



**City Council**  
**August 18, 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](#)**

- 
- 1. Call to Order**
  - 2. Roll Call**
  - 3. Pledge of Allegiance**
  - 4. [City Manager Report](#)**
    - 4.1. [June Statistical Report](#)**
  - 5. Public Comments**
  - 6. Consent**
    - 6.1. [Purchase of Two Chevy Trucks for Drone Deployment](#)**
  - 7. Continued Business**
    - 7.1. [Jodi Court Street Art Project](#)**
      - a. [Video about Jodi Court Project](#)**
  - 8. New Business**
    - 8.1. [Council Liability Insurance Training](#)**
    - 8.2. [Nuisance Ordinance Change \(NMC 8.15.150\(1\)\(j\)\)](#)**
    - 8.3. [Repealing Outdated Code](#)**
      - a. [Attachment 1: Code Sections \(NMC 5.20, 5.25, 5.30.010-020 and 5.30.330-430\)](#)**
    - 8.4. [LOC Voting Delegate Selection](#)**
  - 9. 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](mailto:cityrecorder@newbergoregon.gov). For TTY services please dial 711.

\*Indicates supplementary item

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: (August 18, 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: CM statistics for June 2025				Staff: Will Worthey CM Department: Administration	
Work Session <input type="checkbox"/> Business Session <input checked="" type="checkbox"/>				Order On Agenda: CM report	

**Is this item state mandated?** Yes ☐ No ☒

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

**Recommendation:** NA

**Executive Summary:** The summary of events conducted by city departments in June of 2025.

**Fiscal Impact:** All were conventionally budgeted items.

**Council Goals:**

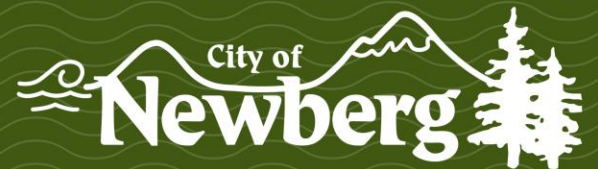
**Goal 4: Create and maintain a high level of transparency with our residents in order to build trust.**

O1: Expand communication outreach in regard to regular city events and additional involvement with city businesses by the end of 2026.



# Newberg CM report

Monthly Statistics to the end of June 2025

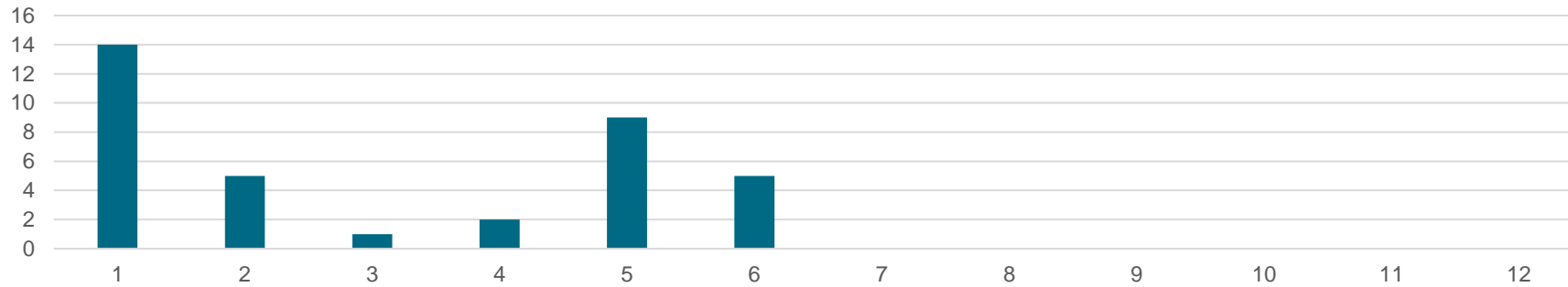


## Planning: combined planning decisions of all sorts\*: 5

**Average  
2022**

**11.67**

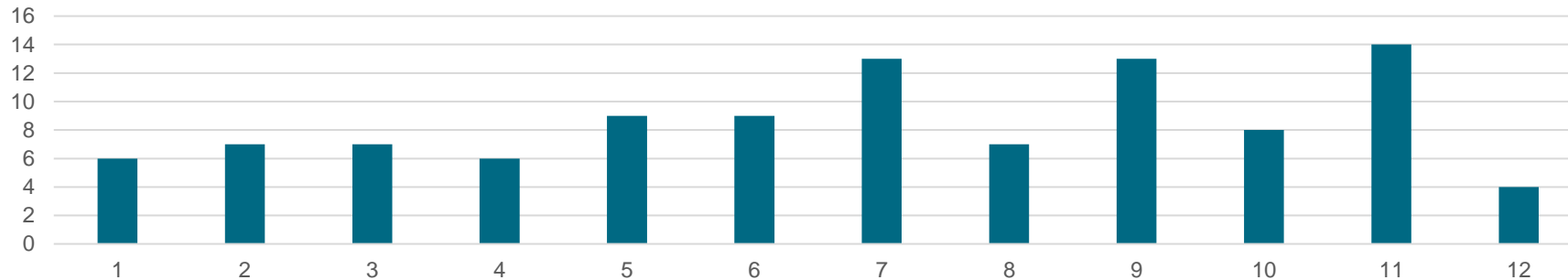
Planning Decisions



**Average  
2023**

**11.75**

2024 - Planning Decisions – 8.58



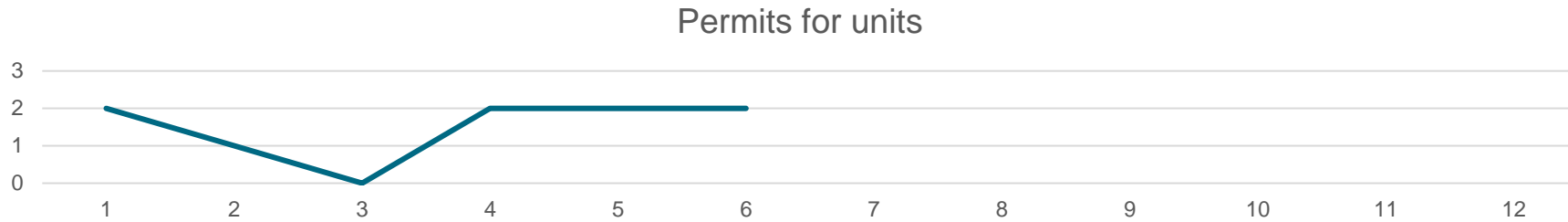
\* Combined from the Director, Planning Commission and Council



## Planning: building permits for housing units: 2

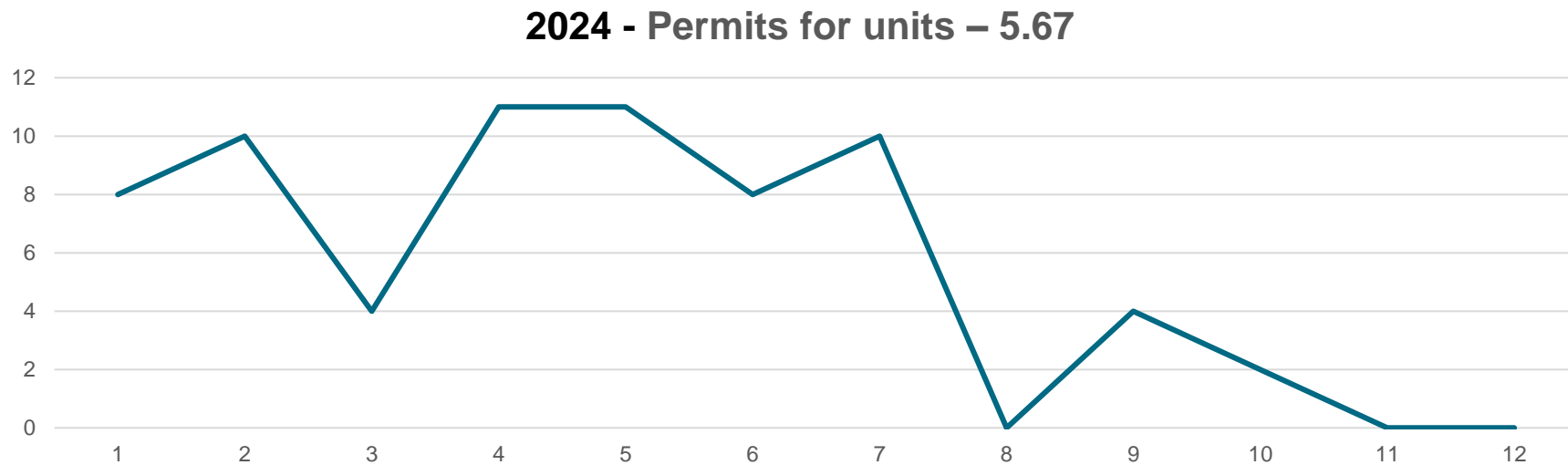
**Average  
2022**

**15**



**Average  
2023**

**7.75**

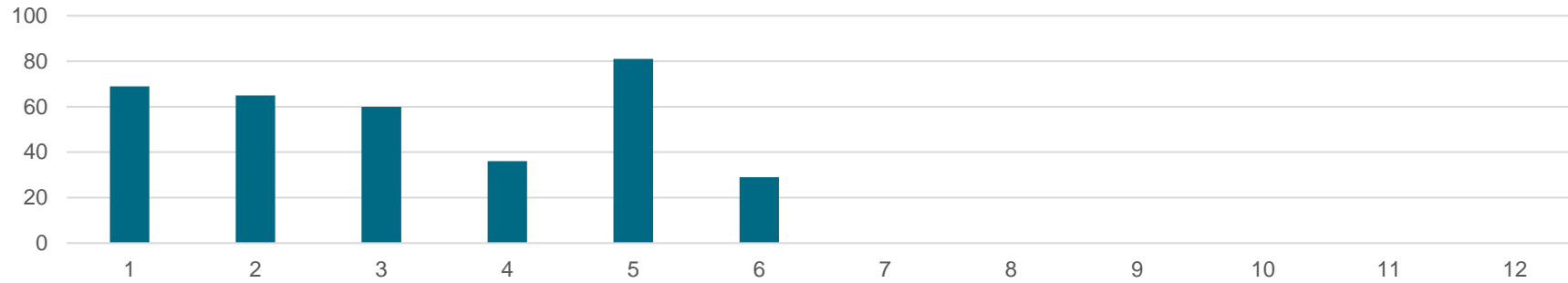


## Planning: building permits other types: 29

**Average  
2022**

**122**

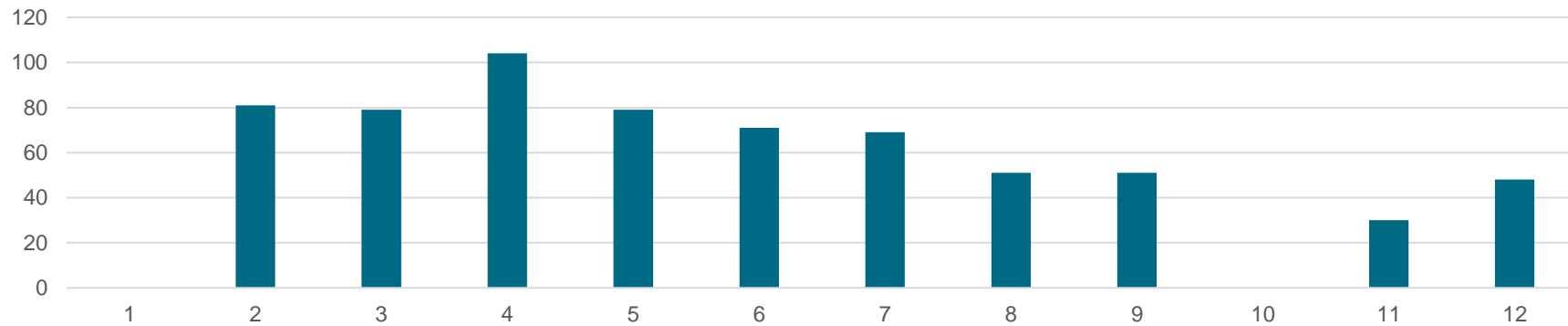
Other Building Permits



**Average  
2023**

**101**

**2024 - Other Building Permits – 55.25**



## Planning: building inspections: 468

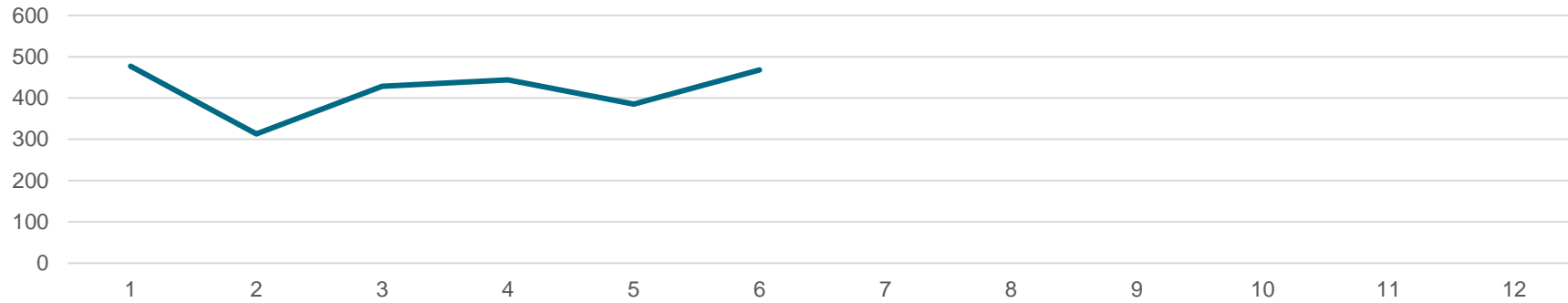
**Average  
2022**

**691**

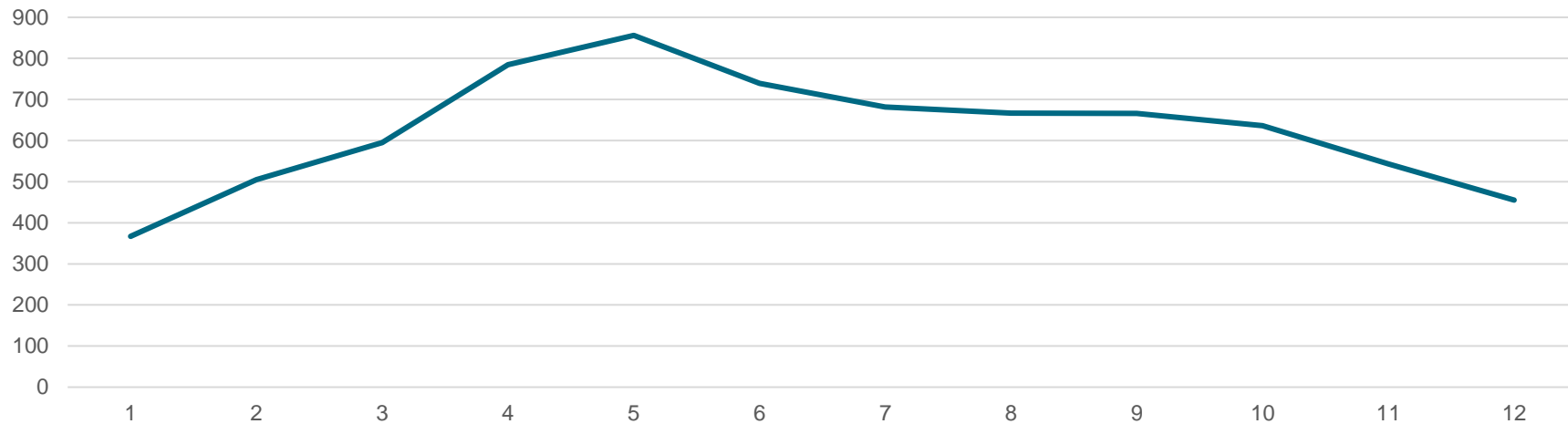
**Average  
2023**

**728**

Building Inspections



**2024 - Building Inspections – 624.67**



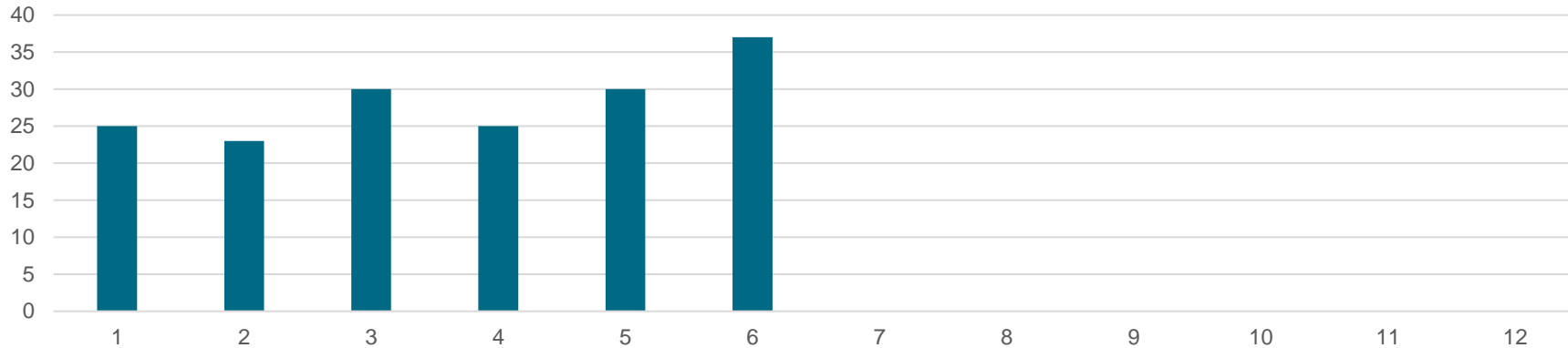


## Community Engagement: submission forms through website: 37

**Average  
2022**

**23**

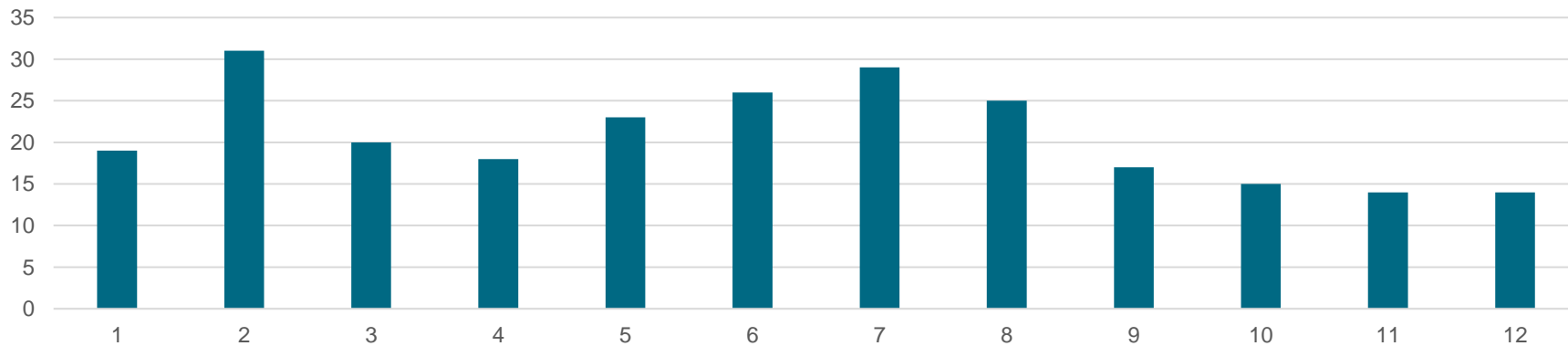
Web site postings we responded to



**Average  
2023**

**24.58**

2024 - Web site postings we responded to – 20.92



## Community Engagement: social media engagement: 14,693

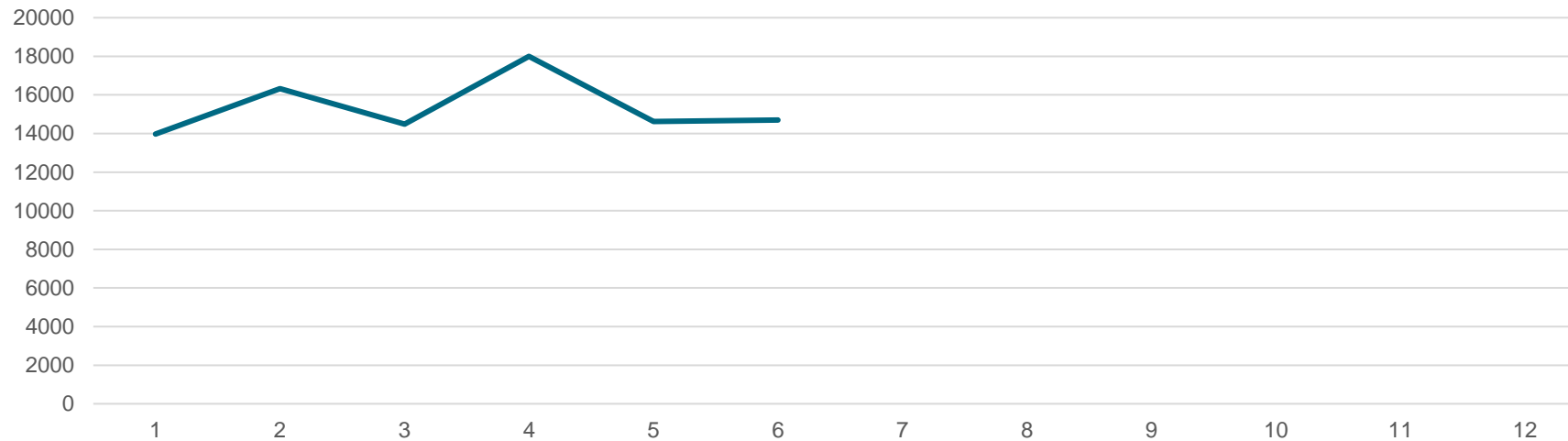
**Average  
2022**

**7942.5**

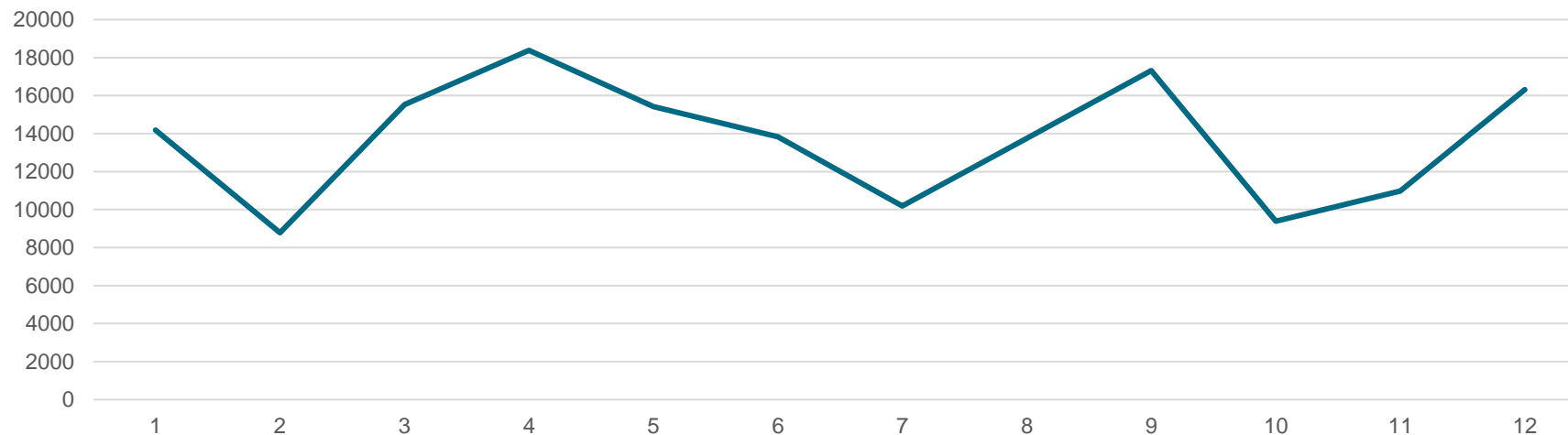
**Average  
2023**

**7560.8**

Social Media Engagement



**2024 - Social Media Engagement – 13672.92**



## City Recorder: Public Records Requests: 8

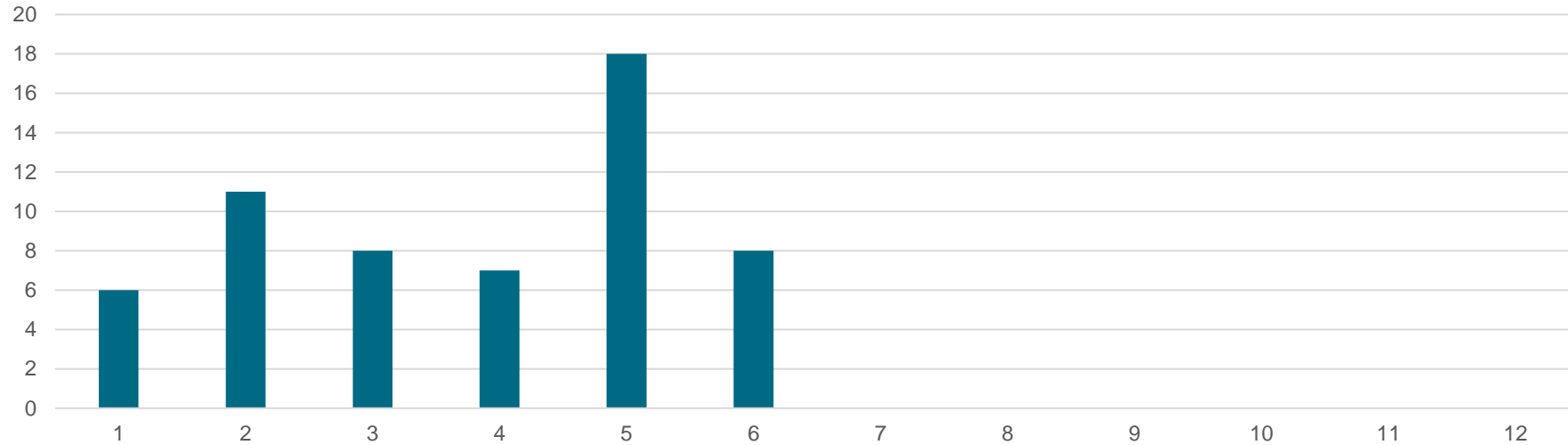
**Average  
2022**

**4.5**

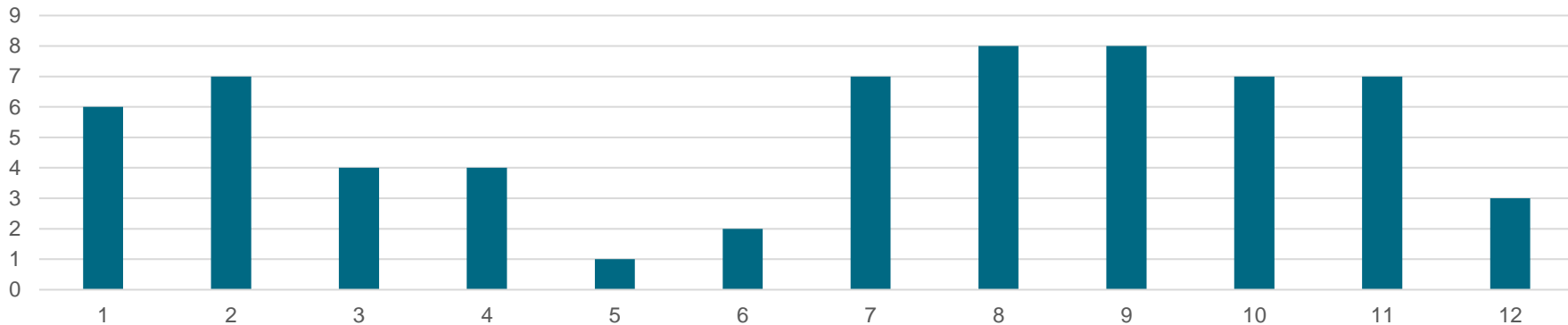
**Average  
2023**

**5.5**

Public Information Requests



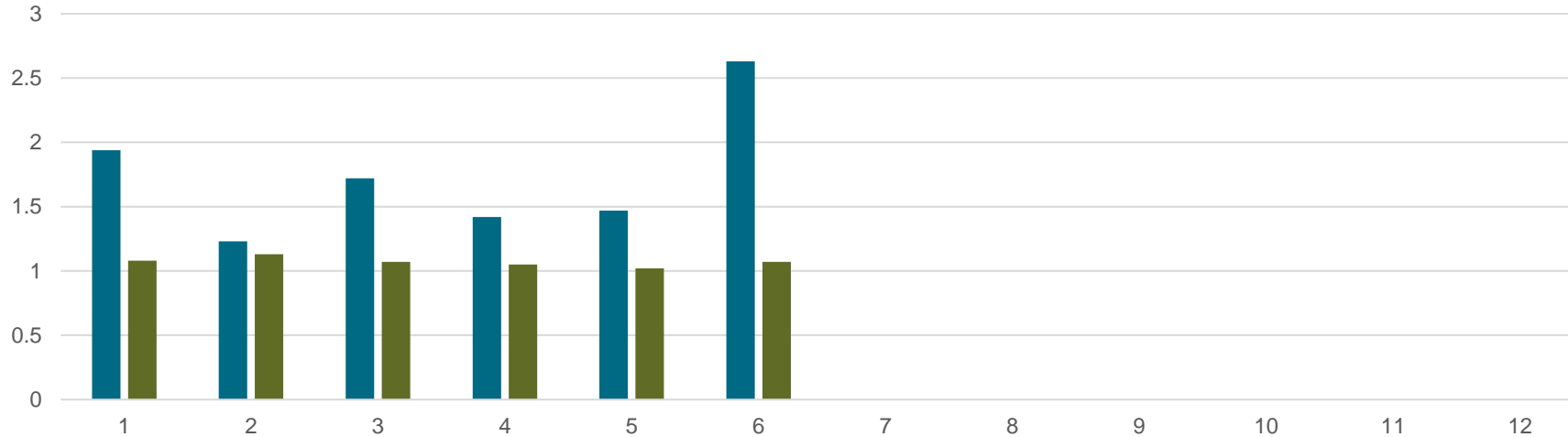
2024 - Public Information Requests – 5.33





# Finance: \$2.63 M of payments to accounts payable & \$1.07 M of payroll

Accounts Payable \$ and Payroll \$



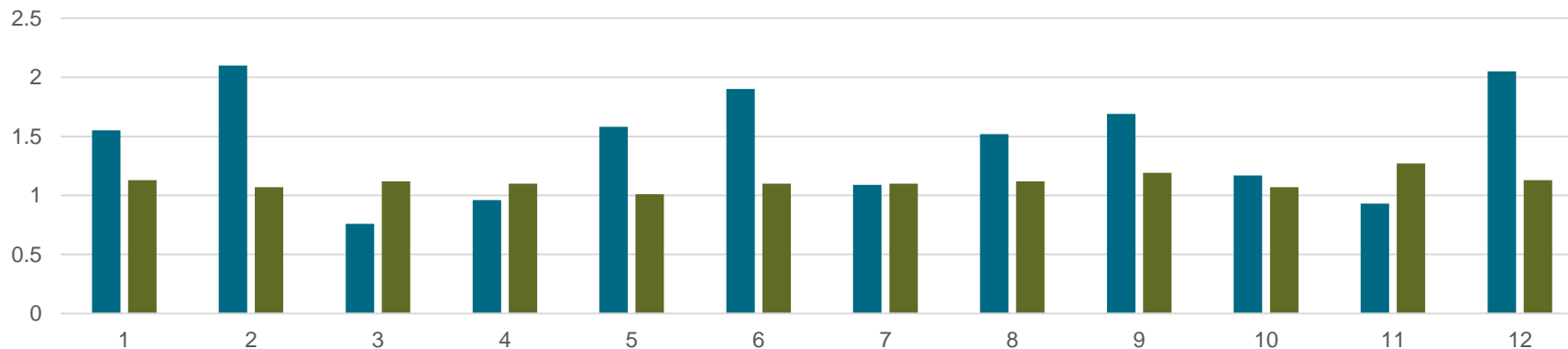
**Average  
2022**

**AP**  
**\$1.75 M**  
**Payroll**  
**\$0.93 M**

**Average  
2023**

**AP**  
**\$2.56 M**  
**Payroll**  
**\$1.01 M**

2024 - Accounts Payable \$1.44 and Payroll \$1.12

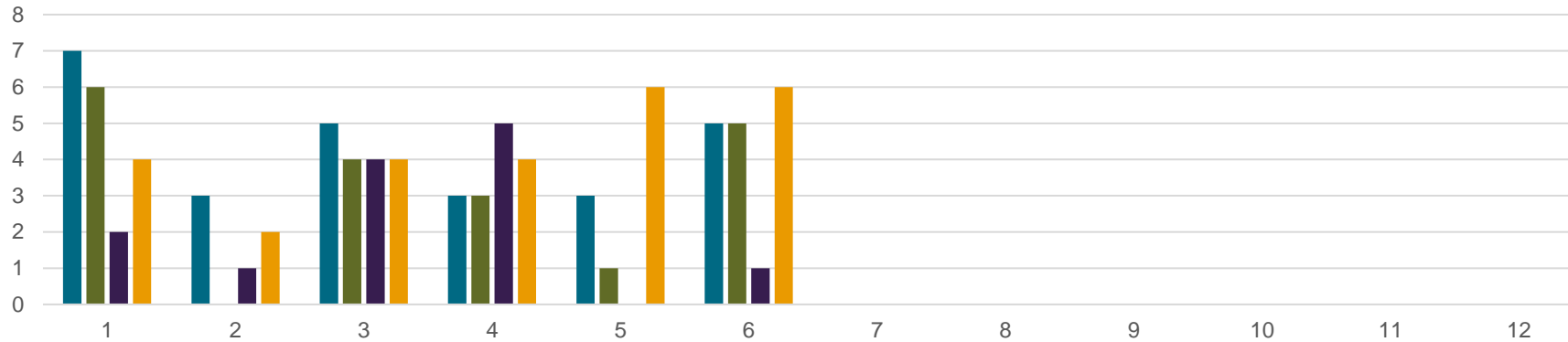


**Average  
2022**

**Recruitments**  
**5.6**  
**Hires**  
**1.9**  
**Separations**  
**1.6**  
**Claims**  
**2.6**

**HR: Recruitments advertised - 5 Hires: 5 Separations: 1,  
FMLA / ADA / OFLA / workers comp claims: 6**

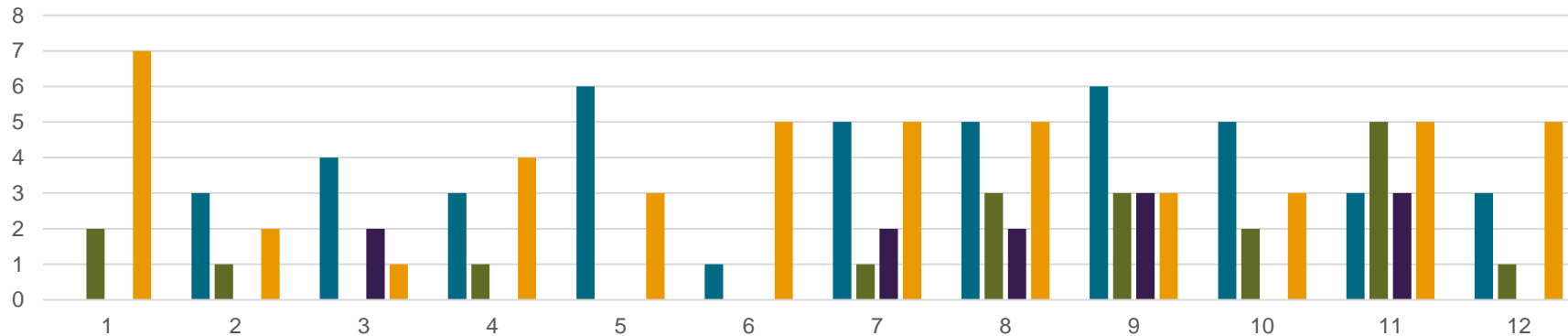
Recruitments, Hires, Separations, Claims



**Average  
2023**

**Recruitments**  
**4.17**  
**Hires**  
**1.92**  
**Separations**  
**1.08**  
**Claims**  
**3.33**

**2024 – Recruitments 3.67, Hires 1.58, Separations 1.00, Claims 4.00**

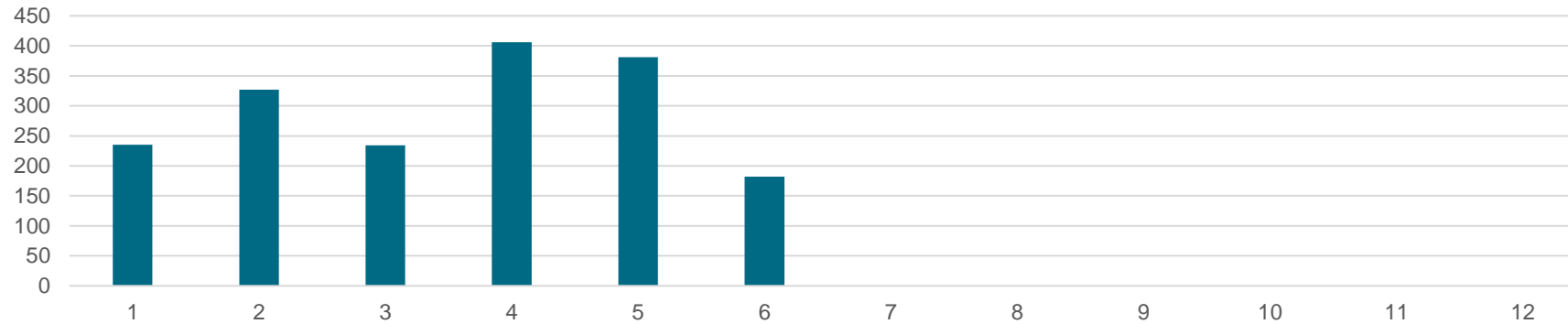


IT resolved 182 service tickets for the city.

**Average  
2022**

**203.4**

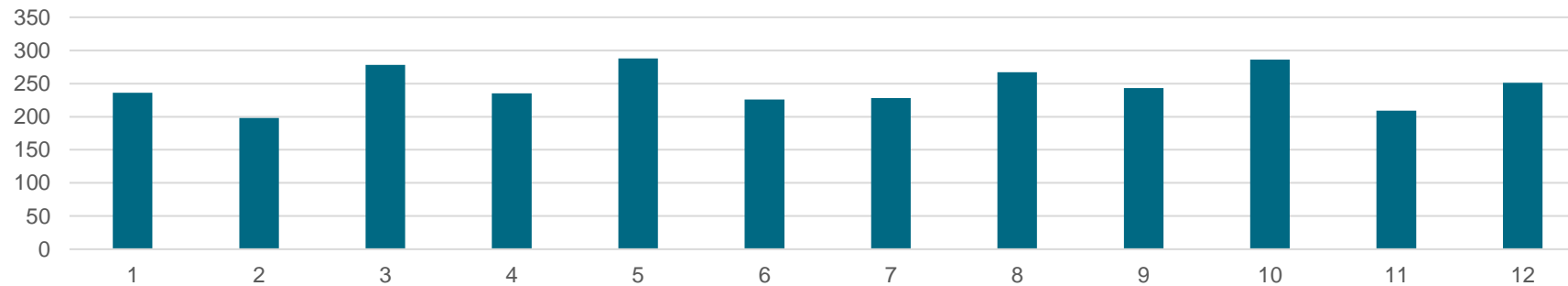
Service Tickets



**Average  
2023**

**232.3**

**2024 - Service Tickets – 245.42**

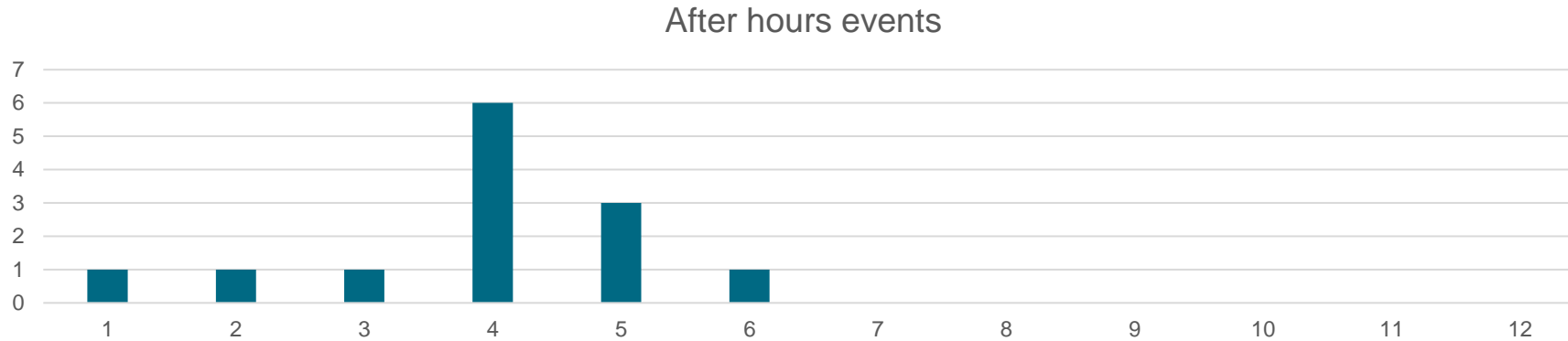




IT responded to 1 after hours on-call events.

**Average  
2022**

**3.6**



**Average  
2023**

**2.58**

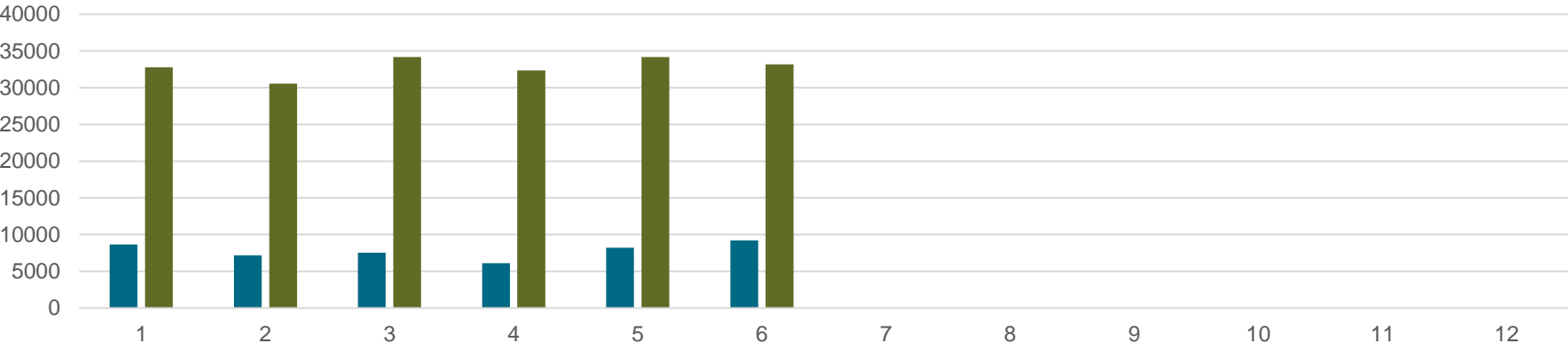


# Library Activity: Door count 9203, Circulation events 33,168

**Average  
2022**

**Door Count  
7108  
Circulation  
Events  
23,418**

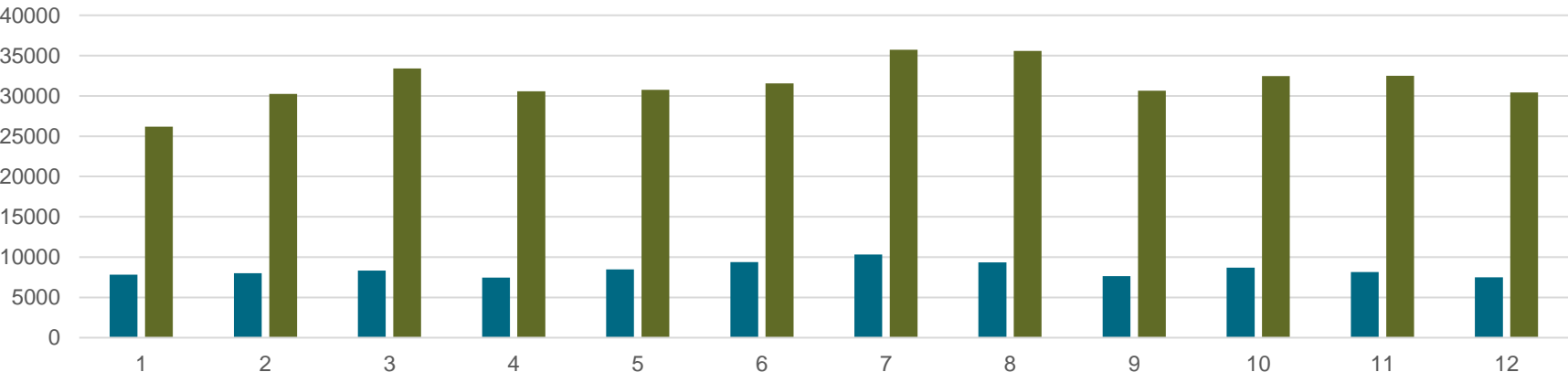
Door Count, Circulation Events



**Average  
2023**

**Door Count  
8372  
Circulation  
Events  
25,889**

**2024 - Door Count 8426.17, Circulation Events 31668.58**

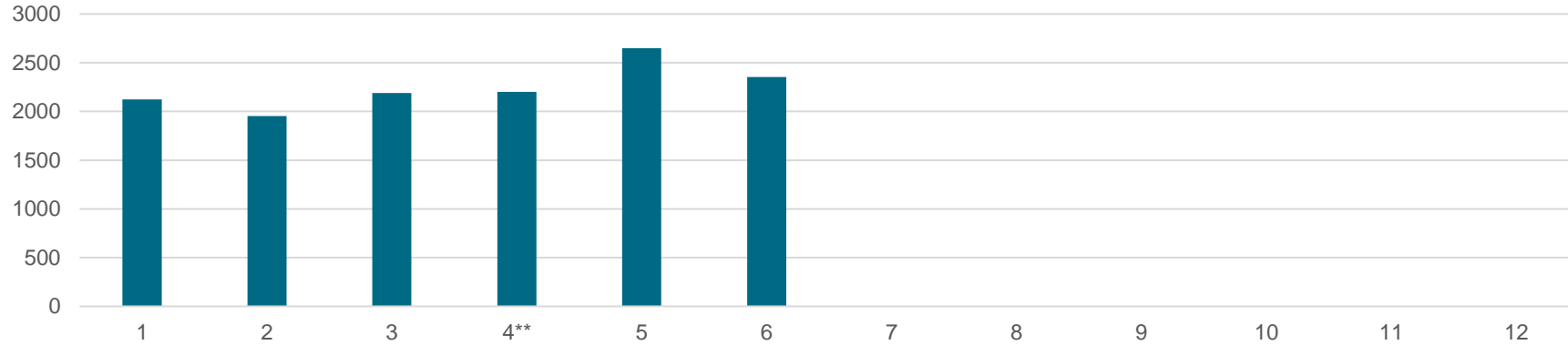


## Public Safety: 2354 – calls for service

**Average  
2022**

**2065**

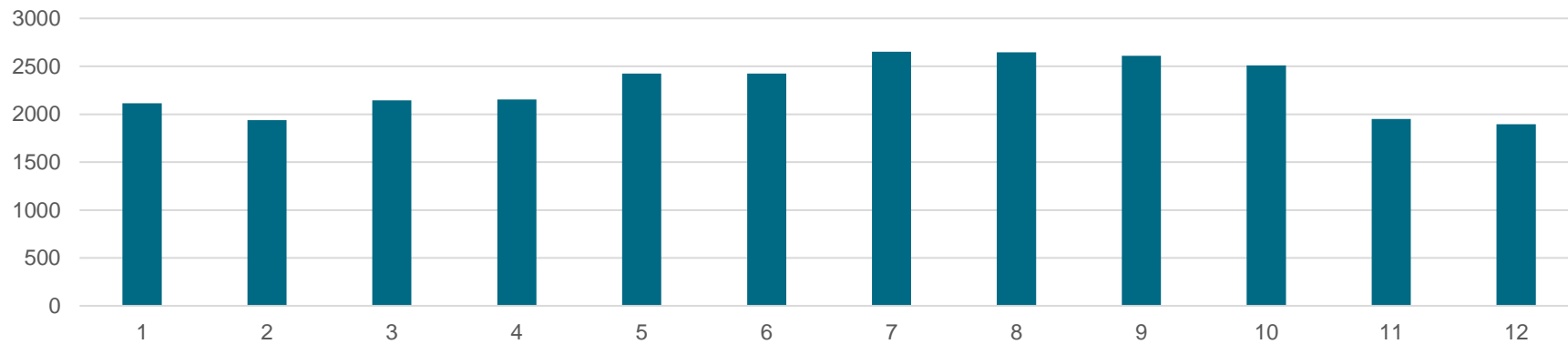
Calls for service



**Average  
2023**

**2206**

**2024 - Calls for service – 2288.58**



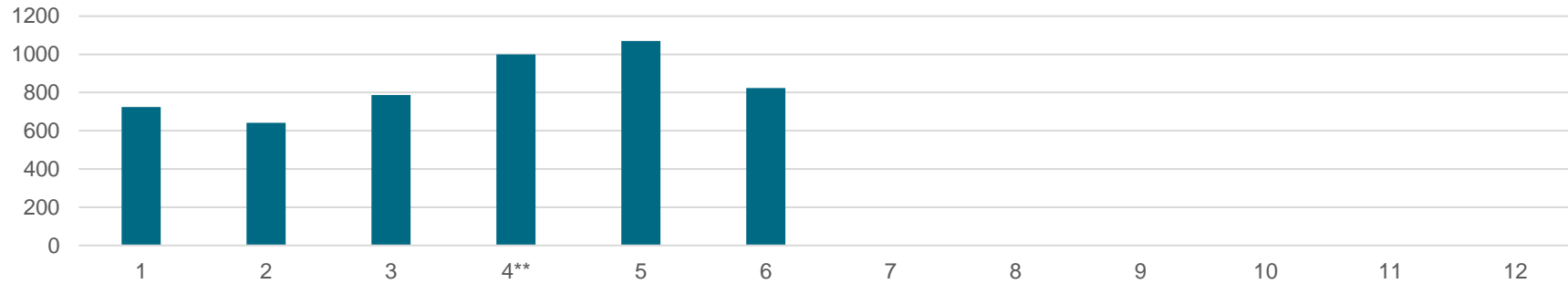


## Public Safety: 823 – traffic stops

**Average  
2022**

**561**

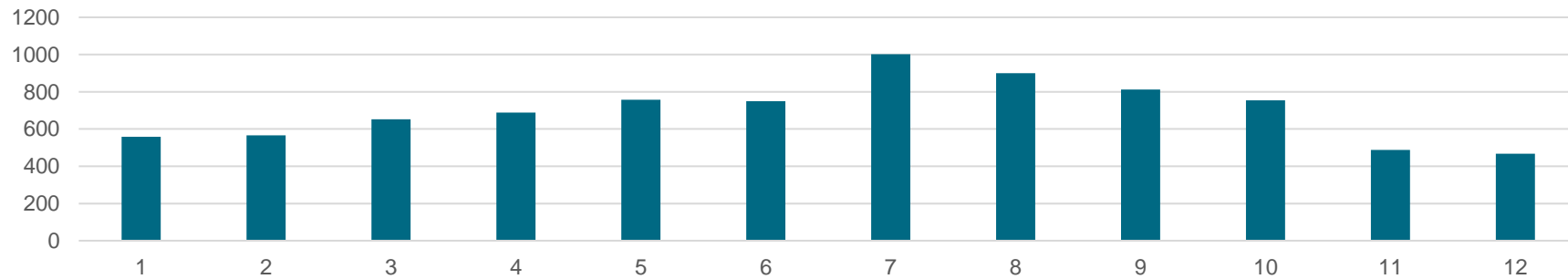
Traffic Stops



**Average  
2023**

**557**

2024 - Traffic Stops – 699.42

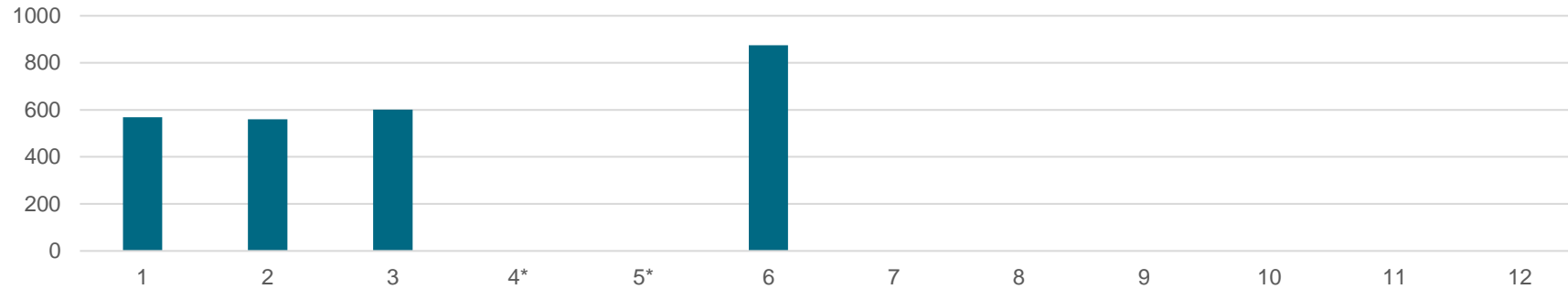


## Public Safety: 875 – citations & warnings

**Average  
2022**

**428**

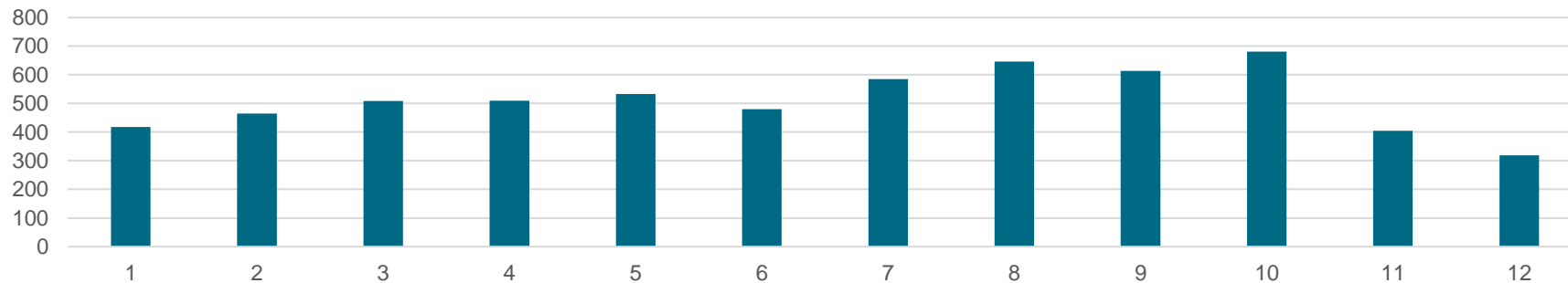
Citations and Warnings



**Average  
2023**

**433**

**2024 - Citations and Warnings – 513.67**

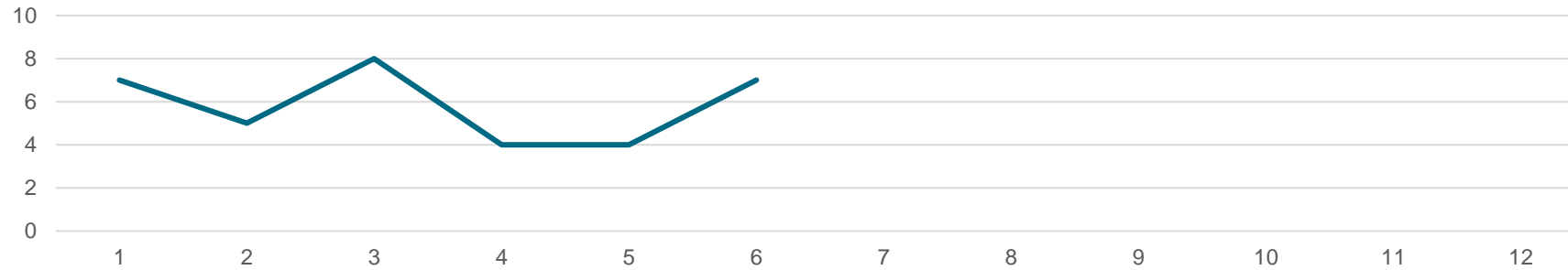


## Public Safety: 7 – DUI's

**Average  
2022**

**12.1**

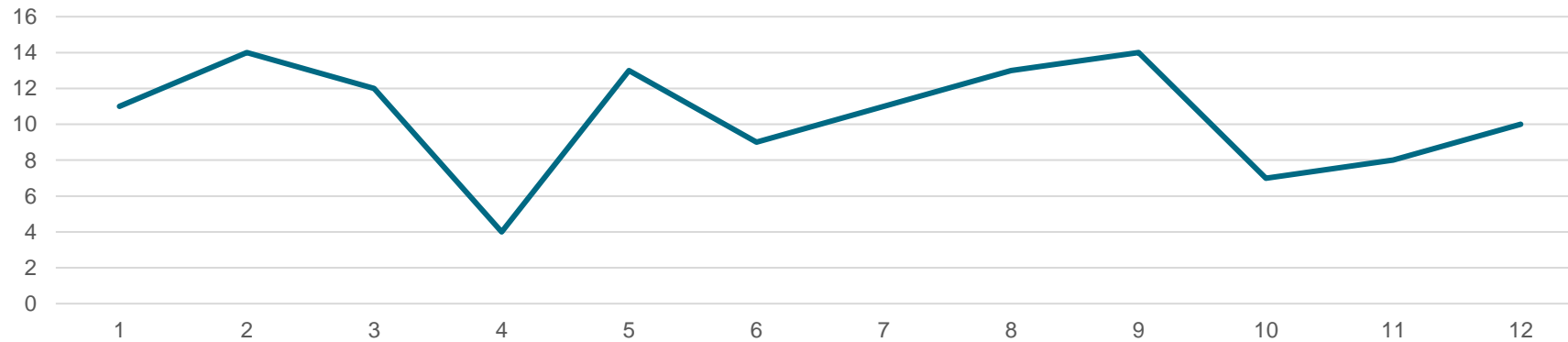
DUIs



**Average  
2023**

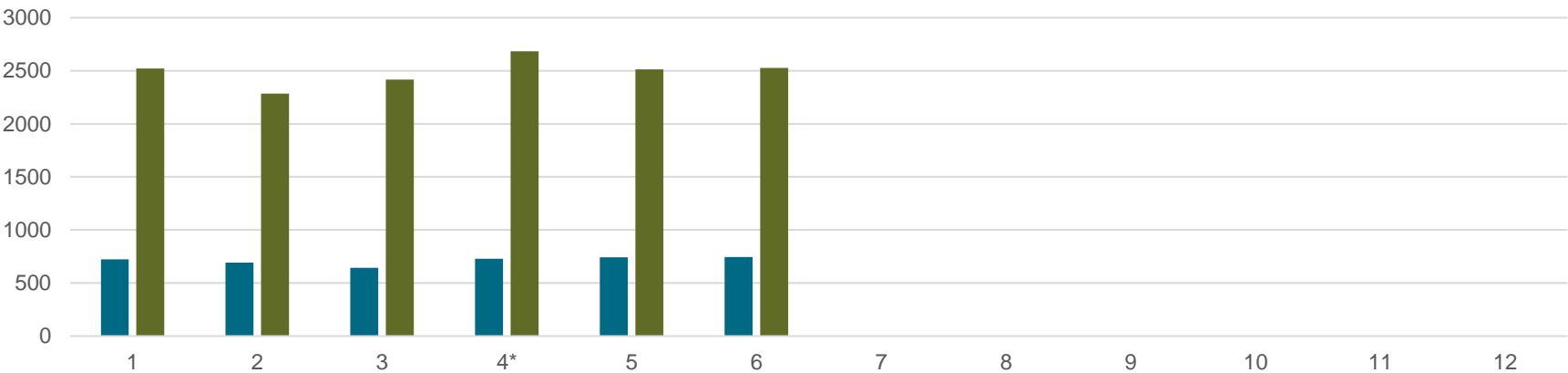
**9.83**

**2024 – DUIs – 10.50**



# Dispatch: 746 “911” calls & 2528 non-emergency calls

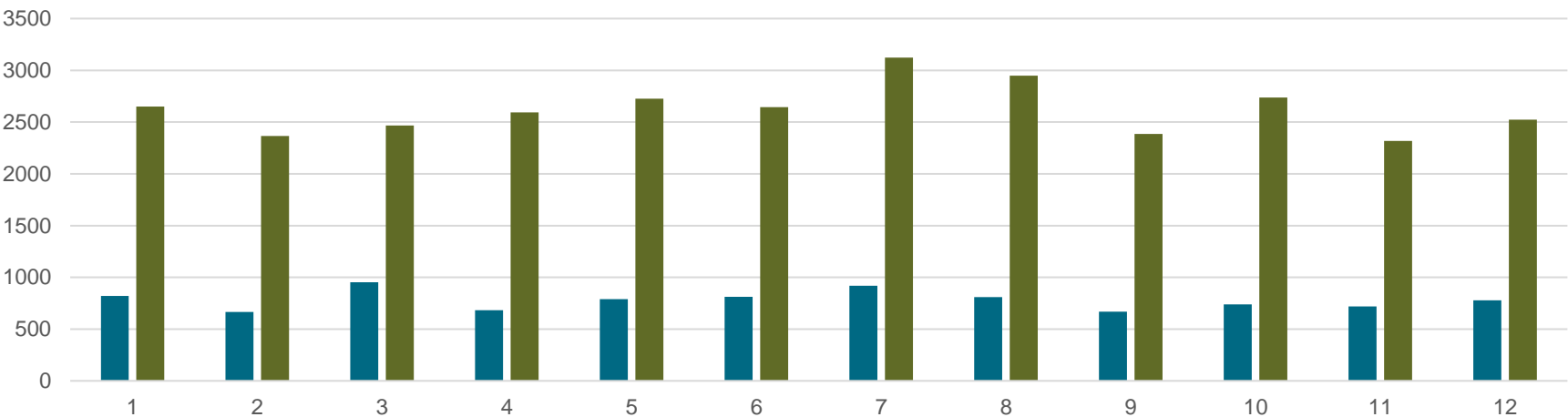
911 calls, Non emergency calls



## Average 2023

**911 Calls**  
892  
**Non-Emergency Calls**  
3214

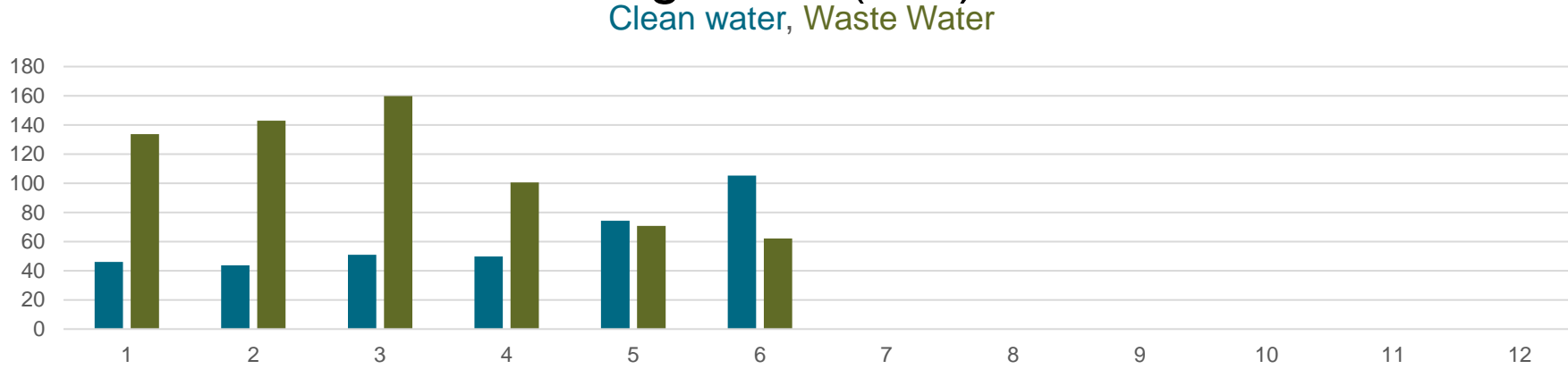
2024 - 911 calls - 779.67, Non emergency calls – 2623.67



# Public Works: water production was 105.22 million gallons, & 62.19 million gallons (MG) were treated

**Average  
2022**

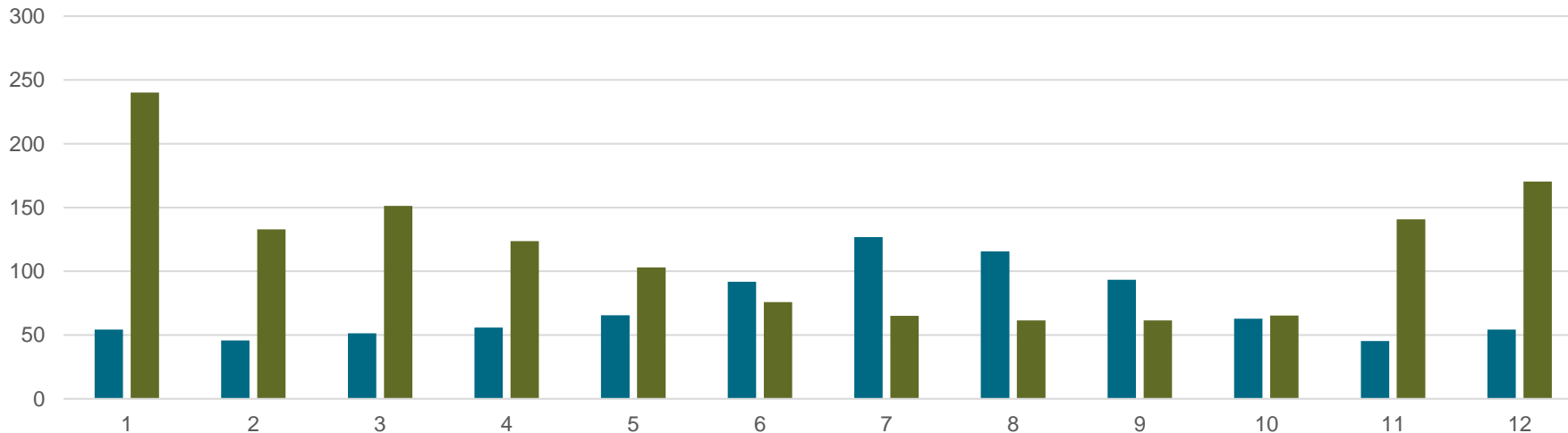
**Clean Water  
69.45 MG**  
**Waste Water  
105.46 MG**



**Average  
2023**

**Clean Water  
73.33 MG**  
**Waste Water  
108.20 MG**

**2024 - Clean water – 71.89, Waste Water – 115.92**



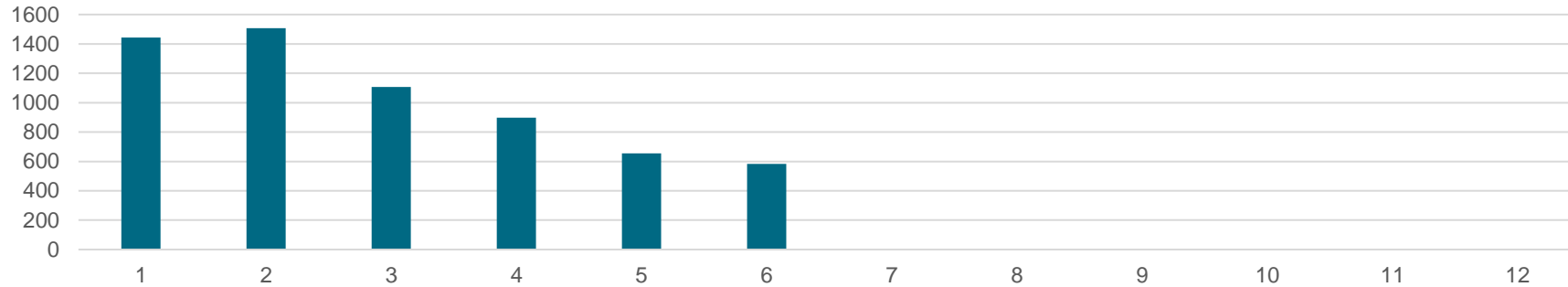


## Public Works: 584 work orders completed

**Average  
2022**

**1452.6**

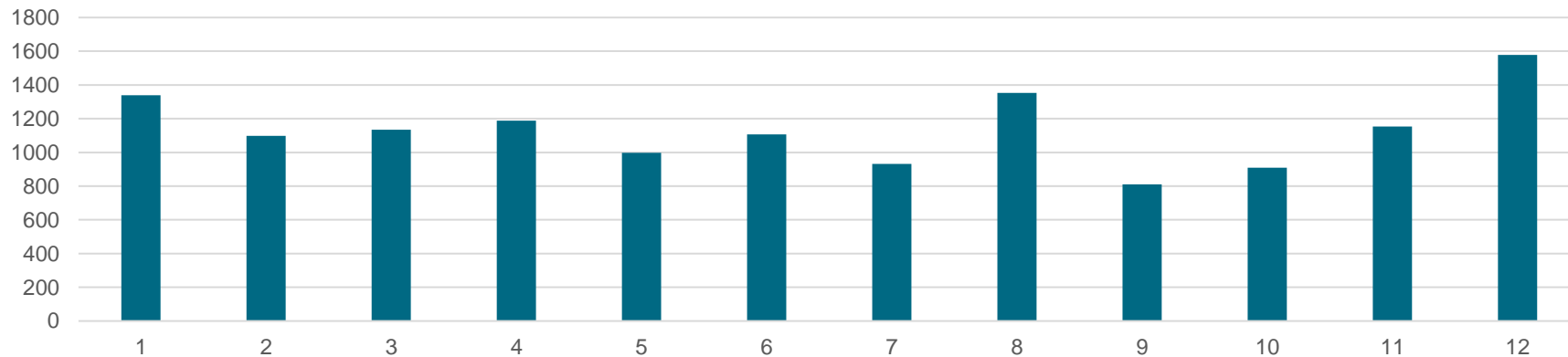
Work orders completed



**Average  
2023**

**1677**

**2024 - Work orders completed – 1133.42**



# So that's the totals to the end of June

- More PRRs by August than the whole of 2024!
- Building inspections holding steady at mid 400s
- Socials engagement and library stats way up from last year so far.

Highest water production ever this summer ...

Questions?

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: August 18, 2025**

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

No. 2025-3985

Subject: Authorizing the Police Department to Purchase two new Chevy pickups. The pickup will be upfitted for patrol to use as drone vehicles.

Staff: Dave Brooks / Jeff Kosmicki  
Department: Police

Business Session

Order On Agenda: Consent calendar

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:** Authorize the Police Department to purchase two purpose-built Chevrolet Silverado trucks for drone response vehicles that also carry and deploy drone equipment. \$101,118.60

**Executive Summary:** The money for these vehicles was not budgeted. The money was awarded to the NDPD Police Foundation from a grant. The City of Newberg will purchase the vehicles, and the city will recover the money after billing the foundation. This process allows the department to obtain vehicles on state bid and owned by the City of Newberg.

Currently when drones are deployed, officers are placing the equipment outside of the vehicle. While the aircraft itself is waterproof, the storage and charging equipment is not. Purpose-built drone trucks will provide more cargo space to keep unused equipment stored out of the elements.

Drones provide law enforcement with enhanced situational awareness, officer and citizen safety, and cost-effective aerial capabilities for surveillance, search and rescue, crime scene documentation, traffic management, emergency response, and tactical operations. They offer real-time intelligence, faster response times, improved evidence collection, and enable officers to assess dangerous situations from a safe distance before making contact.

**Fiscal Impact:** No fiscal impact on the biennial budget.

**Council Goals:** Purchasing this equipment meets council goals 1 and 4.



# RESOLUTION No. 2025-3985

**A Resolution authorizing the Police Department to Purchase two new Chevy pickups to use as drone vehicles.**

## **Recitals:**

1. The Police Department needs two pickup trucks for use as drone response vehicles.
2. Drone deployment enhances situational awareness, officer and citizen safety, and cost-effective capabilities for operations.
3. The City of Newberg has a state bid for vehicle purchases.
4. The Police Foundation has received a grant to purchase two vehicles for drone response.
5. The City would like to purchase the vehicles under their contract and be reimbursed by the foundation through the grant.

## **The City of Newberg Resolves as Follows:**

1. Authorize the Police Department to purchase two Chevrolet Silverado's in the amount of \$101,118.60
2. Authorize the Police Department to accept reimbursement for the purchase of the vehicles through the NDPD Police Foundation.

**Effective Date** of this resolution is the day after the adoption date, which is: August 19<sup>th</sup>, 2025.

**Adopted** by the City Council of Newberg, Oregon, this 18<sup>th</sup> day of August 2025.

\_\_\_\_\_  
Rachel Thomas, City Recorder

**Attest** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Bill Rosacker, Mayor

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: August 18, 2025**

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input checked="" type="checkbox"/> Information <input type="checkbox"/>	
Subject: Street Art Community Project	Staff: Scot Siegel and Leanne Wagener Department: Community Development Department File No. n/a
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:** Motion to direct staff to proceed with the pilot. Staff also requests any feedback that City Council may have for support and facilitation of this or other street painting efforts.

**Background:** On May 19, 2025, community member David Heddy presented a concept for a neighborhood street painting event that may serve as a pilot project for similar projects in the future. At that time, Council was supportive of the concept and directed staff to work with Mr. Heddy on developing a plan for a public art street painting event in his neighborhood (Jodi Ct). Council specifically requested that Mr. Heddy refine the concept, gain neighborhood consent, and prepare a timeframe for implementation.

Staff from Community Development, Public Works, Engineering, and the City Manager, met with Mr. Heddy to learn about the proposal and provide information on city policies and procedures for work in street rights-of-way. Staff have also begun reviewing similar projects and programs in other jurisdictions in preparation for administrative review and processing for similar projects in Newberg.

**Fiscal Impact:** None, as this will be a volunteer based project.

## **Council Goals:**

The proposed community project may align with the following goals:

- Goal 4: Create and maintain a high level of transparency with our residents in order to build trust
- Goal 6: Revitalize and beautify the appearance and utility of Newberg's downtown area (if replicated in a designated area of Newberg's downtown)

# Insurance Protection for your Board or Council



*City of Newberg*

*Presented by:*  
Marcus Pitts  
Account Executive – Public Entity  
Practice  
Brown & Brown Northwest





# City County Insurance Services

1

Who We Are

2

What Services Do We Provide

3

The Insurance Pool

4

Who/What is Covered

5

How Insurance Applies to the Board

# O.R.S. 30.260 – Oregon Tort Claims Act

## What Is a Tort

- Wrongful act that results in injury to person or property
- Duty Owed | Duty Breached
- Who is covered by the tort claims act
- What are the limits of damages (June 2025 – June 2026)
  - » \$855,200 – liability – single
  - » \$1,710,200 – liability multiple
  - » \$140,300 – property damage
  - » \$701,300 – property damage – multiple



# Duties Owed

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Duty of Care (Diligence)

Duty of Loyalty

Act in good faith and  
with fair dealing

No unfair profit

Avoid conflict of interest  
situations

Duty of Obedience

Compliance with the  
provisions of the  
applicable state  
corporation statute and  
with the charter, articles,  
and bylaws

Charter / Articles /  
Bylaws

# Common Sources of Claims

Breach of governing documents

Breach of fiduciary duty

Improper use of association funds (fraud, embezzlement, theft, etc.)

Discrimination

Sexual harassment

Lack of oversight

Selective enforcement

Conflicts of interest

Bribery

Libel or slander

Negligence

Illegal eviction

Privacy violations

Injuries suffered on-premises

# CIS Insurance Policy Coverage

## What is a “Member”

**Member** means the entity named on the declarations page and its officers, employees and agents including volunteers, **authorized to act on behalf of the named member, all acting within the scope of their employment or duties** whether arising out of a governmental or proprietary function.

Exclusion for liability attributable to (paraphrased):

- (1) The member gaining profit, advantage or remuneration
- (2) Willful violations of state or local statute, ordinance or regulation.
- (3) Fines and penalties
- (4) Claims of conversion relating to money of any form.



# Working Within Your Coverage

## Council Members

- Council Members are empowered only during sanctioned Council meetings where a quorum is present.
- All members must be acting within the course and scope of their employment or duties, whether arising out of a governmental or proprietary function.
- Otherwise they may not be “members” as defined in the CIS Policy.





# Council Member Ethics Complaints

## Coverage Discussion – (OGEC Sublimit)

\$7,500 defense costs – Per official

\$15,000 Per coverage year

- Must Notify within 30 days
- Must Cooperate
- Must Prevail
  - » Defense costs are not covered unless you “prevail”
  - » Costs are reimbursed



## Examples



- Online – Council member writes a response to an unfair criticism on Facebook
- Press Release – Council member called at home by the Oregonian asking for comments
- Auto Liability – Attending a conference and involved in an auto accident
- Ethics Violation – Accused of creating public policy for one's own benefit or enrichment



## Ensuring Insurance Coverage:

As a Council – be deliberate about:

- WHO you are asking to speak
- WHEN they speak for the Board  
How Often  
What Context, and  
Delivering What Message

As a Board Member:

- Think twice about your actions
- Don't assume you are covered outside the scope of your duties.



# QUESTIONS?

M a r c u s   P i t t s   |   5 0 3 . 6 1 6 . 8 7 8 5



*Any solicitation or invitation to discuss insurance sales or servicing is being provided at the request of Brown & Brown of Oregon LLC, an owned subsidiary of Brown & Brown, Inc. Brown & Brown of Oregon LLC only provides insurance related solicitations or services to insureds or insured risks in jurisdictions where it and its individual insurance professionals are properly licensed.*



# REQUEST FOR COUNCIL ACTION



**Date Action Requested: August 18, 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: Construction Noise Hours – NMC 8.15.150				Staff: Scot Siegel, CDD; Sgt Ronning and Neal Winter, PD; Brian Kershaw, Capital Projects	
Work Session <input checked="" type="checkbox"/> Business Session <input type="checkbox"/>				Order On Agenda:	

**Is this item state mandated?** Yes ☐ No ☒

**Recommendation:** Receive information on existing code limitations on construction hours and provide direction to staff on amending the hours based on industry standards.

**Executive Summary:** NMC Chapter 8.15 regulates unnecessary and excessive noise. Section 8.15.150 regulates noise from construction by limiting construction or repair of buildings and excavation of streets to the hours of 7:00 a.m. - 7:00 p.m. on weekdays only, except in the case of emergencies. See **Attachment 1** containing the existing code text.

Newberg's regulations are more restrictive than those of its neighbors, most of whom allow limited construction on weekends. See **Attachment 2**. By limiting construction to weekdays only, Newberg may be prolonging construction noise and adding cost and delays to the development process.

Newberg code authorizes permits for construction during restricted hours for not more than three days when it determines that a "the public health and safety... will not be impaired... and [a] loss or inconvenience would otherwise result". The Newberg Police Department has issued five permits during the past year. According to Capital Projects staff, typical reasons cited for extra work hours, or "loss or inconvenience" if a permit is not granted, include:

- Grading and dirt work in dry weather/optimal working conditions to avoid seasonal delays.
- Concrete plant deliveries are scheduled months in advance. Extended work hours increase availability for this critical part of the supply chain and avoids delays.
- Paving has the same supply chain considerations as concrete.
- Achieve final completion of homes sooner to increase housing production.
- Overtime work hours equate to more worker-pay and helps to retain workforce.

Staff has prepared the draft code amendment in **Attachment 3** extending construction hours to Saturdays, and between the hours of 9:00 a.m. and 5:00 p.m. on Sundays, and clarifying "construction", for Council's feedback and direction.

**Fiscal Impact:** No direct impact on the city budget

**Council Goals:** Goal 1: Continue to create and maintain a high level of customer service. A: Ensure Newberg infrastructure (roads, water, city employees) is in good repair and supply.

## Attachment 1

### Newberg Municipal Code

#### 8.15.150 Unnecessary noise – Permitted exceptions.

##### A. Unreasonable Noise and Exceptions.

3. The following acts are declared to be per se violations of this section. This enumeration does not constitute an exclusive list:

//

j. Construction or Repair of Buildings, or Excavation of Streets and Highways. The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays. In cases of emergency, construction or repair noises are exempt from this provision. In nonemergency situations, the city may issue a permit, upon application, if the city determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m. will not be impaired, and if the city further determines that loss or inconvenience would otherwise result. The permit shall grant permission in nonemergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.

//

F. Exemptions. The following sounds or noise-producing actions are deemed to be of such importance to the community as to be exempted from the provisions of this section within the limits established below:

//

4. Sounds produced by the performance of emergency work, vehicles or equipment, including police, fire and ambulance.

//

8. Sounds produced by a public utility, its agents or contractors, in the act of construction, repair, or maintenance of a public improvement or utility.



**Attachment 2**  
**Construction Hours for Buildings and Streets Comparison**

	<b>Mon-Fri</b>	<b>Sat</b>	<b>Sunday</b>	<b>Holidays</b>	<b>Notes</b>
<b>Newberg</b> NMC 8.15.150.3.j	7am-7pm	No	No	-	Construction or Repair of Buildings, or Excavation of Streets and Highways. Exceptions by permit (3 days), renewable once for “loss or inconvenience”. Allows for emergencies too.
<b>Dundee</b> DMC 8.28.040 (Noise Limits) DMC 8.28.050.I (Exceptions)	7am-7pm	9am-6pm	No	-	Sounds originating from the construction, demolition, alteration or repair of any building or the excavation of streets and highways (exception to dBA limits). Variances approved by City Council for hardship. No limit on utility work.
<b>McMinnville</b> MMC 8.10.260	7 am-8pm	7 am-8pm	7 am-8pm	-	Construction Noise. The erection, including excavation, demolition, alteration or repair, of any building in residential districts (exception to dBA limits). Special permit by the city manager or designee (no criteria).
<b>Sherwood</b> SMC 9.52.050 (Noises Prohibited) SMC 9.52.060 (Exemptions)	Daytime hours	Daytime hours	Daytime hours	-	Construction or repair of buildings. The construction, demolition, alteration, or repair of any building <b>during night hours</b> . In cases of emergency, construction or repair noises are exempt from this provision. Flexibility for maintenance, construction, demolition, or repair of public improvements “when public welfare and convenience renders it impractical...”
<b>Lake Oswego</b> LOC 34.10.539	7am-6pm	8am-6pm (residential zones) 7am-6pm (nonresidential zones only)	No	*	The erection, excavation, demolition, alteration or repair of any building or structure. *Allows work that does not require a permit on Sundays and Holidays between 10am-6pm. Exceptions by special permit by city manager.

No special restrictions (-)

## **Attachment 2**

### **Construction Hours for Buildings and Streets Comparison**

#### **Newberg Municipal Code**

##### **8.15.150 Unnecessary noise – Permitted exceptions.**

A. Unreasonable Noise and Exceptions.

3. The following acts are declared to be per se violations of this section. This enumeration does not constitute an exclusive list:

//

j. Construction or Repair of Buildings, or Excavation of Streets and Highways. The construction, demolition, alteration or repair of any building or the excavation of streets and highways other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays. In cases of emergency, construction or repair noises are exempt from this provision. In nonemergency situations, the city may issue a permit, upon application, if the city determines that the public health and safety, as affected by loud and raucous noise caused by construction or repair of buildings or excavation of streets and highways between the hours of 7:00 p.m. and 7:00 a.m. will not be impaired, and if the city further determines that loss or inconvenience would otherwise result. The permit shall grant permission in nonemergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.

#### **Dundee Code**

DMC 8.28.050.I

I. Sounds originating from the construction, demolition, alteration or repair of any building or the excavation of streets and highways between the hours of 7:00 a.m. and 7:00 p.m. on weekdays, or between the hours of 9:00 a.m. and 6:00 p.m. on Saturdays.

#### **McMinnville Code**

MMC 8.10.260

7. *Construction Noise.* The erection, including excavation, demolition, alteration or repair, of any building in residential districts, other than between the hours of 7:00 a.m. and 8:00 p.m., except upon special permit granted by the city manager or designee;

## Attachment 2

### Construction Hours for Buildings and Streets Comparison

#### Sherwood Code

SMC 9.52.050

12.

Construction or repair of buildings. The construction, demolition, alteration, or repair of any building during night hours. In cases of emergency, construction or repair noises are exempt from this provision.

SMC 9.52.060

Sounds caused by the following are exempt from the prohibitions set out in Sections [9.52.040](#)—[9.52.050](#); these exemptions are in addition to the exemptions specifically set forth in Section [9.52.050](#):

//

2.

Sounds made by activities by or at the direction of the city, the state, or the federal government in maintenance, construction, demolition, or repair of public improvements in public rights-of-way or easements, provided that such activities shall not take place during night hours except when public welfare and convenience renders it impractical to perform the work during day hours.

#### Lake Oswego Code

[§ 34.10.539](#)**Specific Noise Prohibitions.**

//

[d.](#)

**Attachment 2**  
**Construction Hours for Buildings and Streets Comparison**

The erection, excavation, demolition, alteration or repair of any building or structure at any time other than during the following hours, except by special permit granted by the City Manager:

**i.**

Between the hours of 7:00 a.m. and 6:00 p.m. Monday through Friday in residential zones, or Monday through Saturday in other than residential zones;

**ii.**

Between the hours of 8:00 a.m. and 6:00 p.m. on Saturday in residential zones;

**iii.**

Between the hours of 10:00 a.m. and 6:00 p.m. on Sunday and the following holidays, if such work does not require a permit under Chapter **45** of this Code:

**A.**

New Years Day (January 1);

**B.**

Labor Day (the first Monday in September);

**C.**

Thanksgiving Day (the fourth Thursday in November);

**D.**

Christmas Day (December 25);

**E.**

**Attachment 2**  
**Construction Hours for Buildings and Streets Comparison**

Monday, when New Years Day or Christmas Day falls on the preceding Sunday; and

**F.**

Friday, when New Years Day or Christmas Day falls on the succeeding Saturday. Absent a special permit granted by the City Manager, performance of such work at any time on Sunday or on any of the holidays listed in subsection 1 (d)(iii) A through F of this section shall violate this section if the work is of a type that requires a permit under Chapter **45** of this Code.

**e.**

In residential zones, the use or operation, by persons engaged in construction activity that requires a permit under Chapter **45** of this Code, of any device designed for sound production or reproduction so as to be plainly audible off the premises where the construction activity occurs. As used in this subsection **(e)**, "construction activity" shall mean the erection, excavation, demolition or repair of any building or structure.

**Attachment 3**  
**Draft Code Amendment**

**Newberg Municipal Code**

**8.15.150 Unnecessary noise – Permitted exceptions.**

A. Unreasonable Noise and Exceptions.

3. The following acts are declared to be per se violations of this section. This enumeration does not constitute an exclusive list:

//

j. ~~Construction, or Repair of Buildings, or Excavation of Streets and Highways. The~~ such as construction, demolition, alteration or repair of any structure-building, or the excavation of streets and highways, or construction of underground utilities, other than between the hours of 7:00 a.m. and 7:00 p.m. on weekdays and Saturdays and between the hours of 9:00 a.m. and 5:00 p.m. on Sundays. In cases of emergency, construction or repair noises are exempt from this provision. In nonemergency situations, the city may issue a permit, upon application, if the city determines that the public health and safety, as affected by loud and raucous noise caused by construction ~~or repair of buildings or excavation of streets and highways~~ between the hours of 7:00 p.m. and 7:00 a.m. on a weekday or Saturday will not be impaired, and if the city further determines that loss or inconvenience would otherwise result. The permit shall grant permission in nonemergency cases for a period of not more than three days. The permit may be renewed once for a period of three days or less.

#

**Comment:** Amendment extends construction hours to Saturday and provides limited Sunday workhours consistent with neighboring jurisdictions to minimize the duration of construction noise and support economic development and housing construction. Maintains existing provisions for emergencies and nonemergency cases but does not allow for nonemergency extension of workhours on Sundays.

Edited description of construction because existing code omits some types of construction such as underground utilities and non-building structures. Other exemptions exist for franchise utility construction by public utility, its agents or contractors in NMC 8.15.150.F.

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: August 18, 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: Information on repealing several outdated and obsolete Code sections.				Staff: Rachel Thomas Department: Admin	
				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:**

**Recommendation:**

Receive information on several sections of the Newberg Municipal Code that are outdated, obsolete or no longer needed.

**Executive Summary:** Staff have identified several sections of the Newberg Municipal Code that are no longer of value to the city. These include:

NMC 5.20 Cigarette Vending Machines- Already regulated by state law

NMC 5.25.020 Minor Children at Dance Halls and Public Dancing

NMC 5.30.330 Cable Communications Commission

**Fiscal Impact:** Budgeted costs for code update publishing will be accrued, estimated to be around \$500.

**Council Goals:** N/A

**Attachment 1:** NMC 5.20 NMC 5:25, NMC 5.30.010-020 and 5.30.330-430



## Chapter 5.20 CIGARETTE VENDING MACHINES

Sections:

[5.20.010 Definitions.](#)

[5.20.020 Operation by minors prohibited.](#)

[5.20.030 License application.](#)

[5.20.040 License term and fee.](#)

[5.20.050 Tags.](#)

[5.20.060 Regulations for display and operation.](#)

[5.20.070 License revocation – Designation of places for machines.](#)

[5.20.080 Penalty.](#)

### **5.20.010 Definitions.**

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

“**Automatic cigarette vending machines**” or “**machines**” means any and all machines, devices and/or apparatus of whatsoever kind, nature or description that are designed, operated, used and/or displayed for the vending of cigarettes.

“**Person**” means a natural person, firm, corporation or copartnership. [Ord. 959, 7-6-43. Code 2001 § 115.01.]

### **5.20.020 Operation by minors prohibited.**

It shall be unlawful for any person to permit or allow any automatic cigarette vending machine then in that person's possession or under that person's control to be played or operated by any minor under the age of 21 years; provided, that every proprietor, employee and person in charge of any place of business wherein any automatic cigarette vending machine is being operated or displayed shall be conclusively presumed to be in possession and control of such machine. [Ord. 959, 7-6-43. Code 2001 § 115.02.]

**Penalty:** See NMC [5.20.080](#).

### **5.20.030 License application.**

A. Any person desiring to maintain, keep and/or display any such automatic cigarette vending machine shall first

make and file with the city a written application for a license so to do the same.

B. Such application shall provide:

1. The name, address and place of business of the applicant; and
2. A description of the machine or machines, by serial number if possible.

C. The application shall be accompanied by an annual license fee.

D. Whereupon, the city shall issue the license as herein provided, if the application otherwise complies with the requirements of this chapter. [Ord. 959, 7-6-43. Code 2001 § 115.03.]

**Penalty:** See NMC [5.20.080](#).

#### **5.20.040 License term and fee.**

Each license shall be issued for not less than one year, and the fee shall be the sum of \$12.00 per year for each machine. [Ord. 1135, 6-1-53; Ord. 959, 7-6-43. Code 2001 § 115.04.]

#### **5.20.050 Tags.**

A. When issuing the license, the recorder shall also issue for each machine a separate tag bearing the license number, its date of expiration and the signature of the recorder.

B. It shall be unlawful to operate, maintain, keep and/or display any automatic cigarette vending machine unless one of said tags is then and there conspicuously displayed on the machine. [Ord. 959, 7-6-43. Code 2001 § 115.05.]

**Penalty:** See NMC [5.20.080](#).

#### **5.20.060 Regulations for display and operation.**

It shall be unlawful to display or operate any such automatic cigarette vending machine unless it is suitably supplied with cigarettes and in good working order so as to properly vend such cigarettes. [Ord. 959, 7-6-43. Code 2001 § 115.06.]

**Penalty:** See NMC [5.20.080](#).

#### **5.20.070 License revocation – Designation of places for machines.**

A. The city council shall have the right to revoke any and all licenses issued hereunder at its discretion, either with or without notice, to the licensee; provided, that the unexpired portion of the license fee, having been paid, tendered or deposited with the recorder, is refunded.

B. The city council shall have the further right to designate the place or places wherein any such machine may

be operated, maintained and/or displayed. [Ord. 959, 7-6-43. Code 2001 § 115.07.]

**5.20.080 Penalty.**

A. Any person violating any of the terms of this chapter shall have committed a Class 4 civil infraction and shall be processed in accordance with the procedure set forth in the uniform civil infraction procedure ordinance, Chapter 2.30 NMC.

B. Any such machine being operated, maintained, kept and/or displayed in violation of this chapter shall also, at the discretion of the municipal judge, be confiscated to the city. [Ord. 2163, 4-1-85; Ord. 959, 7-6-43. Code 2001 § 115.99.]

## Chapter 5.25 DANCES

Sections:

[5.25.010 License.](#)

[5.25.020 Minors.](#)

[5.25.030 Closure time.](#)

[5.25.040 Organizations exempt from regulations.](#)

[5.25.050 Penalty.](#)

### **5.25.010 License.**

A. Any person, corporation, organization or association, with certain exceptions hereinafter provided for, which shall conduct, give, sponsor or in any manner manage any public dance or any invitational dance in any building other than a private dwelling house within the city, whether or not an admission fee is charged for such dance, shall procure from the city in advance, a license to conduct such dance, and shall pay in advance a regulatory fee in the sum of \$10.00 for each dance so held. A written application for a dance permit shall be made to the city on forms provided by the city not less than 10 days before the date of such dance. Said written application shall contain the following information, to-wit:

1. Location of the proposed dance.
2. Date and hours of opening and closing said dance.
3. Provisions for liability insurance in the amount of at least \$300,000 with certificate of insurance or provisions for financial liability in a like amount shall be required when alcoholic beverages are being served.
4. Provisions for traffic control and coordination.
5. Compliance with applicable zoning restrictions.
6. If alcoholic beverages are being sold, provisions for the control and dispensing of alcoholic beverages to see that all applicable laws are obeyed.
7. Provisions for security and crowd control.
8. Such other information and requirements as shall be reasonably required to ensure the public's health, welfare and safety.

B. The city shall consider and, if necessary, investigate all such written applications for license. The city shall grant or reject such application. The city may require the applicant to furnish proof of all requirements.

C. The city shall advise the applicant of its decision relevant to said application not later than five days after receiving all relative information and proof of any provisions; provided, however, that in the event that after granting said license the city receives information which shall render it inadvisable to permit said dance to be conducted by reasons of consideration of public health, welfare and safety, the city shall have the right to revoke and cancel said dance license and shall forthwith give notice of such revocation to the sponsor of said dance, either by mail or telephone call at the address or telephone number set forth in the application for the dance license hereinabove mentioned.

D. Permits for use of the Newberg cultural district festival street for a public dance are issued under NMC 12.05.245. [Ord. 2779 § 4, 2-17-15; Ord. 2258, 2-6-89; Ord. 2251, 11-7-88; Ord. 2234, 6-14-88; Ord. 1362, 1-6-64; Ord. 910, 3-25-40. Code 2001 § 93.01.]

**Penalty:** See NMC [5.25.050](#).

#### **5.25.020 Minors.**

Minor children under the age of 15 years, unaccompanied by a parent or legal guardian, are prohibited from attending, being present at or dancing at any dance given in a public dance hall within the city; and it shall be unlawful for any person or persons in charge of any public dance to permit or allow any such minor person to be within any public dance hall during such dance unaccompanied by a parent or guardian. [Ord. 1362, 1-6-64; Ord. 910, 3-25-40. Code 2001 § 93.02.]

**Penalty:** See NMC [5.25.050](#).

#### **5.25.030 Closure time.**

All public dances given within the city shall be closed not later than 1:00 a.m. [Ord. 1880, 10-3-77; Ord. 910, 3-25-40. Code 2001 § 93.03.]

**Penalty:** See NMC [5.25.050](#).

#### **5.25.040 Organizations exempt from regulations.**

The provisions of this chapter shall not apply to fraternal organizations, educational institutions, or religious organizations which shall sponsor or conduct dances for the entertainment of their members and guests. Further, the provisions of this chapter shall not apply to any business which conducts business on a daily basis within the city and has dances for their customers in the ordinary course of business. [Ord. 2244, 8-1-88; Ord. 1362, 1-6-64; Ord. 910, 3-25-40. Code 2001 § 93.04.]

#### **5.25.050 Penalty.**

Any person violating any of the provisions of this chapter shall have committed a city Class 3 civil infraction and shall be processed in accordance with the procedure set forth in the uniform civil infraction procedure ordinance, Chapter 2.30 NMC. [Ord. 2163, 4-1-85; Ord. 910, 3-25-40. Code 2001 § 93.99.]

**Chapter 5.30  
CABLE COMMUNICATIONS**

Sections:

Article I. General Provisions

[5.30.010 Title.](#)

[5.30.020 Definitions.](#)

5.30.030 Permits and construction.

5.30.040 Indemnifications.

5.30.050 Conditions on rights-of-way occupancy.

5.30.060 Rights reserved to city.

5.30.070 Equal opportunity employment and affirmative action plan.

5.30.080 Adoption of rules and regulations.

5.30.090 Amendments.

5.30.100 Miscellaneous provisions.

5.30.110 Violations.

Article II. Franchise Requirements

5.30.120 Franchise necessary to install and operate.

5.30.130 Term of franchise.

5.30.140 Limitations of franchise.

5.30.150 Franchise application procedures.

5.30.160 Applications for franchise renewal.

5.30.170 Acceptance of franchise.

5.30.180 Transfer or assignment of franchise.



5.30.190 Franchise fee.

#### Article III. System Services – Operating Regulations

5.30.200 Cable communications services.

5.30.210 Service area.

5.30.220 System extension.

5.30.230 Systems design, construction and technical performance standards.

5.30.240 Undergrounding of cable lines.

5.30.250 System maintenance.

5.30.260 Emergency power.

5.30.270 Rules and regulations for subscriber service standards.

5.30.280 Subscriber complaint service.

5.30.290 Rates and charges.

5.30.300 Local origination and access.

5.30.310 Emergency alert – Audio-video override.

5.30.320 Safety requirements.

#### Article IV. Cable Communications Commission

**5.30.330 Establishment and purpose.**

**5.30.340 Membership.**

**5.30.350 Qualifications and appointment of members.**

**5.30.360 Term of office.**

**5.30.370 Vacancies and removal.**

**5.30.380 Officers.**

[5.30.390 Staff services.](#)

[5.30.400 Meetings.](#)

[5.30.410 Powers and duties.](#)

[5.30.420 Rules and regulations.](#)

[5.30.430 Funds, budget, and annual report.](#)

## **Article I. General Provisions**

### **5.30.010 Title.**

This chapter shall be known and may be cited as the Newberg cable communications ordinance. [Ord. 2046, 2-26-81. Code 2001 § 111.01.]

### **5.30.020 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular include the plural number.

**“Applicant”** means any person or corporation submitting an application for a cable communications franchise.

**“Basic service”** means that service regularly provided to all subscribers at a basic monthly rate including, but not limited to, the retransmission of local and distant broadcast television signals, nonpremium satellite services, automated services, local origination and access services.

**“Cable communications system”** or **“CATV system”** means a system employing antennas, microwave, wire, waveguides, coaxial cables, or other conductors, equipment or facilities designed, constructed or used for the purpose of:

1. Collecting and amplifying local and distant broadcast television or radio signals and distributing and transmitting them;
2. Transmitting original cablecast programming not received through television broadcast signals;
3. Transmitting television pictures, film and videotape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers;
4. Transmitting and receiving all other signals: digital, voice, audio-visual, or other forms of electronic or

electrical signals.

**“Channel”** means a six megahertz (MHz) frequency band which is capable of carrying either one standard audio/video television signal, or a number of audio, digital or other nonvideo signals.

**“City”** means the City of Newberg, a municipal corporation of the State of Oregon, in its present incorporated form or in any later reorganized, consolidated enlarged or reincorporated form.

**“City council”** or **“council”** means the legislative body of the City of Newberg.

**“City manager”** means the city manager of the City of Newberg.

**“Community access channel”** or **“access channel”** means any channel or portion of a channel utilized for programming on a nonprofit basis.

**“Educational channel”** means any channel or portion of a channel on which educational institutions are the only designated programmers.

**“Entertainment services”** means television services provided on a one-way noninteractive basis including but not limited to broadcast channels, local origination channels, pay channels or any other channels supplied to subscribers at a basic or premium charge where the content of the transmitted signals is uniform to all subscribers or individual classes of subscribers and program selection is accomplished by operation of a tuner or converter under the sole control of the subscriber.

**“Federal Communications Commission”** or **“FCC”** means the present federal agency of that name as constituted by the Communications Act of 1934, or any successor agency created by the United States Congress.

**“Franchise”** means any authorization granted hereunder in terms of a franchise, privilege, permit or license to construct, operate and maintain a cable television system within the City of Newberg. Any such authorization, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the city as required by other ordinances and laws of this city.

**“Government channel”** means any channel or portion of a channel dedicated to the use of the municipal agencies.

**“Grantee”** or **“franchisee”** means a holder of a cable television franchise issued by the city.

**“Grantor”** means the City of Newberg acting through its city council.

**“Gross revenues”** means any and all compensation in whatever form, directly or indirectly received by grantee,

from the source specified, not including any taxes on services furnished by the grantee, which taxes are imposed directly on a subscriber or user by a city, county, state or other governmental unit, and collected by the grantee for such entity.

**“Institution”** means a building or buildings where service may be utilized in connection with a business, trade, profession, public agency or service, or nonprofit organization.

**“Institutional network”** means a cable communications network designed principally for the provisions of nonentertainment interactive services to businesses, schools, public agencies or other nonprofit agencies for use in connection with the on-going operations of such institutions.

**“Institutional services”** means services delivered on the institutional subscriber network.

**“Institutional subscriber”** means a place of business, public agency, school or nonprofit corporation receiving institutional services on the institutional subscriber network.

**“Interactive services”** means services provided to subscribers where the subscriber either (1) both receives information consisting of either television or other signals and transmits signals generated by the subscriber or equipment under the subscriber’s control for the purpose of selecting what information shall be transmitted to the subscriber or for any other purpose; or (2) transmits signals to any other location for any purpose.

**“Leased channel”** means any channel or portion of a channel where the grantee is the only designated programmer, and which is utilized to provide television programs to subscribers.

**“Local origination channel”** means any channel or portion of a channel where the grantee is the only designated programmer, and is utilized to provide television programs to subscribers.

**“Nonbasic service”** means any communications service in addition to “regular subscriber services” including but not limited to access channel carriage including origination programming, pay television, burglar alarm service, fire alarm service, data transmission, facsimile service, home shopping service, and the like.

**“Pay channel”** or **“premium channel”** means a channel on which television signals are delivered to subscribers for a special charge fee or charged to subscribers over and above the regular charges for basic subscriber service, on a per-program, per-channel, or other subscription basis.

**“Person”** means any corporation, partnership, proprietorship, individual or organization authorized to do business in the State of Oregon.

**“Premium service”** means pay-per-program, pay-per-channel, or other subscription service, i.e., delivered to subscribers for a fee or charge over and above the regular charges for basic services.

**“Public access channel”** means any channel or portion of a channel where any member of the general public may be a programmer on a first-come, first-served basis, subject to appropriate rules formulated by the city and/or franchisee.

**“Residential services”** means services delivered on the residential subscriber network.

**“Residential subscriber”** means a subscriber who receives residential services on the residential subscriber network.

**“Residential network”** means a cable communications network designated principally for the delivery of entertainment, community access or interactive services to individual dwelling units.

**“Streets,” “public ways” and “rights-of-way”** mean the surface of and the space above and below any public street, avenue, highway, boulevard, concourse, driveway, bridge, tunnel, park, parkway, sidewalk, waterway, dock, pier, alley, right-of-way, public utility easement, and any other public ground or water, now or hereafter, within or belonging to the city.

**“Subscriber”** means any person or institution that elects to subscribe to, for any purpose, a service provided by the grantee by means of or in connection with the cable communications system, whether or not a fee is paid for such services.

**“Tapping”** means observing a communications signal exchange where the observer is neither of the communicating parties, whether the exchange is observed by visual or electronic means, for any purpose whatsoever. [Ord. 2046, 2-26-81. Code 2001 § 111.02.]

### **5.30.330 Establishment and purpose.**

A. Establishment. There is established a cable communications commission for the City of Newberg, Oregon, and for the cities of Dundee, Dayton and Lafayette, should they choose to participate.

B. Purpose.

1. The cable communications commission is established to promote, coordinate, and develop the use of all community access channels, local programming, local origination and related capabilities that are part of the cable communications system franchised in, and providing service to, the above enumerated cities.
2. The cable communications commission shall promote the use of cable communication systems, community and public access in the cities to meet the information and cultural needs of residents, businesses, nonprofit organizations and governmental bodies, and shall coordinate the use of community and public access channels.
3. The cable communications commission shall advise the city councils of the respective enumerated cities

on matters pertaining to community and public access and other channels dedicated, or to be dedicated, by a cable communication systems operator for public access.

4. In carrying out its purposes, the cable communications commission shall make every reasonable effort to:

- a. Seek and identify communities of interest and encourage them to use facilities and channels, over which the commission has jurisdiction, to express their interests, concerns, ideas and aspirations;
- b. Provide free training in cable communications production for individuals and community groups;
- c. Help individuals and community groups to develop and produce programs for cable casting;
- d. Assure the availability of decentralized and accessible cable communications production facilities, pursuant to prescribed rules governing the use of such facilities and channels over which the commission has jurisdiction, to express diverging ideas and opinions on the broadest range of subjects; and
- e. Provide programming different in format, style and content from the programming of other radio and television stations serving the cities of Newberg, Dundee, Dayton and Lafayette. [Ord. 2106, 12-6-82. Code 2001 § 111.60.]

#### **5.30.340 Membership.**

The cable communications commission shall consist of 11 members who are as follows:

- A. Five members appointed by the City of Newberg;
- B. One member appointed by the city of Dundee;
- C. One member appointed by the city of Dayton;
- D. One member appointed by the city of Lafayette;
- E. Two ex officio, nonvoting members designated by the franchisee, TCI Cablevision of Oregon, Inc., formerly Liberty Communications, Inc.; and
- F. One member designated by the mayor of the City of Newberg. [Ord. 2464, 2-18-97; Ord. 2109, 2-7-83; Ord. 2106, 12-6-82. Code 2001 § 111.61.]

#### **5.30.350 Qualifications and appointment of members.**

The following qualification and appointment procedure shall be used for the commission members, with consideration being given to representation by persons in the fields of the arts, education, public access,

government, community information and special interest groups:

A. Five members shall be appointed by the mayor of the City of Newberg, with approval of the city council.

1. Four of the five members shall be residents of the City of Newberg.
2. None of these five members shall be officials or employees of the City of Newberg.

B. One member shall be:

1. Formally appointed by the mayor of the city of Dundee, using whatever procedure and qualifications are determined by the city of Dundee; and
2. A resident of the city of Dundee.

C. One member shall be:

1. Formally appointed by the mayor of the city of Dayton, using whatever procedure and qualifications are determined by the city of Dayton; and
2. A resident of the city of Dayton.

D. One member shall be:

1. Formally appointed by the mayor of the city of Lafayette, using whatever procedure and qualifications are determined by the city of Lafayette; and
2. A resident of the city of Lafayette.

E. Two ex officio, nonvoting members who:

1. Are designated by the franchisee, TCI Cablevision of Oregon, Inc.; and
2. May be officials or employees of the franchisee.

F. One member who:

1. Is designated by the mayor of the City of Newberg; and
2. May be an official or an employee of the City of Newberg. [Ord. 2464, 2-18-97; Ord. 2109, 2-7-83; Ord. 2106, 12-6-82. Code 2001 § 111.62.]

**5.30.360 Term of office.**

A. The members of the cable communications commission shall be appointed for a term of two years.

1. Members may serve no more than two consecutive two-year terms, plus a partial term if the commissioner is appointed to fill a vacancy in a partially expired term.
2. Terms shall run beginning on the first calendar day of the month following the effective date of this chapter.

B. In order to provide for a staggering of terms, two commissioners from Newberg and one commissioner from Dundee shall be initially appointed to only a one-year term, but may serve two additional two-year terms upon the completion of the initial one-year term.

C. The term of each member shall continue until such time as a successor is appointed. [Ord. 2464, 2-18-97; Ord. 2109, 2-7-83; Ord. 2106, 12-6-82. Code 2001 § 111.63.]

**5.30.370 Vacancies and removal.**

A. Appointments to fill vacancies shall be for the remainder of the unexpired terms.

B. A commissioner may be removed by the mayor of the appointing city for cause at any time, subject to the approval of the city council of the city from which the commissioner was appointed.

C. A commissioner who is absent from two consecutive meetings without an excuse may be removed for this cause and the position declared vacant. [Ord. 2106, 12-6-82. Code 2001 § 111.64.]

**5.30.380 Officers.**

At its initial organization meeting and the first meeting of each calendar year thereafter, the commission shall elect a chairman and vice-chairman to serve during the succeeding calendar year.

A. The chairman shall preside over all meetings of the commission.

B. In the absence of the chairman, the vice-chairman shall preside. [Ord. 2106, 12-6-82. Code 2001 § 111.65.]

**5.30.390 Staff services.**

A. Staff Contact.

1. Subject to the approval of the commission, the city manager of the City of Newberg shall appoint a member of city staff to act as staff contact from the city.
2. The city shall provide consultation services as may be appropriate.

B. Clerical Support.



1. The franchisee, TCI Cablevision of Oregon, Inc., shall provide clerical support.
2. A secretary shall be appointed to keep a record of commission proceedings. [Ord. 2464, 2-18-97; Ord. 2106, 12-6-82. Code 2001 § 111.66.]

**5.30.400 Meetings.**

- A. A majority of the voting members of the cable communications commission shall constitute a quorum.
- B. A vote of the majority of the voting members of the commission present and voting shall be required to decide any matter before the commission.
- C. The cable communications commission shall meet at least once every two months.
  1. Meetings shall be open to the public, except as may be authorized by state law.
  2. Meetings other than at regularly scheduled times may be announced at a prior meeting, and thereby be made a part of the meeting records.
  3. At the request of two or more voting members or upon motion of the chairman alone, a previously unannounced special meeting may be called for a time not earlier than 24 hours after notice has been given to the remaining members.
  4. Notice shall be given as required by state law.
  5. An emergency meeting may be called in accordance with the requirements of state law. [Ord. 2106, 12-6-82. Code 2001 § 111.67.]

**Cross-reference:** See ORS 192.610 – 192.690 pertaining to open meetings, notice, and emergency meetings.

**5.30.410 Powers and duties.**

The commission shall have the powers and duties that are now, or may hereafter be, assigned to it by the Charter, ordinances or resolutions of the city, and general laws of the state. [Ord. 2106, 12-6-82. Code 2001 § 111.68.]

**5.30.420 Rules and regulations.**

The commission may make and alter rules and regulations for its government and procedure consistent with the Charter and ordinances of the city and the laws of the state. [Ord. 2106, 12-6-82. Code 2001 § 111.69.]

**5.30.430 Funds, budget, and annual report.**

- A. Disbursements.

1. The funds for the support of the commission shall be paid to the city, and disbursed to the commission, as part of the city's budget.
2. Disbursements of funds shall be approved by the cable communications commission.

B. Annual Budget and Report.

1. The commission shall present an annual budget for inclusion in the city budget.
2. The commission shall present an annual report of its activities with its budget proposal each year. [Ord. 2106, 12-6-82. Code 2001 § 111.70.]

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: July 21, 2025**

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Information <input type="checkbox"/> Proclamation <input type="checkbox"/>	
No. 2025-3986	
Subject: Selecting a delegate to vote in the League of Oregon Cities Annual Business Meeting	Staff: Rachel Thomas
Business Session	Order On Agenda: New Business
Hearing Type: N/A	

**Is this item state mandated?** Yes ☐ No ☒

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

## **Recommendation:**

Appoint a delegate to vote for the City of Newberg in the LOC annual business meeting. Appoint an alternate delegate in the case of Mayor Rosacker's inability to perform this duty.

Approve Resolution 2025-3986 to designate delegate and alternate delegate.

## **Executive Summary:**

As part of the LOC's 100th Annual Conference, the Annual Business Meeting is scheduled for Saturday, October 4 at 11:45 a.m. All LOC members are encouraged to attend this public meeting.

At the LOC Annual Business Meeting, city representatives will vote to elect the LOC Board of Directors for 2026. Because each member city is entitled to only one vote in this process, cities are asked to identify a voting delegate by **Wednesday, September 24**.

**Only the named voting delegate will be eligible to vote at the meeting.**

This year's meeting will be a hybrid meeting, so members can attend and vote in-person or virtually.

According to the LOC Bylaws, to participate in telephonic/electronic voting, a member city must appoint its delegate via a written resolution adopted by that city's governing body, with the resolution identifying the name and position/title of the selected delegate. A copy of the resolution with the delegate's name and telephone number must be submitted at least 10 days in advance of the relevant membership meeting.

Mayor Rosacker is registered to attend the conference in person and could serve as the voting delegate in person, or another councilor can be delegated to vote on behalf of the city.

Another delegate should be appointed as an alternate, either attending in person or virtually.

**Fiscal Impact:**

Should a delegate other than Mayor Rosacker be selected and wish to attend in person, there would be a cost of \$50-800 based on registration and transportation costs. Otherwise, there is no fiscal impact.

**Council Goals:**

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



# RESOLUTION No. 2025-3986

**A Resolution identifying a voting delegate and one alternate voting delegate to represent the City of Newberg at the League of Oregon Cities 2025 Annual Business Meeting.**

## Recitals:

1. The League of Oregon Cities (“LOC”) is a consolidated department of Oregon’s 241 incorporated cities which was founded in 1925 to be, among other things, the go-to place for and about cities and a dynamic resource hub for advocacy, education, and best practices; and
2. Each year, the LOC holds an annual business meeting wherein an election is held to consider and fill vacancies on the LOC’s Board of Directors and if applicable, other items for consideration including but not limited to amendments to the LOC’s governing documents.
3. The LOC annual business meeting is scheduled to occur on October 4, 2025.
4. Any member city wishing to participate in telephonic or electronic voting during the LOC’s annual business meeting must appoint its voting delegate and an optional alternate voting delegate via a written resolution adopted by its city’s governing body.
5. A copy of this resolution must be provided to the LOC’s Executive Director, or General Counsel, no later than September 24, 2025.

## The City of Newberg Resolves as Follows:

1. The City Council of Newberg, Oregon, wishes to appoint the following designated individuals as its voting delegate and alternate voting delegate:

Voting delegate: \_\_\_\_\_ Contact: \_\_\_\_\_

Alternate delegate: : \_\_\_\_\_ Contact: \_\_\_\_\_

**Effective Date** of this resolution is the day after the adoption date, which is: August 19, 2025.

**Adopted** by the City Council of Newberg, Oregon, this 18st day of August, 2025.

\_\_\_\_\_  
Rachel Thomas, City Recorder

**Attest** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Bill Rosacker, Mayor