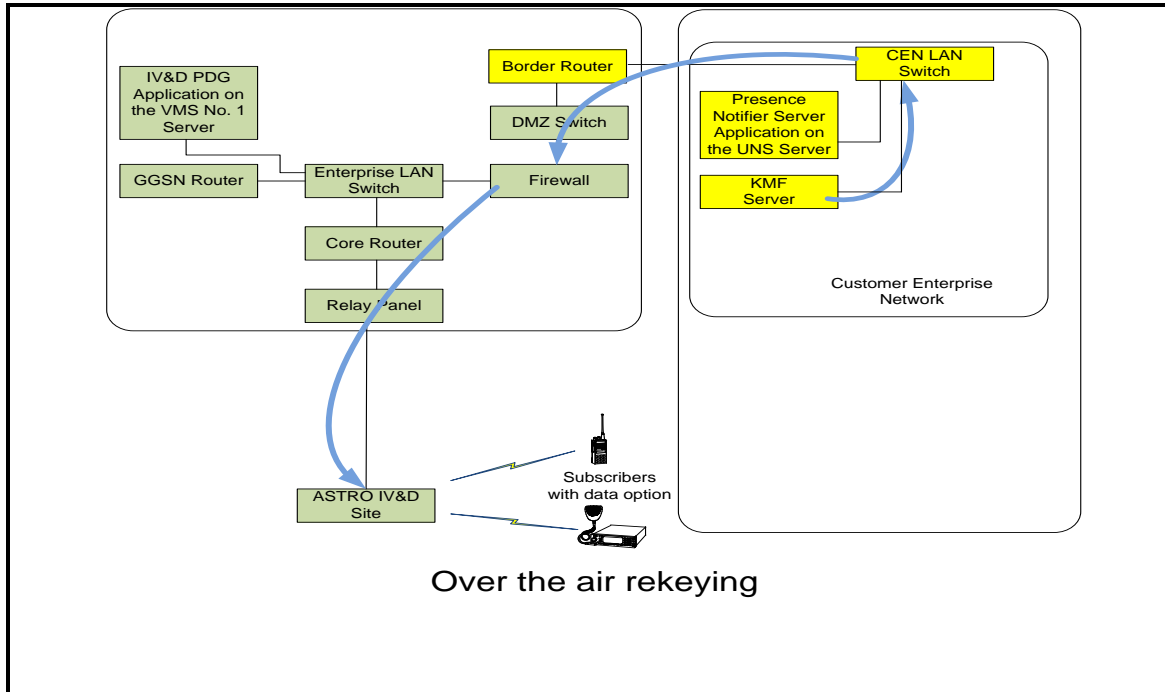


Figure 2-1: Over the Air Re-keying Diagram

The KMF CRYPTR provides FIPS 140-2 Level 2 protection of the sensitive key information within the system.

### Robust Feature Set

- FIPS 140-2 Level 2 Compliant.
- OTAR.
- Store & Forward.
- Secure User Group Management.
- Device and Group Key Currency.
- Retry Opportunities.
- Remote Inhibit/Enable.
- Key Material.
- Generation.
- KMF Hello.
- KMF Redundancy.

### OTAR

Eliminate the burden of manually rekeying your devices on a regular basis. OTAR is a powerful suite of operations that enables key distribution and key management to be conducted securely over-the-air. OTAR solves the logistical problem of maintaining secure wireless communications.

### Store & Forward

The KMF can be used in conjunction with the Motorola KVL 3000+ or KVL4000 Key Variable Loader (KVL) to perform Store & Forward operations. During the rekeying operation, associations between units and the KVL can be performed directly from the user interface. Store & Forward permits a user to reach those units that may be out of range and enables an operator to become more

efficient with managing their system. The KVL is capable of transferring the rekey messages originated within the KMF server database to a radio or infrastructure device. Each unit's response is securely stored inside the KVL and then forwarded directly back to the KMF. The KMF user interface shows an operator which units successfully acknowledged the re-key message for easy key management.

### **Secure User Group Management**

An innovative concept for managing secure radio communications among user groups, known as Common Key Reference (CKR) is provided with the KMF. Through the CKR concept, an operator is able to visually track the members and encryption keys assigned to each CKR group. In a single CKR update operation, a new key to all members of the group can be sent via OTAR.

### **Device and Group Key Currency**

The KMF tracks whether or not devices have the current encryption keys and parameters. This allows the system manager to quickly find devices that are not up-to date.

### **Retry Opportunities**

The KMF offers automated retries of rekey messages when an operator initiates key updates.

### **Remote Inhibit/Enable**

Securely inhibit a compromised device over-the-air and protect the integrity of your network. When the device is recovered, remotely enable the device and securely re-join your network.

### **Key Material Generation**

The KMF includes a FIPS 140-2 certified key material generator, freeing operators from the reliance on third party suppliers or manual key material generation. The operator can simply instruct the KMF to replenish the store of keys when the inventory drops below the necessary volume.

### **KMF Hello**

KMF Hello is a quick and efficient method of determining whether a radio is within the range of the system network without introducing unnecessary voice traffic.

### **KMF Redundancy**

The KMF Redundancy feature provides a hardware back-up for the KMF server which contains identical key material information. In the event of a necessary change-over, the redundant KMF seamlessly and automatically takes over operation of the key management responsibilities while preserving the existing KMF information and device status.

### **Multiple Encryption Algorithms Supported:**

Des-XL, DVI-XL, DVP-XL, AES, DES-OFB

### **High Tier KMF Performance / Capacity**

The Mid-Tier KMF can be upgraded at a later date to the High-Tier KMF. The High-Tier KMF has the following capabilities:

- Up to 65 Clients supported per KMF Server.
- 64,000 unit database capacity.
- Up to 64 partitions (agencies).

## 2.2 COMPONENTS

### 2.2.1 Encryption Capability

The equipment includes with title passing to WCCCA upon shipment:

- One Key Variable Loader (KVL4000) Key loader with AES-256 encryption.
- One KMF Server and client software.
  - Capable of 1,000 users.
  - Two client licenses.
- One KMF CRYPTR with AES-256 encryption.
- One Client PC workstation with monitor.
- One 7 1/2 foot equipment rack.

## 2.3 RESPONSIBILITIES AND ASSUMPTIONS

### 2.3.1 Motorola Services

This scope of work includes the following services:

- Up to five days of Project Management oversight of Motorola scope.
- Up to three days of Field Engineering to provide:
  - Order processing.
  - Documentation – Update system diagrams impacted by the KMF addition.
- Delivery of Motorola-supplied equipment to the customers' destination point.
- ST time required to do the following will be supplied through an existing services agreement:
  - Set-up and programming of the KMF and encryption capability.

### 2.3.2 Motorola System Support

Our standard commercial warranty on new equipment provided by Motorola is one year starting on the date of shipment.

### 2.3.3 WCCCA/C800 Responsibilities and Assumptions

The following are WCCCA/C800's responsibilities and the assumptions Motorola made in preparing this scope of work:

- WCCCA/C800 will provide the following implementation services:
  - Fleetmapping.
  - Subscriber content.
  - Equipment Installation.
  - Planning and programming of encryption on tactical channel(s).
- All existing sites or equipment locations will have sufficient space available for the equipment described.
- All existing sites or equipment locations will have adequate electrical power and site grounding suitable to support the requirements of the system described.
- Any site/location upgrades or modifications are the responsibility of WCCCA/C800.
- Any required system interconnections not specifically outlined here will be provided by WCCCA/C800, including but not limited to dedicated phone circuits or microwave links.

- WCCCA/C800 will provide a dedicated delivery point at for receipt, inventory, and storage of equipment.
- No coverage acceptance testing or coverage guarantee is included.
- No training is required.
- Motorola work will be completed during non-holidays Monday – Friday during normal business hours, 8:00 am – 5:00 pm.

SECTION 3

# CONTRACTUAL TERMS

This proposal is based on the terms and conditions of the WSCA Contract No. 02702 (the “WSCA Contract”). Pricing is also based upon the WSCA Contract, although additional pricing incentives may be offered. You may accept Motorola’s proposal by issuing a purchase order that (i) refers to and incorporates by reference this proposal, and (ii) identifies the order as a WSCA Contract No. 02702 transaction



# *REQUEST FOR COUNCIL ACTION*

**DATE ACTION REQUESTED: October 19, 2015**

<b>Order</b> ___	<b>Ordinance</b> <u>XX</u>	<b>Resolution</b> ___	<b>Motion</b> ___	<b>Information</b> ___
<b>No.</b>	<b>No. 2015-2789</b>	<b>No.</b>		

**SUBJECT: Repeal Ordinance Nos. 2007-2667 and 2007-2673**

**Contact Person (Preparer) for this Motion: Jessica Pelz, AICP**  
**Dept.: Community Development**  
**File No.: N/A**

**HEARING TYPE:**     **LEGISLATIVE**     **QUASI-JUDICIAL**     **NOT APPLICABLE**

**RECOMMENDATION:** Adopt Ordinance No. 2015-2789, which would repeal Ordinance Nos. 2007-2667 and 2007-2673.

**EXECUTIVE SUMMARY:** In 2007, the City Council adopted Ordinance Nos. 2007-2667 and 2007-2763, relating to municipal water service (2667) and a development agreement (2673) with Walter Gaibler for property located at 9680 Adolf Road, tax lot 3228-00900. The property is located south of the existing city limits along Highway 219, and in an area recommended by the Ad Hoc Committee on Newberg’s Future for future industrial uses. Mr. Gaibler had gotten an approved Measure 37 claim for the property, which would have allowed residential development. Mr. Gaibler was willing to set aside plans for residential development on the property with the following conditions: that the city would proceed with considering the property for inclusion in the urban reserve area and urban growth boundary, consider annexation of the property, extend city water to the property, and allow use of city water for some limited residential use prior to annexation. The city found it was in its interest to coordinate with Mr. Gaibler instead of having the property develop as rural residential in that location.

In 2009, the city started a process to expand the urban growth boundary for industrial uses. The process considered many properties, including Mr. Gaibler’s, and his property was ultimately recommended for inclusion in the city’s urban growth boundary. However, the urban growth boundary amendment process was ultimately unsuccessful, and the City Council has repealed the adopting Ordinance. At this time, the Gaibler Family Farms LLC (with Dennis Gaibler as General Manager) has requested the city terminate the development agreement between Newberg and Walter C. Gaibler, Trustee of Walter C. Gaibler Living Trust.

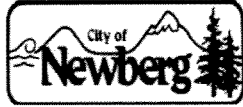
Staff is agreeable to this request for the following reasons: 1) the city has, to the best of its ability, fulfilled the agreement to diligently pursue inclusion of the property in the urban growth boundary; 2) the development agreement would expire in two years and the Gaibler family has indicated they have no interest in renewing or extending it; and 3) termination would remove the city’s financial obligation to the future municipal water service envisioned in the development agreement and Ordinances.

**FISCAL IMPACT:** No impact at this time.

**STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):** Planning for areas outside of the city limits relates to City Council goal #1 to “create a clear vision for the future of Newberg, maintaining its small town feel.”

**ATTACHMENTS:**

1. Ordinance No. 2007-2667
2. Ordinance No. 2007-2673

**ORDINANCE NO. 2007-2667**

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**AN ORDINANCE ALLOWING MUNICIPAL WATER SERVICE TO PROPERTY AT 9680 ADOLF ROAD, YAMHILL COUNTY TAX LOT 3228-900, PRIOR TO ANNEXATION TO THE CITY, SUBJECT TO EXECUTION OF A DEVELOPMENT AGREEMENT**

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**RECITALS:**

1. Walter C. Gaibler, as trustee, owns property on Adolph Road, Yamhill County Tax Lot 3228-900.
2. Yamhill County and the State of Oregon have approved Measure 37 claims on the property. These approvals allow development of the property for residential uses.
3. The property is in an area recommended by the Ad Hoc Committee on Newberg's Future for inclusion in Newberg Urban Reserve Area and Urban Growth Boundary as industrial property.
4. Mr. Gaibler is interested in developing the property pursuant to the approved claims. However, Mr. Gaibler is willing to set aside plans for rural residential development for the bulk of the property in favor of consideration of the ability to develop as industrial property under certain conditions. The conditions would include having the City proceed with considering the property for inclusion in the Urban Reserve Area and Urban Growth Boundary, consider annexation of the property, extend City water to the property, and allow use of City water for some limited residential use prior to annexation.
5. City is in process of considering whether to add the Property into the Newberg Urban Reserve Area (URA), and subsequently to the Newberg Urban Growth Boundary (UGB).
6. Rather than have the property develop as rural residential uses in the middle of what could be a future industrial area, the Council finds that it is in its best interest to provide City water to the property upon agreement to eventually annex the property and upon execution of a development agreement.
7. Newberg ordinances prohibit extension of City utility services outside City limits prior to inclusion of the property into the Urban Growth Boundary. Given the unique and unusual circumstances of this particular property, the Council finds that exceptions to the City's general ordinances are needed for this particular property.

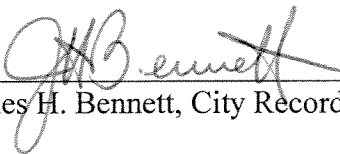
**THE CITY OF NEWBERG ORDAINS AS FOLLOWS:**

- 1. The City shall hold a hearing to consider creation of a development agreement for a portion of the property at 9680 Adolf Road, Yamhill County tax lot 3228-900, as described in Exhibit A and shown in Exhibit B. The development agreement shall generally set forth the terms under which the property could be developed and receive City utility services, both prior to and after annexation and shall set forth the terms for annexation of the property.
- 2. Notwithstanding Newberg Code § 52.11, development of the property as described in Exhibit A and shown in Exhibit B, may connect to municipal water service prior to the property being annexed to the City, upon execution of a development agreement as described herein.
- 3. This ordinance is necessary due to the unique and special circumstance and location of the property shown herein. Nothing in this ordinance shall be construed as authorizing consideration of extension of utilities to any other property other than that specifically shown herein. Nothing in this ordinance shall be construed as requiring the City to include the property into the Urban Reserve or Urban Growth Boundary, or to annex the property to the City.


➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: May 16, 2007.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 16<sup>th</sup> day of April, 2007, by the following votes:

**AYE: 7                      NAY: 0                      ABSENT: 0                      ABSTAIN: 0**

  
 \_\_\_\_\_  
 James H. Bennett, City Recorder

**ATTEST** by the Mayor this 19<sup>th</sup> day of April, 2007.

  
 \_\_\_\_\_  
 Bob Andrews, Mayor

Exhibits:

- Exhibit A: Property Description
- Exhibit B: Property Map

**LEGISLATIVE HISTORY**

By and through \_\_\_\_\_ Committee at   /  /  2007   meeting. Or,   X   None.  
(committee name) (date) (check if applicable)

## EXHIBIT A TO ORDINANCE 2007-2667 PROPERTY DESCRIPTION

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

**PARCEL 1:**

**TRACT A -** Part of the South half of the Luke McKern Donation Land Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

Beginning at a point on the South line of said Luke McKern Donation Land Claim, 10.00 chains West of the Southeast corner of said Donation Land Claim, said place of beginning being the Southwest corner of a certain tract of land conveyed by Ernest Schick, et al, by deed recorded June 11, 1966 in Book 181, Page 61, Deed Records, said tract being identified as Parcel One in said deed; thence North along the West line of said Schick tract and the Northerly extension thereof, 29.30 chains to the Southeast corner of a certain tract of land conveyed to Clifford W. Jones, et ux, by deed recorded April 14, 1950 in Book 156, Page 573, Deed Records; thence West along the South line of said Jones tract, 14.50 chains to the Southwest corner of said Jones tract, said point being situated on the East line of a certain tract of land conveyed to Muret H. Sullivan, et ux, by deed recorded November 4, 1953 in Book 171, Page 477, Deed Records; thence South along the East line of said Sullivan tract and the Southerly extension thereof, 29.30 chains to the South line of said McKern Donation Land Claim, said point being the Southeast corner of a certain tract of land conveyed to Harvey Burnett by deed recorded April 19, 1937 in Book 112, Page 426, Deed Records, said point also being 31.65 chains East of an oak stake set on the South line of said Donation Land Claim in the center of a 30 foot roadway, said stake being 12.55 chains East of the Southwest corner of said Donation Land Claim; thence East along the South line of said Donation Land Claim 15.10 chains to the place of beginning.

ALSO part of the South half of the Luke McKern Donation Land Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

A 16 foot strip of land more particularly described as follows: Beginning at the Northwest corner of a certain tract of land conveyed to Harvey Burnett et ux, by deed recorded April 28, 1947 in Book 142, Page 277, Deed Records, said place of beginning being 16 feet South of a rock situated in the center of a 30 foot roadway, said rock being 12.55 chains East and 33.41 chains South of the Northwest corner of the South half of said McKern Donation Land Claim, said place of beginning also being 16 feet South of the Southwest corner of a certain tract of land conveyed to Joseph N. Powell, by deed recorded September 7, 1909 in Book 57, Page 218, Deed Records; thence North 89°05' East along the North line of said Burnett tract, 31.65 chains to a point on the West line of a certain tract of land conveyed to Muret H. Sullivan et ux, by deed recorded February 20, 1947 in Book 141, Page 55, Deed Records, said tract being Parcel One of said deed; thence North along the West line of said Sullivan tract, 16 feet to the Southeast corner of said Powell tract; thence South 89°05' West along the South line of said Powell tract, 31.65 chains; thence South 16 feet to the place of beginning.

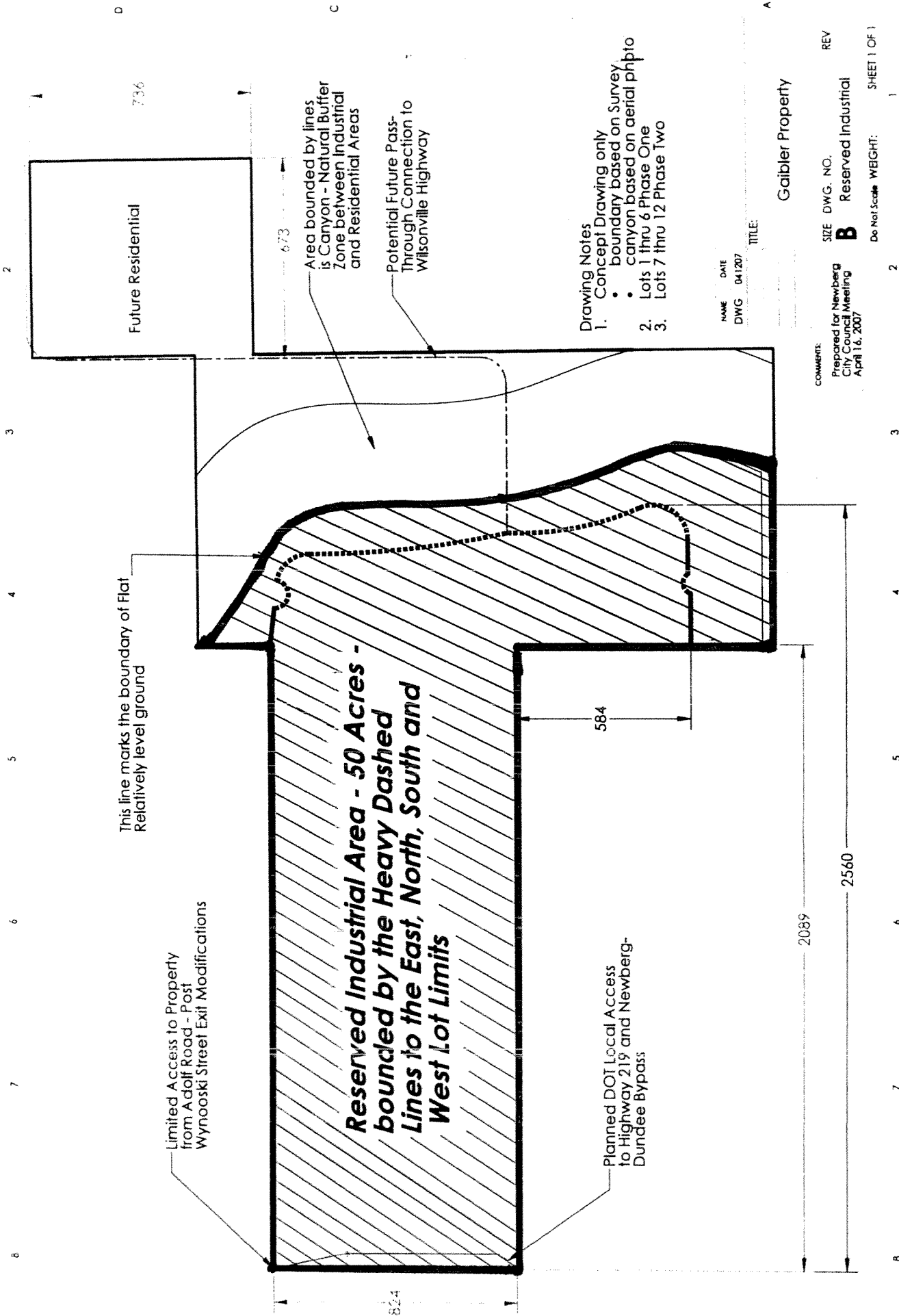
ALSO part of the South half of the Luke McKern Donation Land Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

A strip of land 10 feet in width along the South side of the following described property: Beginning at a rock in the center of a 30 foot roadway, 12.55 chains East and 20.53 chains South of the Northwest corner of the South half of said Donation Land Claim; thence North 89°05' East 31.65 chains to stake; thence South 12.64 chains to a stake from which a fir 14 inches in diameter bears North 17° East, 16 links; thence South 89°05' West, 31.65 chains to stake in center of a 30 foot roadway; thence North along the center of said roadway, 12.64 chains to the place of beginning.

**TRACT B -** A part of the Donation Land Claim of Luke McKern and wife, Notification No. 1480, Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being more particularly described as follows:

Beginning at a rock in the center of a 30 foot roadway, 12.55 chains East and 20.53 chains South of the Northwest corner of the South half of said Donation Land Claim; thence North 89°05' East 31.65 chains to stake; thence South 12.64 chains to stake from which a fir 14 inches in diameter bears North 17° East 16 links; thence South 89°05' West 31.65 chains to stake in center of a 30 foot roadway; and thence North along center of said roadway 12.64 chains to the place of beginning.

EXCEPTING THEREFROM a strip of land 10 feet in width along the South side of said property heretofore sold to John G. Kelker.



- Drawing Notes
1. Concept Drawing only
  - boundary based on Survey
  - canyon based on aerial photo
  2. Lots 1 thru 6 Phase One
  3. Lots 7 thru 12 Phase Two

NAME DATE  
DWG 04/2007

TITLE:

Gaibler Property

COMMENTS:  
Prepared for Newberg  
City Council Meeting  
April 16, 2007

SIZE DWG. NO. REV  
**B** Reserved Industrial SHEET 1 OF 1

Do Not Scale WEIGHT: 1

**APPROXIMATE BOUNDARY OF TERRITORY TO BE ANNEXED**

**AFTER RECORDING RETURN TO:**

City of Newberg  
Planning and Building Department  
PO Box 970 - 414 E. First Street  
Newberg, OR 97132

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK



\$96.00

200723694

10:26:16 AM 11/01/2007

DMR-AGRDMR Cnt=1 Stn=3 SUSIE  
\$75.00 \$10.00 \$11.00

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**DEVELOPMENT AGREEMENT**

**between Walter C. Gaibler, Trustee of Walter C. Gaibler Living Trust  
and the City of Newberg, Oregon**

This Development Agreement (“Agreement”) is made and entered into by and between Walter C. Gaibler, Trustee of Walter C. Gaibler Living Trust (“Owner”) and the City of Newberg, Oregon (“City”) (together, “Parties”) pursuant to ORS 94.504 to 94.528 and Newberg Development Code (“NDC”) §§ 151.255 to 151.259.

**RECITALS**

- A. This Agreement relates to a portion of certain real property owned by Owner legally described in Exhibit A and diagrammatically shown in Exhibit B, hereinafter known as the “Property.”
- B. The Property is currently located outside the City’s limits, outside the Newberg Urban Growth Boundary (“UGB”) and Urban Reserve Area (“URA”), and is zoned Yamhill County EF-40.
- C. On February 7<sup>th</sup>, 2007, Yamhill County issued Board Order 07-159, approving Owner’ local Measure 37 claim on the Property, and on February 22, 2007 the State of Oregon through the Department of Administrative Services and the Department of Land Conservation and Development (“State”), issued Final Order Claim No. M129954 approving Owner’ State

FIRST AMERICAN TITLE - C 99

Measure 37 claim. Under these orders, Owner is authorized to divide and develop the Property into one-acre lots, with a dwelling on each newly-created lot, subject to the standards in effect on August 5<sup>th</sup>, 1949 for a portion of Lot 3228-900, March 10, 1964 for a portion of Lot 3228-900, and April 9<sup>th</sup>, 1968 for Lot 3228-100.

D. Owner seeks to develop the Property pursuant to the approved Measure 37 claims.

E. The City Council appointed a citizen committee, the Ad Hoc Committee on Newberg's Future, to consider the future direction for the development of Newberg. Among other things, the committee found a definite need for a suitable, cohesive industrial area with good access to transportation and utilities, level land, and little surrounding residential land. The Committee found that the only suitable area for industrial expansion is the area along Highway 219 south of Wyooski Street. The Owner's property lies within this area.

F. Pursuant to the recommendations of the Ad Hoc Committee on Newberg's Future, the City is in the process of considering including within its Urban Reserve Area (URA) and Urban Growth Boundary (UGB), and in designated the area for industrial uses.

G. Owner's allowed residential use of the property would be in conflict with the City's proposed industrial uses in the area.

H. Owner and City desire to pursue including the property in the URA, UGB, and City to help accomplish the community's industrial development objectives, and to allow Owner industrial use of the property, under the conditions outlined in this agreement. These conditions would allow a portion of the property to be developed for rural residential use, and allow that property to connect to municipal water services prior to or without annexation of the property to the City.

I. Newberg City Ordinance § 52.11 and § 51.63 limit extending City utilities outside

the City's limits. Pursuant to City Ordinance 2007-2667, the City has authority to allow connection to municipal water service to the Property after execution of this Agreement.

J. Extending municipal water service to the Property is consistent with Statewide Planning Goal 11 because the Proposed Development is not dependent on the extension of City municipal water service. The development density is dependent on the Yamhill County and State Measure 37 approvals whereby Owner is authorized to divide and develop the Property into approximately one-acre residential lots. The extension of municipal water service therefore does not increase the base density in a residential zone due to the availability of water, allow a higher density for residential development than would otherwise be authorized without such service, or allow an increase the allowable density of residential development due to the extension of the municipal water service. The Property could be developed regardless of the availability of the City's municipal water service.

K. Given the Yamhill County and State Measure 37 approvals for the Property, the length of time needed to consider URA and UGB amendments, the length of time needed to consider and annex the Property, and City's and Owner' goals for the Property's development, City and Owner enter into this Agreement to allow the extension of municipal water service to the Property prior to annexation, to establish certain standards for the Property's development prior to and upon annexation, and to establish processes for considering and including the Property in the URA, UGB, and the City limits.

L. The Newberg City Council authorizes the City Manager to enter into this Agreement through Ordinance 2007-2673, adopted on August 5, 2007.

#### AGREEMENT

1. Urban Reserve Area and Urban Growth Boundary Amendments. City shall carry



forward a proposal for including the Property in the URA and the UGB. City anticipates considering the URA proposal in 2007 and the UGB proposal in 2008. City will diligently pursue, and Owner will support, the process for including the Property in the URA and UGB. City shall be responsible for providing all work associated with the said inclusions including but not limited to the applications and the related documentation supporting the applications. City shall pay for all costs of the proposed inclusion of the said Property into the URA and UGB (with those costs including but not limited to filing fees, staff time, etc). Owner and City understand that these proposals are subject to legislative approval through City, Yamhill County, and State processes, including appeals processes, and that the inclusion of the Property in the URA and UGB ultimately may not be approved and may exceed the timeframes noted above.

2. Annexation. After the property is included in the UGB, upon request of the City, but no sooner than such date that the Property becomes contiguous to the City, Owner shall submit an application for annexation using the City's standard forms. City shall pay for all filing fees and costs associated with the said application. City staff shall diligently recommend approval of the annexation application to the applicable governing bodies. City shall consider the application, and if the City Council elects, the City shall submit the question of annexation to the City electorate at a special, primary, or general election. City shall pay all costs associated with the said election. If an annexation vote is not approved, City may resubmit the annexation question at subsequent elections. Owner agrees to annexation when the Property becomes contiguous to the City.

3. City Utility Services. Upon the effective date of this Agreement, development on the Property shall be allowed to use City municipal water service in the same manner as other properties within the City. Owner shall pay fees for said service at the rate established for out-of-

City customers. If, prior to annexation into the City, some or all of the Property has been approved for, developed, or served by septic tanks or other private septic systems, such systems shall be allowed to remain on such private septic systems for a period of fifteen (15) years following construction of said systems, subject to sewer being available. City and Owner agree that upon approval of the proposed development by Yamhill County, such private septic tanks or other private septic systems shall be approved for purposes of this paragraph and Agreement. City and Owner also agree that the fifteen (15) year period referenced in this paragraph shall survive the term of this Agreement. Thereafter, if City requires connection to the public sanitary sewer system, Owner or their assigns shall pay for and install all required infrastructure and pay all associated fees, except as may be installed by City capital improvement programs or other entities, subject to System Development Charge (“SDC”) credits where applicable. Owner reserve the option to prebuild sanitary sewer infrastructure on the Property to be made operable at such time as City sewer service is extended to the Property. City agrees to allow construction of such utilities to the City standards at the time of construction, subject to City’s review and approval under existing standards. If City standards are amended subsequent to City’s approval and prior to the Property’s annexation, City will not require alteration of the system to the new City standards. Owner will assure to City that the system functions as designed and is not in need of repair at the time the City annexes the Property.

4. City and County Development Review. Parties understand that prior to annexing the Property to the City, Yamhill County has land use jurisdiction over the development, and any development prior to annexation must be approved by Yamhill County. Upon receiving approval from Yamhill County, Owner may proceed with the Subdivision Development, except that any development of public water systems on the Property that occurs prior to annexation to the City

shall be submitted to the City for engineering review and approval in accordance with City standards prior to construction of such systems. After annexation and subject to the provision of Section 3 above, any subsequent development not previously approved by Yamhill County shall be subject to approval from the City in accordance with the NDC and any other applicable City ordinance.

5. City Development Standards and Requirements.

(a) Development of Property. The westerly approximate 50 acres of the property (“Industrial Tract”) is to be developed with industrial uses after annexation to the City. The remaining easterly portion of the property (“Subdivision Tract”) may be developed with a rural residential development in accordance with Yamhill County standards prior to annexation to the City. Development shall include a substantial buffer between the residential and industrial uses.

(b) Comprehensive Plan Designations. Upon the Property’s inclusion in the UGB, the following City Comprehensive Plan designations shall apply to the Property. The easterly subdivision portion shall be designated LDR-1/A (Low Density Residential – 1 dwelling unit per acre). The industrial portion shall be designated IND (Industrial).

(c) Zoning Districts. Upon the Property’s annexation to the City, the following City Zoning Districts shall apply to the Property. The Subdivision Tract shall be zoned Low Density Residential-1/A District. The Industrial Tract shall be designated with an industrial zoning that allows large-lot industrial uses.

(d) Development Density, Uses, and Height. Prior to the Property’s annexation, development of the Subdivision Tract shall be subject to the densities and uses allowed by Yamhill County ordinances and the Yamhill County and State Measure 37 claim

approvals. Development shall be subject to the height limits of the Yamhill County EF-40 zone. Prior to development of the Industrial Tract, development shall be subject to the standards of the Yamhill County EF-40 zone. After annexation, development of the Industrial property shall be subject to the standards of the City's industrial zoning applied to the property.

(e) Stream Corridor Designation. Upon inclusion in the Urban Growth Boundary, the stream corridor along the eastern portion of the property shall be designated as a Stream Corridor per the Newberg Comprehensive Plan. Upon annexation, the stream corridor will be subject to the City's stream corridor overlay provisions.

(f) Public Roads. Roads within the Property shall be dedicated as public roads.

(g) Water Lines. When developing the Property, water lines shall be situated so as to allow extension to other properties included in the UGB or URA. Water lines on the Property shall include fire hydrants to satisfy City fire standards in effect when the water lines are constructed.

6. Dedication of Land. Consistent with Section 5(f), roads within the Subdivision Parcel shall be dedicated as public roads and all rights-of-way dedicated as public roads shall become City streets upon annexation.

7. Extension of water line. Owner will extend an 18 inch municipal water line to City standards, under Highway 219 to the property line. Owner shall submit engineered construction drawings for City review and approval. City will promptly reimburse Owner the costs incurred by Owner for this line. This reimbursement shall not exceed \$160,000 unless a greater amount is approved by City. Owner shall be responsible for all costs of constructing water infrastructure from Highway 219 onto the property, including plan review and inspection

fees.

8. Fees and Charges. Owner shall not be required to pay application fees associated with the annexation application required herein. If the City Council chooses to submit the annexation to the City electors, the City will bear the cost of the initial annexation election for the property, at a date chosen by the Council. Owner may request different or additional annexation elections which, if the Council chooses to submit the annexation to the electors, would be at his expense. Owner shall pay all sewer and water connection and SDCs in accordance with the City's established fee schedules at the time of construction. Owner shall pay all City inspection fees for plan review and inspection of any public facilities to be maintained by City. If any City water connection occurs prior to annexation, Owner or users shall pay utility rates established for out-of-City customers. After annexation, Owner or users shall pay sewer and water utility rates as well as any other fee or charge per established rates for in-City customers. At the time of annexation, Owner shall pay all SDCs then in effect, except sewer and water connection fees, which are paid at the time of connection.

9. Continuing Effect of Agreement. In the case of any change in City regulation, regional policy, State law, federal law, or other change in circumstance which renders compliance with the Agreement impossible or unlawful, Parties will attempt to give effect to the remainder of the Agreement, but only if such effect does not prejudice the substantial rights of either party under this Agreement. If the substantial rights of either party are prejudiced by giving effect to the remainder of the Agreement, then Parties shall negotiate in good faith to revise the Agreement to give effect to its original intent. If Parties fail to agree to an amended Agreement within ninety (90) days of the commencement of negotiations, then either party may request that an arbitrator give an equitable effect to the remainder of the Agreement, and the

Agreement shall thereafter be amended pursuant to the order of the arbitrator. If, because of change in policy, law or circumstance, the Agreement fails essential purpose, then the parties shall be placed into their original positions to the extent practical.

10. Binding Effect and Assignability of Agreement. This Agreement is binding upon the heirs, successors, and assigns of the Property.

11. Future Discretionary Approvals. Future discretionary approvals under this Agreement include, but are not limited to: annexation review, UGB amendment, and URA amendment. Other discretionary approvals may be required for further development of the Property, and may include subdivision review, site design review, variance or adjustment review, and conditional use permit review. All reviews following annexation shall be governed by the NDC and any other applicable City ordinance.

12. Waiver of Claims against the City. Owner(s) shall be stopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by carrying out this agreement, are then applicable to the property.

13. Default and Remedies.

(a) Default. The following shall constitute default on the part of a party: A breach of a material provision of this Agreement, whether by action or inaction of a party which continues and is not remedied within sixty (60) days after the other party has given notice

specifying the breach; provided that if the non-breaching party determines that such breach cannot with due diligence be cured within a period of sixty (60) days, the non-breaching party may allow the breaching party a longer period of time to cure the breach, and in such event the breach shall not constitute a default so long as the breaching party diligently proceeds to affect a cure and the cure is accomplished within the longer period of time granted by the non-breaching party; or any assignment by a party for the benefit of creditors, or adjudication as a bankrupt, or appointment of a receiver, trustee or creditor's committee over a party.

(b) Remedies. Each party shall have all available remedies at law or in equity to recover damages and compel the performance of the other party pursuant to this Agreement. The rights and remedies afforded under this Agreement are not exclusive and shall be in addition to the cumulative with any and all rights otherwise available at law or in equity. The exercise by either party of any one or more of such remedies shall not preclude the exercise by it, at the same or different time, of any other such remedy for the same default or breach or of any of its remedies for any other default or breach by the other parties, including, without limitation, the right to compel specific performance.

13. Amendment or Termination of Agreement. This Agreement may be amended or terminated by the Parties' mutual written consent of the Parties. Any amendment of this Agreement which relates to the term, permitted uses, density or intensity of use, height or size of buildings, or provisions for the reservation or dedication of land shall require a public hearing before the City Council.

14. Budgetary Obligations. All City obligations to expend monies under this Agreement are contingent upon future appropriation as part of the local budget process. Nothing in this Agreement requires City to appropriate any such monies.

15. Notice. A notice or communication under this Agreement by either party shall be in writing and shall be dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered by either personal delivery or nationally-recognized overnight courier (such as UPS or Federal Express) or be facsimile transmission, and

For Owner, notice or communication shall be sent to the following address:

Walter C. Gaibler  
1301 Fulton Street, Apt. 130  
Newberg, OR 97132

With copy to: Jessica S. Cain  
700 Deborah Rd., Suite 250  
Newberg, OR 97132

For City, notice or communication shall be sent to the following address:

City of Newberg City Manager  
414 E. First Street  
Newberg, OR 97132

With copy to: City of Newberg Planning Director  
P.O. Box 970  
Newberg, OR 97132

or addressed in such other way that City or Owner may request, provided that such request be in writing and given in accordance with this section.

16. Effective Date. This Agreement shall be effective upon signing by both Owner and City ("Effective Date").

17. Duration. This Agreement shall expire upon completion of the terms herein, or 10 years after the Effective Date, whichever comes first.

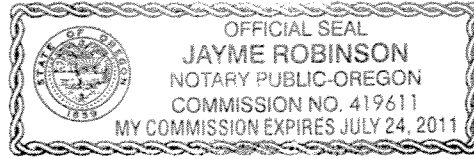
ACCEPTED BY:

  
\_\_\_\_\_



Walter C. Gaibler  
Trustee of Walter C. Gaibler Living Trust

STATE OF OREGON            )  
  ) ss.  
County of Yamhill            )



This instrument was acknowledged before me on this 30<sup>th</sup> day of October, 2007, by  
Walter C. Gaibler as Trustee for Walter C. Gaibler Living Trust.

Jayme Robinson  
Notary Public for Oregon  
My Commission expires: July 24, 2011

CITY OF NEWBERG  
ACCEPTED:

APPROVED AS TO FORM

Terrence D. Mahr  
Terrence D. Mahr, Manager Pro Tem

Terrence D. Mahr  
Terrence D. Mahr, City Attorney

Dated: 10/24/07

Dated: 10/24/07

- Exhibits:  
Exhibit A: Legal Description  
Exhibit B: Property Map  
Exhibit C: Concept Plan

Z:\FILES\MISC\MISC3-07-002 GAIBLER\DEVELOPMENT AGREEMENT 2007-0714.DOC

## EXHIBIT A to GAIBLER DEVELOPMENT AGREEMENT LEGAL DESCRIPTION

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

**PARCEL 1:**

**TRACT A** - Part of the South half of the Luke McKern Donation Land Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

Beginning at a point on the South line of said Luke McKern Donation Land Claim, 10.00 chains West of the Southeast corner of said Donation Land Claim, said place of beginning being the Southwest corner of a certain tract of land conveyed by Ernest Schick, et al, by deed recorded June 11, 1956 in Book 181, Page 61, Deed Records, said tract being identified as Parcel One in said deed; thence North along the West line of said Schick tract and the Northerly extension thereof, 29.30 chains to the Southeast corner of a certain tract of land conveyed to Clifford W. Jones, et ux, by deed recorded April 14, 1960 in Book 156, Page 573, Deed Records; thence West along the South line of said Jones tract, 14.90 chains to the Southwest corner of said Jones tract, said point being situated on the East line of a certain tract of land conveyed to Muret H. Sullivan, et ux, by deed recorded November 4, 1953 in Book 171, Page 477, Deed Records; thence South along the East line of said Sullivan tract and the Southerly extension thereof, 29.30 chains to the South line of said McKern Donation Land Claim, said point being the Southeast corner of a certain tract of land conveyed to Harvey Burnett by deed recorded April 19, 1937 in Book 112, Page 426, Deed Records, said point also being 31.65 chains East of an oak stake set on the South line of said Donation Land Claim in the center of a 30 foot roadway, said stake being 12.55 chains East of the Southwest corner of said Donation Land Claim; thence East along the South line of said Donation Land Claim 15.10 chains to the place of beginning.

ALSO part of the South half of the Luke McKern Donation Land Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

A 16 foot strip of land more particularly described as follows: Beginning at the Northwest corner of a certain tract of land conveyed to Harvey Burnett et ux, by deed recorded April 28, 1947 in Book 142, Page 277, Deed Records, said place of beginning being 16 feet South of a rock situated in the center of a 30 foot roadway, said rock being 12.55 chains East and 33.41 chains South of the Northwest corner of the South half of said McKern Donation Land Claim, said place of beginning also being 16 feet South of the Southwest corner of a certain tract of land conveyed to Joseph N. Powell, by deed recorded September 7, 1909 in Book 57, Page 218, Deed Records; thence North 89°05' East along the North line of said Burnett tract, 31.65 chains to a point on the West line of a certain tract of land conveyed to Muret H. Sullivan et ux, by deed recorded February 20, 1947 in Book 141, Page 55, Deed Records, said tract being Parcel One of said deed; thence North along the West line of said Sullivan tract, 16 feet to the Southeast corner of said Powell tract; thence South 89°05' West along the South line of said Powell tract, 31.65 chains; thence South 16 feet to the place of beginning.

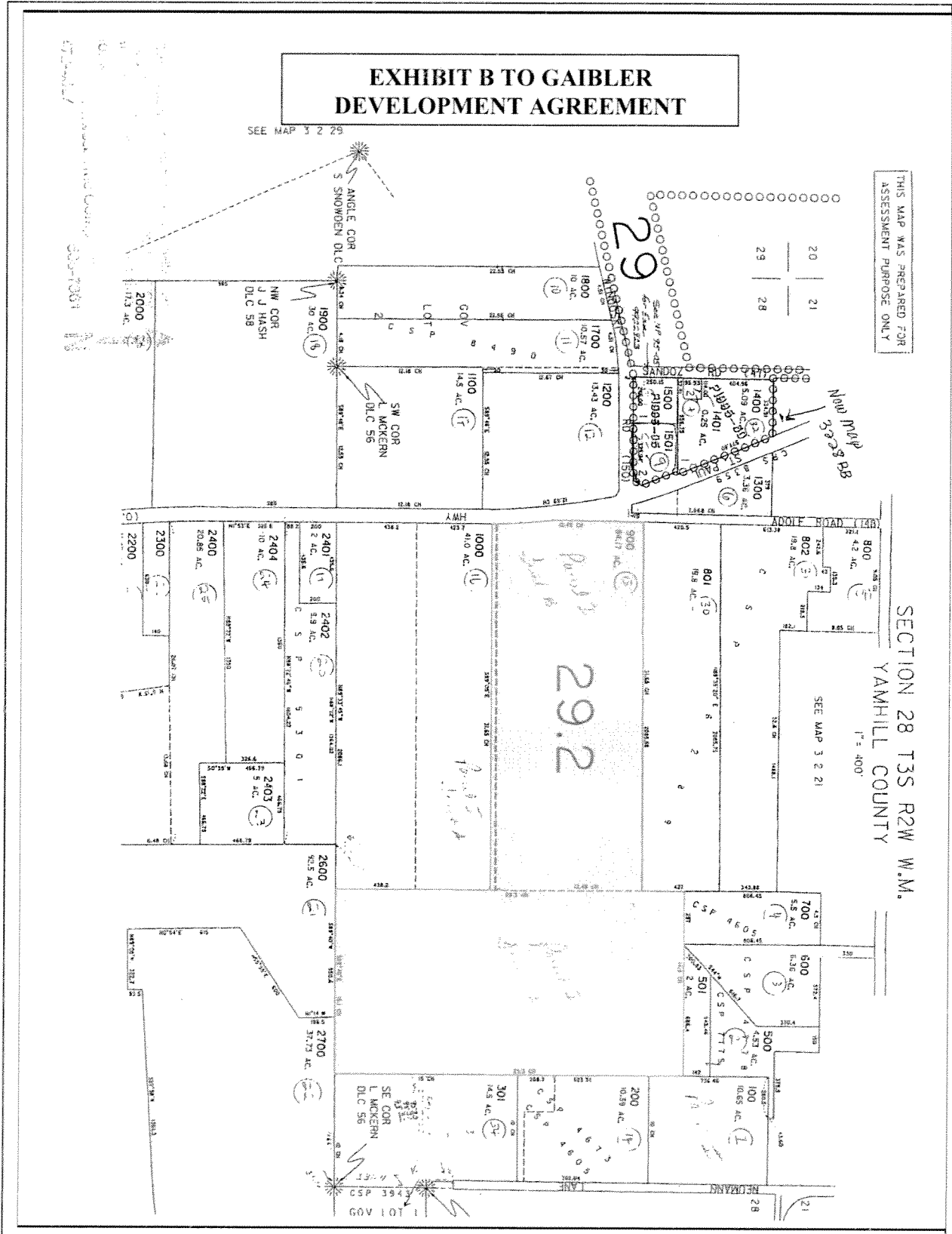
ALSO part of the South half of the Luke McKern Donation Land Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

A strip of land 10 feet in width along the South side of the following described property: Beginning at a rock in the center of a 30 foot roadway, 12.55 chains East and 20.53 chains South of the Northwest corner of the South half of said Donation Land Claim; thence North 89°05' East 31.65 chains to stake; thence South 12.64 chains to a stake from which a fir 14 inches in diameter bears North 17° East, 16 links; thence South 89°05' West, 31.65 chains to stake in center of a 30 foot roadway; thence North along the center of said roadway, 12.64 chains to the place of beginning.

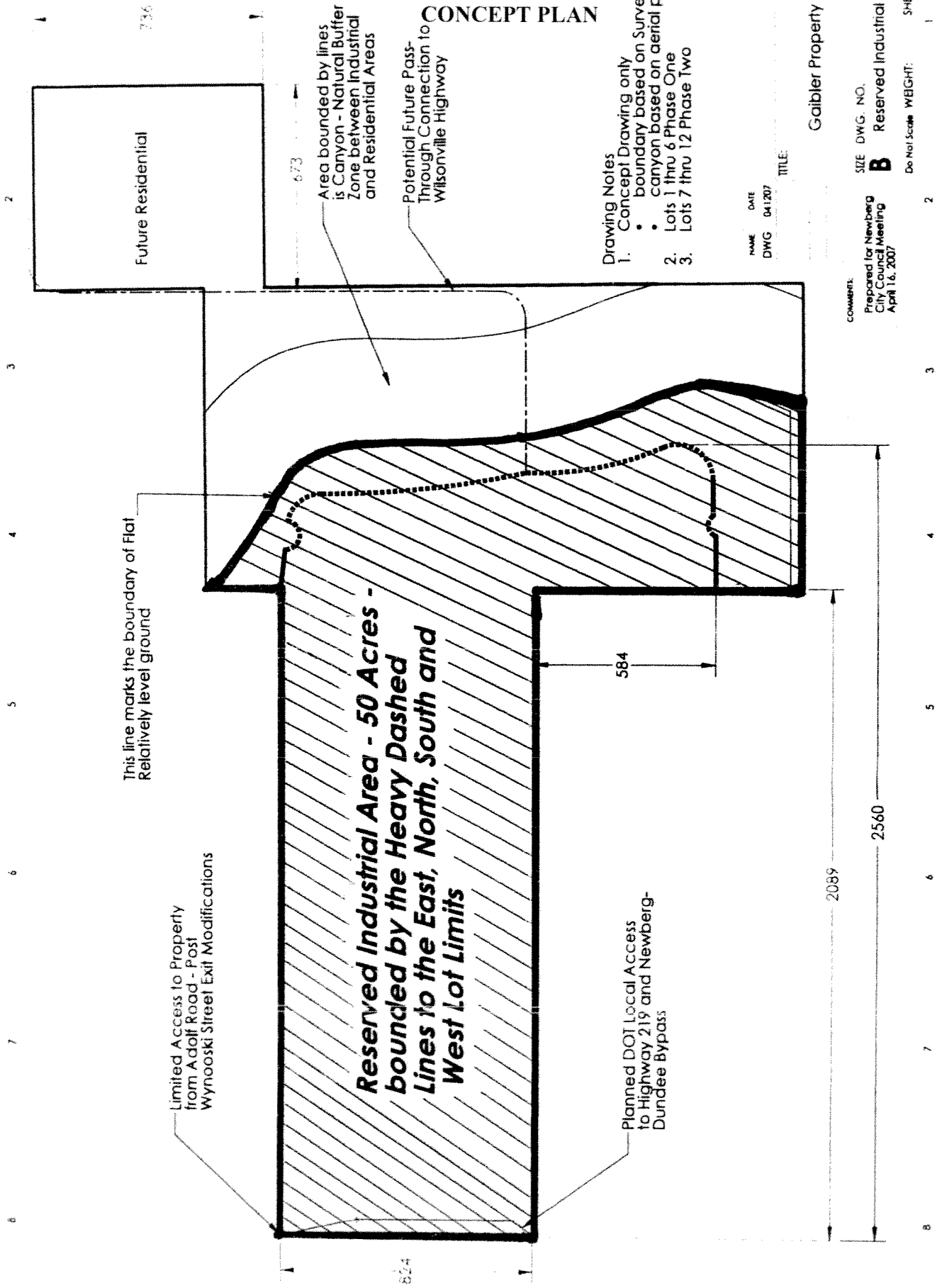
**TRACT B** - A part of the Donation Land Claim of Luke McKern and wife, Notification No. 1460, Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being more particularly described as follows:

Beginning at a rock in the center of a 30 foot roadway, 12.55 chains East and 20.53 chains South of the Northwest corner of the South half of said Donation Land Claim; thence North 89°05' East 31.65 chains to stake; thence South 12.64 chains to stake from which a fir 14 inches in diameter bears North 17° East 16 links; thence South 89°05' West 31.65 chains to stake in center of a 30 foot roadway; and thence North along center of said roadway 12.64 chains to the place of beginning.

EXCEPTING THEREFROM a strip of land 10 feet in width along the South side of said property heretofore sold to John G. Keller.



### EXHIBIT C to GAIBLER DEVELOPMENT AGREEMENT CONCEPT PLAN



This line marks the boundary of Flat Relatively level ground

Limited Access to Property from Adolf Road - Post Wynooski Street Exit Modifications

**Reserved Industrial Area - 50 Acres - bounded by the Heavy Dashed Lines to the East, North, South and West Lot Limits**

Planned DOT Local Access to Highway 219 and Newberg-Dundee Bypass

Area bounded by lines is Canyon - Natural Buffer Zone between Industrial and Residential Areas  
Potential Future Pass-Through Connection to Wilsonville Highway

- Drawing Notes
1. Concept Drawing only boundary based on Survey photo
  2. Lots 1 thru 6 Phase One
  3. Lots 7 thru 12 Phase Two

NAME DATE  
DWG 04.1.207

TITLE:

Gaibler Property

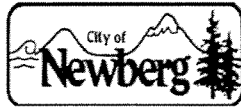
COMMENT: Prepared for Newberg City Council Meeting April 16, 2007

SIZE DWG. NO. REV  
**B** Reserved Industrial

Do Not Scale WEIGHT: SHEET 1 OF 1

**APPROXIMATE BOUNDARY OF TERRITORY TO BE ANNEXED**

15/15

**ORDINANCE No. 2007-2673**

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**AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT  
WITH WALTER GAIBLER, REGARDING DEVELOPMENT OF  
PROPERTY AT 9680 ADOLF ROAD, YAMHILL COUNTY TAX  
LOT 3228-900**

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**RECITALS:**

1. Walter C. Gaibler owns property on Adolph Road, Yamhill County Tax Lot 3228-900.
2. Yamhill County and the State of Oregon have approved Measure 37 claims on the property. These approvals allow development of the property for residential uses.
3. The property is in an area recommended by the Ad Hoc Committee on Newberg's Future for inclusion in Newberg Urban Reserve Area and Urban Growth Boundary as industrial property.
4. Mr. Gaibler is interested in developing the property pursuant to the approved claims. However, Mr. Gaibler is willing to set aside plans for rural residential development for the bulk of the property in favor of consideration of the ability to develop as industrial property under certain conditions. The conditions would include having the City proceed with considering the property for inclusion in the Urban Reserve Area and Urban Growth Boundary, consider annexation of the property, extend City water to the property, and allow use of City water for some limited residential use prior to annexation.
5. City is in process of considering whether to add the Property into the Newberg Urban Reserve Area (URA), and subsequently to the Newberg Urban Growth Boundary (UGB).
6. Rather than have the property develop as rural residential uses in the middle of what could be a future industrial area, the Council finds that it is in its best interest to provide City water to the property upon agreement to eventually annex the property and upon execution of a development agreement.
7. On April 16, 2007, the Council adopted Ordinance 2007-2667, allowing water service to the property prior to annexation to the City, subject to execution of a development agreement.

**THE CITY OF NEWBERG ORDAINS AS FOLLOWS:**

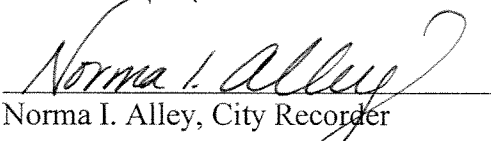
1. The City Manager is hereby authorized to enter into a development agreement with Walter C. Gaibler as shown in Exhibit 1. The City Manager is delegated the authority to negotiate and amend the agreement prior to the initial execution of the agreement in order to meet the intent of the agreement.
  
2. This ordinance is necessary due to the unique and special circumstance and location of the property shown herein. Nothing in this ordinance shall be construed as authorizing consideration of extension of utilities or annexation of any other property other than that specifically shown herein. Nothing in this ordinance shall be construed as requiring the City to include the property into the Urban Reserve or Urban Growth Boundary, or to annex the property to the City.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: September 5, 2007.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 6<sup>th</sup> day of August, 2007, by the following votes:

**AYE:** 5    **NAY:** 0

**ABSENT:** 2 -Larson Rierson    **ABSTAIN:** 0

  
 \_\_\_\_\_  
 Norma I. Alley, City Recorder

**ATTEST** by the Council President this 9th day of August, 2007.

  
 \_\_\_\_\_  
 Robert Soppe, Council President

Exhibits:

- Exhibit 1: Development Agreement
- Exhibit A: Legal Description
- Exhibit B: Property Map
- Exhibit C: Concept Development Plan

**LEGISLATIVE HISTORY**

By and through \_\_\_\_\_ Committee at \_\_\_/\_\_\_/2007 meeting. Or,  X  None.  
(committee name) (date) (check if applicable)

**DEVELOPMENT AGREEMENT**

**between Walter C. Gaibler, Trustee of Walter C. Gaibler Living Trust  
and the City of Newberg, Oregon**

This Development Agreement (“Agreement”) is made and entered into by and between Walter C. Gaibler, Trustee of Walter C. Gaibler Living Trust (“Owner”) and the City of Newberg, Oregon (“City”) (together, “Parties”) pursuant to ORS 94.504 to 94.528 and Newberg Development Code (“NDC”) §§ 151.255 to 151.259.

**RECITALS**

A. This Agreement relates to a portion of certain real property owned by Owner legally described in Exhibit A and diagrammatically shown in Exhibit B, hereinafter known as the “Property.”

B. The Property is currently located outside the City’s limits, outside the Newberg Urban Growth Boundary (“UGB”) and Urban Reserve Area (“URA”), and is zoned Yamhill County EF-40.

C. On February 7<sup>th</sup>, 2007, Yamhill County issued Board Order 07-159, approving Owner’ local Measure 37 claim on the Property, and on February 22, 2007 the State of Oregon through the Department of Administrative Services and the Department of Land Conservation and Development (“State”), issued Final Order Claim No. M129954 approving Owner’ State Measure 37 claim. Under these orders, Owner is authorized to divide and develop the Property into one-acre lots, with a dwelling on each newly-created lot, subject to the standards in effect on August 5<sup>th</sup>, 1949 for a portion of Lot 3228-900, March 10, 1964 for a portion of Lot 3228-900, and April 9<sup>th</sup>, 1968 for Lot 3228-100.

D. Owner seeks to develop the Property pursuant to the approved Measure 37 claims.

E. The City Council appointed a citizen committee, the Ad Hoc Committee on Newberg's Future, to consider the future direction for the development of Newberg. Among other things, the committee found a definite need for a suitable, cohesive industrial area with good access to transportation and utilities, level land, and little surrounding residential land. The Committee found that the only suitable area for industrial expansion is the area along Highway 219 south of Wynooski Street. The Owner's property lies within this area.

F. Pursuant to the recommendations of the Ad Hoc Committee on Newberg's Future, the City is in the process of considering including within its Urban Reserve Area (URA) and Urban Growth Boundary (UGB), and in designated the area for industrial uses.

G. Owner's allowed residential use of the property would be in conflict with the City's proposed industrial uses in the area.

H. Owner and City desire to pursue including the property in the URA, UGB, and City to help accomplish the community's industrial development objectives, and to allow Owner industrial use of the property, under the conditions outlined in this agreement. These conditions would allow a portion of the property to be developed for rural residential use, and allow that property to connect to municipal water services prior to or without annexation of the property to the City.

I. Newberg City Ordinance § 52.11 and § 51.63 limit extending City utilities outside the City's limits. Pursuant to City Ordinance 2007-2667, the City has authority to allow connection to municipal water service to the Property after execution of this Agreement.

J. Extending municipal water service to the Property is consistent with Statewide Planning Goal 11 because the Proposed Development is not dependent on the extension of City municipal water service. The development density is dependent on the Yamhill County and State



Measure 37 approvals whereby Owner is authorized to divide and develop the Property into approximately one-acre residential lots. The extension of municipal water service therefore does not increase the base density in a residential zone due to the availability of water, allow a higher density for residential development than would otherwise be authorized without such service, or allow an increase the allowable density of residential development due to the extension of the municipal water service. The Property could be developed regardless of the availability of the City's municipal water service.

K. Given the Yamhill County and State Measure 37 approvals for the Property, the length of time needed to consider URA and UGB amendments, the length of time needed to consider and annex the Property, and City's and Owner' goals for the Property's development, City and Owner enter into this Agreement to allow the extension of municipal water service to the Property prior to annexation, to establish certain standards for the Property's development prior to and upon annexation, and to establish processes for considering and including the Property in the URA, UGB, and the City limits.

L. The Newberg City Council authorizes the City Manager to enter into this Agreement through Ordinance 2007-2673, adopted on August 5, 2007.

#### AGREEMENT

1. Urban Reserve Area and Urban Growth Boundary Amendments. City shall carry forward a proposal for including the Property in the URA and the UGB. City anticipates considering the URA proposal in 2007 and the UGB proposal in 2008. City will diligently pursue, and Owner will support, the process for including the Property in the URA and UGB. City shall be responsible for providing all work associated with the said inclusions including but not limited to the applications and the related documentation supporting the applications. City

shall pay for all costs of the proposed inclusion of the said Property into the URA and UGB (with those costs including but not limited to filing fees, staff time, etc). Owner and City understand that these proposals are subject to legislative approval through City, Yamhill County, and State processes, including appeals processes, and that the inclusion of the Property in the URA and UGB ultimately may not be approved and may exceed the timeframes noted above.

2. Annexation. After the property is included in the UGB, upon request of the City, but no sooner than such date that the Property becomes contiguous to the City, Owner shall submit an application for annexation using the City's standard forms. City shall pay for all filing fees and costs associated with the said application. City staff shall diligently recommend approval of the annexation application to the applicable governing bodies. City shall consider the application, and if the City Council elects, the City shall submit the question of annexation to the City electorate at a special, primary, or general election. City shall pay all costs associated with the said election. If an annexation vote is not approved, City may resubmit the annexation question at subsequent elections. Owner agrees to annexation when the Property becomes contiguous to the City.

3. City Utility Services. Upon the effective date of this Agreement, development on the Property shall be allowed to use City municipal water service in the same manner as other properties within the City. Owner shall pay fees for said service at the rate established for out-of-City customers. If, prior to annexation into the City, some or all of the Property has been approved for, developed, or served by septic tanks or other private septic systems, such systems shall be allowed to remain on such private septic systems for a period of fifteen (15) years following construction of said systems, subject to sewer being available. City and Owner agree that upon approval of the proposed development by Yamhill County, such private septic tanks or

other private septic systems shall be approved for purposes of this paragraph and Agreement.

City and Owner also agree that the fifteen (15) year period referenced in this paragraph shall survive the term of this Agreement. Thereafter, if City requires connection to the public sanitary sewer system, Owner or their assigns shall pay for and install all required infrastructure and pay all associated fees, except as may be installed by City capital improvement programs or other entities, subject to System Development Charge (“SDC”) credits where applicable. Owner reserve the option to prebuild sanitary sewer infrastructure on the Property to be made operable at such time as City sewer service is extended to the Property. City agrees to allow construction of such utilities to the City standards at the time of construction, subject to City’s review and approval under existing standards. If City standards are amended subsequent to City’s approval and prior to the Property’s annexation, City will not require alteration of the system to the new City standards. Owner will assure to City that the system functions as designed and is not in need of repair at the time the City annexes the Property.

4. City and County Development Review. Parties understand that prior to annexing the Property to the City, Yamhill County has land use jurisdiction over the development, and any development prior to annexation must be approved by Yamhill County. Upon receiving approval from Yamhill County, Owner may proceed with the Subdivision Development, except that any development of public water systems on the Property that occurs prior to annexation to the City shall be submitted to the City for engineering review and approval in accordance with City standards prior to construction of such systems. After annexation and subject to the provision of Section 3 above, any subsequent development not previously approved by Yamhill County shall be subject to approval from the City in accordance with the NDC and any other applicable City ordinance.

5. City Development Standards and Requirements.

(a) Development of Property. The westerly approximate 50 acres of the property (“Industrial Tract”) is to be developed with industrial uses after annexation to the City. The remaining easterly portion of the property (“Subdivision Tract”) may be developed with a rural residential development in accordance with Yamhill County standards prior to annexation to the City. Development shall include a substantial buffer between the residential and industrial uses.

(b) Comprehensive Plan Designations. Upon the Property’s inclusion in the UGB, the following City Comprehensive Plan designations shall apply to the Property. The easterly subdivision portion shall be designated LDR-1/A (Low Density Residential – 1 dwelling unit per acre). The industrial portion shall be designated IND (Industrial).

(c) Zoning Districts. Upon the Property’s annexation to the City, the following City Zoning Districts shall apply to the Property. The Subdivision Tract shall be zoned Low Density Residential-1/A District. The Industrial Tract shall be designated with an industrial zoning that allows large-lot industrial uses.

(d) Development Density, Uses, and Height. Prior to the Property’s annexation, development of the Subdivision Tract shall be subject to the densities and uses allowed by Yamhill County ordinances and the Yamhill County and State Measure 37 claim approvals. Development shall be subject to the height limits of the Yamhill County EF-40 zone. Prior to development of the Industrial Tract, development shall be subject to the standards of the Yamhill County EF-40 zone. After annexation, development of the Industrial property shall be subject to the standards of the City’s industrial zoning applied to the property.

(e) Stream Corridor Designation. Upon inclusion in the Urban Growth

Boundary, the stream corridor along the eastern portion of the property shall be designated as a Stream Corridor per the Newberg Comprehensive Plan. Upon annexation, the stream corridor will be subject to the City's stream corridor overlay provisions.

(f) Public Roads. Roads within the Property shall be dedicated as public roads.

(g) Water Lines. When developing the Property, water lines shall be situated so as to allow extension to other properties included in the UGB or URA. Water lines on the Property shall include fire hydrants to satisfy City fire standards in effect when the water lines are constructed.

6. Dedication of Land. Consistent with Section 5(f), roads within the Subdivision Parcel shall be dedicated as public roads and all rights-of-way dedicated as public roads shall become City streets upon annexation.

7. Extension of water line. Owner will extend an 18 inch municipal water line to City standards, under Highway 219 to the property line. Owner shall submit engineered construction drawings for City review and approval. City will promptly reimburse Owner the costs incurred by Owner for this line. This reimbursement shall not exceed \$160,000 unless a greater amount is approved by City. Owner shall be responsible for all costs of constructing water infrastructure from Highway 219 onto the property, including plan review and inspection fees.

8. Fees and Charges. Owner shall not be required to pay application fees associated with the annexation application required herein. If the City Council chooses to submit the annexation to the City electors, the City will bear the cost of the initial annexation election for the property, at a date chosen by the Council. Owner may request different or additional

annexation elections which, if the Council chooses to submit the annexation to the electors, would be at his expense. Owner shall pay all sewer and water connection and SDCs in accordance with the City's established fee schedules at the time of construction. Owner shall pay all City inspection fees for plan review and inspection of any public facilities to be maintained by City. If any City water connection occurs prior to annexation, Owner or users shall pay utility rates established for out-of-City customers. After annexation, Owner or users shall pay sewer and water utility rates as well as any other fee or charge per established rates for in-City customers. At the time of annexation, Owner shall pay all SDCs then in effect, except sewer and water connection fees, which are paid at the time of connection.

9. Continuing Effect of Agreement. In the case of any change in City regulation, regional policy, State law, federal law, or other change in circumstance which renders compliance with the Agreement impossible or unlawful, Parties will attempt to give effect to the remainder of the Agreement, but only if such effect does not prejudice the substantial rights of either party under this Agreement. If the substantial rights of either party are prejudiced by giving effect to the remainder of the Agreement, then Parties shall negotiate in good faith to revise the Agreement to give effect to its original intent. If Parties fail to agree to an amended Agreement within ninety (90) days of the commencement of negotiations, then either party may request that an arbitrator give an equitable effect to the remainder of the Agreement, and the Agreement shall thereafter be amended pursuant to the order of the arbitrator. If, because of change in policy, law or circumstance, the Agreement fails essential purpose, then the parties shall be placed into their original positions to the extent practical.

10. Binding Effect and Assignability of Agreement. This Agreement is binding upon the heirs, successors, and assigns of the Property.

11. Future Discretionary Approvals. Future discretionary approvals under this Agreement include, but are not limited to: annexation review, UGB amendment, and URA amendment. Other discretionary approvals may be required for further development of the Property, and may include subdivision review, site design review, variance or adjustment review, and conditional use permit review. All reviews following annexation shall be governed by the NDC and any other applicable City ordinance.

12. Waiver of Claims against the City. Owner(s) shall be stopped from asserting any rights and remedies, actions, causes of action, suits, claims, liabilities, demands, and rights to waivers arising under or granted by any statutory or constitutional regulatory compensation or waiver provisions, including but not limited to Ballot Measure 37 (2004) or otherwise enacted after the date of this proceeding which would create a right of claim for compensation or waiver from City land use regulations that exist upon the effective date of the proceeding and which, by carrying out this agreement, are then applicable to the property.

13. Default and Remedies.

(a) Default. The following shall constitute default on the part of a party: A breach of a material provision of this Agreement, whether by action or inaction of a party which continues and is not remedied within sixty (60) days after the other party has given notice specifying the breach; provided that if the non-breaching party determines that such breach cannot with due diligence be cured within a period of sixty (60) days, the non-breaching party may allow the breaching party a longer period of time to cure the breach, and in such event the breach shall not constitute a default so long as the breaching party diligently proceeds to affect a cure and the cure is accomplished within the longer period of time granted by the non-breaching

party; or any assignment by a party for the benefit of creditors, or adjudication as a bankrupt, or appointment of a receiver, trustee or creditor's committee over a party.

(b) Remedies. Each party shall have all available remedies at law or in equity to recover damages and compel the performance of the other party pursuant to this Agreement. The rights and remedies afforded under this Agreement are not exclusive and shall be in addition to the cumulative with any and all rights otherwise available at law or in equity. The exercise by either party of any one or more of such remedies shall not preclude the exercise by it, at the same or different time, of any other such remedy for the same default or breach or of any of its remedies for any other default or breach by the other parties, including, without limitation, the right to compel specific performance.

13. Amendment or Termination of Agreement. This Agreement may be amended or terminated by the Parties' mutual written consent of the Parties. Any amendment of this Agreement which relates to the term, permitted uses, density or intensity of use, height or size of buildings, or provisions for the reservation or dedication of land shall require a public hearing before the City Council.

14. Budgetary Obligations. All City obligations to expend monies under this Agreement are contingent upon future appropriation as part of the local budget process. Nothing in this Agreement requires City to appropriate any such monies.

15. Notice. A notice or communication under this Agreement by either party shall be in writing and shall be dispatched by registered or certified mail, postage prepaid, return receipt requested, or delivered by either personal delivery or nationally-recognized overnight courier (such as UPS or Federal Express) or be facsimile transmission, and

For Owner, notice or communication shall be sent to the following address:



Walter C. Gaibler  
1301 Fulton Street, Apt. 130  
Newberg, OR 97132

With copy to: Jessica S. Cain  
700 Deborah Rd., Suite 250  
Newberg, OR 97132

For City, notice or communication shall be sent to the following address:

City of Newberg City Manager  
414 E. First Street  
Newberg, OR 97132

With copy to: City of Newberg Planning Director  
P.O. Box 970  
Newberg, OR 97132

or addressed in such other way that City or Owner may request, provided that such request be in writing and given in accordance with this section.

16. Effective Date. This Agreement shall be effective upon signing by both Owner and City ("Effective Date").

17. Duration. This Agreement shall expire upon completion of the terms herein, or 10 years after the Effective Date, whichever comes first.

ACCEPTED BY:

\_\_\_\_\_  
Walter C. Gaibler  
Trustee of Walter C. Gaibler Living Trust

STATE OF OREGON            )  
  ) ss.  
County of Yamhill            )

This instrument was acknowledged before me on this \_\_\_\_ day of \_\_\_\_\_, 200\_\_\_\_, by Walter C. Gaibler as Trustee for Walter C. Gaibler Living Trust.

\_\_\_\_\_

Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

CITY OF NEWBERG  
ACCEPTED:

APPROVED AS TO FORM

\_\_\_\_\_  
James H. Bennett, City Recorder

\_\_\_\_\_  
Terrence D. Mahr, City Attorney

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Exhibits:

- Exhibit A: Legal Description
- Exhibit B: Property Map
- Exhibit C: Concept Plan

Z:\FILES\MISC\MISC3-07-002 GAIBLER\DEVELOPMENT AGREEMENT 2007-0714.DOC

## EXHIBIT A to GAIBLER DEVELOPMENT AGREEMENT LEGAL DESCRIPTION

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

**PARCEL 1:**

**TRACT A -** Part of the South half of the Luke McKern Donation Land Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

Beginning at a point on the South line of said Luke McKern Donation Land Claim, 10.00 chains West of the Southeast corner of said Donation Land Claim, said place of beginning being the Southwest corner of a certain tract of land conveyed by Ernest Schick, et al, by deed recorded June 11, 1956 in Book 181, Page 61, Deed Records, said tract being identified as Parcel One in said deed; thence North along the West line of said Schick tract and the Northerly extension thereof, 29.30 chains to the Southeast corner of a certain tract of land conveyed to Clifford W. Jones, et ux, by deed recorded April 14, 1950 in Book 156, Page 573, Deed Records; thence West along the South line of said Jones tract, 14.00 chains to the Southwest corner of said Jones tract, said point being situated on the East line of a certain tract of land conveyed to Muret H. Sullivan, et ux, by deed recorded November 4, 1953 in Book 171, Page 477, Deed Records; thence South along the East line of said Sullivan tract and the Southerly extension thereof, 29.30 chains to the South line of said McKern Donation Land Claim, said point being the Southeast corner of a certain tract of land conveyed to Harvey Burnett by deed recorded April 19, 1937 in Book 112, Page 426, Deed Records, said point also being 31.65 chains East of an oak stake set on the South line of said Donation Land Claim in the center of a 30 foot roadway, said stake being 12.55 chains East of the Southwest corner of said Donation Land Claim; thence East along the South line of said Donation Land Claim 15.10 chains to the place of beginning.

ALSO part of the South half of the Luke McKern Donation Land Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

A 16 foot strip of land more particularly described as follows: Beginning at the Northwest corner of a certain tract of land conveyed to Harvey Burnett et ux, by deed recorded April 28, 1947 in Book 142, Page 277, Deed Records, said place of beginning being 16 feet South of a rock situated in the center of a 30 foot roadway, said rock being 12.55 chains East and 33.41 chains South of the Northwest corner of the South half of said McKern Donation Land Claim, said place of beginning also being 16 feet South of the Southwest corner of a certain tract of land conveyed to Joseph N. Powell, by deed recorded September 7, 1909 in Book 57, Page 218, Deed Records; thence North 89°05' East along the North line of said Burnett tract, 31.65 chains to a point on the West line of a certain tract of land conveyed to Muret H. Sullivan et ux, by deed recorded February 20, 1947 in Book 141, Page 55, Deed Records, said tract being Parcel One of said deed; thence North along the West line of said Sullivan tract, 15 feet to the Southeast corner of said Powell tract; thence South 89°05' West along the South line of said Powell tract, 31.65 chains; thence South 16 feet to the place of beginning.

ALSO part of the South half of the Luke McKern Donation Land Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being described as follows:

A strip of land 10 feet in width along the South side of the following described property: Beginning at a rock in the center of a 30 foot roadway, 12.55 chains East and 20.53 chains South of the Northwest corner of the South half of said Donation Land Claim; thence North 89°05' East 31.65 chains to stake; thence South 12.64 chains to a stake from which a fir 14 inches in diameter bears North 17° East, 16 links; thence South 89°05' West, 31.65 chains to stake in center of a 30 foot roadway; thence North along the center of said roadway, 12.64 chains to the place of beginning.

**TRACT B -** A part of the Donation Land Claim of Luke McKern and wife, Notification No. 1480, Claim No. 56 in Township 3 South, Range 2 West of the Willamette Meridian in Yamhill County, Oregon, said part being more particularly described as follows:

Beginning at a rock in the center of a 30 foot roadway, 12.55 chains East and 20.53 chains South of the Northwest corner of the South half of said Donation Land Claim; thence North 89°05' East 31.65 chains to stake; thence South 12.64 chains to stake from which a fir 14 inches in diameter bears North 17° East, 16 links; thence South 89°05' West 31.65 chains to stake in center of a 30 foot roadway; and thence North along center of said roadway 12.64 chains to the place of beginning.

EXCEPTING THEREFROM a strip of land 10 feet in width along the South side of said property heretofore sold to John G. Keller.

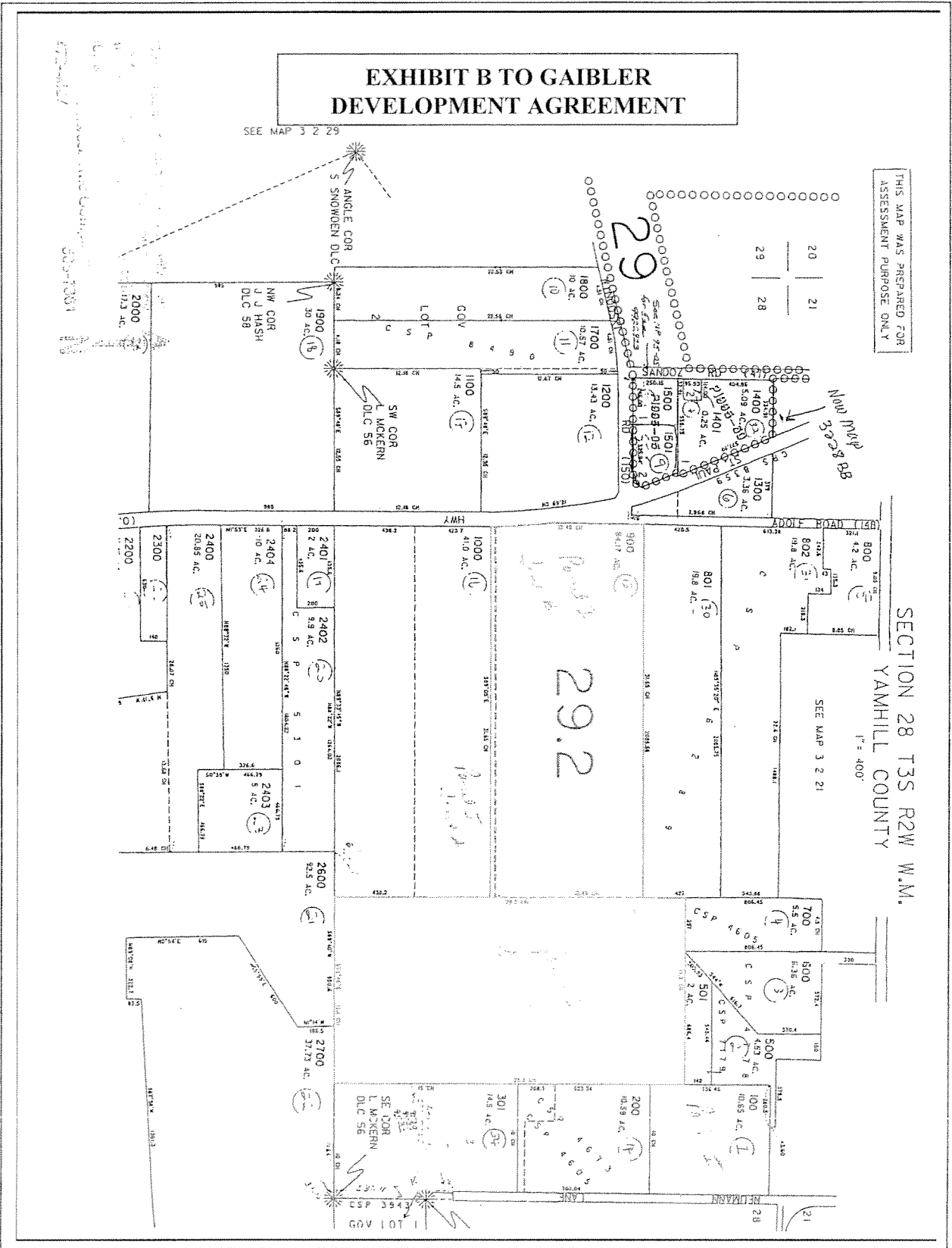
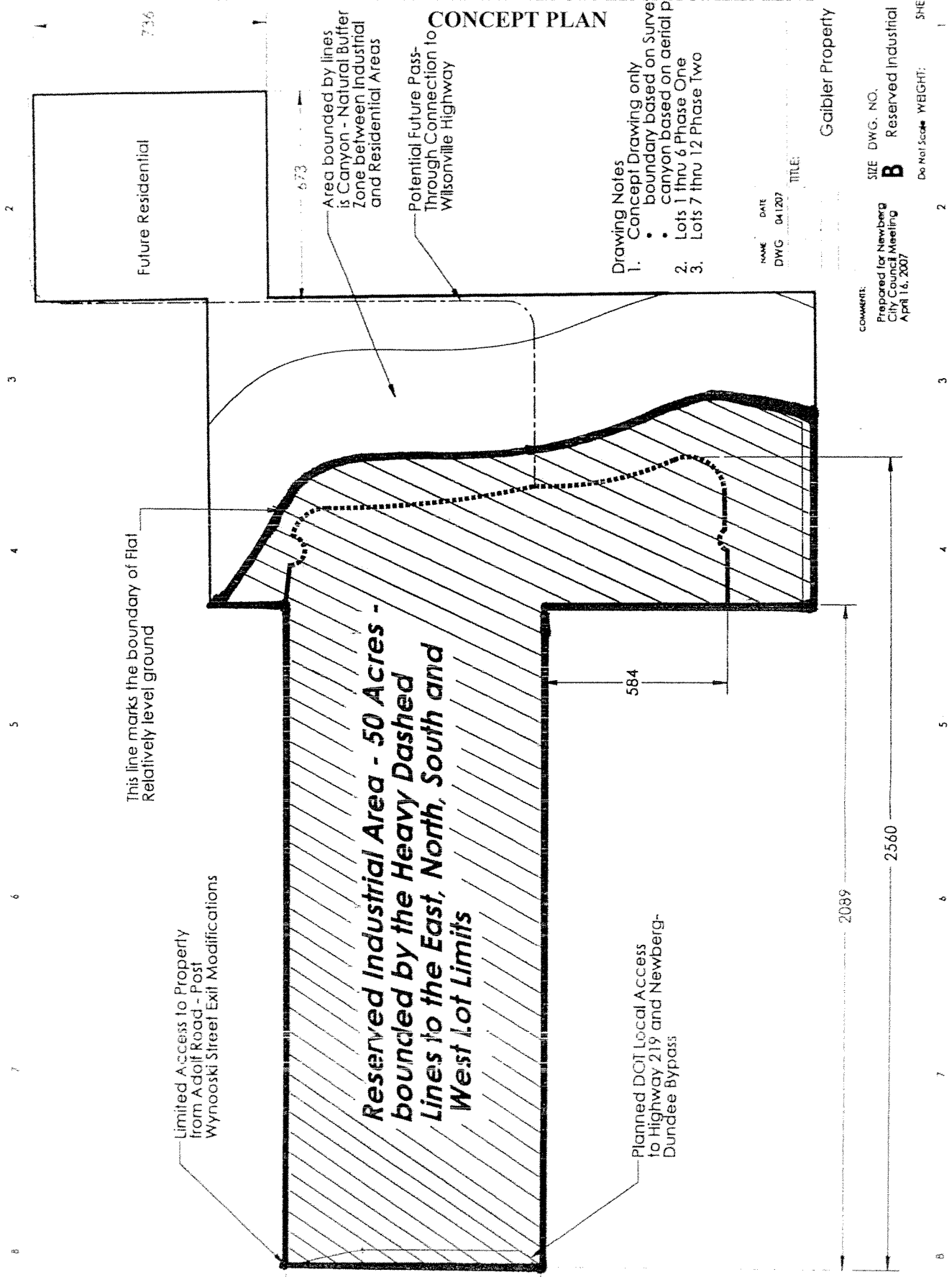


EXHIBIT C to GAIBLER DEVELOPMENT AGREEMENT  
CONCEPT PLAN



**Drawing Notes**

1. Concept Drawing only boundary based on survey photo
2. canyon based on aerial photo
3. Lots 1 thru 6 Phase One
3. Lots 7 thru 12 Phase Two

NAME: DWG: 041207  
DATE: TITLE:

Gaibler Property

COMMENT: Prepared for Newberg City Council Meeting April 16, 2007

SIZE DWG. NO. REV  
**B** Reserved Industrial

Do Not Scale WEIGHT: SHEET 1 OF 1

 APPROXIMATE BOUNDARY OF TERRITORY TO BE ANNEXED



## ORDINANCE No. 2015-2789

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**AN ORDINANCE REPEALING ORDINANCE NOS. 2007-2667 AND 2007-2673, PERTAINING TO MUNICIPAL WATER SERVICE AND A DEVELOPMENT AGREEMENT FOR PROPERTY LOCATED AT 9680 ADOLF ROAD, TAX LOT 3228-00900**

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### RECITALS:

1. In 2007, the City Council adopted Ordinance Nos. 2007-2667 and 2007-2763, relating to municipal water service (2667) and a development agreement (2673) with Walter Gaibler for property located at 9680 Adolf Road, tax lot 3228-00900. The property is located south of the existing city limits along Highway 219, and in an area recommended by the Ad Hoc Committee on Newberg’s Future for future industrial uses.
2. Mr. Gaibler had an approved Measure 37 claim for the property, which would have allowed residential development on the property, but was willing to set aside plans for residential development with the conditions that the city would proceed with considering the property for inclusion in the urban reserve area and urban growth boundary, consider annexation of the property, extend city water to the property, and allow use of city water for some limited residential use prior to annexation.
3. The Gaibler Family Farms LLC (with Dennis Gaibler as General Manager) has requested the city terminate the development agreement between Newberg and Walter C. Gaibler, Trustee of Walter C. Gaibler Living Trust. Newberg should honor this request for the following reasons: 1) the city has, to the best of its ability, fulfilled the agreement to diligently pursue inclusion of the property in the urban growth boundary; 2) the development agreement would expire in two years and the Gaibler family has indicated they have no interest in renewing or extending it; and 3) termination would remove the city’s financial obligation to the future municipal water service envisioned in the development agreement and Ordinances.

### THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. Ordinance Nos. 2007-2667 and 2007-2673 are hereby repealed.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: November 18, 2015.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 19<sup>th</sup> day of October, by the following votes: **AYE:**      **NAY:**      **ABSENT:**      **ABSTAIN:**

\_\_\_\_\_  
Sue Ryan, City Recorder

**ATTEST** by the Mayor this 22<sup>nd</sup> day of October, 2015.

\_\_\_\_\_  
Bob Andrews, Mayor

# *REQUEST FOR COUNCIL ACTION*

**DATE ACTION REQUESTED: October 19, 2015**

<b>Order</b> ___	<b>Ordinance</b> ___	<b>Resolution</b> <u>XX</u>	<b>Motion</b> ___	<b>Information</b> ___
<b>No.</b>	<b>No.</b>	<b>No. 2015-3208</b>		

**SUBJECT: Resolution adopting amended City Council Guidelines and Rules (G&R's).**

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

**RECOMMENDATION:**

Adopt Resolution No. 2015-3208, Amending the attached City Council Guidelines and Rules (G&R's).

**EXECUTIVE SUMMARY:**

Section 11 of the City Charter provides that the Council will adopt Council G&R's by resolution to govern its meetings and proceedings. The rules will decide questions and give direction and are intended to serve as a guide for the Council. The guidelines address the relationship between the councilors, as well as between the council and the public.

The City Attorney made a presentation regarding the Council G&R's during May 4, 2015 work session. On May 27, 2015, Mayor Andrews, City Manager Betz, and City Attorney Stone met on potential changes to the G&R's. During these discussions, additions, revisions, and amendments to the rules were suggested and many of those have been incorporated into this final document.

This matter previously came before the Council in August, 2015, during which time Councilor Essin expressed some concerns regarding the proposed changes, and this matter was delayed to the present Council Meeting. After further discussion, those concerns have been addressed.

Additional changes were made with input from CMPT Rhodes, specifically pertaining to publication of the agenda and time for submission of staff reports. The proposed changes to those deadlines were removed and the proposed document now contains the same deadlines as previously existed.

**FISCAL IMPACT:**

None.

**STRATEGIC ASSESSMENT (Relevancy to Council Goals):**

Provides a document that serves to guide future Council giving proper authority for conducting meetings. The Council rules maintain the Council's authority pursuant to the City Charter.

Goal 7 - Manage and operate the City government in an efficient and effective manner.



## **RESOLUTION No. 2015-3208**

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### **A RESOLUTION AMENDING THE CITY COUNCIL GUIDELINES AND RULES (G&R'S) FROM APRIL OF 2011**

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#### **RECITALS:**

1. The City Charter of the City of Newberg specifies that the Council must adopt Council Guidelines and Rules (G&R's) to govern its meetings and provide for keeping records of those meetings.
2. The City Council, from time to time, has revised its G&R's. It is the intention of the Council that these G&R's not be static documents but be reviewed periodically, expanded, and modified as needed.
3. The G&R's of the Council are further governed by the Oregon Public Records and Meetings Laws.
4. The last revision was amended by Resolution No. 2014-3169 on November 17, 2014.
5. City Attorney Stone presented on Council G&R's during May 4, 2015 work session. On May 27, 2015, Mayor Andrews, City Manager Betz, and City Attorney Stone met on potential changes to the G&R's. During these discussions, additions, revisions, and amendments to the rules were suggested and incorporated into the revised G&R's.

#### **THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

1. The City Council Guidelines and Rules (G&R's) of November 17, 2014 are amended as indicated in the red-lined version (Attachment A).
2. Upon the effective date as stated below, the revised Council G&R's, set forth in Attachment B and by this reference incorporated, are adopted and supersede all prior versions of the G&R's of the City Council.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: October 19, 2015.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 19<sup>th</sup> day of October 2015.

\_\_\_\_\_  
Sue Ryan, City Recorder

**ATTEST** by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Bob Andrews, Mayor





# CITY OF NEWBERG COUNCIL GUIDELINES

Adopted Amended August 17, 2015

(Amended ~~October 20~~ November 17, 2014)

(Amended Adopted April 18, 2011)

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# CITY OF NEWBERG COUNCIL GUIDELINES

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

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

## **NEWBERG CITY COUNCIL MEETING EXPECTATIONS**

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

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

# CITY OF NEWBERG COUNCIL RULES

October 19, 2015  
~~April 18, 2011~~

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## **Newberg City Council Rules**

### **SECTION 1 – AUTHORITY**

#### **Rule 1.1 Authority of Rules**

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

#### **Rule 1.2 Council Authority**

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

#### **Rule 1.3 Limited Public Forum**

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

#### **Rule 1.4 Presentation to Council Members**

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

### **SECTION 2 – GENERAL RULES**

#### **Rule 2.1 Open Meetings**

All council meetings will be held in accordance with the OPML. All final action by the council will take place at council meetings that are open to the public.

#### **Rule 2.2 Quorum**

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

#### **Rule 2.3 Compelling Attendance**

When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any council member may move for a call of the house. The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two council members present must concur for the call of the house motion to



pass. If the motion is passed, then all unexcused absent council members will be requested to attend or return to the meeting. The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent council members at the meeting. The mayor is authorized to recess the meeting to a time certain while attendance is being compelled.

**Rule 2.4 Vacant Positions as Relates to Quorum**

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

**Rule 2.5 Vote Required**

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

**Rule 2.6 Entire Membership**

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

**Rule 2.7 Rules of Order**

"Robert's Rules of Order, Newly Revised, Tenth Edition" or the latest editions published thereafter hereafter referred to as "Robert's Rules of Order" will govern-guide all council proceedings unless they conflict with these rules. Failure to strictly adhere to Robert's Rules of Order will not in any way invalidate any action of the council. The mayor will have the authority to appoint a parliamentarian for the council. If there is no person appointed as parliamentarian or that person is absent, the city attorney will advise the mayor concerning parliamentarian matters.

**Rule 2.8 Suspension of Rules**

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

**Rule 2.9 Records of Proceedings**

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

### SECTION 3 – CITY COUNCIL MEMBERS

#### **Rule 3.1 Council Defined**

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

#### **Rule 3.2 Qualifications to Hold Office**

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

#### **Rule 3.3 Attendance**

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

#### **Rule 3.4 Excused Absence**

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

#### **Rule 3.5 Explanation of Unexcused**

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

#### **Rule 3.6 Filling Vacancies**

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

**Rule 3.7 Compensation for Attendance at Meetings**

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

**A. Compensated Meetings**

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

1. Regular or Special Meetings of the Council

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

2. Subcommittees of the Council

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

3. Boards, Commissions, and Committees of the City

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

4. Boards, Commissions, and Committees of Other Entities

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

**B. Non-Compensated Meetings**

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

1. Social Meetings

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

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2. Budget Meetings

~~Per ORS 294.336 compensation applies to city budget committee meetings that are held in accordance with the local budget law, which are held annually to review and approve the budget. State statutes prohibit compensation for attendance at budget committee meetings.~~

**C. Waiver of Compensation**

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

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

D. Voluntary Attendance

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

E. Policy

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

F. Questions

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

**SECTION 4 – COUNCIL MEETINGS**

**Rule 4.1 Regular Meetings**

Section 12 of the city charter provides that the council must meet at least once a month at a time and place designated by the council. It further provides that the council may designate other regular council meetings besides the once a month meeting mandated by the city charter. The council designates through these rules two regular meetings of the council, which will be held on the first and third Monday of each month, except on holidays in which event the council will meet on the next ensuing business day as provided by city code Section 2.05.1540.

**Rule 4.2 Notice of Meeting**

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

**Rule 4.3 Meeting Times and Places**

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

**Rule 4.4 Special Meetings**

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

**Rule 4.5 Special Meetings Limited Purpose**

Notice of a special meeting will designate the time and place, as well as the business to be considered in accordance with Section 2.05.1650 of the city code. Only business as set forth in the notice will be considered by the council, unless an actual emergency occurs in which case notice will be given in accordance with the OPML. In accordance with Section 2.05.1760 of the city code, the rules of procedure for special meetings will be the same as those provided for general meetings of the council insofar as such rules are applicable. The agenda to be followed at the special meeting will generally be the agenda format for the study session set out in Rule 5.11.

**Rule 4.6 Emergency Meetings**

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

**Rule 4.7 Executive Session Meetings**

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

**Rule 4.8 Adjourned and Recessed Meeting**

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

**Rule 4.9 Cancellation of Meeting**

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

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

**Rule 5.1 Preparation of Agenda**

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

**Rule 5.2 Non-Agendized Items**

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

**Rule 5.3 Time for Submission of Items**

Items for the council agenda will be submitted in time to allow for sufficient research by staff and recommendations from council boards, commissions, or committees.

**Rule 5.4 Reports by the Staff**

Normally the councilors will receive a report from the staff on each council-item to be considered ~~not later than~~ by the ~~Thursday prior to a scheduled~~ council at least one (1) week prior to the council meeting.

**Rule 5.5 Additional Items**

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

**Rule 5.6 Public Comments**

A. Non-Agenda Items and Consent Calendar

Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar would speak under public comments. Those people will be given the opportunity to speak no more than five (5) minutes. Speakers may share their time at the discretion of the mayor. The maximum time allowed for public comments, including all speakers is thirty (30) minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. Speakers who wish the council to consider written material ~~are encouraged to must~~ submit ~~the~~ written ~~information material by in writing by~~ 12:00 p.m. (noon) the day of the meeting.

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B. Agenda Item other than Consent Calendar

Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes. Speakers may share their time at the discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. Persons, who wish to submit written comments or testimony, must submit 12 copies of any written material by 12:00 p.m. (noon) the day of the meeting. Lengthy materials should be submitted prior to the deadline to ensure sufficient time for council review.

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C. Written Materials Received after Deadline

Written material received later than the deadlines set forth in A or B will be accepted only by affirmative vote of the majority of the council.

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**Rule 5.7 Consent Calendar**

The city manager will place items which have been previously reviewed by the council or items which are routine in nature on the consent calendar. Items may be removed from the consent calendar by the mayor or by request of a council member. Ordinances and orders will not be placed on the consent calendar. Public comments, as described in 5.6.A, will be held prior to the approval of the consent calendar to allow the public to address items under consent calendar. ~~Collective comments by an~~

~~individual under public comments will be limited to five (5) minutes.~~

**Rule 5.8 Agenda Availability**

Council agendas and the accompanying documents are available at the city recorder's office and are posted on the city website ~~not later than the Thursday~~ normally one (1) week prior to the council meeting. Proposed ordinances will be available to the public on the City website one week prior to the meeting, as required by the Charter. Interested persons are encouraged to read the agenda along with supporting material, and address questions to the mayor, council or city staff prior to the meeting. The mayor and council value public input. In order to efficiently conduct city business, those who have concerns are encouraged to address these issues prior to the council meeting.

**Rule 5.9 Work Session Meeting Agenda**

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

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

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

**Rule 5.10 Business Meeting Agenda**

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

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

- XIII. Council Business
- XIV. Executive Session
- XV. Adjournment

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

**Rule 5.11 Study Session Meeting Agenda**

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

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

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

**Rule 5.12 Joint Meeting or Community Forum Meeting Agendas**

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

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

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

**SECTION 6 – PRESIDING OFFICER**

**Rule 6.1 Mayor**

Section 9 of city charter provides that the mayor will preside over and facilitate all council meetings,



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

**Rule 6.2 Council President**

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

**Rule 6.3 Presiding Officer Pro Tem**

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

**Rule 6.4 Presiding Officer Pro Tem for Specific Items**

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

**SECTION 7 – PROCEDURES AT MEETINGS**

**Rule 7.1 Mayor's Duty**

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

**Rule 7.2 Mayor's Role**

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

**Rule 7.3 Address the Mayor**

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

**Rule 7.4 Voting Required**

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

**Rule 7.5 Discussion on Agenda Items**

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

**Rule 7.6 Seconds on Motion**

Generally, no motion will be considered unless it has been seconded. When a motion is seconded, the mover may withdraw the motion with the consent of the second at any time before discussion and before any amendment is proposed. Routine motions that have the general consent of the council do not require a second, unless requested by any member of the council. Other motions not requiring a second include division, point of order, parliamentary inquiry, permission to withdraw or modify a motion and other such procedural inquiries.

**Rule 7.7 Reconsideration**

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

**Rule 7.8 Failure to Follow Rules**

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

**Rule 7.9 First Reading of Ordinances**

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

**Rule 7.10 Public Legislative Hearing**

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

**Rule 7.11 Public Administrative Hearing**

The council exercises administrative authority pursuant to Chapter V of the city charter. That

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

**Rule 7.12 Public Quasi-judicial Hearing**

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

**A. Quasi-judicial Land Use Public Hearing Procedure**

Whenever the council is considering a land use matter, which requires a quasi-judicial land use public hearing procedure, the council will use the procedure that is hereby attached as Exhibit “3” and by this reference is incorporated.

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

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

**Rule 7.13 Ex-parte’ Contact**

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

**Rule 7.14 Public Comment Registration**

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

**Rule 7.15 How Interested Person Should Testify**

Each interested person addressing the council should do so in a courteous and considerate manner. The person needs to register and follow other rules as provided in the council rules. The public will be furnished guidelines and should comply with these guidelines for testifying before the council. The document setting out the guidelines and helpful information to assist the public in testifying will

be entitled, "How to Testify." The city manager is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.

## **SECTION 8 – ENFORCEMENT OF COUNCIL RULES**

### **Rule 8.1 Presiding Officer**

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

### **Rule 8.2 Councilors**

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

### **Rule 8.3 Attire at Council Meetings**

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

### **Rule 8.4 Removal of Any Person**

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

## **SECTION 9 – AD-HOC COMMITTEES**

### **Rule 9.1 Structure of Ad-hoc Committees**

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

**Rule 9.2 Duty of Ad-hoc Committees**

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

**Rule 9.3 Appointment of Ad-hoc Members**

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

**Rule 9.4 Functions of Ad-hoc Committees**

Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad hoc committee will have only the authority of recommendations to the council. The council has the authority to follow the recommendations, change the recommendations, refer the matter back to the committee or take any other action the Council deems appropriate.

**Rule 9.5 Removal of Members of Ad-hoc Committee**

The mayor may remove any member of the ad hoc committee at any time. Members of the committee will be removed if the member fails to attend two (2) consecutive meetings of the committee without being excused prior to the meeting. The mayor has the authority to grant an excused absence and in the mayor's absence, the committee chair has the authority.

**Rule 9.6 Meetings of the Ad-hoc Committees**

The meeting time and place of the committees will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet. However, a majority of the committee, as determined by telephone poll, may request a meeting of the committee. Meetings are public meetings and will be conducted in accordance with the OPML.

**Rule 9.7 Staff Support of Ad-hoc Committee**

The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee. The city manager will assign the specific duties to the staff supporting and working with the membership of the ad-hoc committees. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

**Rule 9.8 Ex-officio Members of Ad-hoc Committees**

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

**SECTION 10 – ELECTRONIC ~~COMMUNICATIONS~~~~MAIL~~**

**Rule 10.1 Electronic ~~Communications~~~~Mail~~**

All councilors will observe the following guidelines when using an electronic method for ~~correspondence~~ communication (including but not limited to, email, social media, or other forms of electronic communication) in their elected roles:

A. Subject to Disclosure

All council e-mail correspondence or social media posts related to city business are governed by ~~is subject to~~ the Oregon Public Records and Meetings Laws and ~~is~~ subject to disclosure.

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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.

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C. Not Appropriate for Policy Issues with a Quorum

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

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**SECTION 11 – PROCLAMATIONS**

**Rule 11.1 Request for Proclamations**

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

**Rule 11.2 Reading of Proclamations**

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

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

**SECTION 20 – MISCELLANEOUS**

**Rule 20.1 Amendments to Council Rules**

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

**Exhibit "1"**  
**To Council Rules**

**OUTLINE FOR PUBLIC HEARING**  
**Newberg City Council**

**► LEGISLATIVE HEARING ◀**

- 1. CALL TO ORDER**  
OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
- 2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS**
- 3. STAFF REPORTS**
- 4. PUBLIC TESTIMONY**
  - A. Mayor Announces Time Limits**
  - B. Citizen Testimony**
    1. Invites citizen to the table to speak into the microphone.
    2. Inform citizen to state name at beginning of testimony.
    3. Remind citizen to briefly state input.
    4. Order of Citizens' Testimony.
      1. Proponent
      2. Opponent
      3. Undecided
  - C. Close of Public Testimony**
- 5. RECOMMENDATIONS FROM STAFF**
- 6. COUNCIL DELIBERATION**
- 7. DECISION**
  - A. Ordinance – Action usually requires passage of ordinance**
  - B. Roll Call Vote – Vote is done by roll call**
    1. By title only
    2. Reading in full
    3. "First Reading" council rule
  - C. Majority of Entire Membership – Ordinances require majority of entire membership for passage**
  - D. Combination – Can be combined with other council action**



**Exhibit "2"  
To Council Rules**

**OUTLINE FOR PUBLIC HEARING**  
Newberg City Council

**▶ ADMINISTRATIVE HEARING ◀**

**1. CALL TO ORDER**

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

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

**3. STAFF REPORTS**

**4. PUBLIC TESTIMONY**

A. **Mayor Announces Time Limits**

B. **Citizen Testimony**

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

C. **Close of Public Testimony**

**5. RECOMMENDATIONS FROM STAFF**

**6. COUNCIL DELIBERATION**

**7. DECISION**

A. **Resolution – Action usually requires passage of resolution**

B. **Vote – Voice vote is permitted**

C. **Majority of the Quorum is required for passage**

D. **Combination – Can be combined with other council action**

**Exhibit "3"  
To Council Rules**

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**Newberg City Council**

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

Field Code Changed

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.

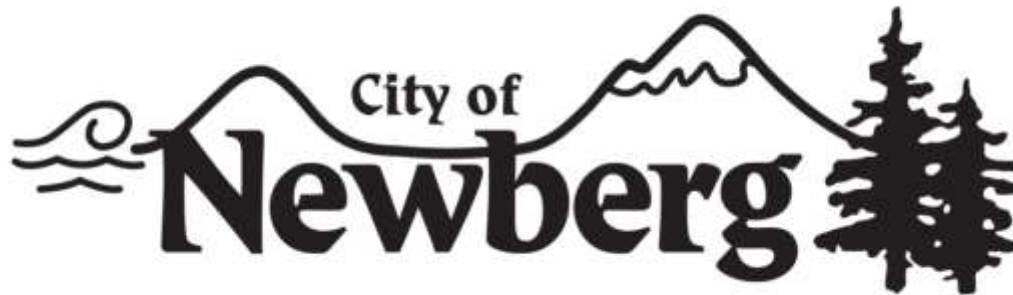
**Exhibit “4”  
To Council Rules**

**Newberg City Council**

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

Field Code Changed

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.



# **CITY OF NEWBERG COUNCIL GUIDELINES**

**Amended August 17, 2015**  
(Amended November 17, 2014)  
(Adopted April 18, 2011)

# CITY OF NEWBERG COUNCIL GUIDELINES

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

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

# NEWBERG CITY COUNCIL MEETING EXPECTATIONS

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

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

# **CITY OF NEWBERG COUNCIL RULES**

**October 19, 2015**

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# **Newberg City Council Rules**

## **SECTION 1 – AUTHORITY**

### **Rule 1.1 Authority of Rules**

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

### **Rule 1.2 Council Authority**

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

### **Rule 1.3 Limited Public Forum**

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

### **Rule 1.4 Presentation to Council Members**

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

## **SECTION 2 – GENERAL RULES**

### **Rule 2.1 Open Meetings**

All council meetings will be held in accordance with the OPML. All final action by the council will take place at council meetings that are open to the public.

### **Rule 2.2 Quorum**

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

### **Rule 2.3 Compelling Attendance**

When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any council member may move for a call of the house. The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two council members present must concur for the call of the house motion to

pass. If the motion is passed, then all unexcused absent council members will be requested to attend or return to the meeting. The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent council members at the meeting. The mayor is authorized to recess the meeting to a time certain while attendance is being compelled.

**Rule 2.4 Vacant Positions as Relates to Quorum**

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

**Rule 2.5 Vote Required**

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

**Rule 2.6 Entire Membership**

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

**Rule 2.7 Rules of Order**

"Robert's Rules of Order, Newly Revised, Tenth Edition" or the latest editions published thereafter hereafter referred to as "Robert's Rules of Order" will guide all council proceedings unless they conflict with these rules. Failure to strictly adhere to Robert's Rules of Order will not in any way invalidate any action of the council. The mayor will have the authority to appoint a parliamentarian for the council. If there is no person appointed as parliamentarian or that person is absent, the city attorney will advise the mayor concerning parliamentarian matters.

**Rule 2.8 Suspension of Rules**

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

**Rule 2.9 Records of Proceedings**

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

## SECTION 3 – CITY COUNCIL MEMBERS

### **Rule 3.1 Council Defined**

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

### **Rule 3.2 Qualifications to Hold Office**

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

### **Rule 3.3 Attendance**

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

### **Rule 3.4 Excused Absence**

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

### **Rule 3.5 Explanation of Unexcused**

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

### **Rule 3.6 Filling Vacancies**

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

**Rule 3.7 Compensation for Attendance at Meetings**

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

**A. Compensated Meetings**

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

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

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

2. **Subcommittees of the Council**

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

3. **Boards, Commissions, and Committees of the City**

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

4. **Boards, Commissions, and Committees of Other Entities**

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

**B. Non-Compensated Meetings**

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

1. **Social Meetings**

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

2. **Budget Meetings**

State statutes prohibit compensation for attendance at budget committee meetings.

**C. Waiver of Compensation**

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

**D. Voluntary Attendance**

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

**E. Policy**

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

**F. Questions**

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

**SECTION 4 – COUNCIL MEETINGS**

**Rule 4.1 Regular Meetings**

Section 12 of the city charter provides that the council must meet at least once a month at a time and place designated by the council. It further provides that the council may designate other regular council meetings besides the once a month meeting mandated by the city charter. The council designates through these rules two regular meetings of the council, which will be held on the first and third Monday of each month, except on holidays in which event the council will meet on the next ensuing business day as provided by city code Section 2.05.150.

**Rule 4.2 Notice of Meeting**

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

**Rule 4.3 Meeting Times and Places**

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

**Rule 4.4 Special Meetings**

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

**Rule 4.5 Special Meetings Limited Purpose**

Notice of a special meeting will designate the time and place, as well as the business to be considered in accordance with Section 2.05.160 of the city code. Only business as set forth in the notice will be considered by the council, unless an actual emergency occurs in which case notice will be given in accordance with the OPML. In accordance with Section 2.05.170 of the city code, the rules of procedure for special meetings will be the same as those provided for general meetings of the council insofar as such rules are applicable. The agenda to be followed at the special meeting will generally be the agenda format for the study session set out in Rule 5.11.

**Rule 4.6 Emergency Meetings**

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

**Rule 4.7 Executive Session Meetings**

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

**Rule 4.8 Adjourned and Recessed Meeting**

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

**Rule 4.9 Cancellation of Meeting**

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

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

**Rule 5.1 Preparation of Agenda**

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

**Rule 5.2 Non-Agendized Items**

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



**Rule 5.3 Time for Submission of Items**

Items for the council agenda will be submitted in time to allow for sufficient research by staff and recommendations from council boards, commissions, or committees.

**Rule 5.4 Reports by the Staff**

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

**Rule 5.5 Additional Items**

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

**Rule 5.6 Public Comments**

A. Non-Agenda Items and Consent Calendar

Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar would speak under public comments. Those people will be given the opportunity to speak no more than five (5) minutes. Speakers may share their time at the discretion of the mayor. The maximum time allowed for public comments, including all speakers is thirty (30) minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. Speakers who wish the council to consider written material must submit the written material by 12:00 p.m. (noon) the day of the meeting.

B. Agenda Item other than Consent Calendar

Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes. Speakers may share their time at the discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. Persons, who wish to submit written comments or testimony, must submit 12 copies of any written material by 12:00 p.m. (noon) the day of the meeting. Lengthy materials should be submitted prior to the deadline to ensure sufficient time for council review.

C. Written Materials Received after Deadline

Written material received later than the deadlines set forth in A or B will be accepted only by affirmative vote of the majority of the council.

**Rule 5.7 Consent Calendar**

The city manager will place items which have been previously reviewed by the council or items which are routine in nature on the consent calendar. Items may be removed from the consent calendar by the mayor or by request of a council member. Ordinances and orders will not be placed on the consent calendar. Public comments, as described in 5.6.A, will be held prior to the approval of the consent calendar to allow the public to address items under consent calendar.

**Rule 5.8      Agenda Availability**

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

**Rule 5.9      Work Session Meeting Agenda**

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

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

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

**Rule 5.10     Business Meeting Agenda**

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

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

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

**Rule 5.11 Study Session Meeting Agenda**

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

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

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

**Rule 5.12 Joint Meeting or Community Forum Meeting Agendas**

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

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

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

**SECTION 6 – PRESIDING OFFICER**

**Rule 6.1 Mayor**

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

ordinance or resolution. The mayor will sign all records of council decisions. The mayor serves as the political head of the city.

**Rule 6.2 Council President**

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

**Rule 6.3 Presiding Officer Pro Tem**

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

**Rule 6.4 Presiding Officer Pro Tem for Specific Items**

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

**SECTION 7 – PROCEDURES AT MEETINGS**

**Rule 7.1 Mayor's Duty**

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

**Rule 7.2 Mayor's Role**

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

**Rule 7.3 Address the Mayor**

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

**Rule 7.4 Voting Required**

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

**Rule 7.5 Discussion on Agenda Items**

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

**Rule 7.6 Seconds on Motion**

Generally, no motion will be considered unless it has been seconded. When a motion is seconded, the mover may withdraw the motion with the consent of the second at any time before discussion and before any amendment is proposed. Routine motions that have the general consent of the council do not require a second, unless requested by any member of the council. Other motions not requiring a second include division, point of order, parliamentary inquiry, permission to withdraw or modify a motion and other such procedural inquiries.

**Rule 7.7 Reconsideration**

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

**Rule 7.8 Failure to Follow Rules**

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

**Rule 7.9 First Reading of Ordinances**

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

**Rule 7.10 Public Legislative Hearing**

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

**Rule 7.11 Public Administrative Hearing**

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

### **Rule 7.12 Public Quasi-judicial Hearing**

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

#### **A. Quasi-judicial Land Use Public Hearing Procedure**

Whenever the council is considering a land use matter, which requires a quasi-judicial land use public hearing procedure, the council will use the procedure that is hereby attached as Exhibit “3” and by this reference is incorporated.

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

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

### **Rule 7.13 Ex-parte’ Contact**

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

### **Rule 7.14 Public Comment Registration**

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

### **Rule 7.15 How Interested Person Should Testify**

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

## SECTION 8 – ENFORCEMENT OF COUNCIL RULES

### **Rule 8.1 Presiding Officer**

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

### **Rule 8.2 Councilors**

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

### **Rule 8.3 Attire at Council Meetings**

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

### **Rule 8.4 Removal of Any Person**

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

## SECTION 9 – AD-HOC COMMITTEES

### **Rule 9.1 Structure of Ad-hoc Committees**

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

**Rule 9.2 Duty of Ad-hoc Committees**

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

**Rule 9.3 Appointment of Ad-hoc Members**

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

**Rule 9.4 Functions of Ad-hoc Committees**

Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad hoc committee will have only the authority of recommendations to the council. The council has the authority to follow the recommendations, change the recommendations, refer the matter back to the committee or take any other action the Council deems appropriate.

**Rule 9.5 Removal of Members of Ad-hoc Committee**

The mayor may remove any member of the ad hoc committee at any time. Members of the committee will be removed if the member fails to attend two (2) consecutive meetings of the committee without being excused prior to the meeting. The mayor has the authority to grant an excused absence and in the mayor's absence, the committee chair has the authority.

**Rule 9.6 Meetings of the Ad-hoc Committees**

The meeting time and place of the committees will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet. However, a majority of the committee, as determined by telephone poll, may request a meeting of the committee. Meetings are public meetings and will be conducted in accordance with the OPML.

**Rule 9.7 Staff Support of Ad-hoc Committee**

The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee. The city manager will assign the specific duties to the staff supporting and working with the membership of the ad-hoc committees. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

**Rule 9.8 Ex-officio Members of Ad-hoc Committees**

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

**SECTION 10 – ELECTRONIC COMMUNICATIONS**

**Rule 10.1 Electronic Communications**

All councilors will observe the following guidelines when using an electronic method for communication (including but not limited to, email, social media, or other forms of electronic communication) in their elected roles:

A. Subject to Disclosure



All council e-mail correspondence or social media posts related to city business are governed by the Oregon Public Records and Meetings Laws and 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 or social media sites may not be used to discuss policy issues with a quorum of the council at one time or a quorum of a standing advisory body in any manner which would be in violation of the OPML.

## SECTION 11 – PROCLAMATIONS

### Rule 11.1 Request for Proclamations

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

### Rule 11.2 Reading of Proclamations

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

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

## SECTION 20 – MISCELLANEOUS

### Rule 20.1 Amendments to Council Rules

Amendments to these council rules will be made by resolution.

## **OUTLINE FOR PUBLIC HEARING**

### **Newberg City Council**

#### **► LEGISLATIVE HEARING ◀**

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

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

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

#### **3. STAFF REPORTS**

#### **4. PUBLIC TESTIMONY**

##### **A. Mayor Announces Time Limits**

##### **B. Citizen Testimony**

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

##### **C. Close of Public Testimony**

#### **5. RECOMMENDATIONS FROM STAFF**

#### **6. COUNCIL DELIBERATION**

#### **7. DECISION**

##### **A. Ordinance – Action usually requires passage of ordinance**

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

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

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

##### **D. Combination – Can be combined with other council action**

To Council Rules

## OUTLINE FOR PUBLIC HEARING

### Newberg City Council

#### ► ADMINISTRATIVE HEARING ◀

#### 1. CALL TO ORDER

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

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

#### 3. STAFF REPORTS

#### 4. PUBLIC TESTIMONY

##### A. Mayor Announces Time Limits

##### B. Citizen Testimony

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

##### C. Close of Public Testimony

#### 5. RECOMMENDATIONS FROM STAFF

#### 6. COUNCIL DELIBERATION

#### 7. DECISION

- A. Resolution – Action usually requires passage of resolution
- B. Vote – Voice vote is permitted
- C. Majority of the Quorum is required for passage
- D. Combination – Can be combined with other council action

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## **Newberg City Council**

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### ***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.

**Exhibit “4”**  
**To Council Rules**

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**Newberg City Council**

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***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.

# REQUEST FOR COUNCIL ACTION

<b>Date of Council Meeting: October 19, 2015</b>				
<b>Order ___ No.</b>	<b>Ordinance ___ No.</b>	<b>Resolution ___ No.</b>	<b>Motion ___</b>	<b>Information <u>XX</u></b>
<b>SUBJECT: Forward Looking Calendar, Back to the Future movies at the Library</b>			<b>Contact Person (Preparer) for this Item: Sue Ryan, City Recorder Dept.: File No.:</b>	

**EXECUTIVE SUMMARY:** These items are informational for the Council and the public.

The Council Forward Looking Calendar is attached.

Newberg Public Library will celebrate the Back to the Future anniversary date with free screenings of all three features. Join in the fun at 6:45 p.m. (Movie time start is 7:00 p.m.) on Tuesday, October 20 for Back to the Future, Wednesday, October 21 for Back to the Future II and Thursday, October 22 for Back to the future III. For more information, visit the Library website at <https://www.newbergoregon.gov/library/page/future-now-celebrating-back-future-newberg-public-library>, email [nplibrary@newbergoregon.gov](mailto:nplibrary@newbergoregon.gov), call (503) 538-7323 or visit the Library at 503 E. Hancock Street.

**FISCAL IMPACT:** None.

**STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):** To keep the citizenry informed.

**NEWBERG CITY COUNCIL  
2015 FORWARD LOOKING CALENDAR**

**Monday, November 2, 2015**

Presentation on Fire and EMS Update  
Resolution 3231 Bid award reservoir updates  
Downtown update memo

**Monday, November 16, 2015**

Library Strategic Plan presentation  
Ordinance on Cherry Street Vacation  
Ordinance on Repeal of 2008-2697 Urban Reserves  
Resolution 3230 Classification and Compensation Adoption  
Resolution and public hearing on exemption from public bidding for the hypochlorite generator at WWTP  
Resolution 3224 Villa Road ROW purchase & project update  
Resolution on Library Plan adoption  
Resolution on Well No. 9 bid award

**Monday, December 7, 2015**

Department Head Presentations - tentative  
Pavement Maintenance Funding Options presentation  
Committee Appointments – tentative  
Ordinance 2788 Comprehensive Plan amendment for Population and Employment Numbers

**Monday, December 21, 2015**