

City of Rockaway Beach

City Council Workshop Agenda



Date: Wednesday, June 14, 2023
Time: 4:30 P.M – 5:50 P.M.
Location: Rockaway Beach City Hall, 276 HWY 101 - Civic Facility

Join the worksession remotely here:

City Council Workshop

Meeting ID: 869 1243 0801

Passcode: 120510

Dial by your location

253 215 8782 US (Tacoma)

What is a City Council Workshop? Workshops are intended to allow for preliminary discussions by the city council and staff. Workshops are held to present information to the council so that the council is prepared for upcoming regular meetings. Workshops are subject to Oregon's Public meeting law and must be noticed accordingly. No final City Council decisions are made during workshops. The public is encouraged to attend workshops but may not participate unless expressly asked.

WORKSHOP AGENDA

1. CALL TO ORDER

2. ROLL CALL

3. COUNCIL BRIEFING/DISCUSSION

- a. Public Works Dept. Mobile Equipment Plan – Superintendent Emerson**
- b. Amendments to Fireworks Regulations and Fines – Mayor McNeilly**
- c. Council Rules and Procedures - City Manager Shepard**
- d. City Website Non-Affiliate Links – Mayor McNeilly**
- e. Annual Work Session – Councilor Hayes**

4. ADJOURNMENT



City of **ROCKAWAY BEACH**
PUBLIC WORKS DEPARTMENT

Mobile Equipment Plan

Public Works has created a mobile equipment list which outlines the current order of priority in which items will need to be replaced in the coming years. This mobile equipment plan is more like a living document with at least 32 pieces (hopefully nothing was missed) and some of these can do more than one job. Of course, the '08 chevy is #1, given both its age and use. While a larger portion of our equipment is older, we have factored more than just age into our list.

It's hard to plan out replacing all of these but I believe you picked the right person for this. I have been here as long as every piece of equipment except for three the hotbox, roller and Gehl. Each piece I have hands on experience using and maintaining. Just because something is older doesn't necessarily mean it needs to be replaced sooner. For us, it's more based on how important to critical infrastructure it is and overall everyday use.

Some of these are vital to the infrastructures to keep it running and others are vital to the town's appearance. You'll notice that most, if not all generators were placed near the bottom regarding priority. This is because these generators, despite the age of some, are kept very well maintained. Given that they're emergency power supply generators, they are only used during power outages. They are regularly exercised, oil and filters changed regularly, and batteries are all maintained. Additionally, they are kept inside when not in use.

I tried to put these in order as to what I think needs replaced first to last, it's probably close but not perfect. For example, the generator for N 4th # 19 is a nice working with no problems but if it were to fail it would immediately jump to # 1 as this is vital to infrastructure. Everyone that lives in Rockaway understands the unreliability of power during winter storms. So, all of these are sitting in a barn warm and dry waiting to be used during emergencies. They don't need to look purdy, but they do need to run. They are critical but very seldom used so, maintained well they should outlast their expected life. As far as other equipment listed and their assigned priority numbers, it should be noted that at any time this list is subject to change depending on condition changes and any uptick of use on certain equipment items. Seasonal, non-critical equipment is also listed lower for the obvious reasons that it is only used during a certain time each year. For example, the asphalt hotbox is used only during the summer, and is stored inside, therefore despite its age, is lower on our list.

Are there any questions? Thank you for your support.

-Dan Emerson Superintendent
City of Rockaway Beach Public Works



City of **ROCKAWAY BEACH**
PUBLIC WORKS DEPARTMENT

2008 Chevy Silverado 3500HD Utility Bed

Perhaps the Public Works Department's most valuable vehicle, our '08 Chevy work truck has been around since it was purchased new in 2008 it may not be the oldest by year, but it's been with Public Works longer than any other vehicle (15 years). This truck could easily be called the "workhorse" of our fleet. Sporting a 12ft bed with utility boxes and each side, lumber rack, and a folding bumper crane, it carries everything our utility workers need to get the job done smoothly and more importantly safely. When Public Works respond to a water leak or a sewer issue, this truck is the first to go out every time. Should this truck experience more issues and/or become inoperable, Public Works' efficiency on critical infrastructures would burden the impact. That said, we believe this should be replaced soon before issues arise that could impact the performance of infrastructure maintenance for our utility workers. Time is most definitely taking its toll, and it is beginning to show on this vehicle. The truck is beginning to rust on the outside. The mirrors are very rusty, and they have begun to fall off. The suspension is worn on the truck from the number of times it starts and stops, pulls heavy equipment from jobsite to jobsite. The hinges on many of the doors are worn out and need to be replaced. The transmission has been worked on in the past, the drivetrain is beginning to get sloppy the truck is lacking the power that it once had. Currently, the truck has around 76,000 miles on it. This may not seem like much, but this is a 1ton truck that always carries extra weight, and all these miles are city miles and/or towing miles. This includes multiple engine start/stops, constant turning, occasionally going at an incline. If this truck were to fail now, it would severely impact the response time and efficiency of Public Works utility workers. This is why I believe that this vehicle is a #1 priority to replace. Not just because it is getting older, but it is also the most relied on vehicle in the fleet. With all that said Public Works has maintained this vehicle to a high standard and being able to keep high quality vehicles in the fleet attracts high quality employees. Are there any questions?

Thank you,
Dan Emerson Superintendent
City of Rockaway Beach Public Works.

PUBLIC WORKS MOBILE EQUIPMENT LIST

Asset number	Description	Date placed in service	Proj future cost	Priority	Life	Cost
VEHICLES						
2008.0708	2008 Tool Truck Chevy	2008	~\$60,000	1	10	32,876
	2010 White Ford F250 Super	2015	~\$45,000	3	10	43,113
2015.0765	Duty					
2013.0732	2008 Ford F350	4/13/2013	~\$50,000	8	10	19,519
2014.0754	2014 Dodge Ram Pickup	9/30/2014	~\$45,000	11	10	21,745
2016.0782	2004 International 4300 Truck	2016	~\$110,000	16		48,530
2020.0835	PW Dumptruck (F550)	1/13/2020		21	15	49,703
2003.0482	2003 Chevy Silverado 1500 ext	2/15/2003	~\$45,000	10	10	20,705
2016.0780	2022 Ford F-150	2016	~\$35,000	28	10	48,530
EQUIPMENT						
2011.0712	2005 305CR Excavator	3/28/2011	~\$60,000	6	10	30,550
2005.0704	Skid Loader	2005	~\$65,000	5	7	32,876
2002.0702	Street Sweeper	2002	~\$40,000	4	8	24,185
2008.0401	Vactor Trailer	2/6/2008	~\$55,000	2	15	52,799
2020.0843	PW Tilt Trailers	1/27/2020	~\$10,000 for 1	12	15	16,130
	Gravely Zero Turn Mower 60"	12/11/2015	~\$15,000	9	20	7,919
2015.0764	Deck					
2014.0741	Ford 7740 Tractor/Mower	2/20/2014	~\$60,000	21	10	33,700
2016.0763	Sewer Camera	8/30/2016	~\$10,000	7	10	11,750
2001.0700	Street Roller Wacker	2001	~\$25000	13	25	9,250
	2017 430 F2 Backhoe Loader -	10/31/2017	~\$130,000	17	15	110,657
2017.0800	OHW					
2001.0701	Hot Box 8000 Reclaimer	2001 2/15/2001	SL /N/A	13	15	11,750
2012.0724	Lawn Brush Cutter	5/31/2012	~\$6,000	29	7	7,065
GENERATORS						
	Trailer Mounted 20kw Diesel			15	15	17,675
2008.0536	Genera - S 5th	8/15/2008	~\$20,000			
	Trailer Mounted Generator -			18	10	5,890
2007.0534	used	1/15/2007	Could assume ~\$35,000			
2010.0713	Generator Trailer	12/29/2010	'	20	10	5,378
	Trailer Mounted 40kw Diesel			19	15	21,778
2008.0538	Generator N. 4th	1/6/2008	~\$33,000			
	NE 12th 20kw Gen		~\$25,000	23	15	20,000
	NW 17th 20kw Gen		~\$25,000	24	15	20,000
	6th 10kw Gen		~\$15,000	25	15	3,000
	N 3rd 60kw		~\$35,000	26	15	30,000
	20kw Gen and light tower		~\$25,000	27	15	20,000
2001.0701	Hot Box 8000 Reclaimer		~\$30,000	22	15	11,750
Fixed Generators						
	Fixed KB G-8kw Generator - 23rd			14	15	10,167
2008.0537		8/15/2008	~\$15,000			
	Wastewater treatment plant					
	south 3rd Main lift					
		7/14/2022		30		
	White Dove lift station					
				31		
	PVE Booster Gernerator	7/9/2017		32		

**CITY OF ROCKAWAY BEACH, OREGON
ORDINANCE NO. 23-XXX**

**AN ORDINANCE AMENDING THE ROCKAWAY BEACH CODE OF ORDINANCES,
SECTIONS 95.07 AND 90.02 REGULATING THE SALE, DISCHARGE, AND NOISE
OF FIREWORKS WITHIN THE CITY OF ROCKAWAY BEACH**

RECITALS:

1. The Rockaway Beach City Council finds it is in the general health, safety and welfare interests of the citizens of Rockaway Beach, Oregon, to amend Rockaway Beach Code of Ordinances (RBCO or Code), Sections 95.07 and 90.02 regulating the sale, discharge and noise of fireworks; and
2. This ordinance is necessary for the preservation of the general health, safety and welfare interests of the citizens of Rockaway Beach.

Now, therefore, the City of Rockaway Beach ordains as follows:

Section 1. The City of Rockaway Beach Code of Ordinances, **Section 95.07 (K)** is hereby removed.

~~(K) Noise emanating from the combustion, detonation, or concussion caused by using fireworks or other similar devices, from July 1 until July 5 of each year.~~

Section 2. The City of Rockaway Beach Code of Ordinances, **Sections 90.02 (E), (F)** are hereby amended to read as follows:

(E) Sale of fireworks. It shall be unlawful for any person, firm or corporation to sell consumer fireworks as defined in ORS 480.111, within the City of Rockaway Beach.

(F) Use of fireworks. Except as authorized under permit of the Oregon State Fire Marshal, it shall be unlawful for any person to shoot or discharge fireworks within the City of Rockaway Beach.

Section 3. The City of Rockaway Beach Code of Ordinances, **Section 90.99** is hereby amended to read as follows:

90.99 PENALTIES.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) A person who violates subsection (F) of this chapter is guilty of an infraction, which is punishable by a fine not to exceed \$2000.

(C) Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate infraction, and may be punished separately.

Section 4. Severability Clause. A determination of invalidity or unconstitutionality by a court of competent jurisdiction of any clause, sentence, paragraph, section or part of this ordinance shall not affect the validity of the remaining parts to this ordinance.

Section 3. Effective Date. Pursuant to the Rockaway Beach City Charter, this ordinance shall become effective on the thirtieth day after its adoption.

1st reading by the Rockaway Beach City Council _____.

2nd reading by the Rockaway Beach City Council _____.

Adopted and Approved by the Rockaway Beach City Council _____.

Charles McNeilly, Mayor.

City Council	Aye/Nay
Mary McGinnis	/
Tom Martine	/
Kristine Hayes	/
Alesia Franken	/
Penny Cheek	/

Attest:

Luke Shepard, City Manager

CODE AMENDMENTS FOR 23-XXX

AMEND § 95.07 EXEMPTIONS (K)

AMEND § 90.02 FIRE PREVENTION AND PROTECTION; MAINTAINING OPEN FIRES (E)

AMEND § 90.02 FIRE PREVENTION AND PROTECTION; MAINTAINING OPEN FIRES (F)

§ 95.07 EXEMPTIONS.

[(K) Noise emanating from the combustion, detonation, or concussion caused by using fireworks or other similar devices, from July 1 until July 5 of each year.]

§ 90.02 FIRE PREVENTION AND PROTECTION; MAINTAINING OPEN FIRES.

(E) Sale of fireworks. It shall be unlawful for any person, firm or corporation to sell fireworks within the City of Rockaway Beach [*until he or she has received a permit from the Oregon State Fire Marshal and have provided the city with a copy of the permit*].

(F) Use of fireworks. It shall be unlawful for any person to shoot or discharge fireworks within the City of Rockaway Beach[, *except for fireworks discharged on the beach at least 50 feet from any beach grass*].

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) A person who violates subsection (F) of this chapter is guilty of an infraction, which is punishable by a fine not to exceed \$5000.

(C) Each occurrence of a violation, or, in the case of continuous violations, each day a violation occurs or continues, constitutes a separate infraction, and may be punished separately.

Legislative Format: Existing text is in Regular Font New text is in Bold Font ; [<i>Deleted Text is in Italic Font within brackets</i>].

Rules of Procedure for Council Meetings

Section 1. **AUTHORITY**

- 1.1 The authority for the resolution is the statement in Chapter 3 Section 9, Charter of the City of Rockaway Beach which states "The Council must ~~be~~ resolution adopt rules to govern its meetings."
- 1.2 These Council rules are to be supplementary and subordinate to the City Charter, the laws of the State of Oregon and the United States of America.
- 1.3 The Council shall review these rules at least once every two years. Amendments shall be adopted by a majority vote of the full Council excluding the Mayor.

Section 2. **MEETINGS AND WORKSHOPS**

- 2.1 **Definition.** **ORS 192.610 (5)** states that a meeting means the convening of the governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. Council meetings and workshops are subject to Oregon Public Meetings Law, **ORS 192.610-192.990**.
- 2.2 **Regular Meetings.** The Council shall meet regularly {on the second and fourth Wednesdays of each} at least once a month on the second Wednesday at 6:00 p.m. within the City of Rockaway Beach. The meeting calendar shall be set by the Council each December for the following year.
 - 2.2.A. **Mayor's Vote.** The Mayor has no vote unless the voting members of the council are split evenly.
 - 2.2.B. **Mayor's Functions:**
 1. Act as Chairperson of Council meetings and preside over deliberations of the Council.
 2. Preserve order.
 3. Enforce Council rules.
 4. Determine the order of business before the Council.
- 2.3 **Special Meetings.** The Mayor, or in the Mayor's absence, the president of the Council, may call a meeting at any time, or shall on written petition of three councilors, call a meeting at any time for the transaction of the business mentioned in the petition. 24 hours notice is required (ORS 192.640(3)). Written notice of a special meeting shall be given each member of the Council. The notice shall be served on each member personally, or if a councilor is not found, left at his or her place of residence. Written notice shall be posted at City Hall and the Post Office. Members of the media who have asked to be notified of meetings shall be notified in the usual manner.
 - 2.3.A. **Council President.** Except in voting on questions before the council, the President shall function as Mayor when the Mayor is:
 1. Absent from a council meeting

Rules of Procedure for Council Meetings

2. Unable to function as Mayor

The President shall attempt to contact the Mayor, by the most expeditious means possible, if the President schedules a special meeting or executive session of the Council in the Mayor's absence. The intent would be to provide the Mayor with the opportunity to attend the meeting, if possible.

- 2.4 **Emergency Meetings.** In the case of an actual emergency, the Mayor, or in the Mayor's absence, the President of the Council, or in the Mayor's and President's absence, a quorum of the city council may call an emergency meeting on less than 24 hours notice. The minutes of the meeting shall describe the emergency justifying less than 24 hours notice. **(ORS 192.640(3))** An attempt must be made to contact the media and other interested parties to inform them of the meeting. Such contacts may be by telephone, e-mail, facsimile, or other electronic means.

2.5 **Public Hearings Generally.**

- 2.5.A. A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.
- 2.5.B. Persons wishing to speak shall sign the "hearing roster" with the person's name and address prior to the commencement of the public hearing at which the person wishes to speak.
- 2.5.C. The presiding officer shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.
- 2.5.D. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the city, and may give their address. All remarks shall be addressed to the council as a body and not to any member thereof.
- 2.5.E. Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to three minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:
1. Staff presentation (15 minutes total).
 2. Applicant or affected party (15 minutes). Quasi-judicial hearing only.
 3. Appellant, if other than applicant (10 minutes). Quasi-judicial hearing only.
 4. Other interested persons (3 minutes per person).
 5. Questions of staff (No time limit).

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6.Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing (7 minutes total).

2.6 General Conduct of Hearings

- 2.6.A. Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- 2.6.B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- 2.6.C. No person may speak more than once without obtaining permission from the presiding officer.
- 2.6.D. Upon being recognized by the presiding officer, any member of the council, the city manager ~~city administrator~~, ~~planning director~~ city planner or the city attorney may question any person who testifies.
- 2.6.E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- 2.6.F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

2.7 Quasi-Judicial Land Use Matters

- 2.7.A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
 - 2.7.B. Conflicts of Interest.
 - 1. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 - a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
 - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
 - 2. Members of the council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding
- Burden of Proof. The proponent has the burden of proof on all elements of the

Rules of Procedure for Council Meetings

proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

- a. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule
- b. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

3. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:

a. Land Use Hearing Disclosure Statement. The presiding officer shall read the land use hearing disclose statement, which shall include:

- 1) A list of the applicable criteria;
- 2) A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
- 3) A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
- 4) If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

b. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.

c. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

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d. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.

e. Presentation of the Case

1) Proponent's case. Twenty minutes total.

2) Persons in favor. Five minutes per person.

3) Persons opposed. Five minutes per person.

4) Other interested persons. Five minutes per person.

5) Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.

f. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.

g. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.

h. Findings and Order. The council may approve or reject the proposal.

1) The council shall adopt findings to support its decision.

2) The council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.

i. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

2.8 Legislative Land Use Matters.

2.8.A Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:

1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.

2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.

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3. Presentation of the Case.

- a. Proponent's case. Twenty minutes total.
- b. Persons in favor. Five minutes per person.
- c. Persons opposed. Five minutes per person.
- d. Other interested persons. Five minutes per person.

4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.

5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

6. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

2.9 **Executive Sessions.** Executive sessions may be held during regular or special meetings, or as stand alone meetings, so long as appropriate statutory limitations are met. Written notice shall be posted at City Hall, ~~and the Post Office,~~ the City's website and sent out through the city's listserv email listing. Members of the media who have asked to be notified of meetings shall be notified in the usual manner.

2.9.A. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions.

2.9.B. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

2.10 **Continuation of a Meeting.** Upon majority vote of the Council any meeting may be continued to a later date or time, provided that no continuation or adjournment shall be for a period longer than the next regular scheduled meeting.

2.11 **Workshops.** Workshops are permitted to present information to the council so that the council is prepared for regular or special meetings. Workshops shall be held as needed to gather information and informally discuss specific issues or questions. The public may attend workshops. but may not participate unless expressly asked.

2.11.A All workshops are subject to Oregon's public meetings law and must be noticed accordingly.

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- 2.11.B. Workshops are intended to allow for preliminary discussions, and the council is not permitted to take formal or final action on any matter at a workshop session.
- 2.11.C. Workshops are to be scheduled by the city manager.
- 2.11.D. The city manager is to invite any relevant staff to workshops so that the sessions are as productive as possible.
- 2.12 **Attendance by City Manager.** The City Manager shall attend all Council meetings unless excused by the Council or the Mayor. Staff shall attend when requested by the City Manager.

Section 3. MECHANICS OF MEETINGS.

- 3.1 **Quorum.** The Mayor, or in his/her absence the president of the Council, shall call the meeting to order at the hour designated for the meeting. The city Charter defines a quorum as a majority of the Councilors (Section 14), which means three (3) members of the Council, one of which may not be the mayor. If a quorum is not present, the City Manager shall immediately inform the absent members, except those known to be unavoidably detained, that their presence is required. If the absent member or members do not appear after the notice, the members present shall adjourn until a specific time or until the next regular meeting.
- 3.2 **Rules of Order.** Unless otherwise provided by law or by these rules, the procedure for council meetings shall be governed by Robert's Rules of Order, Revised. The Council has an obligation to the citizens to be clear and simple in its procedures and in the consideration of questions coming before it. Therefore, the rules of procedure should be liberally construed to that purpose. Councilors should avoid invoking the finer points of parliamentary rules that serve only to obscure the issues and arouse the suspicion of the audience at public meetings and the citizens in general. The Presiding Officer shall determine all points of order, subject to the right of any member to appeal to the Council.
- 3.3 **Agenda.** An agenda for each regular Council meeting shall be prepared by the City Manager. Council members may request that specific items be included on the agenda. The city Manager should be given enough time to do necessary research or prepare necessary reports to address the agenda items. ~~Members of the public may request items of business according to city policy.~~ Agendas for regular Council meetings shall be posted at City Hall and the Post Office at least 5 days prior to the meeting time. The Council shall consider at the meeting only matters that appear on the agenda for that meeting, except in the case of an emergency. The Council may discuss items added by a Council member at the meeting.
- 3.4 **Consent Calendar.** In order to make more efficient use of meeting time, the City Manager shall place minor administrative items, such as the approval of the order of

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business on the agenda, meeting minutes and financial reports, that are routine in nature and concerning which no debate is expected on a "consent calendar". Any item placed on the consent calendar shall be removed at the request of a Councilor prior to the time a vote is taken on the consent calendar. All remaining items on the consent calendar shall be disposed of by a single motion "to adopt the consent calendar," which shall not be debatable. Adoption of the consent calendar shall be by the affirmative vote of all Councilors present at the time the vote is taken and shall have the same effect as a separate vote for each item. If there are dissenting votes, each item on the consent calendar shall be voted upon separately in the usual manner.

- 3.5 **Order of Business.** The order of business at regular Council meetings shall be as follows unless amended by the Council when adopting the consent calendar:

THE FOLLOWING SHOULD BE ALTERED AS NEEDED OR DESIRED

- ~~1)~~ ~~1)~~ — Call to Order
- ~~2)~~ ~~Pledge of Allegiance~~
- ~~32)~~ Roll Call
- ~~33)~~ Oaths of Office
- ~~4)~~ Consent ~~Calendar~~ Calendar ~~ar~~
- ~~5)~~ Presentations, guests, and announcements
- ~~6)~~ Public comment on non-agenda items
- ~~7)~~ Public comment on agenda items
- ~~8)~~ Staff Reports
- ~~9)~~ Public hearings
- ~~10)~~ Old Business
- ~~11)~~ New Business
- ~~12)~~ Committee reports
- ~~1314)~~ Mayor and Councilor comments
- ~~1415)~~ Attorney's comments
- ~~1516)~~ Adjournment

- 3.6 **Record of Proceedings.** A written record, commonly called minutes, shall be kept of all meetings except Executive Sessions and maintained by the city in accordance with the appropriate record retention schedule. Executive Sessions shall be recorded by audio only, except as required by law. The minutes shall contain the following information:

- 1) The date, time and place of the meeting;

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- 2) The members present;
- 3) The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- 4) The results of all votes and the vote of each member by name;
- 5) The substance of any discussion on any matter; and
- 6) A reference to any document discussed at the meeting.

The council shall approve all minutes of any public meeting. All minutes shall be approved within ninety days of the meeting having occurred. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

3.7 Written Communications to the Council

- 3.7.A. Unsolicited communications to the mayor and/or council concerning matters on the agenda shall be forwarded to the council ~~in the agenda packet and posted online under Citizen Submitted but Testimony but~~ shall not be individually itemized on the agenda. The deadline for unsolicited communication submissions shall be no later than 48 hours prior to the meeting, for any regular city council meeting.
- 3.7.B. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet or online materials.
- 3.7.C. The city manager may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the council, and making a recommendation for council action.

- 3.8 **Councilor Decorum.** The Presiding Officer shall preserve decorum and decide all points of order, subject to appeal by a member of the Council. The Councilors shall help the Presiding Officer preserve decorum and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to follow the lawful directions of the Presiding Officer or these Council Rules. Council members shall at all times conduct themselves in a manner appropriate to the dignity of their office.

- 3.9 **Audience Decorum.** Any person in the audience who makes personal, impertinent, slanderous remarks or who become boisterous while addressing the Council or attending a Council meeting or workshop may be removed from the room, after fair warning, if the Presiding Officer so directs. In case the Presiding Officer should fail to act, any Councilor may obtain the floor and move to require enforcement of this rule. Upon

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affirmative vote of the majority of the Council present, the person or persons shall be removed as if the Presiding Officer so directed.

- 3.10 **Flags, Signs and Posters.** No banners, flags, posters, placards or signs may be carried or placed within the city council chambers unless authorized by the Presiding Officer prior to the meeting. The Presiding Officer will only authorize use of these devices when it is determined that their use will not be visually nor audibly disruptive to the meeting.

3.11 **Speaking by Council Members and City Manager.**

3.11.A. Councilors, the City Manager and staff shall be recognized by the Presiding Officer before speaking, unless bringing up a point of order. Upon recognition by the Presiding Officer the Council member or City Manager shall speak and confine his or her remarks to the matter at hand.

3.11.B. A Council member desiring to question a city employee shall address the questions to the City Manager who shall be entitled to either answer the inquiry or designate a staff member to do so. Council members may direct questions to employees as follow-up to their staff reports or council meeting presentations.

3.12 **Public Comment By Members of the Audience.**

3.12.A. Two periods for public comment will be reserved for every regular meeting of the council. Each period shall not exceed a maximum of 30 minutes, unless a majority of councilors present vote to extend the time. Subject to the limitations contained in subsection H-5(e), the first period for public comment shall be limited to items placed on the agenda other than public hearings, and the second period of public comment shall be used to comment on any issue of city business, other than agenda items. The presiding officer may, unless a member of council objects, allow a person who desires to make comment on an item not on the agenda to speak during the first comment period.

3.12.B. Persons wishing to speak during public comment must sign the "speaker's roster" with the person's name and address and the topic upon which the person wishes to speak, not later than the call to order. Persons wishing to speak remotely during public comment must email, to the city's designated email, their name and address and the topic which the person wishes to speak, no later than 20 minutes prior to the call to order. This information shall be used to insure the minutes of the meeting properly reflect those persons who provided public comment.

3.12.C. Members of the public may speak about any topic during the last period for public comment, except as provided in H-5(d) of this rule.

3.12.D. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and ~~receives~~receive answers from the council or city staff.

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- 3.12.E. If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing
- 3.12.F. Speakers are limited to **three** minutes. Generally, the speakers will be called upon in the order in which they have signed in on the speaker's roster. Speakers shall identify themselves by their names and by their place of residence. Speakers may state their mailing address. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left in the **30-minute** period.
- 3.12.G. Should there be more speakers than can be heard for three minutes each during either of the 30-minute periods provided for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.

~~3.12.H. Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.~~

3.13 **Decisions.** The Council shall not make a decision on any item that affects the public, or any individual member of the public, unless the item is on the posted agenda, except in the case where an emergency is declared.

3.14 **Voting Generally.**

- 3.14.A. The vote on every motion shall be taken by roll call. Members shall not explain their votes during roll call. Names of voters in favor and against shall be entered in full upon the record. Any member of the Council may change his or her vote prior to the next order of business.
- 3.14.B. An affirmative vote of the majority of the full council eligible to vote shall be required to adopt ordinances, order appropriations, authorize loans, fill vacancies on the council, further reconsider a motion, or amend these Rules.
- 3.14.C. An affirmative vote of the majority of the Council present eligible to vote shall be required to adopt the consent calendar, adopt resolutions, and pass any motion before the Council other than those referred to above.
- 3.14.D. An affirmative vote of two-thirds of the Council present shall be required in the event of an emergency.

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- 3.14.E. Any other question before the Council may be decided by general agreement unless a motion is requested by any member of the Council.
- 3.15 **Duty to Vote.** When a question is taken, every member of the Council eligible to vote shall vote unless a Councilor states a valid reason to abstain or has a direct conflict of interest.
- 3.16 **Reconsideration of Actions Taken.** A Councilor who voted with the majority may move for a reconsideration of an action at the same or the next following regular meeting. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council eligible to vote.
- 3.17 **News Media.** The provisions of this ordinance shall not be construed to prevent news media representatives from performing their duties so long as the manner of performance is not unreasonably disruptive of the meeting. Any member of the news media which would like to receive copies of agendas or minutes of Council meetings shall request such copies in writing. There may be a charge for such copies.
- 3.18 **Standing Committees/Commissions/Boards.**
- 3.18.A. The Budget Committee, as required by state law, shall be a standing committee. It shall be subject to Local Budget Law, ORS 294.311-294.565.
- 3.18.B. The Planning Commission, required by state law, shall be a standing commission. It is subject to City Ordinance and any other ordinances and resolutions which may amend it.
- 3.18.C. There are no standing boards.
- 3.19 **Ad Hoc and Advisory Committees.**
- 3.19.A. The Council may establish ad hoc and/or advisory committees as needed. Each such committee shall be established by ordinance or resolution for a specific purpose. It shall have a deadline to accomplish its purpose and shall be considered dissolved when its purpose is accomplished. If such a committee needs additional time to complete its purpose it shall request additional time from the Council. A Councilor may serve as liaison to a committee, but may not chair or vote.
- 3.19.B. At the first meeting of such a committee the members shall select a Chairperson, select a Secretary, and set a meeting schedule. Written minutes of meetings should be delivered to City Hall within two weeks of each meeting or before the next meeting if scheduled for less than two weeks. It shall be the responsibility of each committee Secretary to see that notice is posted of each meeting at City Hall and the Post Office. The Secretary may ask City staff to do a posting.
- 3.19.C. All meetings held by such committees are subject to the Oregon Public Meetings Law ORS 192.610-192.990.

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- 3.20 **Appointing and Dissolving Committees, Commissions or Boards.** The Council may appoint and dissolve committees, commissions or boards as needed at their discretion.

Section 4. **Filling City Council Vacancy.** In the event of a Council member vacancy, the Council will follow the recruitment and appointment process and vacancy procedure below:

- 4.1 **Recruitment Process.** Notice of the recruitment will be advertised through the use of a news release, the City website, City social media channels, and any other outreach the City deems helpful to reaching a broad and diverse spectrum of community members who might be interested in applying.
- 4.2 **Application Process.** Candidates will be invited to complete a standard application with questions developed by the City Council together with the City Manager. Questions will be developed either at a public meeting and/or through individual Councilor feedback to the City Manager. Applicants will include a cover letter and resume. Application materials are considered public records.
- 4.3 **Interview Process (which may take place over multiple meetings).** All applicants will be invited to be interviewed for the available position, unless more than three applications are received.
- 4.3A. If more than three applications are received, the Council will discuss the desirability of screening the applications and narrowing the interview list to the top three candidates based on their written applications. If the Council opts to narrow the list, after discussion, each Council person shall complete a ballot ranking the candidates in order of their preference for first, second and third choice. Under-voting is not permitted. The top three candidates with the highest totals shall be selected for interviews
- 4.3B. Applications from those selected to interview will be published with the Council meeting packet for a regular or special public meeting. Candidates will be interviewed separately; those waiting for interviews will be asked to remain outside the room. All candidates will be asked the same interview questions; follow-up questions to clarify answers are permitted.
- 4.4 **Voting process.** After the conclusion of interviews, and any debate and discussion, the Council will vote using the process outlined below (which may take place over multiple meetings):
- 4.4A. Each member of Council will complete a ballot ranking the candidates in order of their preference for first, second, and third choice. Under-voting is not permitted. The ballots are tabulated. If one candidate receives a majority of first choice votes, they are instantly the winner. Ballots are considered public records.
- 4.4B. If no candidate receives a majority of first choice votes a second ballot will be held. The top three vote-getters according to the preferences listed on the

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ballots advance to the second ballot; the candidate(s) who received the fewest first choice votes are eliminated. For the second ballot, each member of Council will vote for their first and second choice candidate. If one candidate receives a majority of first choice votes on the second ballot, they are instantly the winner.

4.4C. If no candidate receives a majority of first choice votes in the second ballot round, the top two vote getters will advance to a third and ballot. For the third ballot, each member of Council will vote for their first choice candidate. If one candidate receives the majority of votes on the third ballot, they are instantly the winner.

4.4D. If there is a tie after three ballots, Council can choose to do additional ballots at the same meeting or at another noticed public meeting. At the conclusion of balloting, if successful, the Council will then make a motion and hold a vote to appoint the final candidate to the vacant position.

Section 5. Filling Budget Committee and Planning Commission Vacancies. In the event of a Budget Committee or Planning Commission Member Vacancy, the Council will follow the recruitment and appointment process and vacancy procedure in Section 4, excluding Section 4.3. Before proceeding with recruitment, the Council shall first consider reappointment of the incumbent.

Section 64. Ethics. Councilors are advised to be familiar with the ethics law, ORS Chapter 244. Each Councilor shall be provided a copy of the current publication, "A Guide for Public Officials", published by the Oregon Government Standards and Practices Commission.

Section 75. Severability. The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

From: Kristine Hayes <kristineforrockaway@gmail.com>

Sent: Thursday, May 25, 2023 7:49 AM

To: Charles McNeilly <charlesforrockawaybeachmayor@gmail.com>; Luke Shepard <luke Shepard@corb.us>; pennycheek <pennycheek@live.com>; Alesia Franken <alesiafrankenrbcitycouncil@gmail.com>; Mary McGinnis <marymcginniscitycouncil@gmail.com>; Tom Martine <tmartine13719@gmail.com>

Subject: Work session-agenda item

Good morning;

Please include this on our next agenda.

In our league of cities trainings, I have often heard of cities scheduling a yearly or even quarterly work weekend. They call them workshops, retreats, work sessions. It's a good good way for council members to keep update in duties, I think it's a good way for us to catch up and come up to date.

My thought is that we could schedule something in the late fall, early winter since we are coming into busy season now. This would also give new staff, time to acclimate and support that process.

Thank you, Kristine