

NOTICE OF WORK SESSION

TRAFFIC SAFETY COMMISSION

6:00 PM, Monday, March 14, 2011

Public Safety Building, 401 E. Third Street, Newberg, OR

"Mission Statement: To give the citizens of Newberg a forum to voice traffic safety concerns, evaluate related issues, provide a liaison with the City and promote traffic safety within the community."

A Work Session of the Traffic Safety Commission will begin at 7:00 PM, on Monday, March 14, 2011.

City Attorney Terrence Mahr will review and discuss proposed updates to *Article II, Traffic Safety Commission*, as it relates to the role, duties and responsibilities of the Traffic Safety Commission.

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible, and no later than 48 hours prior to the meeting.

To request these arrangements, please contact the city recorder, at (503) 537-1283.

For TTY service please call (503) 554-7793

Posted: March 7, 2011

Mary Newell

From: Dawn Wilson
Sent: Friday, March 04, 2011 8:04 AM
To: Mary Newell
Cc: Terry Mahr
Subject: TSC Meeting on 03/14/11: Work Session - Code Changes (Wanting Your Input)
Follow Up Flag: Follow up
Flag Status: Red
Attachments: Ord 2xxx - Repealing TSC Code Provisions--DRAFT for 02 14 2011 TSC Mtg_discussion only.doc

Mary, will you please forward this email to the TSC for us?
Thank you!

Dear TSC Members,

We have only received feedback from Ron Johns—thank you, Ron. I hope to hear from others before the next meeting.

I will have input/changes that you send me ready for the work session on the 14th in hard copy. (I “may” email it to you sooner, depending upon how extensive your input/suggestions are.)

For your convenience, I’ve attached the draft code provisions that you received at the last meeting.

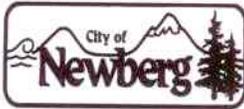
See you on the 14th,
Terry

Terrence D. Mahr, City Attorney

City Attorney's Office
City of Newberg
414 East 1st Street
PO Box 970
Newberg, OR 97132
(503) 537-1206 (503) 537-5013 Fax
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ORDINANCE No. 2011-2xxx

AN ORDINANCE REPEALING ORDINANCE NO. NO. 96-2427 AND CITY CODE SECTIONS 32.15 AND 32.30, WHICH ESTABLISHED THE TRAFFIC SAFETY COMMISSION, IN ORDER FOR MORE SPECIFICATION AND CLARIFICATION OF MEMBERSHIP, NOTICES, AND TRAFFIC SAFETY COMMISSION DECISIONS

RECITALS:

- 1.
- 2.
- 3.
- 4.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. **§ 32.15 ESTABLISHMENT.**

There is hereby reestablished a Newberg Traffic Safety Commission for the City of Newberg, Oregon.

2. **§ 32.16 MEMBERSHIP.**

There shall be appointed by the Mayor of the city, subject to the confirmation by the City Council of said city, a public traffic safety commission to be known as the Newberg Traffic Safety Commission. Candidates for the Traffic Safety Commission will be interviewed by the current board. The board shall then provide a recommendation to the Mayor for the appointment. The board shall consist of nine voting members. The Mayor, City Manager, Police Chief and City Engineer shall serve as ex-officio non-voting members of the Commission.

3. **§ 32.17 TERM OF OFFICE.**

(A) All appointments shall be made for terms of three years; commencing from January 1 in the year of the appointment. The Mayor may make appointments, subject to confirmation as aforesaid, to fill the unexpired term of a member of the board whose office shall become vacant by resignation, death, or relocation from the city or any other provision. No person shall hold appointment as a member of the board for more than two full consecutive terms, but any person may be appointed again to the board after an interval of one year.

(B) Two members of the Traffic Safety Commission may reside outside the city limits but within the urban growth boundary of the City. When a commission member has failed to attend three consecutive board meetings or has failed to attend three or more meetings during a January 1 through

December 31 period, the chairperson may declare the non-attending board member's position to be vacant and shall notify the Mayor of said vacancy. ~~The terms of the members shall be established in approximately equal expiration of terms each year. Members of the Commission shall continue after expiration of the term until such time as their successors are appointed. The present terms of the members shall be affirmed.~~

4. **§ 32.19 VACANCIES AND REMOVAL.**

(A) Any vacancy in the Commission shall be filled by appointment of the City Council for the unexpired term of the predecessor in the position.

(B) A member of the Commission may be removed by the City Council after hearing for misconduct or non-performance of duty.

(C) A member who is absent from two consecutive meetings without an excuse as approved by the Traffic Safety Commission, is reputedly presumed to be in non-performance of duty and the City Council shall declare the position vacant unless finding otherwise following the hearing.

5. **§ 32.20 PRESIDING MEMBERS.**

At the Commission's first meeting of each calendar year, the Commission shall elect a Chairman and Vice-Chairman to serve one year terms.

6. **§ 32.xx STAFF SERVICES.**

The Police Chief shall provide a secretary to the Commission and such other staff and consultation services as may be appropriate. The secretary shall keep a record of Commission proceedings.

7. **§ 32.21 MEETINGS.**

(A) A majority of the voting members of the Traffic Safety Commission shall constitute a quorum. The Commission shall meet at least once a month unless business does not require such a meeting. In which case, the Chairman, with the consent of the Police Chief, or his/her designee, may cancel such meeting. Meetings of the Commission shall be open to the public and subject to the open meetings law. Meetings other than the regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records.

(B) The Chairman, upon his or her own motion, may, or at the request of three members of the Commission shall, by giving notice to the members of the Commission, call a special meeting of the Commission for a time not earlier than 24 hours after the notice is given. Notice of a special meeting shall be posted at City Hall and to the extent feasible, provided to interested persons and the local newspaper at least 24 hours prior to the meeting.

8. **§ 32.22 PURPOSE, POWERS AND DUTIES.**

(A) The purpose of the Commission is to promote the traffic safety through investigation, study and analysis of traffic safety programs; to conduct educational efforts among the public in the matters of public safety; to consider all traffic safety programs which are referred to them for recommendation by the City Council and to make reports to the City Council on matters of traffic safety and traffic safety programs.

B) The Commission shall decide on the location of parking, cross-walks, safety zones, traffic lanes, truck routes and all manner of traffic control devices within the community.

(C) The Commission shall have the powers and duties which are not and may hereinafter be assigned to it by Charter, Code of Newberg, or resolutions of the city and general laws of the state.

(D) The Commission delegates its power, authority, and decisions to the Police Chief and/or his/her designee on all temporary street closures and other temporary traffic changes. [Adding this per Lt. Bolek's request for when there are events.]

9. **§ 32.xx APPLICATION.**

(A) The city shall give public notice of any vacancy of the Traffic Safety Commission and accept such application for such vacancies.

(B) The application for membership on the Traffic Safety Commission shall state the principal occupation of the applicant, the principal residency of the occupant, and give other information and qualifications as the city may deem necessary.

10. **32.xx CONFLICT OF INTEREST.**

A member of the Traffic Safety Commission shall not participate in any Commission proceedings or actions in which any of the following has a direct or substantial interest: The member, or his or her spouse, brother, sister, child, parent, mother-in-law, father-in-law, brother in law, sister in law, grandparents, grandchildren, any businesses in which he or she is then serving or has served within the previous two years or any business within which he or she is negotiating for or has any arrangement or understanding concerning prospective partnership or employment, any actual conflict of interest shall be disclosed at the meeting of the Commission where the action is being taken.

11. **32.xx TRAINING.**

The city shall offer training to Traffic Safety Commission to educate them in their duties. It shall be the duty of any newly appointed Traffic Safety Commission to attend a basic training session from staff within 30 days of his or her appointment. It shall be the duty of any re-appointed Traffic Safety Commission to attend at least a one-hour training session from staff or offered by the city within 12 months from the beginning of that person's appointed term.

Additional Provisions Unique to the TSC:

12. **§ 32.23 AUTHORITY.**

The Commission shall conduct hearings to consider and make decisions concerning its duties and deciding upon locations of parking, cross-walks, safety zones, traffic control signs within the community in the following procedure:

(A) *Limited traffic decisions.* The Commission shall make limited traffic decisions which are traffic decisions which affect one particular location and are confined to one location in the following manner:

(1) Notice of the Commission's limited traffic decision shall be given to the owners of the property that is adjacent to the location of the traffic control change in which the decision is concerned.

(2) In addition to the decision, the notice shall state the following:

(a) That the person can submit written comments within 14 days of the notice giving any input concerning the decision. The address where written response should be addressed shall be stated.

(b) The person may request a public hearing concerning the decision and that if two or more adjacent property owners request the public hearing, a public hearing shall be held.

(c) That the respondent shall give the name, address and location in which it wishes to receive the notice of public hearing and final decision when it is made.

(3) The decision, along with a copy of the notice and any written response shall be forwarded to the Commission at the time and date of the meeting in which the decision will be before them.

(4) If a request for a public hearing is made, public notice shall be made stating that a public hearing is to be held and written notice to each adjacent property owners shall be given.

(5) The Commission shall meet and deliberate concerning the decision and using a procedure which they have adopted.

(6) When the Commission makes a final decision, notice of such decision shall be made to any person submitting written response. Such notice shall notify the person of their right to appeal the decision.

(B) *General traffic decisions.* General traffic decisions are decisions which affect the entire community, or are decisions which affect a number of locations. Such decisions are truck routes, general parking policies, parking for one-way grids affecting more than one block, general signage policies, traffic safety hazard policies and traffic safety programs. Such decisions shall be made in the following manner:

(1) Notice shall be given in a method reasonably calculated to give all interested parties notice.

(2) Such notice shall state the following:

(a) The time, date and place of the hearing.

(b) The recommended decision to be made.

(c) The criteria to be used in making the decision.

(d) That public testimony will be taken at the hearing.

(e) Written comments can be made and the location where such comments can be delivered or mailed.

(3) The Commission shall meet at the time and date to conduct a hearing pursuant to the process adopted by the Commission.

(4) When the Commission has made a decision, reasonable notification of the decision shall be given and the right of any party making an appearance in the hearing shall, by either written form or by oral testimony, be informed in a reasonable manner of their right to appeal. Notice of the decision may be done by announcing the decision and the right to appeal at the hearing where the decision is made.

(C) *Decisions of Commission.* All decisions of the Commission shall be final unless such decision is appealed by parties having the right to appeal such decision to the City Council in accordance with § 32.27.

13. § 32.24 FINAL DECISIONS; ENACTMENT.

Final decisions shall be forwarded to the City Manager or designee to enact the decision and do all necessary work to carry out the decisions of the Commission. Such work shall be performed under the direction of the City Manager or designee. Specific action taken in carrying out the final decisions shall be the responsibility of the City Manager or designee.

14. § 32.25 LOG OF DECISIONS.

Decisions made by the Commission shall be set out in a schedule in chronological date order and in accordance with the type of decision, the date of the decision, the brief description of the decision made and the date in which the action was taken for the decision. The Police Chief or designee shall

have the authority to update the schedule. Such schedule, as soon as reasonably possible, but in no event later than quarterly, presented to the Commission for its review and comment.

15. **§ 32.26 DEVELOPMENT PERMIT PROCESS DECISIONS.**

Decisions concerning locations of traffic control devices within the community are made through the development permit process. Such decisions and locations of traffic control devices made through that process shall be noticed to the Police Chief by the Planning Official and designated Public Works Official and entered upon the schedule by the Police Chief or designee.

16. **§ 32.27 APPEALS OF DECISIONS.**

The decisions of the Commission can be appealed to the City Council. The Commission shall have an opportunity to reconsider its decision when a petition for appeal is filed. The following procedure is established for an appeal of a Commission decision:

(A) *Parties who can appeal.* Any party appearing before the Commission, either in written form or by oral testimony, and the City Manager has the authority to appeal the decision of the Commission.

(B) *Petition for appeal and time of filing.* Any decision of the Commission can be appealed to the City Council if such appeal is made within 14 days of the date of the decision. Such appeal shall be made upon the petition prescribed for and approved by the Commission stating the name of party, indicating standing of party to appeal, demonstrating where the decision was in error, and what, if any, new evidence is available that was not available at the hearing.

(C) *Reconsideration.* Such petition shall immediately be placed upon the next regular meeting of the Commission for reconsideration of the decision. The Commission may consider any new evidence presented, the record of the decision and any reason stated by the Appellant. The Commission may set the matter down for further hearing, affirm its previous decision, or alter its decision in any manner it deems proper.

(C) *Appeal to the Council.* If the decision is reaffirmed, or within 14 days after the Commission has altered its decision, and the appealing party is notified of the Commission's actions, the party filing the appeal shall notify the City if they wish the matter to be appealed to the City Council.

(D) *Affect of decision while appeal or reconsideration is pending.* The decision of the Commission shall be held in abeyance pending appeal to the City Council. However, this does not affect the ability of the Police Chief to enact any decision under the authority granted to him/her under § 32.29.

17. **§ 32.28 CITY COUNCIL DECISIONS.**

The City Council shall consider any appeal of a decision by the Commission using the following procedure:

(A) *Record before Council and public testimony.* The City Council shall hear the appeal based upon the record filed, any written information which shall consist of all documents before the Commission, plus the minutes of the Commission. Any written material can be submitted by the appellant or any party prior to the Council meeting. The Council may, upon the majority of the vote, set the matter down for a public hearing where testimony can be heard.

(B) *Authority of Council.* The City Council, after hearing, may reverse the Commission's decision and/or completely substitute their judgment for that of the Commission, and shall have the authority to consider all matters whether they were specified in the appeal or not, remand the matter back to the Commission, or do whatever the Council deems proper.

(C) *Final decision.* The decision of the City Council is final.

18. **§ 32.29 AUTHORITY OF POLICE CHIEF.**

The Police Chief shall have the authority to make traffic decisions as follows:

(A) *General authority.* The Police Chief shall have the authority to establish, maintain, remove or alter any traffic control device. Such orders of the Police Chief shall designate the findings as to reasons for taking such action, shall make entry into the schedule of decisions, and submit a report and findings as to reasons for taking such action to the Traffic Safety Commission.

(B) *Ratification by Commission.* At a special meeting or the next regularly scheduled meeting, but in no event later than the next regularly scheduled meeting of the Commission, the Police Chief shall report the action to the Commission and the Commission shall ratify, affirm, alter or change the action of the Police Chief. Such decision of the Commission can be appealed under the same procedure as any other decision of the Commission. During the period of appeal, the decision of the Police Chief shall remain in full force and effect.

19. **§ 32.30 LEGAL ADVICE.**

The City Attorney shall give legal advice to the Commission. The Commission has the authority to request legal advice from the City Attorney, including attendance at meetings.

20. x
21.

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

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

Norma Alley, City Recorder

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

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through Traffic Safety Commission Committee at 05/10/2010 meeting. Or, ___ None.
By and through Traffic Safety Commission Committee at 07/12/2010 meeting. Or, ___ None.

2.15.050 Acceptance of gifts.

A. Gifts of any real or personal property or funds donated to the library and accepted by the city council shall be administered in accordance with each gift's terms, and all property or funds shall be held in the name of the city.

B. Donations in the form of money shall be deposited in an account which is hereby established as a separate account of the city to be known as the Newberg public library gift and memorial fund. [Ord. 97-2481, 7-7-97. Code 2001 § 32.05.]

2.15.060 Prohibited actions.

It shall be unlawful for any person to willfully or maliciously detain any library materials belonging to the Newberg Public Library for 30 days after notice in writing from the library director that the library material is past due. The notice shall bear upon its face a copy of ORS 357.975 and 357.990. [Ord. 97-2481, 7-7-97. Code 2001 § 32.06.]

Penalty: See NMC 2.15.490.

Eff. 3/9/2011

Article II. Traffic Safety Commission**2.15.070 Establishment.**

There is established a Newberg traffic safety commission ("commission") for the city of Newberg. [Ord. 96-2427. Code 2001 § 32.15.]

2.15.080 Membership.

The commission shall consist of nine voting members. The mayor, city manager, police chief and city engineer shall serve as ex officio nonvoting members of the commission. [Ord. 96-2427. Code 2001 § 32.16.]

2.15.090 Terms of office.

The members of the commission shall be appointed by the mayor with the consent of the city council for a term of three consecutive calendar years. All terms shall begin January 1st of the first calendar year and end December 31st of the last calendar year. The terms of the members shall be established in approximately equal expiration of terms each year. Members of the commission shall continue after expiration of the term until such time as their successors are appointed. The present terms of the members shall be affirmed. [Ord.

2008-2690 § 2(A), 2-4-08; Ord. 96-2427. Code 2001 § 32.17.]

2.15.100 Appointment.

The following procedure and qualifications for appointment to positions on the commission are adopted:

A. The city shall give public notice of any vacancy of the commission and accept such applications for vacancies.

B. The application for membership on the commission shall state the principal occupation and residence of the applicant, and shall give other information or qualifications the city may deem necessary.

C. All members shall have their principal place of residency in the city of Newberg, except one member may have his/her residency outside the city limits, but within the urban growth boundary of the city.

D. No member, except the mayor, city manager, police chief and city engineer, shall be an employee, family member of employees, or officials, or family members of officials of the city of Newberg. [Ord. 96-2427. Code 2001 § 32.18.]

2.15.110 Vacancies and removals.

The city council shall fill vacancies and remove commissioners as follows:

A. Any vacancy on the commission shall be filled by appointment by the mayor with the consent of the city council for the unexpired term of the predecessor in the position.

B. A member of the commission may be removed by the city council after hearing for misconduct or nonperformance of duty.

C. A member who is absent from two consecutive meetings without an excuse as approved by the commission is rebuttably presumed to be in non-performance of duty and the city council shall declare the position vacant unless finding otherwise following a hearing. [Ord. 2008-2690 § 2(A), 2-4-08; Ord. 96-2427. Code 2001 § 32.19.]

2.15.120 Presiding members.

At the commission's first meeting of each calendar year, the commission shall elect a chair and a vice chair. The chair shall preside at all meetings of the commission. The vice chair shall preside in the absence of the chair. An election shall be held

thereafter on the first meeting of each calendar year for the purpose of electing a chair and a vice chair of the commission. The police chief, or designee, shall act as secretary to the commission. [Ord. 96-2427. Code 2001 § 32.20.]

2.15.130 Meetings – Quorum – Official action.

Meetings of the commission shall be called and conducted in the following manner with a quorum required to conduct official business:

A. Regular Meetings. The commission shall hold regular meetings at a time and place designated by the commission. The commission will meet whenever business warrants but, in no event, not less than quarterly. Notice of meetings and the agenda shall be published in sufficient time, but prior to meeting, to allow members and the public reasonable notice of said meeting.

B. Special and Emergency Meetings. The chair, upon its own motion, or the police chief, upon his/her own motion, or at the request of the majority of the members of the commission, shall, by giving notice to the members of the commission, call a special meeting of the commission, for a time not earlier than 24 hours after the notice is given, notice of the special meeting shall be posted at City Hall and to the extent feasible provided to interested persons, and the local newspaper at least 24 hours prior to the meeting. An emergency meeting of the commission may be called in the same manner as a special meeting is called with less than 24-hour notice. However, facts constituting the emergency shall be placed upon the record as the first order of business of that meeting, and notice shall be given to all members and provided to interested persons in the local newspaper as reasonably possible.

C. Quorum. A majority of the voting members (five members) of the commission shall constitute a quorum.

D. Official Action. A vote of the majority of the membership (five members) shall be necessary to take any official action by the commission. The meetings of the commission shall be open to the public and subject to the Open Meetings Law. Meetings other than regularly scheduled meetings may be announced at a prior meeting and thereby made a part of the meeting record. [Ord. 96-2427. Code 2001 § 32.21.]

2.15.140 Purpose and duties.

A. The purpose of the commission is to promote traffic safety through investigation, study and analysis of traffic safety programs; to conduct educational efforts among the public in the matters of public safety; to consider all traffic safety programs which are referred to them for recommendation by the city council and to make reports to the city council on matters of traffic safety and traffic safety programs.

B. The commission shall decide on the location of parking, crosswalks, safety zones, traffic lanes, truck routes and all manner of traffic control devices within the community. [Ord. 96-2427. Code 2001 § 32.22.]

2.15.150 Authority.

The commission shall conduct hearings to consider and make decisions concerning its duties and deciding upon locations of parking, crosswalks, safety zones, and traffic control signs within the community in the following procedure:

A. Limited Traffic Decisions. The commission shall make limited traffic decisions, which are traffic decisions which affect one particular location and are confined to one location, in the following manner:

1. Notice of the commission's limited traffic decision shall be given to the owners of the property that is adjacent to the location of the traffic control change in which the decision is concerned.

2. In addition to the decision, the notice shall state the following:

a. That the person can submit written comments within 14 days of the notice giving any input concerning the decision. The address where written response should be addressed shall be stated.

b. The person may request a public hearing concerning the decision and that if two or more adjacent property owners request the public hearing, a public hearing shall be held.

c. That the respondent shall give the name, address and location in which it wishes to receive the notice of public hearing and final decision when it is made.

3. The decision, along with a copy of the notice and any written response, shall be forwarded to the commission at the time and date of the meeting in which the decision will be before them.

4. If a request for a public hearing is made, public notice shall be made stating that a public hearing is to be held and written notice to each adjacent property owner shall be given.

5. The commission shall meet and deliberate concerning the decision using a procedure which they have adopted.

6. When the commission makes a final decision, notice of such decision shall be made to any person submitting written response. Such notice shall notify the person of their right to appeal the decision.

B. General Traffic Decisions. General traffic decisions are decisions which affect the entire community, or are decisions which affect a number of locations. Such decisions are truck routes, general parking policies, parking for one-way grids affecting more than one block, general signage policies, traffic safety hazard policies and traffic safety programs. Such decisions shall be made in the following manner:

1. Notice shall be given in a method reasonably calculated to give all interested parties notice.

2. Such notice shall state the following:

- a. The time, date and place of the hearing.
- b. The recommended decision to be made.
- c. The criteria to be used in making the decision.

d. That public testimony will be taken at the hearing.

e. Written comments can be made and the location where such comments can be delivered or mailed.

3. The commission shall meet at the time and date to conduct a hearing pursuant to the process adopted by the commission.

4. When the commission has made a decision, reasonable notification of the decision shall be given and the right of any party making an appearance in the hearing shall, by either written form or by oral testimony, be informed in a reasonable manner of their right to appeal. Notice of the decision may be done by announcing the decision and the right to appeal at the hearing where the decision is made.

C. Decisions of Commission. All decisions of the commission shall be final unless such decision is appealed by parties having the right to appeal such decision to the city council in accordance with

NMC 2.15.190. [Ord. 96-2427. Code 2001 § 32.23.]

2.15.160 Final decisions – Enactment.

Final decisions shall be forwarded to the city manager or designee to enact the decision and do all necessary work to carry out the decisions of the commission. Such work shall be performed under the direction of the city manager or designee. Specific action taken in carrying out the final decisions shall be the responsibility of the city manager or designee. [Ord. 96-2427. Code 2001 § 32.24.]

2.15.170 Log of decisions.

Decisions made by the commission shall be set out in a schedule in chronological date order and in accordance with the type of decision, the date of the decision, the brief description of the decision made and the date in which the action was taken for the decision. The police chief or designee shall have the authority to update the schedule. Such schedule, as soon as reasonably possible, but in no event later than quarterly, shall be presented to the commission for its review and comment. [Ord. 96-2427. Code 2001 § 32.25.]

2.15.180 Development permit process decisions.

Decisions concerning locations of traffic control devices within the community are made through the development permit process. Such decisions and locations of traffic control devices made through that process shall be noticed to the police chief by the planning official and entered upon the schedule by the police chief or designee. [Ord. 96-2427. Code 2001 § 32.26.]

2.15.190 Appeals of decisions.

The decisions of the commission can be appealed to the city council. The commission shall have an opportunity to reconsider its decision when a petition for appeal is filed. The following procedure is established for an appeal of a commission decision:

A. Parties Who Can Appeal. Any party appearing before the commission, either in written form or by oral testimony, and the city manager have the authority to appeal the decision of the commission.

B. Petition for Appeal and Time of Filing. Any decision of the commission can be appealed to the

city council if such appeal is made within 14 days of the date of the decision. Such appeal shall be made upon the petition prescribed for and approved by the commission stating the name of the party, indicating standing of party to appeal, demonstrating where the decision was in error, and what, if any, new evidence is available that was not available at the hearing.

C. Reconsideration. Such petition shall immediately be placed upon the next regular meeting of the commission for reconsideration of the decision. The commission may consider any new evidence presented, the record of the decision and any reason stated by the appellant. The commission may set the matter down for further hearing, affirm its previous decision, or alter its decision in any manner it deems proper.

D. Appeal to the Council. If the decision is reaffirmed, or within 14 days after the commission has altered its decision, and the appealing party is notified of the commission's actions, the party filing the appeal shall notify the city if they wish the matter to be appealed to the city council.

E. Affect of Decision While Appeal or Reconsideration Is Pending. The decision of the commission shall be held in abeyance pending appeal to the city council. However, this does not affect the ability of the police chief to enact any decision under the authority granted to him/her under NMC 2.15.210. [Ord. 96-2427. Code 2001 § 32.27.]

2.15.200 City council decisions.

The city council shall consider any appeal of a decision by the commission using the following procedure:

A. Record Before Council and Public Testimony. The city council shall hear the appeal based upon the record filed, any written information which shall consist of all documents before the commission, plus the minutes of the commission. Any written material can be submitted by the appellant or any party prior to the council meeting. The council may, upon the majority of the vote, set the matter down for a public hearing where testimony can be heard.

B. Authority of Council. The city council, after hearing, may reverse the commission's decision and/or completely substitute their judgment for that of the commission, and shall have the authority to consider all matters, whether they were specified

in the appeal or not, remand the matter back to the commission, or do whatever the council deems proper.

C. Final Decision. The decision of the city council is final. [Ord. 96-2427. Code 2001 § 32.28.]

2.15.210 Authority of police chief.

The police chief shall have the authority to make traffic decisions as follows:

A. General Authority. The police chief shall have the authority to establish, maintain, remove or alter any traffic control device. Such orders of the police chief shall designate the findings as to reasons for taking such action, shall make entry into the schedule of decisions, and submit a report and findings as to reasons for taking such action to the traffic safety commission.

B. Ratification by Commission. At a special meeting or the next regularly scheduled meeting, but in no event later than the next regularly scheduled meeting of the commission, the police chief shall report the action to the commission and the commission shall ratify, affirm, alter or change the action of the police chief. Such decision of the commission can be appealed under the same procedure as any other decision of the commission. During the period of appeal, the decision of the police chief shall remain in full force and effect. [Ord. 96-2427. Code 2001 § 32.29.]

2.15.220 Legal advice.

The city attorney shall give legal advice to the commission. The commission has the authority to request legal advice from the city attorney, including attendance at meetings. [Ord. 96-2427. Code 2001 § 32.30.]

Article III. City Planning Commission

2.15.230 Establishment.

There is hereby reestablished a Newberg city planning commission for the city of Newberg, Oregon. [Ord. 92-2325, 4-6-92; Ord. 1718, 1-8-74. Code 2001 § 32.40.]

2.15.240 Membership.

A. The commission shall consist of seven members who are not officials or employees of the city