



**CITY COUNCIL AND LOCAL CONTRACT REVIEW BOARD MEETING AGENDA**  
**Tuesday, January 20, 2015 - 6:00 P.M.**  
**Council Chambers**

The meetings of the Newport City Council and the Local Contract Review Board will be held on Tuesday, January 20, 2015, at 6:00 P.M. The meetings will be held in the Council Chambers of the Newport City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting to Peggy Hawker, City Recorder at 541.574.0613.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

**CITY COUNCIL MEETING AGENDA**  
**Tuesday, January 20, 2015**  
**Council Chambers**

*Anyone wishing to speak at a Public Hearing or on an agenda item should complete a Public Comment Form and give it to the City Recorder. Public Comment Forms are located at the entrance to the City Council Chambers. Anyone commenting on a subject not on the agenda will be called upon during the Public Comment section of the agenda. Comments pertaining to specific agenda items will be taken at the time the matter is discussed by the City Council.*

- I. Pledge of Allegiance**
- II. Call to Order and Roll Call**
- III. Public Comment**  
*This is an opportunity for members of the audience to bring to the Council's attention any item not listed on the agenda. Comments will be limited to three (3) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others*

**IV. Proclamations, Presentations, and Special Recognitions**

*Any formal proclamations or recognitions by the Mayor and Council can be placed in this section. Brief presentations to the City Council of five minutes or less are also included in this part of the agenda.*

- A. Recognition of Completion Community Emergency Response Team (C.E.R.T.) Certification (Dean Sawyer)

**V. Consent Calendar**

*The consent calendar consists of items of a repeating or routine nature considered under a single action. Any Councilor may have an item on the consent agenda removed and considered separately on request.*

- A. Approval of City Council Minutes from Organization, Final, Oath of Office, and Regular Meetings of January 5, 2015; and Joint City Council Meeting and Planning Commission Work Session of January 12, 2015 (Hawker)
- B. Confirmation of Mayor's Re-appointment of Michael Rickus for a Term Expiring 12/31/16 to Senior Citizen Advisory Committee
- C. Confirmation of Mayor's Appointments to Public Arts Committee of
  - 1. Cynthia Jacobi for a Term Expiring 12/31/18
  - 2. Bill Posner for a Term Expiring 12/31/18
  - 3. Tom Webb for a Term Expiring 12/31/18
- D. Acceptance of Resignation of
  - 1. Ginger Tibbles for a Term Expiring 12/31/15 from the Senior Citizen Advisory Committee.
  - 2. Thomas Knott for a Term Expiring 12/31/15 from the Airport Committee.

**VI. Public Hearing**

*This is an opportunity for members of the audience to provide testimony/comments on the specific issue being considered by the City Council. Comments will be limited to three (3) minutes per person.*

- A. Public Hearing and Possible Adoption of Ordinance No. 2058 - An Ordinance Repealing and Re-Enacting Chapter 4.15 of the Newport Municipal Code related to the Licensing of Taxicabs and Taxicab Drivers

**VII. Communications**

*Any agenda items requested by Mayor, City Council Members, City Attorney, or any presentations by boards or commissions, other government agencies, and general public will be placed on this part of the agenda.*

- A. From the Audit Committee - Status of the Audit for the 2013-14 Fiscal Year
- B. From HDR Design Engineer Verena Winter - Update on Big Creek Dam Study
- C. From City Attorney - Reconsideration and Possible Adoption of Ordinance No. 2073 as Amended - An Ordinance Repealing and Re-Enacting Chapter 4.05 of the Newport Municipal Code Relating to Business Licenses

**VIII. City Manager Report**

*All matters requiring approval of the City Council originating from the City Manager and departments will be included in this section. This section will also include any status reports for the City Council's information.*

- A. Consideration and Possible Adoption of Resolution No. 3703 - Adopting Amended Council Rules
  - B. Consideration and Possible Adoption of Resolution No. 3702 - Amending the Fees for Review of Land Use Actions
  - C. Introduction of Joseph Lease Building Inspector and Discussion on Departmental Changes
  - D. Status Report on Budget Schedule for 2015
  - E. Status Report on Financial Report for the Year Ending June 30, 2015
- 

**IX. LOCAL CONTRACT REVIEW BOARD MEETING AGENDA  
Tuesday, January 20, 2015  
City Council Chambers**

- A. Call to Order
  - B. Authorization to Award Contract to Central Coast Excavating for Sanitary Sewer Repair on Hwy 101 at NE 15<sup>th</sup> Street
  - C. Adjournment
- 

**X. Report from Mayor and Council**

*This section of the agenda is where the Mayor and Council can report any activities or discuss issues of concern.*

**XI. Public Comment**

*This is an additional opportunity for members of the audience to provide public comment. Comments will be limited to five (5) minutes per person with a maximum of 15 minutes for all items. Speakers may not yield their time to others.*

**XII. Adjournment**



January 5, 2015  
6:17 P.M.  
Newport, Oregon

The City Council of the City of Newport held an organizational meeting on the above date in the Council Chambers of the Newport City Hall. On roll call, Allen, Roumagoux, Swanson, Sawyer, Saelens, Engler, and Busby were present.

Staff present was City Manager Nebel, City Recorder Hawker, Community Development Director Tokos, Finance Director Murzynsky, Library Director Smith, Public Works Director Gross, Fire Chief Murphy, Parks and Recreation Director Protiva, and Police Chief Miranda.

### **ASSIGNMENT OF COUNCIL SEATS**

Nebel asked whether any sitting Councilor wanted to sit where former Councilor Beemer had sat. There were no takers, and the seat was assigned to newly-elected Councilor Engler.

### **ELECTION OF COUNCIL PRESIDENT**

Mayor Roumagoux opened nominations for Council President. Nebel noted that ballots had been prepared and would be used if necessary. The following nominations were made: Allen noted that he had initially proposed the rotation of the Council Presidency on an annual basis. He added that he, Sawyer, and Swanson had all served a year as Council President. Allen nominated Busby who accepted the nomination. Saelens nominated Swanson who accepted the nomination. Swanson reported that she had worked on the City Manager evaluation sub-group and other matters and would like to continue as Council President to complete some of the work that had begun when she served as Council President. Busby noted that he is happy to serve, and that he likes the rotation idea. Ballots were distributed, and the results were: voting for Swanson were Swanson and Saelens; and voting for Busby were Allen, Busby, Engler, Sawyer, and Roumagoux. Busby was elected Council President.

### **MAYORAL APPOINTMENTS OF COUNCIL LIAISONS TO CITY COMMITTEES AND TASK FORCES:**

Nebel reported the appointments to be made, including those of liaison to boards, committees, and task forces; and voting members of external committees. He added that the three business districts should be listed as non-city committees. He stated that Roumagoux has made appointments of non-voting Council liaisons, as outlined in the packet, to various internal and external groups. Nebel reported that the December 23 list is complete, but that there are some empty slots, and a discussion needs to occur regarding how to fill Beemer's position on the Lincoln County Solid Waste District, and the Local Public Safety Coordinating Committee. Sawyer expressed interest in serving on the Local Public Safety Coordinating Committee.

MOTION was made by Engler, seconded by Sawyer to confirm the Mayor's appointments of the following Council members, as non-voting liaisons, to various internal and external boards, commissions, committees, and task forces as presented in the appointment memorandum dated December 23, 2014, from Mayor Roumagoux to the City Council. The motion

**Retirement Board of Trustees**

Council Liaison: David Allen; (Mark Saelens - alternate)

**Airport Committee**

Council Liaison: Ralph Busby

**Library Board**

Council Liaison: Wendy Engler

**Parks and Recreation Advisory Committee**

Council Liaison: Mark Saelens; (Wendy Engler - alternate)

**Destination Newport Committee**

Council Liaison: Dean Sawyer; (Sandy Roumagoux - alternate)

**Senior Citizen Advisory Committee**

Council Liaison: Laura Swanson; (Sandy Roumagoux - alternate)

**Bicycle/Pedestrian Advisory Committee**

Council Liaison: Mark Saelens; (Sandy Roumagoux - alternate)

**Tourism Facility Grant Review Task Force**

Council Liaison: Dean Sawyer

**Public Arts Committee**

Council Liaison: Ralph Busby; (Wendy Engler - alternate)

**Wayfinding Committee**

Council Liaison: Mark Saelens; (Wendy Engler - alternate)

**City Employee Committee**

Council Liaison: Alternates Every Month Based on Council Availability

**City Emergency Preparedness Committee**

Council Liaison: Laura Swanson; (Dean Sawyer - alternate)

**Bayfront Parking Committee**

Council Liaison: Sandy Roumagoux

**Nye Beach Parking Committee**

Council Liaison: Wendy Engler

**City Center Parking Committee**

Council Liaison: Laura Swanson

**Nye Beach Merchants Association**

Council Liaison: Wendy Engler

**Bayfront Association**

Council Liaison: Sandy Roumagoux

**City Center Newport Association**

Council Liaison: Laura Swanson

**MAYORAL APPOINTMENTS OF COUNCIL MEMBERS  
AS LIAISONS TO EXTERNAL GROUPS:**

**Visual Arts Center Steering Committee**

Council Liaison: Mark Saelens

**Lincoln County School District**

Council Liaison: Dean Sawyer

**Port of Newport**

Council Liaison: Ralph Busby; (David Allen - Alternate)

**Oregon Coast Community College**

Council Liaison: Sandy Roumagoux

**ODOT quarterly meetings**

Council Liaison: Sandy Roumagoux

**FINE (Fishermen Involved in Natural Energy)**

Council Liaison: David Allen (Sandy Roumagoux - alternate)

**Mombetsu Sister City Ad Hoc Committee**

Council Liaison: Laura Swanson

MOTION was made by Allen, seconded by Swanson, to appoint Mark Saelens as an alternate to the City Manager's Evaluation Quality Review Team. The motion carried unanimously in a voice vote.

**MAYORAL APPOINTMENTS OF COUNCIL MEMBERS  
AS VOTING MEMBERS TO INTERNAL COMMITTEES OR GROUPS:**

**Audit Committee**

Members: David Allen; Laura Swanson; (Mark Saelens - Alternate) - Terms expire on December 31, 2015

**City Manager's Evaluation Quality Review Team**

Members: Mayor; Council President; (Mark Saelens - Alternate)

**COUNCIL APPOINTMENTS OF  
VOTING MEMBERS TO OUTSIDE GROUPS:**

**Cascades West Council of Governments**

MOTION was made by Allen, seconded by Saelens, to appoint Sawyer as the City of Newport City Council voting member of the Cascades West Council of Governments, with Busby as the alternate. The motion carried unanimously in a voice vote.

**Cascades West Area Commission on Transportation**

It was noted that Sawyer is the city's voting member of the CWACT, with Busby as the alternate, and the term expires on December 31, 2015.

**Lincoln County Solid Waste Advisory Committee**

MOTION was made by Busby, seconded by Sawyer, to appoint Engler as the city's voting member to the Lincoln County Solid Waste Advisory Committee, with Allen as the alternate. The motion carried unanimously in a voice vote.

**Oregon Coastal Zone Management Association**

MOTION was made by Saelens, seconded by Swanson, to appoint Allen as the city's voting member to the Oregon Coastal Zone Management Association. The motion carried unanimously in a voice vote.

**Local Public Safety Coordinating Council for Lincoln County**

MOTION was made by Allen, seconded by Saelens, to appoint Swanson as the city's voting member to the Local Public Safety Coordinating Council, with Sawyer as the alternate. The motion carried unanimously in a voice vote.

**SET TWO-YEAR MEETING SCHEDULE**

Nebel reviewed the proposed two-year meeting schedule. Allen noted that an additional meeting, or more, may be needed in the months with only one scheduled meeting.

MOTION was made by Busby, seconded by Swanson, to approve the 2015 and 2016 meeting schedules, including the 2017 organizational meeting as outlined in the schedules contained in the packet, with all regular meetings beginning at 6:00 P.M., in the City Council Chambers, with Town Hall meetings scheduled at alternate locations.

**ADJOURNMENT**

Having no further business, the meeting adjourned at 6:36 P.M.

\_\_\_\_\_  
Margaret M. Hawker, City Recorder

\_\_\_\_\_  
Sandra N. Roumagoux, Mayor



January 5, 2015  
6:00 P.M.  
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Allen, Beemer, Roumagoux, Swanson, Sawyer, Saelens, and Busby were present.

Staff present was City Manager Nebel, City Recorder Hawker, Community Development Director Tokos, Finance Director Murzynsky, Public Works Director Gross, Parks and Recreation Director Protiva, and Police Chief Miranda.

### **PLEDGE OF ALLEGIANCE**

Council, staff, and the audience participated in the Pledge of Allegiance.

Roumagoux introduced Steve Rich, the newly-hired City Attorney.

### **APPROVAL OF CITY COUNCIL MINUTES FROM THE REGULAR MEETING, WORK SESSION, AND EXECUTIVE SESSION OF DECEMBER 1, 2014, AND THE SPECIAL MEETING AND EXECUTIVE SESSION OF DECEMBER 9, 2014**

Hawker introduced the agenda item. MOTION was made by Beemer, seconded by Allen, to approve the City Council minutes from the regular meeting, work session, and executive session of December 1, 2014, and the special meeting and executive session of December 9, 2014, with the changes to the minutes as noted by Allen and Swanson. The motion carried unanimously in a voice vote.

### **RECOGNITION OF COUNCILOR DR. RICHARD BEEMER'S SERVICE TO THE CITY OF NEWPORT**

Roumagoux recognized Beemer for his service to the city as a Councilor. She also recognized Beemer for his other volunteer work for the city. Allen stated that he appreciates time, effort, and insights that Beemer offered, and noted that his presence will be missed on the City Council. Busby reported that Beemer got him interested in service on Council, and added that he appreciates everything Beemer has done for the city. Swanson noted that she appreciates all the side conversations. Saelens stated that he had always know of Beemer, but during his tenure on the City Council, he got to see examples of Beemer's depth of knowledge, commitment, and wisdom. Sawyer thanked Beemer for his efforts and particularly with Safe Haven Hill and parks and trail issues. Roumagoux presented Beemer with a plaque for his service.

### **ADJOURNMENT**

Having no further business, the meeting adjourned at 6:06 P.M.

---

Margaret M. Hawker, City Recorder

---

Sandra N. Roumagoux, Mayor

January 5, 2015  
6:30 P.M.  
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Allen, Roumagoux, Swanson, Sawyer, Saelens, and Busby were present.

Staff present was City Manager Nebel, City Recorder Hawker, Community Development Director Tokos, Finance Director Murzynsky, Public Works Director Gross, Parks and Recreation Director Protiva, and Police Chief Miranda.

#### **OATH OF OFFICE FOR NEWLY-ELECTED MAYOR AND COUNCILORS**

Hawker administered the oath of office to the newly-elected Mayor, Sandra Roumagoux, and newly-elected City Councilors David Allen, Mark Saelens, and Wendy Engler.

#### **ADJOURNMENT**

Having no further business, the meeting adjourned at 6:40 P.M.

---

Margaret M. Hawker, City Recorder

---

Sandra N. Roumagoux, Mayor



January 5, 2015  
6:50 P.M.  
Newport, Oregon

The City Council of the City of Newport met on the above date in the Council Chambers of the Newport City Hall. On roll call, Allen, Roumagoux, Swanson, Sawyer, Saelens, Engler, and Busby were present.

Staff present was City Manager Nebel, City Recorder Hawker, Community Development Director Tokos, Finance Director Murzynsky, Library Director Smith, Fire Chief Murphy, Public Works Director Gross, Parks and Recreation Director Protiva, and Police Chief Miranda.

### **PUBLIC COMMENT**

Rex Capri reviewed the recommendations that he brought before Council a few months ago, including the resurfacing of NE 3<sup>rd</sup> Street from Harney Street to the entrance to the cemetery, and sidewalk infill on NW Nye Street from Olive Street to 15<sup>th</sup> Street. It was noted that both projects will be looked at as a part of the budgeting process. Allen recommended that Capri address the Budget Committee about these two items.

Roumagoux commended the Police and Fire Departments for heroic and successful efforts on December 26 in averting a possible suicide on the bridge. She also commended the Public Works Department for the speedy removal of the recent landslide on Naterlin Drive.

### **CONSENT CALENDAR**

The consent calendar consisted of:

A. Confirmation of Mayor's re-appointments to various city committees as follows:

#### **Library Board**

(4 year term - ending 12/31/18)  
Evonne Mochon-Collura

#### **\*Parks and Recreation Committee**

(2 year terms - ending 12/31/16)  
Jennie Scarborough  
Karen Smith  
Alisha Kern  
Ed Simon  
Fred Springsteen

**\*Destination Newport**

(1 year terms - ending 12/31/15)

John Clark  
Ric Rabourn  
Lorna Davis  
Carrie Lewis  
Judy Kuhl as Lodging  
Steve Beck

**\*Senior Advisory Committee**

(1 year terms - ending 12/31/15)

Donna Fogarty  
Eldon Miller

Budget Committee - Patricia Patrick 12/31/17

Please note this leaves vacancies on several committees which are as follows:

**\*Budget Committee**

(1 year terms - ending 12/31/17)

1 vacancy

**\*Parks and Recreation Committee**

(2 year terms - ending 12/31/16)

2 vacancies

**\*Destination Newport Committee**

(1 year terms - ending 12/31/15)

1 vacancy-retail

**\*Senior Advisory Committee**

(2 year terms - ending 12/31/16)

2 vacancies

**Wayfinding Committee**

(2 year terms - ending 12/31/15)

1 vacancy - Agate Beach

It was noted that there are four vacancies on the Public Arts Committee, and one vacancy on the Airport Committee.

MOTION was made by Allen, seconded by Swanson, to confirm the Mayor's re-appointments to the Library Board, Parks and Recreation Committee, Destination Newport Committee, and Senior Advisory Committee as outlined in this report contained in the packet. The motion carried unanimously in a voice vote.

## PUBLIC HEARING

Public Hearing and Possible Adoption of Ordinance No. 2075 - an Ordinance Amending the Electronic Sign Code on Public Property. Hawker introduced the agenda item. Nebel reported that the Oregon Coast Council for the Arts has expressed their desire to utilize electronic message signs to promote activities occurring at the Performing Arts Center. He added that the electronic signs would replace existing display panels that are located at the corner of Olive and Coast Streets, which are hand-painted signs that have to be swapped out manually.

Nebel reported that the current zoning for the Performing Arts Center is P-1 "Public Structures," and that the current zoning ordinance does not permit electronic message signs on publicly zoned property. He stated that on September 2, the City Council heard the request from the Oregon Coast Council for the Arts, and elected to initiate amendments to the Municipal Code, by referring this matter to the Planning Commission for consideration. He noted that the Planning Commission has held an initial work session on this matter, and a public hearing on November 10 on this request. He stated that there was no opposition expressed to the proposed zoning change. He added that on November 24, the Planning Commission recommended that the Council approve the legislative change allowing electronic signs on publicly zoned property.

Nebel reported that the amendment includes standards for electronic message signs on publicly zoned properties that are the same as those currently in existence for commercial and industrial areas, with the exception that electronic signs on public property are not prohibited within the Nye Beach Design Review District. He stated that commercial and industrial signs would still be prohibited within the Nye Beach Design Review District. He added that electronic signs must be turned off between the hours of 11 P.M. and 6 A.M.; cannot display animated moving video, flashing, or scrolling messages; and must maintain the imagery for periods of time in excess of five minutes before changes occur. He stated that the Planning Commission recommends consideration of the ordinance by the City Council.

Roumagoux opened the public hearing on Ordinance No. 2075 at 7:03 P.M. She called for public comment.

John Lavrakas spoke in support of the ordinance.

Catherine Rickbone spoke in support of the ordinance.

Bo Harrington spoke in support of the ordinance.

Roumagoux closed the public hearing at 7:10 P.M. for Council deliberation.

Saelens noted that he supports the sign being turned off at night from 11 P.M. until 6 A.M. or at the cessation of an event.

Sawyer expressed support for the ordinance.

Busby expressed support for the ordinance.

Engler expressed support for the ordinance, but noted concern about the five-minute minimum for postings. She suggested revisiting the five-minute time limit.

Allen noted that the five-minute time limit was enacted by a previous Council, but the intent was to revisit the issue and possibly adjust the time limit. Nebel added that the ordinance could be approved and the timing issue discussed at a future meeting.

Allen asked whether Rich had reviewed the ordinance before it was placed in the packet. Rich noted that his major concern was that the ordinance not have a content

focus, and that it did not. It was suggested that a signature line for Rich to approve the ordinance as to form be added. Allen noted that Council has yet to resolve what is meant by “approved as to form.” It was suggested that this issue be addressed separately along with the model of communication with the City Attorney, and that this be done at a future work session.

Swanson stated that she was uncomfortable voting on this as she had not read the packet. MOTION was made by Saelens, seconded by Sawyer, to grant Swanson’s request to abstain from voting at this meeting since she had not had an opportunity to read the packet. The motion carried unanimously in a voice vote.

MOTION was made by Sawyer, seconded by Saelens, to read Ordinance No. 2075, an ordinance amending the Newport Municipal Code relating to electronic message signs, by title only and placed for final passage. The motion carried unanimously in a voice vote. Hawker read the title of Ordinance No. 2075. Voting aye on the adoption of Ordinance No. 2075 were Engler, Roumagoux, Allen, Busby, Sawyer, and Saelens. Swanson abstained.

**Public Hearing and Possible Adoption of Ordinance No. 2073 - an Ordinance Repealing and Re-Enacting Chapter 4.05 of the Newport Municipal Code Related to the Licensing of Businesses.** Hawker introduced the agenda item. Nebel reported that the City Council held a public hearing on November 17, 2014, to allow for comments to be made on the proposed modifications to the business license code. He stated that no public comments were made at that hearing. He added that the Council delayed action until after the first of the year to allow City Attorney Steve Rich to review the draft ordinance, and any public comments made before having the Council approve any changes. He noted that the City Council established a Business License Work Group more than a year ago to review and modify the city’s business license ordinance. He noted that Busby has chaired this effort, and that the Business License Work Group provided updates to the City Council on efforts to clarify certain provisions of the business license ordinance as part of this process.

Nebel reported that the packet contains the revisions to the city’s business license code. He stated that the changes address a range of issues that can be found in the marked-up version of the code included in the packet. He added that these changes are also reflective of a review of 18 other business license ordinances from across the state. He noted that Tokos will review these changes with the City Council.

Nebel reported that since the November meeting, there has been dialogue with Dennis Bartoldus regarding the impacts of the business licensing ordinance on the Embarcadero. He stated that as a result of these discussions, a modification was made to the language that clarifies the licensing requirement for condominium or townhouse development. He added that in these cases, those units managed by a single entity, pursuant to a covenant or other binding legal instrument, will be treated as a single business unit. He noted that any units not under this level of control by the managing unit would require separate business licenses. He added that this allows the city to treat these units as hotels and motels for purposes of annual health and safety inspections, since these agreements would provide the management firm the right to have access and manage the units similar to a hotel/motel facility. He stated that for those units that do not fall under this type of a management relationship, a separate business license would be required for the rental of that unit.

Nebel reported that Rich has reviewed the business license code revisions and has no objections to the City Council proceeding with approval of this revision.

Roumagoux opened the public hearing on Ordinance No. 2073 at 7:21 P.M. She called for public comment.

Dennis Bartoldus appeared before Council representing the Embarcadero Unit Owners Association. He stated that he is fine with the ordinance language. He added that he has talked with Tokos and Rich, and understands that if owners rent through an agency that has been set up through the Unit Owners Association, that these units would qualify for the exemption. He stated that the Embarcadero has existed since the 1970's, and that the declarations provide that owners can rent through the Unit Owners Association or other association. He added that owners renting through the Unit Owners Association would have a contract stating that they only rent through the Unit Owners Association and no one else, and if renting through the Association, those units would fall under the Association's business license. He noted that he understands that unit owners renting otherwise will obtain their own business license. Rich noted that this is not an exemption, but a provision. Bartoldus added that the Association is working on the inspection requirement. He agreed to continue to try to address the inspection and compliance issues.

Roumagoux closed the public hearing at 7:28 P.M. for Council deliberation.

Allen noted that item G. is not an exemption and asked whether it should be kept under exemption, or another category be created. Rich noted that the record is abundantly clear, and it means just one license. Allen asked whether the Embarcadero will be providing ongoing documentation to the city related to who is renting through the Association, and whether the city would be apprised of updates throughout the year. Bartoldus confirmed that this information would be provided to the city.

Allen recommended consistency among penalty provisions in the code. Nebel reported that staff is developing a comprehensive fee schedule for the city. Allen reiterated that the issue relates to penalty amounts rather than fees.

MOTION was made by Sawyer, seconded by Saelens, to read Ordinance No. 2073, an ordinance repealing and replacing the City of Newport Business License Code, by title only and placed for final passage. Allen stated that he would vote in favor of the ordinance, but voiced concern regarding the penalty provision. The motion carried in a voice vote with Swanson abstaining. Hawker read the title of Ordinance No. 2073. Voting aye on the adoption of Ordinance No. 2073 were Sawyer, Saelens, Allen, Engler, Roumagoux, and Busby. Swanson abstained. Allen reminded staff to add a signature line for the City Attorney's approval as to form.

**Public Hearing and Possible Adoption of Ordinance No. 2058 - an Ordinance Repealing and Re-Enacting Chapter 4.15 of the Newport Municipal Code Related to the Licensing of Taxicabs and Taxicab Drivers.** Hawker introduced the agenda item. Nebel reported that in the fall of 2013, the City Council initiated discussions on modifying the application process for taxicab licensing. He stated that former City Attorney, Rob Connell, had recommended this process not occur at that time since there was a pending application under the old ordinance. He noted that as a result, the revisions were put on hold for a period of time. He stated that after repeated contacts, the applicant did not respond to the city's request regarding the status of their original application. He noted that the taxicab ordinance was reviewed by the Business License

Work Group, and that modifications were made prior to submitting it to the Council. He stated that a public hearing was held in November, by the City Council, on the proposed revisions to the taxicab licensing ordinance. He added that following that public hearing, the Council opted to hold on any action on this ordinance until Rich could review the ordinance. He stated that Rich has since reviewed the ordinance, made several minor changes to the ordinance, and that it was previously reviewed by Speer Hoyt.

Nebel reported that the most significant change to this ordinance is shifting the administration of the issuance of taxicab endorsements from a Council action to an administrative action. He stated that under the existing code after an application is filed, the City Manager is required to complete an investigation of the applicant and submit to the Council a recommendation for allowance or denial of the application. He noted that currently, the City Council is required to conduct a public hearing as to whether to grant the endorsement, and the applicant is responsible for all costs of publishing notice of the hearing. He added that the Council is required to determine the financial responsibility of the applicant; determine that the color scheme of the taxis does not conflict with any currently operating taxis; and other specific issues. He stated that the proposed ordinance deregulates this aspect of the licensing process, and treats a taxicab business license as an administrative function provided the applicant meets the minimum criteria of the ordinance.

Nebel reported that there were also several changes to address temporary taxicabs. He stated that temporary taxicabs go through the same screening process as regular cab license requests. He added that they are required to provide the same dollar amount of insurance on their vehicles, but are exempted from the equipment requirements for permanent taxicab companies. He noted that temporary taxicab driver permit holders are exempted by the requirements that require an inspection by an automobile mechanic to certify the vehicle is in safe operating condition.

Nebel reported that Rich has reviewed the draft ordinance. He stated that one of the issues raised by Speer Hoyt was whether the city wanted to specifically license taxicabs due to the possible exposure to liability should the city not follow through with its requirements under this ordinance. He added that Rich has reviewed this with CIS, and it is his conclusion, that while some risk is created by the city anytime it regulates an activity, but that based on previous litigation in this area, it is his opinion that while there is some risk to the city, the risk is minimal. Rich noted that he talked with Speer Hoyt and Allen. He added that there is minimal risk that can be mitigated with internal administrative procedures.

Roumagoux opened the public hearing at 7:40 P.M. She called for public comment. There was none. She closed the public hearing for Council deliberation at 7:41 P.M. Allen asked whether staff had communicated with Yaquina Cab, and it was noted that Yaquina Cab had been notified of this hearing and had received a copy of the draft ordinance. Allen stated that he could not support the ordinance unless several issues were resolved, including the timeline and process for denial and appeal that appears in various sections, and the penalty provision. It was agreed that the City Attorney will revise the ordinance and bring a revised draft to the next meeting

MOTION was made by Allen, seconded by Sawyer, to refer the draft taxicab ordinance back to city staff, including the City Attorney, to make adjustments consistent with what was discussed tonight, and to look at the vending endorsement ordinance to

make both consistent with the business license ordinance because they are a package under the code. The motion carried with Swanson abstaining.

## COMMUNICATIONS

**From Thompson's Sanitary Service on the Curbside Composting Program.** Hawker introduced the agenda item. Nebel reported that Thompson's Sanitary Service will present an update on the implementation of the curbside composting program for the city. He noted that this program was implemented in July after a significant amount of public dialogue and debate. He stated that as a result at the public comments, an option was created for residents, who generate minimal solid waste, to opt out of the composting component. He added that this evening, Thompson's will give an update on their experience in initiating this new program.

Nebel reported that at the time of implementation, there was discussion regarding the development of a citizen survey on the program. He stated that this has not been done as of this date, and that Council may want to discuss this and provide further direction to the staff on how to best proceed with this survey.

Rob Thompson, and Ken Riley, from Thompson's Sanitary Service, and Joe Cook (working with Thompson's and other haulers in Lincoln County) appeared before Council. Cook reported that the curbside compostables carts were delivered in July with the first pick-up occurring on July 14. He added that Resolution No. 3665 included two benchmarks to measure success, and that at this time, he has 24 weeks of data to share. He noted that he believes that the program is successful in terms of participation and volume collected. He stated that the first benchmark is for diversion, and the second benchmark was for active participation. He added that the program achieved a 23.1% diversion rate based on the total affected waste stream. He noted that at least 85% of customers are placing the cart at the curb monthly, with the average customer placing the cart at the curb 1.46 times monthly. Cook responded to Council questions and comments. Sawyer asked about the restaurant and commercial component of the program, and Riley noted that Thompson's has begun a pilot program that includes seven or eight restaurants, and that the program is working well. Sawyer asked for commercial statistics when Thompson's reports on the program in the future. Allen asked whether everyone who opted out went with the smaller cart, and whether that would necessitate some adjustments in the rate review next year. Allen raised the issue of the questionnaire that was to be developed jointly by the city and Thompson's. He asked how to proceed, and who from the City Council, if anyone should assist in the questionnaire development. Nebel reported that staff had discussed the questionnaire earlier today, and suggested utilizing MindMixer to develop questions that could solicit responses on the system. He added that if Council thinks this is appropriate, staff could develop the questions and bring them to Council for review. Gross reviewed the MindMixer software program noting that it would be easy to use MindMixer for this questionnaire, and to include information with utility bills. Nebel reported that staff will work on this and bring the questions back to the City Council for review.

## CITY MANAGER REPORT

**Approval of Amendment No. 1 to the Pacific Coast National Scenic Byways - Agate Beach Wayside Contract.** Hawker introduced the agenda item. Nebel reported that in 2011, the city and Lincoln County funded a series of design charrettes to develop a concept for how the Agate Beach Wayside could be improved to better serve tourists, the local community, and the neighborhood. He stated that the information collected was the basis for a Federal Highway Administration Scenic Byways Grant application which was submitted later that year. He noted that the city was informed in 2012 that the project was going to be funded through ODOT, and that it was not until September of this year that ODOT hired the consulting firm, OTAK, to design and prepare the bid documents for this project.

Nebel reported that there have been two meetings with various stakeholders regarding this project in November and December of last year. He stated that at the most recent meeting, property owners and stakeholders were shown several scenarios which could be used as part of the final design for this project, and that attendees were asked to use sticky notes to place their preferences, concerns, and ideas on the various preliminary plans that have been developed for this project. He noted that the most significant issue relates to one-way versus two-way traffic on NW Gilbert Way, and that property owners are divided on this issue. He added that from a logistical standpoint, two-way traffic seems to provide the best scenario to address the various issues in this neighborhood. He added that those not favoring two-way traffic are trying to restrict traffic flow through their neighborhood, and in doing this, vehicles pull into the neighborhood and have no access out of the neighborhood other than trying to execute a turnaround in someone's driveway and pulling back out. He stated that if there was two-way traffic, then traffic would flow both ways through the area. He added that the other significant issue is access to the beach. He noted that there are a number of property owners who would prefer that the current access be eliminated, and that surfers be forced over to the Lucky Gap Trail for access to the beach. He stated that providing safe access is a requirement of this grant and the project proposes to improve the permanent trail that runs to the north of Lucky Gap Trail, since this is the pathway that is used by surfers to access the beach. He noted that an alternate trail was suggested that will also be evaluated; however, based on geological issues at that site, it appears there would be significant challenges in creating a trail at the suggested alternate location.

Nebel reported that while this project will certainly continue to have a variety of conflicting opinions among neighbors, it is critical to improve the wayside, expand parking in the wayside area, construct the restrooms, and create a safe way for surfers to access Agate Beach. He added that it is apparent that better directional signage is needed since many tourists get stuck in this neighborhood thinking they will have either beach access or an ocean view. He noted that there were alternate methods suggested for those who drive through the area to check out the surf to determine whether they want to surf at Agate Beach on that particular day. He added that it was suggested that a livecam and monitor on the wall of the restroom facility could reduce the number of people that try to drive through the neighborhood to get the best view of the conditions at Agate Beach.

Nebel reported that since ODOT did not retain a design professional until September of last year, it is necessary for the Council to consider approving an amendment to the original agreement creating new milestone dates of September 30, 2015, for the obligation of funds with completion by September 15, 2016.

MOTION was made by Saelens, seconded by Sawyer, to approve Amendment No.1 to the Scenic By-Way Program Project Agreement for the Pacific Coast National Scenic By-Way Agate Beach Wayside Project in the City of Newport, and authorize the Mayor to execute the amendment. The motion carried unanimously in a voice vote with Swanson abstaining.

**Approval of Amendment No. 3 (28487) for the Local Agency Agreement, Flexible Funds Program 2011 for the Highway 101 Pedestrian Safety Improvement Project.** Hawker introduced the agenda item. Nebel reported that the Highway 101 Pedestrian Safety Improvement Project continues to move forward. He stated that ODOT has indicated that the total project cost estimate for these crossings will require a \$36,000 increase in project funds. He added that based on the city's significant increase in its local commitment, the ODOT Bicycle and Pedestrian Program is fronting the entire \$36,000 to meet the project cost estimate. He noted that in order to proceed, it is necessary for the City Council to accept an increase in the ODOT funding of \$36,000.

MOTION was made by Engler, seconded by Allen, to approve Amendment No. 3 for the Local Agency Agreement, Flexible Funds Program 2011 for the Highway 101 Pedestrian Safety Improvement Project, and authorize the Mayor and City Manager to sign the amendment on behalf of the City of Newport. The motion carried in a voice vote with Swanson abstaining.

**Consideration of Resolution No. 3701 - Supporting an Application to the Bureau of Reclamation for a SMARTWater Grant for the Automatic Meter Interface (AMI) System.** Hawker introduced the agenda item. Nebel reported that Gross, in conjunction with Chase Park Grants, has been coordinating the development of a grant application for up to one million dollars to fund the city's automated meter reading conversion project. He stated that the cost share on this grant is 50 percent or \$500,000 of the \$1,000,000 requested in the application. He noted that the grant application is due on January 14, 2015.

Nebel reported that he appreciates the efforts of Gross, and Tia Cavender, of Chase Parks Grants, to identify this particular grant program to meet this need as previously identified in the budgeting processes.

Allen noted that there is more detail in the fiscal notes, and asked whether any more money would need to be spent. Gross noted that the city would not spend any more money that it planned to spend.

MOTION was made by Sawyer, seconded by Engler, to adopt Resolution 3701, Requesting Funding for the US Department of Interior, Bureau of Reclamation for a "SMARTWater" grant in the amount of \$1 million for the city's automated meter reading system. The motion carried in a voice vote with Swanson abstaining.

**Approval of a Special Event Permit for the 2015 Seafood and Wine Festival - Greater Newport Chamber of Commerce.** Hawker introduced the agenda item. Nebel reported that the Seafood and Wine Festival will be held on February 19, 20, 21, and 22, 2015.

He stated that the City Council has developed a process to consider a waiver of a portion of the expenses incurred by the city to host this type of event. He added that the costs incurred are from the Police, Public Works and Fire Departments, with the total expenses incurred by the city to support this event being \$14,101. He noted that a contribution of 35% of this amount would equal \$4,935 being paid for by room tax funds, with the balance of \$9,166 being invoiced to the Chamber of Commerce. He added that this is certainly a major community event, and he expressed appreciation for the time, energy, and resources that the Greater Newport Chamber of Commerce invests in hosting this annual festival.

MOTION was made by Sawyer, seconded by Saelens, to approve a special event fee waiver request for the 2015 Seafood and Wine Festival in the amount of 35% of the estimated total city costs, or \$4,935 with these funds being transferred from the Transient Room Tax Fund to the General Fund, with the balance of the cost being invoiced to the Greater Newport Chamber of Commerce, subject to the conditions outlined in the report contained in the packet. The motion carried in a voice vote with Swanson abstaining.

### LOCAL CONTRACT REVIEW BOARD

The City Council met as the Local Contract Review Board, at 8:25 P.M., to consider the following item:

**Approval of Scope of Work with The Automation Group (TAG) for SCADA Integration at the Lakewood Hills and SE 40<sup>th</sup> Street Pump Station.** Hawker introduced the agenda item. Nebel reported that in the past fiscal year, the city implemented the first project of the SCADA System Master Plan that was developed by Civil West Engineering in February of 2012. He noted that a SCADA System (Supervisory Control and Data Acquisition) creates a centralized system to monitor and control various stations and processes within a city's water distribution system. He added that in order to proceed with the next step to implementing the study, Gross is recommending that the city proceed with the new Lakewood Hills water pump station, as well as the pump station located at SE 40<sup>th</sup> Street in South Beach. He stated that both of these stations have fiber optic connectivity and proceeding to include them in the SCADA System will allow for more centralized monitoring and control of these facilities.

MOTION was made by Sawyer, seconded by Engler, to authorize the City Manager to execute the agreements with The Automation Group for SCADA Integration Services for the Lakewood Hills Water Pump Station in the amount of \$24,880 and for the SE 40<sup>th</sup> Street Water Pump Station in the amount of \$24,770. The motion carried in a voice vote with Swanson abstaining.

### CITY COUNCIL MEETING

The City Council returned to its regular meeting at 8:27 P.M.

## REPORT FROM MAYOR AND COUNCIL

Nebel announced that the city had received a letter notifying it that a \$1.5 million grant had been awarded for stabilization and geo-technical work at the fire station.

Roumagoux reported that she attended the employee appreciation dinner at the Aquarium on December 19.

Roumagoux reported that she attended Canine Officer Eyan's retirement party.

Sawyer reported that he attended the COG Board of Directors meeting in early December, at which the executive director received a favorable evaluation. He added that a deputy director position was added.

Sawyer reported that he attended the recent City Employees Committee meeting at which a major topic of discussion was the City Hall toilet paper.

Saelens reported that he attended the employee appreciation dinner at the Aquarium.

Saelens reported that he participated in a radio program on December 23 regarding the VAC steering committee process.

Saelens noted that Newport had particularly attractive holiday decorations.

Swanson reported that she attended the Fire Department's live fire practice burn. She noted that it was an astounding and impressive experience.

Busby reported that he attended the employee appreciation dinner at the Aquarium.

Busby suggested that in support of the University of Oregon Ducks upcoming football game, that all traffic lights in the city be blinking green and yellow.

Nebel reported that Tokos polled the Planning Commissioners regarding their availability to meet at noon on January 12 rather than 6:00 P.M., and they are all available. City Councilors indicated their availability at this time, so the joint work session with the City Council and Planning Commission was changed to noon on Monday, January 12. Go Ducks!!

Engler reported that she attended the employee appreciation dinner.

Allen reported that he attended the employee appreciation dinner.

Allen noted that there are two issues related to the City Attorney: one is the resolution regarding communication with the City Attorney, and the need to update the document based on having an in-house City Attorney; and the other issue is the meaning of "approved as to form." He also suggested including Rich as part of the City Council e-mail distribution list. Staff agreed to follow-up.

Allen asked whether Council wished to establish a timeframe in which a work session on SDCs would occur. Tokos noted that this matter is tentatively scheduled for mid-February.

Allen noted that it would be nice to have an agenda item and report on the potential creation of a URA advisory committee. Nebel noted that this issue can be discussed at the upcoming work session on Monday.

Allen reported that he attended the Retirement Board meeting in early December. He noted that he left the booklet, provided by West Coast Trust, in the Council office for other Councilors to review. He added that the next meeting will be held at the end of this month, and Nebel will have a report in January.

Allen reported that he attended a Port of Newport meeting on December 16. He noted that he is the alternate Council representative to this group.

Allen reported that the Audit Committee will be meeting next week in preparation for presenting the audit report at the next Council meeting. He asked Nebel for an update on the audit. Nebel reported that the chief auditor at the firm had resigned, and that there will be a delay in getting everything filed. He noted that the city worked diligently to provide the information to the auditor's in a timely manner, and the delay this time is external rather than internal.

Miranda asked Council to stay after this meeting for a new group photograph.

### ADJOURNMENT

Having no further business, the meeting adjourned at 8:47 P.M.

---

Margaret M. Hawker, City Recorder

---

Sandra N. Roumagoux, Mayor

# CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda #: V.B.  
Meeting Date: January 20, 2015

## Agenda Item:

**Confirmation of Mayor's Re-appointment of Michael Rickus to the Senior Citizen Advisory Committee for a Term Expiring 12/31/16.**

## Background:

Mayor Roumagoux has re-appointed Michael Rickus to the Senior Citizen Advisory Committee for a term expiring 12/31/16 subject to confirmation by City Council.

## Recommended Action:

I recommend that the City Council re-appointed Michael Rickus to the Senior Citizen Advisory Committee for a term expiring 12/31/16 as part of the consent calendar

## Fiscal Effects:

None.

## Alternatives:

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. Nebel".

Spencer R. Nebel  
City Manager



# CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda #: V.C.  
Meeting Date: January 20, 2015

## Agenda Item: Confirmation of Mayor's Appointments to the Public Arts Committee

### Background:

The city has received three application to serve on the Public Arts Committee from Cynthia Jacobi, Bill Posner, and Tom Webb in all cases the terms will expire on December 31, 2018. Mayor Roumagoux wishes to appoint Cynthia Jacobi, Bill Posner, and Tom Webb to the Public Arts Committee for terms expiring 12/31/18 subject to confirmation by the City Council.

### Recommended Action:

I recommend that the City Council confirm the appointed Cynthia Jacobi, Bill Posner, and Tom Webb to the Public Arts Committee for a term expiring 12/31/18 as part of the consent calendar.

### Fiscal Effects:

None.

### Alternatives:

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel  
City Manager



Date: 1.12.15

**Application  
For  
City of Newport  
Committee Appointment**

Which committee are you interested in serving on (list in priority order if you are interested in multiple committees): \_\_\_\_\_

Public Art Works

Name: Cynthia Jacobi

Address: Newport OR 97365

Telephone Numbers: Cell: \_\_\_\_\_ Home: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Occupation: Retired

Employer: \_\_\_\_\_

(1) Why would you like to serve on a City of Newport committee?

*I am interested in the beautification of Newport by incorporating art elements in public areas.*

(2) What is your educational and professional background?

*Career: Certified Registered Nurse Anesthetist, B.S.N.  
professional artist, co-owner for Art Fake Gallery*

(3) Have you ever served on a community committee? If so, what kind?

*100% public art*

Continued on reverse...

(4) Do you agree with consensus decision making?

*yes - it is useful for complex issues to solve problems ensuring all views are considered*

(5) Are you willing to attend regularly scheduled meetings for the term of appointment?

*yes*

(6) Would you make decisions based on the facts and standards even though you may not agree with the ultimate decision?

*yes*

(7) Do you anticipate having any conflicts of interest, due to personal and/or business relationships, that may disqualify you from making decisions?

*no*

(8) List all other pertinent information/background for this position.

*I can work within groups in my business, my church, and community affiliations. My work background may add to group input.*

Thank you in advance for your community spirit in offering to serve! Please return to

City of Newport  
City Manager's Office  
169 SW Coast Highway  
Newport, Oregon 97365  
541.574.0613

Rev. 1/15

## Cindy Breves

---

**From:** CommitteeApp@newportoregon.gov  
**Sent:** Sunday, January 11, 2015 11:16 AM  
**To:** Cindy Breves; Peggy Hawker  
**Cc:**  
**Subject:** Committee Application

Application for City Council - Email Application

Date: 1/11/2015

Commission/Committee of Interest: Public Arts Committee

Name: Bill Posner

Address: .

Workphone:

Homephone:

Email:

Occupation: Retired

Employer:

Why do you want to serve on this committee/commission/board/task force, and how do you believe you can add value?  
As a photographer it's important to me our community's ability to have and be involved in and enjoy visual arts is maintained.

What is a difficult decision you have made concerning issues of bias and/or issues of conflict of interest? As a for Director in the Software industry in California and Florida and involved in management for over 40 years, conflicts between employees, customers and potential clients was a usual occurrence. Because the software industry is actually a small community and have many friends in the business. There are hiring/firing and customer decisions that were made for the good of the company, without the bias of said friendships.

Describe the process of how you make decisions. I listen to all sides, consult with stake holders, and then make my decision what is best for the majority of the participants.

What do you think about consensus decision making? What does the consensus decision making process mean to you?  
Having run and being part of large and small teams throughout my career both in profit and non-profit organization, feedback from all involved is my prime directive when making a decision

Describe all other pertinent information/background for this position. My main retirement enjoyments now are perusing my artistic passions in photography as well as my small consulting business in Newport. I am a member of the YAAP photography club as well as volunteer for the Lincoln County Animal shelter. I have also been involved in the "Push Pin" art show as well as a promoter of photographers and art in Newport to those I know that come to visit.



Date: 1/12/15

**Application  
For  
City of Newport  
Committee Appointment**

Which committee are you interested in serving on (list in priority order if you are interested in multiple committees): Public Arts

\_\_\_\_\_

Name: Tom Webb

Address: \_\_\_\_\_, Newport, OR 97365

Telephone Numbers: Cell: \_\_\_\_\_ Home: \_\_\_\_\_

E-Mail Address: \_\_\_\_\_

Occupation: Manager, Newport Visual Arts Center

Employer: Oregon Coast Council for the Arts

(1) Why would you like to serve on a City of Newport committee?  
The Public Art committee would be an opportunity to utilize my professional experience in arts management and curatorial work on behalf of the City of Newport. As new resident of Newport, the Public Art committee experience would expand my network of people and resources working in the arts in Newport and broaden my understanding of the cultural landscape of the region.

(2) What is your educational and professional background?  
Manager, Newport Visual Arts Center, Aug. 14-present  
Director, Orlo (environmental arts organization), 2005-14  
Project Manager, Honoring Our Rivers (student art project), 2012-13  
Editor, Portland State University, 2006-12  
BA, Economics, Vassar College, with concentrations in art history and English

(8) List all other pertinent information/background for this position.

Thank you in advance for your community spirit in offering to serve! Please return to

City of Newport  
City Manager's Office  
169 SW Coast Highway  
Newport, Oregon 97365  
541.574.0613

Rev. 1/15

## Cindy Breves

---

**From:** Peggy O'Callaghan  
**Sent:** Friday, January 02, 2015 2:45 PM  
**To:** Cindy Breves  
**Subject:** the 60+

Hi Cindy

The 60+ advisory group Michael Rickus wants to retain his position with the board. Betty Krause does not want to remain on the board. Ginger Tibbles would like to resign her post as she is not able to make the meetings. Eldon Miller and Donna Fogarty also wish to remain on the board.

***Peggy O'Callaghan***

The Newport 60+ Center  
20 SE 2<sup>nd</sup> St.  
Newport, OR 97365  
(541) 574 5459

[Website](#) [Facebook](#)

Support Your Local Senior Center  
[Fred Meyer Community Rewards](#)  
[Amazon Smile](#)  
[Friends of the Newport Senior Activity Center](#)

**From:** thomas knott [<mailto:tck58@gmx.de>]  
**Sent:** Friday, December 19, 2014 9:51 AM  
**To:** [S.Roumagoux@newport.gov](mailto:S.Roumagoux@newport.gov)  
**Cc:** Spencer Nebel  
**Subject:** Resignation as airport committee member

Dear Mayor,

in November you send me a letter regarding the end of my term on the airport committee.

I feel that I must step down from my position on the airport committee because I have to take care of my family overseas during the upcoming months. Thus I would not be able to attend the airport committee meetings on a regular bases.

Whenever I am in Newport however I plan to attend the committee meeting as a member of the public.

I thank you very much for giving me the opportunity to work on this committee and I wish you, the city council and the committees good success in the future.

Thomas Knott

# CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda #: V.D.  
Meeting Date: January 20, 2015

## Agenda Item: Acceptance of Resignations from Boards and Committees

### Background:

The city has received a letter of resignation from Ginger Tibbles for a Term Expiring 12/31/15 from the Senior Citizen Advisory Committee and from Thomas Knott for a Term Expiring 12/31/15 from the Airport Committee. Upon acceptance of the resignation a letter will be sent thanking them for their service to their respective committees.

### Recommended Action:

I recommend that the City Council accept the resignation of Ginger Tibbles for a Term Expiring 12/31/15 from the Senior Citizen Advisory Committee and from Thomas Knott for a Term Expiring 12/31/15 from the Airport Committee as part of the consent calendar.

### Fiscal Effects:

None.

### Alternatives:

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. Nebel".

Spencer R. Nebel  
City Manager



Agenda #.VI.A.  
Meeting Date: January 20, 2015

## Agenda Item:

### **PUBLIC HEARING AND POSSIBLE ADOPTION OF ORDINANCE NO. 2058 - AN ORDINANCE REPEALING AND RE-ENACTING CHAPTER 4.15 OF THE NEWPORT MUNICIPAL CODE RELATED TO THE LICENSING OF TAXICABS AND TAXICAB DRIVERS**

#### Background:

In the fall of 2013, the City Council initiated discussions on modifying the application process for taxicab licensing. Then, City Attorney, Rob Connell, had recommended this process not occur at that time since there was a pending application under the old ordinance. As a result, the revisions were put on hold for a period of time. After repeated contacts, the applicant did not respond to the City's request as to the status of their original application. The taxicab ordinance was reviewed by the Business License Work Group. Modifications were made prior to submitting it to the Council. A public hearing was held in November by the City Council on the proposed revisions to the Taxicab licensing provisions. Following that public hearing, the Council opted to hold on any action on this ordinance until City Attorney Steve Rich could review the ordinance. The City Attorney has since reviewed the ordinance, made several minor changes to the ordinance as was previously reviewed by Speer Hoyt.

The most significant change to this ordinance is shifting the administration of the issuance of taxicab endorsements from a Council action to an administrative action. Under the existing code after an application is filed, the City Manager was required to complete an investigation of the applicant and submit to the Council a recommendation for allowance or denial of the application for the taxicab endorsement. Currently, the City Council is required to conduct a public hearing as to whether to grant the endorsement, and the applicant was responsible for all costs or publishing notice of the hearing. Furthermore, the Council is required to determine the financial responsibility of the applicant, determine that the color scheme of the taxis do not conflict with any currently operating taxis, and other specific issues. The proposed ordinance deregulates this aspect of the licensing process, and treats a taxicab business license as an administrative function provided the applicant meets the minimum criteria of the ordinance.

Also, please note there were several changes to address temporary taxicabs, as well. Temporary taxicabs go through the same screening process as regular cab license requests. They are required to provide the same dollar amount of insurance on their vehicles. They are exempted from the equipment requirements for permanent taxicab companies. Also, temporary taxicab driver permit holders are exempted by the requirements that require an inspection by an automobile mechanic to certify the vehicle is in safe, operating condition.

At the January 5, 2015 City Council meeting, a public hearing was held on the proposed taxi cab ordinance. No one from the public commented. Councilor David Allen suggested several modifications to the language to make the ordinance more consistent with the

business license code. This included a utilization of the same appeal processes outlined for other business licenses in the code.

In addition, City Attorney Steve Rich, working with Councilor Allen, reviewed the entire draft ordinance to address a number of issues including cleaning up and reorganizing definitions, and cleaning up terminology so that it is consistent throughout the ordinance. A detailed summary of the changes is included in the report from the City Recorder Peggy Hawker. These changes have been incorporated in the copy enclosed for your review.

**Recommended Action:**

**I recommend the Mayor conduct a public hearing on the approval of Ordinance No. 2058, an ordinance repealing and reenacting Chapter 4.15 of the Newport Municipal Code related to the Licensing of Taxicabs and Taxicab Drivers.**

Following the Public Hearing, I further recommend that Council consider the following motion:

**I move approval of Ordinance No. 2058, an ordinance repealing and reenacting Chapter 4.15 of the Newport Municipal Code related to the Licensing of Taxicabs and Taxicab Drivers be read by title only and placed on final passage.**

*The Mayor will then ask for a voice vote on whether to read the ordinance by title only and place for final passage.*

*If approved, the City Recorder will read the title of the ordinance.*

*A roll call vote on the final passage of the ordinance will then be requested by the Mayor, and taken by the City Recorder.*

**Fiscal Effects:**

The revised ordinance will have minimal impact on finances for the City.

**Alternatives:**

Do not approve the ordinance revision. Refer the matter back to City Administration for specific revisions to the ordinance, or as suggested by the City Council.

Respectfully submitted,



Spencer R. Nebel  
City Manager



Agenda Item # VI.A \_\_\_\_\_  
Meeting Date 1/20/15 \_\_\_\_\_

**CITY COUNCIL AGENDA ITEM SUMMARY**  
City Of Newport, Oregon

Issue/Agenda Title Consideration of Ordinance No. 2058 Regarding Taxicab  
Licensing \_\_\_\_\_

Prepared By: Hawker Dept Head Approval: ph City Mgr Approval: \_\_\_\_\_

**Issue Before the Council:** The issue before Council is the consideration of adoption of Ordinance No. 2058 regarding taxicab licensing. This ordinance, if adopted, would repeal and re-enact Chapter 4.15 of the Newport Municipal Code.

**Staff Recommendation:** This is entirely a Council decision.

**Proposed Motion:** I move to read Ordinance No. 2058, an ordinance repealing and re-enacting Chapter 4.15 of the Newport Municipal Code, pertaining to the licensing of taxicabs, by title only, and place for final passage.

**Key Facts and Information Summary:** The draft Ordinance No. 2058 is included in the packet, and the most significant change is that this new language restructures the process to allow taxicab endorsements to be issued administratively without a hearing before the City Council. The licensing process will be more consistent with other business licenses and endorsements issued by the city. It would also reduce the burden that applicants would have to meet in the application process. Previously, the Business License Work Group reviewed the draft taxicab ordinance and made revisions to it. The draft before Council incorporates the comments of the Business License Work Group, and housekeeping changes made by the City Attorney, Steve Rich with input from Councilor Allen, along with the addition of appeal provisions that are consistent with those of the business licensing code.

Changes to this draft include:

4.15.010(A)(12) - clarifies the definition of "taxicab."

4.15.010(A)(14) - removes the words "immediately following" in the last line of this section to further clarify the time that a temporary taxicab driver permit is valid.

4.15.010(B) - deletes the section that reads, "Any vehicle that has an appearance similar to a taxicab is a taxicab for the purposes of this Chapter."

4.15.010(C) - deletes this section that reads, “As used in this Chapter, “taxicab” does not include licensed ambulances, nonemergency medical transport vehicles, regular route scheduled buses, state-approved buses engaged in charter service, limousines, courtesy vehicles operated by hotels and motels as a convenience for registered guests where no charges are made, vehicles operated for the exclusive use of senior citizens or persons with disabilities, vehicles contracted for special events by non-profit organizations.”

4.15.020 - changes the title of this section to read “Taxicab Endorsement and Taxicab Driver Permit Required.”

4.15.020(B) - amends this provision to read “No person shall operate a taxicab during a special event without having first obtained a taxicab driver permit or temporary taxicab driver permit.”

4.15.030(A)(5) - adds the word “Section” before “4.15.150.”

4.15.030(B) - deletes “The fee is to be set by resolution of the City Council.”

4.15.030(C) - this section becomes 4.15.030(B) and reads “Upon receipt. . .” rather than “On receipt. . .”

4.15.030(B)(4) - formerly (C)(4) - amended to read “Copy of receipt for payment of fees issued by the city’s Finance Department,” rather than “Fee in the amount set by Council resolution.”

4.15.030(B)(5) - adds the following language at the beginning of the sentence “Satisfactory proof that the. . .”

4.15.030(D) - has been deleted.

4.15.030(E) becomes 4.15.030(C) and the last sentence of this section has been deleted.

4.15.035 has been added to include an appeal provision as follows:

“4.15.035 Denial, Revocation, or Suspension of Taxicab Endorsement; Appeal

A. If the Police Chief denies an application for a taxicab endorsement to a business license, or the taxicab endorsement is revoked or suspended by the Police Chief, such action may be appealed to the City Manager or his/her designee. The decision of the City Manager is subject to further appeal to the City Council.

B. Notice of denial, revocation, or suspension shall be given to the applicant or licensee as provided in Section 4.05.060 of the Newport Municipal Code.

C. An appeal to the City Manager and further appeal to the City Council, if any, shall be as provided in Section 4.05.075 of the Newport Municipal Code.”

4.15.050(A) has been amended to read “A person may apply for a taxicab driver permit or temporary taxicab driver permit by submitting a completed application to the Police Chief. The application shall include.”

4.15.050(A)(5) has been amended to read “Copy of receipt for payment of fees issued by the city’s Finance Department.”

4.15.050(B) has been amended to read “Upon receipt of an application for a taxicab driver permit or temporary taxicab driver permit, the Police Chief shall be responsible for conducting an investigation of the applicant’s background as necessary to verify compliance with subsection C. of this section, including initiating a criminal background check.”

4.15.050(C) has been amended to read “The Police Chief shall not issue a taxicab driver permit or a temporary taxicab driver permit until and unless the following applicant information regarding the applicant has been verified:”

4.15.050(C)(6) has been amended to include “ORS Chapter 811, following “Oregon Vehicle Code.”

4.15.050(C)(6)(a) has been amended to read “Where the investigation discloses a conviction for violation of ORS Chapter 811, the Police Chief shall investigate the violation and determine whether the nature of the violation, when viewed in light of the circumstances of the violation and the city’s duty to protect the public, is such that a reasonable person would believe the driver so convicted is an unacceptable risk to public safety. Where the Police Chief finds an unacceptable risk to public safety exists, the Police Chief shall not issue a taxicab driver permit or temporary taxicab driver permit to the applicant.”

4.15.050(D) has been amended to read “If the Police Chief determines that the applicant meets the requirements of this Chapter, the Police Chief shall issue the taxicab driver permit or the temporary taxicab driver permit to the applicant.”

4.15.050(E) has been deleted.

4.15.050(F) becomes 4.15.050(E) and reads “All taxicab driver permits expire on June 30 of each calendar year, and may be renewed from year to year upon application to the Police Chief.”

4.15.050(G) becomes 4.15.050(F) and reads “As a condition of licensing a taxicab driver permit holder and temporary taxicab driver permit holder shall agree in writing to notify the Police Chief within ten days of conviction of any crime included in subsection (C)(6)(a) or (b) of this section.

4.15.055 has been added as follows:

“4.15.055 Denial, Revocation, or Suspension of Taxicab Driver Permit; Appeal.

- A. If the Police Chief denies an application for a taxicab driver permit or temporary taxicab driver permit, or the taxicab driver permit or temporary taxicab driver permit is revoked or suspended by the Police Chief, such action may be appealed to the City Manager or his/her designee. The decision of the City Manager is subject to further appeal to the City Council.
- B. Notice of denial, revocation, or suspension shall be given to the applicant or licensee as provided in Section 4.05.060 of the Newport Municipal Code.
- C. An appeal to the City Manager and further appeal to the City Council, if any, shall be as provided in Section 4.05.075 of the Newport Municipal Code.”

4.15.060 The title of the section has been changed to “Reissuance, Transfer, Cancellation, Denial, Suspension, or Revocation of Taxicab Endorsement, Taxicab Driver Permit, or Temporary Taxicab Driver Permit.”

4.15.060(B)(1) has been changed to read “If a taxicab endorsement holder ceases to operate any taxicab for:”

4.15.060(B)(2) has been changed to read “The taxicab endorsement holder. . .”

4.15.060(B)(3) has been changed to read “The taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder. . .”

4.15.060(B)(4) has been changed to read “The taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder no longer qualifies for a taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit under the provisions of this Chapter.”

4.15.060(B)(6) has been changed to read “Any taxicab accident required to be reported to the state involving a vehicle driven by the taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder.”

4.15.060(B)(7) - the word “company” has been changed to “business.”

4.15.060(B)(8) has been changed to read “The filing of a lawsuit against or on behalf of a taxicab driver permit holder or temporary taxicab driver permit holder related to the operation of the taxicab business.”

4.15.060(B)(9) - the word “company” has been changed to “business.”

4.15.050(B)(11) - the words “permit holder” have been inserted after the words “taxicab driver.”

4.15.050(B)(12) - the words “permit holder” have been inserted after the words “taxicab driver.”

4.15.050(B)(13) - the words “permit holder” have been inserted after the words “taxicab driver.”

4.14.050(B)(14) has been changed to read “Any restriction, suspension, or revocation of the taxicab drivers, or temporary taxicab driver’s motor vehicle driver’s license.”

4.15.070 - The word “taxicab” was inserted before the words “driver permit” twice in the first line.

4.15.080 has been changed to read “No taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit may be issued, or a taxicab business continue in operation, until the applicant has paid all city fees required by the Chapter. All fees required herein shall be established by City Council resolution. Fees provided under this Chapter are nonrefundable, unless otherwise provided.”

4.15.090(D) has been amended to add the word “Section” in the last line before “4.15.170.”

4.15.100(A) has been amended to include the words “permit holder” after the words “taxicab driver.”

4.15.100(B) has been amended to include the words “permit holder” after the words “taxicab driver.”

4.15.100(D) has been amended to read “Whenever a passenger occupies a taxicab, the taxicab driver permit holder shall not permit any other person to occupy the taxicab without the consent of the original passenger.”

4.15.100(E) has been amended to replace the word “good” with the word “satisfactory.”

4.15.100(A) has been amended to add the word “Section” before “4.15.120,” and to delete the last sentence.

4.15.110(B), (C), and (D) have been amended to delete the exception for temporary taxicab drivers.

4.15.110(E) has been amended to read “The taxicab driver permit or temporary taxicab driver permit shall be conspicuously. . .”

4.15.120(A) has been amended to remove “complying with 4.15.120 stating “Flat Rate” from the third line, and the last sentence.

4.15.120(B) has been amended to insert the word “conspicuous” prior to the word “place” in the first line.

4.15.130 has been amended to read “Taxicab endorsement holders, taxicab driver permit holders, and temporary taxicab driver permit holders shall. . .”

4.15.140(A) has been amended to read “Every taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder shall report to the Police Chief, within 48 hours of the occurrence of the following events:”

4.15.140(A)(2) has been amended to read “Any taxicab accident required to be reported to the state involving a vehicle driven by the taxicab driver permit holder or the temporary taxicab driver permit holder;”

4.15.140(A)(3) has been amended to replace the word “company” with the word “business.”

4.15.140(A)(4) has been amended to read “The filing of a lawsuit against or on behalf of a taxicab driver permit holder, or temporary taxicab driver permit holder related to the operation of the taxicab business;”

4.15.149(A)(5) has been amended to replace the word “company” with the word “business.”

4.15.140(A)(6) has been amended to read (in the last two lines) “taxicab driver permit, or renewal of the taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit.”

4.15.140(B)(1), (2), and (3) have been amended to insert the words “permit holder” after the words “taxicab driver.”

4.15.140(B)(4) has been amended to insert the word “driver’s” after the word “taxicab.”

4.15.150(A) has been amended (second line) to read “city unless the taxicab endorsement holder or temporary taxicab driver permit holder,; and in line six, the last word has been changed from “auto” to “automobile.”

4.15.150(B) has been amended (first two lines) to read “The commercial automobile liability policy shall insure the taxicab endorsement holder, taxicab driver permit holder, and temporary taxicab driver permit. . .”

4.15.150(C) has been amended to read “The city requires notice of cancellation of the required insurance policies. The taxicab endorsements, taxicab driver permits, or temporary taxicab driver permits will be terminated immediately upon the city’s receipt of a cancellation of insurance.”

4.15.150(D) has been amended to read “The taxicab endorsement holder, taxicab driver permit holder, and temporary taxicab driver permit holder. . .”

4.15.160(a) has been amended (lines five and six) to read “include, but not be limited to, damage arising out of the maintenance, operation, or ownership of a taxicab as authorized herein, whether or. . .”

4.15.170(A) has been amended to delete the word “service” on line two; add the word “taxicab” before the word “drier” on line three; and change the word “taxi” to taxicab” on line four; and change the word “Chapter” to “Section” on line four.

4.15.170(B) has been amended to change the word “taxi” to “taxicab” on the first and last lines.

4.15.170(C) has been amended to add “Violations of separate provisions of this Chapter are separate offenses.”

Public hearings on Ordinance No. 2058 were held on November 17, 2014 and January 5, 2015. There was no public comment. The draft ordinance before Council this evening was e-mailed to representatives of Yaquina Cab on Tuesday, January 13, 2015, at which time, they were advised of Council’s consideration of the draft at this meeting.

**Other Alternatives Considered:** None.

**City Council Goals:** None.

**Attachment List:** Ordinance No. 2058 DRAFT

**Fiscal Notes:** None.

CITY OF NEWPORT

ORDINANCE NO. 2058

AN ORDINANCE REPEALING AND RE-ENACTING  
CHAPTER 4.15 OF THE NEWPORT MUNICIPAL CODE  
PERTAINING TO TAXICABS

**WHEREAS**, the City of Newport Charter provides that the city has all powers that the constitutions, statutes, and common law of the United States and Oregon expressly or impliedly grant; and

**WHEREAS**, the above referenced grant of power has been interpreted as affording the city all legislative power under the home rule provisions of the Oregon Constitution; and

**WHEREAS**, it is the purpose of this ordinance to require that persons operating taxicabs do so in a safe, fair, and efficient manner; and

**WHEREAS**, the taxicab industry is an important part of the city's transportation system, and transportation fundamentally impacts the well-being of the citizens, and some regulation is necessary to ensure that the public safety is protected, the public need provided for, and the public convenience promoted; and

**WHEREAS**, the City Council adopted Ordinance No. 1935 pertaining to taxicabs on September 4, 2007 and the ordinance needs to be updated to address safety, equity, and efficiency.

THE CITY OF NEWPORT ORDAINS AS FOLLOWS:

Section 1. Chapter 4.15 of the Newport Municipal Code, and all previous ordinances related to the licensing of taxicabs are repealed and re-enacted as shown in the attached Exhibit A.

Section 2. This ordinance will become effective thirty days from the date of adoption.

Adopted by the Newport City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Sandra N. Roumagoux, Mayor

ATTEST:

\_\_\_\_\_  
Margaret M. Hawker, City Recorder

## EXHIBIT A

### ORDINANCE NO. 2058

#### 4.15.010 Definitions

A. Except where the context clearly indicates otherwise, the following words shall mean:

1. "**City Manager**" means the City of Newport City Manager or his/her designee.
2. "**Driver**" means every person who is, or acts under or at the direction of, the owner, agent, or employee, and is in charge of operating any taxicab.
3. "**Endorsement**" means a taxicab endorsement to a business license to allow the business to operate a taxicab business in the city.
4. "**Flat rate**" is a fare which remains constant regardless of the distance traveled or time involved.
5. "**Limousine**" is a vehicle that is used in a limousine service operation in which the destination and route traveled may be controlled by the passenger and the fare is calculated on the basis of any combination of initial fee, distance traveled and waiting time if the vehicle:
  - a. Is a passenger vehicle with a passenger seating capacity that does not exceed eight;
  - b. Carries passengers for hire between points in Oregon; and
  - c. Operates on an irregular route basis.
6. "**Nonemergency medical transport vehicle**" means a vehicle that carries a person for hire and such person requires nonemergency medical treatment or supervision by an emergency medical technician or first responder certified by the Oregon State Health Division while in the vehicle.
7. "**Operate**" means to drive a vehicle, to use a vehicle in the conduct of business, to receive money from the use of a vehicle, or cause or allow another person to do the same.
8. "**Owner**" means every person having use or control of any taxicab whether as owner, lessee, or otherwise.

9. **“Permit”** means Police Chief’s authorization of a driver to operate a taxicab listed in an endorsement to the business license.
10. **“Police Chief”** means the City of Newport Police Chief or his/her designee.
11. **“Street”** means any street, alley, avenue, road, lane, highway, or public place in the city used for the purpose of public travel.
12. **“Taxicab”** means any vehicle that carries passengers for hire whose journey has originated in the city, where the destination and route may be controlled by a passenger, and the fare is calculated on the basis of any combination of an initial fee, distance traveled, and delay, or the fare is a flat rate. Any vehicle that has an appearance similar to a taxicab is a taxicab for the purposes of this Chapter. As used in this Chapter, “taxicab” does not include licensed ambulances, nonemergency medical transport vehicles, regular-route scheduled buses, state-approved buses engaged in charter service, limousines, courtesy vehicles operated by hotels and motels as a convenience for registered guests where no charges are made, vehicles operated for the exclusive use of senior citizens or persons with disabilities, or vehicles contracted for special events by non-profit organizations.
13. **“Taxicab Driver Permit”** means a permit issued to an individual to operate a taxicab in conjunction with a business possessing a taxicab endorsement to its business license.
14. **“Temporary Taxicab Driver Permit”** means a permit issued to an operator for a special community event, such as the annual Seafood and Wine Festival. A temporary permit will be effective only for the special event for the particular year of the permit application from 12:01 A.M. on the first day of the event and ending at 11:59 P.M. the last day of the event.

#### **4.15.020 Taxicab Endorsement and Taxicab Driver Permit Required**

- A. No person shall operate any taxicab business in the city without possessing a valid taxicab endorsement to the business license for that business and its vehicles issued pursuant to this Chapter, as well as any other license required by the city.
- B. No person shall operate a taxicab during a special event without having first obtained a taxicab driver permit or temporary taxicab driver permit.

#### **4.15.030 Taxicab Endorsement Application Required**

- A. An application for a taxicab endorsement to a business license shall be filed with the Police Chief. The application shall be verified under penalty of perjury and contain the following information and documentation:

1. The name, business address, and residence address of the owner or person applying.
  2. The make, type, year of manufacture, and seating capacity of the vehicle(s) for which application for taxicab endorsement is made.
  3. A description of the proposed color scheme, insignia, trade style, or any other distinguishing characteristics of the proposed vehicle design.
  4. A statement whether the applicant or any officers of the applicant have been convicted of any felony, misdemeanor or violation of any municipal ordinance or state law, including non-moving traffic violations and parking offenses, the nature of the offense and the punishment or penalty assessed.
  5. A policy of insurance in the manner and form required under Section 4.15.150.
- B. Upon receipt of an application for a taxicab endorsement to a business license, the Police Chief shall be responsible for conducting an investigation of the owner or applicant within 30 days from the date the application is filed. The following information is required:
1. Copy of driver license;
  2. Two (2) passport-sized copies of a recent photograph of the applicant;
  3. FBI "Applicant" fingerprint card which can be obtained from the Lincoln County Sheriff's Office, and a check payable to the Oregon State Police, at current rate, for fingerprint processing;
  4. Copy of receipt for payment of fees issued by the city's Finance Department.
  5. Satisfactory proof that the applicant does not owe the city any monies due to unpaid traffic fines, parking fines, or any other fee.
- C. All taxicab endorsements expire on June 30 of each calendar year, and may be renewed from year to year upon application to the Police Chief.

#### **4.15.035 Denial, Revocation, or Suspension of Taxicab Endorsement; Appeal**

- A. If the Police Chief denies an application for a taxicab endorsement to a business license, or the taxicab endorsement is revoked or suspended by the Police Chief, such action may be appealed to the City Manager or his/her designee. The decision of the City Manager is subject to further appeal to the City Council.
- B. Notice of denial, revocation, or suspension shall be given to the applicant or licensee as provided in Section 4.05.060 of the Newport Municipal Code.

- C. An appeal to the City Manager and further appeal to the City Council, if any, shall be as provided in Section 4.05.075 of the Newport Municipal Code

#### **4.15.040 Issuance of Taxicab Endorsement**

The Police Chief shall issue a taxicab endorsement to operate a taxicab if the applicant has met the requirements of this Chapter.

#### **4.15.050 Taxicab Driver Permit and/or Temporary Taxicab Driver Permit Required**

It is unlawful for any person to operate a taxicab in the city without a taxicab driver permit, or a temporary taxicab driver permit which was issued by the Police Chief in accordance with the terms of this Chapter.

- A. A person may apply for a taxicab driver permit or temporary taxicab driver permit by submitting a completed application to the Police Chief. The application shall include:
  - 1. Copy of driver license;
  - 2. Two (2) passport-sized copies of a recent photograph of the applicant;
  - 3. FBI "Applicant" fingerprint card (not required for renewal or Temporary Taxicab Driver Permit application) which can be obtained from the Lincoln County Sheriff's Office;
  - 4. Check payable to the Oregon State Police, at current rate (not required for renewal or Temporary Taxicab Driver Permit application) for fingerprint processing;
  - 5. Copy of receipt for payment of fees issued by the city's Finance Department.
- B. Upon receipt of an application for a taxicab driver permit or temporary taxicab driver permit, the Police Chief shall be responsible for conducting an investigation of the applicant's background as necessary to verify compliance with subsection C. of this section, including initiating a criminal background check.
- C. The Police Chief shall not issue a taxicab driver permit or a temporary taxicab driver permit until and unless the following applicant information regarding the applicant has been verified:
  - 1. The applicant is 21 or more years of age;
  - 2. The applicant possesses a valid Oregon driver's license;
  - 3. The applicant has not had a driver's license revoked or suspended by any state within the last five years;
  - 4. The applicant has made no material false statement in the application;

5. The applicant does not owe the city any monies due to unpaid traffic fines, parking fines, or any other fee.
  6. The applicant has been investigated by the Police Chief and the Police Chief has found that the applicant has not been convicted of any felony or misdemeanor involving a crime against persons as defined in ORS Chapter 163, including but not limited to homicide, manslaughter, assault, kidnapping, sexual offenses, harassment and stalking; or any violation of the Oregon Vehicle Code, ORS Chapter 811, defined as a felony or misdemeanor, including driving under the influence of intoxicants as defined in ORS Chapter 813; or any misdemeanor involving theft or fraud.
    - a. Where the investigation discloses a conviction for violation of ORS Chapter 811, the Police Chief shall investigate the violation and determine whether the nature of the violation, when viewed in light of the circumstances of the violation and the city's duty to protect the public, is such that a reasonable person would believe the driver so convicted is an unacceptable risk to public safety. Where the Police Chief finds an unacceptable risk to public safety exists, the Police Chief shall not issue a taxicab driver permit or temporary taxicab driver permit to the applicant.
- D. If the Police Chief determines that the applicant meets the requirements of this Chapter, the Police Chief shall issue the taxicab driver permit or the temporary taxicab driver permit.
- E. All taxicab driver permits expire on June 30 of each calendar year, and may be renewed from year to year upon application to the Police Chief.
- F. As a condition of licensing, a taxicab driver permit holder and temporary taxicab driver permit holder shall agree in writing to notify the Police Chief within ten days of conviction of any crime included in subsection (C)(6) of this section.

#### **4.15.055 Denial, Revocation or Suspension of Taxicab Driver Permit; Appeal**

- A. If the Police Chief denies an application for a taxicab driver permit or temporary taxicab driver permit, or the taxicab driver permit or temporary taxicab driver permit is revoked or suspended by the Police Chief, such action may be appealed to the City Manager or his/her designee. The decision of the City Manager is subject to further appeal to the City Council.
- B. Notice of denial, revocation or suspension shall be given to the applicant or licensee as provided in Section 4.05.060 of the Newport Municipal Code.
- C. An appeal to the City Manager and further appeal to the City Council, if any, shall be as provided in Section 4.05.075 of the Newport Municipal Code.

**4.15.060 Reissuance, Transfer, Cancellation, Denial, Suspension, or Revocation of Taxicab Endorsement, Taxicab Driver Permit, or Temporary Taxicab Driver Permit**

- A. No taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit may be sold, assigned, mortgaged, or otherwise transferred.
- B. Any application for a taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit may be denied, suspended, or revoked by the Police Chief if any one or more of the following conditions exist:
1. The taxicab endorsement holder ceases to operate any taxicab for a period of 15 consecutive days without obtaining permission to cease such operation from the Police Chief.
  2. The taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder fails to operate the taxicab in accordance with the applicable provisions of this Chapter.
  3. The taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder fails to pay any of the fees or payments required to be paid by the provisions of this Chapter.
  4. The taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder no longer qualifies for a taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit under the provisions of this Chapter.
  5. The arrest or conviction for any criminal offense of any officer or principal managing employee of the taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder involving the operation of the taxicab business;
  6. Any taxicab accident required to be reported to the state involving a vehicle driven by the taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder;
  7. The filing of a lawsuit against or on behalf of the taxicab endorsement holder related to the operation of the taxicab business;
  8. The filing of a lawsuit against or on behalf of a taxicab driver permit holder or temporary taxicab driver permit holder related to the operation of the taxicab business;
  9. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the taxicab business;

10. Lapse, cancellation, or reduction of coverage of any insurance policy the Police Chief relied on in issuing a taxicab endorsement, taxicab driver permit, temporary taxicab driver permit, or renewal of the taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit.
  11. Any arrest, charge, or conviction of the taxicab driver, permit holder, or temporary taxicab driver permit holder for any criminal offense, or any traffic violation, that occurs during, or arises out of, the taxicab driver's or temporary taxicab driver's operation of a taxicab;
  12. Any arrest, charge, or conviction of the taxicab driver permit holder or temporary taxicab driver permit holder for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, traffic crimes, or any related offense;
  13. Any vehicle accident required to be reported to the state involving any taxicab operated by the taxicab driver permit holder or temporary taxicab driver permit holder;
  14. Any restriction, suspension, or revocation of the taxicab driver's, or temporary taxicab driver's, motor vehicle driver's license.
- C. After the city has issued a taxicab endorsement, any change in the driver name or vehicle list requires the applicant to notify the Police Chief within 30 days of the change. The expiration date of the taxicab endorsement will remain the same.

#### **4.15.070 Surrender of Taxicab Endorsement, Driver Permit, or Temporary Driver Permit**

Any taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit that is suspended or revoked by the Police Chief shall be surrendered to the Police Chief and the operations of any taxicab shall cease.

#### **4.15.080 Fees for Taxicab Endorsement, Taxicab Driver Permit, and Temporary Taxicab Driver Permit**

No taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit may be issued, or a taxicab business continue in operation, until the applicant has paid all city fees required by this Chapter. All fees required herein shall be established by City Council resolution. Fees provided under this Chapter are nonrefundable, unless otherwise provided.

#### **4.15.090 Inspection of Vehicles**

- A. Prior to the operation of any vehicle, with the exception of temporary taxicab driver permit holders, under the provisions of this Chapter and at least annually thereafter, the vehicle shall be inspected by an automobile mechanic **located within Lincoln**

**County** and shall be certified to be in safe operating condition. An inspection for safe operating conditions shall include, but is not limited to, inspection of brakes including parking brake; all lights, signals and reflectors; exhaust system; steering system; wipers including washers; suspension components; mirrors; horn and other warning devices; tires and restraint system. Record of such inspections, clearly identifying the vehicle by license plate number and vehicle identification number, shall be made available to the city upon initial application and annual renewal.

- B. In addition to the required initial and annual inspections, inspection or testing of all parts vital to the safe operation of the vehicle such as brakes, steering gear, tires, lights, and signaling devices shall be made at the beginning of each shift or each day by the driver. Any condition found then or at any other time that will prevent the safe operation of the vehicle shall be corrected before the vehicle is used.
- C. In the event a record of vehicle inspection is not produced within 48 hours of request, or if the record produced indicates the inspection occurred more than 12 months prior to the current date, the city shall notify the holder of a taxicab endorsement to complete an inspection showing compliance with the standards of this Chapter and deliver the record to the city within 48 hours of the written request.
- D. Failure to timely produce a satisfactory record of inspection shall be grounds to deny, suspend, or revoke a taxicab endorsement and also constitutes a violation of this Chapter subject to enforcement under Section 4.15.170.
- E. A taxicab endorsement holder who permanently retires any taxicab from service shall notify the Police Chief within 15 days from the date the taxicab is retired from service.

#### **4.15.100 Operating Regulations**

- A. Unless otherwise directed by the passenger, any taxicab driver permit holder, or temporary taxicab driver permit holder, hired to transport passengers to a definite point shall use the most direct route possible that will carry the passenger to that destination safely and expeditiously.
- B. Every taxicab driver permit holder or temporary taxicab driver permit holder, if requested, shall give a correct receipt upon payment of the correct fare.
- C. No person may refuse to pay a lawful taxicab fare after hiring a taxicab.
- D. Whenever a passenger occupies a taxicab, the taxicab driver permit holder shall not permit any other person to occupy the taxicab without the consent of the original passenger.
- E. Every vehicle operating under this Chapter is to be kept in a clean, sanitary, and satisfactory operational condition.

#### **4.15.110 Equipment**

Every taxicab is to be equipped with the following:

- A. Except for taxicabs charging flat rates, a taximeter in accurate operating condition with a lighted face which can be read at all times by the customer. Taxicabs charging flat rates shall be equipped with a sign complying with Section 4.15.120 stating "Flat Rate" conspicuous to a passenger upon entering the taxicab, and outlining the flat rates to be charged.
- B. A top light identifying it as a taxicab, except for temporary taxicabs.
- C. The company name and telephone number where service can be requested displayed on the exterior of the vehicle, except for temporary taxicabs.
- D. A mobile communication device with a hands-free accessory or state of the art taxi radio on a clear coordinated taxicab radio frequency for customer comfort and rapid dispatching of calls for service, except for temporary taxicabs.
- E. The taxicab driver permit or temporary taxicab driver permit shall be conspicuously displayed inside the vehicle where it can be easily viewed by a passenger.

#### **4.15.120 Rates**

- A. Except for taxicabs charging flat rates, a taximeter in accurate operating condition with a lighted face which can be read at all times by the customer. Taxicabs charging flat rates shall be equipped with a sign conspicuous to a passenger upon entering the taxicab, and outlining the flat rates to be charged.
- B. The rate schedule shall be posted in each taxicab in a conspicuous place where passengers may readily see the schedule. No taxicab may charge more than the posted rate.

#### **4.15.130 Complaints**

Taxicab endorsement holders, taxicab driver permit holders, and temporary taxicab driver permit holders shall maintain a record of all complaints received in writing or by telephone and shall keep posted in a conspicuous place in the passenger compartment of each taxicab a statement setting forth the address and telephone number of the owners to which complaints should be directed, and a notice that a record of all complaints shall be open to inspection and review by the city at any time on its request.

#### **4.15.140 Reports to the Police Chief**

- A. Every taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder shall report to the Police Chief, within 48 hours, the occurrence of the following events:

1. The arrest or conviction for any criminal offense of any officer or principal managing employee of the taxicab endorsement holder, taxicab driver permit holder, or temporary taxicab driver permit holder involving the operation of the taxicab business;
  2. Any taxicab accident required to be reported to the state involving a vehicle driven by the taxicab driver permit holder or the temporary taxicab driver permit holder;
  3. The filing of a lawsuit against or on behalf of the taxicab endorsement holder related to the operation of the taxicab business;
  4. The filing of a lawsuit against or on behalf of a taxicab driver permit holder or temporary taxicab driver permit holder related to the operation of the taxicab business;
  5. The initiation of bankruptcy proceedings or corporate or partnership dissolution by the taxicab business;
  6. Lapse, cancellation, or reduction of coverage of any insurance policy the Police Chief relied on in issuing a taxicab endorsement, taxicab driver permit, temporary taxicab driver permit, or renewal of the taxicab endorsement, taxicab driver permit, or temporary taxicab driver permit
  7. Any information required to be disclosed by subsection (B) of this section.
- B. Every taxicab driver permit holder and temporary taxicab driver permit holder shall report to the Police Chief, and in the case of a taxicab driver permit holder, for the taxicab endorsement holder for which he or she drives, the occurrence of the following:
1. Any arrest, charge, or conviction of the taxicab driver permit holder or temporary taxicab driver permit holder for any criminal offense, or any traffic violation, that occurs during, or arises out of, the taxicab driver's or temporary taxicab driver's operation of a taxicab;
  2. Any arrest, charge, or conviction of the taxicab driver permit holder or temporary taxicab driver permit holder for any criminal offense involving theft, robbery, burglary, assault, sex crimes, drugs, prostitution, traffic crimes, or any related offense;
  3. Any vehicle accident required to be reported to the state involving any taxicab operated by the taxicab driver permit holder or temporary taxicab driver permit holder;
  4. Any restriction, suspension, or revocation of the taxicab driver's, or temporary taxicab driver's motor vehicle driver's license;

#### **4.15.150 Insurance Requirements**

- A. No person may drive or operate, or cause to be driven or operated, any taxicab in the city unless the taxicab endorsement holder or temporary taxicab driver permit holder has on file with the Police Chief a certificate of insurance written by a responsible and solvent insurance carrier authorized to write insurance policies in Oregon. The certificate of insurance shall be issued to, or for the benefit of, the taxicab endorsement holder or temporary taxicab driver permit holder, and be a commercial automobile liability policy which is in full force and effect, and designating in such policy, the taxicab(s) which may be driven or operated under this Chapter. These requirements are intended to insure the vehicle and its operation by the driver.
- B. The commercial automobile liability policy shall insure the taxicab endorsement holder, taxicab driver permit holder, and temporary taxicab driver permit holder, and any other person using or responsible for the use of any such taxicab against loss from the liability imposed upon such operation of such taxicab by law for injury to, or death of, any person, or damage to property growing out of the maintenance, operation or ownership of any taxicab, in the amount of \$1,000,000 combined single limit for bodily injury and property damage.
- C. The City requires notice of cancellation of the required insurance policies. The taxicab endorsements, taxicab driver permits, or temporary taxicab driver permits will be terminated immediately upon the City's receipt of a cancellation of insurance.
- D. The taxicab endorsement holder, taxicab driver permit holder, and temporary taxicab driver permit holder shall provide the city with a certificate of insurance naming the city as an additional insured.
- E. The insurance required by subsection (B) of this section shall apply when the city issues a new license, reissues, or renews a license or permit.

#### **4.15.160 Indemnification**

- A. Any recipient of a taxicab endorsement shall agree to pay all damages and penalties that the city may legally be required to pay as a result of granting a taxicab endorsement and shall agree to defend and indemnify the city against all claims resulting from the granting of such an endorsement. These damages or penalties shall include, but not be limited to, damage arising out of the maintenance, operation or ownership of a taxicab as authorized herein, whether or not any act or omission complained of is authorized, allowed, or prohibited by this Chapter.
- B. The taxicab endorsement holder shall pay and, by its application and the granting of a taxicab endorsement to the business license, specifically agrees that it will pay all necessary and reasonable expenses incurred by the city in defending itself against all damages and penalties mentioned in subsection (A) of this section, including, but not limited to, reasonable attorney fees.

#### 4.15.170 Violation - Enforcement

- A. A violation of any provision of this Chapter, including but not limited to operating a taxicab from points originating within the city without holding a valid, approved taxicab endorsement, or operating a vehicle without a valid, approved taxicab driver permit, or temporary taxicab driver permit shall be enforced under Section 1.50.010 of the Newport Municipal Code.
- B. Operating a taxicab in violation of this Chapter is declared detrimental to the public health and safety and a nuisance as authorized by Chapter 8.10 of the Newport Municipal Code. As an alternative to any remedy provided for enforcement, the city may use the abatement procedures of Chapter 8.10 or institute injunctive or other appropriate proceedings to temporarily or permanently enjoin the operation of a taxicab
- C. Each day's violation of a provision of this Chapter constitutes a separate offense. Violations of separate provisions in this Chapter are separate offenses.

DRAFT





**Agenda Item:**  
**From the Audit Committee - Status of the Audit for the 2013-14 Fiscal Year**

**Background:**

Audit Committee Chair Councilor David Allen will give a brief report on the status of the Audit Committee efforts relating to the audit for the 2013-14 fiscal year and the initiation of a process to solicit auditor services in the future. Please note that we were unable to meet our goal of having the audit completed and filed by December 31, 2014. The primary reason for not making this deadline was a result of personal changes within the auditing firm. The individual in charge of our audit resigned his position with the firm in November. This created a setback in completing the work necessary to develop the audit for this year prior to December 31, 2014. The auditors have indicated that they are confident that the audit will be completed by the end of this month. Tentatively, the Audit Committee is anticipating making a presentation to the City Council and the Urban renewal Agency at the second meeting in February for the fiscal year that ended June 30, 2014.

In addition, the Audit Committee is working with city staff and proceeding with a request for audit services over next three years with the provision for two one year extensions. The audit proposal outlines the expectation that the city will be including a Comprehensive Annual Financial report (CAFR) for the cities fiscal year beginning 2016.

**Recommended Action:**  
**None at this time.**

**Fiscal Effects:**  
None.

**Alternatives:**  
None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel  
City Manager

**City of Newport**  
**Request for Proposals (RFP)**  
**Professional Auditing Services**  
***Proposals Due by 4:00 p.m., Friday, February 20, 2015***

Notice is hereby given that the City of Newport (“City”) is requesting proposals for Auditing Services for three consecutive years starting with the audit for the fiscal year beginning July 1, 2014 through June 30, 2015 with an option to extend the contract for two additional one-year terms.

The scope of work includes:

- Auditing the City’s Annual Financial Report (AFR) in accordance with the provisions contained in this request for proposal;
- Assist with the conversion of the City’s AFR to a Comprehensive Annual Financial (CAFR) report in accordance with Government Finance Officer Association (GFOA) standard;
- Expressing an opinion on the fair presentation of the City’s basic financial statements as a whole, in conformity with generally accepted accounting principles;
- Performing certain limited procedures involving required supplementary information required by the Governmental Accounting Standards Board (GASB), as mandated by generally accepted auditing standards (GAAS);
- Submitting drafts of all reports for management’s review prior to final review with the City’s Audit Committee;
- Meeting with finance staff and the City’s Audit Committee to discuss the audit, management letter, and conclusions.

The Request for Proposals can be downloaded from the City of Newport website at <http://www.thecityofnewport.net/business/rfpbids.asp>. It is imperative that those who download the solicitation documents check the website regularly for addenda, clarifications, and other notifications that may be pertinent. In addition, all proposers known by the City of Newport to have received a complete set of the Proposal Documents will receive notification when additional items are posted. Please call (541) 574 - 0611 for additional information regarding this RFP.

Sealed proposals must be received by the City of Newport, at the Finance Counter, not later than 4:00 p.m., Friday, February 20, 2015 addressed to the City of Newport, Finance Department, Attn: Mike Murzynsky, Finance Director, 169 SW Coast Highway, Newport, OR 97365. The outside of the envelopes shall plainly identify the project: “Audit Services RFP.” Facsimile proposals will not be accepted. Proposals received after the designated time and date will be returned unopened.

The City may reject any proposal not in compliance with all prescribed solicitation procedures and requirements and other applicable law, and may reject any or all proposals in whole or in part when the cancellation or rejection is in the best interest of the City, and at no cost to the City.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015.

Mike Murzynsky  
Finance Director

PUBLISH: Newport News Times, **Friday January 23, 2015**

# CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda #: VII.B.  
Meeting Date: January 20, 2015

**Agenda Item:**  
**From HDR Engineering - An Update of the Big Creek Dam Study**

**Background:**

Verena Winter of HDR Engineering will be providing an update to the City Council on the Big Creek Dam Study that they have been completing on behalf of the city. Following the presentation they will be able to answer any questions the City Council has regarding their report.

**Recommended Action:**  
**None at this time.**

**Fiscal Effects:**  
None.

**Alternatives:**  
None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel  
City Manager





**Agenda Item:**

**From City Attorney - Reconsideration and Possible Adoption of Ordinance No. 2073 as Amended - An Ordinance Repealing and Re-Enacting Chapter 4.05 of the Newport Municipal Code Relating to Business Licenses**

**Background:**

At the January 5, 2015 City Council meeting, the Council adopted Ordinance No. 2073 - an ordinance repealing and re-enacting Chapter 4.05 of the Newport Municipal Code relating to business licenses. Following the meeting, City Attorney Steve Rich, City Recorder Peggy Hawker, and I discussed the provision in which the fines for the business licenses would be set by resolution of the City Council. This issue was raised by Councilor Allen at the meeting. The City Recorder felt it would be more appropriate to rely on Chapter 1.50 of the Newport Municipal Code which establishes a civil penalty for all codes. From my perspective, this achieves the same end result of setting it my resolution in that one ordinance can be modified should the Council choose change these fines in the future instead of having to look through each individual ordinance to determine where the fines are all located throughout the document. In reviewing the Taxi Cab Ordinance with Councilor Allen, Councilor Allen also concurred that this would be an appropriate change. This way the fines established in the business license code would rely on Chapter 1.50 of the Municipal Code. The modification to the ordinance would be as follows: "4.05.065A. A violation of this Chapter shall constitute a civil violation of the laws of Newport and shall be prosecuted at the city's discretion by the filing of a complaint in municipal court or in an Oregon state court of proper jurisdiction. Any person found to have violated this Chapter shall be subject to a civil penalty in an amount established by Council resolution as provided in Chapter 1.50 of the Newport Municipal Code."

Since this would be a reconsideration of action taken at the January 5 meeting, any of the Councilors who voted in favor of the ordinance can make a motion to reconsider the January 5 action of the City Council. There are no other changes to the ordinance. If the Council wishes to proceed with this change then a motion to reconsider would need to be approved by the Council first. If that is approved then the Council can then consider readopting Ordinance No. 2073 with the modification to the language on how fines are established.

**Recommended Action:**

**I recommend the City Council consider the following motions:**

**I move reconsideration of the adoption of Ordinance No. 2073, adopted on January 5, 2015, relating to business licenses, to provide a consistent treatment of the penalty provisions established in the Municipal Code.**

**If this motion if approved the then following motion can be considered.**

**I move approval of Ordinance No. 2073, - an ordinance repealing and re-enacting Chapter 4.05 of the Newport Municipal Code relating to business licenses, with the modification of incorporating the penalty provision established in the Newport Municipal Code, be read, by title only, and placed for final passage.**

*The Mayor will then ask for a voice vote on whether to read the ordinance by title only and place for final passage.*

*If approved, the City Recorder will read the title of the ordinance.*

*A roll call vote on the final passage of the ordinance will then be requested by the Mayor and taken by the City Recorder.*

Fiscal Effects:  
None.

Alternatives:  
Do not reconsider the previous action or as suggested by the City Council.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. Nebel", is written over the text "Respectfully Submitted,".

Spencer R. Nebel  
City Manager

#### 4.05.010 PURPOSE AND SCOPE

The purpose of this Chapter is to provide revenue for municipal purposes and to provide for the health, safety, and welfare of the citizens of Newport through the regulation of businesses, occupations, and trades. A business need not be located within the city in order to be subject to the provisions of this Chapter. This Chapter serves the public interest by mandating that business will be carried on in compliance with applicable laws and in a manner that protects the public's health, safety, and welfare. The licensing provisions of this Chapter are enacted pursuant to the City Charter, Section 4, and the city's home rule authority as provided in the Oregon Constitution, Article XI, Section 2.

The business license fee shall be in addition to, and not in lieu of, any other license or permit fee, charge, or tax required under any other Municipal Code section or city ordinance. The business license required by this Chapter shall not be construed to constitute a permit to engage in any activity prohibited by law nor as a waiver of any other regulatory or license requirement imposed by the city or state law.

#### 4.05.015 DEFINITIONS

Business - Any for-profit or not-for-profit enterprise, establishment, store, shop, activity, profession, or undertaking of any nature operating within the city, whether conducted directly, indirectly, or cooperatively, including the rental of real property as defined in this ordinance, carried on for the purpose of generating income. As used in this Chapter, the phrase "doing business" means an act or series of acts performed in the course or pursuit of a business activity for more than twenty (20) hours in one calendar year.

City Manager - The City Manager of the City of Newport or the City Manager's designee.

Consignment Store Merchants - Persons who own goods and enter into an agreement with a consignee/seller to sell or market those goods. Consignment store merchants occupy space within a fixed facility or building which is owned or operated by consignee/seller for the purpose of displaying and selling such goods.

Employee - Any person who works within the city in the service of another person (the employer) and whose work

performance details are controlled by the employer. This definition includes contractors and persons volunteering their time to an employer. Employees may be part-time or full-time and the number of employees will be measured using a full-time equivalent computation, in accordance with any applicable city rules.

Endorsement - Standards established by the city which a business license applicant must satisfy prior to the city issuing a business license. Any city-approved endorsements will be clearly noted on the business license.

Not-for-Profit Entity - Any entity organized and operated exclusively for a religious, charitable, humanitarian, or educational purpose and for whom the United States or the State of Oregon has granted an exemption from the payment of income tax on that basis.

Person - Any and all natural and legal persons, including individuals or public or private corporations, firms, partnerships, associations, organizations, syndicates, joint ventures, societies, or any other group or entity acting as a unit of individuals.

Rental of Real Property - The rental or offering for rent of real property. Rental of real property includes, but is not limited to, the following types of properties rented or offered for rent: hotel or motel rooms, automobile or tourist courts, boarding houses, bed and breakfast rooms, mobile homes or trailer parks, residential or vacation homes, multi-family dwelling units, moorage units, and commercial properties.

Special Event Vendors - A person engaged in selling or offering for sale any food, beverage, merchandise, or service within the city during a special event for which the event organizer has obtained a valid business license. Special event vendors must possess all other necessary city, county, and state permits and authorizations.

#### **4.05.020 BUSINESS LICENSE REQUIRED**

No person shall do business within the city without a current, valid city business license, unless exempt under Section 4.05.025. To continue to lawfully conduct business in the city, every licensed business must submit an application for a business license renewal by July 1<sup>st</sup> of every year. After that date, the business license expires.

#### 4.05.025 EXEMPTIONS

Persons engaged in the following activities are exempt from the business licensing requirements of this Chapter:

- A. On-premises sale of used household goods by a person who resides on the premises (a yard or garage sale), so long as the sale is conducted no more than six days in any calendar year.
- B. An act or series of acts performed in the course or pursuit of a single business activity for not more than twenty (20) hours in one calendar year.
- C. Special Event Vendor and Consignment Store Merchants, as long as the following requirements are met:
  - 1. The organizer of the special event or the owner/operator of the consignment store obtains a valid business license and provides the city with a list of all special event vendors or consignment store merchants. Such list must be updated by the organizer of the special event or the owner/operator of the consignment store upon any significant change in the number or type of special event vendors or consignment store merchants;
  - 2. The special event vendor or consignment store owner/operator obtains all other necessary city, county, or state permits or licenses and complies with all applicable city, county, or state laws and regulations.
- D. Persons engaged in delivery of goods inside the city from points outside the city (e.g. logging trucks, freight vehicles, and commercial fishing vessels).
- E. Any city, county, state agency, special district, school district, or other government entity.
- F. A person's rental of no more than one residential dwelling unit for thirty (30) consecutive days or more.
- G. A person's rental of a dwelling unit within a condominium or townhouse development, where rental of the unit is required to be managed by a single entity pursuant to a

covenant or other binding legal instrument. In such cases, the owners of each dwelling unit shall be viewed as having an ownership interest in a common business and only the business (i.e. the entity managing the units) is required to obtain a business license.

- H. Any unincorporated business activity carried on by individuals under the age of 18.
- I. Any business operating under a city franchise.
- J. Any person transacting and carrying on any business within the city which is exempt from such regulation by virtue of the Constitution or laws of the United States of America or the Constitution or laws of the State of Oregon.

#### **4.05.030 FEES**

- A. This ordinance hereby establishes a business license application fee and a business license annual fee.
- B. The business license application fee amount shall be charged when a new or expired business license application is accepted by the city. The business license application fee is non-refundable. The amount of the business license fee shall be set from time to time by resolution of the City Council and shall be sufficient to recover the Finance Department's administrative cost of processing the applications. Persons holding expired business licenses will be charged a new business license application fee to re-apply.
- C. The business license annual fee shall be charged when a business license application is accepted by the city or when a business license renewal application is accepted by the city for the renewal of an existing, non-expired business license. The amount of the business license annual fee shall be determined by resolution of the City Council.
- D. Not-for-Profit Entities shall not be charged a business license annual fee. Such entities must still obtain a business license, pay the business license application fee, and annually renew the license at no cost.
- E. Persons expressly exempted from paying a city business license application fee or business license annual fee

under any other lawful provision of state or city law shall not be subject to such fees. City shall document claimed exemptions, and may require that the person claiming the exemption provide proof of such exemption satisfactory to the City Manager.

#### **4.05.035 MULTIPLE LOCATIONS OR BUSINESSES**

- A. A person who does business from more than one physical location, and under a different business name or as a different business entity at the separate location, shall obtain a separate business license for each such location, name and entity.
- B. An owner of real property for rent who rents or offers for rent more than one dwelling unit of real property need only obtain one business license.
- C. In determining whether different business entities or activities should be categorized as only one business or as multiple businesses for the purposes of this ordinance, the City Manager shall consider the normal and ordinary customs and usages of business, including but not limited to: consideration of how the businesses are registered with other governmental agencies, such as the Oregon Secretary of State and the Internal Revenue Services.

#### **4.05.040 APPLICATION**

- A. All persons desiring to do business within the city shall, on a form provided by the city, apply for and maintain a business license unless exempt under this ordinance.
- B. An application for a new business license or annual renewal of an existing business license shall show: the corporate, trade, or registered name of the business; the complete address(es), email address(es), and telephone number(s) of the principal office of the business and any other locations or addresses within the city; the location or address of any real property offered for rent, including the number of dwelling units; the name(s), email address(es), and telephone number(s) of the owner(s) or principal(s); the number of employees; the state of incorporation if the business is a corporation; and completed application materials for any applicable endorsements. On the basis of that application, the city shall compute the business

license annual fee for that license according to the schedule of fees that the City Council shall establish from time to time by resolution. The applicant shall warrant by his/her signature that all representations made on the application form are the truth to the best of his/her knowledge. Any misrepresentations on the application shall constitute a violation of this ordinance.

- C. All applications shall be submitted before the person first does business in the city. A license shall be valid from the date of issuance until June 30<sup>th</sup> of the next calendar year. Applications received after December 31 will be charged one-half of the business license annual fee, as determined by City Council resolution.
- D. Upon receipt of a signed and completed application for a business license or renewal, the city shall inform the applicant of any business license application fees and business license annual fees due. Such fees shall be due and payable on the date the application is submitted.
- E. The city will endeavor to process all applications within 30 days of the date they are received or to notify the applicant in writing as to why the application cannot be processed within this timeframe and any steps that the applicant must take before the city will approve the application.

#### **4.05.045 ISSUANCE; DISPLAY; TRANSFER**

- A. Upon acceptance of a business license application, together with full payment of the applicable application fee and annual fee, the city shall issue a written receipt for same. The receipt shall serve as a temporary business license for an application that does not require an endorsement and shall be effective until the date of the city's approval or denial of the business license or renewal of same. The temporary business license shall be public notice that the person named therein is licensed to do business in the city.
- B. A business license will be issued by the city to replace the temporary business license once the business license application has been reviewed by the Community Development, Public Works, Fire, and Police Departments, and approved by the City Manager.

- C. Upon receipt of a business license, a person who is required by this ordinance to have a business license shall cause the license to be prominently posted in a place available to the public at the principal location or office of the business for which the license is issued. If the principal location or office of the business is not located within the city, the business' employee, agent or representative must possess a copy of the license when doing business within the city. For business licenses issued to persons who offer real property for rent, the license need not be posted, but shall be made available upon city's request.
- D. Issuance of a business license, temporary or otherwise, shall not preclude enforcement against the licensee of any city ordinance or state statute.
- E. A business license may be transferred to another party if:
  - 1) the other party becomes the owner of the business;
  - 2) no other significant change in the nature of the business has occurred;
  - 3) if the existing business license contains no endorsements; and
  - 4) if the new owner contacts the city to amend the business license application to accurately reflect the new ownership and any other new information.No other transfer or assignment of any license issued under this chapter shall be valid or permitted. Upon a significant change of the nature of the business, a new business license is required.
- F. A duplicate license shall be issued upon application and payment of a fee to replace the license previously issued which was lost or destroyed. The fee for a duplicate license shall be set by Council resolution.

#### **4.05.050      DISCLOSURE; DELINQUENCY**

- A. Persons required to possess a business license shall, upon the city's request, make available all records, accounts and documents of every nature and in whatever media format which may tend to prove or disprove the applicant's statements on the business license application.
- B. A business license fee not paid in full within 30 days after it is due is delinquent and the city may avail itself of any and all remedies available to collect the fee, including but not limited to termination of the license and/or referring the delinquency to a collection agency and citing the person for a violation of the Newport Municipal Code. In addition,

a delinquency charge may be imposed in an amount established by Council resolution.

#### **4.05.055 ADMINISTRATION**

- A. The City Manager is responsible for the administration of this Chapter and may adopt reasonable policies, procedures, administrative rules, or regulations to carry out the purpose and intent of this Chapter and to ensure that any health or safety issues related to the applicant's business are identified prior to the city issuing a business license. The City Manager shall provide the City Council with a report of any administrative rule adoptions or amendments regarding this ordinance. The city may initiate the process for remediating any health or safety issues at any time, whether before or after the issuance of the business license.

#### **4.05.060 DENIAL OR REVOCATION**

- A. The City Manager may deny a business license or a license renewal application, or revoke a business license issued under the provisions of this chapter after notice as provided below, for any of the following causes:
1. Fraud, misrepresentation or false statement contained in the application for a license or failure to supply the requested application information;
  2. A violation of this Chapter or of any city, county, or state law or regulation;
  3. Conducting the licensed activity in an unlawful manner, inconsistent with the requirements of this Chapter, or in such a manner so as to constitute a breach of the peace, or to endanger or risk the health, safety, or general welfare of the public.
- B. Notice of denial or revocation of a license under subsection A., above, shall be given in writing to the applicant or licensee, setting forth specifically the grounds of denial or revocation. A notice of denial may be given to the applicant at any time during the application review process. A notice of revocation shall be mailed to the licensee at the licensee's last known address at least ten (10) calendar days before the date of the revocation. The last known address is deemed to be the address provided

to the city by the applicant on the business license application unless the applicant thereafter gives the city written notice of a different address.

- C. An applicant shall be entitled to a refund of the business license annual fee in the event that their business license application or annual renewal is denied.

#### **4.05.065 VIOLATIONS**

- A. A violation of this Chapter shall constitute a civil violation of the laws of Newport and shall be prosecuted at the city's discretion by the filing of a complaint in municipal court or in an Oregon state court of proper jurisdiction. Any person found to have violated this Chapter shall be subject to a civil penalty as provided in Chapter 1.50 of the Newport Municipal Code.
- B. The conviction of any person for violation of this Chapter shall not act or relieve such person from the requirement to register a business or obtain a business license. The penalties imposed by this section are in addition to and not in lieu of any other remedies available to the city.
- C. In the event any provision of this chapter is violated by a firm or corporation, the officer, officers or individuals responsible for the violation shall be personally subject to the penalties imposed by this section.

#### **4.05.070 EVIDENCE OF DOING BUSINESS**

In the trial or hearing on any alleged violation of this Chapter, evidence of advertisements by newspaper, radio, television, internet or other medium or by signs displayed for public view, that a business activity was being conducted by the alleged violator within the city, including expressly or implied offering to sell goods, services, or lodging to the public or any segment thereof, shall constitute prima facie evidence that the alleged violator was conducting a business activity within the city on the day or date during which such representations were made.

#### **4.05.075 APPEAL**

- A. Any person aggrieved by the City Manager's (i) denial of a business license application; (ii) revocation of a business license; (iii) assessment of business license application fee or business license annual fees; or (iv) application of

any rules or regulations pertaining to this Chapter; shall have the right to appeal to the City Council. The applicant or licensee shall file with the City Council a written statement setting forth fully the grounds for the appeal within twenty (20) calendar days after either: (i) the day the notice of denial is issued or the day the of revocation is mailed; (ii) the day the disputed fees are assessed; or (iii) the day that the rules or regulations were misapplied according to the applicant's or licensee's allegation.

- B. The City Council shall set a time and place for a hearing on the appeal within thirty (30) calendar days after receiving the appeal. Notice of the appeal hearing shall be mailed to the applicant or licensee's last known address at least ten (10) calendar days prior to the hearing. During the hearing, the applicant or licensee shall have an opportunity to present in writing or orally the grounds for the appeal. The decision and order of the City Council on such appeal shall be final and conclusive.

# CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda #: VIII.A.  
Meeting Date: January 20, 2015

## Agenda Item:

### Consideration and Possible Adoption of Resolution No. 3703 - Adopting Amended Council Rules

#### Background:

The City Council approved procedures for conducting this year's organizational meeting in December 2014. At that time, I indicated that these procedures would get incorporated as an amendment to the City Council rules in order to provide guidelines to future Councils on holding the organizational meetings. In discussing this with Councilor David Allen, we noted that there are currently no rules for the Urban Renewal Agency. The Urban Renewal Agency will be meeting just prior to the Council meeting to consider those rules which will generally parallel the City Council rules. In addition, language has been added on the Local Contract Review Board as well. These two sections are included under a new section of the rules when the City Council acts as other city entities.

Please note that if any changes are made by Urban Renewal Agency to the proposed rules, those changes should be carried over in the approval process with the City Council relating to the adoption of the Council Rules.

The substantive changes to the rules include the addition of organizational meetings, the addition of a new section called "City Council Acting as Other Entities" which includes the Local Contract Review Board and the Urban Renewal Agency, and a section on under General Council Rules for orientation of new Councilors.

One final note, there will be a future amendment to the Council Rules addressing the relationship of the Council to the City Attorney. This will replace the resolution that was put into place by the City Council when the city had to rely on contractual City Attorney services. Once this discussion has occurred we can replace the resolution on City Attorney services with a provision within the Council Rules to govern the relationship between the Council and the City Attorney.

#### Recommended Action:

I recommend that the City Council consider the following motion:

I move the adoption of Resolution No. 3703 adopting Council Rules as amended.

#### Fiscal Effects:

None.

#### Alternatives:

Do not adopt Resolution No. 3703 or as suggested by City Council.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. Nebel".

Spencer R. Nebel, City Manager

CITY OF NEWPORT

RESOLUTION NO. 3703

A RESOLUTION ADOPTING COUNCIL RULES

FINDINGS:

- A. The City Charter provides that the Council may, by resolution, adopt rules to govern its meetings and those of other city entities.
- B. The City Council adopted Council Rules at its meeting of December 17, 2007 (effective January 1, 2008); and revised the Council Rules on July 18, 2011; April 15, 2013; and June 16, 2014; and wishes to make further revisions by adoption of this resolution.
- C. The Council finds that the Council Rules attached as Exhibit 1 to this Resolution provide appropriate guidelines for Council members and appropriate rules for Council meetings, organizational meetings of the City Council, meetings of the Local Contract Review Board, and regular and organizational meetings of the Urban Renewal Agency, and the City Council wishes to formally adopt these revised rules as the official Council Rules pursuant to Chapter III, Section 10. of the City Charter.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. The City Council adopts the "City of Newport Council Rules Effective January 20, 2015," attached as Exhibit 1 to this Resolution, as its official Council Rules. All previous versions of the Council Rules are repealed in their entirety on the adoption of this resolution.

Adopted by a \_\_\_\_\_ vote of the Newport City Council on January 20, 2015.

---

Sandra N. Roumagoux, Mayor

ATTEST:

---

Margaret M. Hawker, City Recorder

EXHIBIT 1

# City of Newport

## COUNCIL RULES

---

Initially Adopted December 17, 2007 (Effective January 1, 2008)  
Revised July 18, 2011  
Amended April 15, 2013  
Amended July 7, 2014  
Amended January 20, 2015

# INDEX

## RULES GOVERNING COUNCIL MEETINGS

<b>TYPES OF MEETINGS</b> .....	<b>1</b>
Regular Meetings.....	1
Special Meetings.....	1
Emergency Meetings.....	2
Work Sessions.....	2
Executive Sessions.....	2
Organizational Meetings.....	3
<b>MEETING PROCEDURE</b> .....	<b>5</b>
Adjournment, Continuance, and Breaks.....	5
Agenda.....	5
Broadcasting Council Meetings.....	6
Consent Calendar.....	6
Decorum.....	6
Electronic Communication.....	6
Exhibits.....	7
Meeting Procedure.....	7
Meeting Staffing.....	7
Minutes.....	7
Motions.....	8
News Media.....	9
Order.....	9
Order of Business.....	10
Ordinances and Resolutions.....	10
Planning Commission Testimony.....	11
Presiding Officer.....	11
Public Addressing the Council.....	11
Public Hearings and Participation.....	12
Public Participation at Council Meetings.....	12
Quorum.....	13
Reconsideration of Actions Taken.....	13
Requirements of all Meetings.....	13
Suspension of Rules.....	13
Voting.....	13

<b>CITY COUNCIL ACTING AS OTHER CITY ENTITIES .....</b>	<b>14</b>
<b>LOCAL CONTRACT REVIEW BOARD.....</b>	<b>14</b>
Authority.....	14
Meetings .....	14
<b>URBAN RENEWAL AGENCY .....</b>	<b>14</b>
Authority.....	14
Organizational Meeting .....	14
Meetings .....	14
Meeting Procedures.....	15
Order of Business .....	15
<b>GENERAL COUNCIL RULES.....</b>	<b>16</b>
Boards, Commissions, and Committees Annual Reports .....	16
Appointed Positions .....	16
Attendance and Presence in the City .....	16
Communication with Staff.....	16
Conduct of Council Members .....	17
Conferences and Seminars.....	19
Confidentiality .....	19
Contacts with Organizations.....	20
Establishment of Boards, Commissions, Committees, Task Forces, Work Groups, and Sub-Groups.....	20
Expenses, Reimbursement, and Compensation.....	21
Gifts by the Council.....	21
Liaison to Boards, Commissions, and Committees.....	21
Litigation .....	21
Orientation of New Council Members.....	22
Public Records.....	22
Representing the City.....	22
Vacancies on Boards, Commissions, and Committees .....	22
Vacancies on the Council.....	23

These rules are authorized by the City Charter. The Council shall review these rules periodically. Amendments shall be adopted by a majority of the entire Council by resolution. The Council Rules are not intended to replace or supersede any applicable federal or state laws or regulations, city ordinances or policies, or provisions of the City Charter.

If an interpretation of Council Rules is necessary, the interpretation will be provided by the City Council by a majority vote of the entire Council and in consultation with city staff.

## **RULES GOVERNING COUNCIL MEETINGS**

### ***TYPES OF MEETINGS***

The Council may hold regular, special or emergency meetings. A regular meeting is one held on the Council's normal meeting schedule. A special meeting is one held at a time other than a regularly scheduled meeting time, but with at least 24 hours' notice. An emergency meeting is one held on less than 24 hours' notice. All Council meetings and sessions shall be noticed and held in compliance with Oregon public meeting law.

All Council meetings and sessions shall be open to the public, except executive sessions. The Council may, by motion, go into executive session at any regular, special or emergency meeting.

### ***Regular Meetings***

The Council will meet regularly on the first and third Mondays of each month in the Council Chambers. If a regularly scheduled Council meeting time is on a city holiday, the meeting will be held on the first day that is not a city holiday. In addition, the Council may hold a work session on the day of each regular Council meeting. The Council may from time to time hold additional work sessions.

### ***Special Meetings***

A. Special meetings are called by:

- The Mayor, or in the Mayor's absence, the President of the Council, at their discretion
- The Council at the request of two or more members of the Council, or
- The City Manager

B. Written notice of a special meeting shall be directed to each member of the Council at least 24 hours in advance of the meeting. The notice shall be served on each member personally, telephonically, or electronically, or if the Council Member is not found, left at his or her place of residence or business.

### ***Emergency Meetings***

An emergency meeting may be called by the City Manager, the Mayor, or two Councilors, consistent with state law. The minutes of the emergency meeting shall describe the emergency justifying less than 24 hours' notice. The city shall attempt to contact the media and other interested persons to inform them of the meeting.

### ***Work Sessions***

Work sessions will generally be utilized to present information to Council and to allow preliminary discussion on substantive issues in preparation for action at a future regular City Council meeting.

Work sessions will be scheduled on an as-needed basis at the discretion of the Mayor and City Manager. Work sessions dates and times will be dictated by the substance of the issue and the approximate amount of time that may be necessary for discussion.

Work sessions will normally be scheduled prior to regular City Council meetings when less than 45 minutes is planned for the work session; and at noon on Monday if more than 45 minutes is planned. Any Council member requesting future issues for discussion at a work session can place those subject ideas on the white board in the Council Office. The Mayor and City Manager will make a determination as to when the work session will be scheduled. Work sessions can be scheduled at other times during the week when deemed necessary.

### ***Executive Sessions***

An executive session (meeting closed to the public) may be held in accordance with state law. Care will be taken to ensure that proper and timely notice is made in accordance with statutory requirements. Executive sessions may be held during regular, special or emergency meetings, so long as appropriate statutory requirements are met.

- A. No final action or decision can be made during an executive session. When the Council reconvenes in open session, a final action or decision may be taken. Only the Council, City Manager, City Recorder, City Attorney, news media representatives and others invited by the Council or City Manager may attend an executive session.
- B. A major reason for allowing members of the news media to attend executive sessions is to ensure that the issues discussed are proper subjects under the state laws related to executive sessions and to keep the media informed concerning the background of deliberations so they have a better understanding of any decisions made as a result of the meeting. Members of the press shall be told that they may not report the substance of an executive session.
- C. Minutes or a recording of executive sessions are required.

- D. Information discussed during an executive session and other privileged communications should not be disclosed to persons other than Council Members, the City Manager, City Recorder or City Attorney outside the executive session. Disclosure of such information could lead to increased personal or City liability and/or public censure of the person who improperly disclosed the information.

### ***Organizational Meetings***

Chapter VII Elections, Section 30. Terms. provides; “The term of the Mayor and each Councilor elected at a general election begins at the first Council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.”

At the organizational meeting, the existing members of the City Council will be seated, roll call will be done by the City Recorder, and the Council will consider approving the minutes from the last City Council meeting. Members who will not be returning to the Council will be recognized. This will be followed by a motion to adjourn the meeting. At this point, any existing members of the City Council present at the meeting who will not be serving on the new City Council will vacate their chairs.

- A. **Oath of Office and Seating Arrangement on the Dais.** Chapter VII, Section 31, Oath provides; “The Mayor and each Councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon and the Charter and Ordinances of the City.”

The process leading to the oath of office will include the seating of the new City Council. The existing members of the Council can elect to move to any vacant seat that is provided for the six City Council members. This is done in order of seniority of the existing members. For Councilors who have served the same number of years on the Council, seniority is determined by the candidate who received the highest number of votes during their first election to the City Council followed by any Councilor’s appointed to serve on the Council. Furthermore, seniority is determined by continuous service on the City Council. For Councilors who had a gap of service on the Council, seniority starts with the time following this gap for these specific purposes. Once the existing members have made their decisions as to the selection of a Council member seat location, the City Recorder will administer the oath of office to the Mayor, any re-elected members of the City Council by seniority, and then the newly elected members of the City Council in order of popular vote from the November election. After the new Council member is called forward by the City Recorder, they will take the oath of office at the podium and then select one of the vacant City Council seats in order of popular vote.

The City Recorder will call the roll of the newly-seated City Council.

- B. **Election of the Council President.** Chapter III, Section 9, Council President provides; “At its first meeting each year, the Council shall elect a president from its

membership. The President presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties.”

The term of the Council President is for one year and the intent is for this position to rotate on an annual basis to different members of the Council.

The Mayor will ask each member for a nomination of Council members to serve as Council President. The Mayor is allowed to nominate a member to serve in this capacity as well. Once nominations are closed, the City Recorder will distribute ballots and the Council members will write a name of a nominated Council member and sign their own name on the written ballot. The City Recorder will count the ballots and the member of the Council receiving the most votes will become the Council President for that year. The City Recorder will include the individual votes of each Councilor for Council President in the minutes of the organizational meeting.

- C. **Establishing a Two-Year Meeting Schedule**. The City Council will confirm the dates and times for regular City Council meetings through the next organizational meeting following the next regular City election. The current rules of order provide that the Council will meet on the first and third Mondays. Traditionally, these meetings are held at 6:00 P.M.
  
- D. **Appointment of Councilors as Liaisons to Task Forces, Committees, or Boards and Appointments to Internal Committees as Voting Members, and Serving as a Voting Member of an Outside Group**. The Mayor will develop a list designating which members will serve as non-voting liaisons to various committees. Councilors who are interested in serving on any board or commission as a liaison shall contact the Mayor one week prior to the meeting to express their interest. A listing of current liaisons will be provided prior to that time. The Council will consider confirmation of these appointments. The Council Rules outline the responsibility of Council liaisons to various boards and committees.

The Mayor will also develop a list for appointments to internal committees, task forces, and working groups for confirmation by the City Council in accordance with the procedures for appointing liaisons to committees.

The appointments of Council members to serve on outside boards and committees representing the city shall be done by motion and vote of the Council. Any Councilors expressing an interest in serving as a city appointee will contact the Mayor at least one week prior to the organizational meeting. The Mayor will forward all names who have expressed an interest in serving as a voting member of that outside board or committee for full Council consideration.

- E. **Agenda Packet for the Organizational Meeting**. An agenda packet for the organizational meeting will be prepared by 4:00 P.M. on the Thursday prior to the meeting. A copy will be available in the Council mail boxes in the Council office and electronically forwarded to each member of the Council.

## ***MEETING PROCEDURE***

### ***Adjournment, Continuance, and Breaks***

In order to give fair consideration to all matters, if a meeting is still in progress at 10:00 P.M., the Council may consider whether it should adjourn and continue unfinished agenda items to a future meeting. The decision whether to adjourn before the agenda has been completed should normally be made between agenda items, rather than in the middle of consideration of an item. If any hearings are postponed to a future meeting, the Council normally will give an opportunity to speak to anyone who wishes to participate in the hearing and is unable to attend the rescheduled hearing. Any member of the Council may request a short break at any time during a Council meeting.

### ***Agenda***

- A. **Deadlines.** In order to provide the members of the City Council with sufficient time to become acquainted with the business that may come before the City Council, it shall be the responsibility of the City Manager to provide a written agenda packet for all regular City Council meetings. All items to be placed on the City Council agenda shall be provided to the City Manager's office by 5:00 P.M., on the Tuesday prior to the Council meeting. The City Manager's office will compile the agenda packet which will be available via electronic submission by 4:00 P.M. on the Thursday prior to the City Council meeting, and will be available in print form by the Friday before the Council meeting, at 8:00 A.M., at City Hall.
- B. **Agenda Items.** Members of the City Council, the City Attorney, boards and committees of the city, or any citizen, may request that items be placed on the agenda and it shall be the City Manager's duty to place the requested items on the agenda. Any person requesting that an item be placed on the agenda shall be given the privilege of introducing this item when it is considered by the City Council. The City Manager shall place any items originating from city departments or city administration under the City Manager's report for City Council consideration.
- C. **Addition of Agenda Items.** No item of business not listed on the agenda shall be considered by the Council, except with an affirmative vote of 75 percent of those voting when a quorum of the City Council is present.
- D. **A Council Member who wishes staff to undertake major research or drafting to prepare an action item shall raise the issue at a Council meeting, and the City Manager shall take direction from the Council as a whole. Direction to proceed with an item does not commit the Council or any individual Council Member to supporting an action when it comes before Council for a final decision.**
- E. **The agenda shall be in any form chosen by the City Manager, subject to direction by the Council.**

### ***Broadcasting Council Meetings***

The Council wishes to have regular meetings of the Council broadcast on a public access cable television channel and anticipates possible radio broadcasts of Council meetings.

The Council intends any broadcasting of Council meetings be unbiased and even-handed. Any televising of Council meeting should use camera shots that are appropriate for the Council, witnesses and audience members and are relevant to the discussion.

Video and audio shall be deleted only for the purpose of conforming to applicable laws governing public broadcasts. Editing for the above purpose and for the insertion of informational titles and graphics will be allowed. Portions of recorded Council meetings may be used in other news and informational broadcasts provided they are not portrayed out of context.

Any time a Council meeting is broadcast under the control of the city, it shall be simultaneously recorded and may be rebroadcast.

### ***Consent Calendar***

In order to make more efficient use of meeting time, the City Manager shall place all items of a routine nature on the consent calendar. This should include such things as lease renewals, minutes, confirmation of appointments to committees and commissions, and the scheduling of future meetings and other issues that are not anticipated to be controversial. All of the items on the consent calendar can be approved by one vote of the City Council. Before the vote is taken on the items listed in the consent calendar portion of the agenda, any Council Member can request that such an item be removed from the consent calendar and acted upon by separate motion and vote of the Council. Any matter removed from the consent calendar can be considered immediately after the balance of the consent calendar is approved.

### ***Decorum*** (see also "*Order*")

All persons at Council meetings shall behave in a courteous, orderly, and respectful manner, considering the importance of Council meetings and the need to proceed with Council business. Except in case of injury, persons shall not rest their feet on chairs or tables, or stand on chairs or tables. The presiding officer has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for disorderly conduct, and to enforce the Council Rules. The presiding officer may request the assistance of a sergeant-at-arms to restore order at any meeting.

### ***Electronic Communication***

All electronic communication shall be silenced during Council meetings.

### ***Exhibits***

Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council and made part of the record. The exhibit or a copy thereof shall be provided to the meeting recorder.

### ***Meeting Procedure***

The presiding officer shall make all initial procedural decisions. The Council by majority vote may overrule the procedural ruling of the presiding officer. The City Attorney, if requested, shall act as the Council's parliamentarian, but will have no vote.

### ***Meeting Staffing***

The City Manager will attend all Council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote. The City Attorney will attend all regular Council meetings, upon request, and shall have the right to take part in Council discussion, and will, upon request, give an opinion, either written or oral, on legal questions. The City Recorder or designee shall attend all Council meetings, keep the official minutes, and perform such other duties as may be needed for the orderly conduct of meetings. Department directors or other staff will attend Council meetings upon request of the City Manager or Council through the City Manager.

### ***Minutes***

Minutes shall be prepared with sufficient detail to meet their intended uses. Verbatim minutes are not required.

A. Council meeting minutes shall contain:

1. Date and time of call to order and the date and time of any adjournment.
2. The name of Council Members and staff present.
3. All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition.
4. The result of any votes, including ayes and nays and the names of the Council Members who voted.
5. The substance of the discussion on any matter.
6. Reference to any document discussed at the meeting.

- B. The Council may amend the minutes to more accurately reflect what transpired at a meeting. Upon receipt of the minutes in the Council agenda packet, the Council Members should read them and if possible submit any changes, additions or corrections to the City Recorder in order that a corrected copy can be prepared prior to the meeting for approval. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes the change by majority vote.

### ***Motions***

When a motion is made, it shall be clearly and concisely stated by its mover. Council Members are encouraged to exercise their ability to make motions and to do so prior to debate in order to focus discussion on an issue and speed the Council's proceedings. The presiding officer will state the name of the Council Member who made the motion and the name of the Council Member who made the second. When the Council concurs or agrees to an item that does not require a formal motion, the presiding officer will summarize the agreement at the conclusion of discussion. The following rules shall apply to motions during proceedings of the Council:

- A. A motion may be withdrawn by the mover at any time without the consent of the Council.
- B. If a motion does not receive a second, it dies.
- C. A motion that receives a tie vote fails.
- D. A call for the question is intended to close the debate on the main motion and does not require a second and is not debatable. A call for the question fails without a majority vote. Debate on the main subject resumes if the motion fails.
- E. A motion to amend can be made to a motion that is on the floor and has been seconded. An amendment is made by inserting or adding, striking out, striking out and inserting, or substituting.
- F. A motion to adjourn cannot be amended.
- G. A motion to amend an amendment is allowed.
- H. Amendments are voted on first, then the main motion as amended.
- I. Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
- J. The motion maker, presiding officer, meeting recorder, City Manager, or City Attorney should repeat the motion and/or the amendment prior to voting.

- K. A point of order, after being addressed by the presiding officer, may be appealed to the body.

### ***News Media***

The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Workspace shall be reserved for members of the press at Council meetings so that they may observe and hear proceedings clearly. The terms “news media” “press” and “representative of the press” for the purpose of these rules are interchangeable and mean someone who:

- A. Represents an established channel of communication, such as a newspaper or magazine, radio or television station, or other electronic media; and either
- B. Regularly reports on the activities of government or the governing body; or
- C. Regularly reports on the particular topic to be discussed by the governing body in executive session.

### ***Order***

A law enforcement officer of the city may be sergeant-at-arms of the Council meetings. The sergeant-at-arms shall carry out all orders and instructions given by the presiding officer for the purposes of maintaining order and decorum at the Council meeting.

- A. Any of the following shall be sufficient cause for the sergeant-at-arms to, at the direction of the presiding officer, or by a majority of the Council present, remove any person from the Council chamber for the duration of the meeting:
  - 1. Use of unreasonably loud or disruptive language or noise.
  - 2. Engaging in violent or disruptive action, including any violence towards any person.
  - 3. Willful damage to city or private property.
  - 4. Refusal to obey these rules or other applicable regulations, including limitations on occupancy and seating capacity.
  - 5. Refusal to obey an order of the presiding officer or an order issued by a Councilor that has been approved by a majority of the Council present.
- B. Before the sergeant-at-arms is directed to remove any person from a Council meeting for conduct described in this section, that person may be given a warning by the presiding officer to cease his or her conduct. A warning is not required, but will generally be given to provide the person an opportunity to correct his or her behavior. If a meeting is disrupted by one or more members of the audience, the

presiding officer or a majority of the Council present may declare a recess and/or order that the Council chamber be cleared.

### ***Order of Business***

The City Manager shall arrange the order of business to achieve an orderly and efficient meeting. The order of business will be as follows:

- I. Roll Call
- II. Proclamations, Recognitions, and Special Presentations
- III. Public Comment (three minutes per person) on non-agenda items
- IV. Consent Calendar (confirmation of Mayoral appointments, approval of minutes, renewal of leases, routine issues, etc.)
- V. Public Hearings/Special Orders of Business
- VI. Communications (agenda items requested by Council Members, City Attorney, boards, commissions, task forces, committees, community groups, or individuals with a ten minute time limit for presentation)
- VII. City Manager's Report (includes all items from the City Manager, department heads, and other staff requiring City Council action, and informational items.)
- VIII. City Council acting as the Local Contract Review Board
- IX. Public Comment (three minutes per speaker)
- X. Mayor and Councilor reports and comments
- XI. Adjournment

### ***Ordinances and Resolutions***

All ordinances and resolutions shall be prepared under the supervision of the City Manager or City Attorney. Any ordinance or resolution not prepared by the City Attorney shall, upon request, be reviewed and approved as to form by the City Attorney. Ordinances and resolutions may be introduced by a member of the Council, the City Manager, the City Attorney or any department head.

- A. Unless the motion for adoption provides otherwise, resolutions shall be adopted by reference to the title or number of the resolution and shall be effective upon adoption. A roll-call vote is not required for resolutions unless it is unclear whether a majority favor the resolution.

- B. Ordinances shall be adopted as provided by the City Charter. Failure to comply with post-adoption signature requirements shall not invalidate an ordinance.
- C. Ordinances shall be effective on the thirtieth day after adoption, unless the ordinance provides that it will become effective at a later time. An emergency ordinance which includes a provision that the ordinance is necessary for immediate preservation of the public peace, property, health, or safety may provide that it will become effective upon adoption or other time less than 30 days after adoption.
- D. Ordinances shall be adopted by roll-call vote.

### ***Planning Commission Testimony***

The Planning Commission was established in compliance with state statute to make recommendations to the City Council on general land use issues and to act as a hearing body for the city. For legislative land use matters before the Council, commissioners may testify as a commissioner, as a commission representative if so designated by the commission, or as a citizen.

### ***Presiding Officer***

The Mayor shall be the presiding officer and conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council, subject to these rules. The Council President shall preside in the absence of the Mayor. The Mayor may ask the Council President to preside over all or part of a meeting at any time to provide the Council President with experience in presiding over Council meetings. The presiding officer shall not be deprived of any of the rights and privileges of a Council member. In case of the absence of the Mayor and the Council President, the City Manager shall call the meeting to order and the Council shall elect a chairperson for the meeting by majority vote.

### ***Public Addressing the Council***

Each person addressing the Council shall submit a completed testimony form to the City Recorder. A separate form must be completed for each item desiring to be addressed.

- A. When called by the presiding officer, those wishing to address the Council shall come to the designated area and state their name. They shall limit their remarks to the time allocated by the presiding officer or Council. They should address all remarks to the Council as a body and not to any member thereof.
- B. No person shall be permitted to enter into any discussion, without the permission of the presiding officer. Questions from the public shall be asked of a Councilor or staff through the presiding officer.

- C. Any person making personal, offensive, or slanderous remarks, or who becomes threatening or personally abusive while addressing the Council may be requested to leave the meeting.
- D. Testimony shall be relevant to the topic of the agenda item and not redundant. The presiding officer may terminate redundant and/or irrelevant testimony. Pre-hearing testimony on quasi-judicial land use actions that may come before the Council will not be permitted.
- E. The intent of this section is not to stifle public debate, but to provide guidelines to allow meaningful and productive comment and debate.

***Public Hearings and Participation.***

Except when a public hearing is expressly required by applicable law, members of the public do not have the right to speak on items on the Council agenda. Nevertheless, the Council will normally allow public comment on action items, but is not required to do so. The Council may limit public comment and may disallow further public comment.

Different public hearings have different standards. If applicable law provides for a public hearing but does not regulate the type of hearing, the Council will allow any person with a right to a hearing to present written and oral testimony and argument. The Council may limit the time of oral testimony and argument.

Some public hearing law provides a right to a hearing to certain persons, but not to others. The Council shall allow persons with a right to a hearing to speak, but may prohibit or limit participation by others.

***Public Participation at Council Meetings***

Opportunities for public comment are important for policy development. It should be noted, that City Council meetings are meetings of the public body held in public, not public forums. Except when a public hearing is expressly required by applicable law, members of the public do not have a right to speak on items on the Council agenda. Nevertheless, the Council will normally allow public comment on action items. Any member of the public can submit a completed public comment form to the City Recorder for each item they wish to address on the agenda. The general public is allowed three minutes. During any public comment or public hearing time, the public will be allowed to utilize their time to speak and share their comments with the City Council provided that the testimony is relative to the topic of the agenda item. During this time, public participants at City Council meetings shall be allowed to make appropriate comments with the three-minute period of time that is allowed without interruption from the Council or staff. Please note that the public participants may ask questions, however, the questions will be answered after the public comment period is closed in order to allow the individual to utilize their full three minutes of time. Following the close of public comments or a public hearing, any questions raised or comments made will be addressed for all participants in the hearing. If City Council members and/or staff have

questions for any of the public participants as a result of the testimony, that discussion will follow the close of the public comment period when the questions can be asked. This will assure fair participation by the public at City Council meetings and will eliminate any active debate or discussion between the public and Council during public hearings and/or public comment sections.

### ***Quorum***

The quorum requirement for the conduct of Council business is four Council Members.

### ***Reconsideration of Actions Taken***

A member who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. The second of a motion may be a member of the minority. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Council. However, nothing in this section precludes a new motion on the same subject matter as a previous decision with the possibility of a different result.

### ***Requirements of all Meetings***

All notice requirements of state law shall be satisfied before any Council meeting can be conducted.

Council Members shall keep the City Manager informed of their current telephone numbers.

Because of the possibility of special and emergency meetings, Council Members should normally advise the City Manager if they will be absent from the city for more than 24 hours. Advising the City Manager of absences is particularly important if the Council member will be in a location or involved in an activity that limits electronic communication.

### ***Suspension of Rules***

These rules may be suspended upon an affirmative vote of 75 percent of those voting when a quorum of the Council is present. Suspension of the rules should only occur in cases of extreme necessity. Notwithstanding the above, quorum and majority voting requirements shall not be suspended or waived.

### ***Voting***

Every Council Member who may legally vote on a motion shall vote on a motion unless a majority of the Council present, for special reason, allows the Council Member to abstain. The Council Member must declare the intent to abstain prior to the vote and explain the reason for the abstention.

- A. No Council Member shall be permitted to vote on any subject in which he or she has an actual conflict of interest, unless allowed by state law, or is otherwise disqualified from participation.
- B. The concurrence of a majority of the Council Members voting when a quorum is present at a Council meeting shall be necessary to decide any question before the Council.

## CITY COUNCIL ACTING AS OTHER CITY ENTITIES

### *Local Contract Review Board*

**Authority.** Chapter 2.30 of the Newport Municipal Code provides that the City Council shall act as the Local Contract Review Board and shall have all powers authorized by state law and city charter.

**Meetings.** The Local Contract Review Board shall normally act during a regular City Council meeting with the Mayor serving as chair. When action of the Local Contract Review Board is required, the issue will be placed on the City Council agenda in accordance with the "Order of Business" outlined in Meeting Procedures. The City Recorder will note the time that the Local Contract Review Board is called to order; any action taken; and the time the Mayor adjourns the Local Contract Review Board. The City Recorder will indicate the time that the City Council resumes its meeting.

### *Urban Renewal Agency*

**Authority.** Ordinance No. 1910 provides that the City Council shall have the authority to exercise the powers of the Urban Renewal Agency.

**Organizational Meeting.** Immediately following the City Council organizational meeting, which is held at the first meeting of the year following the election of the Mayor and Councilors, the Urban Renewal Agency will meet to elect a chair and a vice chair utilizing the election process for selecting a Council President contained in the Council Rules. The chair and vice chair will continue in office for a two-year period until an organizational meeting is held following the next election of Mayor and Councilors. The Mayor or Council President will not be considered for election as chair or vice chair. The organizational meeting will be called to order by the Mayor to conduct the election of the chair and vice chair. Following the election, the organizational meeting will be adjourned.

**Meetings.** Meetings of the Urban Renewal Agency will be scheduled by the City Manager, acting as the Executive Director of the Urban Renewal Agency, the chair, or any two members of the Agency. Meetings will typically be scheduled in conjunction with regular City Council meetings when it is necessary for the Agency to meet. The chair may assume the Mayor's seat for presiding over the meeting. The Mayor will take the vacated seat.

**Meeting Procedure.** The meetings of the Agency will follow the “Rules Governing Council Meetings” outlined in the Council Rules.

**Order of Business.** The City Manager, as the Executive Director, shall arrange the order of business to achieve an orderly and efficient meeting. The order of business will be as follows:

### URBAN RENEWAL AGENCY

- I. Roll Call
- II. Public Comment (three minutes per person) on non-agenda items
- III. Consent Calendar (approval of minutes, renewal of leases, and routine issues, etc.)
- IV. Public Hearings or Special Orders of Business
- V. Communications (agenda items requested by Agency Members, City Attorney, commissions, boards, task forces, committees, community groups, or individuals with a ten minute limit for presentation)
- VI. Executive Director’s Report (includes all items from the Executive Director, department heads, and other staff requiring Urban Renewal Agency action, and informational items.)
- VII. Agency Member Reports and Comments
- VIII. Adjournment

## GENERAL COUNCIL RULES

### *Annual Report of Boards, Commissions, Committees, and Task Forces*

At the request of the Council, boards, commissions, committees and task forces will report to the Council on their activities.

### *Appointed Positions*

The Council appoints and can remove the City Manager, the City Attorney, and the Municipal Judge. The Council shall evaluate the City Manager and the City Attorney in accordance with their respective contracts, but no less frequently than once a year. The Council may meet with the Municipal Judge once annually, but will not interfere with the Municipal Judge's exercise of judicial authority and discretion.

### *Attendance and Presence in the City*

Councilor Members will inform the Mayor and/or City Manager if they will be unable to attend any meetings. If the Mayor will be absent, the Mayor will inform the City Manager and the Council President. Under the City Charter, a Council position becomes vacant if the Council member is absent from the city for more than 30 days without Council permission. The permission to be absent from the city must be requested before the absence, or in the case of a family illness or other unforeseen event, prior to the end of the 30-day absence.

### *Communication with Staff*

All Council Members shall respect the separation between the Council's role and the City Manager's responsibilities by:

- A. Not interfering with the day-to-day administration of city business, which is the responsibility of the City Manager.
- B. Working together as a team within a spirit of mutual confidence and support.
- C. Respecting the administrative functions of the City Manager, the City Attorney, and department heads and refraining from actions that would undermine the authority of the City Manager or department heads. The Council will abide by the City Charter in its dealings with the City Manager and City Attorney.
- D. Limiting individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager or Mayor. Questions from individual Council Members requiring significant staff time or resources (generally, two hours or more) should normally require approval of the Council, although the City Manager or the Mayor may determine to follow up on requests from Councilor Members. Written requests for information

requested by an individual Council Member should normally be responded to in writing to the Council as a whole, with a notation as to which Council Member requested the information. Council Members should normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by Council Members acting in their individual capacity rather than as Council Members, or to questions regarding conflict of interest or similar issues particular to the Council member.

- E. Communication with the City Attorney by individual Councilors should be authorized, in advance, by either the Mayor or the Council President with the exception of issues such as personal conflicts of interest and other individual issues.
- F. Limiting individual contacts with city officers and employees so as to not influence staff decisions or recommendations, so as to not interfere with staff work performance, and so as to not undermine the authority of the City Manager, department heads, and other managerial and supervisory employees.
- G. Respecting staff and their roles and responsibilities, even if expressing criticism of an action.

Nothing in this section precludes Council Members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager or City Attorney.

### ***Conduct of Council Members.***

- A. *Non-Participation.* A Councilor shall not participate in a quasi-judicial decision if the Council member is biased to the extent that the Council Member cannot decide the matter by applying the applicable standards and criteria to the facts of the situation as presented to the Council. A Council Member shall not participate in any decision when participation in the decision is contrary to state law. Any person may challenge the participation of a Council Member at the start of the proceeding. If a challenge is made, the Council Member may choose to withdraw or rehabilitate him or herself, by stating on the record that he or she can make a fair decision based solely upon the evidence presented and applicable criteria. If the Council Member does not withdraw or rehabilitate him or herself, the remainder of the Council will decide by motion whether the Council Member will participate. A Council Member who is not participating shall not sit at the Council table, and shall move into the audience seating.
- B. *Conflict of Interest.* Under state law, an actual conflict of interest is defined as one that *would* or will result in a financial benefit or the avoidance of financial debt to a Council Member, his or her relative or a business with which the Council Member is associated. A potential conflict of interest is one that *could* or might result in financial benefit or avoidance of financial debt. A Council Member must publicly announce both potential and actual conflicts of interest each time the issue creating the conflict arises before the Council. In the case of an actual conflict of interest, the Council

Member must refrain from participating in debate on the issue and from voting unless allowed by state law. If a Councilor believes that he or she qualified to vote on the matter despite an actual conflict of interest, that Councilor should seek legal advice from the City Attorney prior to voting or debating the matter. A Council Member who is not participating because of an actual conflict of interest shall leave the Council table after declaring the conflict. For the purposes of this policy, the term “relative” shall be defined consistent with ORS 244.020.

- C. *Ex Parte Contacts.* For quasi-judicial hearings, Council Members will endeavor to refrain from having ex parte contacts relating to any issue of the hearing. Ex parte contacts include any information relevant to the issue at hand, other than contacts with staff, gained outside the formal hearing process and not in the record relating to the subject matter of the quasi-judicial hearing. Ex parte contacts include both oral and written communication. If a Council Member has an ex parte contact prior to any hearing, the Council Member will reveal the contact on the record at the beginning of the hearing, and describe the substance of the contact. After all declarations of ex parte contacts, the presiding officer shall announce the right of interested persons to rebut the substance of the communication.
- D. *Absence for Portion of a Hearing.* For quasi-judicial hearings, a Council Member who was absent during the presentation of evidence cannot participate in any deliberations or decision regarding the matter unless the Council Member has reviewed all the evidence and testimony received.
- E. *Government Ethics Requirements and Reporting.* Council Members shall review and observe the requirements of the State Ethics Law (ORS 244.010 to 244.390) dealing with use of public office for private financial gain. Council Members shall give public notice of any actual or potential conflict of interest and the notice will be reported in the meeting minutes. Council Members shall timely file annual statements of economic interest with the Government Ethics Commission.
- F. *Ethical Conduct and Fair Treatment.* In addition to matters of financial interest, Council Members shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims, and transactions coming before the Council. This general obligation includes the duty to refrain from:
  - 1. Disclosing information that is confidential under law or making use of special knowledge or information before it is made available to the general public.
  - 2. Making city decisions involving the Councilor’s business associates, customers, clients, and competitors.
  - 3. Repeated violations of these Council Rules.
  - 4. Promoting relatives, clients, employees or for boards, commissions, committees, and task forces.

5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers, or friends.
6. Seeking employment of relatives with the city.
7. Actions benefiting special interest groups at the expense of the city as a whole.
8. Expressing an opinion contrary to the official position of the Council without so stating.

G. *General Conduct.* In general, Council Members shall conduct themselves so as to bring credit upon the government of the city by respecting the rule of law, ensuring non-discriminatory delivery of public services, keeping informed concerning the matters coming before the Council and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

H. *Participation in Council Meetings.* Any Council Member desiring to be heard during a Council meeting should normally be recognized by the presiding officer and shall confine his or her remarks to the subject under consideration or to be considered. Council Members will speak one at a time, allowing one another to finish. The presiding officer may allow flexibility in the application of this rule.

### ***Conferences and Seminars***

Council Members are urged to educate themselves about local government. To that end, and as funding allows, Council Members are urged to attend the League of Oregon Cities functions at city expense. Requests to attend other government-related conferences, training, seminars, and meetings will be presented to the Council for approval. Council Members who serve on committees or the boards of the League of Oregon Cities, the National League of Cities, or other similar associations of local governments will be reimbursed for reasonable expenses not covered by the respective body.

### ***Confidentiality***

Council Members will keep all information provided to them on matters that are confidential under law in complete confidence to ensure that the city's position is not compromised. No mention of any information confidential under law, whether provided to the Council Members in written form or verbally, should be made to anyone other than other Council Members, the City Manager, the City Attorney, the City Recorder, or responsible department heads.

A. If the Council in executive session provides direction to staff on proposed terms and conditions for any type of negotiation, whether it be related to property acquisition or disposal, a pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Council Member will not have any contact or discussion

with any other party or its representative nor communicate any executive session discussion, except as authorized by Council.

- B. All public statements, information, or press releases relating to matters that are confidential under law will be handled by the City Manager or other person authorized by the Council.
- C. The Council, by resolution or motion and with a majority vote of the entire Council, may censure a member who discloses a matter that is confidential under law.

### ***Contacts with Organizations***

The City Council will seek meetings with the Lincoln County Board of Commissioners, the Lincoln County School District Board, the Port of Newport, and other local governments, and groups, as needed to address issues of common interest. The City Council will allow local groups such as the Chamber of Commerce, and local business, neighborhood or citizens groups, to make presentations to the Council on matters of common interest.

### ***Establishment of Boards, Commissions, Committees, Task Forces, Work Groups, and Sub-Groups***

The City Council may establish boards, commissions, and standing committees by ordinance. These are typically groups that would deal with on-going issues.

The City Council may establish Task Forces by Council resolution which should contain a specific task and completion date for the task.

The City Council may establish work groups and sub-groups for the purpose of studying a specific issue. Work groups and sub-groups may be established by Council motion which should include a topic to be studied along with direction as to the composition of the group and an approximate completion date of the study.

Every meeting of any board, commission, committee, task force, work group, and sub-group established by the City Council will be attended by appropriate city staff as assigned by the City Manager. With the exception of work groups and sub-groups which include no more than two City Councilors as members; all meetings of any board, commission, committee, task force, work group, and sub-group will be properly noticed pursuant to the Oregon Public Meetings Law. Agendas, minutes, and audiofiles will be prepared for all meetings except work groups and sub-groups with two or fewer Councilors. All agendas, minutes, and audiofiles required by these Rules will be posted on the city's website.

Appointments to Boards, Commissions, Committees, Task Forces, Work Groups, and Sub-Groups shall be made by the Mayor subject to confirmation by the City Council.

### ***Expenses, Reimbursement and Compensation***

Council Members shall receive no pay or other compensation for serving on the Council. Council Members will follow the same rules and procedures for reimbursement as those which apply to city employees, when seeking reimbursement for attendance at authorized conferences or other authorized reimbursement. The city does not reimburse Council Members for expenses incurred by their spouses and/or guests.

### ***Gifts by the Council***

On occasion, and within the approved budget, the Council may wish to purchase a gift or memento for someone with city funds. Expenditures of this type shall require consensus approval of the Council.

### ***Liaison to Boards, Commissions, and Committees***

The Mayor may appoint Council Members to act as liaison to boards, commissions, committees, task forces, or other bodies that advise the Council. In the event a Council liaison is unable to attend a meeting of the board, commission, committee, or task force, the liaison will either contact another Council member to act as liaison for the meeting or ask the Mayor to find a substitute.

When attending a meeting of a city board, commission, committee, or task force as liaison, Council Members will:

- A. Not attempt to lobby or influence the board, commission, committee, or task force on any item under its consideration, unless the City has taken an official position regarding that item.
- B. Not vote at the body's meeting on any item. This rule applies only when the Council Member is acting as liaison; it does not apply when the Council Member is a member of the board, commission, committee, or task force and does not apply to non-city bodies when the Council Member is the representative of the city.

### ***Litigation***

The City Manager and/or City Attorney will provide the City Council with a confidential memo regarding claims and may meet in executive session with the Council within 30 days of the city's receipt of:

- A. A statutory notice of intent to sue, or
- B. A summons and complaint for damages.

The City Manager and/or City Attorney will provide the Council with a report of all claims filed against the city.

### ***Orientation of New Councilors***

Orientation will be provided to newly-elected Councilors by the Mayor, City Manager, and City Attorney at a time that is mutually agreed upon. Traditionally, orientation is provided through a day-long series of meetings and tours of city facilities.

### ***Public Records***

The disposition of public records created or received by individual Council Members shall be in accordance with Oregon Public Records Law. Written information incidental to the official duties of a member of the City Council, including electronic mail messages, notes, memos, and calendars (e.g., “Daytimers”) are public records and are subject to disclosure under the public records law.

### ***Representing the City***

When a member of the City Council represents the city before another governmental agency, before a community organization or media, the official should first indicate the majority position of the Council if there is one. Personal opinions and comments may be expressed only if the Council Member clarifies that those statements do not represent the position of the Council.

- A. The effectiveness of city lobbying in Salem or in Washington, D.C., depends on the clarity of the city’s voice. When Council Members represent the city in a “lobbying” situation, it is appropriate that the Council Members avoid expressions of personal dissent from an adopted Council policy.
- B. When Council Members attend meetings of organizations such as the League of Oregon Cities or the National League of Cities and their boards and committees, they do so as individual elected officials and are free to express their individual views. If the City Council has an adopted policy relating to an issue under discussion, the Council Member is expected to report that fact.
- C. By resolution, the Council may appoint one or two of its members to act as negotiators with groups, individuals, or other governmental entities. Any agreements made by such negotiators shall require approval of the Council as a whole to take effect.

### ***Vacancies on Boards, Commissions and Committees***

The Mayor, subject to ratification by the Council, shall appoint all members of boards, commissions, committees, and task forces, and appoint persons to fill all vacancies. The City Manager will seek applications from interested candidates. The Council may, and normally will, interview applicants for the Planning Commission and Budget Committee. Other committees, boards, and task forces will make recommendations to the Mayor regarding candidates to fill vacancies that may occur on committees, boards, and task forces other than the Planning Commission and Budget Committee.

### *Vacancies on the Council*

Upon declaring a vacancy on the City Council, the Council will fill the vacancy under provisions of the City Charter. The vacancy will be advertised and applications will be accepted. After the filing deadline has passed, the Council will conduct public interviews of all applicants. The Council will make a decision to fill the vacancy in a public meeting.



**Agenda Item:**

**Consideration and Possible Adoption of Resolution 3702 - Amending the Fees for Review of Land Use Actions**

**Background:**

In 2009, the City of Newport conducted a comprehensive use fee study as it related to various fees for the review of land use actions. As a result of that study, the City Council determined that it was appropriate to set a target of collecting 50% of the direct cost in administrating various land use actions where costs are recovered through fees. The fee adjustments were implement over a four year period, after that four year period they are to be adjusted by the Consumer Price Index. The only area in which the City Council opted not to recover 50% of cost for administering these types of permits is in the area of signs. Since cost for temporary signs and portable signs would be excessive based on the modest investment typically made for these types of signs. All other rates are modified by the Consumer Price Index with this year's factor being 1.3% increase in the fees for these types of proposes.

**Recommended Action:**

I recommend the City Council consider the following motion:

I move the adoption of Resolution No. 3702, a resolution that makes annual inflationary adjustments to land use fees within the City of Newport, in accordance with Resolution No. 3486, which established the basis for annually adjusting these fees.

**Fiscal Effects:**

Approval of the annual adjustment keeps the cities fees current to support the governmental function that is required to administer the various land use activities.

**Alternatives:**

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Spencer R. Nebel".

Spencer R. Nebel  
City Manager





Agenda Item VIII.B\_\_\_\_\_  
Meeting Date January 20, 2015

**CITY COUNCIL AGENDA ITEM SUMMARY**  
City of Newport, Oregon

Issue/Agenda Title Annual adjustment to City of Newport Fees for the Review of Land Use Actions\_\_\_\_\_

Prepared By: Derrick Tokos Dept Head Approval: DT

City Mgr Approval:

**ISSUE BEFORE THE COUNCIL:** A resolution adjusting fees for land use actions to account for annual inflation using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U). If adopted, the changes will become effective immediately upon passage.

**STAFF RECOMMENDATION:** Staff recommends the Council adopt the resolution.

**PROPOSED MOTION:** I move to adopt Resolution No. 3702, a resolution that makes annual inflationary adjustments to fees the City of Newport charges applicants for the review of land use and related actions.

**KEY FACTS AND INFORMATION SUMMARY:** The City of Newport has established fees for land use and related actions to cover expenses incidental to the cost of reviewing such requests, including costs related to publishing notices for hearings, mailing notices to affected property owners/agencies, preparing and copying staff reports, and other responsibilities as required by state law and city ordinances.

In 2009, the City hired the consulting firm FCS Group to conduct a Comprehensive Use Fee Study. The study, released in September of 2009, considered the direct and indirect costs the city incurs in reviewing land use requests and found that the city was recovering about 15% of its direct costs through land use fees. The study further provided guidance for establishing a cost recovery policy, including weighing the public benefit versus private benefit when determining the level of full cost of services that should be recovered through fees. Considering this guidance, and the direct and indirect costs detailed in the FCS Study, the City Council determined that it is appropriate to set a target of collecting 50% of the direct cost of administering land use actions through fees.

Given the length of time since the city had last amended its fees, and the amount of increase needed to achieve 50% recovery of direct costs, the Council elected to phase in fee adjustments over a four (4) year period beginning in January 2010 (Resolution No. 3486). Direct costs were adjusted for inflation during the phase in period using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U). Once the four (4) year phase in period was complete, the City shifted to a model where it is adjusting fees annually to account for changes in the CPI-U (Resolution No. 3662). This ensures that the city will continue to meet its objective of 50% recovery of direct costs.

The CPI-U in effect in November of 2013 is the “base case” or denominator used in calculating fee adjustments. The numerator is the CPI-U available on November of 2014, and the result from the calculation is a multiplier that can be applied against the existing fees to tabulate the new rates. The multiplier was derived as follows:

$$236.151 \div 233.069 = 1.013$$

Proposed fees for 2015 are listed in the fee schedule attached as Exhibit A to the draft resolution. Fees for 2009 through 2014 are included in a comparison table (enclosed). Fees for temporary signs and uses have not been adjusted to achieve 50% recovery of direct costs because doing so may be overly burdensome given the modest investment typically associated with these activities.

**OTHER ALTERNATIVES CONSIDERED:** None. It is the City’s policy to annually adjust land use fees to account for inflationary impacts.

**CITY COUNCIL GOALS:** Adjusting land use fees in this manner is consistent with the City's objective of maintaining fiscal responsibility and encouraging sustainable development.

**ATTACHMENT LIST:**

Proposed Resolution

Comparison Table Showing Fees for Land Use Actions 2009 to Present

Bureau of Labor Statistics CPI-U Table (relevant figures highlighted)

**FISCAL NOTES:** The City typically collects somewhere between \$15,000 and \$25,000 a year in land use fees, which is a very modest impact on the overall General Fund.

**CITY OF NEWPORT  
RESOLUTION NO. 3702**

**RESOLUTION AMENDING CITY OF NEWPORT  
FEES FOR REVIEW OF LAND USE ACTIONS**

Findings:

1. The City of Newport has established fees for land use and related actions to cover expenses incidental to the cost of reviewing such requests, including costs to publish notices for hearings, mail notices to affected property owners/agencies, prepare and copy staff reports, and other responsibilities as required by state law and city ordinances.
2. A Comprehensive Use Fee Study for the City of Newport, by FCS Group, dated September of 2009, considered the direct and indirect costs the city incurs in reviewing land use requests and found that the city was recovering about 15% of its direct costs through land use fees.
4. The FCS Study provides guidance for establishing a cost recovery policy, including weighing the public benefit versus private benefit when determining the level of full cost of services that should be recovered through fees. Considering this guidance, and the direct and indirect costs detailed in the FCS Study, the City Council determined that it is appropriate to set a target of collecting 50% of the direct cost of administering land use actions through fees.
5. Given the length of time since the City had last amended its fees, and the amount of increase needed to achieve 50% recovery of direct costs, the Council elected to phase in fee adjustments over a four (4) year period beginning in January 2010 (Resolution No. 3486). Direct costs were adjusted for inflation during the phase in period using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U).
6. As called for in Resolution No. 3662, and consistent with Chapter 14.60 of the Newport Municipal Code (NMC), it is necessary to annually adjust fees now that the phase in period is complete in order to account for inflation. Calendar year 2014 was the first year that this occurred. Making annual CPI-U adjustments ensures that the City will continue to meet its objective of 50% recovery of direct costs.
7. Fees for temporary signs and uses have not been adjusted to achieve 50% recovery of direct costs because doing so may be overly burdensome given the modest investment typically associated with these activities.
8. Sections from prior land use fee resolutions addressing charges that are subject to alternative methods of being calculated, either by law or because of the unique nature of the fee, have been incorporated into this resolution.

Based on these findings,

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. Land Use Fees. Fees for land use and related actions shall be as reflected in Exhibit A to this resolution.

Section 2. Annual Fee Adjustments. Consistent with NMC Chapter 14.60, the fees established herein shall be reviewed annually and adjusted as needed effective January of each year to account for inflation using the Bureau of Labor Statistics Consumer Price Index for Urban Consumers (CPI-U).

Section 3. Fees Relating to ORS 227.186 Notifications. The applicant for a land use application requiring notification under ORS 227.186 (Measure 56 notification) shall pay, in addition to the land use application fee, the cost of preparing and mailing the notification. The city shall prepare an estimate of the cost and shall notify the applicant of the estimated cost. The estimated cost shall be paid within five (5) business days after notification of such determination or the application shall be subject to dismissal. In the event that actual costs exceed estimated costs, the applicant shall be billed the difference and payment of the difference is due within 30 days after notice is provided to the applicant. In the event that the amount of such estimated payment exceeds the actual cost of notification, the difference shall be refunded to the applicant.

Section 4. Fees Relating to Appeal Transcripts. For appeals of land use actions, the appellant shall pay the actual cost of preparing a verbatim written transcript up to \$500. If there is more than one appellant, each such appellant shall pay an appeal fee and the cost of preparing a written transcript. All of the appellants shall be jointly and severally liable for the cost and charges of such transcripts, and any or all appeals pending in any matters may be dismissed by the Newport City Council in the event of failure to make payment of the transcript fees. Upon filing an appeal, the city shall determine the estimated cost of such transcript, and the amount of such estimated cost shall be paid to the city within five (5) business days after notification of such determination, or the appeal shall be subject to dismissal. In the event that actual costs of preparing the transcript exceed the amount of the estimate, the appellant(s) shall be billed the difference and payment of the difference is due within 30 days after notice is provided. Failure of appellant(s) to make payment within 30 days will subject the appeal to dismissal. In the event that the amount of such estimated payment exceeds the actual cost of the transcript, the amount so paid shall be refunded, prorated, to those parties actually having paid them. As provided by ORS 227.180, in lieu of a transcript prepared by the city and the fee thereof, parties to an appeal held on the record may prepare a transcript of relevant portions of the proceedings conducted at a lower level at the party's own expense. If an appellant prevails at a hearing or on appeal, the transcript fee shall be refunded.

Section 5. Fees Relating to Withdrawal of Annexations. Withdrawals are administered as annexations. In addition to the filing fee, the owner of each parcel of property to be so withdrawn shall, as a condition of such withdrawal action, and prior thereto, pay or make arrangements satisfactory to the city for the payment of any bonded indebtedness or any other charges attributable to such property which may become a debt, obligation, or liability of the City of Newport by reason of such withdrawal. Nothing herein contained shall be construed to prevent the Newport City Council from initiating and carrying out the withdrawal proceedings on its own motion and the assumption of such obligations pursuant to the applicable state law if the City Council determines that to do so is in the best interest of the city.

Section 6. Inspection Fees for Vacation Rental and Bed & Breakfast Facilities. The application fee for Vacation Rental and Bed & Breakfast Facilities contained in Exhibit A includes an initial inspection of the dwelling unit by the Building Official. The fee for each subsequent Building Official inspection shall be \$76.

Section 7. Repeal of Prior Fees. All previously adopted resolutions or enactments establishing fees for land use actions are hereby repealed to the extent that their provisions conflict with the fees set by this resolution.

Section 8: Effective Date. This resolution shall be effective upon passage.

Adopted by a \_\_\_\_\_ vote of the Newport City Council on \_\_\_\_\_, 2015.

Approved by the Mayor on \_\_\_\_\_, 2015.

\_\_\_\_\_  
Sandra Roumagoux  
Mayor

ATTEST:

\_\_\_\_\_  
Margaret M. Hawker  
City Recorder

CITY OF NEWPORT  
LAND USE FEES

Permit Type	Fee Amount
<b>Annexation</b>	<b>\$718</b>
Each additional parcel in separate ownership	\$45
<b>Appeal (First Hearing)</b>	<b>\$250</b>
<b>Appeal (Second Hearing)*</b>	<b>\$299</b>
<b>Comprehensive Plan Amendment:</b>	
Text	\$1,208
Map	\$1,208
<b>Conditional Use Permit:</b>	
Planning Commission	\$768
Staff	\$615
<b>Estuarine Use Permit</b>	<b>\$591</b>
<b>Design Review - Nye Beach</b>	<b>\$618</b>
<b>Encroachment - right-of-way</b>	<b>\$478</b>
<b>Exception to Statewide Goal</b>	<b>\$378</b>
<b>Geologic Permit</b>	<b>\$206</b>
<b>Interpretation</b>	<b>\$424</b>
<b>Land Use Compatibility Signoff</b>	<b>\$55</b>
<b>Minor Replat</b>	<b>\$320</b>
<b>Nonconforming Use Permit</b>	<b>\$768</b>
<b>Partition</b>	<b>\$320</b>
<b>Planned Destination Resort:</b>	
Conceptual Master Plan	\$1,340
per acre charge	\$48
Preliminary Development Plan	\$1,162
charge per each lot	\$48
Final Development Plan	\$1,056
<b>Planned Unit Development:</b>	
Tentative Plan	\$1,162
charge per each unit	\$48
Final Plan	\$1,056
charge per each unit	\$48
<b>Property Line Adjustment</b>	<b>\$307</b>
<b>Shoreland Impact Permit</b>	<b>\$509</b>
<b>Signs:</b>	
one temporary/portable sign**	\$30
each additional portable sign	\$10
other signs (new, replacement, or reconstruction)	\$122
sign demolition	\$10
surcharge for mural sign in excess of wall sign limits***	\$101
<b>Subdivisions:</b>	
Tentative Plan	\$970
charge per each unit	\$48
Final Plat	\$423

**CITY OF NEWPORT  
LAND USE FEES**

Permit Type	Fee Amount
<b>charge per each unit</b>	<b>\$48</b>
<b>Temporary Structures Permit</b>	<b>\$41</b>
<b>Traffic Impact Analysis (w/no other land use)</b>	<b>\$615</b>
<b>Trip Assessment or Vesting Letter</b>	<b>\$54</b>
<b>Trip Reserve Fund</b>	<b>\$768</b>
<b>Urban Growth Boundary Amendment</b>	<b>\$1,451</b>
<b>Vacations (streets and plats)****</b>	<b>\$776</b>
<b>Vacation Rentals &amp; B&amp;B Endorsements (includes initial inspection)</b>	<b>\$128</b>
<b>follow-up inspection fee</b>	<b>\$76</b>
<b>Variances/Adjustments:</b>	
<b>    Planning Commission</b>	<b>\$591</b>
<b>    Staff</b>	<b>\$509</b>
<b>Zoning Ordinance Amendments:</b>	
<b>    Text</b>	<b>\$1,208</b>
<b>    Map</b>	<b>\$1,208</b>
<b>Other staff level permits requiring public notice</b>	<b>\$483</b>

\*Plus cost of producing a verbatim transcript of the initial evidentiary hearing (\$500 cap).

\*\*Plus \$25 per month that the temporary signs remain within the right-of-way, not to exceed \$100 per calendar year. Nonprofit organizations are exempt from fees for temporary signs.

\*\*\*Nonprofit organizations are exempt from this surcharge fee.

\*\*\*\*Plus appraisal cost and damages.

Comparison of Land Use and Related Fees 2009 to Present (Direct Unit Cost Figures from 2009 FCS Group Study)

Permit Type	Calendar Year 2009				Fees Effective:					
	Land Use Fees	Direct Unit Cost	50% of Direct Cost	50% Cost Adjusted (Inflation through 2013)	1/1/10	1/1/11	1/1/12	1/1/13	1/6/14	1/20/15
Annexation	\$700	\$1,126	\$563	\$638	\$700	\$700	\$700	\$700	\$708	\$718
Each additional parcel in separate ownership	\$20	\$77	\$39	\$44	\$26	\$32	\$38	\$44	\$44	\$45
Appeal (First Hearing) <sup>1</sup>									\$250	\$250
Appeal (Second Hearing) <sup>2</sup>	\$150	\$515	\$258	\$292	\$185	\$221	\$256	\$292	\$295	\$299
Comprehensive Plan Amendment:										
Text	\$325	\$2,079	\$1,040	\$1,178	\$538	\$752	\$965	\$1,178	\$1,192	\$1,208
Map	\$325	\$2,079	\$1,040	\$1,178	\$538	\$752	\$965	\$1,178	\$1,192	\$1,208
Conditional Use Permit:										
Planning Commission	\$195	\$1,322	\$661	\$749	\$334	\$472	\$611	\$749	\$758	\$768
Staff	\$150	\$1,058	\$529	\$600	\$262	\$375	\$487	\$600	\$607	\$615
Estuarine Use Permit	\$0	\$1,018	\$509	\$577	\$144	\$288	\$433	\$577	\$584	\$591
Design Review - Nye Beach	\$0	\$1,064	\$532	\$603	\$151	\$301	\$452	\$603	\$610	\$618
Encroachment - right-of-way	\$100	\$822	\$411	\$466	\$191	\$283	\$374	\$466	\$471	\$478
Exception to Statewide Goal	\$325	\$0	\$325	\$368	\$336	\$347	\$358	\$368	\$373	\$378
Geologic Permit	\$65	\$355	\$178	\$201	\$99	\$133	\$167	\$201	\$204	\$206
Interpretation	\$150	\$730	\$365	\$414	\$216	\$282	\$348	\$414	\$419	\$424
Land Use Compatibility Signoff	\$0	\$94	\$47	\$53	\$13	\$27	\$40	\$53	\$54	\$55
Minor Partition	\$50	\$550	\$275	\$312	\$115	\$181	\$246	\$312	\$315	\$320
Nonconforming Use Permit	\$195	\$1,322	\$661	\$749	\$334	\$472	\$611	\$749	\$758	\$768
Partition	\$50	\$550	\$275	\$312	\$115	\$181	\$246	\$312	\$315	\$320
Planned Destination Resort:										
Conceptual Master Plan	\$325	\$2,306	\$1,153	\$1,307	\$570	\$816	\$1,061	\$1,307	\$1,322	\$1,340
per acre charge	\$2	\$83	\$42	\$47	\$13	\$25	\$36	\$47	\$48	\$48
Preliminary Development Plan	\$130	\$2,000	\$1,000	\$1,133	\$381	\$632	\$883	\$1,133	\$1,147	\$1,162
per charge per each lot	\$13	\$83	\$42	\$47	\$22	\$30	\$39	\$47	\$48	\$48
Final Development Plan	\$130	\$1,818	\$909	\$1,030	\$355	\$580	\$805	\$1,030	\$1,043	\$1,056
Planned Unit Development:										
Tentative Plan	\$260	\$2,000	\$1,000	\$1,133	\$478	\$697	\$915	\$1,133	\$1,147	\$1,162
charge per each unit	\$10	\$83	\$42	\$47	\$19	\$29	\$38	\$47	\$48	\$48
Final Plan	\$260	\$1,818	\$909	\$1,030	\$453	\$645	\$838	\$1,030	\$1,043	\$1,056
charge per each unit	\$10	\$83	\$42	\$47	\$19	\$29	\$38	\$47	\$48	\$48
Property Line Adjustment	\$50	\$528	\$264	\$299	\$112	\$175	\$237	\$299	\$303	\$307
Shoreland Impact Permit	\$0	\$877	\$439	\$497	\$124	\$248	\$373	\$497	\$503	\$509
Signs: <sup>3</sup>										
one temporary/portable sign <sup>4</sup>	\$25	\$119	\$60	\$67	\$25	\$25	\$25	\$25	\$30	\$30
each additional portable sign	\$10	\$0	\$10	\$11	\$10	\$10	\$10	\$10	\$10	\$10
other signs (new, replacement, or reconstruction)	\$100	\$205	\$103	\$116	\$100	\$100	\$100	\$100	\$120	\$122
sign demolition									\$10	\$10
surcharge for mural sign in excess of wall sign limits <sup>5</sup>									\$100	\$101

Comparison of Land Use and Related Fees 2009 to Present (Direct Unit Cost Figures from 2009 FCS Group Study)

Permit Type	Calendar Year 2009				Fees Effective:					
	Land Use Fees	Direct Unit Cost	50% of Direct Cost	50% Cost Adjusted (Inflation through 2013)	1/1/10	1/1/11	1/1/12	1/1/13	1/6/14	1/20/15
Subdivisions:										
Tentative Plan charge per each unit	\$230	\$1,670	\$835	\$946	\$409	\$588	\$767	\$946	\$958	\$970
Final Plat charge per each unit	\$10	\$83	\$42	\$47	\$19	\$29	\$38	\$47	\$48	\$48
Final Plat charge per each unit	\$230	\$728	\$364	\$413	\$276	\$321	\$367	\$413	\$418	\$423
Temporary Structures Permit					\$19	\$29	\$38	\$47	\$48	\$48
Traffic Impact Analysis (with no other land use permit) <sup>6</sup>					\$35	\$35	\$35	\$35	\$40	\$41
Trip Assessment or Vesting Letter <sup>6</sup>								\$600	\$607	\$615
Trip Reserve Fund <sup>6</sup>								\$53	\$54	\$54
Urban Growth Boundary Amendment								\$749	\$758	\$768
Vacations (streets and plats) <sup>7</sup>	\$325	\$2,497	\$1,249	\$1,415	\$598	\$870	\$1,143	\$1,415	\$1,432	\$1,451
Vacation Rentals and B&B Endorsements <sup>8</sup>	\$500	\$1,335	\$668	\$757	\$564	\$628	\$692	\$757	\$766	\$776
follow-up inspection fee <sup>8</sup>								\$125	\$127	\$128
follow-up inspection fee <sup>8</sup>								\$75	\$75	\$76
Variances/Adjustments:										
Planning Commission	\$195	\$1,018	\$509	\$577	\$290	\$386	\$481	\$577	\$584	\$591
Staff	\$150	\$877	\$439	\$497	\$237	\$323	\$410	\$497	\$503	\$509
Zoning Ordinance Amendments:										
Text	\$325	\$2,079	\$1,040	\$1,178	\$538	\$752	\$965	\$1,178	\$1,192	\$1,208
Map	\$325	\$2,079	\$1,040	\$1,178	\$538	\$752	\$965	\$1,178	\$1,192	\$1,208
Other staff level permits requiring public notice	\$50	\$831	\$416	\$471	\$155	\$260	\$366	\$471	\$477	\$483

<sup>1</sup> Fee for initial evidentiary hearing capped at \$250.00 pursuant to ORS 227.175.

<sup>2</sup> Plus cost of producing a verbatim transcript of the initial evidentiary hearing.

<sup>3</sup> Sign fees not a part of Resolution No. 3486 because they were set by ordinance. Sign ordinance amended in June 2012 to allow fees to be set by resolution (Ord. #2037).

<sup>4</sup> Plus \$25 per month that the temporary signs remain within the right-of-way, not to exceed \$100 per calendar year. Non-profit organizations are exempt from fees for temporary signs.

<sup>5</sup> Non-profit organizations are exempt from this surcharge fee.

<sup>6</sup> Fees added by Resolution No. 3616, effective 12/5/12.

<sup>7</sup> Plus appraisal cost and damages.

<sup>8</sup> Fees added by Resolution No. 3585, effective 7/1/12.

## Consumer Price Index - All Urban Consumers

### Original Data Value

Series Id: CUUR0000SA0  
 Not Seasonally Adjusted  
 Area: U.S. city average  
 Item: All items  
 Base Period: 1982-84=100  
 Years: 2004 to 2014

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2004	185.2	186.2	187.4	188.0	189.1	189.7	189.4	189.5	189.9	190.9	191.0	190.3
2005	190.7	191.8	193.3	194.6	194.4	194.5	195.4	196.4	198.8	199.2	197.6	196.8
2006	198.3	198.7	199.8	201.5	202.5	202.9	203.5	203.9	202.9	201.8	201.5	201.8
2007	202.416	203.499	205.352	206.686	207.949	208.352	208.299	207.917	208.490	208.936	210.177	210.036
2008	211.080	211.693	213.528	214.823	216.632	218.815	219.964	219.086	218.783	216.573	212.425	210.228
2009	211.143	212.193	212.709	213.240	213.856	215.693	215.351	215.834	215.969	216.177	216.330	215.949
2010	216.687	216.741	217.631	218.009	218.178	217.965	218.011	218.312	218.439	218.711	218.803	219.179
2011	220.223	221.309	223.467	224.906	225.964	225.722	225.922	226.545	226.889	226.421	226.230	225.672
2012	226.665	227.663	229.392	230.085	229.815	229.478	229.104	230.379	231.407	231.317	230.221	229.601
2013	230.280	232.166	232.773	232.531	232.945	233.504	233.596	233.877	234.149	233.546	233.069	233.049
2014	233.916	234.781	236.293	237.072	237.900	238.343	238.250	237.852	238.031	237.433	236.151	

<b>Annual</b>	<b>HALF1</b>	<b>HALF2</b>
188.9	187.6	190.2
195.3	193.2	197.4
201.6	200.6	202.6
207.342	205.709	208.976
215.303	214.429	216.177
214.537	213.139	215.935
218.056	217.535	218.576
224.939	223.598	226.280
229.594	228.850	230.338
232.957	232.366	233.548
	236.384	



# CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda #: VIII.C.  
Meeting Date: January 20, 2015

## Agenda Item:

### Introduction of Building Inspector Joseph Lease and Discussion on Departmental Changes

#### Background:

Joseph Lease has initiated his service as building inspector for the City of Newport. With Mr. Lease's background we will be able to reduce the cities reliance on contractual inspection services. Community Development Director Derrick Tokos will give an overview of what types of changes will be occurring within the department.

#### Recommended Action:

None.

#### Fiscal Effects:

None.

#### Alternatives:

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel  
City Manager





**Agenda Item:**  
**Status Report on the Budget Schedule for 2015**

**Background:**

We are beginning the process for developing a budget for the fiscal year beginning on July 1, 2015 and ending on June 30, 2016. Attached is the detailed budget calendar for this fiscal year. Please note several key dates for the City Council:

- Goal Setting Meeting with City Council and Department Heads, Monday, February 23, 2015 from 9AM to 3 PM
- Preliminary Meeting of the Budget Committee, Wednesday, March 11, 2015 at 6 PM
- First Budget Committee Meeting, Wednesday, April 29, 2015 at 5 PM
- Second Budget Committee Meeting, Wednesday, May 13, 2015 at 5 PM
- Third Budget Committee Meeting, Wednesday, May 20, 2015 at 5 PM
- Budget Public Hearing, Monday, June 15, 2015 at 6 PM

Please note one change from last year's schedule is that there is two weeks scheduled between the first and second Budget Committee meeting. It is important to get through the initial review at the first meeting so that we can provide the responses in time for the second meeting of the Budget Committee. The third meeting of the Budget Committee should be for final review and approval of the budget documents. It is my intent to use to utilize the same format that was utilized last year for reviewing the budget. This includes a page by page review of the budget with individual members of the Budget Committee being able to propose an addition or deletion from the budget as proposed by the City Manager at the first meeting. The items are not debated at the first Budget Committee meeting. At the second meeting the City Manager and administration will bring back responses to each of those items that have been included on the list of possible revision to the proposed budget. At this point the Budget Committee will discuss and come to consensus as to whether an item should be added or deleted from the budget. This process provides for a complete review of the budget documents prior to making any decision on modifications to that document. It also expedites the flow of the meeting although the first meeting will be significantly longer than the subsequent meetings. Please let me know if there are any problems with the dates that have been selected for this meetings.

**Recommended Action:**  
**No action id required.**

**Fiscal Effects:**  
None.

**Alternatives:**  
If there are conflicts with the proposed dates, we will need to review and discuss alternate dates.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Spencer R. Nebel".

Spencer R. Nebel  
City Manager



**CITY OF NEWPORT**  
**Budget Calendar - Detailed**  
**For Fiscal Year 2015-16**

**Preliminary Budget Worksheets (City and NURA)**

**Distributed to Department Heads .....Friday, January 23, 2015**

- *Preliminary Detail Worksheets – (Keep to develop budget)*
- *Personnel Forms .....Return to Finance by February 6, 2015*
- *Capital Outlay*
  - Equipment (\$5,000 and up) .... Return to Finance by February 13, 2015*
  - Projects .....Return to Finance by February 27, 2015*

**Goal Setting Meeting with City Council and Department Heads .....Monday, February 23, 2015**

**Final Budget Worksheets for Proposed Budgets with**

**Eight-Month Actuals (maybe seven) through February 2015.....Thursday, March 5, 2015**

**Submit Department Proposed Budgets and Narratives to Finance.....Monday, March 9, 2015**

**Finance Completes Department Budget Requests Process and**

**Makes Final Requests Available .....Tuesday, March 17, 2015**

**Department Heads’ Group Meeting on Capital Outlay (Projects & Equipment)**

**Review of Requests and Prioritizing Projects.....Tuesday, March 17, 2015**

**Preliminary Meeting of the Budget Committee.....Wednesday, March 18, 2015**

**Department Heads’ Meetings with Budget Officer to Review, Revise**

**and Balance Budgets (City and NURA) .....Wednesday, March 18 through March 20, 2015**

**Final (wrap-up) Meeting on Capital Projects (City and NURA) .....Friday, March 27 2015**

**Publish First Notice of Budget Committee Meetings (City and NURA) .....Friday, April 3, 2015**  
*(Finance only....To paper on March 31, 2015)*

**Budget Officer Completes Budget Message .....Friday, April 10, 2015**

**Completed Proposed Budget to Printer .....Wednesday, April 15, 2015**

**Publish Second Notice of Budget Committee Meetings (City & NURA) .....Wednesday, April 15, 2015**  
*(Finance only....To paper on March 31, 2015)*

**Distribute Proposed Budgets to Budget Committee & Department Heads .....Monday, April 20, 2015**

**First Budget Committee Meeting .....Wednesday, April 29, 2015**

- *Appoint/Elect Presiding Officer*
- *Receive City and NURA Budgets and Budget Message*
- *Public Hearing on Possible Uses of State Shared Revenues*
- *Review Budget Documents and Discuss Relevant changes*
- *Respond to Questions from the Budget Committee*
- *Provides for Members of the Public time for Input, Questions and Comments*
- *Present Report on Financial Policy of UEFBs and Contingencies*

**Second Budget Committee Meeting .....Wednesday, May 13, 2015**

- *Budget Committee Deliberations*
- *Respond to Questions from First Meeting*

**Third Budget Committee Meeting .....Wednesday, May 20, 2015**

- *Respond to Questions from Second Meeting*
- *Budget Committee approval of the Budget Documents (City and NURA)*
- *Approval of Ad Valorem Property Tax Amount or Rate for City General Fund and City Debt Service Funds and the NURA*

**Publish Notice of Budget Hearing (only once required) .....Friday, June 5, 2015**

- *Publish Financial Summaries (separate City and NURA)*

**Budget Public Hearing .....Monday, June 15, 2015**

- *Public Hearing on Proposed Uses of State shared Revenues*
- *Separate Public Hearings on City Budget and NURA Budget Adopt Budgets and Make Appropriations (City and NURA) Impose and Categorize Taxes for City and NURA*

**Transmit Tax Certification Documents .....Wednesday July 15, 2015**

- *To County Assessor by July 15, 2015*
- *File Budget Document with County Recorder and Designated Agencies.*



**Agenda Item:**

**Status Report on the Year End Financial Information for June 30, 2014**

**Background:**

The Finance Department has compiled the year-end financial statements for the fiscal year beginning July 1, 2013 and ending June 30, 2014, for your review. Finance Director Mike Murzynsky has prepared a summary of the actual end of year fund balances 2013-14 and the fund balances as we had projected for the development of the 2014-15 budget. Overall the estimated fund balances used for the current year budget are relatively consistent with the estimates that were generated as part of the budget formulation process for the current year budget. In the general fund overall revenues exceeded the budgeted amount by \$63,593. On the expense side, expenditures were \$962,196 under the amounts appropriated during the 2013-14 fiscal year.

These are unaudited numbers. When the Audit Committee presents their report in February to the Council on the final audited numbers will be available.

Finance Director Mike Murzynsky is planning to have the financial reports for the first six months of the current fiscal year available at the first meeting in February. The Finance Department is working to generate timely regular financial reports for city management and the Council on a regular basis through-out the fiscal year. There has been a lot of effort to clean-up our processes in order to ensure that the financial reports provided are accurately depicting in revenues received and expenditures incurred to date in in those monthly reports. This has been problematic in the past since certain reoccurring expenditures may not have been accounted for in a timely fashion to reflect the expenditures incurred year-to-date by the close of that accounting period.

One final issue that we are continuing to work on is a capital outlay financial report. The work on this effort was delayed with issues that we have had with our current auditors losing one of the key personnel working on the city audit for this 2013-14 fiscal year requiring finance to recreate a number of documents requested by the new auditor. This remains a high priority and we are hopeful that we can have an actuate and understandable format on these projects for the Council in the next couple of months.

**Recommended Action:**

**No action id required.**

**Fiscal Effects:**

None.

**Alternatives:**

None recommended.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "S. Nebel".

Spencer R. Nebel  
City Manager



Agenda Item # VIII.E. \_\_\_\_\_

Meeting Date 1-20-15\_\_\_\_\_

**CITY COUNCIL AGENDA ITEM SUMMARY**  
City Of Newport, Oregon

Issue/Agenda Title: Year-end June 30, 2014 Financial Update

Prepared By: MM Dept Head Approval: \_\_\_\_\_ City Mgr Approval: \_\_\_\_\_

**Issue before the Council:**

We have completed the Budget to Actual Financial Statements for the 2013-14 Fiscal Year and we are reporting to the City Council the Results of the Operations.

Attached you will find a report labeled "Summary of 2013-14 Results of Operations" which lists each City fund with the related revenue and expenditures which in turn summarize to the Actual Ending Fund Balance (EFB) for the 2013-14 Fiscal Year. Listed to the right of the Actual EFB is the 2014-15 Budgeted Beginning Fund Balance (BFB) for comparison purposes.

Remaining attachments are the actual reports which show the details of the 2013-14 Results of Operations for each fund.

**Staff Recommendation:**

**For information only**

**Proposed Motion:**

**None, for information only**

**Key Facts and Information Summary:**

Items to watch for the remainder of the year, the General Fund BFB is less than the actual EFB by \$85,300 and the Housing fund BFB is short of the actual EFB by \$3,700. All other funds, the actual EFB has exceeded the budgeted BFB so it can be reclassified in the next Supplemental Budget or it can be carried forward, this information will be shared with each Director.

Also, we are in the process of consolidating the expenditure accounts and expanding the revenue accounts. At the same time we are rearranging (new numbers and order) the funds to line up with the recommended layout for the Comprehensive Annual Financial Report (CAFR) program.

Finally, these numbers are still unaudited but we in Finance are confident with the numbers and anticipate no substantial change to the numbers.

**Attachment List:**

2013-14 Results of Operations - Summary

2013-14 Budget to Actuals Financial Reports - nineteen pages

**Fiscal Notes:**

No budget impact, for information only.

2013-14 Results of Operations - Summary  
City of Newport  
For year end June 30, 2014

New Fund #	Old Fund #	Name	2013-14 Total Revenues	2013-14 Total Expenditures	2013-14 Actual Ending Fund Balance	2014-15 Budgeted Beginning Fund Balance
101	101	General	13,737,829	11,585,711	2,152,118	2,237,369
201	401	Parks & Recreation	1,438,028	1,205,519	232,509	83,931
211	405	Public Parking	299,471	3,769	295,702	294,004
212	407	Housing	189,383	11,904	177,479	181,150
220	402	Airport	1,252,866	855,885	396,981	389,151
230	403	Room Tax	3,618,366	2,696,211	922,155	922,155
240	404	Bldg Inspection	724,026	195,191	528,835	505,817
251	302	Streets	1,497,482	861,620	635,862	393,871
252	305	Line Undergrounding	697,821	58,535	639,286	670,230
253	306	SDC's	940,947	149,365	791,582	743,282
254	406	Agate Beach Closure	1,453,719	38,787	1,414,932	1,414,749
270	901	Urban Renewal Agency	4,302,394	2,135,939	2,166,455	2,125,359
301-304	201-204	Debt Service(s)	3,915,764	2,729,530	1,186,234	569,826
402	601-602	Capital Projects - GF	14,634,220	5,019,855	9,614,365	9,696,176
404	501	GF Equip Reserve	320,513	0	320,513	320,000
601	303	Water	3,879,587	3,114,761	764,826	766,103
602	304	Wastewater	4,094,848	3,319,788	775,060	775,061
701	301	Public Works	788,441	583,960	204,481	196,867

**CITY OF NEWPORT, OREGON**  
**GENERAL FUND**  
**STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Over (Under)</u>
<b>Property taxes:</b>				
Current	\$ 5,780,000	\$ 5,780,000	\$ 5,697,658	\$ (82,342)
Delinquent	200,000	200,000	285,256	85,256
Fees in Lieu of Franchise	240,000	240,000	339,652	99,652
Franchise Taxes	897,030	897,030	848,140	(48,890)
State Cigarette Tax	13,398	13,398	13,665	267
State Liquor Proportion	145,450	145,450	142,245	(3,205)
State Revenue Sharing	110,000	110,000	157,460	47,460
VRC/B&B Endorsement Tax	5,000	5,000	3,732	(1,268)
County Library Contribution	330,000	330,000	327,889	(2,111)
NRFPD IGA Payment	210,000	210,000	221,389	11,389
D L C D Planning Grant	9,000	9,000	9,000	-
Federal Grants	40,000	229,525	35,524	(194,001)
Law Enforcement Grants	-	12,838	10	(12,828)
K-9 Program Revenue	5,000	5,000	-	(5,000)
Miscellaneous Sales & Services	37,253	223,130	158,725	(64,405)
Rents & Leases	75,000	75,000	100,043	25,043
Business Licenses	145,000	145,000	136,457	(8,543)
Municipal Court Fine	185,000	185,000	144,768	(40,232)
Library Fines	8,000	8,000	11,302	3,302
Gifts & Donations	-	-	8,000	8,000
Interest on Investments	5,000	5,000	14,998	9,998
Fiber Optic Conduct IRU	-	192,126	192,126	-
Service Provided for Public Works Fund	31,624	31,624	31,624	-
Service Provided for Street Fund	61,977	61,977	61,978	1
Service Provided for Water Fund	228,261	228,261	228,261	-
Service Provided for Wastewater Fund	272,115	272,115	272,115	-
Service Provided for Airport Fund	53,871	53,871	53,552	(319)
Service Provided for Building Inspect	24,681	24,681	24,681	-
Service Provided for Parks & Recreation	72,708	72,708	72,707	(1)
Service Provided for Agate Beach	261	261	261	-
Service Provided for Room Tax Fund	65,000	65,000	65,000	-
Service Provided for Public Parking	2,094	2,094	2,049	(45)
Service Provided for Urban Renewal	27,751	27,751	27,751	-
Service Provided for Housing Fund	4,673	4,673	4,673	-
<b>Total revenues</b>	<u>9,299,147</u>	<u>9,885,713</u>	<u>9,949,306</u>	<u>63,593</u>
<b>Other financing sources</b>				
Transfer from Urban Renewal Fund	-	280,610	270,964	(9,646)
Transfer from Room Tax Fund	1,292,000	1,314,900	1,314,900	-
<b>Total other financing sources</b>	<u>1,292,000</u>	<u>1,595,510</u>	<u>1,585,864</u>	<u>(9,646)</u>

Continued on page 27

**CITY OF NEWPORT, OREGON  
GENERAL FUND  
STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL, continued  
for the year ended June 30, 2014**

	Original Budget	Final Budget	Actual	Over (Under)
<b>Fund balance, beginning</b>				
Undesignated	\$ 2,120,000	\$ 2,202,657	2,202,659	\$ 2
Total Fund Balance, beginning	2,120,000	2,202,657	2,202,659	2
Amount available for appropriation	<u>\$12,711,147</u>	<u>\$13,683,880</u>	<u>\$13,737,829</u>	<u>\$ 53,949</u>

	Original Budget	Final Budget	Actual	(Over) Under
<b>Expenditures</b>				
City Administration	\$ 1,819,980	\$ 1,814,779	1,761,280	\$ 53,499
Police	3,447,728	3,460,566	3,328,186	132,380
Fire	1,905,674	2,142,276	2,067,287	74,989
Library	1,014,715	1,014,715	880,554	134,161
Community Development	356,549	356,549	282,682	73,867
Facilities and Parks	878,444	1,159,054	704,184	454,870
Non Departmental	331,500	618,626	618,383	243
Contingency	74,443	-	-	-
Total expenditures	9,829,033	10,566,565	9,642,556	924,009
<b>Other financing uses</b>				
Transfers to other funds	1,601,141	1,981,342	1,943,155	38,187
Total expenditures and other financing uses	<u>\$11,430,174</u>	<u>\$12,547,907</u>	<u>\$11,585,711</u>	<u>\$ 962,196</u>
<b>Fund balance, ending</b>			<u>\$ 2,152,118</u>	

**Reconciliation of budgetary revenues, expenditures, and ending fund balance to  
Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds**

	Beginning Expenditures	Ending Expenditures
Total expenditures from above	\$11,430,174	\$12,547,907
Add: Unappropriated Ending Fund Balance	\$ 1,135,973	\$ 1,135,973
Reserve for Future Capital	\$ 145,000	\$ -
Budgetary expenditures reclassified as transfers out for the fund statements	-	-
Statement of Revenues, Expenditures, and Changes in Fund Balances of Governmental Funds (page 24)	<u>\$12,711,147</u>	<u>\$13,683,880</u>

**CITY OF NEWPORT, OREGON**  
**PARKS AND RECREATION FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

	Original Budget	Final Budget	Actual	Over (Under)
<b>Revenues</b>				
Swimming Pool Revenues	-	-	779	779
Recreation Center Revenue	245,000	245,000	271,262	26,262
Special Event Revenue	\$ 34,000	\$ 34,000	\$ 8,169	\$ (25,831)
Sports Programs - Adults	6,000	6,000	16,002	10,002
Sports Programs - Youth	21,000	21,000	24,152	3,152
Activity Programs - Youth	88,000	88,000	96,783	8,783
Activity Programs - Seniors	-	-	2,253	2,253
Activity Programs - Adults	18,000	18,000	28,765	10,765
Concession Revenue	9,000	9,000	8,611	(389)
Misc Recreation Program Revenue	-	-	418	418
Miscellaneous Sales & Services	3,000	3,000	11,787	8,787
Rents & Leases	14,700	14,700	7,707	(6,993)
Swimming Pool Passes	53,000	53,000	66,626	13,626
Swimming Pool Daily Fees	17,000	17,000	6,206	(10,794)
Swimming Pool Lessons	19,000	19,000	20,136	1,136
Swimming Pool Merchandise	3,000	3,000	1,323	(1,677)
Swimming Pool Rentals	5,000	5,000	12,613	7,613
Swimming Pool Special Events	3,000	3,000	3,163	163
Gifts & Donations	1,700	1,700	599	(1,101)
Senior Center Revenue	3,000	3,000	7,287	4,287
Interest on Investments	-	-	1,625	1,625
Total revenues	<u>543,400</u>	<u>543,400</u>	<u>596,266</u>	<u>52,866</u>
<b>Other financing sources</b>				
Transfer from General Fund	442,261	442,261	442,260	(1)
Transfer from Room Tax Fund	180,500	180,500	180,500	-
Total other financing sources	<u>622,761</u>	<u>622,761</u>	<u>622,760</u>	<u>(1)</u>
<b>Fund balance, beginning</b>	<u>208,646</u>	<u>208,646</u>	<u>219,002</u>	<u>10,356</u>
Amount available for appropriation	<u>\$ 1,374,807</u>	<u>\$ 1,374,807</u>	<u>1,438,028</u>	<u>\$ 63,221</u>
	Original Budget	Final Budget	Actual	(Over) Under
<b>Expenditures</b>				
Parks Administration	\$ 154,238	\$ 154,238	142,235	\$ 11,326
Senior Center	144,753	144,753	127,576	17,177
Swimming Pool	384,591	389,591	338,426	51,165
Recreation Center	424,782	432,282	397,733	34,549
Recreation Programs	113,041	116,684	105,899	10,785
Sports Programs	105,556	105,556	93,650	11,906
Total expenditures	<u>\$ 1,326,961</u>	<u>\$ 1,343,104</u>	<u>1,205,519</u>	<u>\$ 137,585</u>
<b>Other financing uses</b>				
Contingency	16,143	0	0	0
Total expenditures and other financing uses	<u>\$ 1,343,104</u>	<u>\$ 1,343,104</u>	<u>1,205,519</u>	<u>\$ 137,585</u>
<b>Fund balance, ending</b>			<u>\$ 232,509</u>	

**CITY OF NEWPORT, OREGON**  
**PUBLIC PARKING FUND**  
**STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Over (Under)</u>
Fees in Lieu of Parking	\$ 11,625	\$ 11,625	\$ 31,665	\$ 20,040
Interest on investments	0	0	1,128	1,128
Total revenues	<u>11,625</u>	<u>11,625</u>	<u>32,793</u>	<u>21,168</u>
 <b>Other financing sources</b>	 -	 -	 -	 -
 <b>Fund balance, beginning</b>	 267,129	 267,129	 266,678	 (451)
Amount available for appropriation	<u>\$ 278,754</u>	<u>\$ 278,754</u>	<u>\$ 299,471</u>	<u>\$ 20,717</u>
<b>Expenditures</b>	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>(Over) Under</u>
Public Parking - General	\$ -	\$ -	-	-
Nye Beach Parking District	1,901	1,901	151	1,750
City Center Parking District	8,144	8,144	644	7,500
Bay Front Parking District	16,254	16,254	2,974	13,280
Contingency	252,455	252,455	0	252,455
Total expenditures	<u>\$ 278,754</u>	<u>\$ 278,754</u>	<u>3,769</u>	<u>\$ 274,985</u>
<b>Budgetary Fund Balance</b>			<u>295,702</u>	
<b>Fund balance, ending</b>			<u>\$ 295,702</u>	

**CITY OF NEWPORT, OREGON**  
**HOUSING FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

	Original Budget	Final Budget	Actual	Over (Under)
<b>Revenues</b>				
Interest on investments	\$ -	\$ -	\$ 697	\$ 697
Total revenues	-	-	697	697
<b>Other financing sources</b>				
Transfer from General Fund	7,000	7,000	7,000	-
Total other financial sources	7,000	7,000	7,000	-
<b>Fund balance, beginning</b>	181,924	181,924	181,686	(238)
Amount available for appropriation	<u>\$ 188,924</u>	<u>\$ 188,924</u>	<u>\$ 189,383</u>	<u>\$ 459</u>

	Original Budget	Final Budget	Actual	(Over) Under
<b>Expenditures</b>				
Materials and services	\$ 188,924	\$ 188,924	11,904	\$ 177,020
Contingency	-	-	-	-
Total expenditures	<u>\$ 188,924</u>	<u>\$ 188,924</u>	<u>11,904</u>	<u>\$ 177,020</u>
<b>Fund balance, ending</b>			<u>\$ 177,479</u>	

**CITY OF NEWPORT, OREGON**  
**AIRPORT FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	Original Budget	Final Budget	Actual	Over (Under)
Aviation Grant	\$ 7,740,000	\$ 417,800	\$ -	\$ (417,800)
Connect Oregon Grant	430,000	(18,500)	-	18,500
Concession Revenue	300	300	394	94
Jet Fuel Revenue	180,000	268,780	400,316	131,536
AV-Gas Revenue	102,000	102,000	73,340	(28,660)
Oil Sales Revenue	500	500	663	163
Pilot Supplies Revenue	1,000	1,000	973	(27)
Food Catering Revenue	600	600	1,383	783
Miscellaneous Sales & Services	8,500	8,500	2,149	(6,351)
Rents & Leases	40,000	40,000	53,192	13,192
Tie Down Revenue	550	550	137	(413)
Rental Car Fees	3,000	3,000	5	(2,995)
Interest on Investments	-	-	2,600	2,600
Service Provided for Wastewater Fund	30,704	30,704	30,704	-
<b>Total revenues</b>	<u>8,537,154</u>	<u>855,234</u>	<u>565,856</u>	<u>(289,378)</u>
<b>Other financing sources</b>				
Transfer from General Fund	736,092	311,412	273,225	(38,187)
Transfer from Room Tax Fund	25,000	29,000	29,000	-
<b>Total other financing sources</b>	<u>761,092</u>	<u>340,412</u>	<u>302,225</u>	<u>(38,187)</u>
<b>Fund balance, beginning</b>	436,614	384,786	384,785	(1)
<b>Amount available for appropriation</b>	<u>\$ 9,734,860</u>	<u>\$ 1,580,432</u>	<u>1,252,866</u>	<u>\$ (327,566)</u>
<b>Expenditures</b>	Original Budget	Final Budget	Actual	(Over) Under
Airport Operations	\$ 9,149,325	\$ 920,758	344,331	\$ 576,427
Airport FBO	422,377	506,157	504,622	1,535
Contingency	28,950	19,309		19,309
<b>Total expenditures</b>	<u>\$ 9,600,652</u>	<u>\$ 1,446,224</u>	<u>848,953</u>	<u>\$ 597,271</u>
<b>Other financing uses</b>				
Transfers out to other funds	6,932	6,932	6,932	-
<b>Total expenditures and other financing uses</b>	<u>\$ 9,607,584</u>	<u>\$ 1,453,156</u>	<u>\$ 855,885</u>	<u>\$ 597,271</u>
<b>Fund balance, ending</b>			<u>\$ 396,981</u>	

**CITY OF NEWPORT, OREGON**  
**ROOM TAX FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	Original Budget	Final Budget	Actual	Over (Under)
Transient Room Tax	\$ 2,300,000	\$ 2,435,000	\$ 2,764,050	\$ 329,050
Matching Funds	-	150,000	200,000	50,000
Visual Arts Center Revenue	10,000	10,000	9,559	(441)
Interest on Investments	4,500	4,500	2,134	(2,366)
Total revenues	<u>2,314,500</u>	<u>2,599,500</u>	<u>2,975,743</u>	<u>376,243</u>
<b>Fund balance, beginning</b>	610,000	642,624	642,623	(1)
Amount available for appropriation	<u>\$ 2,924,500</u>	<u>\$ 3,242,124</u>	<u>3,618,366</u>	<u>\$ 376,242</u>

<b>Expenditures</b>	Original Budget	Final Budget	Actual	(Over) Under
Materials and services	\$ 854,900	\$ 1,010,500	\$ 851,251	\$ 159,249
Capital Outlay	481,000	631,000	320,560	310,440
Contingency	87,100	76,224		
Total expenditures	<u>1,423,000</u>	<u>1,717,724</u>	<u>1,171,811</u>	<u>469,689</u>
<b>Other financing uses</b>				
Transfers out to other funds	\$ 1,501,500	\$ 1,524,400	1,524,400	\$ -
Total expenditures and other financing uses	<u>2,924,500</u>	<u>3,242,124</u>	<u>2,696,211</u>	<u>469,689</u>
<b>Fund balance, ending</b>			<u>\$ 922,155</u>	

**CITY OF NEWPORT, OREGON**  
**BUILDING INSPECTION FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	Original Budget	Final Budget	Actual	Over (Under)
Miscellaneous Sales & Services	\$ 400	\$ 400	\$ 7,880	\$ 7,480
State Permit Surcharges	16,000	16,000	9,877	(6,123)
Building Permits	130,000	130,000	88,510	(41,490)
Electrical Permits	30,000	30,000	26,255	(3,745)
Plumbing Permits	9,000	9,000	8,404	(596)
Interest on Investments	2,000	2,000	2,432	432
Sign Permits	-	-	4,970	4,970
Total revenues	<u>187,400</u>	<u>187,400</u>	<u>148,328</u>	<u>(39,072)</u>
<b>Other financing sources</b>				
Transfer from General Fund	3,000	3,000	3,000	-
Total other financing sources	<u>3,000</u>	<u>3,000</u>	<u>3,000</u>	<u>-</u>
<b>Fund balance, beginning</b>	<u>510,639</u>	<u>510,639</u>	<u>572,698</u>	<u>62,059</u>
Amount available for appropriation	<u>701,039</u>	<u>701,039</u>	<u>724,026</u>	<u>22,987</u>
<b>Expenditures</b>	Original Budget	Final Budget	Actual	(Over) Under
Personal Services	\$ 114,856	\$ 114,856	98,108	\$ 16,748
Material & Services	152,988	152,988	97,083	55,905
Contingency	433,195	433,195		
Total expenditures	<u>\$ 701,039</u>	<u>\$ 701,039</u>	<u>195,191</u>	<u>\$ 505,848</u>
<b>Fund balance, ending</b>			<u>\$ 528,835</u>	

**CITY OF NEWPORT, OREGON**  
**STREETS FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	Original Budget	Final Budget	Actual	Over (Under)
State Gas Tax Proration	\$ 531,965	\$ 531,965	\$ 565,294	\$ 33,329
State IS Tea Entitlement	-	-	(5,282)	(5,282)
Miscellaneous Sales & Services	-	-	3,647	3,647
Street Cut Fees	380,000	380,000	386,897	6,897
Interest on Investments	-	-	1,835	1,835
<b>Total revenues</b>	<u>911,965</u>	<u>911,965</u>	<u>952,391</u>	<u>40,426</u>
<b>Other financing sources</b>				
Transfer from Water Fund	141,586	141,586	141,587	1
Transfer from Wastewater Fund	188,758	188,758	188,758	-
Transfer from General Fund	65,674	65,674	65,673	(1)
<b>Total other financing sources</b>	<u>396,018</u>	<u>396,018</u>	<u>396,018</u>	<u>-</u>
<b>Fund balance, beginning</b>	54,537	54,537	149,073	94,536
Amount available for appropriation	<u>\$ 1,362,520</u>	<u>\$ 1,362,520</u>	<u>1,497,482</u>	<u>\$ 134,962</u>

  

<b>Expenditures</b>	Original Budget	Final Budget	Actual	(Over) Under
Street Maintenance	\$ 686,316	\$ 686,316	442,450	\$ 243,866
Storm Drain Maintenance	448,281	469,103	357,920	111,183
Contingency	73,289	52,467	-	52,467
<b>Total expenditures</b>	<u>\$ 1,207,886</u>	<u>\$ 1,207,886</u>	<u>\$ 800,370</u>	<u>\$ 407,516</u>
<b>Other financing uses</b>				
Transfers out to other funds	61,250	61,250	61,250	-
<b>Total other financing uses</b>	<u>61,250</u>	<u>61,250</u>	<u>61,250</u>	<u>-</u>
<b>Total expenditures and other financing uses</b>	<u>\$ 1,269,136</u>	<u>\$ 1,269,136</u>	<u>\$ 861,620</u>	<u>\$ 407,516</u>
<b>Fund balance, ending</b>			<u>\$ 635,862</u>	

**CITY OF NEWPORT, OREGON**  
**LINE UNDERGROUNDING FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

Revenues	Original Budget	Final Budget	Actual	Over (Under)
Franchise Taxes	\$ -	\$ -	\$ 134,826	\$ 134,826
Interest on Investments	-	-	2,300	2,300
Total revenues	-	-	137,126	137,126
<b>Fund balance, beginning</b>	490,000	490,000	560,695	70,695
Amount available for appropriation	<u>\$ 490,000</u>	<u>\$ 490,000</u>	<u>697,821</u>	<u>\$ 207,821</u>

Contingency	Original Budget	Final Budget	Actual	(Over) Under
Contingency	\$ 431,465	\$ 431,465	\$ -	\$ 431,465
<b>Other financing uses</b>				
Transfers out	\$ 58,535	\$ 58,535	58,535	\$ -
Total expenditures and other financing uses	490,000	490,000	58,535	431,465
<b>Fund balance, ending</b>			<u>\$ 639,286</u>	

**CITY OF NEWPORT, OREGON**  
**SDC FUND**  
**STATEMENT OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

	Original Budget	Final Budget	Actual	Over (Under)
<b>Revenues</b>				
SDC Charges	364,969	364,969	201,359	(163,610)
Interest from SDC Charges	-	-	3,316	3,316
Interest on Investments	-	-	2,813	2,813
Total revenues	<u>364,969</u>	<u>364,969</u>	<u>207,488</u>	<u>(157,481)</u>
<b>Other financing sources</b>				
Transfer from General Fund	-	51,825	51,825	-
Total other financing sources	<u>-</u>	<u>51,825</u>	<u>51,825</u>	<u>-</u>
<b>Fund balance, beginning</b>	633,785	633,785	681,634	47,849
Amount available for appropriation	<u>\$ 998,754</u>	<u>\$ 1,050,579</u>	<u>940,947</u>	<u>\$ (109,632)</u>
<b>Expenditures</b>	Original Budget	Final Budget	Actual	(Over) Under
SDC Streets	\$ -	\$ 50,000	44,389	\$ 5,611
SDC Water	-	-	-	-
SDC Wastewater	-	-	-	-
SDC Parks	68,388	68,388	-	68,388
SDC Storm Drain	-	-	-	-
SDC Administration	10,000	10,000	-	10,000
Total expenditures	<u>\$ 78,388</u>	<u>\$ 128,388</u>	<u>44,389</u>	<u>\$ 83,999</u>
<b>Other financing uses</b>				
Transfers to other funds	436,301	436,301	104,976	331,325
Contingency	478,565	428,565	-	428,565
Total other financing uses	<u>914,866</u>	<u>864,866</u>	<u>104,976</u>	<u>759,890</u>
Total expenditures and other financing uses	<u>\$ 993,254</u>	<u>\$ 993,254</u>	<u>\$ 149,365</u>	<u>\$ 843,889</u>
<b>Fund balance, ending</b>			<u>\$ 791,582</u>	

**CITY OF NEWPORT, OREGON**  
**AGATE BEACH CLOSURE FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>Over (Under)</u>
Agate Beach Closure Fees	\$ 10,000	\$ 10,000	\$ 9,461	\$ (539)
Interest on investments	5,000	5,000	5,548	548
Total revenues	<u>15,000</u>	<u>15,000</u>	<u>15,009</u>	<u>9</u>
<b>Fund balance, beginning</b>	<u>1,440,000</u>	<u>1,440,000</u>	<u>1,438,710</u>	<u>(1,290)</u>
Amount available for appropriation	<u>\$ 1,455,000</u>	<u>\$ 1,455,000</u>	<u>\$ 1,453,719</u>	<u>\$ (1,281)</u>

  

<b>Expenditures</b>	<u>Original Budget</u>	<u>Final Budget</u>	<u>Actual</u>	<u>(Over) Under</u>
Materials and services	\$ 42,261	\$ 42,261	38,787	\$ 3,474
Contingency	1,412,739	1,412,739	-	1,412,739
Total expenditures	<u>\$ 1,455,000</u>	<u>\$ 1,455,000</u>	<u>38,787</u>	<u>\$ 1,416,213</u>
<b>Fund balance, ending</b>			<u>\$ 1,414,932</u>	

**CITY OF NEWPORT, OREGON**  
**URBAN RENEWAL AGENCY**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	Original Budget	Final Budget	Actual	Over (Under)
Property taxes - current	\$ 1,948,246	\$ 1,948,246	\$ 1,781,284	\$ (166,962)
Property taxes - delinquent	51,500	51,500	103,038	51,538
Interest on Investments	-	51,113	17,781	(33,332)
<b>Total revenues</b>	<u>1,999,746</u>	<u>2,050,859</u>	<u>1,902,103</u>	<u>(148,756)</u>
<b>Other financing sources</b>				
Transfer to Capital Projects Fund	-	450,000	450,000	-
<b>Total other financing sources</b>	<u>-</u>	<u>450,000</u>	<u>450,000</u>	<u>-</u>
<b>Fund balance, beginning</b>	<u>2,402,635</u>	<u>2,432,132</u>	<u>1,950,291</u>	<u>(481,841)</u>
Amount available for appropriation	<u>\$ 4,402,381</u>	<u>\$ 4,932,991</u>	<u>4,302,394</u>	<u>\$ (630,597)</u>

<b>Expenditures</b>	Original Budget	Final Budget	Actual	(Over) Under
North Side Urban Renewal Agency	\$ 20,000	\$ -	465	\$ (465)
South Beach URA - Constructions	171,251	171,251	66,738	104,513
South Beach URA - Debt	1,376,406	1,376,406	1,376,378	28
Contingency	1,635,767	1,455,767	-	\$ -
<b>Total expenditures</b>	<u>3,203,424</u>	<u>3,003,424</u>	<u>1,443,581</u>	<u>104,076</u>
<b>Other financing uses</b>				
Transfers out to other funds	421,394	702,004	692,358	9,646
<b>Total expenditures and other financing use</b>	<u>\$ 3,624,818</u>	<u>\$ 3,705,428</u>	<u>\$ 2,135,939</u>	<u>\$ 113,722</u>
<b>Fund balance, ending</b>			<u>\$ 2,166,455</u>	

**CITY OF NEWPORT, OREGON**  
**DEBT SERVICE FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

	Original Budget	Final Budget	Actual	Over (Under)
<b>Revenues</b>				
Current Property Taxes	\$ 1,862,418	\$ 1,862,418	\$ 1,744,865	\$ (117,553)
Delinquent Property Taxes	211,890	211,890	79,000	(132,890)
Interest on Investments	1,500	1,500	7,754	6,254
Total revenues	<u>2,075,808</u>	<u>2,075,808</u>	<u>1,831,619</u>	<u>(244,189)</u>
<b>Other financing sources</b>				
Transfer from Street Fund	61,249	61,249	61,250	1
Transfer from Water Fund	64,484	64,484	64,484	-
Transfer from Wastewater Fund	465,769	465,769	465,769	-
Transfer from General Fund	200,913	342,304	215,805	(126,499)
Transfer from Airport Fund	6,932	6,932	6,932	-
Transfer from Line Underground Fund	58,535	58,535	58,535	-
Transfer from SDC Fund	10,000	10,000	10,000	-
Transfer from Room Tax Fund	141,391	-	126,500	126,500
Total other financing sources	<u>1,009,273</u>	<u>1,009,273</u>	<u>1,009,275</u>	<u>2</u>
<b>Fund balance, beginning</b>	817,556	817,556	1,074,870	257,314
<b>Fund balance, beginning, designated for debt service</b>	-	-	-	-
Amount available for appropriation	<u>\$ 3,902,637</u>	<u>\$ 3,902,637</u>	<u>3,915,764</u>	<u>\$ 13,127</u>

	Original Budget	Final Budget	Actual	(Over) Under
<b>Expenditures</b>				
Debt Service 201	\$ 1,720,875	\$ 1,720,875	1,720,875	\$ -
Debt Service 202	633,556	633,556	633,556	-
Debt Service 203	377,867	377,867	375,099	2,768
Contingency	598,933	598,933		598,933
Total expenditures	<u>\$ 3,331,231</u>	<u>\$ 3,331,231</u>	<u>2,729,530</u>	<u>\$ 601,701</u>
<b>Fund balance, ending</b>			<u>\$ 1,186,234</u>	

**CITY OF NEWPORT, OREGON**  
**CAPITAL PROJECTS FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	Original Budget	Final Budget	Actual	Over (Under)
State Gas Tax Proration	\$ 15,000	\$ 15,000	\$ 15,000	\$ -
Newport Gas Tax Proration	161,965	161,965	155,463	(6,502)
State IS Tea Entitlement	117,978	117,978	117,978	-
Aviation Grant	-	7,322,200	1,557,829	(5,764,371)
Federal Grants	456,482	456,482	-	(456,482)
FEMA Grant	-	650,106	263,011	(387,095)
State Grants	557,696	774,398	403,265	(371,133)
Connect Oregon Grant	-	448,500	161,622	(286,878)
Capital Improvement Surcharge	495,000	495,000	517,495	22,495
OMSI Flow-Thru Revenue	496,000	496,000	5,820	(490,180)
Bond Forfeit Revenue	17,233	17,233	-	(17,233)
Interest on Investments	-	-	27,576	27,576
Bond & Loan Proceeds	-	8,281,973	8,239,500	(42,473)
Bond Premium	-	-	381,973	381,973
Total revenues	<u>2,317,354</u>	<u>19,236,835</u>	<u>11,846,532</u>	<u>(7,390,303)</u>
<b>Other financing sources</b>				
Transfer from SDC Fund	521,467	426,301	94,976	(331,325)
Transfer from Urban Renewal Fund	520,000	421,394	421,394	-
Transfer from General Fund	-	462,867	462,867	-
Total other financing sources	<u>1,041,467</u>	<u>1,310,562</u>	<u>979,237</u>	<u>(331,325)</u>
<b>Fund balance, beginning</b>	<u>1,600,000</u>	<u>1,808,451</u>	<u>1,808,451</u>	<u>-</u>
Amount available for appropriation	<u>\$ 4,958,821</u>	<u>\$22,355,848</u>	<u>14,634,220</u>	<u>\$ (7,721,628)</u>
<b>Expenditures</b>	Original Budget	Final Budget	Actual	(Over) Under
Capital Projects - General				
Material & Services	\$ -	\$ 960,000	764,122	\$ 195,878
Capital Outlay	4,958,821	4,430,308	1,948,012	2,482,296
Capital Projects - Swimming Pool	-	983,718	145,097	838,621
Capital Projects - Airport AIP	-	8,233,567	1,712,624	6,520,943
Reserve for Future Capital	-	381,973	-	381,973
Total expenditures	<u>4,958,821</u>	<u>14,989,566</u>	<u>4,569,855</u>	<u>10,419,711</u>
<b>Other financing uses</b>				
Transfers to other funds	-	450,000	450,000	-
Total other financing uses	<u>-</u>	<u>450,000</u>	<u>450,000</u>	<u>-</u>
Total expenditures and other financing uses	<u>\$ 4,958,821</u>	<u>\$ 15,439,566</u>	<u>\$ 5,019,855</u>	<u>\$ 10,419,711</u>
<b>Budgetary Fund Balance</b>			<u>\$ 9,614,365</u>	

**CITY OF NEWPORT, OREGON**  
**RESERVE FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

	Original Budget	Final Budget	Actual	Over (Under)
<b>Revenues</b>				
Miscellaneous Sales & Services	\$ -	\$ 25,000	\$ 25,000	\$ -
Interest on Investments	-	-	513	513
Total revenues	<u>0</u>	<u>25,000</u>	<u>25,513</u>	<u>513</u>
<b>Other financing source</b>				
Transfer from General Fund	-	295,000	295,000	-
Total other financing sources	<u>-</u>	<u>295,000</u>	<u>295,000</u>	<u>0</u>
<b>Fund balance, beginning</b>	-	-	-	-
<b>Fund balance, beginning, held in trust</b>	-	-	-	-
Amount available for appropriation	<u>\$ -</u>	<u>\$ 320,000</u>	<u>\$ 320,513</u>	<u>\$ 513</u>
	Original Budget	Final Budget	Actual	(Over) Under
<b>Expenditures</b>				
Total expenditures	<u>\$ -</u>	<u>\$ -</u>	<u>-</u>	<u>\$ -</u>
<b>Fund balance, ending</b>			<u>\$ 320,513</u>	

**CITY OF NEWPORT, OREGON**  
**WATER FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	Original Budget	Final Budget	Actual	Over (Under)
FEMA Grant	\$ 1,500	\$ 1,500	\$ -	\$ (1,500)
Water User Charges	3,000,000	3,000,000	3,254,281	254,281
Water User Charges -Seal Rock	50,000	50,000	-	(50,000)
New Service & Meters	5,000	5,000	23,521	18,521
Miscellaneous Sales & Services	26,500	26,500	50,673	24,173
Interest on Investments	1,000	1,000	2,868	1,868
Total revenues	<u>3,084,000</u>	<u>3,084,000</u>	<u>3,331,343</u>	<u>247,343</u>
<b>Fund balance, beginning</b>	<u>766,499</u>	<u>766,499</u>	<u>548,244</u>	<u>(218,255)</u>
<b>Total fund balance, beginning</b>	<u>766,499</u>	<u>766,499</u>	<u>548,244</u>	<u>(218,255)</u>
Amount available for appropriation	<u>\$ 3,850,499</u>	<u>\$ 3,850,499</u>	<u>\$ 3,879,587</u>	<u>\$ 29,088</u>
<b>Expenditures</b>	Original Budget	Final Budget	Actual	(Over) Under
Water Plant	\$ 805,340	\$ 841,340	791,897	\$ 49,443
Water Distribution	910,970	990,970	955,134	35,836
Water Capital Projects	981,824	981,824	432,462	549,362
Non Departmental	729,594	759,594	729,197	30,397
Contingencies	166,700	20,700	-	20,700
Total expenditures	<u>3,594,428</u>	<u>3,594,428</u>	<u>2,908,690</u>	<u>685,738</u>
<b>Other financing uses</b>				
Transfers out	<u>206,071</u>	<u>206,071</u>	<u>206,071</u>	<u>-</u>
Total other financing uses	<u>206,071</u>	<u>206,071</u>	<u>206,071</u>	<u>0</u>
Total expenditures and other financing uses	<u>\$3,800,499</u>	<u>\$3,800,499</u>	<u>3,114,761</u>	<u>\$685,738</u>
<b>Budgetary fund balance</b>			<u>\$764,826</u>	
<b>RECONCILIATION TO NET POSITION</b>				
Capital Asset, Net			22,050,364	
Compensated Absences			(43,702)	
Long term debt payable			(15,332,454)	
Bond Premium			(164,346)	
Interest Payable			(34,287)	
OPEB			(15,887)	
			<u>7,224,514</u>	

**CITY OF NEWPORT, OREGON**  
**WASTEWATER FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	Original Budget	Final Budget	Actual	Over (Under)
Wastewater User Charges	\$ 3,540,000	\$ 3,540,000	\$ 3,537,325	\$ (2,675)
Septage Revenue	35,000	35,000	-	(35,000)
Miscellaneous Sales & Services	-	-	265,521	265,521
Interest on Investments	-	-	464	464
Local Improvement Project Revenue	-	-	10,414	10,414
Bond & Loan Proceeds	-	-	-	-
Total revenues	<u>3,575,000</u>	<u>3,575,000</u>	<u>3,813,724</u>	<u>238,724</u>
<b>Fund balance, beginning</b>	<u>550,000</u>	<u>550,000</u>	<u>281,124</u>	<u>(268,876)</u>
Amount available for appropriation	<u>\$ 4,125,000</u>	<u>\$ 4,125,000</u>	<u>4,094,848</u>	<u>\$ (30,152)</u>

<b>Expenditures</b>	Original Budget	Final Budget	Actual	(Over) Under
Wastewater Plant	\$ 1,224,833	\$ 1,224,833	1,152,006	\$ 72,827
Wastewater Collection	618,155	618,155	503,084	115,071
Wastewater Capital Projects	605,407	605,407	172,668	432,739
Non-Departmental	837,218	865,218	837,503	27,715
Contingencies	134,860	106,860	-	106,860
Total expenditures	<u>3,420,473</u>	<u>3,420,473</u>	<u>2,665,261</u>	<u>755,212</u>
<b>Other financing uses</b>				
Transfers out to other funds	<u>654,527</u>	<u>654,527</u>	<u>654,527</u>	<u>-</u>
Total other financing uses	<u>654,527</u>	<u>654,527</u>	<u>654,527</u>	<u>0</u>
Total expenditures and other financing uses	<u>\$4,075,000</u>	<u>\$4,075,000</u>	<u>3,319,788</u>	<u>\$755,212</u>
<b>Budgetary fund balance</b>			\$775,060	

Capital Asset, Net	41,070,899
Compensated Absences	(31,744)
Long term debt payable	(8,215,000)
Bond Premium	(206,033)
Interest Payable	(74,867)
OPEB	(11,367)
	<u>33,306,948</u>

**CITY OF NEWPORT, OREGON**  
**PUBLIC WORKS FUND**  
**SCHEDULE OF REVENUES AND EXPENDITURES - BUDGET AND ACTUAL**  
for the year ended June 30, 2014

<b>Revenues</b>	Original Budget	Final Budget	Actual	Over (Under)
Miscellaneous Sales & Services	\$ -	\$ -	\$ 1	\$ 1
Interest on Investments	-	-	750	750
Service Provided for Public Works Fund	869,567	697,484	697,484	-
Total revenues	869,567	697,484	698,235	751
<b>Fund balance, beginning</b>	-	90,205	90,206	1
Amount available for appropriation	<u>\$ 869,567</u>	<u>\$ 787,689</u>	<u>788,441</u>	<u>\$ 752</u>

<b>Expenditures</b>	Original Budget	Final Budget	Actual	(Over) Under
Personal Services	\$ 613,102	\$ 531,224	382,847	\$ 148,377
Material & Services	120,224	182,624	144,416	38,208
Capital Outlay	65,000	65,000	56,697	8,303
Contingency	71,241	8,841	-	8,841
Total expenditures	<u>\$ 869,567</u>	<u>\$ 787,689</u>	<u>583,960</u>	<u>\$ 203,729</u>
<b>Fund balance, ending</b>			<u>\$ 204,481</u>	





## CITY MANAGER'S REPORT AND RECOMMENDATIONS

Agenda #: IX.B.

Meeting Date: January 20, 2015

### Agenda Item:

### Authorization to Award Contract to Central Coast Excavating for Sanitary Sewer Repair on Hwy 101 at NE 15<sup>th</sup> Street

#### Background:

On December 22, 2014, the sanitary sewer backed up on NE 15<sup>th</sup> Street with sewage spilling out on the street from a cleanout at a local business at that location. The sewer line within Highway 101 could not be opened with the city's sewer cleaning truck. An emergency repair was requested by the city to Central Coast Excavating who has equipment to work deep trenches on the highway. While the immediate blockage was addressed it was determined that the sewer line has failed within Highway 101 and needs to be addressed. Engineering is proposing to address that sewer failure by installing a manhole at this location to eliminate a 90 degree bend in the sewer that allows the sewage to drop 18 feet into the deep sewer that runs under Highway 101. The estimated costs are expected to exceed City Manager authorization of \$50,000. In this particular case since we have been working with Central Coast Excavating on this project, the city engineering has recommended that we continue with them to complete this work. The city engineer requested a construction estimate for installing a new manhole 18 feet deep including labor, equipment, shoring, trucking, materials, traffic control, and certified payroll to meet prevailing wage requirements for this project as a sole source contract.

#### Recommended Action:

I recommend the City Council acting as the Local Contract Review Board consider the following motion:

I move to authorize the City Manager to enter into a contract with Central Coast Excavating for the repair of a sanitary sewer line on Highway 101 at NE 15<sup>th</sup> Street in the amount of \$53,508.00.

#### Fiscal Effects:

There is \$250,000 in the Sewer Fund contingency to cover this work. At an upcoming meeting we will be transferring \$75,000 from Wastewater Contingency to Wastewater Collections to cover the cost of this contract plus the estimated cost of \$20,000 related to work repaving Highway 101 which will be the city's responsibility.

#### Alternatives:

None recommended.

Respectfully Submitted,

Spencer R. Nebel  
City Manager



Agenda Item # IX.B  
Meeting Date January 20, 2015

**CITY COUNCIL AGENDA ITEM SUMMARY**  
City Of Newport, Oregon

Issue/Agenda Title: Authorization to Award Contract to Central Coast Excavating for Sanitary Sewer Repair on Hwy 101 at NE 15<sup>th</sup> Street

Prepared By: TEG                      Dept Head Approval: TEG                      City Manager Approval:

**Issue Before the Council:**

Authorization to Award Contract to Central Coast Excavating for Sanitary Sewer Repair on Hwy 101 at NE 15<sup>th</sup> Street

**Staff Recommendation:**

Authorize the award of contract

**Proposed Motion:**

I move to authorize the City Manager to enter into a contract with Central Coast Excavating for the repair of a sanitary sewer line on Hwy 101 at NE 15<sup>th</sup> Street in the amount of \$53,508.00.

**Key Facts and Information Summary:**

On December 22, 2014, the sanitary sewer backed up on NE 15<sup>th</sup> Street spilling into the street from a cleanout at a local business. City crews attempted to clean the line using the sewer jetting truck but were unable to get past a certain point where the sewer line entered Hwy 101.

Central Coast Excavating was called to perform an emergency repair and began work on December 29, 2014. Central Coast Excavating has proven to be a highly reliable contractor in emergency situations, has the equipment to work in deep trenches in the highway, and was immediately available.

It was discovered that the sewer line on NE 15<sup>th</sup> Street connected to the main sewer line on Hwy 101 via a 90 degree fitting and a drop pipe that entered into the 18' deep sewer through the top of the pipe. The 90 degree fitting had failed and was repaired. The hole was filled and highway temporarily patched. This design is unacceptable because it does not allow City crews access to clean or maintain the sewer.

It is necessary to install a manhole in this location. It is my recommendation to amend the initial emergency contract with Central Coast Excavating because they are familiar with the unusual

configuration of this sewer line and have the skill sets and equipment to conduct this work under traffic on Highway 101.

The City's procurement rules under section 137-049-0510 allows sole source selection of contractors in emergency situations and provides for the amendment or modification of emergency contracts when additional work is needed to correct the situation. I believe it is in the best interests of the City to retain Central Coast Excavating to complete this work.

Attached is an estimate from Central Coast Excavating in the amount of \$53,508.00 to install the manhole in Highway 101 and includes all labor and materials except the patching of the highway. City crews will assist the contractor with our sewer jetter truck and bypass pumping, and will temporarily patch the highway when the excavation work is complete. Final paving of the highway will be done with the 2014 Overlay Project because that contractor will have a milling machine in town for that work and the City will not have to pay to have one brought in special for this repair. Because the total value of the repair is estimated to exceed \$50,000, prevailing wages will apply to the contract.

**Other Alternatives Considered:**

No alternate repair scenarios are available. City staff considered obtaining competitive quote for this work but because we do not have much information on the existing sewer lines and Central Coast Excavating was familiar with the repair scenario, it made sense that it was in the best interest of the City to sole source the procurement.

**City Council Goals:**

None.

**Attachment List:**

Estimate from Central Coast Excavating.

**Fiscal Notes:**

Total cost to conduct the sewer repair is \$53,508.00. Estimated paving cost to repave the highway is \$15,000 to \$20,000 based upon previous work of a similar nature. This work will be paid for via the Wastewater Collection Fund account no 304-3420-6116. Since we have had several expensive sewer repairs this fiscal year, this fund currently does not have enough to cover this repair. The Sewer Fund has a \$250,000 contingency and City Staff have agreed that it makes sense to do a contingency transfer to fund this repair. It is proposed to transfer \$75,000 from Wastewater Contingency to Wastewater Collections via a future budget amendment resolution.

Central Coast Excavating, Inc  
671 NE Newport Hts Dr  
Newport OR 97365  
CCB#069019  
Cell 270-2017

12-30-14

City of Newport  
Attn: Olaf  
Estimate Only

Install new manhole approx. 18' deep at NE 101 and NE 15<sup>th</sup> Street  
Labor, equipment, shoring, trucking, materials, traffic control and certified payroll included

Estimate only \$53,508.00

Note: City of Newport responsible for permits, water, vac truck, saw cutting, cold patch, repaving, dump site for vac trucks, by pass for existing sewer.