



City Council

June 2nd, 2025

6pm

Newberg Public Safety Building 401 E. Third Street

Denise Bacon Community Room

Online: <https://us06web.zoom.us/j/89536547180>

[Public Comment Registration](#)

[View Slides](#)

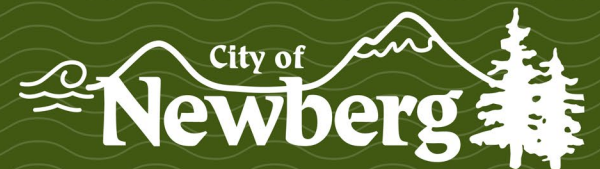
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- 1. Call to Order**
 - 2. Roll Call**
 - 3. Pledge of Allegiance**
 - 4. City Manager Report**
 - 4.1. [May Narrative Report](#)**
 - 5. Public Comments**
 - 6. Consent**
 - 6.1. [Resolution to Support Grant Application for the State of Oregon Transportation and Growth Management Program to Fund Transportation System Plan Update](#)**
 - 7. Administrative Public Hearing**
 - 7.1. [City of Newberg Budget Adoption](#)**
 - 7.2. [Res 2025-3974: State Shared Revenues](#)**
 - a. [Exhibit A. State Shared Revenues Recap](#)**
 - 8. Continued Business**
 - 8.1. [Provision of Municipal Services](#)**
 - 8.2. [Work Session for Review of Recommended Development Code Amendments to Vacation Rental Home Regulations](#)**
 - a. [Attachment 1. Planning Commission Resolution 2025-399](#)**
 - 9. New Business**
 - 9.1. [Library 2025 Customer Service Survey Results](#)**
 - 9.2. [Council Rules Discussion](#)**
 - a. [Attachment A. 2025 Council Rules Working Draft](#)**
 - b. [Attachment B. Council Rules and Guidelines](#)**
 - 10. Adjournment**

ADA Statement: Contact the City Recorder's Office for physical or language accommodation at least 2 business days before the meeting. Call (503) 537-1283 or email cityrecorder@newbergoregon.gov. For TTY services please dial 711.

*Indicates supplementary item

Newberg CM report

Monthly Events for May 2025



Community Development

- Collina Subdivision - First 10 house plans submitted. Design Review issued for the amenity building by time this goes to Council.
- Vacation Rental Code Update to Council for Work Session and Hearing in June.
- There are multiple projects in the permitting phase that are getting close to approval
 - West Branch Apartments 96 units – Corner Springbrook/Hayes
 - Haworth Apartments 28 units – Corner of Haworth/Springbrook
 - Hawaiian Bros Restaurant – Corner of Elliott/99W (current roundtable site)
- Hess Creek Preserve Project near Aspen Way has been submitted for both boundary line adjustment and design review for dam removal, 2 bridges across Hess Creek and some walking paths.
- Bypass Trail Design Review approved.
- Berne retired and we added on Byron Pickle as our new commercial plumbing inspector. Shirley retired and interviewing for new part-time office assistant.

Public Safety

- Celebrated our officers during National Police Week May 11th – 17th We appreciate our hard-working officers



For the month of March **Finance** did the following:

- Budget Committee meetings for both City and NURA – budgets approved for both
- Budget publications were completed
- Began working on Supplemental Budget #3 which will be presented to Council on June 16th
- Utility Billing and Court attended the Tyler Technologies Connect conference for hands on training of our finance software
- Training for our upgrade on the new Accounts Payable invoice process were rolled out to several departments (only a few left to go)

Some recent Finance stats:

Accounts Payable: \$1,425,303.22

- Pacific JCB, LLC \$63,180.00 (Skid Steer Grader and Power Rake Attachment)
- Northwest Firefighters \$94,380 (Police Heath Insurance Premium)
- Keller Associates Inc \$61,467.40 (General services, Last water siting study, GWTP covers project, WWTP capacity study 3rd invoice, clarifier stress test part 1)

Payroll: \$1,058,064.95 (McKinnon retirement, Jeffries WOC retro, McNelly retirement, Thomas S retirement, Garza and Falbey resignations)

HR Happenings

- HR presented its budget to the City Council Budget Committee, outlining its plans for the next 2 years
- Attended the CIS Wellness Academy Conference in Salem
- Attended an AFLAC Renewal Meeting

Stats breakdown:

- Running Recruitments: 3 (Entry-Level Communications Officer, City Technology Manager, Utility Technician II)
- Hires: 3
- Separations: 5
- Claims Processed: 4

Library March bullet points:

- Library staff visited all public and private 5th grade classrooms to talk about the Summer Reading Program and the Teen Service Club
- Library staff started visits to private and public schools to talk about the Summer Reading Program
- The library hosted a Homeschool Project Fair with nearly 50 people in attendance (see picture)
- We celebrated Mother's Day with Dia de las Madres – an afternoon craft program making paper flowers
- Staff continued with monthly book clubs and storytimes for all ages!
- The Newberg Public Library was voted "Newberg's Favorite Place to Read" by Newberg readers!

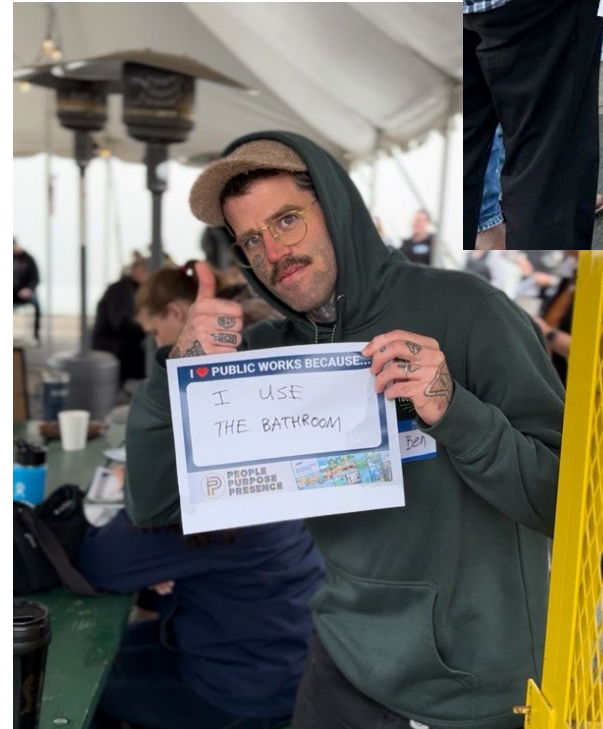


City Recorder

- City Recorder attended the International Institute of Municipal Clerks Conference.
- Answered a record number of Public Records Requests!
- Implemented a new board management system to streamline committee applications and management.

A few updates in **Community Engagement** this month:

- In May, CE collaborated with Public Works to promote National Public Works Week. This celebration highlights the hard-working teams that keep cities running!



Public Works Maintenance

- Sewer Mainline Pipe Cleaned 26,960 Ft = 5.1 Miles
- Sewer Mainline Pipe Inspected 5,035 Ft
- Storm Runoff Pipe Cleaned 545 Ft
- Miles of Street Swept 47 miles
- Street Sweeping Debris Removed 30 Cubic Yards
- Total Number of Water Meters 7,661 (2" or larger = 312)
- Water Valves Exercised 44
- Water Meter Service Activities 92
- Fleet/Equipment Service/Repairs 34
- New emergency response vehicle set up
- Set up for various city meetings

Crack & Seal Project on Mountainview



Just some of the WWTP tasks carried out:

- April WW Treated = 100.605 MGD
- Average Daily WW treated = 3.353 MGD
- 1.51 inches of rainfall per our weather station at the WWTP
- 54.99 MWh of energy produced = 61 Homes Average Monthly use
- Took links out of the stretched compost conveyor chain
- Replaced brine tank fill valve
- Replaced safety chains around Fernwood lift station wet-well
- Replaced hydrogen sensor in the hypochlorite room
- Grounds maintenance at Andrews St lift station
- Investigated communication issues with Chehalem lift station
- Tested septic receiving flow meter
- Replaced bearings on tractor mower
- Replaced pump tubing on Reuse hypochlorite pump
- Performed annual service on Reuse turbidity meters

Fulton St 2inch meter replace



Freeze repair service line



Just some of the WTP work carried out:

- April Water production = 49.808 MG
- Average Daily Water Demand = 1.69 MGD
- Daily demand in April was 7% Lower than the previous year
- Non-potable water system was put in service for the summer (Otis Sp.)
- Tested new switch gear to run well 9 on emergency power
- Mowed well field and North Valley Reservoir
- Replaced hydrogen sensor in hypochlorite building
- Repaired leak at hypochlorite pump 1
- Replaced leaking pump at Oak Knoll booster Station
- Investigated opening issue on wellfield gate
- Scheduled well 3 and 4 abandonments for early June
- Inspected bridge lights and repaired bridge fence
- Hosted pre bid meeting for filter and basin covers
- Filter replacement on Hypochlorite generator
- Emergency preparation drill, Switching mobile generator between wells

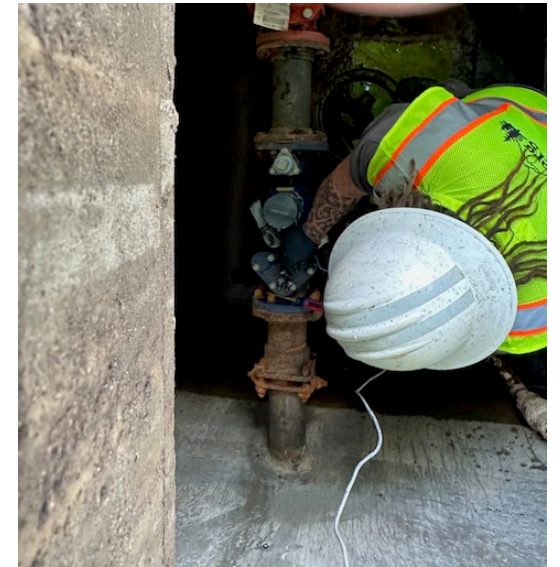
4th and center abandon service



**3rd and church service
line repair**



Meter replaced Fernwood



Engineering

- Groundwater Treatment Plant Filter Covers in bidding phase
- Keller submitted Draft Study review comments into the Water Treatment Plant Siting Study and Wastewater Treatment Plant Capacity Study
- Wastewater Treatment existing secondary clarifiers will be stress tested in the fall to determine if they can be rated at higher capacity than current DEQ rating. Results will determine how many, if any, additional secondary clarifiers are needed to accommodate future growth.

So that's it for this month!

As you can see, residents' tax dollars have been hard at work as usual.

Questions?

REQUEST FOR COUNCIL ACTION



Date Action Requested: June 2nd, 2025

Order ☐ Ordinance ☐ Resolution ☒ Motion ☐ Information ☐ Proclamation ☐

No. 2025-3971

Subject: Resolution to support an application for the State of Oregon Transportation and Growth Management Grant Program to fund a Transportation System Plan update

Staff: Dillon Peck and Scot Siegel
Department: Engineering and Community Development

Business Session

Order On Agenda: Consent

Hearing Type: Administrative

Is this item state mandated? Yes ☐ No ☒

If yes, please cite the state house bill or order that necessitated this action:

Recommendation: Motion to approve Resolution 2025-3971 to support an application for the State of Oregon Transportation and Growth Management Grant Program to fund a Transportation System Plan update.

Executive Summary: The City of Newberg's Transportation System Plan (TSP) needs an update, as it has not been comprehensively updated in nearly ten years. With ODOT's Newberg-Dundee Bypass project moving forward to phase 2, the TSP now needs to accommodate changes in usual traffic flow through the city. Newberg's TSP must remain responsive to a changing regulatory environment while serving a growing population. An updated TSP will also assist Newberg in advocating for traffic calming and other safety solutions including downtown. Our goal in updating the TSP is to ensure that our plan responds to these pressures and meets the transportation needs of our residents, now and in years to come. The Transportation & Growth Management Grant program offered jointly by ODOT and DLCD will allow the city to do just that without creating undue strain on the city's budget and staff.

Fiscal Impact: If Newberg is selected for a 2025 Transportation & Growth Management grant to update the TSP, about 90% of the cost will be covered by the grant after the required 10% local match.

The local match required for this grant funding is approximately \$30,000, which can take the form of cash or in-kind contributions from the city. Any payments would come from our Transportation SDC fund, per the Capital Improvement Plan. Based on cost estimates from Newberg CDD staff and from the State itself, a comprehensive update to our TSP will cost between \$250,000-\$300,000, meaning that we will be able to provide up to \$270,000 in value to Newberg citizens.

Council Goals: This resolution advances four of the Council’s 2025 goals. First, the Council’s continuous goal to “Ensure Newberg Infrastructure (roads, water, city employees) is in good repair and supply” by informing future infrastructure prioritization. It meets “Goal 5: Implement a careful and prudent fiscal policy” by seeking alternative sources of funding for necessary planning costs. This resolution meets “Goal 3: Enhance Community Safety” by ensuring that our TSP is informed by the most recent safety data and that it foregrounds transportation safety. Lastly, a TSP update would assist Newberg in advancing its Downtown Improvement Plan, consistent with City Council Goal 6, “Revitalize and beautify the appearance and utility of Newberg’s downtown area.”



RESOLUTION No. 2025-3971

A Resolution supporting a Transportation System Plan update funded by a Transportation & Growth Management Grant issued by the State of Oregon

Recitals:

1. The City of Newberg's Transportation System Plan (TSP) has not been comprehensively updated since 2017.
2. The Newberg-Dundee Bypass project will soon move to Phase 2, creating change and opportunity across Newberg's transportation network.
3. The state-level regulatory environment related to transportation and land use has substantially changed since Newberg's TSP was last updated.
4. The Oregon Department of Transportation and Department of Land Conservation and Development have jointly issued a Notice of Funding Opportunity for the Transportation & Growth Management (TGM) Grant program, which provides funding for updating municipal TSPs among other goals.
5. Updating Newberg's TSP aligns with City Council goals for Infrastructure, Community Safety, and Downtown improvements.

The City of Newberg Resolves as Follows:

1. City Council supports a comprehensive update to Newberg's 2017 Transportation System Plan.
2. To seek funding for an update to the Transportation System Plan, City Council supports an application to the 2025 Transportation & Growth Management Grant program administered by ODOT and DLCD.

Effective Date of this resolution is the day after the adoption date, which is: ____, 2025.

Adopted by the City Council of Newberg, Oregon, this ____ day of ____, 2025.

Rachel Thomas, City Recorder

Attest by the Mayor this ____ day of ____, 2025.

Bill Rosacker, Mayor

REQUEST FOR COUNCIL ACTION



Date Action Requested: (June 2, 2025)

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Information <input type="checkbox"/>	
No. 2025-3972	
Subject: Resolution adopting the City of Newberg, Oregon budget for the BY25-27 biennium, making appropriations, imposing the tax, and categorizing the tax.	Staff: Kady Strode Department: Finance File No.
Business Session	Order On Agenda:
Hearing Type: Administrative Public Hearing	

Recommendation: Adopt Resolution No. 2025-3972 adopting the biennial budget for BY25-27, making appropriations, and imposing and categorizing the tax.

Executive Summary: The Budget Committee met on April 22 (Financial Forecast and City Update), April 29, May 6, and May 13, 2025 to review and deliberate on the proposed BY25-27 City Budget presented by the Finance and various department heads. The Budget Committee approved the budget on May 13, 2025. A summary of the appropriations is included in this packet as Exhibit A.

Fiscal Impact: The BY25-27 Approved Biennial Budget equals \$224,810,200 with 147.28 FTE. Total appropriations equals \$203,083,262, with unappropriated ending fund balance and reserve for future expenditures totaling \$21,726,938. The approved property tax rate by the Budget Committee is \$3.0748 per \$1,000.00 assessed value.

Strategic Assessment: This is a balanced budget and reflects the direction and priorities of the City Council to meet the needs of this community.

RESOLUTION NO. 2025-3972

A Resolution adopting the City of Newberg, Oregon biennial budget for the BY25-27 fiscal year, making appropriations, imposing the tax, and categorizing the tax.

Recitals:

1. The City of Newberg Budget Committee approved the biennial budget for BY 25-27 budget on May 13, 2025.
2. The notice of this budget hearing and financial summary was published in the May 22, 2025 Newberg Graphic.
3. A public hearing on the approved budget was held on June 2, 2025.

The City of Newberg Resolves as Follows:

1. Adopting the Budget. The City Council of the City of Newberg hereby adopts the biennial budget for BY 25-27 in the total amount of \$224,810,200 now on file at the Public Safety Building located at 401 E 3rd Street, Newberg, Oregon.
2. Making Appropriations. The amounts for the fiscal year beginning July 1, 2025, and for the purposes shown in Exhibit A are hereby appropriated.
3. Imposing the Tax. The City Council of the City of Newberg imposes the following ad valorem property taxes upon the assessed value of all taxable property within the district at the rate of \$3.0748 per \$1,000 of assessed value for permanent rate tax.
4. Categorizing the Tax. The City Council of the City of Newberg categorizes the imposed taxes for purposes of Article XI section 11b as:

	General Government	Excluded from
	<u>Limitation</u>	<u>the Limitation</u>
Permanent Rate Tax	\$3.0748 per \$1,000.00 TAV	

5. The Finance Director is authorized and directed to certify the levy with the Yamhill County Assessor and Yamhill County Clerk.

Effective Date of this resolution is the day after the adoption date, which is: June 3, 2025.

Adopted by the City Council of Newberg, Oregon, this 2nd day of June, 2025.

Rachel Thomas, City Recorder

Attest by the Mayor this _____ day of June, 2025.

Bill Rosacker, Mayor

Exhibit A
City of Newberg

General Fund (01)

General Government	\$ 636,501
Municipal Court	1,129,854
Police	22,189,534
Communications	3,278,579
Library	6,086,648
Planning	3,013,643
Transfers	1,040,000
Contingency	2,989,127
Total General Fund	<u>40,363,886</u>

Street Fund (02)

Public Works	4,391,830
Transfers	3,095,832
Contingency	4,669,801
Total Street Fund	<u>12,157,463</u>

Civil Forfeitures Fund (03)

Police	<u>28,715</u>
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Proprietary Capital Projects Fund (04)

Capital Projects	<u>17,590,774</u>
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Wastewater Fund (06)

Public Works	19,315,806
Special Payments	100,000
Debt Service	3,295,505
Transfers	6,861,946
Contingency	12,652,797
Total Wastewater Fund	<u>42,226,054</u>

Water Fund (07)

Public Works	15,182,319
Debt Service	37,623
Transfers	4,850,000
Contingency	13,382,346
Total Water Fund	<u>33,452,288</u>

Building Inspection Fund (08)

Building Inspection	2,354,194
Contingency	3,051,905
Total Building Inspection Fund	<u>5,406,099</u>

Debt Service Fund (09)

Debt Service	<u>2,041,287</u>
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9-1-1 Emergency Fund (13)

Communications	995,586
Contingency	51,395
Total 9-1-1 Emergency Fund	<u>1,046,981</u>

Economic Development Fund (14)	
Special Payments	1,194,380
Contingency	72,177
Total Economic Development Fund	<u>1,266,557</u>
Public Safety Fee Fund (16)	
Police	1,148,982
Communications	329,141
Contingency	75,644
Total Public Safety Fee Fund	<u>1,553,767</u>
Stormwater Fund (17)	
Public Works	6,323,214
Transfers	2,003,190
Contingency	925,885
Total Stormwater Fund	<u>9,252,289</u>
Street Capital Projects Fund (18)	
Capital Projects	5,900,000
Total Street Capital Project Fund	<u>5,900,000</u>
Transient Lodging Tax Fund (19)	
General Government	1,078,652
Transfers	1,997,936
Contingency	4,152
Total Transient Lodging Tax Fund	<u>3,080,740</u>
Library Gift & Memorial Fund (22)	
Library	104,271
Contingency	24,860
Total Library Gift & Memorial Fund	<u>129,131</u>
Admin/Support Services Fund (31)	
City Manager's Office	2,664,029
Finance	4,599,223
Information Technology	4,089,769
Legal	1,373,487
Public Works	4,729,887
Insurance	1,602,888
Contingency	416,176
Total Admin/Support Services Fund	<u>19,475,459</u>
Street System Development Fund (42)	
Transfers	3,090,000
Total Street System Development Fund	<u>3,090,000</u>
Stormwater System Development Fund (43)	
Transfers	337,500
Total Stormwater System Development Fund	<u>337,500</u>

Wastewater System Development Fund (46)

Debt Service	418,821
Transfers	3,538,138
Total Wastewater System Development Fund	3,956,959

Water System Development Fund (47)

Debt Service	727,313
Total Water System Development Fund	727,313

Total Appropriations**203,083,262**

Reserve for Future Expenditure - Street System Development Fund (42)	6,368,988
Reserve for Future Expenditure - Stormwater System Development Fund (43)	127,461
Reserve for Payment in Lieu - Stormwater System Development Fund (43)	14,234
Reserve for Future Expenditure - Wastewater System Development Fund (46)	14,683,140
Reserve for Future Expenditure - Water System Development Fund (47)	373,922
Reserve for Payment in Lieu - Street Capital Projects Fund (18)	152,126
Unappropriated Fund Balance - Debt Service (09)	7,067

Total Adopted Budget**\$ 224,810,200**

REQUEST FOR COUNCIL ACTION



Date Action Requested: (June 2, 2025)

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input type="checkbox"/> Information <input type="checkbox"/>	
No. 2025-3974	
Subject: Resolution declaring the City of Newberg's election to receive state revenues.	Staff: Kady Strode Department: Finance File No.
Business Session	Order On Agenda:
Hearing Type: Administrative Public Hearing	

Recommendation: Adopt Resolution No. 2025-3974.

Executive Summary: Per ORS 221.770 cities are required to pass an ordinance or resolution each year to elect to receive state shared revenues. A copy of this resolution must be filed with the Oregon Department of Administrative Services before July 31 each year, and the Budget Committee must hold a public hearing to determine the use of the funds. This public hearing was held by the City of Newberg on May 13, 2025 and the Budget Committee passed a motion to approve staff's recommendations of the use of the state shared revenues.

Fiscal Impact: See Exhibit A for state shared revenues for the City of Newberg.

Strategic Assessment: The City elects to use state shared revenues in the General Fund, the Street Fund, and the 911 Fund.

RESOLUTION No. 2025-3974

A Resolution declaring the City of Newberg's election to receive state revenues.

Recitals:

1. WHEREAS, State Revenue Sharing as prescribed in ORS 221.770 requires cities to pass an ordinance or resolution each year stating that they elect to receive state revenues sharing money; and
2. WHEREAS, a copy of this ordinance or resolutions must be filed with Shared Financial Services of the Oregon Department of Administrative Services before July 31 of each year; and
3. WHEREAS, the City of Newberg held a public hearing to discuss possible uses of the revenue before the Budget Committee on May 13, 2025. The Budget Committee passed a motion to approve staff's recommendation for the use of the state revenues. The 25-27 biennial budget includes state shared revenue in the General Fund, The Gas Tax Fund (Street Fund), and the 9-1-1 Fund, with the shared revenues being used to support services provided by those funds. The City Council held a public hearing on the proposed uses of the shared revenues on June 2, 2025.

The City of Newberg Resolves as Follows:

Section 1. Pursuant to ORS 221.770, the City hereby elects to receive state shared revenues for BY25-27 biennium.

Effective Date of this resolution is the day after the adoption date, which is: June 3, 2025.

Adopted by the City Council of Newberg, Oregon, this 2nd day of June, 2025.

Rachel Thomas, City Recorder

Attest by the Mayor this _____ day of June, 2025.

Bill Rosacker, Mayor

City of Newberg
State Shared Revenues (SSR) Summary
2025-27 Proposed Biennial Budget

	Liquor Tax – 14% of Total Liquor Revenues (also known as State Revenue Sharing)	Liquor Tax – 20% of Total Liquor Revenues	Cigarette Tax	Marijuana Tax	Gas Tax	9-1-1 Tax
Distribution	Complex formula including city property taxes, population, and income	Per capita to cities	Per capita to cities	10% of net state revenues (75% per capita; 25% per ratio of city licenses to total state licenses)	Per capita to cities	Per capita of cities and counties to 911 centers
Payments	Quarterly	Monthly	Monthly	Quarterly	Monthly	Quarterly
Requirements	<ul style="list-style-type: none"> - Pass an ordinance or resolution requesting SSR money. - Hold public hearings before Budget Committee (“possible uses”) and City Council (“proposed uses”) regarding city’s use of SSR. - Submit documentation certifying compliance to Dept. of Admin Svcs (DAS). - Levy property taxes for preceding year. - Cities in counties with popul. greater than 100k must certify that city provides at least four of the following municipal services: <ul style="list-style-type: none"> • Fire protection • Police protection • Street construction, maintenance, and lighting • Sanitary sewers • Storm sewers • Planning, zoning, and subdivision control • One or more utility services 	Cities in counties with population greater than 100k must certify that city provides at least four of the following municipal services: <ul style="list-style-type: none"> • Fire protection • Police protection • Street construction, maintenance, and lighting • Sanitary sewers • Storm sewers • Planning, zoning, and subdivision control • One or more utility services 	Cities in counties with popul. greater than 100k must certify that city provides at least four of the following municipal services: <ul style="list-style-type: none"> • Fire protection • Police protection • Street construction, maintenance, and lighting • Sanitary sewers • Storm sewers • Planning, zoning, and subdivision control • One or more utility services 	Annual city certification of no ban on marijuana licenses in any of the six license types: recreational producer, processor, wholesaler, or retailer, as well as medical grow site or medical facility.	Cities in counties with popul. greater than 100k must certify that city provides at least four of the following municipal services: <ul style="list-style-type: none"> • Fire protection • Police protection • Street construction, maintenance, and lighting • Sanitary sewers • Storm sewers • Planning, zoning, and subdivision control • One or more utility services 	Annual accounting report to OEM
Uses	Unrestricted	Unrestricted	Unrestricted	Unrestricted	Restricted	Restricted
Key Statutes	ORS 221.770; 221.760; 471.810(1)(d)	ORS 221.760; 471.810(1)(b)	ORS 221.760; 323.030-.031; 323.455-.457	ORS 475B.015; 475B.700-760; Or Laws Ch. 1, sec. 44 (2015), amended by HB 3470 (2017) (see sections 30-37).	ORS 221.760; 366.739-.752; 366.785-366.820; ORS Ch. 319	ORS 403.200 - 250; OAR 104-080-0195 to 104-080-0210 (page 84)
Newberg Budget	01-0000-335006 for \$533,180 (page 16)	01-0000-335003 for \$834,300 (page 16)	01-0000-335004 for \$27,636 (page 16)	01-0000-335005 for \$76,426 (page 16)	02-0000-335000 & 02-0000-336000 for \$4,734,160 (page 94)	13-0000-310000 for \$1,005,525 (page 75)

REQUEST FOR COUNCIL ACTION



Date Action Requested: (June 2, 2025)

Order ☐ Ordinance ☐ Resolution ☒ Motion ☐ Information ☐

No. 2025-3973

Subject: Resolution certifying the provision of municipal services by the City of Newberg for the purposes of participation in the State Revenue Sharing Program.

Staff: **Kady Strode**
Department: **Finance**
File No.

Business Session

Order On Agenda:

Hearing Type: Administrative Public Hearing

Recommendation: Adopt Resolution No. 2025-3973.

Executive Summary: Per ORS 221.760, cities located within a county having more than 100,000 inhabitants disburse funds only if the city provides at least four or more essential services which determines the eligibility to receive certain state funds.

Fiscal Impact: N/A

Strategic Assessment: Essential services are a part of a functioning city and must be provided in order to receive certain state funding.

RESOLUTION No. 2025-3973

A Resolution certifying the provision of municipal services by the City of Newberg for the purposes of participation in the State Revenue Sharing Program.

Recitals:

1. **WHEREAS**, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the cases of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- a. Police protection
- b. Fire protection
- c. Street construction, maintenance, and lighting
- d. Sanitary sewer
- e. Storm sewers
- f. Planning, zoning, and subdivision control
- g. One or more utility services

And,

2. **WHEREAS**, City officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760, now, therefore,

The City of Newberg Resolves as Follows:

That the City of Newberg hereby certifies that it provides the following municipal services enumerated in Section 1, ORS 221.760:

- a. Police protection
- b. Street construction, maintenance, and lighting
- c. Sanitary sewer
- d. Storm sewers
- e. Planning, zoning, and subdivision control
- f. Water utility service

Effective Date of this resolution is the day after the adoption date, which is: June 3, 2025.

Adopted by the City Council of Newberg, Oregon, this 2nd day of June, 2025.

Rachel Thomas, City Recorder

Attest by the Mayor this _____ day of June, 2025.

Bill Rosacker, Mayor

REQUEST FOR COUNCIL ACTION



Date Action Requested: June 2, 2025

Order <input type="checkbox"/>	Ordinance <input type="checkbox"/>	Resolution <input type="checkbox"/>	Motion <input type="checkbox"/>	Information <input checked="" type="checkbox"/>	Proclamation <input type="checkbox"/>
Subject: Vacation Rental Home Code Update Public Engagement Overview and Policy Outcomes				Staff: James Dingwall Department: Community Development	
Business Session				Order On Agenda: New Business	

Is this item state mandated? Yes ☐ No ☒

If yes, please cite the state house bill or order that necessitated this action: N/A

Recommendation:

1. Receive Planning Commission Resolution No. 2025-399 and conduct a work session on proposed vacation rental home development code amendments.

Executive Summary:

On May 8, 2025 the Newberg Planning Commission held a public hearing to make a recommendation to City Council on the proposed vacation rental home policy updates. After receiving public comments and deliberating, the Planning Commission approved Resolution No. 2025-399 recommending the Newberg City Council amend the Newberg Municipal Code to update vacation rental home policy. The Planning Commission recommendations include:

- Title 3 Revenue and Finance
 - o Require vacation rental agents (e.g., AirBnB) to collect and remit transient lodging tax where an agent is used to advertise, manage, or book the vacation rental home.
- Title 15 Development Code
 - o Amend the zoning use table to require a Type II Special Use Permit for vacation rental home land use approval.
 - o Update the parking requirement for vacation rental homes (1 off-street space for every two bedrooms, rounding up, with a minimum of two spaces). For example:
 - 1-4 bedroom = 2 parking spaces
 - 5-6 bedrooms = 3 parking spaces
 - 7-8 bedrooms = 4 parking spaces
 - o Create a cap of the total number of vacation rental homes permitted in Newberg at two percent of the number of households in the city. Provide for grandfathering of legal nonconforming rental homes and define amortization of illegal vacation rental homes.
 - o Require designation of a local manager within 40 miles of the vacation rental home.
 - o Require vacation rental home operator to provide annual “good neighbor” notice to surrounding property owners.
 - o Limit transferability of vacation rental home registration to ensure compliance with city standards.
 - o Increase penalty for unregistered vacation rental home operation.

Fiscal Impact:

The primary cost will be staff time. The Rentalscape software for vacation rental home activity monitoring is included in the Planning Division budget.

Council Goals:

This item is related to:

Goal 7. Preserve the balance between the needs of the tourism industry and preserving the character of our town.

Objective 1: Implement and codify the new STR rules within one year.

Attachments:

Attachment 1. Planning Commission Resolution No. 2025-399



PLANNING COMMISSION RESOLUTION 2025-399

A RESOLUTION RECOMMENDING CITY COUNCIL AMEND THE NEWBERG MUNICIPAL CODE, TITLES 3 AND 15 TO UPDATE VACATION RENTAL HOME POLICY

RECITALS

1. On September 15, 2013, the Newberg City Council adopted Ordinance No. 2013-2763 containing multiple amendments to the Newberg Municipal Code zoning use table and definitions, approval criteria, and development standards for the operation of vacation rental homes.
2. On September 5, 2023, the Newberg City Council formed a Short-Term Rental Ad Hoc Committee.
3. On September 14, 2023, the Newberg Planning Commission approved recommendations for updates to the City's vacation rental home regulation.
4. On February 1, 2024, the Short-Term Rental Ad Hoc Committee unanimously approved recommendations for updates to the City's vacation rental home regulations.
5. 5. On March 4, 2024, the Newberg City Council directed staff to update regulations and operations for vacation rental homes.
6. 6. On August 22, 2024, the Newberg City Council hosted a community listening session and on November 20, 2024, December 3, 2024, and December 4, 2024, staff held public engagement events to receive community feedback on recommended policy updates.
7. 7. On April 3, 2025, staff submitted a Post-Acknowledgement Plan Amendment (PAPA) notice with the Department of Land Conservation and Development (DLCD)
8. 8. On April 10, 2025, the Newberg Planning Commission conducted a work session on the proposed development code amendments.
9. On May 8, 2025, after proper notice, the Newberg Planning Commission opened a public hearing, considered public testimony, deliberated, found that the proposed amendments were in the best interests of the City of Newberg.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission of the City of Newberg recommends the City Council adopt the proposed changes to the Newberg Municipal Code amendments for Title 3 Revenue and Finance and Title 15 Development Code to update vacation rental home policy.

2. This recommendation is based on the staff report, Exhibit "A" Development Code Amendment language and Findings in Exhibit "B".
3. Exhibits "A" and "B" are incorporated by reference.

Adopted by the Newberg Planning Commission this 8th day of May 2025.

ATTEST:



Planning Commission Chair



Planning Commission Secretary

List of Exhibits:

Exhibit "A": Development Code Amendments

Exhibit "B": Findings

Exhibit “A” to Planning Commission Resolution No. 2025-399 Development Code Amendments – File DCA24-0003

Note: Formatting of amendments:

1. Code edits and revisions are indicated using double underline for text additions and ~~strike-out~~ for text deletions.
2. Backslashes “\\” indicate text that is unchanged and has been omitted for brevity.

The Newberg Municipal Code shall be amended as follows:

Section 1. Revenue and Finance, 3.10 is amended as follows:

Chapter 3.10 TRANSIENT LODGING TAX

Sections:

- 3.10.010 Definitions.
- 3.10.020 Levy.
- 3.10.030 Collection.
- 3.10.040 Operator’s duties.
- 3.10.050 Exemptions.
- 3.10.060 Returns.
- 3.10.070 Penalties and interest.
- 3.10.080 Deficiencies, fraud, evasion, and delay.
- 3.10.090 Redeterminations.
- 3.10.100 Security for collection.
- 3.10.110 Lien.
- 3.10.120 Refunds.
- 3.10.130 Expenditure of funds and collection fee.
- 3.10.140 Administration.
- 3.10.150 Appeal to city council.
- 3.10.160 Violations.
- 3.10.170 Penalty.

3.10.010 Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“**Agent**” includes, but is not limited to, an on-line or Internet based booking service (Craigslist, AirBnB, VRBO, HomeAway, FlipKey, VactionHomeRentals, Roomorama, as examples), a travel intermediary, or a person licensed by the Oregon Real Estate Agency.

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“Operator” means the person who is proprietor of a hotel and motel in any capacity and, where the operator performs their functions through a managing agent other than an employee, the managing agent who shall have the same duties and liabilities as their principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall be considered to be compliance by both.

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3.10.030 Collection.

A. Every operator renting a room in this city, the occupancy of which is not exempted under the terms of NMC 3.10.050, shall collect a tax from the occupant of the room. The tax collected or accrued by the operator constitutes a debt owing by the operator to the city.

1. Where an agent is used for the advertisement, management, or booking of a vacation rental home, the agent shall collect the applicable transient lodging tax.

2. Where no agent is used for the advertisement, management, or booking of a vacation rental home, the operator shall collect the applicable transient lodging tax.

B. In all cases of credit or deferred payment of rent, the payment of the tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until the credit is paid or the deferred payment is made.

C. The tax administrator shall enforce this chapter and may adopt rules and regulations consistent with this chapter and necessary to aid in the enforcement. [Ord. 1835A, 12-6-76. Code 2001 § 36.17.]

3.10.040 Operator’s duties.

Each operator or agent as applicable shall collect the tax imposed by NMC 3.10.020 on a transient at the same time as the operator collects rent from the transient. The amount of the tax shall be separately stated upon the operator’s records and on any receipt for the rent rendered by the operator to the transient. No operator shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded. [Ord. 1835A, 12-6-76. Code 2001 § 36.18.]

Penalty: See NMC 3.10.170.

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3.10.060 Returns.

A. The tax imposed by NMC 3.10.020 shall be paid by the transient to the operator when the transient pays rent to the operator. All such taxes collected by any operator are due and payable to the tax administrator on the fifteenth day of the month for the preceding quarter and are delinquent on the first day of the following month in which they are due.

B. On or before the fifteenth day of the month following each quarter of collection by an operator, the operator shall file a return for that quarter's tax collections with the tax administrator. The return shall be filed in such form as the tax administrator prescribes.

1. Where an agent is used for the advertisement, management, or booking of a vacation rental home, the agent shall file the applicable transient lodging tax return. The operator shall file a form confirming submission of transient lodging tax through the agent, or that no tax was collected to be remitted, in such form as the tax administrator provides.

C. A return shall show the amount of tax collected or otherwise due for the period for which the return is filed. The total rentals upon which the tax is collected or otherwise due, gross receipts of the operator for the period, and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any.

D. The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, with the tax administrator's office either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery.

E. For good cause, the tax administrator may extend, not to exceed one month, the time for making any return or payment of tax. Any operator to whom an extension is granted shall pay interest at the rate of one-half of one percent per month or fraction thereof. If a return is not filed, the tax and interest shall become a part of the tax for computation of penalties prescribed in NMC 3.10.070.

F. The tax administrator, if the tax administrator deems it necessary in order to ensure payment or facilitate collection by the city of the amount of taxes in any individual case, may require returns and payment of the amount of taxes for other than monthly periods. [Ord. 1835A, 12-6-76.Code 2001 § 36.20.]

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Section 2. Development Code, 15.305.020 is amended as follows:

Chapter 15.305 ZONING USE TABLE

Sections:

- 15.305.010 Classification of uses.
- 15.305.020 Zoning use table – Use districts.
- 15.305.030 Zoning use table – Use subdistricts.

15.305.010 Classification of uses.

The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the

various zoning districts. The specific land use categories are described in Chapter 15.303 NMC. The table identifies each use as one of the following:

- P Permitted Use. The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.
- C Conditional Use. A conditional use permit is required for the use. See Chapter 15.225 NMC.
- S Special Use. The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.
- (#) A note indicates specific limits on the use. These notes are listed at the bottom of the table.
- X Prohibited Use. The use is specifically prohibited.

If none of the codes above are indicated, then the use is not permitted within the zone. [Ord. 2763 § 1 (Exh. A § 6), 9-16-13.]

15.305.020 Zoning use table – Use districts.

Newberg Development Code – Zoning Use Table

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#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	M-5	CF	I	AR	AI	Notes and Special Use Standards
460	COMMERCIAL LODGING																					
Def.	Vacation rental home	€S	€S	S	S	S	S(13)	S(13)	S(13)	S(13)	X						S(13)					Chapter 15.445 NMC, Article VII
(13) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.																						

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Section 3. Newberg Development Code, 15.440 is amended as follows:

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15.440.030 Parking spaced required.

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Table 15.440.030(A) Minimum Parking Spaces Required and Maximum Parking Spaces Allowed by Use

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed		Rate and Units
		Uses fronting a street with abutting on-street parking	Uses fronting no street with abutting on-street parking	
\\				
<u>Vacation rental home</u>	<u>1</u>	<u>None</u>	<u>None</u>	<u>For every two bedrooms</u> <u>See NMC 15.445.330(A)</u>
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Section 4. Newberg Development Code, 15.445 is amended as follows:

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15.445.310 Where allowed.

Vacation rental homes are permitted in areas shown on Chapter 15.305 NMC. The vacation rental home must be a structure approved for occupancy as a single-family dwelling unit. [Ord. 2763 § 1 (Exh. A § 17), 9-16-13.]

A. The total number of vacation rental homes permitted in the City of Newberg shall not exceed two percent of the total number of households existing in the City of Newberg based on data published annually by the Community Development Department. The Director shall annually publish the total number of vacation rental homes permitted within the City and the number of available licenses. Should the City reach the two percent limit, no new vacation rental home permit shall be issued until an equal number of vacation rental permits become inactive or are terminated.

B. A vacation rental home permit is considered inactive if a business license for the vacation rental is not renewed within one year of its expiration.

C. All vacation rental homes in operation prior to October 13, 2013 and not meeting the standards in Chapter 15.445.330(A-D), or in structure types other than a single-family unit, may continue to operate as legal nonconforming uses pursuant to Chapter 15.205.030 NMC and this section. Vacation rental homes approved between October 13, 2013 and August 6, 2025 may continue to operate as legal nonconforming uses with two off-street parking spaces while meeting other standards in Chapter 15.445.330 NMC. Specifically, discontinuance or abandonment of vacation rental home operation including not renewing a business license within one year of expiration shall constitute termination of nonconforming vacation rental use. All vacation rental homes in operation prior to August 6, 2025 shall apply for registration per Chapter 15.445.320 NMC no later than November 4, 2025 and shall have received approval per Chapter 15.445.320 NMC no later than August 6, 2026, or shall be terminated.

15.445.320 Registration required.

Prior to use or advertising for use of a dwelling as a vacation rental home, the owner or operator shall register the vacation rental home with the city on forms provided by the director to obtain a land use permit, business license, and Transient Lodging Tax registration. The registration shall include such information required by the director, including the name and contact information for the owner, operator and local contact.

Penalty. Upon being notified by the City that a vacation rental home is operating without registration in violation of this code, its owner shall apply to register the vacation rental within 45 days of the date of notice and cease operation until registration has been obtained. Violation of a provision of this section shall be subject to an administrative civil penalty not to exceed \$2,000 for the first offense and \$5,000 for each additional offense and shall be processed in accordance with the procedures set forth in this code. Each confirmed rental booking following the 45 day notice shall constitute a separate violation.

[Ord. 2763 § 1 (Exh. A § 17), 9-16-13.]

15.445.330 Standards.

A. The vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants. In no case may a vacation rental home provide less than two off-street parking spaces.

B. The applicant shall provide for regular refuse collection.

C. The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people.

D. The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent or temporary shelter during the rental occupancy. [Ord. 2763 § 1 (Exh. A § 17), 9-16-13.]

E. The applicant shall provide annual good neighbor notices to properties within 500 feet. The notice shall include such information required by the director, including the name and contact information of the owner, local contact, and complaint procedures per Chapter 15.445.350 NMC. Compliance shall be documented at vacation rental home business license renewal.

F. Ownership. The land use approval of the dwelling unit as a vacation rental home is in the names of the property owners and the land use approval is not transferable. Except as provided in subsection F(1), below, when any owner of record at the time of land use approval sells or transfers a property approved, occupied, or rented as a vacation rental home, the vacation rental home land use approval shall cease,

1. For purposes of this chapter, “sells or transfers” means any change of ownership during the lifetime of any of the owners, whether or not there is consideration, or after the death of any of the owners, except a change in ownership where title is held in survivorship with a spouse, domestic partner, or child, or transfers on the owner’s death to a trust which benefits only a spouse, domestic partner, or child for the lifetime of the spouse, domestic partner, or child. An owner may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to loss of short-term rental land use approval so long as the transferor lives and remains the only owner of the entity to which ownership was transferred. Upon the transferor’s death or upon the sale or transfer of his or her interest in the entity to another person, the short-term rental land use approval shall terminate.

G. Local Manager. The owner or designated property manager shall be located within 40 miles of the vacation rental home.

15.445.340 Registration posting.

The applicant shall post the vacation rental home registration within the dwelling adjacent to the front door. At a minimum, the posting will contain the following information:

- A. The name of the operator and a telephone number where the operator may be reached.
- B. The telephone number for the police department.
- C. The maximum number of occupants permitted to stay in the dwelling.
- D. The standards for the rental occupancy.
- E. The solid waste collection day. [Ord. 2763 § 1 (Exh. A § 17), 9-16-13.]

15.445.350 Complaints and revocation of registration.

If the city receives two or more written complaints within a one-year period regarding vacation rental home occupancy compliance, and the issues have not been resolved through the code enforcement officer, the city manager may schedule a hearing to consider revoking the vacation rental home registration. The hearing may be conducted by the city manager, or other such hearings officer as the city manager may appoint for this purpose. The city manager shall notify the owner and operator of the hearing, those submitting written complaints, and may invite others to submit testimony at the hearing. After hearing the facts, the city manager may do any of the following:

- A. Revoke the registration for noncompliance with the standards in this section. If this permit is revoked, the premises may not be used as a vacation rental home for a period of two years, or a period of lesser time as determined by the hearings officer.
- B. Impose additional conditions necessary to fulfill the purpose of this section.
- C. Establish a probationary period to monitor compliance.
- D. Dismiss the complaint.
- E. Refer the matter to the code enforcement officer for citation in municipal court or other appropriate jurisdiction.

The hearings officer's decision may be appealed to the planning commission by the applicant, owner, or person filing the written complaint within 14 calendar days of the date of the decision in the manner provided in NMC 15.100.170. [Ord. 2763 § 1 (Exh. A § 17), 9-16-13.]

Exhibit “B” FINDINGS FOR SIGN CODE UPDATE RELATED COMPREHENSIVE PLAN AND STATEWIDE PLANNING GOALS

A. FINDINGS FOR Statewide Planning Goals (the “Goals”)

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: The Newberg Planning Commission developed initial recommendations on vacation rental home policy updates at regularly noticed meetings on August 10 and September 12, 2023. The Short-Term Rental Ad Hoc Committee was formed by the Newberg City Council on September 5, 2023 and held 5 public meetings to discuss policy alternatives and receive feedback from the public. Following the initiation of the development code amendment at the City Council’s March 4, 2024 meeting, the City Council hosted a community listening session August 22, 2024 introducing issues related to vacation rental homes and inviting public comment. The City Council and Planning Commission held a public joint work session to approve the project’s scope of work, and the Community Development Department held three open house events to provide information on existing policy and prevalence of vacation rental homes and receive feedback on recommended policies. The open house events were targeted at the general public and vacation rental home operators, and were provided in in-person and online formats. The City Council provided policy direction at its March 17, 2025 meeting, and the Planning Commission held a work session on draft development code language on April 10, 2025. The Planning Commission will conduct a public hearing at its May 8, 2025 meeting to consider the staff report, public testimony, and findings, deliberate, and make a recommendation to the Newberg City Council. Public notice was published by the Newberg Graphic on April 24, 2025 and posted in four public places on May 1, 2025. A post-acknowledgement plan amendment notice was submitted to the Department of Land Conservation and Development on April 3, 2025 (DLCD File # 001-25) The Newberg City Council is scheduled to hold a public work session on the proposed development code amendment on June 2, 2025 followed by a public hearing on adoption on July 7, 2025.

The Goal is met.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations.

The proposed legislative amendment to the Newberg Comprehensive Plan follows the Type IV procedure outlined in Newberg Municipal Code Chapter 15.100.060 and notice procedures for Type IV legislative hearings in NMC Chapters 15.100.250 and 15.100.270. The recommendations of the Newberg Planning Commission, Short-Term Rental Ad Hoc Committee, and Newberg City Council were informed by background information related to the City's existing adopted regulations, recent trends related to rental home operations, analysis of public comments, and an overview of regulatory approaches that jurisdictions in Oregon and other communities are using to manage vacation rental activities. The Newberg Planning Commission, Short-Term Rental Ad Hoc Committee, and Newberg City Council considered policy and operational alternatives in making their recommendations at work sessions and public meetings. As discussed elsewhere in these findings, the proposed policy updates and implementation measures are consistent with the Newberg Comprehensive Plan goals and policies.

The Goal is met.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands. The proposal is for lands inside the Newberg Urban Growth Boundary.

The Goal is not applicable.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to forest resource lands. The proposal is for lands inside the Newberg Urban Growth Boundary.

The Goal is not applicable.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendment will not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code, Specific Plans and Master Plans to protect these resources. Newberg has an acknowledged

Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

For the preservation of designated historic resources identified in Newberg's Historic Resources Inventory, procedures and applicable criteria for historic resources are reviewed pursuant to Chapter 15.344 Historic Landmarks (H) Subdistrict for landmark designation, exterior modifications, destruction and relocation, delisting, and general administration.

This Goal is met.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies.

This Goal is met.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

This Goal is met.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: The proposed development code amendments provide for the regulation and facilitation of vacation rental homes within the City. Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's recreational goals and policies.

This Goal is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The proposed development code amendments provide a consolidated land use review process for vacation rental homes and policies to preserve the balance between the needs of the tourism industry and preserve the character of the town. Newberg has an acknowledged Comprehensive Plan that complies with this goal, which includes general policies related to the economy encouraging tourist-related activities and services and promoting Newberg as a tourist destination location. The proposed amendments to the Newberg Municipal Code further these policies. The proposed limit on vacation rental homes is based on the number of households within the city, positioning vacation rental home activities to continue growing as Newberg grows and serve as a vital part of the local economy.

The Goal is met.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: Newberg has seen an increase in the number of vacation rental home applications since the current policies were established in 2013. The proposed development code amendments include a limit on the number of vacation rental homes permitted in the City. This cap, limited to two percent of the number of households within Newberg, will ensure that the City's housing stock is available for residents and continued growth in the City. The proposed development code amendments do not impact the adopted municipal code provisions intended to provide flexibility in development standards to affordable housing projects or to the incentive programs adopted by the Newberg City Council to promote a diversity of housing types and sizes. The proposal also does not modify the housing goals and policies identified within Newberg's Comprehensive Plan.

This Goal is met.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's public facilities requirements such as infrastructure or utilities or the City's Capital Improvement Program.

This Goal is met.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's transportation requirements or transportation capital improvements or the City's adopted Transportation System Plan.

This Goal is met.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: The proposed development code amendments apply to vacation rental homes which are located in single-family dwellings. There will likely not be additional energy usage demands separate from those associated with additional residential development that may take place within the City.

This Goal is met.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The proposed amendment does not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land within the existing Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal. The proposal will maintain Newberg's identity and enhance the quality living and employment environment by balancing growth and providing varying business activities.

This Goal is met.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding:

The City of Newberg is located along the Willamette River on its southern border. The proposed amendment does not alter any area or protections otherwise established in the Newberg Comprehensive Plan or Newberg Municipal Code within the boundaries of the Willamette River Greenway.

This Goal is not applicable.

B. FINDINGS FOR Newberg Comprehensive Plan Goals and Policies

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: The City meets this goal through its Type IV legislative procedures subject to NMC 15.100.060 and 15.100.250 as well as through completion of public outreach, noticing, and public meetings that were conducted. There have been public meetings of the Newberg Planning Commission, Short-Term Rental Ad Hoc Committee, Newberg City Council, and public engagement events. A webpage was prepared to inform the public of the pending proposal. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places. A post-acknowledgement plan amendment notice was submitted to the Department of Land Conservation and Development on April 3, 2025.

The amendments are subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

The Goal is met.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: The City meets this goal by having a comprehensive plan that follows state goals and implementing ordinances such as the Newberg Municipal Code. Policy B(2) requires that “The Comprehensive Plan and implementing ordinances shall be reviewed continually and revised as needed.” The proposed development code updates achieve this goal by providing an opportunity for review of the City’s vacation rental home policies.

The Goal is met.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: The proposed amendments impact the regulation and policies applicable to the use of residential property as vacation rental homes. The proposed policies do not impact the development of areas of transition from rural to urban land uses or conversion of urbanizable land from agricultural to urban uses.

This Goal is not applicable.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

Finding: The proposed amendments impact the regulation and policies applicable to the use of residential property as vacation rental homes. The proposed policies do not impact the preservation of wooded areas or other implementing policies such as the Stream Corridor Overlay Subdistrict protections.

This Goal is not applicable.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICIES

1. Development shall not exceed the carrying capacity of the air, water or land resource base.
2. Water quality in the Willamette River and tributary streams shall be protected.
3. As public sanitary sewer systems become available, all development shall connect to the public system. To encourage economic development, the City may permit subsurface sewerage disposal where the system meets State and County requirements and where unique circumstances exist.
4. The Newberg airshed shall be protected from excessive pollution levels resulting from urbanization.
5. New industry should be located in area which minimize the impacts upon the air, water, and land resources base, as well as upon surrounding land uses.
6. The City will cooperate with State and Federal agencies which regulate environmental quality and shall adhere to the standards established by these agencies in the issuance of any permits or approvals given by the City. This policy is intended to cover discharges and emissions which may impair air, water or land quality or exceed the established standards for noise or other emissions.
7. The threat of excessive noise will be considered when reviewing land use requests. In addition, and new commercial and industrial developments shall conform to DEQ noise pollution standards.
8. The City will continue to support soil conservation measures designed to prevent unnecessary losses through excavation, stripping, erosion, and sedimentation.
9. The City will seek abatement of the aesthetic degradation of the environment resulting from blighted neighborhoods, indiscriminate waste disposal, offensive outdoor storage.
10. The City shall promote community cleanup programs.

11. The City will continue to encourage and support the three R's of recycling (re-use, reduction, and recycling)

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies. Any permit submittal will be required to meet state requirements regarding emissions and noise as well as local ordinances, as applicable.

This Goal is met.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This proposal does not modify the existing goals and policies.

This Goal is met.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

[...]

POLICY: 3. Historic Resources Policies

- a. The continued preservation of Newberg's designated historic sites and structures shall be encouraged.

[...]

- d. The City will encourage the re-use of historic structures such as the establishment of bed and breakfast operations, specialty shops, restaurants and professional offices.

[...]

Finding: The proposed amendment will not negatively impact open space or historic resources because the amendments do not change protections that already exist in the Newberg Municipal Code, Specific Plans, and Master Plans to protect these resources. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with State Goal 5.

The proposed policy updates for vacation rental homes do not change the designated historic resources that already exist in the proposed zone or what it would take to modify them. The

proposed policies do not currently provide recreational resources or open space and is not located in the Willamette River Greenway. The proposed policies are designed to provide regulated use of vacation rental homes that grow as the City's population increases, facilitating access to adequate recreational resources and opportunities for visitors.

The Goal is met.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

1. General Policies

- a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs.
- b. The City shall encourage economic expansions consistent with local needs
- c. The City will encourage creation the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.
- d. Newberg will encourage the development of industries which represent the most efficient use of existing resources including land, air, water, energy and labor
- e. Economic expansion shall not exceed the carrying capacity of the air, water or land resource quality of the planning area.
- f. The City shall participate with local and regional groups to coordinate economic planning.
- g. The City shall encourage business and industry to locate within the Newberg City limits.
- h. Yamhill County history, products and activities should be promoted.
- i. The City shall encourage tourist-related activities and services such as motor inns, restaurants, parks and recreation facilities, a visitor center, conference and seminar activities.
- j. A mixed-use river-oriented commercial area should be encourage to be developed near the Willamette River.
- k. The City shall promote Newberg as a tourist destination location.
- l. The City shall promote the expansion of local viticulture and wine productions as a method for increasing tourism.

Finding: Tourism is a key part of Newberg's economy, and policies H(1)(i) and H(1)(k) highlight that "the City shall encourage tourist-related activities such as motor inns, restaurants, parks and recreation facilities, a visitor center, conference and seminar activities" and that "the City shall promote Newberg as a tourist destination." The commercial use of vacation rental homes provides accommodation for tourists. The proposed amendments to the Newberg Municipal Code further these policies. The proposed limit on vacation rental homes is based on the number of households within the city, positioning vacation rental home activities to continue

growing as Newberg grows and serve as a vital part of the local economy.

The Goal is met.

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634).

Finding: The proposed development code amendment includes policies to limit the number of vacation rental home to grow as the City's population increases. This cap will allow additional residential development to be used by Newberg residents. The proposed policy updates do not change the Comprehensive Plan's density, location, or mix policies, and do not impact development code development standards for additional residential or middle housing development.

This Goal is met.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

GOAL 2: To develop and maintain the physical context needed to support the livability and unique character of Newberg.

Finding: Vacation rental homes require a special use permit and are subject to the special use standards in Newberg Municipal Code Chapter 15.445. The proposed development code amendments maintain the special use standards and apply new standards to increase the compatibility of vacation rental homes in residential areas. The vacation rental home use occurs in single-family dwellings and the setbacks, landscaping, sign regulations, building heights and design standards apply to new residential development.

This Goal is met.

K. TRANSPORTATION

GOAL 1: Establish cooperative agreements to address transportation based planning, development, operation and maintenance.

GOAL 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.

GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

GOAL 4: Minimize the impact of regional traffic on the local transportation system.

GOAL 5: Maximize pedestrian, bicycle and other non-motorized travel throughout the City.

GOAL 6: Provide effective levels of non-auto oriented support facilities (e.g. bus shelters, bicycle racks, etc.).

GOAL 8: Maintain and enhance the City's image, character and quality of life.

- GOAL 9: Create effective circulation and access for the local transportation system.
- GOAL 10: Maintain the viability of existing rail, water and air transportation systems.
- GOAL 11: Establish fair and equitable distribution of transportation improvement costs.
- GOAL 12: Minimize the negative impact of a Highway 99 bypass on the Newberg community.
- GOAL 13: Utilize the Yamhill County Transit Authority (YCTA) Transit Development Plan (TDP) as a Guidance Document.
- GOAL 14: Coordinate with Yamhill County Transit Area.
- GOAL 15: Implement Transit-Supportive Improvements.

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021 which have gone through the Post Acknowledgment Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period. There are no proposed modifications to the transportation system.

This Goals are met.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development.

Finding: Existing public facilities and services are already available and planned for the City. No new roads or infrastructure are planned for this amendment, and no changes are proposed to the City's Capital Improvement Program.

This Goal is not applicable.

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy- related policies and ordinances.

Finding: The proposed development code amendments apply to vacation rental homes which are located in single-family dwellings. There will likely not be additional energy usage demands separate from those associated with additional residential development that may take place within the City.

This Goal is met.

N. URBANIZATION

GOALS:

1. To provide for the orderly and efficient transition from rural to urban land uses.
2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.

3. To create a quality living environment through a balanced growth of urban and cultural activities.

Finding: The proposed amendment is within City Limits and will not create any new growth or transition from rural to urban land uses.

This Goal is met.

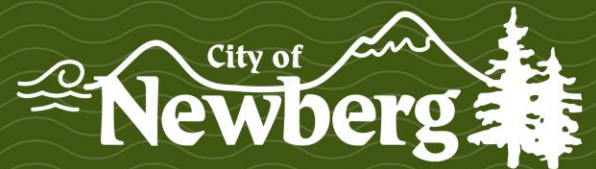
Conclusion: Based on the findings above, the proposed development code amendments for updates to the City's vacation rental home policies meets all statewide planning goals and goals of the Newberg Comprehensive Plan, or the goals are not applicable.

Vacation Rental Home Regulations Work Session

File No. DCA24-0003

Newberg City Council

Monday, June 2, 2025



Staff Recommendation

1. Receive Planning Commission Resolution No. 2025-399 and conduct a work session on proposed vacation rental home development code amendment language.

Process

- March 4, 2024 – City Council directed staff to update vacation rental home regulations.
- August 22, 2024 – City Council hosts a community listening session.
- November 20, December 3-4 – Staff held public engagement events.
- April 3, 2025 – A Post-Acknowledgement Plan Amendment notice was filed with DLCD
- April 10, 2025 – Planning Commission work session
- April 24, 2025 – Notice of the public hearing was published by the Newberg Graphic
- May 8, 2025 – Planning Commission public hearing

Project Scope of Work | Project Objectives

Leverage opportunities at the City of Newberg to foster growth in tourism while minimizing conflicts between the City's residents and visitors.

1. Grow Tourism Responsibly



Implement operational changes and update local regulations that improve compliance rates for permitting, business licensing, and transient lodging tax remittances.

2. Improve Compliance Rates



Improve the understanding of local vacation rental activities and remain responsive community needs relating to them.

3. Improve Knowledge of Vacation Rental Home Operations



Proposed Development Code Amendments

- Title 3 Revenue and Finance
 - NMC 3.10 Transient Lodging Tax
- Title 15 Development Code
 - NMC 15.305 Zoning Use Table
 - NMC 15.440 Off-Street Parking, Bicycle Parking, and Private Walkways
 - NMC 15.445 Special Use Standards
 - Article VII. Vacation Rental Homes

NMC 3.10 Transient Lodging Tax

- “**Agent**” includes, but is not limited to, an on-line or Internet based booking service (Craigslist, AirBnB, VRBO, HomeAway, FlipKey, VactionHomeRentals, Roomorama, as examples), a travel intermediary, or a person licensed by the Oregon Real Estate Agency.
- “**Operator**” means the person who is proprietor of a hotel and motel in any capacity and, where the operator performs their functions through a managing agent other than an employee, the managing agent who shall have the same duties and liabilities as their principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall be considered to be compliance by both.

NMC 3.10 Transient Lodging Tax

3.10.030 Collection.

A. Every operator renting a room in this city, the occupancy of which is not exempted under the terms of NMC 3.10.050, shall collect a tax from the occupant of the room. The tax collected or accrued by the operator constitutes a debt owing by the operator to the city.

1. Where an agent is used for the advertisement, management, or booking of a vacation rental home, the agent shall collect the applicable transient lodging tax.

2. Where no agent is used for the advertisement, management, or booking of a vacation rental home, the operator shall collect the applicable transient lodging tax.

B. In all cases of credit or deferred payment of rent, the payment of the tax to the operator may be deferred until the rent is paid, and the operator shall not be liable for the tax until the credit is paid or the deferred payment is made.

C. The tax administrator shall enforce this chapter and may adopt rules and regulations consistent with this chapter and necessary to aid in the enforcement. [Ord. 1835A, 12-6-76. Code 2001 § 36.17.]

NMC 3.10 Transient Lodging Tax

3.10.040 Operator's duties.

- Each operator or agent as applicable shall collect the tax imposed by NMC 3.10.020 on a transient at the same time as the operator collects rent from the transient. The amount of the tax shall be separately stated upon the operator's records and on any receipt for the rent rendered by the operator to the transient. No operator shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded. [Ord. 1835A, 12-6-76. Code 2001 § 36.18.]

NMC 3.10 Transient Lodging Tax

3.10.060 Returns.

A. The tax imposed by NMC 3.10.020 shall be paid by the transient to the operator when the transient pays rent to the operator. All such taxes collected by any operator are due and payable to the tax administrator on the fifteenth day of the month for the preceding quarter and are delinquent on the first day of the following month in which they are due.

B. On or before the fifteenth day of the month following each quarter of collection by an operator, the operator shall file a return for that quarter's tax collections with the tax administrator. The return shall be filed in such form as the tax administrator prescribes.

- 1. Where an agent is used for the advertisement, management, or booking of a vacation rental home, the agent shall file the applicable transient lodging tax return. The operator shall file a form confirming submission of transient lodging tax through the agent, or that no tax was collected to be remitted, in such form as the tax administrator provides.

[...]

15.305.020 Zoning use table – Use districts

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	M-5	CF	I	AR	AI	Notes and Special Use Standards
460	COMMERCIAL LODGING																					
Def.	Vacation rental home	<u>GS</u>	<u>GS</u>	S	S	S	S(13)	S(13)	S(13)	S(13)	X						S(13)					Chapter 15.445 NMC, Article VII

“Vacation rental home” means a [single-family dwelling](#) unit that is used, rented or occupied for periods of less than 30 days, or is available, advertised, or listed by an agent as available for [use](#), rent for occupancy for periods of less than 30 days. **“Vacation rental home”** excludes [bed and breakfast establishments](#).

(13) Permitted in existing [dwelling units](#) only. New [dwelling units](#) may not be created for this [use](#) unless the [dwelling unit](#) would otherwise be allowed.

15.440.310 Parking spaces required

Table 15.440.030(A) Minimum Parking Spaces Required and Maximum Parking Spaces Allowed by Use

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed ***		Rate and Units
		Uses fronting a street with abutting on-street parking	Uses fronting no street with abutting on-street parking	
Residential Types				
\\				
Vacation rental home	1	None	None	For every two bedrooms. See NMC 15.445.330.
\\				

	Vacation Rental Home	Bed and Breakfast
1-2 bedrooms	2	3
3-4 bedrooms	2	4
5-6 bedrooms	3	5
7-8 bedrooms	4	6
<i>Additional</i>	<i>N/A – 15 person occupancy limit</i>	<i>...</i>

Lodging Type	Parking Required	Code Reference
Dwelling, single-family	2	NMC 15.440.030(A)
Hotels, motels, motor hotels, etc.	Minimum 1 for each guest room Maximum 1.2/1.5 for each guest room for uses fronting/not fronting a street with abutting on-street parking	NMC 15.440.030(A)
Vacation Rental Home	Minimum of two parking spaces on the site that are available for the use of the rental occupants.	NMC 15.445.330(A)
Bed and Breakfast	A minimum of one off-street parking space shall be provided for every two permitted guest sleeping rooms. In addition, parking standards normally required for single-family residences will apply.	NMC 15.445.010(C)

15.445.310 Where allowed

Vacation rental homes are permitted in areas shown on Chapter 15.305 NMC. The vacation rental home must be a structure approved for occupancy as a single-family dwelling unit. [Ord. 2763 § 1 (Exh. A § 17), 9-16-13.]

- A. The total number of vacation rental homes permitted in the City of Newberg shall not exceed two percent of the total number of households existing in the City of Newberg based on data published annually by the Community Development Department. The Director shall annually publish the total number of vacation rental homes permitted within the City and the number of available licenses. Should the City reach the two percent limit, no new vacation rental home permit shall be issued until an equal number of vacation rental permits become inactive or are terminated.
- B. A vacation rental home permit is considered inactive if a business license for the vacation rental is not renewed within one year of its expiration.

15.445.310 Where allowed

C. All vacation rental homes in operation prior to October 13, 2013 and not meeting the standards in Chapter 15.445.330(A-D), or in structure types other than a single-family unit, may continue to operate as legal nonconforming uses pursuant to Chapter 15.205.030 NMC and this section.

Vacation rental homes operating under registration approved between October 13, 2014 and August 6, 2025 may continue to operate while providing two off-street parking spaces while meeting the standards in Chapter 15.445.330(B-D).

Specifically, discontinuance or abandonment of vacation rental home operation including not renewing a business license within one year of expiration shall constitute termination of nonconforming vacation rental use.

All vacation rental homes in operation prior to August 6, 2025 shall apply for registration per Chapter 15.445.320 NMC no later than November 4, 2025 and shall have received approval per Chapter 15.445.320 NMC no later than August 6, 2026, or shall be terminated.

To be updated pending Council adoption

15.445.310 Where allowed

Grandfathering

- If demonstrates operation prior to vacation rental regulations (October 13, 2013) may continue operating as legal nonconforming use without meeting current development standards or in other dwelling types.
- Planning Commission parking requirements recommendation – vacation rental homes approved between October 12, 2013 and August 6, 2025 may continue operating with 2 off-street parking spaces as legal nonconforming uses.

Amortization

- If began operating after October 13, 2013 must meet current standards and be a single-family dwelling.

Compliance

- All operators must apply/become fully registered within the grace period window and comply with new notification requirements.

15.445.320 Registration required

Prior to use or advertising for use of a dwelling as a vacation rental home, the owner or operator shall register the vacation rental home with the city on forms provided by the director to obtain a land use permit, business license, and Transient Lodging Tax registration. The registration shall include such information required by the director, including the name and contact information for the owner, operator and a local contact.

15.445.320 Registration required

Penalty. Upon being notified by the City that a vacation rental home is operating without registration in violation of this code, its owner shall apply to register the vacation rental within 45 days of the date of notice and cease operation until registration has been obtained.

Violation of a provision of this section shall be subject to an administrative civil penalty not to exceed \$2,000 for the first offense and \$5,000 for each additional offense and shall be processed in accordance with the procedures set forth in this code.

Each confirmed rental booking following the 45 day notice shall constitute a separate violation.

15.445.330 Standards

- A. ~~The vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants. The off-street parking requirements in NMC 15.440.030 shall apply. In no case shall less than two off-street parking spaces be provided.~~
- B. The applicant shall provide for regular refuse collection.
- C. The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people.
- D. The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent or temporary shelter during the rental occupancy.

15.445.330 Standards

E. The applicant shall provide annual good neighbor notices to properties within 500 feet. The notice shall include such information required by the director, including the name and contact information of the owner, local contact, and complaint procedures per Chapter 15.445.350 NMC. Compliance shall be documented at vacation rental home business license renewal.

15.445.330 Standards

F. Ownership. The land use approval of the dwelling unit as a vacation rental home is in the names of the property owners and the land use approval is not transferable. Except as provided in subsection F(1), below, when any owner of record at the time of land use approval sells or transfers a property approved, occupied, or rented as a vacation rental home, the vacation rental home land use approval shall cease.

15.445.330 Standards

1. For purposes of this chapter, “sells or transfers” means any change of ownership during the lifetime of any of the owners, whether or not there is consideration, or after the death of any of the owners, except a change in ownership where title is held in survivorship with a spouse, domestic partner, or child, or transfers on the owner’s death to a trust which benefits only a spouse, domestic partner, or child for the lifetime of the spouse, domestic partner, or child. An owner may transfer ownership of the real property to a trustee, a limited liability company, a corporation, a partnership, a limited partnership, a limited liability partnership, or other similar entity and not be subject to loss of short-term rental land use approval so long as the transferor lives and remains the only owner of the entity to which ownership was transferred. Upon the transferor’s death or upon the sale or transfer of his or her interest in the entity to another person, the short-term rental land use approval shall terminate.

15.445.330 Standards

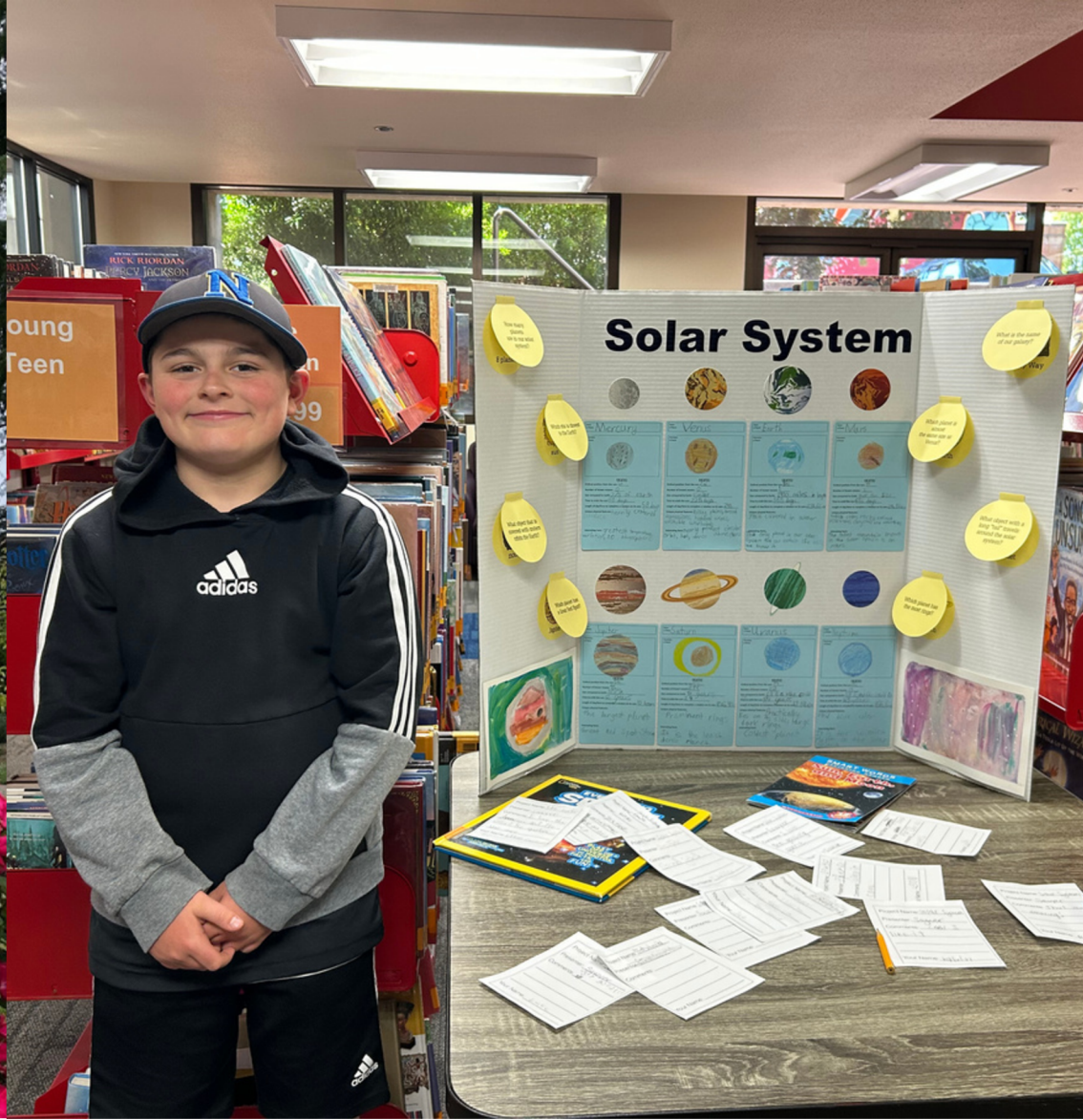
G. Local Manager. The owner or designated property manager shall be located within 40 miles of the vacation rental home.

Next Steps

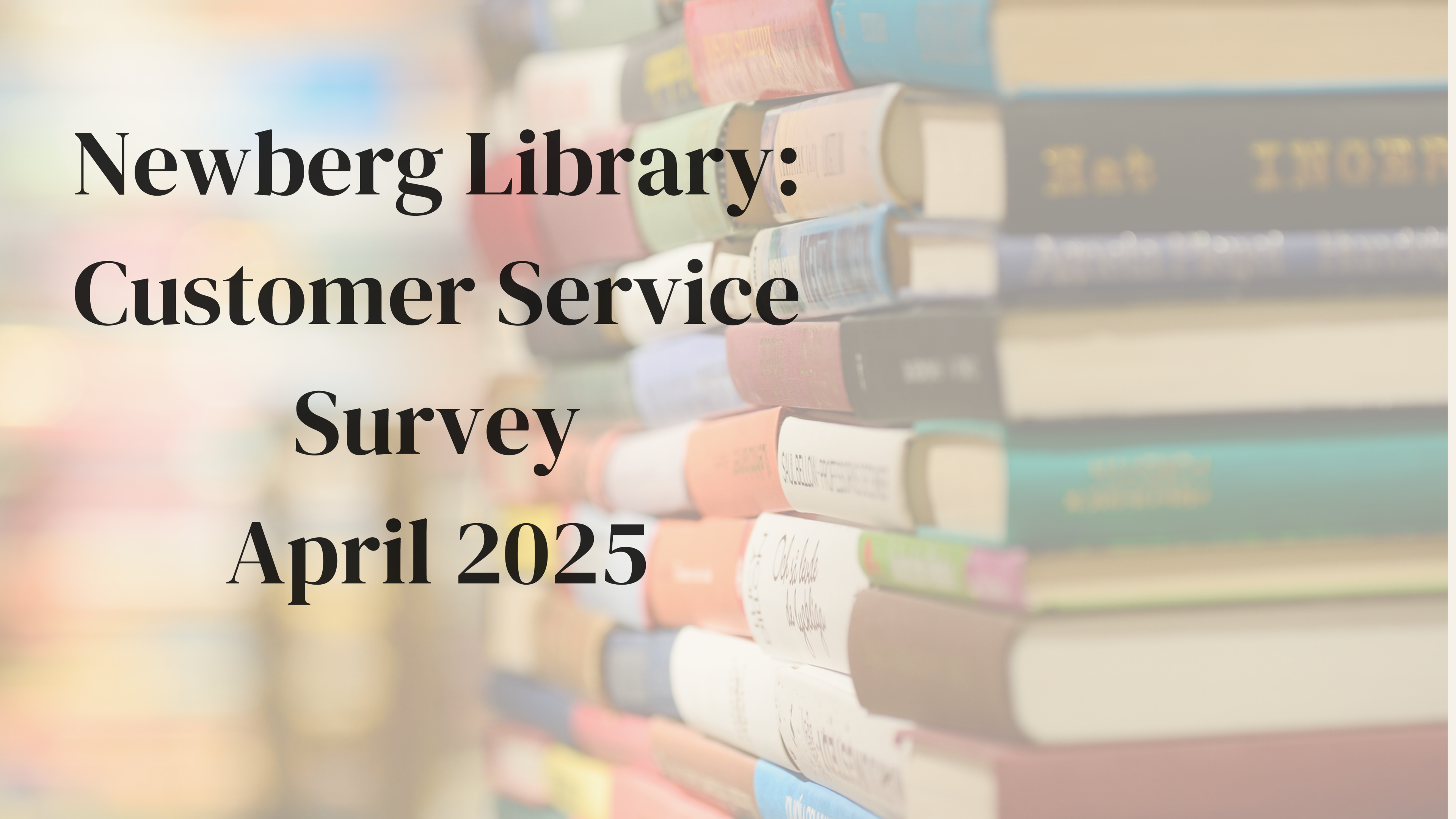
- City Council
 - Public Hearing – Adoption (tentatively 7/7/25)

Thank you!

Questions?



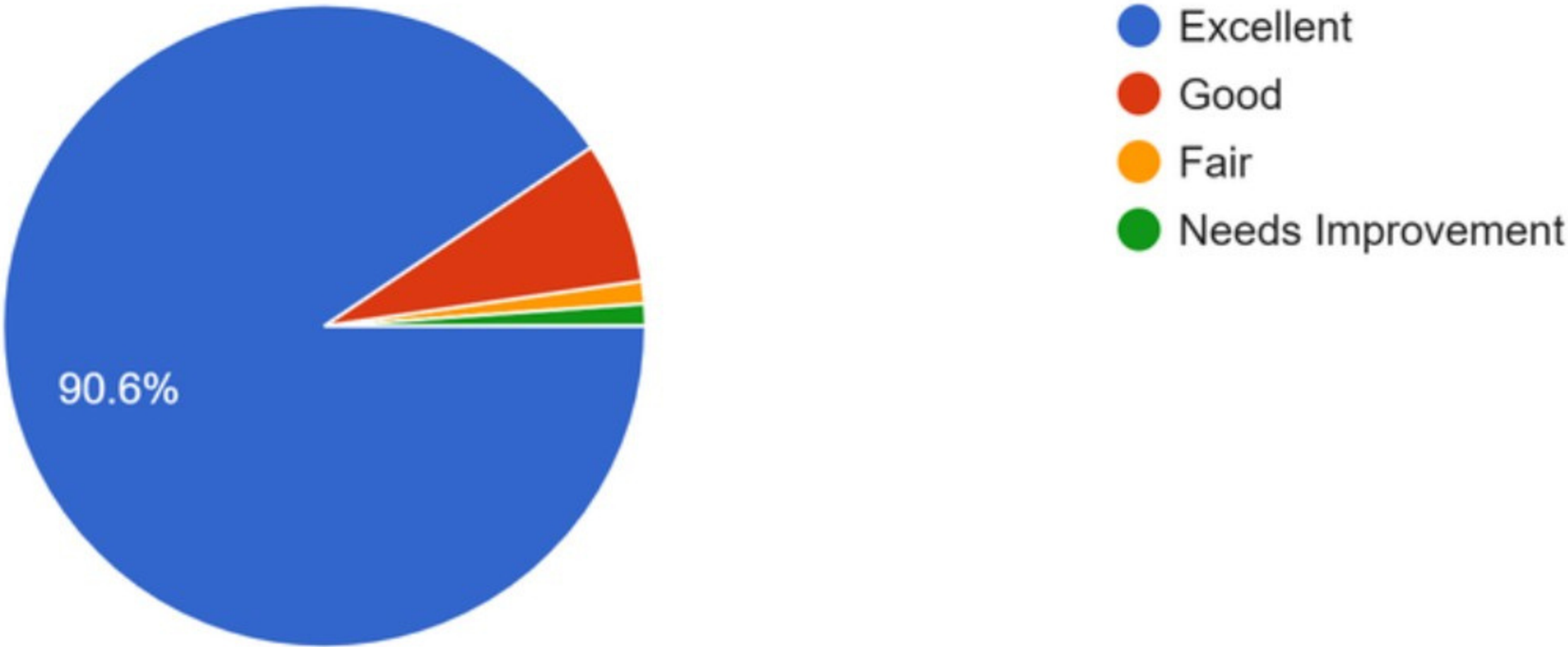
Newberg
Public Library



Newberg Library: Customer Service Survey April 2025

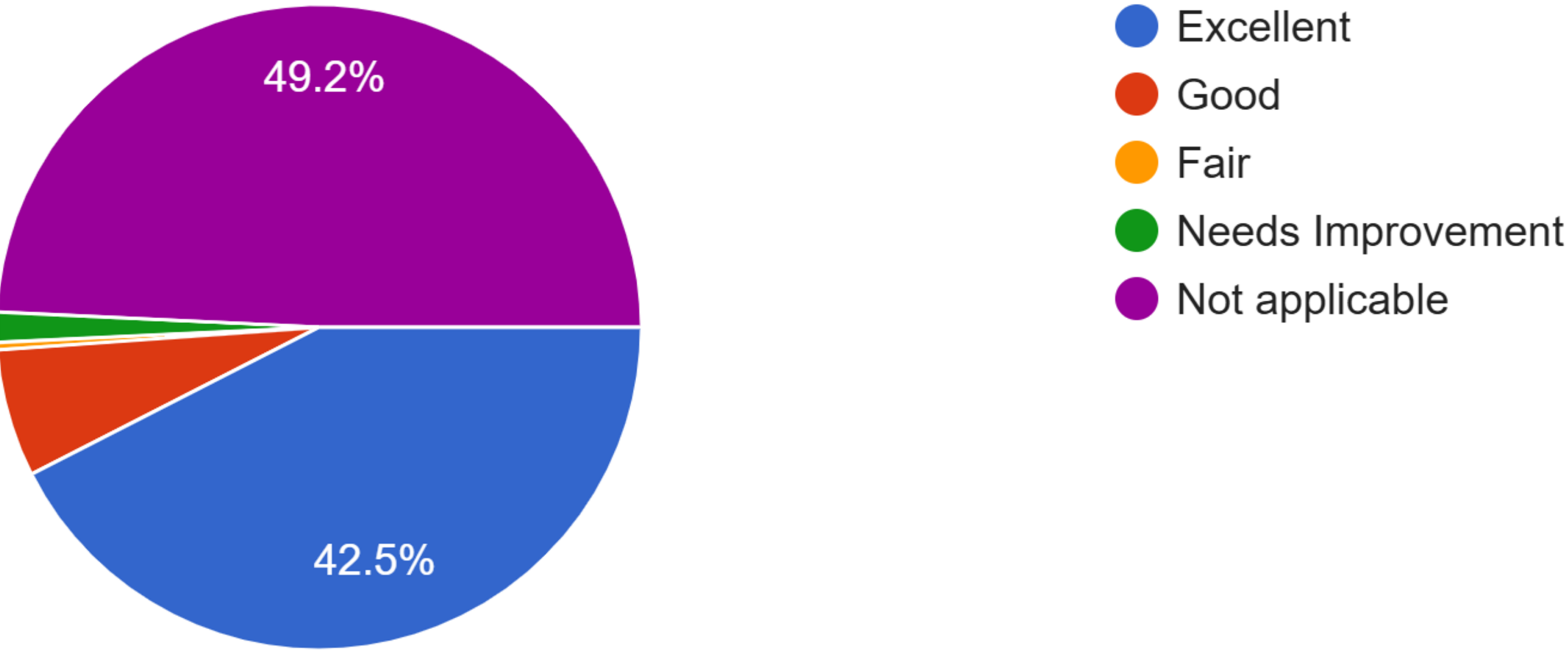
1. Please rate your overall experience with customer service at the Newberg Public Library.

266 responses



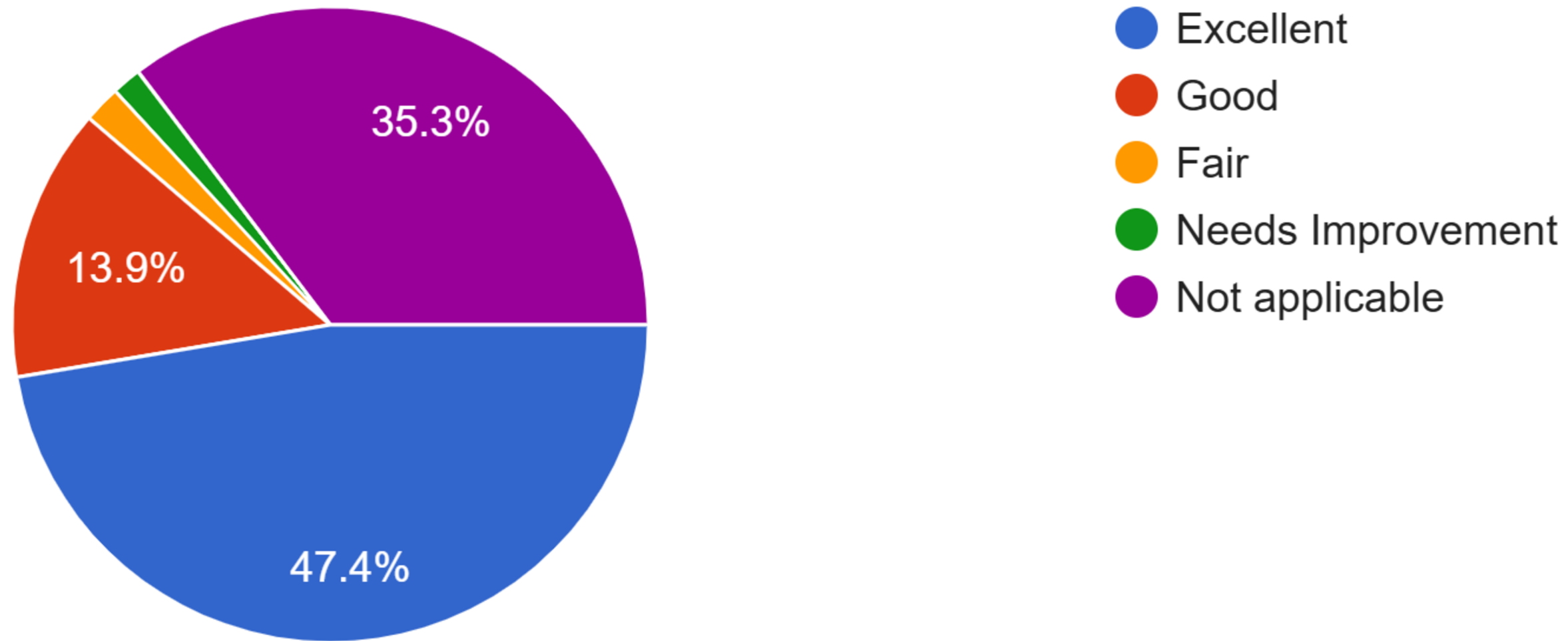
2. Please rate your overall experience with Children's or Youth (for under 18 years old) library programs at the Newberg Library.

266 responses



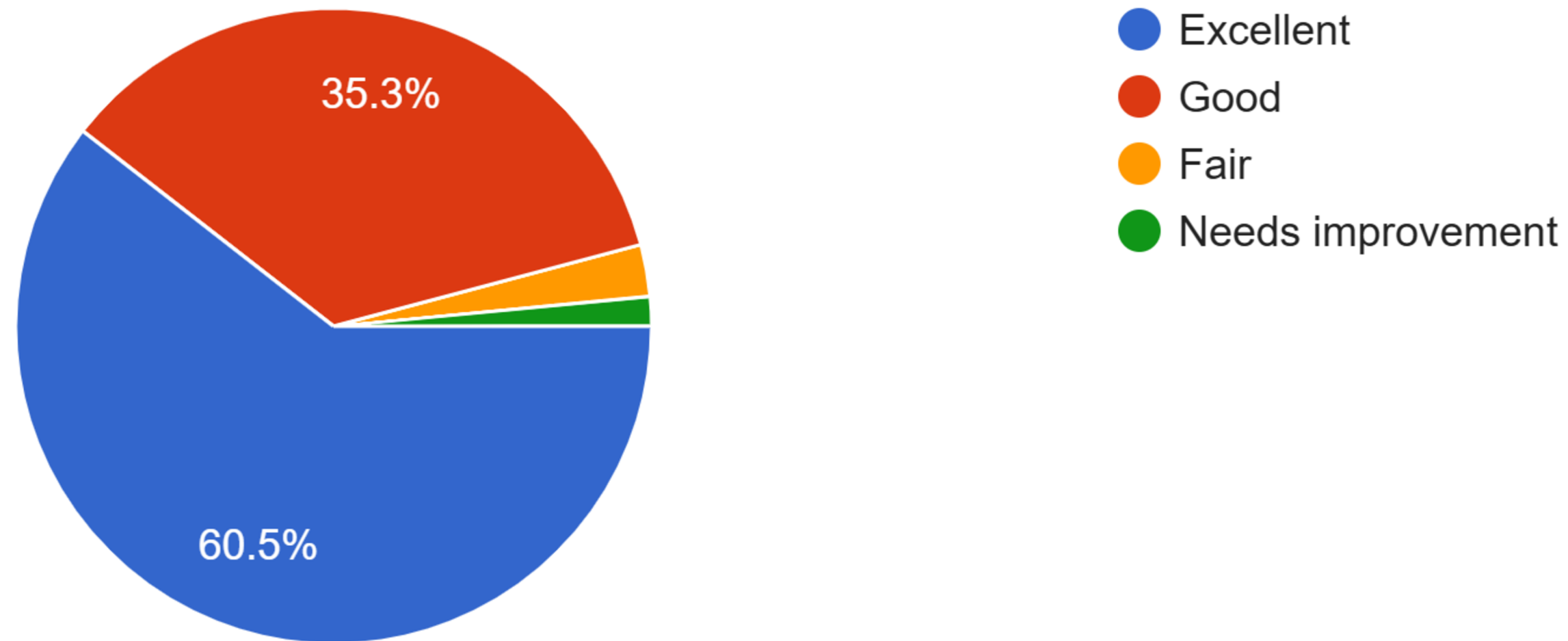
3. Please rate your overall experience with Adult or Senior library programs.

266 responses



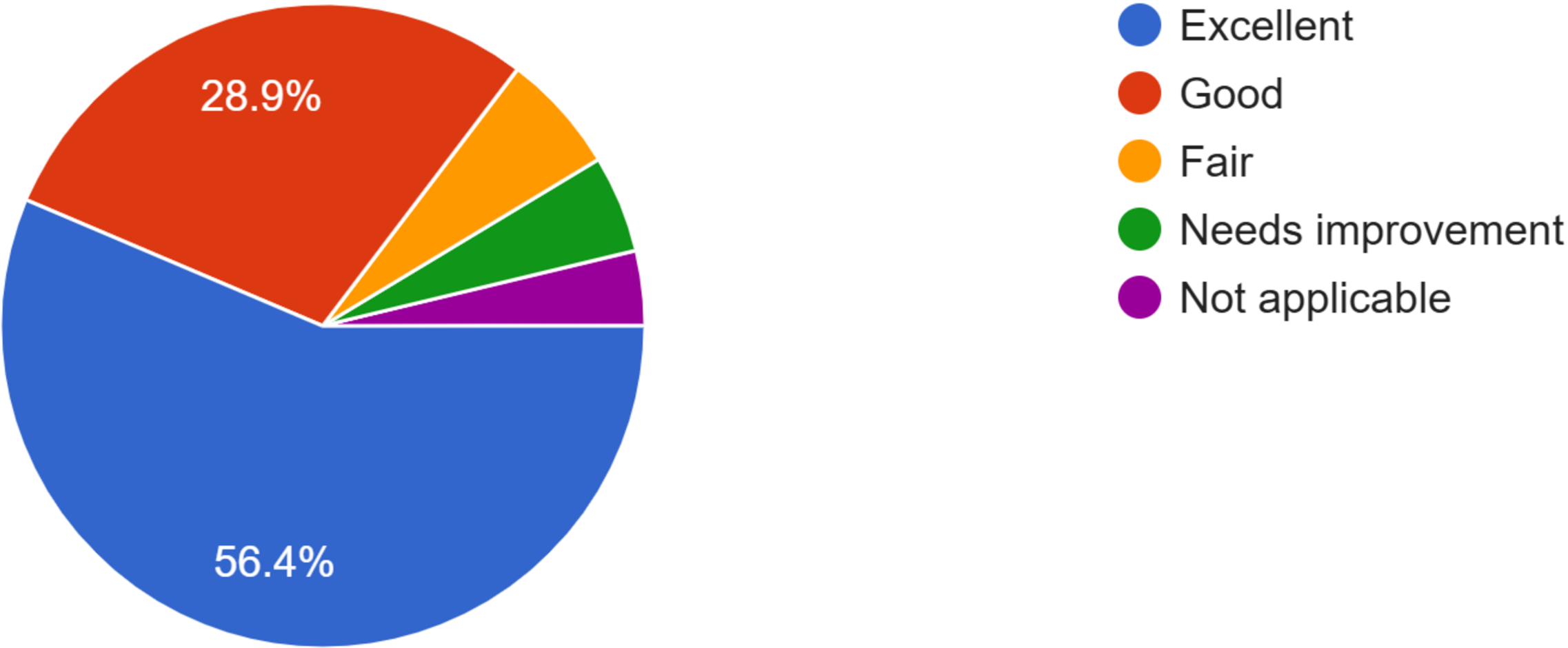
4. Please rate your overall experience with the library's collection of physical books, audiobooks, movies, etc.

266 responses



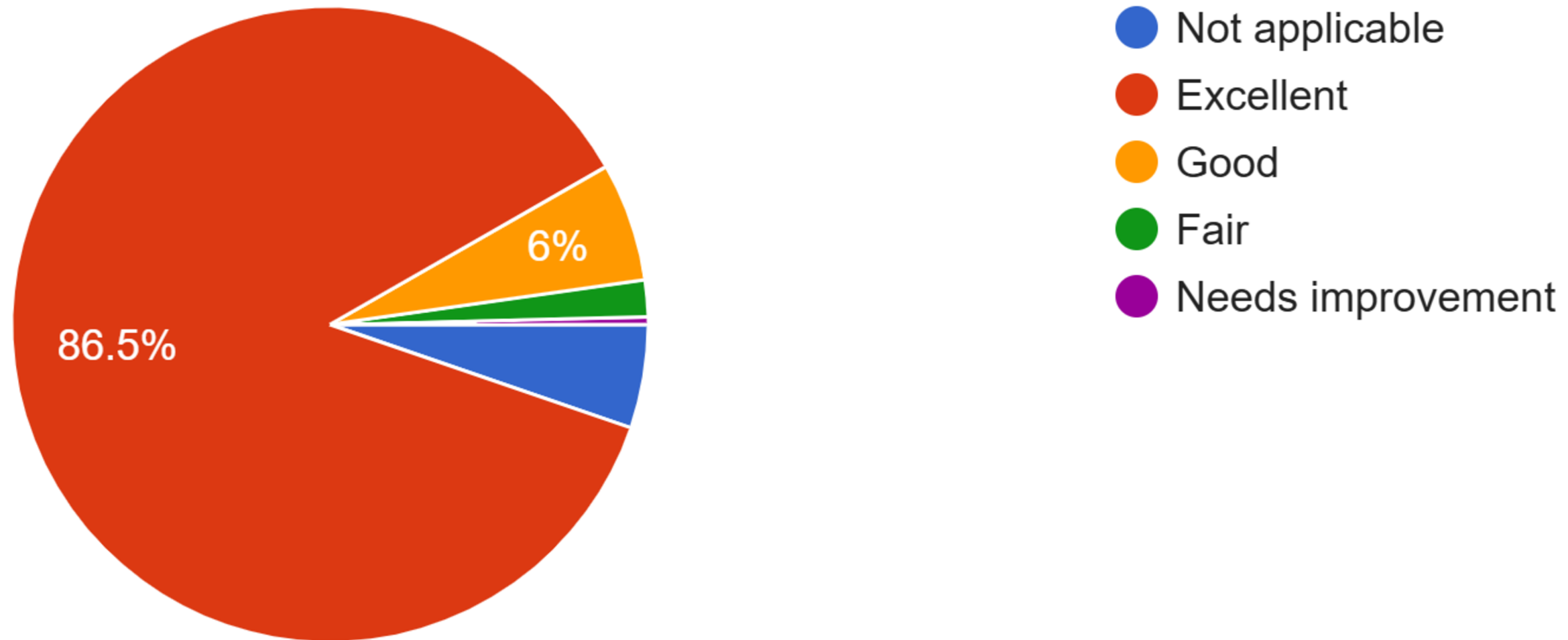
5. Please rate your overall experience with the library's digital or online books, audiobooks, movies, databases, etc.

266 responses



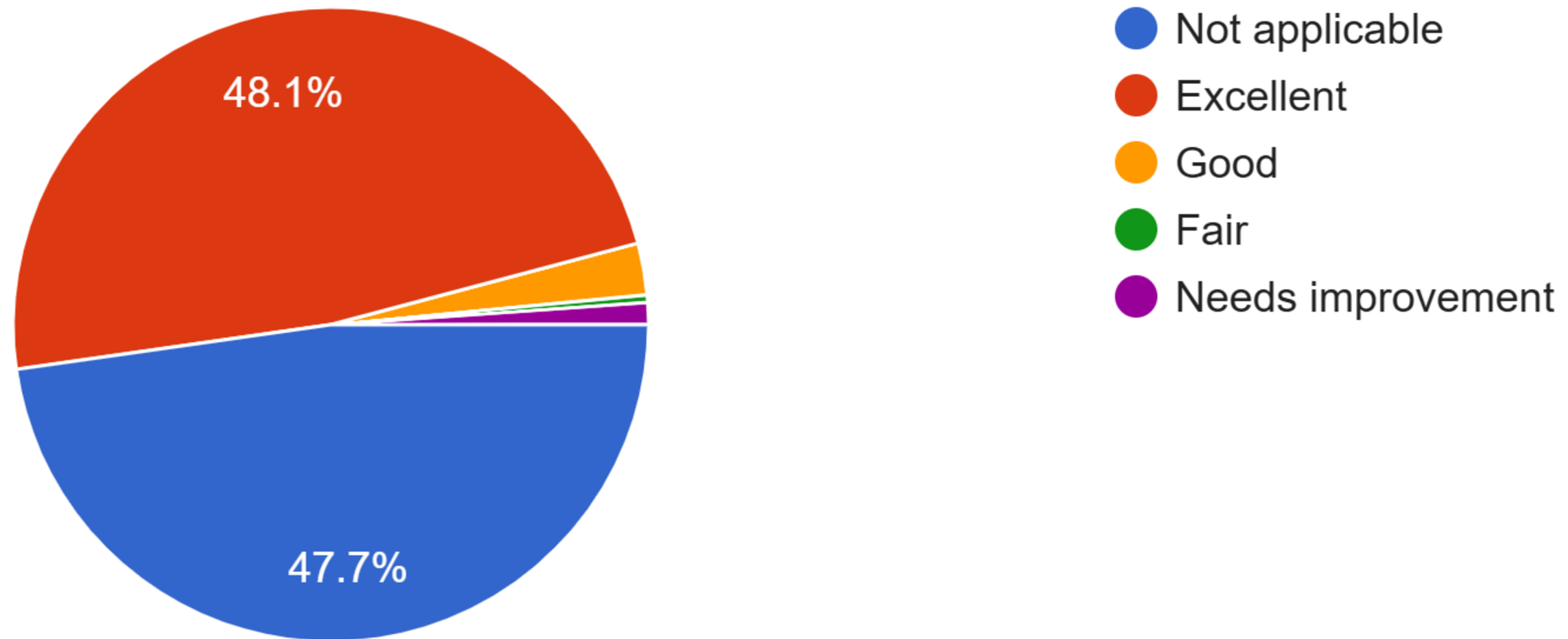
6. Please rate your overall customer service experience at the Circulation/Check-Out Desk.

266 responses



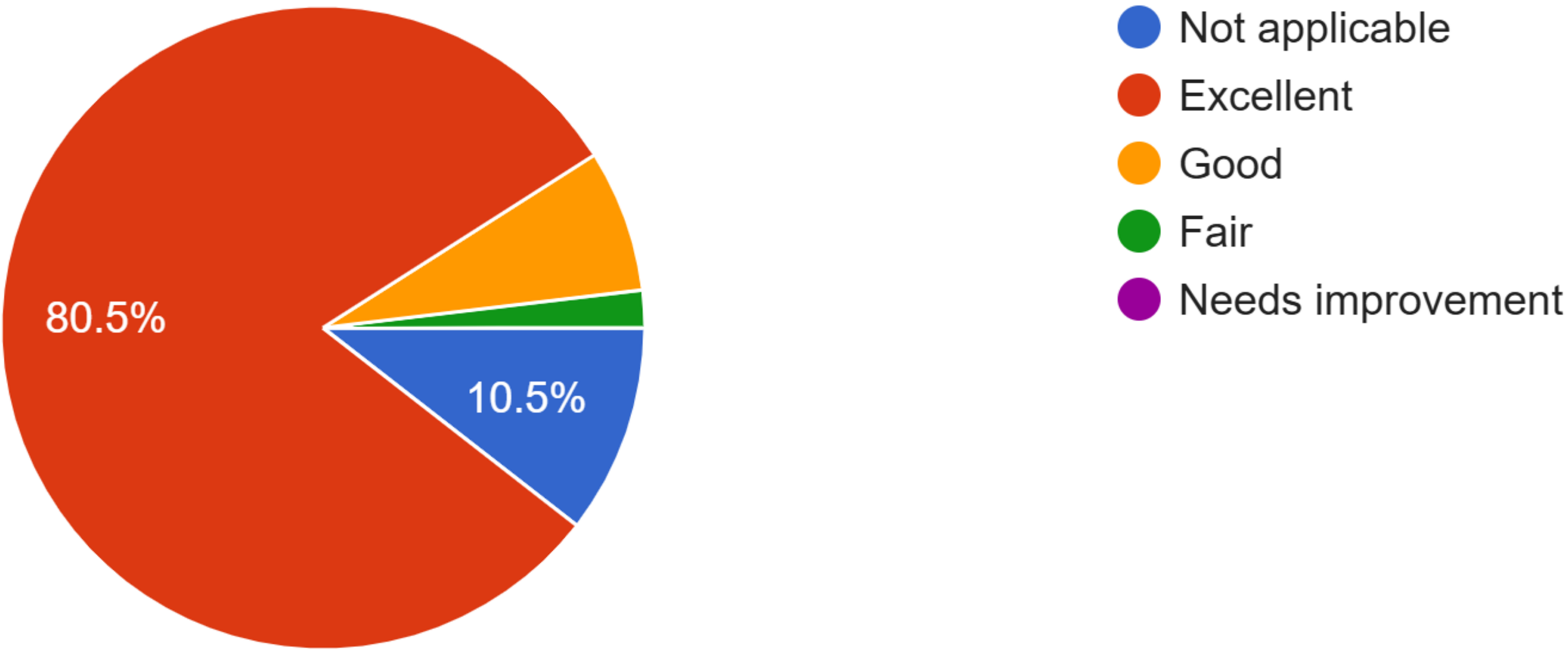
7. Please rate your overall customer service experience at the Children's Information Desk.

266 responses



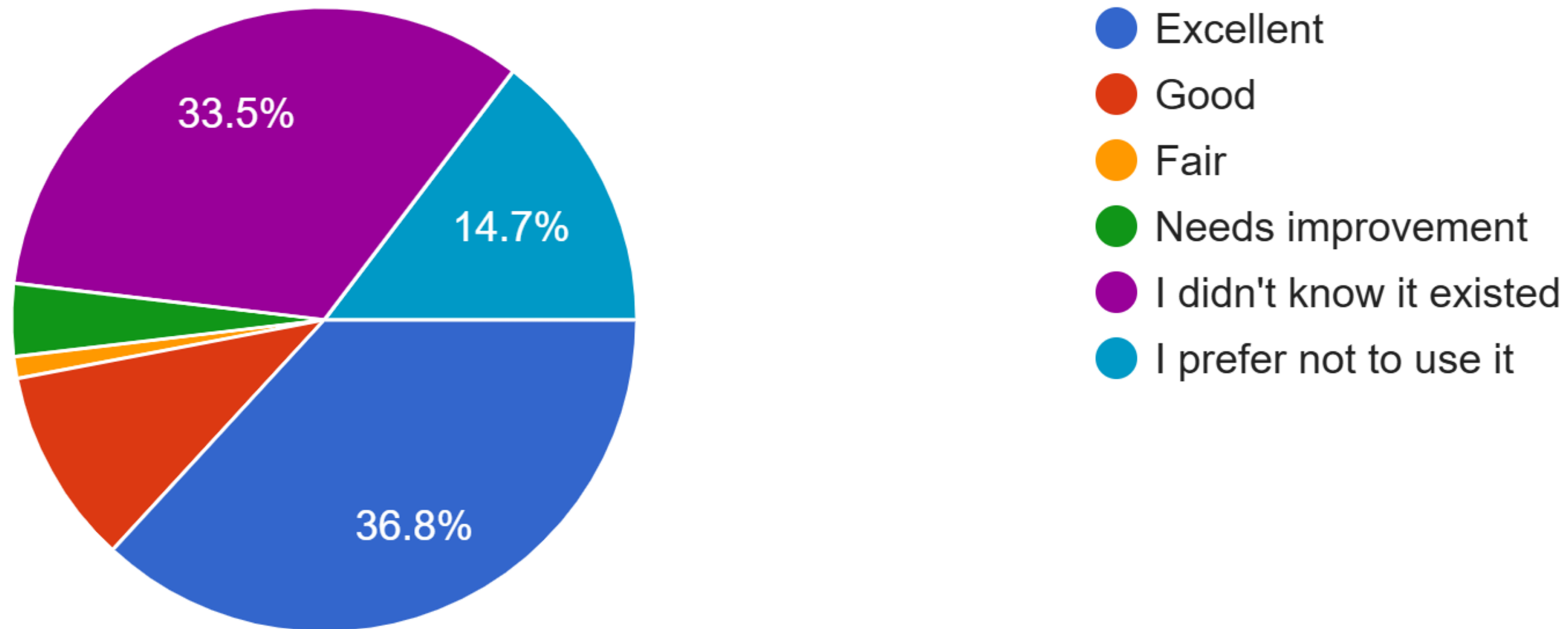
8. Please rate your overall customer service experience at the upstairs Information Desk.

266 responses



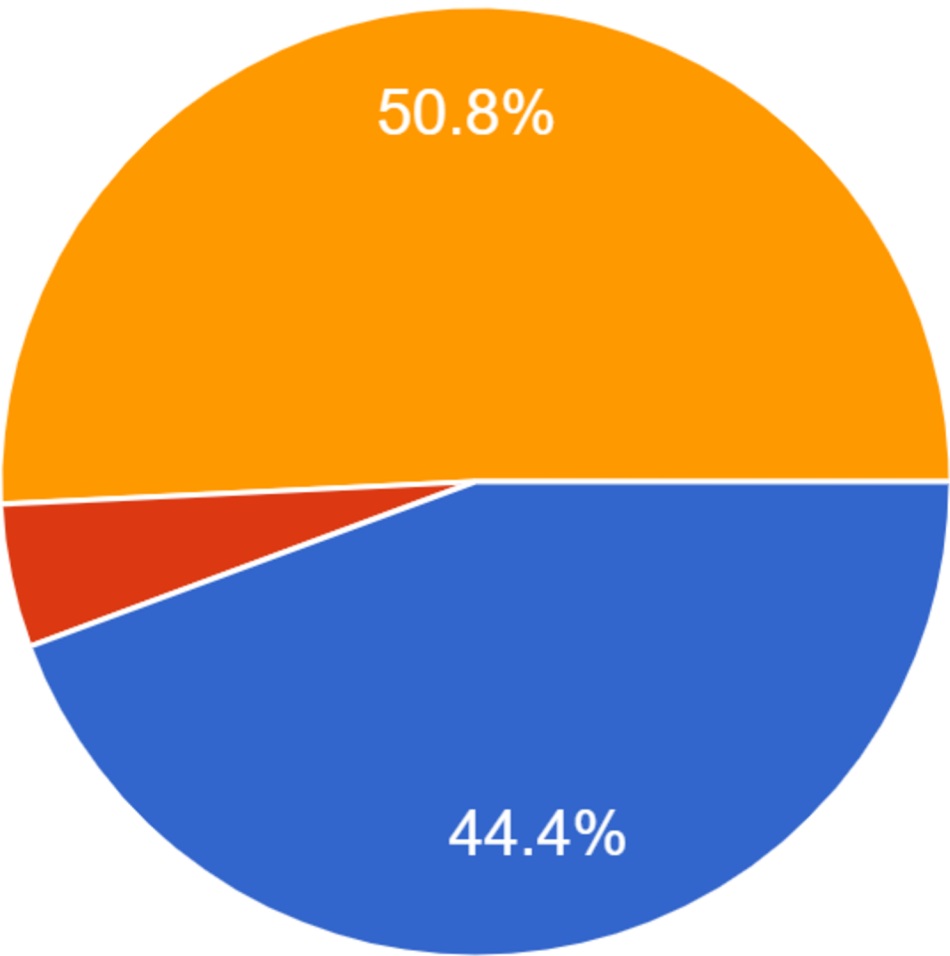
9. If you use the Newberg Library self-check app to scan your library materials for check-out with your smart phone - how do you rate this service?

266 responses



10. If you have used the library's new website, how easily are you able to navigate to what you need?

266 responses

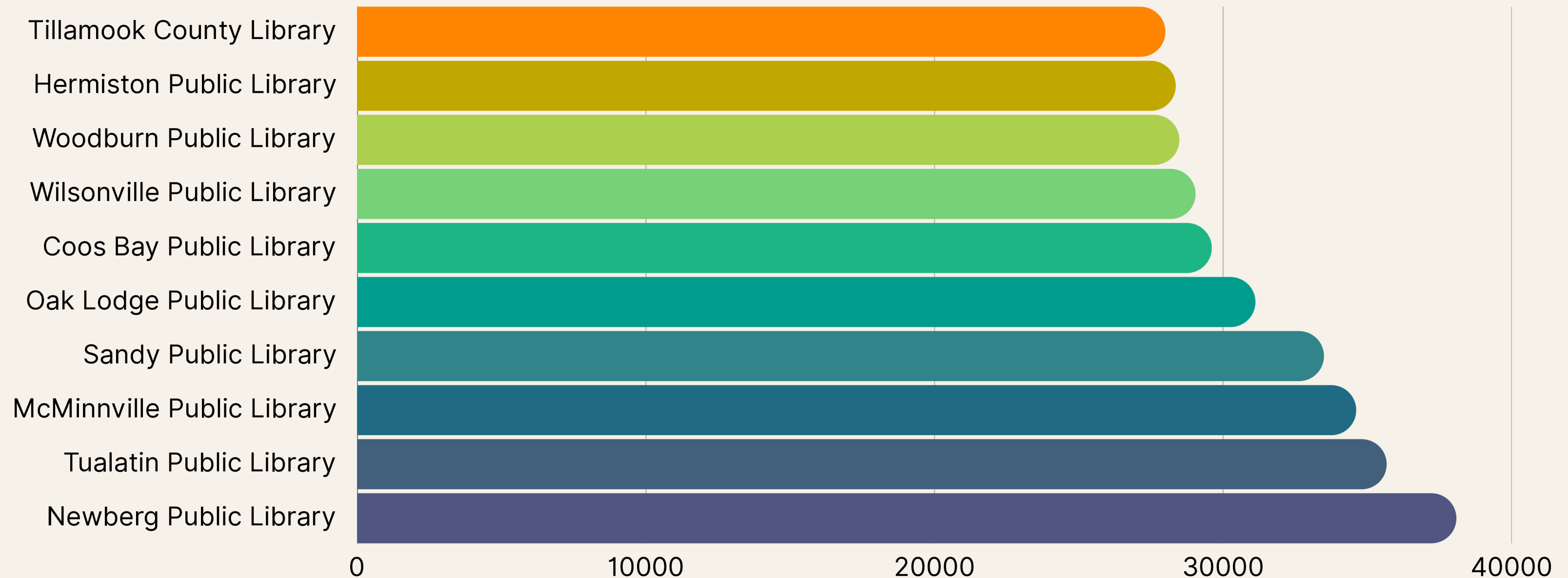


- Easily
- Needs improvement
- I haven't used the library's new website



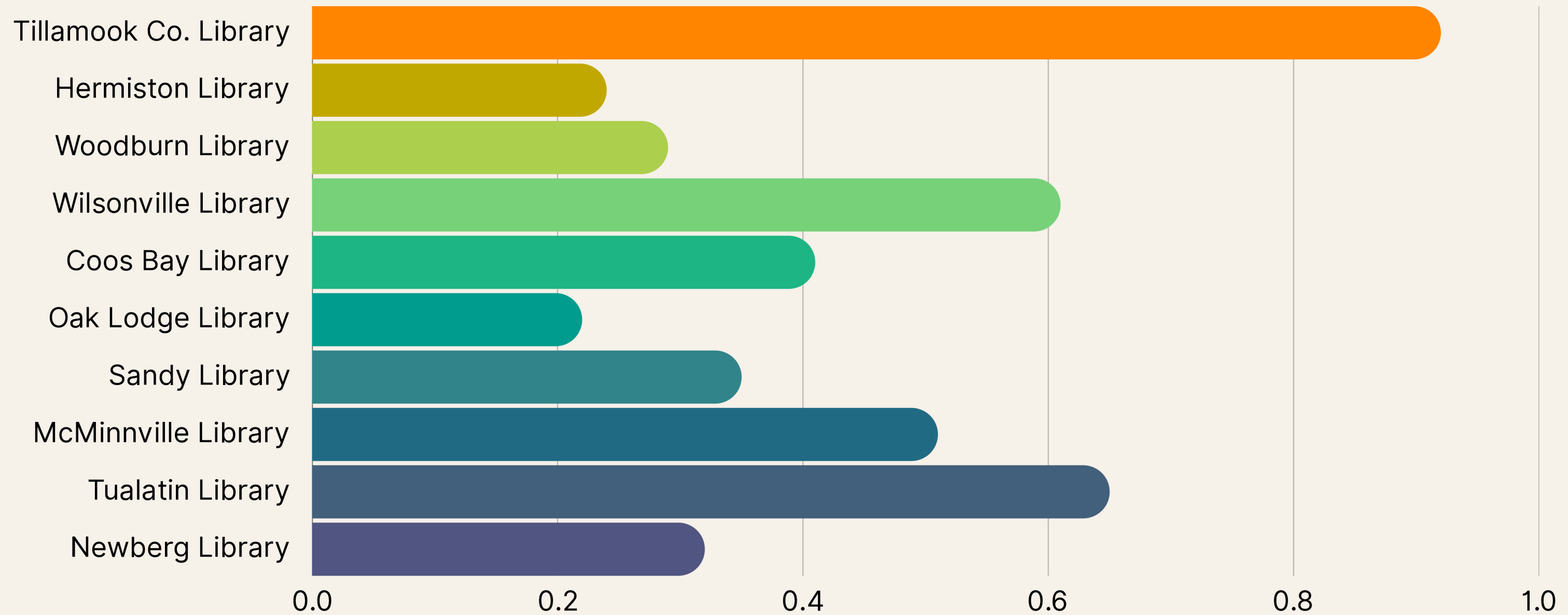
Newberg Library: Comparative State Library Report 2023-2024

Total Population served

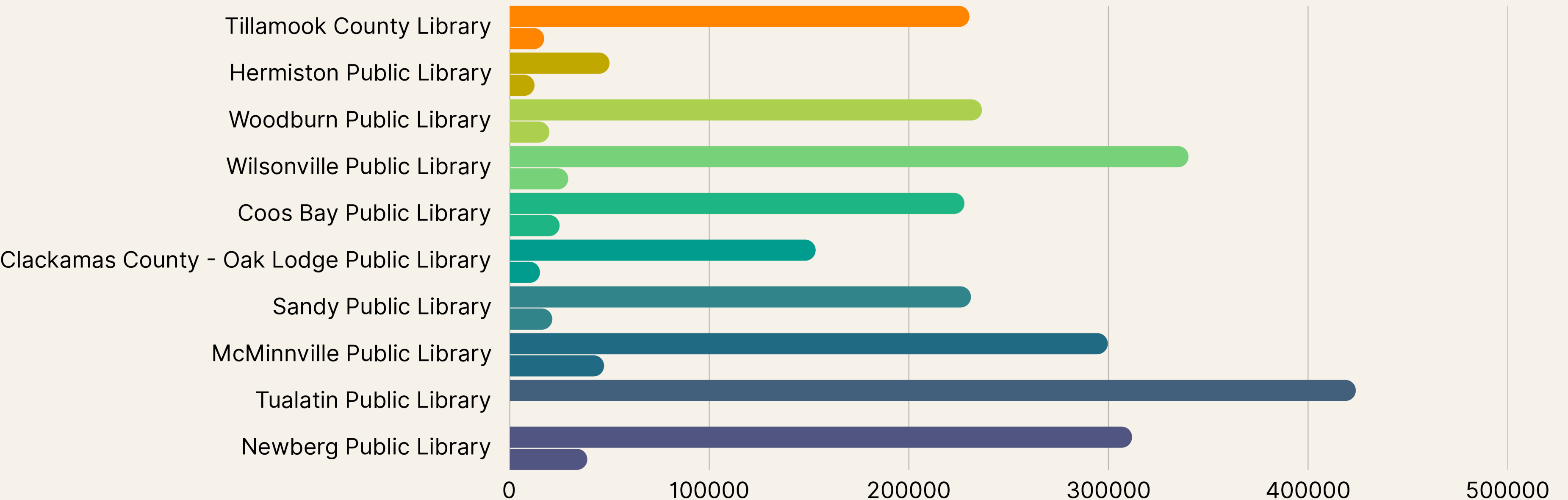


Newberg's in-city population is around 29,000. With rural Newberg and Dundee our service area is listed as 38,000, by the state library. However, while we still draw funding from only in-city property taxes.

Total FTE Staff per 1,000 pop. served



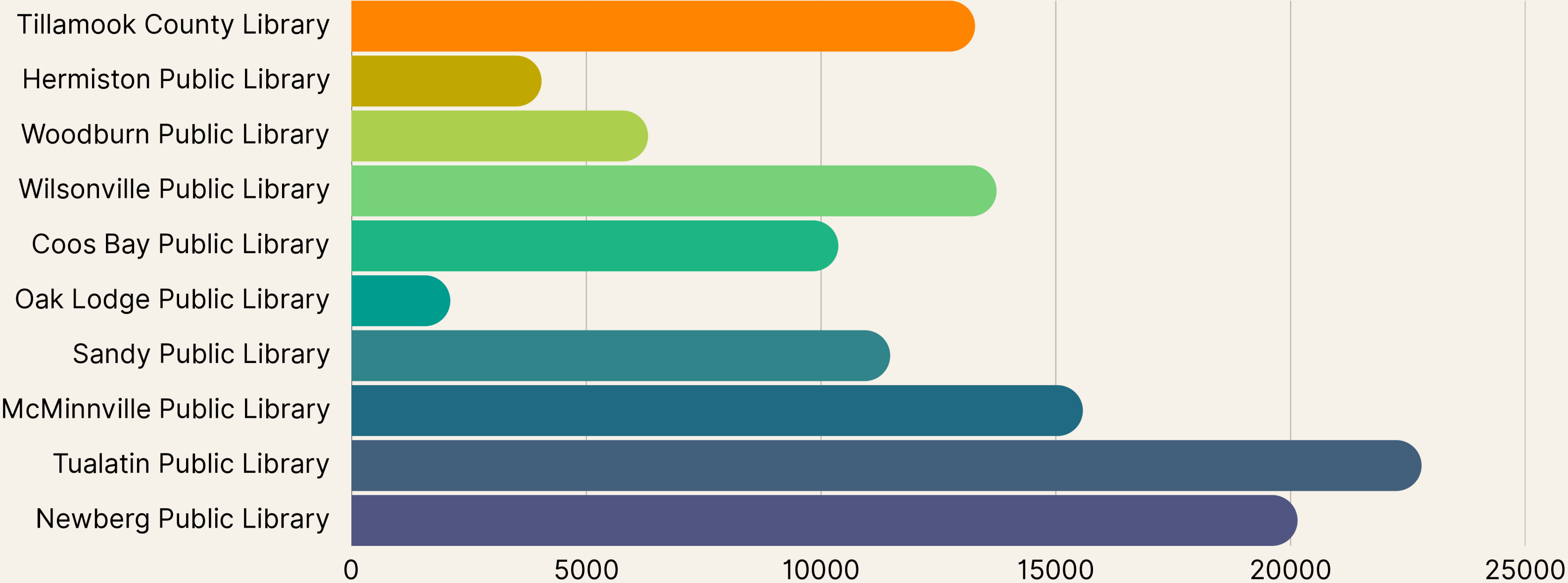
Physical & Digital Item Circulation



McMinnville physical: 299,650 | Library2Go materials: 47,295

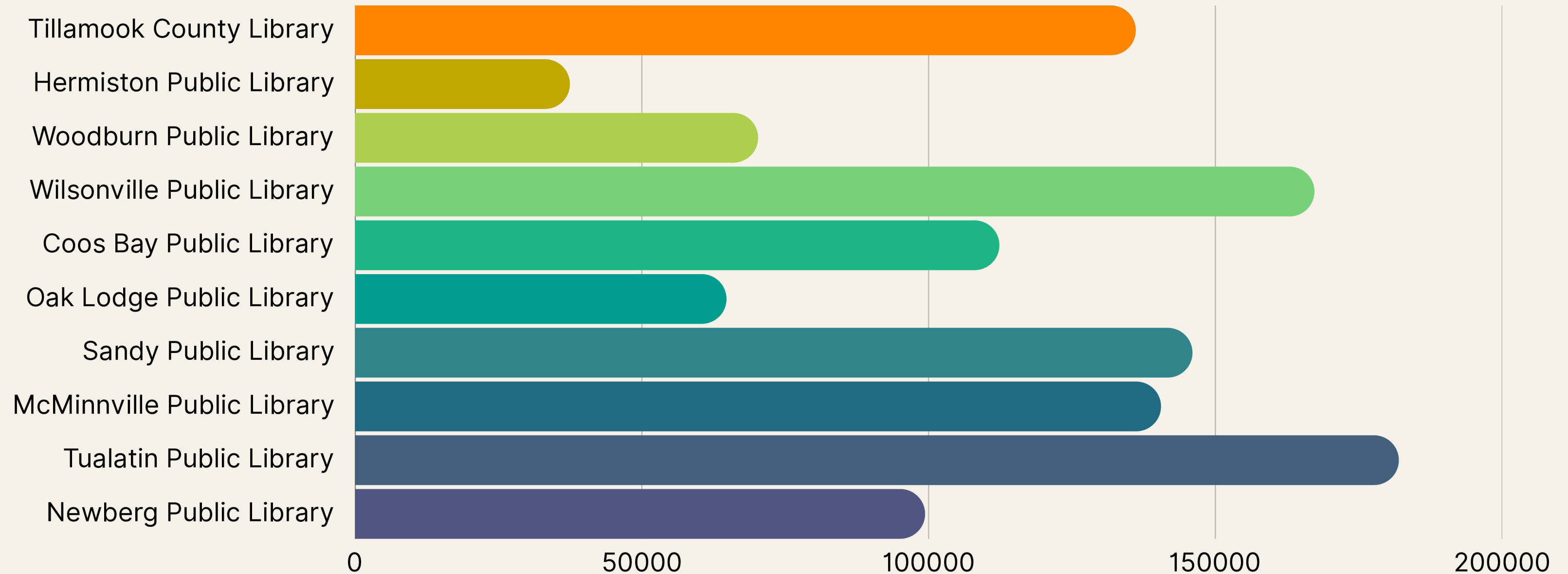
Newberg physical: 311,798 | Library2Go materials: 38,878

Program Attendance



McMinnville Public Library's program attendance: 15,575
Newberg Public Library's program attendance: 20,148
Tualatin Public Library's program attendance: 22,789

Library Visits

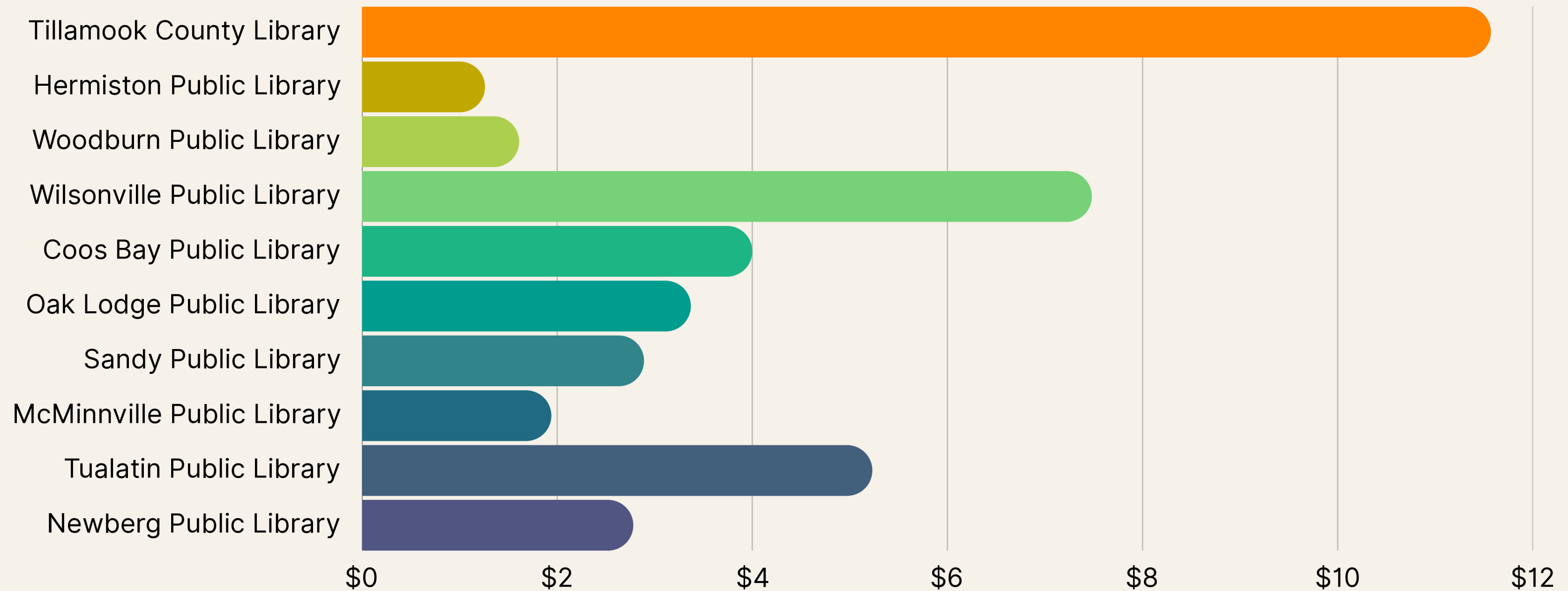


Tualatin (actuals): 181,989

McMinnville (estimate): 140,521

Newberg (actuals): 99,383

Collection expenditure per capita



Tillamook: \$11.57
McMinnville: \$1.94
Newberg: \$2.78

REQUEST FOR COUNCIL ACTION



Date Action Requested: June 2, 2025

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Information <input type="checkbox"/> Proclamation <input type="checkbox"/>	
Subject: Discussion of Draft Updates to Council Rules	Staff: Rachel Thomas Department: Administration
Business Session	Order On Agenda: Continued Business

Is this item state mandated? Yes ☐ No ☒

If yes, please cite the state house bill or order that necessitated this action:

Recommendation: Review and discuss the 2025 Council Rules draft. Advise staff of any changes requested. Councilors may choose to make amendments by motion or motion to approve sections as written.

Executive Summary: In October of 2024, the council directed staff to begin updates to the Council Rules to encompass council preferences, update outdated practices, simplify, and clarify hearing procedures. This was also added to the Council Goals for 2025.

The City Recorder has drafted a new version of the council rules, based on the LOC Model Rules of Procedure. It has been adapted to meet the needs of the city of Newberg, reviewed by the City Manager and employee leadership team, and is now coming before the council for feedback.

This will be a multi-step process as we bring the rules before the council for review and input. Once council input has been adopted, the rules will undergo legal review by our legal team and then come back to council for final approval.

Attachment A: 2025 Draft Council Rules

Attachment B: Current Council Rules

Fiscal Impact: N/A

Council Goals:

Goal 4: Create and maintain a high level of transparency with our residents in order to build trust.

O2: Develop new streamlined council rules to institutionalize our administrative enhancements. This will include the following enhancements from the last round of council goals:

- Work sessions prior to each decision item

- Seven-day publication schedule for council packets
- Executive summaries on all council packet items of 100 pages or more
- A more streamlined parliamentary procedure

Newberg City Council, Board, Committee & Commission Guidelines (Draft)

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CHAPTER 1 – General Governance

I. Rules of Procedure

- A. These rules are intended to govern City Council and all boards, committees, and commissions (hereafter referred to as standing committees) of the city.
- B. Council meetings, and the meetings of any board, commission, or committee of city council, shall be guided by Robert's Rules of Order for Small Boards.¹ These rules are adopted according to NMC, Charter, Ch III, Section 11.
- C. Members of the council or governing body are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- D. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

II. Quorum

- A. A quorum is required to conduct official city business.²
- B. The members of the council are the city councilors and mayor. The members of a standing committee are as defined at their creation. Fifty percent plus one of the members of the council or a standing committee shall constitute a quorum. Vacancies in office do not count towards determining a quorum.
- C. In the event a quorum is not present, the members of the governing body present shall adjourn the meeting, or a smaller number may meet and compel attendance of absent members as outlined in Rule II D.
- D. When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any member may move for a call of the house.
 - 1. The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent members will be requested to attend or return to the meeting. The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent members at the meeting. The presiding officer is authorized to recess the meeting to a certain time while attendance is being compelled.

¹ Robert's Rules of Order Newly Revised, 12th edition, section 49:21.

² NMC Charter, CH 3, Section 13.

III. Presiding Officer

A. City Council:

1. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.³
2. If the mayor is absent or otherwise unable to preside, the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.⁴
3. If both the mayor and the president of the council are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
 - a. The city recorder shall call the council to order and call the roll of the members.
 - b. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.
 - c. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
 - d. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.
 - e. This process may be used to elect a presiding officer for a portion of a meeting if the mayor or council president is unable to preside over a single item.

B. Standing and Ad-Hoc Committees:

1. The chair shall preside over all meetings.
2. In the chair's absence the vice chair shall preside over the meeting.
3. If both the chair and vice chair are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
 - a. The staff liaison shall call the meeting to order and call the roll of the members.
 - b. Those members present shall elect, by majority vote, a temporary

³ (NMC, Charter, Ch III, Section 9)

⁴ (NMC, Charter, Ch III, Section 10).

presiding officer for the meeting.

- c. Should either the chair or vice chair arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
- d. The presiding officer shall retain all rights and privileges of a member when acting in this capacity.
- e. This process may be used to elect a presiding officer for a portion of a meeting if the chair or vice chair is unable to preside over a single item.

IV. Other Elected and Appointed Officers

- A. City Manager. The city manager is required to attend all meetings of the council, unless excused by council, and is permitted to participate in any discussion; however, the city manager has no authority to cast a vote on any decision rendered by the council.⁵
- B. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion on legal questions, either written or oral.
- C. City Recorder. The city recorder or designee shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.

V. Agendas

- A. The city recorder or designee shall prepare an agenda for every regular meeting, and for every special meeting. Staff liaisons serve as the designee for all standing committee meetings.
- B. Agendas and informational material for meetings shall be distributed to the council at least 7 days preceding the meeting. Supplemental items will be distributed at least 2 days prior to the meeting. Agendas and informational materials for standing committees should be distributed at least 7 days prior to the meeting and are required to be distributed more than 48 hours in advance of the meeting.⁶
- C. The mayor's approval shall be required for the publication of an agenda of any council meeting.
- D. With the consent of the mayor, the city manager may remove any items on the council agenda at any time prior to a meeting convening. The presiding officer shall announce such removal under announcements/proclamations.

⁵ (NMC, Charter, Ch VIII, Section 34, e, 1.)

⁶ Note: Some actions taken by council and or standing committees may require even more notice. All legal requirements for notice shall be followed.

- E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager and get the approval of the mayor at least 10 days prior to the meeting. A member of a standing committee who wishes to have an item placed on the agenda shall advise their staff liaison and get the approval of the chair at least 10 days prior to the meeting.
- F. Written Communications to Council
 - 1. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.
 - 2. The city manager may, under their discretion, bring any matter raised by unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report which sets forth the reason the matter should be considered by the council, and making a recommendation for council action.
- G. All items submitted to the council packet will require an executive summary of the decision before the council, and items over 100 pages in length will require an index, or hyperlinks, to the specific sections and attachments.
- H. Items that are legislative in nature, or that are deemed complex, will have a work session before the hearing, resolution, or main decision point is brought before the council. This may be waived by a majority of council.

VI. Order of Business

The order of business for all regular meetings of City Council shall be as follows. However, when it appears to be in the best interest of the public, the order of business may be changed for any single meeting with the approval of the mayor. Agendas for special meetings may follow this order or be adjusted according to the purpose of the meeting. Committees may follow this order or set their own agenda order as desired.

- A. **Call to order**
- B. **Roll call**
- C. **Pledge of Allegiance**
- D. **Announcements**
- E. **Proclamations and Awards**
- F. **City Manager's Report**
- G. **Public comment on items not on the agenda**
- H. **Consent Agenda**
- I. **Continued Business**
- J. **New Business**

K. **Council Business**

L. **Adjournment**

- A. **Call to Order.** The presiding officer shall call all meetings of the council to order.
- B. **Roll Call.** The city recorder or staff liaison shall conduct a roll call to determine which members of the body are present and which are absent.
 - 1. The attendance shall be properly reflected in the minutes.
 - 2. If roll call determines that a quorum is not present, this shall be addressed by Rule II.
- C. **Pledge of Allegiance** This will be led by the presiding officer.
- D. **Announcements.** Announcements are intended to be procedural in nature, such as an item being removed from the agenda, motions to reorder, insert or change agenda items. This also includes motions to remove items from the consent calendar.
- E. **Proclamations and Awards.** Proclamations are awards or recognition of individuals by the council.
- F. **City Manager's Report.** The City Manager will give a report at each regular council meeting with updates from all departments of the city. The first report of each month will include narrative information, the second report of each month will include statistical information. The council may ask questions of the city manager upon conclusion of the report being given. The city manager may call upon his staff to assist in answering questions.
- G. **Public Comment - See Chapter 5, Section III.**
- H. **Consent Agenda.** To expedite the council's business, routine agenda items shall be placed on the consent agenda.
 - 1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
 - 2. Any item on the consent agenda may be removed for separate consideration by any member.
 - 3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the request for council action, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member must declare a conflict of interest.
- I. **Continued Business.** This section of the agenda will include items that are being returned to council after previous introduction, work session, or consideration at a

recent meeting.

- J. New Business. This section of the agenda will include items that are being considered for the first time. This may include topics freshly presented to council after a period of more than six months.
 - K. Council Business. To include appointments, reports from councilors on standing committees, nominations and similar council business.
 - L. Adjournment. Meetings will be adjourned by the presiding officer.
-

CHAPTER 2 – Meeting Time, Location and Frequency

I. City Council

A. Regular meetings

1. The council shall meet every first and third Monday evening of each month, except for meetings falling on designated holidays, which will be held on the next business day. Regular meetings shall begin at 6 p.m. Should there be a lack of business, lack of quorum, or other conflict, the meeting may be cancelled, with consent of the mayor, providing at least one meeting occurs in the given month.⁷

B. Special meetings

1. Special meetings may be called by the presiding officer or by request of three members.
2. Notice of a special meeting of council shall be given to all members of the council and the city manager via email. Should the meeting occur within 72 hours of the notice, all attempts will be made to reach the council and city manager by telephone.
3. Special meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. Notice of the special meeting shall be given to each member, the city manager or staff liaison, and each local newspaper, radio, and television station which has requested notice of special meetings.

C. Emergency meetings

1. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
2. Emergency meetings may be called by the mayor by the request of three members of council, or by the city manager.
3. Emergency meetings may only be held by City Council.
4. Notice of the emergency meeting shall be given to each member of the council, the city manager, and all reasonable attempts will be made to inform each local newspaper, radio, and television station which has requested notice of meetings.
5. Notice of the emergency meeting shall be given to all members of council and the city manager via telephone and email.

⁷ NMC, Charter, Chapter 3, Section 12

6. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

D. Executive Sessions.

1. Executive sessions may only be held by City Council. Executive sessions may be called by the presiding officer, at the request of three members of council, by the city manager, or by the city attorney.
2. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions. Generally, the city recorder will be present to take minutes, if excused, another minute taker will be identified.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation, and the news media is a party to the litigation.

E. Work Sessions

1. Work sessions are permitted to present information in preparation for regular or special meetings.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the council or committee is not permitted to take formal or final action on any matter at a work session.
4. Work sessions are to be scheduled by the mayor.
5. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

II. Board, Commission, and Committee Meetings

- A. Shall meet according to the schedule produced by the city recorders office each year. This will be developed in accordance with the code, resolution, law, and necessity. Committees may add additional meetings if necessary.
- B. Must be properly noticed in accordance with Oregon Public Meetings Law.
- C. Meetings may be canceled due to lack of quorum or lack of business by the presiding officer.

III. Location

- A. Council meetings shall be held in the Denise Bacon Room in the Public Safety Building and simultaneously through Zoom or other virtual meeting platforms. Board, commission, and committee meetings will be held in various locations as appropriate, as noticed on the meeting agenda, and simultaneously through Zoom or another virtual meeting platform.
- B. In the event the regular meeting room is not available for a meeting, the meeting shall occur at a venue open to the public which is located within the jurisdictional limits of the city. All meeting locations shall meet the requirements of Oregon's Public Meeting Law.
- C. At the direction of the presiding officer, the meeting may also move to a fully virtual format. (For example: In the case of inclement weather.)
- D. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
- E. Interjurisdictional meetings may be held outside of the city's jurisdictional limits but should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

IV. Notice

- A. The city recorder or designee shall provide notice of all meetings in accordance with Oregon's public meeting law.

V. Attendance

- A. Members of council or committees shall advise the presiding officer and city manager/city recorder/staff liaison if they will be unable to attend any meetings.
 - B. Under section 32 of the charter, a council position becomes vacant if the member of council is absent from the city for more than 30 days without council permission or absent from all meetings of the council within a 60-day period. The council will make the final decision on whether an absence is excused or unexcused.
 - C. Committee members may be excused from their position if they have more than two unexcused absences in a year.
 - D. Members may attend meetings in person or virtually by phone or video conferencing.
-

CHAPTER 3 – Ordinances and Resolutions

I. Ordinances

- A. All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein. Sections 16 and 17 of city charter provide that the council exercises its legislative authority by adoption of ordinances.
- B. Except as authorized by subsection (C), adoption of an ordinance shall, before being put upon its final passage, be fully and distinctly read in open council meeting.
- C. The reading may be by title only if no council member present at the meeting requests to have the ordinance read in full, provided the proposed ordinance is available in writing to the public at least one week before the meeting.
- D. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts that ordinance.
- E. Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.
- F. After adoption of an ordinance, the city recorder must endorse it with the date of adoption and their name and title.
- G. A script for the adoption of an ordinance will be followed to ensure compliance with these rules. See attachments.
- H. Effective Date: An ordinance shall take effect 30 days after adoption or at a later date to be specified in the ordinance.
 - 1. The following shall take effect immediately upon its passage:
 - a. Ordinances making appropriations and the annual tax levy; and
 - b. Emergency ordinances.

II. Resolutions

- A. Resolutions considered by and voted upon by the council or committee shall adhere to the rules outlined here.
- B. An affirmative vote of a majority of the council or committee present shall be necessary to pass a resolution.
- C. When a resolution is rejected, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered for a period of not less than three months, unless at least three members petition for early consideration. Resolutions containing substantial amendments may return for consideration within the 3 month

window.

- A. Effective date. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
-

CHAPTER 4 – Land Use Hearings

I. General Conduct of Hearings

- A. Any party may speak in person or through their attorney.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. They must also bring 10 copies of the written testimony for the council/commission and staff.
- C. If a party desires to make its testimony or evidence available as part of the meeting's agenda packet, it must be submitted to the city recorder or designated staff by noon the Friday before the meeting for council meetings, 2 days ahead for all other meetings.⁸ If the testimony or evidence is not submitted to the city recorder or designated staff by this deadline, it still may be submitted into the record at the time of the hearing, but it shall not be included in the meeting's agenda packet.
- D. No person may speak more than once without obtaining permission from the presiding officer.
- E. Upon being recognized by the presiding officer, any member may question any person who testifies.
- F. As directed by the presiding officer, staff may question any person who testifies.
- G. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- H. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder or staff liaison shall note the numbers of such persons for the record in the minutes. Persons testifying are asked to avoid repeating testimony already entered into the record and instead indicate support if they are in agreement with such testimony.
- I. The presiding officer may reduce time limits for testimony equally based on the number of people signed up to speak, respectively, "in favor" or "opposed", to ensure all parties have an opportunity to speak and to ensure compliance with statutory shot clocks for land use decision making.⁹

II. Quasi-Judicial Land Use Matters

A. Scope of Review

- 1. All appeals of quasi-judicial land use proceedings shall be conducted pursuant

⁸ (see Chapter 5, Section 3)

⁹ (See also, Part II, Quasi-Judicial Land Use Matters - Hearing Procedures)

to NMC 15.100.160 through 5.100.190, Appeals.

B. Conflicts of Interest, Abstention, Recusal, Ex Parte Communications

1. A member of the council or commission shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 - a. The member has an actual conflict of interest, as defined by the Oregon Revised Statutes or the city charter/rules and must recuse from participation. The disclosure and recusal must be noted in the minutes.
 - b. The member was not present during the public hearing and must abstain from participation. However, the member may participate if they reviewed. The evidence, including recordings of the hearing, and declared such fact for the record.
 - c. The member has a bias, as defined by the Oregon Revised Statutes, that prevents them from considering evidence and applying applicable criteria in making an impartial decision on the application.
2. Members shall disclose all ex parte contacts regarding the proceeding at the commencement of any quasi-judicial land use proceeding. If the disclosed ex parte communication results in bias and/or a conflict of interest, the member shall recuse from participation as stated in (II)(B)(1)(a) above.
 1. "Ex parte contact" means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view.

C. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
2. The decision shall be based on the applicable standards and criteria as set forth in the city's municipal code, including if applicable the city's comprehensive plan and any other land use standards imposed by state law or administrative rule.
3. Proponents, any opponents, and those who are neutral on the proposal may submit written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
4. City staff may submit supplemental written findings in response to testimony and as requested by the hearing body to address questions raised during the hearing.

D. Hearing Procedures

The order of hearings in quasi-judicial land use matters shall be:

1. *Land Use Hearing Disclosure Statement*

The city attorney, presiding officer, or their designee, shall read the land use hearing disclosure statement, which shall include:

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

2. *Call for ex-parte contacts*

- a. The presiding officer shall inquire whether any member has had ex-parte contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact.
- b. "Ex parte contact" means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view. Ex parte contact can also be access to evidence or information that is not available to the public or the hearing body, which may include visiting the site of a land use application.

2. *Call for recusals*

- a. The presiding officer shall inquire whether any member must recuse from participating in the hearing due to a conflict of interest.
- b. Actual Conflict of Interest: If a member announces an actual conflict of interest, as outlined by Oregon Revised Statutes or the city charter/rules, that member must recuse themselves and leave the hearing. The recusal is recorded in the minutes.
- c. Potential Conflict of Interest: If a member has a potential conflict of interest, they can declare the potential conflict and continue participation in the matter. The declared potential conflict is recorded in the minutes.
- d. Any member announcing a conflict of interest shall state the nature of the conflict, and if the conflict requires recusal, shall not participate in the proceeding unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided,

however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

3. *Staff summary*

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

4. *Presentation of the Case*

- a. Proponent's case. Twenty minutes total.
- b. Persons in favor. Five minutes per person.
- c. Persons opposed. Five minutes per person.
- d. Other interested persons. Five minutes per person.
- e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.

5. *Close of hearing*

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

6. *Deliberations*

- a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.

7. *Findings and Order*

- a. The body may approve or reject the proposal.
- b. The body shall adopt findings to support its decision.
- c. The body may incorporate findings proposed by the proponent, the opponent or staff in its decision.

B. Continuances

- 1. A party can request either a hearing continuance or an open record period as provided by Oregon Revised Statutes. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances.
- d. There is a 120-day time limitation for the city to make a final land use decision, imposed by the Oregon Revised Statutes, and this 120-day period is not extended unless the applicant requested the continuance or if the applicant otherwise agrees to the extension of the time limitation.¹⁰

¹⁰ See ORS 227.178.

III. Legislative Land Use Matters

A. Hearings Procedures

1. The order of procedures for hearings on legislative land use matters shall be:
2. *Call for abstentions*
 - a. Inquire whether any member wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings. The City Recorder or designated staff shall record the abstention in the minutes.
3. *Staff summary*
 - a. Staff shall present a summary of the proposal, statement of the applicable criteria, and recommendations concerning the proposal.
4. *Presentation of the Case*
 - a. Staff Presentation or Proponent's case. As approved by the presiding officer.
 - b. Persons in favor. Five minutes per person.
 - c. Persons opposed. Five minutes per person.
 - d. Other interested persons. Five minutes per person.
5. *Close of hearing*
 - a. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
6. *Deliberations*
 - a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the body, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

CHAPTER 5 – Motions, Debate, Public Comment and Voting

I. Motions

A. The following rules shall apply to motions:

1. All motions shall be distinctly worded using plain language.
2. If a motion does not receive a second, it dies.
3. The body 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.
4. Any motion shall be reduced to writing if requested by a member.
5. A motion to amend can be made to a motion that is on the floor and has been seconded.
6. Amendments are voted on first, then the main motion if voted on as amended.
7. No motion shall be received when a question is under debate except for the following:
 - a. To lay the matter on the table; (Put the issue on indefinite hold.)
 - b. To call for the previous question; (End debate and immediately vote.)
 - c. To postpone; (Delay until a specified time.)
 - d. To refer; or (Send the matter to another committee or person for more information or a recommendation.)
 - e. To amend. (To change the motion on the table.)
8. A motion may be withdrawn by the mover at any time without the consent of the body.
9. A member may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
10. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
 - a. A call for the question fails without a majority vote.
 - b. Debate on the main subject resumes if the motion fails.
11. A motion that receives a tie vote fails.
12. The presiding officer shall cause the motion to be stated before the vote.
13. A motion to adjourn cannot be amended.

B. Motion to Reconsider

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. No motion shall be made more than once.
3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.

II. Debate

A. The following rules shall govern the debate of any item being discussed by the council or committee:

1. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
2. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

III. Public Comment

A. Public Comment

1. Public comment may be received at regular council meetings and standing committee meetings. Ad-hoc committees shall only receive public comment when it is specifically included in their directive. Public comment at standing committee meetings must be related to the subject of the committee or topics at that meeting. General comments unrelated to agenda items are only accepted at City Council meetings. The public shall have the right to comment on all items that require a vote.
2. When an interested person addresses the council or gives oral comments, that person should state their name and indicate if they are a resident of the city.
3. Public comment is a time for comment; it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the council or city staff.

B. Public Comment Registration

1. Those giving public comment are required to register at the council meeting before making comments and/or providing input at the meeting.
2. Registration is due before the meeting is called to order, except in the case of public hearings. An interested person shall register separately for each subject under which they wish to provide comment.

- a. For public hearings, public comment registration will close when the public testimony portion of the hearing is closed.
 - b. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request.
 - c. A form complying with this rule will be available at all meetings. The city recorder is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.
3. Those desiring to give public comment over the phone or through the virtual meeting option (Zoom or other virtual meeting platforms) are required to register by noon the day of the meeting.
 - a. Should the meeting take place before 3pm, registration will be required by noon the day before the meeting, should this registration deadline fall on a weekend, registration will be due the Friday prior to the meeting. No Zoom or other virtual meeting platforms or phone comments will be received without prior registration.

C. Non-Agenda Items and Consent Calendar

1. Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar will speak under general public comments. Those people will be given the opportunity to speak for no more than five 5 minutes. Speakers may share their time at the discretion of the mayor.
2. The maximum time allowed for public comments, including all speakers, is thirty 30 minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

D. Agenda Item other than Consent Calendar

1. Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes following the introduction of the item. Speakers may share their time at the discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

E. Written Materials

1. Comments including any attachments (written comment, images, etc.), can be emailed to the City Recorder or dropped off at City Hall by 12:00 p.m. (noon) the Friday before the meeting. Materials more than 10 pages long should be submitted as early as possible to ensure sufficient time for council review. Written comment must be accompanied by a public comment registration form.
2. If written comment cannot be provided prior to the deadline, members of the public are to bring 10 printed copies of the item to the meeting and provide one copy to the City Recorder or staff member taking public comment registrations.
3. Written comments will not be read into the record unless specifically requested by the individual submitting the comment, those read into the record will be read through digital means. The reading of written comment will be limited to the 5 minute public comment period.

F. Electronic Materials

1. Speakers may submit electronic audio or visual material to be played during the time permitted for their comment.
2. Speakers must provide the materials in a format compatible with city software to the City Recorder on the Friday prior to the council meeting by 12:00 p.m. so that it may be installed on the city's equipment to avoid delays or disruption of the meeting. All items will be virus screened and will not be used should a threat be detected.

G. Multiple Speakers

1. Should there be more speakers than can be heard during the 30 minutes allowed for public comment, the presiding officer may reduce the time allotted to each speaker or may extend the comment period.

H. Council or Member Inquiries

1. Councilors or committee members may, upon recognition by the presiding officer, ask questions of speakers during public comment. Members shall use restraint when exercising this option and shall attempt to limit questions to no more than three minutes. The presiding officer, may intervene if a member is violating the spirit of this guideline.

IV. Voting

The following rules shall apply to voting on matters before the council. The express approval of a majority of a quorum of the council is necessary for any council decision, except when the charter requires approval by a majority of the council. For standing committees, the express approval of a majority of the quorum is necessary for any decision.

B. Consent Agenda

The unanimous vote of all members present is required to approve the matters on a consent agenda.

C. Resolutions

A majority of quorum present shall be required to pass a resolution.

D. An Ordinance

A majority of all council members is required to pass an ordinance.

E. Emergency Ordinance

An emergency ordinance shall require the unanimous vote of all members present.

F. Budget

The budget shall require a concurrence of a majority to pass.

G. Suspension of Rules

A unanimous vote of all members present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the city's charter shall not be suspended or rescinded.

H. All votes shall be recorded in the minutes and may not be by secret ballot.

I. Ties

Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.

CHAPTER 6 – Minutes

I. Generally

- A. All minutes shall be in written form, in addition, an electronic copy of the meeting recording will be maintained by the city recorder in accordance with the appropriate record retention schedule.
 - B. The minutes shall be action minutes and contain the following information:
 - 1. The date, time and place of the meeting;
 - 2. The members present and absent;
 - 3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
 - 4. The results of all votes and the vote of each member by name; and
 - 5. The substance of any discussion.
-

CHAPTER 7 – Appointments

I. Appointments of City Staff

A. The council appoints and can remove those positions identified in the city's charter. This includes City Attorney and Municipal Judge.¹¹

B. Appointments and Removals

All appointments and removals require a majority vote of the entire council.

C. Interference

If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge's exercise of judicial authority or discretion.

II. Appointments of Members to Boards, Commissions and Committees

A. Unless otherwise mandated by state law, the mayor shall appoint the members of any standing board, commission, or committee with the consent of the council in accordance with the code, resolution, or law that governs them.

1. Standing boards, commissions or committees are those established by the municipal code, resolution, or state law, intended to be permanent or long-term, to fulfil an ongoing need of the city. (ex. Budget Committee, Historic Preservation Commission, Planning Commission)

B. Ad-Hoc Committees

1. The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes and make recommendations to the council. Ad-hoc committees are intended to be temporary.

2. The mayor will establish the membership criteria for the ad-hoc committees. Residency does not have to be a required criterion. The mayor will appoint members of the ad-hoc committees, subject to council ratification.

3. The mayor may remove any member of the ad-hoc committee at any time. Members of the committee will be removed if the member fails to attend two 2 consecutive meetings of the committee without being excused prior to the meeting.

4. The mayor has the authority to grant an excused absence, and in the mayor's absence, the committee chair has the authority.

5. The mayor will designate the chairperson and the vice chair. Members will

A. ¹¹(NMC, Chapter VIII)

continue to serve until their mission is accomplished, replacement or reappointment.

6. Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad-hoc committee will have only the authority of recommendations to the council.
7. The meeting time and place of the committee will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet.
8. A majority of the committee may request a meeting. All meetings are public meetings and will be conducted in accordance with the OPML.
9. The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee.
10. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

C. Removals

All appointed board, committee, or commission persons may be removed by the mayor with the consent of council.

CHAPTER 8 – Ethics, Decorum, Outside Statements

I. Ethics

- A. All members of the council and committees shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:
 - 1. Disclosing confidential information.
 - 2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
 - 3. Expressing an opinion contrary to the official position of the council or committee without so saying.
 - 4. Conducting themselves in a manner so as to bring discredit upon the government of the city.

II. Decorum

- A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council or committee.
- B. Members shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.
- C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members.

III. Statements to the Media and Other Organizations

A. Representing the City

If a member of the council or committee, including the mayor, appears as a representative of the city before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council or committee.

B. Personal Opinions

If a member of the council or committee, including the mayor, appears in their personal capacity before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

C. Suggested Language

Councilors and committee members are encouraged to use statements such as “This is my personal opinion and not the official opinion of the Newberg City Council (or relevant body).”

CHAPTER 9 – Interactions with Staff & City Attorney

I. Staff

- A. All members of the council and committees shall respect the separation between their role and the city’s manager’s responsibility by:
1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
 2. Refraining from actions that would undermine the authority of the city manager or a department head.
 3. Refraining from contacting the City Manager or Department Heads from 6pm Friday- 6am Monday, except in the case of an emergency.
 4. Limiting individual inquiries and requests for information from staff 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.
 - a. Questions from individual members of the council requiring significant time or resources (2 hours or more) shall require the approval of the council.
 - b. Members of the council shall share any information obtained from staff with the entire council.
 - c. This section is not intended to apply to questions by members of the council acting in their individual capacity. Inquiries of a personal nature (i.e. utility billing issues, personal permits) shall be handled through the avenues available to all citizens.
 - d. This section is not intended to apply to questions regarding conflict of interest or similar issues particular to a member of the council.

II. City Attorney

- A. Council members may make requests to the City Attorney for information and advice in relation to council business.
1. Council members should understand that the City Attorney must prioritize the city’s legal issues and may not be able to respond immediately to Council requests.

2. Requests for legal advice that require greater than two hours of attorney time will require the concurrence of the majority of the Council.
-

CHAPTER 10 – Censure

I. Rules Violations

- A. The council may enforce these rules and ensure compliance with city ordinances, charter, and state laws applicable to governing bodies.
- B. If a member of council violates these rules, city ordinances, the city charter, or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member via:
 - 1. Public reprimand;
 - 2. Removal from committee assignments; and/or
 - 3. The removal from the position of council president.

II. Investigating Violations

- A. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) in order to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter, or state laws applicable to governing bodies has occurred.
- B. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

CHAPTER 11 – Amendment and Repeal

I. Amendment

- A. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.
- B. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed and open for comment by the public.
- C. All amendments to these rules require a majority vote.
- D. Amended rules shall not go into effect until the meeting after the rule is approved.

II. Repeal

- A. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.
- B. Any proposed repeal of these rules shall be accompanied by a proposed replacement.
- C. Any proposed repeal and replacement of these rules shall be done by resolution, noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
- D. Any repeal and replacement of these rules requires a majority of the full council vote.
- E. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved unless otherwise noted in the resolution.

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

► LEGISLATIVE HEARING ◄◄

1. CALL TO ORDER

	Script
Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	Presiding Officer: This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	Script
	Presiding Officer: Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex-parte contact? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

	Script
The presiding officer announces time limits Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.	Presiding Officer: I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close.

6. RECOMMENDATIONS FROM STAFF

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

7. COUNCIL DELIBERATION

Councilors should seek acknowledgement and then speak on the issue	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

8. ORDINANCE DECISIONS

Ordinances - Action usually requires passage of an ordinance; the relevant motions are listed in the Ordinance Action Guide.

ORDINANCE ACTION GUIDE

First action: Waive the second reading.

If this is the first meeting in which this ordinance is considered, council should waive the second reading through the following motion.

Script

Presiding Officer: I move to waive the second reading of Ordinance [#####].

Second action can be one of 4 steps:

1. Motion for Approval

Script

Presiding Officer: I move to approve Ordinance [#####], [Title]

2. Motion to Read in Full

Script

Presiding Officer: I move to approve Ordinance [#####], [Title] and ask that it be read in full.

3. Motion to Approve Amended Ordinance

Amended ordinance must be read in full if approved in the same meeting as amendments are made.

Script

Presiding Officer: I move to approve Ordinance [#####], [Title] with amendments and ask that amendments be read in full.

4. Motion to Table the Ordinance Motion:

Script

Presiding Officer: I move to table this ordinance to be considered at our next meeting.

Third Action: Roll Call Vote

Script

Presiding Officer: A motion has been made to (repeat the motion).

Presiding Officer to the city recorder or meeting clerk: Please take a roll call vote. (The city recorder or meeting clerk calls the roll and announces the number of ayes and nos.)

Presiding officer: The motion [passes **or** passes unanimously **or** fails]

Majority of Entire Membership

Ordinances require majority of the entire membership for passage, this means a majority of all of the councilors, not of the quorum present.

7 members

4 votes required for passage

6 members

4 votes required for passage

5 members

3 votes required for passage

4 members

3 votes required for passage

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

► ADMINISTRATIVE HEARING ◄

1. CALL TO ORDER

Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	Script
	Presiding Officer: This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	Script
	Presiding Officer: Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex-parte contact? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

The presiding officer announces time limits Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.	Script
	Presiding Officer: I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close.

6. RECOMMENDATIONS FROM STAFF

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

7. COUNCIL DELIBERATION

Councilors should seek acknowledgement and then speak on the issue.	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

8. DECISIONS

Resolutions - Action usually requires passage of a resolution; the relevant motion should be:

	Script
Vote: voice vote is permitted	Motion: I make a motion to approve Resolution [####], [Title]. Presiding Officer: A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no. (Pause) The motion [passes unanimously or passes or fails.]
Majority of Quorum	
Resolutions require majority of the quorum for passage.	
7 members present	4 votes required for passage
6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

► QUASI-JUDICIAL LAND-USE & NON-LAND-USE ◀

1. CALL TO ORDER

	Script
Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	Presiding Officer: This hearing is to consider (topic of hearing). At this time, I will open the public hearing. Citizens will be able to testify on this issue and should submit a public comment registration at the back table should they wish to speak.

2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

	Script
City Attorney Legal Announcements: Read “quasi-judicial announcements” sheet	Presiding Officer: Do any members of this [council board, committee or commission] need to declare a conflict of interest, abstention, or ex-parte contact or an objection to the jurisdiction? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

	Script
The presiding officer announces time limits Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.	Presiding Officer: I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. At the end the principal proponent will have a chance to offer a rebuttal. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR

	Script
	Presiding Officer: Do any members of the council have questions for those who have given testimony?

6. PUBLIC AGENCY LETTERS OR COMMENTS

	Script
	Presiding Officer: Now we will receive testimony from any public agencies. Written testimony has been entered into the record and provided to members of the Council and staff.

7. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close. City Attorney Legal Announcements

8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

Councilors should seek acknowledgement and then speak on the issue.	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

10. ACTION BY THE COUNCIL

Orders - Action usually requires passage of an order; the relevant motion should be:

Vote: voice vote is permitted	Script
	Motion: I make a motion to approve Order [#####], [Title].
	Presiding officer: A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no
	Presiding officer: The motions [passes or passes unanimously or fails]
Majority of Quorum	
Orders require majority of the quorum for passage.	
7 members present	4 votes required for passage
6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage



CITY OF NEWBERG COUNCIL GUIDELINES

Council Rules Legislative History

Adopted October 15, 2018 by
Resolution 2018-3485

Amended December 9, 2019 by
Resolution 2019-3625
{Rule 5.6 Public Comment}

Amended August 1, 2022 by
Resolution 2022-3804
{Rule 3.7 Council Compensation}

CITY OF NEWBERG COUNCIL GUIDELINES

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

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

NEWBERG CITY COUNCIL MEETING EXPECTATIONS

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

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

CITY OF NEWBERG COUNCIL RULES

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Newberg City Council Rules

SECTION 1 – AUTHORITY

Rule 1.1 Authority of Rules

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

Rule 1.2 Council Authority

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

Rule 1.3 Limited Public Forum

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

Rule 1.4 Presentation to Council Members

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

SECTION 2 – GENERAL RULES

Rule 2.1 Open Meetings

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

Rule 2.2 Quorum

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

Rule 2.3 Compelling Attendance

When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any council member may move for a call of the house. The motion will be put in the following form: "I move for a call of the house." That motion will

take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two council members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent council members will be requested to attend or return to the meeting.

The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent council members at the meeting. The mayor is authorized to recess the meeting to a time certain while attendance is being compelled.

Rule 2.4 Vacant Positions as Relates to Quorum

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

Rule 2.5 Vote Required

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

Rule 2.6 Entire Membership

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

Rule 2.7 Rules of Order

- A. "Robert's Rules of Order, the most recent published addition, will guide all council proceedings.
- B. Members of the council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.
- C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

Rule 2.8 Suspension of Rules

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

Rule 2.9 Records of Proceedings

The city recorder will be the ex-officio clerk of the council, attend all the meetings unless excused and keep an accurate record of the proceedings of the council meetings. The city manager will appoint and supervise the city recorder. The city manager may appoint such deputy city recorders as needed. The records of the proceedings are to be known as "minutes." The minutes will be kept in accordance with the

Oregon Public Records and Meetings Law and in a manner prescribed by these rules pursuant to Section 15 of the city charter.

SECTION 3 – CITY COUNCIL MEMBERS

Rule 3.1 Council Defined

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

Rule 3.2 Qualifications to Hold Office

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

Rule 3.3 Attendance

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

Rule 3.4 Excused Absence

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

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

Rule 3.5 Explanation of Unexcused

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

Rule 3.6 Filling Vacancies

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

Rule 3.7 Compensation for Attendance at Meetings

A. Section 2.05.010 of the city code provides that “The duly elected and qualified members of the city council shall be compensated a monthly stipend as established by the annual budget process of the City.”

B. Procedures: City Council members will enroll in Payroll upon orientation to the Council. The finance department will process the payments as part of the payroll function of the City.

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Rule 3.8 Ethics

All members of the council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:

- A. Disclosing confidential information.
- B. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
- C. Expressing an opinion contrary to the official position of the council without so saying.
- D. Conducting themselves in a manner so as to bring discredit upon the government of the city.

Rule 3.9 Etiquette

- 1. Honor the expertise in the room.
- 2. Avoid blame, speculation, and inflammatory language.
- 3. Ensure that all are heard and encourage participation.
- 4. Acknowledge and respect differences.
- 5. Agree to disagree.
- 6. Look for common ground.
- 7. Come to meetings prepared.
- 8. Ask questions to staff in advance whenever possible.
- 9. Active listening – Listen to understand not to respond.
- 10. WAIT – Why Am I Talking?
- 11. Stay on topic.
- 12. Provide actual direction.
- 13. Respectful to all.
- 14. Functional procedural rules.

Rule 3.10 Statements to Other Organizations

A. Representing City

If a member of the council, to include the mayor, appears as a representative of the city before another governmental agency, or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council.

B. Personal Opinions

If a member of the council, to include the mayor, appears in their personal capacity before another governmental agency or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

Rule 3.11 Interactions with City Manager and Management

All members of the council 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. Refraining from action that would undermine the authority of the City Manager or management staff.
- C. Limiting individual inquiries and requests for information from management to those questions that may be answered readily as part of management's day-to-day responsibilities. The City Manager should be informed regarding questions of a more complex nature.
- D. Council members should normally share any significant information obtained from management staff with the entire Council. This does not apply to questions by council members acting in their individual capacities rather than as a member of the council, nor to question regarding conflict of interest or similar issues particular to a member of the Council.

Rule 3.12 Interaction with City Attorney and Legal Staff

The City Attorney is the chief legal officer of the city and represents the municipal corporation not individual council members. Advice is given to the council as a whole, not to individual council members.

- A. Council members may make requests to the City Attorney for information and advice that would take less than two hours of attorney time. Council members should understand that the City Attorney must prioritize the city's legal issues and may not be able to respond immediately to Council requests.
- B. Requests for legal advice that require greater than two hours will require the concurrence of the majority of the Council.
- C. Any special requests of legal staff should be addressed through the City Attorney.

Rule 3.13 The Mayor is not "the gatekeeper" and does not screen Councilor interaction(s) with city personnel. However, the Mayor should be advised of significant issues that have been forwarded to city personnel.

SECTION 4 – COUNCIL MEETINGS

Rule 4.1 Regular Meetings

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

Rule 4.2 Notice of Meeting

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

Rule 4.3 Meeting Times and Places

The regular meetings of the council will normally begin with a work session at 6:00 p.m. followed by a regular business session at 7:00 p.m. Regular council meetings will take place in the Public Safety Building in the training room, unless specifically designated to occur at another location. Any other such location will be noted in the notice of the meeting, but may not be outside of the City limits.

Rule 4.4 Special Meetings

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

Rule 4.5 Special Meetings Limited Purpose

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

Rule 4.6 Emergency Meetings

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

Rule 4.7 Executive Session Meetings

Executive sessions may be called by the presiding officer, by the request of three members of council, by the city manager or by the city attorney. Council may meet in executive session in accordance with the OPML. Matters discussed in executive session will be exempt from public disclosure pursuant to OPML. Council members will not disclose matters discussed in executive session. The city manager and city attorney will attend all executive sessions, unless they are excluded by the council or have requested to be

excused. City staff persons, as allowed by the council, may attend. Other persons authorized by OPML may attend. All final action or decisions must be made in public session.

Rule 4.8 Adjourned and Recessed Meeting

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

Rule 4.9 Cancellation of Meeting

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

SECTION 5 – AGENDAS AND ADDITIONAL ITEMS FOR CONSIDERATION

Rule 5.1 Preparation of Agenda

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

Rule 5.2 Non-Agendized Items

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

Rule 5.3 Time for Submission of Items

Items for the council agenda will be submitted in time to allow for sufficient research by staff and recommendations from council advisory bodies.

Rule 5.4 Reports by the Staff

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

Rule 5.5 Additional Items

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

Rule 5.6 Public Comments

A. Non-Agenda Items and Consent Calendar

Persons speaking to the council from the floor concerning items not on the agenda or items that are on the consent calendar would speak under public comments. Those people will be given the opportunity to speak no more than five (5) minutes. Speakers may share their time at the discretion of the mayor. The maximum time allowed for public comments, including all speakers is thirty (30) minutes. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. Comments including any attachments, can be emailed to the City Recorder by 12:00 p.m. (noon) the Friday before the meeting or dropped off at City Hall.

B. Agenda Item other than Consent Calendar

Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes. Speakers may share their time at the discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time. Comments including any attachments can be emailed to the City Recorder by 12:00 p.m. (noon) the Friday before the meeting or dropped off by City Hall. Materials more than 10 pages long should be submitted prior to the deadline to ensure sufficient time for council review.

C. Written Materials Received after Deadline

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

D. Electronic Materials

Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize city-provided audio or visual equipment located in the council chambers as a part of their comment, but must provide the materials in a readable format to city staff **Friday by 12:00 p.m.** prior to the council meeting so that it may be installed on the city's equipment to avoid a delay or disruption of the meeting.

E. Multiple Speakers

Should there be more speakers than can be heard during the 30 minutes allowed for public comment, the presiding officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard or may extend the comment period.

F. Council Inquiries

Councilors may, upon recognition by Mayor or presiding officer, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questions to no more than three minutes. The Mayor, or presiding officer, may intervene if a councilor is violating the spirit of this guideline.

Rule 5.7 Consent Calendar

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

to allow the public to address items under consent calendar.

Rule 5.8 Agenda Availability

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

Rule 5.9 Work Session Meeting Agenda

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

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

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

Rule 5.10 Business Meeting Agenda

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

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

- XI. New Business
- XII. Council Business
- XIII. Executive Session
- XIV. Adjournment

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

Rule 5.11 Study Session Meeting Agenda

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

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

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

Rule 5.12 Joint Meeting or Community Forum Meeting Agendas

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

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

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

SECTION 6 – PRESIDING OFFICER

Rule 6.1 Mayor

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

Rule 6.2 Council President

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

Rule 6.3 Presiding Officer Pro-Tem

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

- A. If both the mayor and the president of the council are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:
1. The city recorder shall call the council to order and call the roll of the members.
 2. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.
 3. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
 4. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.

Rule 6.4 Presiding Officer Pro-Tem for Specific Items (Roving Gavel)

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

SECTION 7 – PROCEDURES AT MEETINGS

Rule 7.1 Mayor's Duty

The mayor will call the council members to order at the hour designated for the meeting. The mayor may

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

Rule 7.2 Mayor's Role

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

Rule 7.3 Council

Members of the council shall observe decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.

Rule 7.4 Staff

Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members of council.

Rule 7.5 Address the Mayor

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

Rule 7.6 Voting Required

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

Rule 7.7 Discussion on Agenda Items

Agenda items may be considered at any time during the meeting. The mayor will control and determine the order items will be discussed.

Rule 7.8 Debate

The following rules shall govern the deliberation of any item being discussed by the council:

- A. Upon recognition by the presiding officer, every member desiring to speak shall address the presiding officer.
- B. Shall be a five-minute time limit, Only after all members have had the opportunity to debate, a member may be given additional time to speak.
- C. Shall confine him/herself to the question under debate.
- D. Shall at all times act and speak in a respectful manner.
- E. The member of the council moving the adoption of any ordinance or resolution shall have the privilege of opening or closing the debate.

Rule 7.9 Verbal and Electronic Crosstalk

Councilors should refrain from crosstalk during meetings, including exchanges between councilor in verbal, electronic, or written form. To further the purpose of the Oregon Public Meeting Law, discussion should be open and available to the public. Any exchange electronic or written occurring during a council meeting and related to City business, is a public record and should be provided to the City Recorder to be entered into the record.

Rule 7.10 Procedures on Motion

Generally, no motion will be considered unless it has been seconded. When a motion is seconded, the mover may withdraw the motion with the consent of the second at any time before discussion and before any amendment is proposed. Motions not requiring a second include division, point of order, parliamentary inquiry, response to hygiene issues, and other such procedural inquiries.

Rule 7.11 Reconsideration

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

Rule 7.12 Failure to Follow Rules

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

Rule 7.13 First Reading of Ordinances

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

Rule 7.14 Public Legislative Hearing

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

Rule 7.15 Public Administrative Hearing

The council exercises administrative authority pursuant to Chapter V of the city charter. Certain administrative actions require a public hearing be held. Examples include: sale of real property (ORS 221.725); imposing or raising a fee (ORS 294.160). When the council conducts an administrative public hearing, council will follow the administrative hearing format. That format is hereby attached as Exhibit “2” to these rules and by this reference incorporated.

Rule 7.16 Public Quasi-judicial Hearing

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

A. Quasi-judicial Land Use Public Hearing Procedure

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

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

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

Rule 7.17 Ex-parte Contact

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

Rule 7.18 Public Comment Registration

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

Rule 7.19 How Interested Person Should Testify

Each interested person addressing the council should do so in a courteous and considerate manner. The person needs to register and follow other rules as provided in the council rules. The public will be furnished guidelines and should comply with these guidelines for testifying before the council. The document setting out the guidelines and helpful information to assist the public in testifying will be entitled, “How to Testify” that is hereby attached as Exhibit “5”. The city manager is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.

A. If a member of the public wishes to speak on an item that is scheduled for a public hearing at

that same meeting, the speaker shall wait until the public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled to be heard by a hearings official, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.

- B. Each person shall, prior to giving testimony, give his or her name, and shall indicate whether they are a resident of the city. All remarks shall be addressed to the council as a body and not to any member thereof.
- C. Councilors may, after recognition of the Mayor or presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline. **This is not a time for councilor deliberation.**
- D. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by city councilors should be to provide clarification or additional information on testimony provided.

SECTION 8 – ENFORCEMENT OF COUNCIL RULES

Rule 8.1 Presiding Officer

The mayor or presiding officer, as described in Section 6, will enforce the council rules. In addition, the mayor or presiding officer has the authority to preserve decorum and will determine all points of order, subject to the right of any councilor to appeal to the council. The mayor or presiding officer will enforce order, prevent attacks on personalities or the impugning of members' motives, and keep those in debate to the question under discussion.

Rule 8.2 Councilors

Councilors will when addressing staff or councilors confine themselves to questions or issues that are under discussion; will not engage in personal attacks; will not impugn the motives of any speaker; and will at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of office. Councilors will not attack the knowledge, skills, abilities and personalities or impugn city staff members' motives in council or at any city meetings. In council meetings, councilors may discuss or suggest anything with the city manager related to city business.

Rule 8.3 Attire at Council Meetings

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

necessary should be removed; a shirt or blouse should be worn; muddy shoes or boots should be removed; and shoes should be worn.

Rule 8.4 Removal of Any Person

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

Rule 8.5 Censure

The council may enforce these rules and ensure compliance with city ordinances, charter and state laws applicable to governing bodies. If a member of the council violates these rules, city ordinances, the city charter or state laws applicable to governing bodies, a majority of the entire membership of the council may take action to protect the integrity of the council and discipline the member with a public reprimand, removal from committee assignments, and/or the removal from the position of council president.

Rule 8.6 Use of Executive Session to Investigate Council Members Actions

The Council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b)

SECTION 9 – AD-HOC COMMITTEES

Rule 9.1 Structure of Ad-hoc Committees

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

Rule 9.2 Duty of Ad-hoc Committees

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

Rule 9.3 Appointment of Ad-hoc Members

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

Rule 9.4 Functions of Ad-hoc Committees

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

Rule 9.5 Removal of Members of Ad-hoc Committee

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

Rule 9.6 Meetings of the Ad-hoc Committees

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

Rule 9.7 Staff Support of Ad-hoc Committee

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

Rule 9.8 Ex-officio Members of Ad-hoc Committees

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

are not required to attend committee meetings.

SECTION 10 – ELECTRONIC COMMUNICATIONS

Rule 10.1 Electronic Communications

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

A. **Subject to Disclosure**

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

B. **Purpose of Email**

E-mail may be used for correspondence, to schedule meetings, send informative messages, or request information from other members of the council, the city manager, or city department directors.

C. **Not Appropriate for Policy Issues with a Quorum**

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

SECTION 11 – PROCLAMATIONS

Rule 11.1 Request for Proclamations

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

Rule 11.2 Reading of Proclamations

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

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

SECTION 20 – MISCELLANEOUS

Rule 20.1 Amendments to Council Rules

Amendments to these council rules will be made by resolution.

OUTLINE FOR PUBLIC HEARING

Newberg City Council

► ADMINISTRATIVE HEARING ◀

1. CALL TO ORDER

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

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

3. STAFF REPORTS

4. PUBLIC TESTIMONY

A. Mayor Announces Time Limits

B. Citizen Testimony

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

C. Close of Public Testimony

5. RECOMMENDATIONS FROM STAFF

6. COUNCIL DELIBERATION

7. DECISION

A. Resolution – Action usually requires passage of resolution

B. Vote – Voice vote is permitted

C. Majority of the Quorum is required for passage

D. Combination – Can be combined with other council action

OUTLINE FOR PUBLIC HEARING

Newberg City Council

► LEGISLATIVE HEARING ◀

1. CALL TO ORDER

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

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

3. STAFF REPORTS

4. PUBLIC TESTIMONY

A. Mayor Announces Time Limits

B. Citizen Testimony

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

C. Close of Public Testimony

5. RECOMMENDATIONS FROM STAFF

6. COUNCIL DELIBERATION

7. DECISION

A. Ordinance – Action usually requires passage of ordinance

B. Roll Call Vote – Vote is done by roll call

1. By title only
2. Reading in full
3. “First Reading” council rule

C. Majority of Entire Membership – Ordinances require majority of entire membership for passage

D. Combination – Can be combined with other council action

Newberg City Council

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

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY PROCEDURE, AND TIME ALLOTMENTS
2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

**CITY ATTORNEY LEGAL ANNOUNCEMENTS:
READ “[Quasi-Judicial Announcements](#)” Sheet**
3. STAFF REPORT
4. PUBLIC TESTIMONY

Time Limits: A. Mayor sets time limits
B. Citizen goes to witness table, states name & presents testimony

 - A. PROPONENTS (Principle Proponent/s first, then others or undecided)
 - B. OPPONENTS AND UNDECIDED
 - C. PRINCIPAL PROPONENT REBUTTAL
5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR
6. PUBLIC AGENCY LETTERS OR COMMENTS
7. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING

CITY ATTORNEY LEGAL ANNOUNCEMENTS
8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION
9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT
10. ACTION BY THE CITY COUNCIL
 - A. ORDER – Usually requires passage of order.
 - B. VOTE – Voice vote is permitted.
 - C. MAJORITY OF A QUORUM – Requires majority of the quorum for passage.
 - D. COMBINATION – Can be combined with other council action; separate vote on each action is required.

Newberg City Council

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

1. OPEN THE PUBLIC HEARING, ANNOUNCE THE PURPOSE, DISCUSS TESTIMONY, PROCEDURE, AND TIME ALLOTMENTS
2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

**CITY ATTORNEY LEGAL ANNOUNCEMENTS:
READ “[Quasi-Judicial Announcements](#)” Sheet**
3. STAFF REPORT
4. PUBLIC TESTIMONY

Time Limits: A. Mayor sets time limits
B. Citizen goes to witness table, states name & presents testimony

 - A. PROPONENTS (Principle Proponent/s first, then others or undecided)
 - B. OPPONENTS AND UNDECIDED
 - C. PRINCIPAL PROPONENT REBUTTAL
5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR
6. PUBLIC AGENCY LETTERS OR COMMENTS
7. CLOSE OF PUBLIC TESTIMONY PORTION OF HEARING

CITY ATTORNEY LEGAL ANNOUNCEMENTS
8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION
9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT
10. ACTION BY THE CITY COUNCIL
 - A. ORDER – Usually requires passage of order.
 - B. VOTE – Voice vote is permitted.
 - C. MAJORITY OF A QUORUM – Requires majority of the quorum for passage.
 - D. COMBINATION – Can be combined with other council action; separate vote on each action is required.