

**CITY OF NEWPORT  
EMERGENCY ORDER NO. 2020-28**

**ENACTING A COVID-19 VIRTUAL AND IN-PERSON  
MEETING POLICY**

**WHEREAS**, the Governor of the State of Oregon declared a state of emergency for the state on March 8, 2020, finding that COVID-19 created a threat to the public health and safety and constituted a statewide emergency; and

**WHEREAS**, the City of Newport declared an emergency on March 13, 2020, which was ratified by the City Council at its March 16, 2020 meeting; and

**WHEREAS**, the President of the United States signed a proclamation declaring a national emergency concerning COVID-19 on March 13, 2020; and

**WHEREAS**, local, state, and national public health agencies have instituted guidelines, recommendations, and actions to curb the spread of the disease in an attempt to “flatten the curve” of the disease’s progression in the United States. Many of those recommendations have been adopted by states and local governments across the country. In Oregon, the Governor has issued Executive Orders 20-01 through 20-20, and 20-22, 20-24, 20-25, 20-27, 20-28, 20-29, 20-30, 20-37, and 20-38 to address COVID-19 closures and reopening of certain facilities, limiting public gatherings, higher education restrictions, and other needs and requirements related to the COVID-19 pandemic; and

**WHEREAS**, the Governor directed Oregonians to “stay at home to stay healthy” through physical and social distancing guidelines, limitations on congregations, and non-essential travel; and

**WHEREAS**, the City of Newport, through emergency orders, has closed various municipal facilities, and limited access to others; and

**WHEREAS**, Governor Brown approved Lincoln County for Phase Two reopening, and on September 29, 2020, Lincoln County entered Phase Two of its reopening; and

**WHEREAS**, City of Newport staff developed a phased reopening plan for city facilities, programming, and meetings; and

**WHEREAS**, the City Council, Planning Commission, and the city’s standing committees have been holding fully virtual meetings since March of 2020; and

**WHEREAS**, the City of Newport is moving into its Phase Two reopening, and Phase Two allows the City Council to meet with three Councilors in-person, plus two staff members at the dais, with an audience limited to 15 - 18; and

**WHEREAS**, Phase Two allows the Planning Commission to meet with up to four Commissioners in-person, plus one staff person at the dais, and an audience size limited to 15 - 18; and

**WHEREAS**, Phase Two allows advisory committees to meet in-person, in the City Council Chambers, with a limit of 12 people, including staff.

**WHEREAS**, the decision to hold in-person meetings will be left to the committee and its staff; and

**WHEREAS**, if a completely virtual, or a hybrid (part virtual and part in-person) meeting is held, the public comment and participation in virtual meetings will occur as described in Attachment A - Virtual Meeting Policy as revised October 5, 2020.

I, **Spencer R. Nebel, City Manager for the City of Newport**, hereby order:

October 5, 2020 Approved a revised Virtual Meeting Policy for the City Council, Planning Commission, and standing committees of the City of Newport. A copy of the policy is included as Attachment A.



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Spencer R. Nebel, City Manager

**COVID-19 TEMPORARY  
VIRTUAL, HYBRID, AND IN-PERSON MEETING POLICY**

**Why Virtual Meetings**

Due to COVID-19, the City of Newport has been holding all its public meetings virtually. This includes City Council, Planning Commission, and all of the city's standing advisory committees. Zoom is the virtual meeting platform that is utilized by the city. It is expected that virtual, hybrid, and some in-person meetings will continue as the city enters Phase Two of its reopening plan.

**Types of Meetings**

**Virtual Meetings** - virtual meetings will be held in the City Council Chambers of the Newport City Hall. These meetings will be livestreamed and televised on Charter Channel 190. Most attendees will be attending virtually with a limited number of staff and committee members present in the City Council Chambers.

**Hybrid Meetings** - hybrid meetings will be held in the City Council Chambers of the Newport City Hall. These meetings will be livestreamed and televised on Charter Channel 190.

For a hybrid City Council meeting, up to three City Councilors and two staff may be present on the dais. Audience size is limited to 15 - 18 people.

For a hybrid Planning Commission meeting, up to four Commissioners and one staff may be present on the dais. Audience size is limited to 15 - 18 people.

For hybrid advisory committee meetings, up to five people, including staff, may be present on the dais. Other advisory committee members may sit in the audience section, with a limit of 15 - 18 people.

For in-person advisory committee meetings, attendance is limited to 12 people including staff, when using the City Council Chambers as a meeting venue.

Meetings in other spaces are subject to congregation limits and required physical distancing measures.

All meetings are subject to Oregon Public Meeting Law, and the city's requirement that meetings, if not livestreamed and shown on Charter Channel 190, will have an audiofile that is posted on the city website within 24 hours of the meeting.

### **Access to Watch a Virtual City Council or Committee Meeting**

All virtual public meetings of the City of Newport are livestreamed and televised on Charter Channel 190. To access the livestream, visit the City of Newport website at [www.newportoregon.gov](http://www.newportoregon.gov). Once there, click on "City Government;" then click on "City Council" or "Committees (depending on the meeting of interest); click on the name of the committee; then an "in progress" note will appear if the meeting is underway; click on the "in progress" link to watch the livestream. It is not possible to get into a meeting that will be livestreamed before the meeting starts.

### **Public Comment during a Virtual or Hybrid Meeting**

#### **1. Written Comment.**

To submit a written public comment for any City of Newport meeting, send the written comment to [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). For City Council and Planning Commission meetings, the e-mail must be received by noon on the scheduled date of the City Council or Planning Commission meeting. For standing committee meetings, the public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. If a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day.

For City Council meetings, written comments received by the above noted deadlines will be included in the meeting materials, i.e., agenda packet. These comments will be acknowledged, at the appropriate time, by the Mayor or Council President, in the absence of the Mayor. If a specific request is made to read written public comment into the record during a meeting, the City Recorder, or designee, will be provided a maximum of three minutes to read the comment during the meeting.

#### **2. Virtual and Hybrid Meeting - Committee Guidelines.**

As a reminder, members of the City Council, Planning Commission, or any standing committee, should not be exchanging e-mails, texts, or communicating privately during the meeting in any way. This also applies to the chat feature of Zoom. The goal of this reminder is to prohibit side conversations which could violate public meetings law and/or trigger public records law related to retention and access/disclosure.

#### **3. Virtual Comments during a Meeting.**

If you wish to make a “real time” comment during a meeting, a request to speak should be made by 2:00 P.M. on the scheduled date of a City Council or Planning Commission meeting. The request to speak should include the agenda item on which the requestor wishes to speak. If the comments are not related to a particular agenda item, the request to speak should include a notation that the request is for general public comment, and the general topic. The request should be e-mailed to [publiccomment@newportoregon.gov](mailto:publiccomment@newportoregon.gov). For standing committee meetings, the request to speak should be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit a request to speak is 11:00 A.M. If a meeting is scheduled to occur before noon, the request to speak must be submitted by 5:00 P.M. the previous day. Once a request to speak has been received, staff will send the requestor the Zoom meeting link. This link will allow a requestor to participate via video or telephone.

4. **Public Hearings.**

Individuals wishing to offer testimony during public hearings should utilize the process in Sections 1. and 3. above.

5. **Script for Use at Quasi-Judicial or Legislative Land Use Hearings.**

The script for use at quasi-judicial or legislative land use hearings before the Planning Commission/City Council is attached.

6. **General Virtual Meeting Participation Guidelines.**

All public participants attending virtual meetings will be muted until it is their turn to speak. The participant will be muted at the conclusion of their comments. Public meeting participants are encouraged to remain on the Zoom meeting in the event the public body has follow-up questions. In that situation, the participant will be unmuted for the follow-up response.

# **CITY COUNCIL SCRIPT FOR QUASI-JUDICIAL OR LEGISLATIVE LAND USE HEARINGS USING THE ZOOM VIDEO-CONFERENCING PLATFORM**

## **1. Call Public Hearing to Order (Mayor)**

This public hearing is being conducted utilizing the Zoom video-conference platform. Before we get started, I would like to provide staff a moment to identify individuals that are participating virtually. I would also like to cover a few ground rules:

- A. Individuals wishing to speak may raise their hand proper or use the raise hand feature, which can be found by clicking on the "Participants" button on the bottom of a computer screen, the "Raise Hand" button on the bottom of a smartphone, or by dialing \*9 on a landline. I will call out the order of testimony in cases where multiple hands are raised.
- B. Please keep your microphone muted unless you are speaking. Press \*6 to mute and unmute a landline.
- C. For persons participating by video or phone, the City can make the shared screen feature available for those that wish to make a presentation. Information shared with the City Council in this manner is part of the record, and a copy of the materials will need to be provided to staff.
- D. For those persons who have elected to attend the hearing in person, a computer has been setup so that they may provide testimony using the video-conference platform.

## **2. Quasi-Judicial and Legislative Land Use Public Hearings (Briefly describe the public hearing items to be heard, as summarized in the staff report or hearing notice, then read the statement below VERBATIM.)**

**"This statement applies to quasi-judicial and legislative land use hearings on the agenda. All testimony and evidence presented toward the request(s) being heard must be directed toward the applicable criteria in the Newport Comprehensive Plan, Newport Municipal Code, or other land use regulations or standards which the speaker believes to apply to the decision.**

**The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the City Council and the parties an opportunity to respond to the issue will preclude appeal to the Land Use Board of Appeals (LUBA) based on that issue. An issue which may be the basis for an appeal to LUBA shall be raised not later than the close of the record at, or following, this evidentiary hearing. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the city decision makers and the parties an adequate opportunity to respond to each issue.**

**The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city to respond to the issue precludes an action for damages in circuit court.**

**Prior to the conclusion of a hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. If such a request is made then the hearing will be continued to a date certain and schedule set for submittal of additional testimony, a period for parties to respond to the new testimony, and a period whereby the applicant can provide final argument."**

At this time, I would ask City Councilors to disclose any actual or potential conflicts of interest, bias, ex-parte contacts, or site visits? *(If there is an actual conflict of interest the member must abstain, but counts toward the quorum. Potential conflicts of interest need only be disclosed.)*

If anyone present has an objection to the participation of any City Councilor, or the City Council as a whole, please raise that objection now. *(If an objection is made, the Councilor(s) to whom it is directed will need to respond and then decide as to whether or not they should recuse themselves.)*

The City Council may, at the request of a participant or on its own accord, continue the hearing to a date certain to provide an opportunity for persons to present and rebut new evidence, arguments or testimony related to the applicable criteria.

The hearing will proceed in the following order:

- Staff report
- Applicant's testimony
- Persons in favor
- Persons opposed
- Applicant's rebuttal
- Record closes for public testimony
- City Council deliberation, questions, and verbal decision
- A final order and findings will be prepared for consideration at the next meeting

(Optional: If due to time constraints, staff and the applicant will be allocated up to 15 minutes each for their presentations. Applicant will also receive up to five minutes for final rebuttal. All others wishing to testify will be given three minutes each.)

3. **Adjourn** (Note the time for the record)

# PLANNING COMMISSION SCRIPT FOR QUASI-JUDICIAL OR LEGISLATIVE LAND USE HEARINGS USING THE ZOOM VIDEO-CONFERENCING PLATFORM

## 1. Call Public Hearing to Order (Chair)

This public hearing is being conducted utilizing the Zoom video-conference platform. Before we get started, I would like to provide staff a moment to identify individuals that are participating virtually. I would also like to cover a few ground rules:

- A. Individuals wishing to speak may raise their hand proper or use the raise hand feature, which can be found by clicking on the "Participants" button on the bottom of a computer screen, the "Raise Hand" button on the bottom of a smartphone, or by dialing \*9 on a landline. I will call out the order of testimony in cases where multiple hands are raised.
- B. Please keep your microphone muted unless you are speaking. Press \*6 to mute and unmute a landline.
- C. For persons participating by video or phone, the City can make the shared screen feature available for those that wish to make a presentation. Information shared with the Planning Commission in this manner is part of the record, and a copy of the materials will need to be provided to staff.
- D. For those persons who have elected to attend the hearing in person, a computer has been setup so that they may provide testimony using the video-conference platform.

## 2. Quasi-Judicial and Legislative Land Use Public Hearings (Briefly describe the public hearing items to be heard, as summarized in the staff report or hearing notice, then read the statement below VERBATIM.)

"This statement applies to quasi-judicial and legislative land use hearings on the agenda. All testimony and evidence presented toward the request(s) being heard must be directed toward the applicable criteria in the Newport Comprehensive Plan, Newport Municipal Code, or other land use regulations or standards which the speaker believes to apply to the decision.

The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the Planning Commission and the parties an opportunity to respond to the issue will preclude appeal to the Land Use Board of Appeals (LUBA) based on that issue. An issue which may be the basis for an appeal to LUBA shall be raised not later than the close of the record at, or following, this evidentiary hearing. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the city decision makers and the parties an adequate opportunity to respond to each issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city to respond to the issue precludes an action for damages in circuit court.

Prior to the conclusion of a hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. If such a request is made then the hearing will be continued to a date certain and schedule set for submittal of additional testimony, a period for parties to respond to the new testimony, and a period whereby the applicant can provide final argument."

**At this time, I would ask Planning Commissioners to disclose any actual or potential conflicts of interest, bias, ex-parte contacts, or site visits? *(If there is an actual conflict of interest the member must abstain, but counts toward the quorum. Potential conflicts of interest need only be disclosed.)***

**If anyone present has an objection to the participation of any Planning Commission member, or the Commission as a whole, please raise that objection now. *(If an objection is made, the Commissioner(s) to whom it is directed will need to respond and then decide as to whether or not they should recuse themselves.)***

The Planning Commission may, at the request of a participant or on its own accord, continue the hearing to a date certain to provide an opportunity for persons to present and rebut new evidence, arguments or testimony related to the applicable criteria.

The hearing will proceed in the following order:

- Staff report
- Applicant's testimony
- Persons in favor
- Persons opposed
- Applicant's rebuttal
- Record closes for public testimony
- Planning Commission deliberation, questions, and verbal decision
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(Optional: If due to time constraints, staff and the applicant will be allocated up to 15 minutes each for their presentations. Applicant will also receive up to five minutes for final rebuttal. All others wishing to testify will be given three minutes each.)

3. **Adjourn** (Note the time for the record)