



AGENDA

CITY COMMISSION OF THE CITY OF WARRENTON
REGULAR MEETING
March 9, 2021– 6:00 P.M.
Warrenton City Commission Chambers – 225 South Main Avenue
Warrenton, OR 97146

Public Meetings will be conducted in the Commission Chambers with a limited seating arrangement. To adhere to social distancing recommendations, meetings will now also be audio and video live streamed. Go to <https://www.ci.warrenton.or.us/administration/page/live-stream-public-meetings> for connection instructions.

1. **CALL TO ORDER**

2. **PLEDGE OF ALLEGIANCE**

3. **CONSENT CALENDAR**

- A. City Commission Work Session Minutes – 1.19.21
- B. City Commission Meeting Minutes – 2.23.21
- C. Monthly Finance Report – January 2021
- D. Harbormaster Report

Items on the Consent Calendar have previously been discussed and/or are considered routine. Approval of the Consent Calendar requires a motion, a second, and no discussion, unless requested by a member of the City Commission.

4. **COMMISSIONER REPORTS**

Appreciation Plaque Presentation – Pam Ackley

5. **PUBLIC COMMENT**

At this time, anyone wishing to address the City Commission concerning items of interest may do so. The person addressing the Commission must complete a Public Comment Card and submit it to the City Recorder prior to the meeting. All remarks will be addressed to the whole City Commission and limited to 3 minutes per person. Public Comments may also be submitted by email to the City Recorder, at cityrecorder@ci.warrenton.or.us, no later than

5:00 p.m. the day of the meeting. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter.

6. **PUBLIC HEARINGS** – None

7. **BUSINESS ITEMS**

- A. Consideration of Resolution No. 2592; Approving an Agreement Between the Sponsors of the Clatsop County Enterprise Zone and SDYB Opco
- B. Consideration of Low-Pressure Sewer Collection System Contract – Civil West Engineering
- C. Consideration of Resolution No. 2593; Adopting City Commission Rules and Resolution No. 2594; Adopting City Rules of Procedure
- D. Consideration of Resolution No. 2595; Adopting City Commission 2021 Goals

8. **DISCUSSION ITEMS** – None

9. **GOOD OF THE ORDER**

10. **EXECUTIVE SESSION**

11. **ADJOURNMENT**

Warrenton City Hall is accessible to the disabled. An interpreter for the hearing impaired may be requested under the terms of ORS 192.630 by contacting Dawne Shaw, City Recorder, at 503-861-0823 at least 48 hours in advance of the meeting so appropriate assistance can be provided.

MINUTES
 Warrenton City Commission
 Special Work Session – January 19, 2021
 4:00 p.m.
 Warrenton City Hall - Commission Chambers
 225 S. Main
 Warrenton, OR 97146

Mayor Balensifer called the work session to order at 4:01 p.m.

City Commissioners Present: Mayor Henry Balensifer, Mark Baldwin, Rick Newton, Gerald Poe, and Tom Dyer (via Zoom)

Staff Present: City Manager Linda Engbretson, Legal Counsel Ashley Driscoll (via Zoom), and City Recorder Dawne Shaw

Mayor Balensifer noted the three documents he has been working on – the Commission Rules, Rules of Procedure, and Policies and Procedures for Citizen Boards. He stated each will need to be adopted by resolution.

Mayor Balensifer began with the review of the Commission Rules. He began with Chapter 1 and noted he worked with legal counsel; he noted the text highlighted in blue (Section B) will be excised, and later down the road we will form a charter review committee to update the charter. He continued his review of the rules. There was brief discussion on the ability to serve on the commission if you have a felony conviction; Legal Counsel Ashley Driscoll clarified, if you are eligible to vote, you are an eligible elector. Mayor Balensifer reiterated the need to update the City Charter. Ms. Driscoll stated LOC puts out a model charter that many cities use and noted Warrenton's charter is very different. There was consensus on Chapter 1, and on referring section B to a charter review committee in the future.

The review of the Commission Rules continued: Chapter 2 – Mayor Balensifer reviewed the marked edits; no further changes were noted; Chapter 3 – no changes, other than marked edits; Chapter 4 – Mayor Balensifer briefly discussed the suspension of rules (section A). He continued his review and noted section C-9, and stated legal counsel prefers to not put it in the rules, however he likes it in the rules. Ms. Driscoll stated she prefers it as policy; she briefly spoke about first amendment rights. She noted her concerns and stated she would not put it in the rules; she would not want something so broad. She stated she would prefer to send an email if an issue comes up. After further discussion, Mayor Balensifer and Ms. Driscoll agreed on a wording change to state that commissioners should refrain from sharing confidential information with employees who have resigned to avoid discipline or to avoid termination, or who were terminated about their time employed with the city and/or their supervisors. Ms. Driscoll also suggested a training on ethics laws/public records laws/public meeting laws that is given by their office. She stated she is concerned about putting some of this into the commission rules as the information changes all the time. Mayor Balensifer noted they will come back to this later in the

review and asked if there were any objections to the changes in section C-9; there were none.

He continued with the review: Conferences and Seminars - there were no changes. Breach of Confidentiality - Ms. Driscoll noted a correction to the wording of the second paragraph - should state "tort liability *coverage*." No other changes noted. Threats of Legal Action – Mayor Balensifer noted this is not enforceable in every instance but is important to state. Discussion continued; concerns were noted about not restricting speech in a personal capacity; this would only apply to their role as a commissioner. Ms. Driscoll recommended this as the *procedure* for threats of legal action. After further discussion, section 4-G will be reworded and brought back. Government Ethics Requirements and Reporting – no changes other than the outlined edits. Ethical Conduct and Fair Treatment – Mayor Balensifer reviewed the outlined edits and clarified the section on conflict of interest. Expenses, Compensation and Reimbursement – no additional changes. General Conduct – Mayor Balensifer reviewed the outlined edits; no additional changes were noted. Legal Advice - no further edits were noted. Appointed Boards – section 5-A may need to be clarified. Liaison to Boards, Commissions and Committees – no further changes. Mayor Balensifer stated Chapter 5 is removed. He referred to the letter Ms. Driscoll recently sent to the Commission related to employee issues and suggested adding it as an appendix; there were no objections.

Mayor Balensifer reviewed the Rules of Procedure – Ms. Engbretson asked about A-2 on page 4 – executive sessions regarding the city manager; Ms. Driscoll clarified. Mayor Balensifer stated he will remove the "or terminate" language. Mayor Balensifer continued his review of the rules. Ms. Driscoll had questions on Chapter 2, Section VIII - Removal from Meetings/Boards; Mayor Balensifer noted he and Ms. Driscoll will discuss and bring back. He continued with the review of Chapter 3, noting that Section VIII- Voting - items C and D will be removed. Chapter 3, Section VIII- Decorum - it was determined items J and K will be removed. Mayor Balensifer stated he would like to have this manual on the dais for reference by the board chairs.

Policies and Procedures for Citizen Boards – Mayor Balensifer discussed Chapter 3; he clarified the "when in doubt" language in 3.1- Constituency Defined, noting that inquiries should be submitted through their chairperson to the City Commission via the *City Manager* - not the Mayor. Review continued; after discussion, section 4.7 - Dress Code will be excised. No further changes were noted.

Ms. Engbretson stated other area managers would like a joint work session for an overview on the enterprise zone. The County has the virtual work session scheduled for February 10, at 5:30 p.m.

At 6:02 p.m. Mayor Balensifer adjourned the work session and announced they will now meet in executive session under authority of ORS 192.660(2)(d); *conduct deliberations with persons designated by the governing body to carry on labor negotiations*, and ORS 192.660(2)(f); *to consider information or records that are exempt by law from public inspection*. He stated the Commission is not expected to go into regular session to take action on any item considered in the executive session.

MINUTES

At 6:38 p.m., Mayor Balensifer reconvened the work session to discuss dates for the commission goal setting retreat; consensus was for February 13, 2021.

There being no further business, Mayor Balensifer adjourned the work session at 6:40 p.m.

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, CMC, City Recorder

MINUTES
 Warrenton City Commission
 February 23, 2021
 6:00 p.m.
 Warrenton City Hall - Commission Chambers
 225 S. Main
 Warrenton, OR 97146

Mayor Balensifer called the meeting to order at 6:00 p.m. and led the public in the Pledge of Allegiance.

Commissioners Present: Mayor Balensifer, Tom Dyer (via Zoom), Mark Baldwin, Gerald Poe, and Rick Newton (via Zoom)

Staff Present: City Manager Linda Engbretson, Finance Director April Clark (via Zoom), Community Development Director Scott Hess Police Chief Mathew Workman, Fire Chief Brian Alsbury, Public Works Director Collin Stelzig, Public Works Operations Manager Kyle Sharpsteen, Building Official Van Wilfinger, City Recorder Dawne Shaw, and Deputy City Recorder Rebecca Sprengeler

CONSENT CALENDAR

- A. City Commission Meeting Minutes – 1.26.21
- B. City Commission Meeting Minutes – 2.09.21
- C. Police Department Monthly Statistics – January 2021
- D. Parks Advisory Board Minutes – 12.07.20
- E. Community Library Board Minutes – 6.12.20
- F. Community Library Board Minutes – 9.11.20

There was some discussion about the consent calendar items. Mayor Balensifer requested to add Commission Goals to the consent calendar including the aggressive pursuit of revenue opportunities, to improve internal and external communications, address critical staffing, and finish unfinished tasks. A formal resolution will be prepared by staff for the next meeting. There were no objections.

Commissioner Baldwin made the motion to approve the consent calendar as presented with the addition. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Dyer – aye; Poe – aye; Baldwin - aye

There was brief discussion about the Police Department Monthly Statistics.

COMMISSIONER REPORTS

City Recorder Dawne Shaw introduced new Deputy City Recorder Rebecca Sprengeler. Ms.

Sprengeler made a few comments. City Manager Linda Engbretson noted Ms. Sprengeler has coordinated the first meeting of the new Marinas Advisory Committee.

Mayor Balensifer noted local Fisherman Todd Chase lost his life and asked for a moment of silence.

Ms. Engbretson asked to add the consideration of a Fire grant to the agenda as item 7.F. There were no objections.

PUBLIC COMMENT – None

PUBLIC HEARING – None

BUSINESS ITEMS

Public Works Operations Manager Kyle Sharpsteen discussed bird netting for the Sequencing Batch Reactor (SBR) basins at the Wastewater Treatment Plant (WWTP). He noted the change to the netting size from 2” to 4” openings. The size change reduces the cost of the project from \$49,130.00 to \$43,930.00. There was discussion about the size of the netting. Mr. Sharpsteen confirmed that he is confident that the 4” netting will be sufficient.

Commissioner Dyer made the motion to approve the bid from Sprague Pest Solutions to install bird netting at the Wastewater Treatment Plant for \$43,930.00. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Dyer – aye; Poe – aye; Baldwin - aye

Public Works Director Collin Stelzig discussed the Request for Qualifications for the Wastewater Facilities Plan. He noted there will be a minor change to the dates on the RFQ to allow more time for applications to come in. There was discussion about the length of the window for applications to be received. Three weeks was the consensus.

Commissioner Poe made the motion to approve advertising the Request for Qualifications for the Wastewater Facilities Plan. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Dyer – aye; Poe – aye; Baldwin - aye

Building Official Van Wilfinger presented a Professional Services contract for plan review and inspection services. He explained the reasoning behind the need for this contract being for services he is not yet qualified for in Oregon. Brief discussion followed.

Commissioner Newton made the motion to approve the contract with Clair Company, Inc. as the service provider for plan review services and to augment. Motion was seconded and passed unanimously.

MINUTES

Warrenton City Commission

Regular Meeting – 2.23.21

Page: 2

Newton – aye; Balensifer – aye; Dyer – aye; Poe – aye; Baldwin - aye

Police Chief Mathew Workman discussed the 2019 graffiti case in which the commission offered a \$500 reward for information leading to the arrest and conviction of the suspect(s) who did the graffiti at City Park and the Kayak Dock. He reviewed the investigation and interview results and noted four juveniles and one adult were charged with Criminal Mischief. Brief discussion continued about the tips received. Chief Workman stated that no one piece of information led to an arrest and deferred back to the commission for a decision. After brief discussion, the consensus was to divide up the reward between the two people that came forward with pertinent information, notably the tips received on 7/24/19 at 8:25 p.m. and 9:03 p.m.

City Manager Linda Engbretson presented Resolution No. 2591; Authorizing the adoption of a Health Reimbursement Arrangement (HRA) Plan. She explained why the HRA plan is necessary and briefly compared the HRA to the HSA.

Commissioner Baldwin made the motion to adopt Resolution No. 2591; Authorizing the Adoption of a Health Reimbursement Arrangement (HRA) Plan. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Dyer – aye; Poe – aye; Baldwin - aye

Fire Chief Brian Alsbury discussed the opportunity to apply for the FEMA Safer Grant that would supply 100% funds to hire a Fire Marshall. Discussion followed on what responsibilities and duties the Fire Marshall would perform. Ms. Engbretson clarified that the grant funds the Fire Marshall position for three years. There was discussion about the importance of a Fire Marshall for the Fire Department and Building and Planning Department.

Commissioner Baldwin made the motion to approve the City's application for the FEMA SAFER grant. Motion was seconded and passed unanimously.

Newton – aye; Balensifer – aye; Dyer – aye; Poe – aye; Baldwin - aye

DISCUSSION ITEMS

Ms. Engbretson discussed the Transient Room Tax distribution. She noted the breakdown of how the funds were distributed over the past several years. Mayor Balensifer stated this discussion is best suited for the budget committee and suggested a direct conversation with the Chamber of Commerce about this. Discussion continued. Mayor Balensifer mentioned an idea for creation of postcards to promote aspects of different parks. Commissioner Newton asked about the change in Transient Room Tax over the years. Finance Director April Clark clarified. There was consensus on having a direct conversation with the Chamber, then revisiting this discussion.

GOOD OF THE ORDER

MINUTES

Warrenton City Commission

Regular Meeting – 2.23.21

Page: 3

Commissioner Dyer stated he is grateful we are getting past the pandemic and we are going into the low-risk category.

Commissioner Newton gave an update on the Spruce Up Warrenton project saying the pad for the fisherman statue has been poured; He spoke about the new Friends of Warrenton Community Library group and the need for new members. Other projects were briefly described.

Commissioner Baldwin asked to have Harbormaster Jane Sweet give a report on the progress at the Warrenton Marinas.

Ms. Engbretson reported that Clatsop County is moving into the low-risk category, therefore City Hall will be reopening public facilities on Friday.

Mayor Balensifer noted work on the consolidation of 911 dispatch services in Clatsop County. There was discussion about the current subscription fees.

There being no further business, Mayor Balensifer adjourned the regular meeting at 6:50 p.m.

Respectfully prepared and submitted by Rebecca Sprengeler, Deputy City Recorder.

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, CMC, City Recorder

Volume 14, Issue 7

Monthly Finance Report
January 2021

March 9, 2021

Economic Indicators

	Current	1 year ago
◆ Interest Rates:		
LGIP :	0.75%	2.25%
Prime Rate:	3.25%	4.75%
◆ CPI-U change:	1.4%	2.5%
◆ Unemployment Rates:		
Clatsop County:	unavail.	3.5%
Oregon:	unavail.	3.3%
U.S.:	unavail.	3.3%

Department Statistics

◆ Utility Bills mailed	3,413
◆ New Service Connections	6
◆ Reminder Letters	458
◆ Door Hangers	0
◆ Water Service Discontinued	0
◆ Counter payments	139
◆ Drop box payments	405
◆ Mail payments	1,164
◆ Auto Pay Customers/pmts	675
◆ Online (Web) payments	1,028
◆ Checks issued	292

Current and Pending Projects

- ◆ CRF Grant Funding
- ◆ Year End Payroll Tax, W-2, 1099, and ACA Reporting
- ◆ 2022-2027 Capital Improvement Program
- ◆ 2021-2022 Budget Preparation
- ◆ Reinstatement of Past Due Process and Setting up Payment Plans

Financial Narrative as of January 31, 2021

Note: Revenues and expenses should track at 7/12 or 58.3% of the budget.

General Fund: Year to date revenues amount to \$2,859,941, which is 64.4% of the budget, compared to the prior year amount of \$2,887,467, which was 68.9% of the budget and are down by \$36,526. Increases are shown in property taxes, city franchise fees, state revenue sharing, fire charges and grants and are offset by decreases in transient room tax, non-city franchise fees, planning fees, municipal court, police charges, parks charges, miscellaneous, interest, and leases. Overhead revenues are down due to one-time annual expenditures being spread to quarterly payments to assist with cash flow.

Expenses year to date amount to \$2,411,494, which is 51.2% of the budget, compared to the prior year amount of \$2,629,364, which was 56% of the budget and are down by \$217,870. All departments are tracking under budget. Departments continue to watch spending due to economic uncertainties brought on by the Covid-19 pandemic.

WBL: Business license revenue amounts to \$57,955, compared to \$59,390 at this time last year, a difference of \$1,435. Year to date licenses issued is 531 compared to 674 at this time last year.

Building Department: Permit revenues this month amount to \$46,525 and \$217,856 year to date, which is 64.7% of the budgeted amount. Last year to date

permit revenue was \$152,152.

State Tax Street: State gas taxes received this month amount to \$35,195 for fuel sold in December and \$188,953 year to date. City fuels taxes received this month amount to \$26,574 for fuel sold in November and are \$156,293 year to date. Total gas taxes received year to date are \$345,246 compared to \$365,724 at this time last year.

Warrenton Marina: Total revenues to date are \$503,390, 88.1% of the budgeted amount, compared to the prior year amount of \$519,289, which was 83.2% of the budgeted amount. There is \$11,018 in moorage receivables outstanding.

Hammond Marina: Total revenues to date are \$313,635, 134.4% of the budgeted amount, compared to the prior year amount of \$372,500, which was 99.1% of the budgeted amount. There is \$2,726 in moorage receivables outstanding.

Of the total outstanding receivables:

(\$5,921) is current, (amount is negative due to a credit issued for a billing adjustment.)

\$6,429 is 30-60 days past due,

\$1,311 is 60-90 days past due and

\$11,925 is over 90 days past due.

Water Fund: Utility fees charged this month are \$159,106 and \$81,508, and \$1,531,509 and \$973,815 year to date

for in-city and out-city respectively and totals \$2,505,324 and is 80% of the budget. Last year at this time, year to date fees were \$1,518,572 and \$883,247, for in-city and out-city, respectively and totaled \$2,401,819.

Sewer Fund: Utility fees charged this month are \$202,540 and \$1,450,159 year to date, which is 67.7% of the budget. Last year at this time, year to date fees were \$1,422,603. Shoreline Sanitary fees year to date are \$79,558. Septage revenue year to date is \$101,017 and is 101% of the budget. Total revenues year to date are \$1,714,130 compared to \$1,687,808 at this time last year.

Storm Sewer: Utility fees (20% of sewer fees) this month are \$40,485 and \$289,880 year to date and is 67.7% of the budget. Last year to date revenues were \$284,365 which was 61.4% of the budget.

Sanitation Fund: Service fees charged this month for garbage and recycling were \$78,123 and \$17,482, and \$565,830 and \$120,452, year to date, and are 66.5% and 66.8% of the budget respectively.

Library Fund: Current year to date property taxes received amount to \$205,859 compared to \$185,275 at this time last year.

Community Center Fund: Rental revenue year to date is \$4,845 and represent 37.3% of the budget. Last year at this time rental revenue was \$12,591 and 78.7% of the budget.

Financial data as of January, 2021

	General Fund				
	Current Month	Year to Date	Budget	% of Budget	
Beginning Fund Balance	1,503,962	1,043,091	600,000	173.85	
Plus: Revenues	316,011	2,850,941	4,425,741	64.42	(see details of revenue, page 4)
Less: Expenditures					
Municipal Court	9,487	71,646	160,306	44.69	
Admin/Comm/Fin(ACF)	83,216	629,219	1,167,282	53.90	
Planning	16,397	114,762	292,992	39.17	
Police	124,815	1,009,574	2,000,654	50.46	
Fire	56,014	456,471	855,386	53.36	
Parks	7,506	59,644	163,557	36.47	
Transfers	40,000	70,178	70,178	100.00	
Total Expenditures	337,435	2,411,494	4,710,355	51.20	
Ending Fund Balance	1,482,538	1,482,538	315,386	470.07	

	WBL				Building Department			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	56,630	71,405	78,000	91.54	861,362	898,004	790,000	113.67
Plus: Revenues	839	58,481	59,800	97.79	47,406	207,068	474,000	43.69
Less: Expenditures	832	73,249	128,346	57.07	27,978	224,282	384,175	58.38
Ending Fund Balance	56,637	56,637	9,454	599.08	880,790	880,790	879,825	100.11

	State Tax Street				Warrenton Marina			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	2,317,673	2,561,838	2,300,000	111.38	435,630	172,727	145,000	119.12
Plus: Revenues	63,483	365,585	709,965	51.49	1,082	503,390	571,226	88.12
Less: Expenditures	22,024	568,291	2,674,892	21.25	60,195	299,600	558,797	53.62
Ending Fund Balance	2,359,132	2,359,132	335,073	704.07	376,517	376,517	157,429	239.17

Financial data as of January 2021, continued

	Hammond Marina				Water Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	338,322	180,776	160,000	112.99	3,976,405	3,144,980	2,200,000	142.95
Plus: Revenues	3,633	313,635	233,401	134.38	249,165	2,573,851	5,766,500	44.63
Less: Expenditures	20,173	172,629	315,641	54.69	1,690,946	3,184,207	7,049,683	45.17
Ending Fund Balance	<u>321,782</u>	<u>321,782</u>	<u>77,760</u>	<u>413.81</u>	<u>2,534,624</u>	<u>2,534,624</u>	<u>916,817</u>	<u>276.46</u>

	Sewer Fund				Storm Sewer			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	3,168,373	2,688,213	2,200,000	122.19	1,357,802	1,185,198	1,100,000	107.75
Plus: Revenues	242,374	1,714,130	2,428,800	70.58	41,343	296,258	433,400	68.36
Less: Expenditures	718,566	1,710,162	3,462,167	49.40	13,375	95,686	1,200,861	7.97
Ending Fund Balance	<u>2,692,181</u>	<u>2,692,181</u>	<u>1,166,633</u>	<u>230.77</u>	<u>1,385,770</u>	<u>1,385,770</u>	<u>332,539</u>	<u>416.72</u>

	Sanitation Fund				Community Center			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	487,421	432,697	450,000	96.15	18,434	18,239	16,000	113.99
Plus: Revenues	96,206	691,684	1,037,195	66.69	359	7,564	16,560	45.68
Less: Expenditures	102,548	643,302	1,291,501	49.81	1,130	8,140	24,119	33.75
Ending Fund Balance	<u>481,079</u>	<u>481,079</u>	<u>195,694</u>	<u>245.83</u>	<u>17,663</u>	<u>17,663</u>	<u>8,441</u>	<u>209.25</u>

	Library				Warrenton Urban Renewal Agency Capital Projects Fund			
	Current Month	Year to Date	Budget	% of Budget	Current Month	Year to Date	Budget	% of Budget
Beginning Fund Balance	239,358	128,494	111,000	115.76	13,362	19,464	25,288	76.97
Plus: Revenues	3,292	217,856	225,902	96.44	3	88,823	6,407,433	1.39
Less: Expenditures	18,108	121,808	232,070	52.49	424	95,346	6,432,721	1.48
Ending Fund Balance	<u>224,542</u>	<u>224,542</u>	<u>104,832</u>	<u>214.19</u>	<u>12,941</u>	<u>12,941</u>	<u>-</u>	<u>-</u>

Financial data as of January 2021, continued

(\$) Cash Balances as of January 31, 2021

General Fund	1,696,025	Warrenton Marina	374,418	Storm Sewer	1,330,854
WBL	56,528	Hammond Marina	320,524	Sanitation Fund	337,928
Building Department	889,585	Water Fund	2,044,529	Community Center	18,607
State Tax Street	2,385,564	Sewer Fund	2,331,737	Library	226,765

Warrenton Urban Renewal Agency

Capital Projects	13,215
Debt Service	2,467,971

General Fund Revenues	Collection Frequency	2020-2021 Budget	Actual as a % of Current Budget	Collections/Accruals Year to date		(over) under budget
				January 2021	January 2020	
Property taxes-current	AP	1,077,628	100.65	1,084,594	965,338	(6,966)
Property taxes-prior	AP	30,000	87.92	26,375	20,656	3,625
County land sales	A	-	0.00	-	-	-
Franchise fees	MAQ	598,000	41.76	249,733	283,042	348,267
COW - franchise fees	M	256,281	69.15	177,219	105,345	79,062
Transient room tax	Q	525,212	58.44	306,909	365,481	218,303
Liquor licenses	A	550	95.45	525	550	25
State revenue sharing	MQ	168,891	46.72	78,899	66,769	89,992
Municipal court	M	136,700	38.77	52,995	72,744	83,705
Community development fees	I	105,000	31.97	33,565	36,221	71,435
Police charges	I	21,000	39.57	8,309	10,903	12,691
Fire charges	SM	103,524	50.14	51,912	50,255	51,612
Park charges	I	-	0.00	-	480	-
Miscellaneous	I	1,200	687.25	8,247	11,629	(7,047)
Interest	M	18,000	23.99	4,318	11,744	13,682
Lease receipts	M	216,473	58.40	126,426	128,623	90,047
Grants	I	-	0.00	11,696	-	(11,696)
Sub-total		3,258,459	68.18	2,221,722	2,129,780	1,036,737
Transfers from other funds	I	-	0.00	-	-	-
Overhead	M	1,167,282	53.90	629,219	757,688	538,063
Total revenues		4,425,741	64.42	2,850,941	2,887,468	1,574,800

M - monthly

S - semi-annual

Q - quarterly

I - intermittently

SM - Semi-annual in November then monthly

MQ - Monthly, cigarette and liquor and Quarterly, revenue sharing

AP - As paid by taxpayer beginning in November

R - renewals due in July and new licenses intermittently

MAQ - Century Link, NW Nat & Charter-quarterly,
all others monthly

A - annual

Note: Budget columns do not include contingencies as a separate line item but are included in the ending fund balance. Unless the Commission authorizes the use of contingency, these amounts should roll over to the following year beginning fund balance. For budget details, please refer to the City of Warrenton Adopted Budget for fiscal year ending June 30, 2021. Budget amounts reflect budget adjustments approved by the Commission during the fiscal year. Information and data presented in this report is unaudited.

HARBORMASTER REPORT

Commission Report - March 9, 2021



REPORT CONTENT

Overview of Marina Facilities

Summary of Projects

Marina Maintainer Productivity Reports

Finance Overview

WARRENTON AND HAMMOND MARINAS OVERVIEW

Warrenton Marina Facilities

- Area is approximately 42 acres
- 340 Mooring Slips
- Pay-station
- Fishing Cleaning Station
- Warrenton Launch
- Launch Restroom
- Main Restrooms Facility with 4 Individual Showers
- Marina Office
- Marina Maintenance Shop
- Commercial Work Pier
- Overnight Stay Area - approximately 100 spots

Hammond Marina Facilities

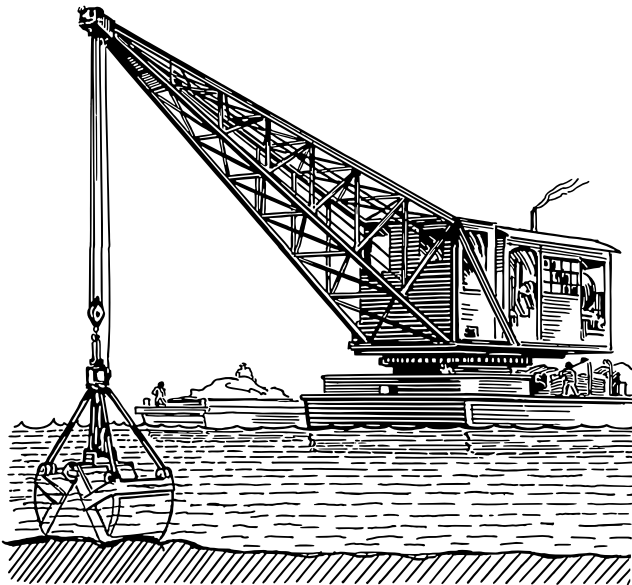
- Area is approximately 50 acres
- 180 Mooring Slips
- 2 Pay-stations
- Fishing Cleaning Station
- 4 Launch Lanes
- Main Restrooms Facility with Showers
- Maintenance Dry Storage Area
- Overnight Stay Area - approximately 100 spots

SUMMARY OF PROJECTS

Note about budget for fiscal year July 1, 2020 - June 30, 2021

Due to the unknown impacts of COVID-19 during our budget planning for this fiscal year, the Marina Department did not budget much for staff completed projects. We planned for repair and maintenance of the marina facilities and avoided an employee layoff by having an employee voluntarily resign. The Marina has two major projects planned; the dredging of the Hammond Marina and the repair of the commercial work pier in the Warrenton Marina.

Hammond Dredge Project



- Dredge work is completed for 2020
- 38,422 CY of material removed
- In 2021 Bergerson will be completing work in the west side of basin and any clean up work that is needed

Commercial Work Pier

- Had meeting with Berger ABAM
- Project specifications are completed, we are waiting on their scope of work plan

SUMMARY OF PROJECTS OCT 1, 2020 - FEB 28, 2021

Staff Completed Projects in Warrenton Marina

- Underground waterline leak from Bathhouse to the Pumpout dock
- Multiple E dock repairs
- Removed part of fish cleaning station to get ready for replacement of wood fencing
- Met with Bogh electric over multiple power issues we had this winter and replaced power meters. Bogh electric bills were \$5,161.25 in repairs for 2020; planning to budget in additional upgrades and repairs for next fiscal year
- Annual dock inspections and buoy 10 prep started



Staff Completed Projects in Hammond Marina

- Prepped Marina for dredge crews to come in
- Blocked off River beach area with concrete blocks, chain and signs
- Walkway to A dock washed away during storm and replaced that and rotted wood was replaced
- King tides cause pilings to get caught up docks and caused damage

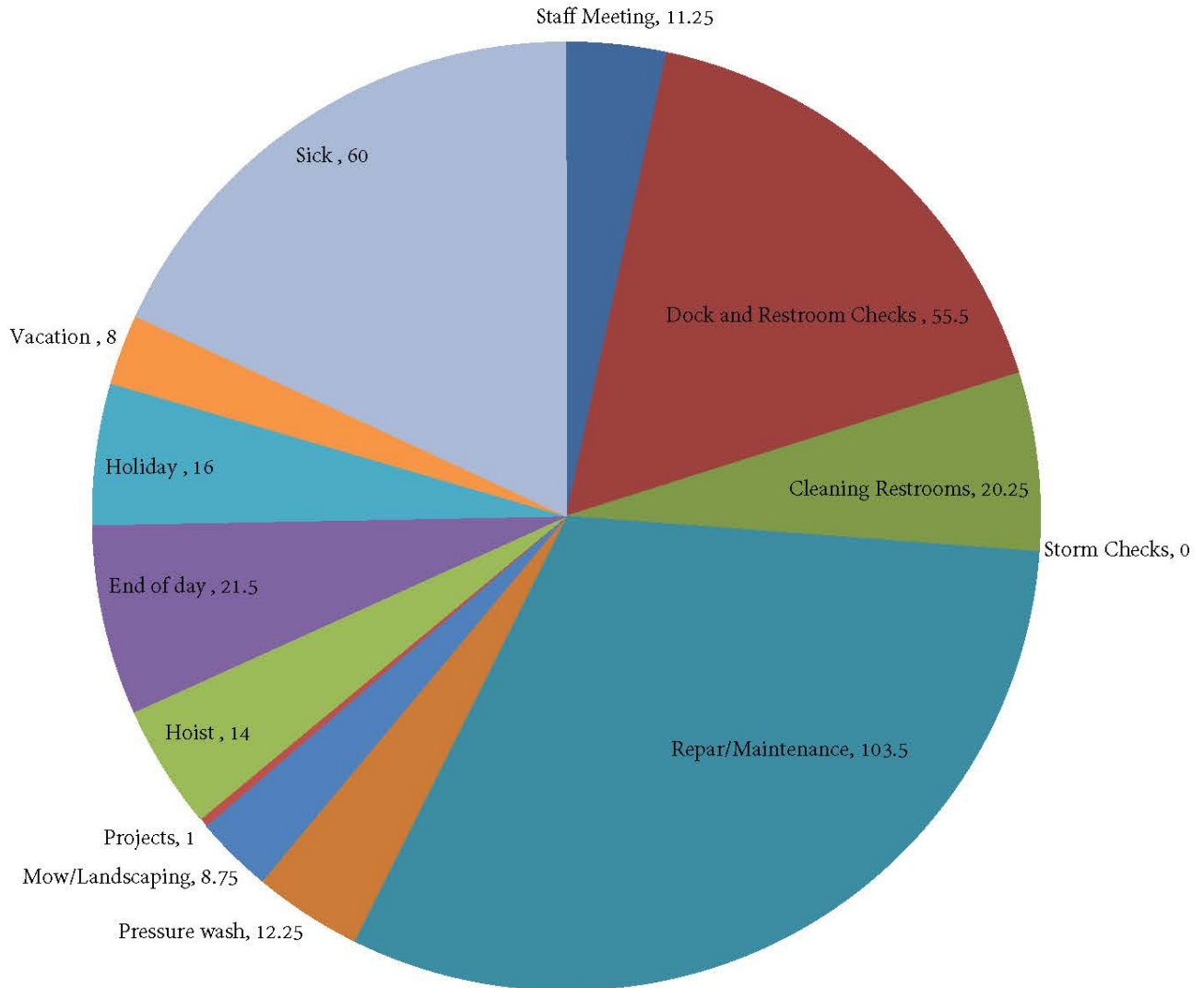


PRODUCTIVITY REPORT

Employee #1 Time Audit Review

Employee #1

Paid Hours Jan 1, 2021 - Feb 28, 2021



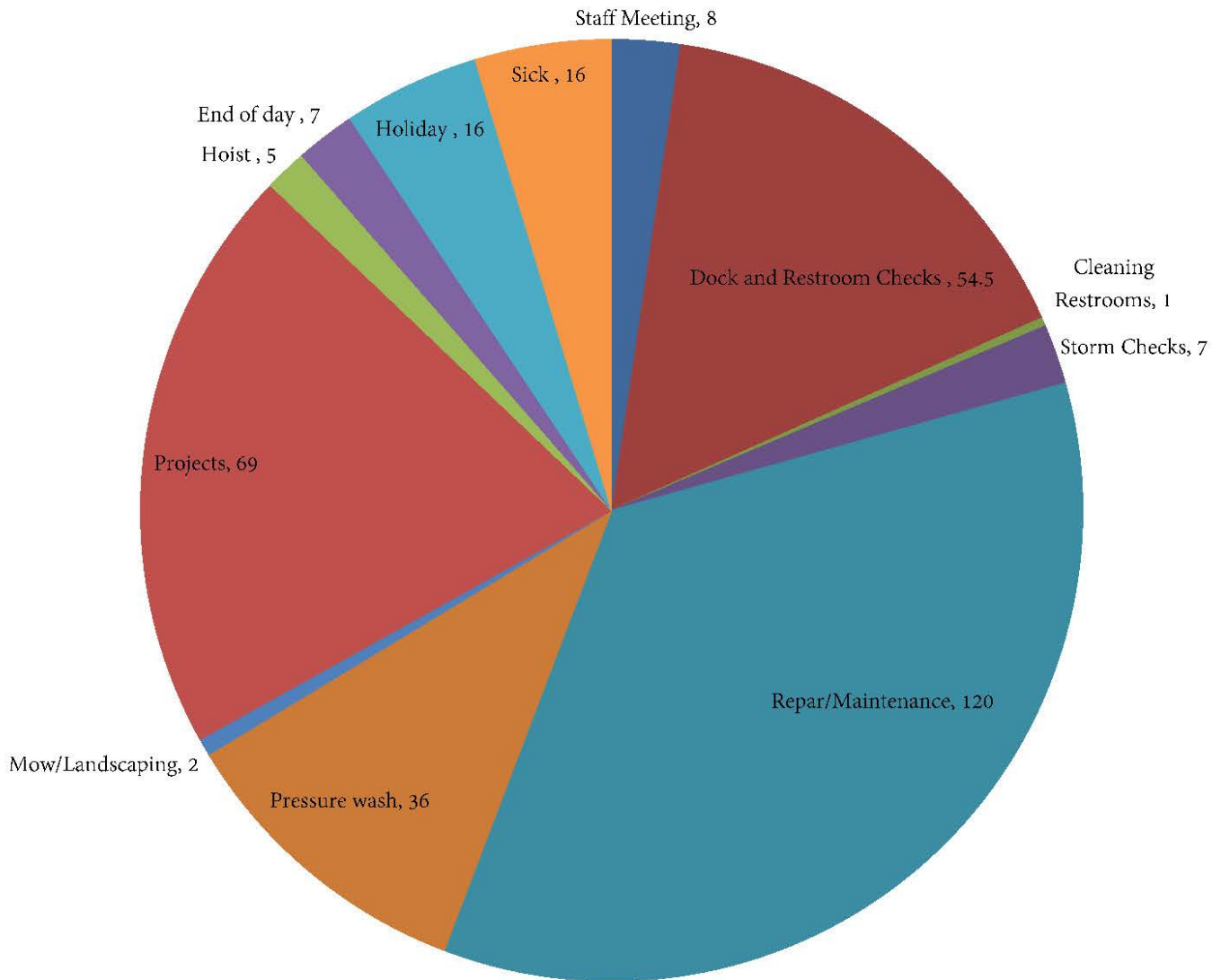
Overall this employee spent the majority of their time working preforming repair and maintenance as well as the dock and restroom checks and cleaning.

PRODUCTIVITY REPORT

Employee #2 Time Audit Review

Employee #2

Paid Hours Jan 1, 2021 - Feb 28, 2021



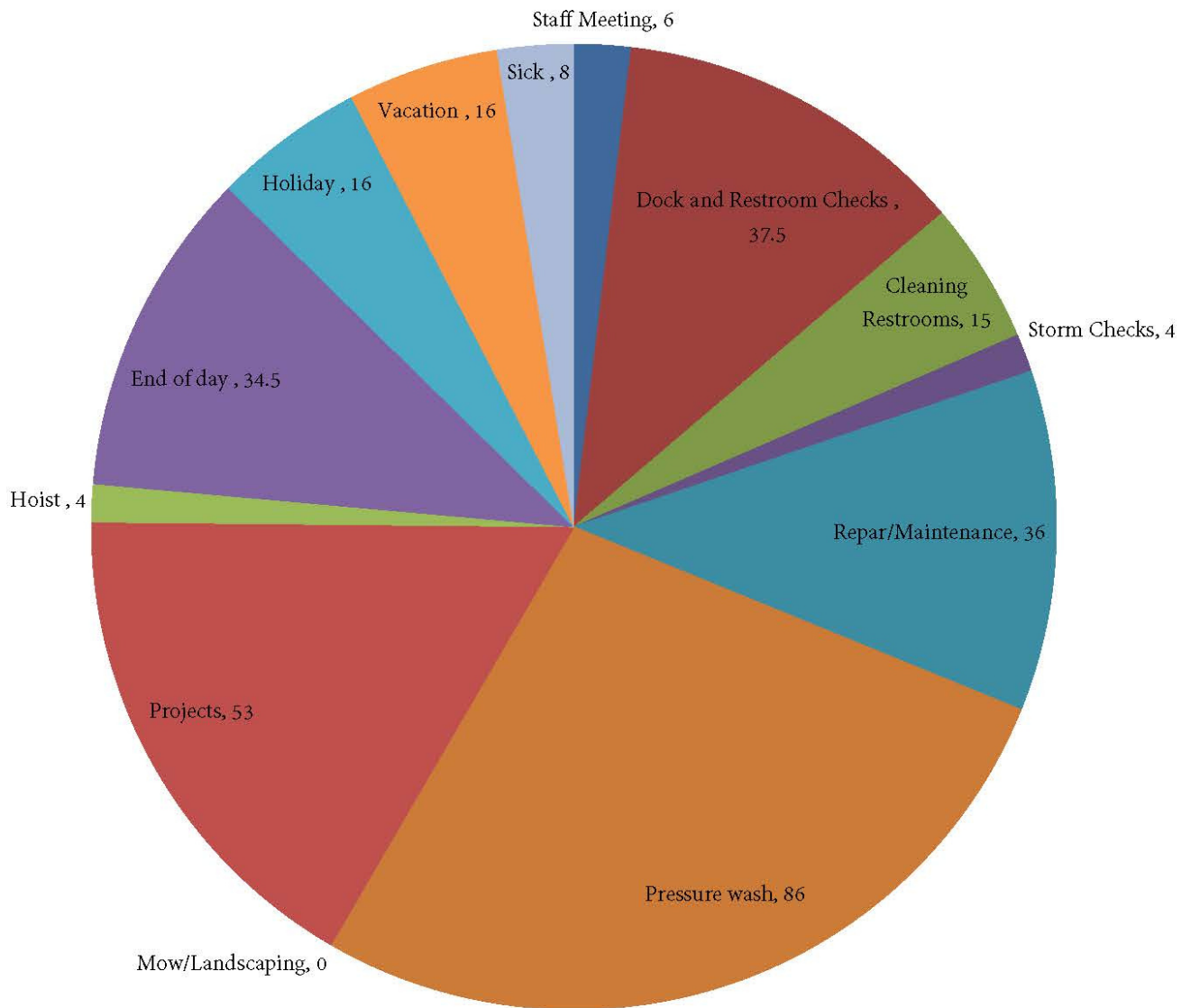
Overall this employee spent the majority of their time performing repair and maintenance as well as time spent on projects, pressure washing and dock and restroom checks .

PRODUCTIVITY REPORT

Employee #3 Time Audit Review

Employee #3

Paid Hours Jan 1,2021 - Feb 28, 2021



Overall this employee spent the majority of their time pressure washing the docks. The marina docks must be pressure washed approximately 3-4 times a year to ensure they do not get slippery for customers. This employee also spent a lot of their time on projects.

REVENUE OVERVIEW

CITY OF WARRENTON MARINAS - REPORT 7/1/2020 - 2/2/2021

WARRENTON				HAMMOND			
REVENUE	BUDGET	YTD	%	REVENUE	BUDGET	YTD	%
OSMB - MAP GRANT	\$ -	\$ -	0%	OSMB - MAP GRANT	\$ -	\$ -	0%
MOORAGE CREDITS				MOORAGE CREDITS		\$ -	
ANNUAL MOORAGE	\$ 270,000.00	\$ 254,083.00	94%	ANNUAL MOORAGE	\$ 75,000.00	\$ 93,558.00	125%
TRANSIENT DAILY	\$ 25,000.00	\$ 45,310.00	181%	TRANSIENT DAILY	\$ 10,000.00	\$ 15,690.00	157%
UTILITIES	\$ 55,000.00	\$ 32,736.65	60%	UTILITIES	\$ 1,000.00	\$ 760.60	76%
BOAT STORAGE	\$ 20,000.00	\$ 2,445.00	12%	BOAT STORAGE			
LAUNCH RAMP	\$ 30,000.00	\$ 23,700.00	79%	LAUNCH RAMP	\$ 60,000.00	\$ 86,560.00	144%
HOIST/SHOWER	\$ 15,000.00	\$ 10,575.00	71%	HOIST/SHOWER			
FUEL CHARGES				FUEL CHARGES			
MONTHLY MOORAGE	\$ 25,000.00	\$ 7,832.00	31%	MONTHLY MOORAGE	\$ 10,000.00	\$ 7,200.00	72%
FACILITIES FEE	\$ 45,000.00	\$ 37,830.00	84%	FACILITIES FEE	\$ 7,500.00	\$ 13,155.00	175%
PARKING	\$ 25,000.00	\$ 22,000.00	88%	PARKING	\$ 20,000.00	\$ 23,220.00	116%
PUMP OUT				PUMP OUT			
OVERNIGHT STAY	\$ 6,000.00	\$ 14,600.00	243%	OVERNIGHT STAY	\$ 25,000.00	\$ 56,860.00	227%
LIVEABOARD FEES	\$ 6,000.00	\$ 3,360.00	56%	LIVEABOARD FEES			
WORK SLIP	\$ 8,000.00	\$ 6,200.00	78%	WORK SLIP			
REPAIR CHARGES				REPAIR CHARGES			
PIER USE	\$ 4,000.00	\$ 32,750.00	819%	PIER USE			
FISHERMEN & FARMERS	\$ 1,000.00						
MISCELLANEOUS		\$ 1,973.00		MISCELLANEOUS		\$ 3,272.00	
INTEREST EARNINGS	\$ 7,000.00	\$ 4,582.00	65%	INTEREST EARNINGS	\$ 12,000.00	\$ 6,212.00	52%
LEASE RECIPITS	\$ 29,226.00	\$ 18,072.00	62%	LEASE RECIPITS	\$ 12,901.00	\$ 7,645.00	59%
TOTALS	\$ 571,226.00	\$ 518,048.65	91%	TOTALS	\$ 233,401.00	\$ 314,132.60	135%

*Interest Earnings & Lease Recipits Reflected Through 1/31/2021

Currently planning budget for 2021-2022 and reviewing rates



AGENDA MEMORANDUM

TO: The Warrenton City Commission

FROM: Dawne Shaw, City Recorder

DATE: March 9, 2021

SUBJ: Consideration of Resolution No. 2592

SUMMARY

At a February 10, 2021 joint work session with Clatsop County, the City of Astoria, and the Port of Astoria, CEDR representatives discussed the Clatsop County Enterprise Zone. They are asking the City of Warrenton consider entering a 5-year extended enterprise zone abatement. Enterprise Zone Manager, Kevin Leahy will be at the meeting to provide details and additional information.

RECOMMENDATION/SUGGESTED MOTION

I move to approve Resolution No. 2592; A Resolution Approving an Agreement Between the Sponsors of the Clatsop County Enterprise Zone and SDYB Opco and authorize the Mayor's signature on the agreements for Enterprise Zone Extended Abatement.


ALTERNATIVE

Other action as deemed appropriate by the City Commission.

FISCAL IMPACT

N/A

Approved by City Manager:



RESOLUTION NO. 2592

Introduced by All Commissioners

A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE SPONSORS OF THE CLATSOP COUNTY ENTERPRISE ZONE AND SDYB Opco.

A joint venture of Bornstein Seafoods, Inc., The Scoular Company, Da Yang Seafood, Inc.

WHEREAS, Clatsop County, City of Astoria, Port of Astoria and City of Warrenton are Sponsors of the Clatsop County Enterprise Zone; and

WHEREAS, the Clatsop County Enterprise Zone was originally established June 2013 and expanded in November 2018 to include properties within the City of Astoria; and

WHEREAS, the Sponsors of the Clatsop County Enterprise Zone have negotiated with SDYB Opco, for an extended abatement under the Long-term Rural Enterprise Zone requirements outlined in Oregon Administrative Rule Chapter 123 Division 690; and

WHEREAS, the Sponsors of the Clatsop County Enterprise Zone have approved the Written Agreement with SDYB Opco; and

WHEREAS, SDYB Opco has submitted the necessary application to the Clatsop County Enterprise Zone Manager; and

WHEREAS, ORS 285C.403 requires the governing body of the county and city in which the facility is located to adopt a Resolution approving the property tax exemption for the facility.

NOW, THEREFORE, the City Commission of the City of Warrenton does hereby resolve:

To support the Agreement as negotiated by the Clatsop County Enterprise Zone Sponsors with SDYB Opco by signing this statutorily required Resolution.

Adopted by the City Commission of the City of Warrenton this 9th day of March 2021.

This resolution shall take effect immediately upon its passage.

APPROVED

Henry A. Balensifer III, Mayor

ATTEST

Dawne Shaw, CMC, City Recorder

AGREEMENT FOR ENTERPRISE ZONE EXTENDED ABATEMENT

This agreement for Enterprise Zone Extended Tax Abatement ("Agreement") is executed by and among CLATSOP COUNTY, OREGON ("Clatsop County"), the CITY OF ASTORIA, OREGON ("City of Astoria"), the CITY OF WARRENTON ("City of Warrenton"), the PORT OF ASTORIA ("Port of Astoria") and SDYB Opco, a joint venture of Bornstein Seafoods, Inc., The Scoular Company, Da Yang Seafood Inc., herein collectively referenced in this Agreement as "Parties."

Clatsop County, the Port of Astoria, the City of Warrenton, and the City of Astoria are Sponsors of the Clatsop County Enterprise Zone pursuant to Oregon Revised Statute (ORS) 285C.045, *et seq.*

With the aid of tax incentives from the Sponsors, SDYB Opco, either directly or through an affiliate, intends to invest approximately \$10,000,000 in the Clatsop County Enterprise Zone by constructing a new facility at 1110 SE Flightline Drive in Warrenton, Oregon.

SDYB must execute a first-source hiring agreement, pursuant to ORS 285C.215, regarding the new permanent jobs to be created in Clatsop County.

The sponsor of the Enterprise Zone comprising the "Parties" do hereby enter into an agreement for extending the period during which SDYB Opco shall receive an exemption from ad valorem taxes on its proposed investment in qualified property in the Enterprise Zone, contingent on certain requirements, under ORS 285C.160.

The "Parties" jointly acknowledge that: subject to] approval of the application for authorization, as well as the satisfaction of requirements under ORS 285C.050 to 285C.250, SDYB Opco is eligible for three years of full exemption on its qualified property under ORS 285C.175 (2)(a); nothing in this agreement shall modify or infringe on that three-year exemption or the requirements thereof; and, this agreement is null and void if SDYB Opco does not qualify for the three years of exemption on some such property.

The Zone Sponsor does hereby grant to SDYB Opco an extension to that property tax abatement, as allowed under ORS 285C.175(2)(b), of an additional two years on the property that initially qualifies in the Enterprise Zone after the assessment year, estimated to begin on April 2022, and, thusly, sets the period of exemption at five consecutive years in total, during which statutory requirements for the standard three-year enterprise zone exemption must also continue to be satisfied.

Confirmation of Statutory Provisions

In order for the qualified property to be exempt from ad valorem taxes for the additional two-year[s] of enterprise zone exemption as granted herein, SDYB Opco agrees herewith that under ORS 285C.160(3)(a)(A)(i) or (ii) and (b), in accordance with OAR 123-674-0600.

For each year of the entire exemption period, SDYB Opco new employees shall receive an average level of compensation equal to or greater than 130 percent of the county average annual wage, such that:

- a. Compensation includes benefits such as employer-provided insurance that can be monetized and do not arise from a payroll tax or similar government mandate, and
- b. Except as revised under ORS 285C.160(4), the county wage is set at the time of authorization, and accordingly, the 2019 average wage for County is \$39,100 of which 130 percent equals \$50,830.

1. During the additional two years, the average annual wage (taxable income) received by SDYB Opco new employees shall also be equal to or greater than the current county average wage based on the most recent, final figure at that time.

2. SDYB Opco new employees' for purposes of these requirements comprise only employees hired for and working at full-time, year-round, non-temporary jobs that are created and filled for the first time after the date of application for authorization but on or before December 31 of the first full year of the initial exemption, and that are performed within the current boundaries of the Enterprise Zone and engaged a majority of their time in

SDYB Opco eligible operations according to ORS 285C.135 and 285C.200(7), regardless if any such employee is leased, contracted for, or otherwise obtained through an external agent, provided that they are hired by and employed directly by SDYB Opco. .

- A. **Signatures:** This Agreement may be signed in counterparts. A fax or electronic transmission of a signature page will be considered an original signature page. At the request of a party, the other party will confirm a fax-transmitted signature page by delivering an original signature page to the requesting party.

IN WITNESS WHEREOF, the Parties, by their respective duly authorized representatives, have executed this Agreement on the date shown below.

**CLATSOP COUNTY
BOARD OF COMMISSIONERS**

CITY OF ASTORIA

Name, Title

Name, Title

Date: _____

Date: _____

Attest:

Attest:

Recording Secretary

City Recorder

CITY OF WARRENTON

PORT OF ASTORIA

Name, Title

Name, Title

Date: _____

Date: _____

Attest:

Attest:

City Recorder

Recording Secretary

SDYB Opco a joint venture of Bornstein Seafoods, Inc., The Scoular Company, Da Yang Seafood Inc.

Name, Title

Date: _____

Attest:

SDYB Opco - Standard Enterprise Zone Exemption Estimates

Land now Taxable that was Non-assessable (Port of Astoria Land)

Year	Land Est. Assessed Value		Est. Tax Rate	Est. Collectable Taxes	Cumulative Collectable Taxes
2023	143,196		13.6960	1,961	1,961
2024	143,196		13.6960	1,961	3,922
2025	143,196		13.6960	1,961	5,884
2026	143,196		13.6960	1,961	7,845
2027	143,196		13.6960	1,961	9,806

Combined New Buildings and Machinery/Equipment

Year	Est. Exempt Assessed Value	Year of Exemption	Est. Tax Rate	Est. Exempt Taxes	Cumulative Exempt Taxes
2023	10,000,000	1	13.6960	136,960	136,960
2024	9,683,333	2	13.6960	132,623	269,583
2025	9,366,667	3	13.6960	128,286	397,869
2026	9,050,000	4	13.6960	123,949	521,818
2027	8,733,333	5	13.6960	119,612	641,429

All Property Taxable After the Exemption Ends

Year	Est. Assessed Value		Est. Tax Rate	Est. Collectable Taxes	
2028	8,559,863		13.6960	117,236	

SDYB Opco Land now taxable that was Non-assessable (Port of Astoria land)			
First Year 2023/24		2023/24-2027/28	
Tax Rate \$13.6960		Tax Rate \$13.6960	
	Annual Tax		Cumulative Tax
	\$1,961.22		\$9,806.10
City of Warrenton	\$328.65		\$1,643.25
L/O Option Warrenton	\$87.35		\$436.75
Clatsop County 4-H/Extension	\$6.69		\$33.45
Clatsop County	\$220.34		\$1,101.70
Clatsop County Local Option	\$7.16		\$35.80
Port of Astoria	\$15.72		\$78.60
Clatsop Care Center	\$22.05		\$110.25
Clatsop Care Center Local Option	\$32.94		\$164.70
Clatsop College	\$119.05		\$595.25
NW ESD	\$19.25		\$96.25
Warrenton School 30	\$913.96		\$4,569.80
Sunset Transportation	\$20.26		\$101.30
Warrenton Urban Renewal	\$167.80		\$839.00
	\$1,961.22		\$9,806.10

SDYB Opco Enterprise Zone Estimated Taxes Exempted- New Bldg/Machinery & Equip			
2023/24		2023/24-2027/28	
Tax Rate \$13.6960		Tax Rate \$13.6960	
	Annual Tax		Cumulative Tax
	\$136,960.00		\$641,429.33
City of Warrenton	\$22,951.00		\$107,487.18
L/O Option Warrenton	\$6,100.00		\$28,568.33
Clatsop County 4-H/Extension	\$467.00		\$2,187.12
Clatsop County	\$15,387.00		\$72,062.45
Clatsop County Local Option	\$500.00		\$2,341.67
Port of Astoria	\$1,098.00		\$5,142.30
Clatsop Care Center	\$1,540.00		\$7,212.33
Clatsop Care Center Local Option	\$2,300.00		\$10,771.67
Clatsop College	\$8,314.00		\$38,937.23
NW ESD	\$1,344.00		\$6,294.40
Warrenton School 30	\$63,826.00		\$298,918.43
Sunset Transportation	\$1,415.00		\$6,626.92
Warrenton Urban Renewal	\$11,718.00		\$54,879.30
	\$136,960.00		\$641,429.33

Oregon Enterprise Zone Authorization Application*

Complete form and submit to the local enterprise zone manager before breaking ground or beginning work at the site.

Applicant

Enterprise zone or rural renewable energy development zone (where business firm and property will be located)		Email twortmann@scoular.com	
Name of business firm SDYB Opco		Phone (402)342-3500	
Mailing address 2027 Dodge Street	City Omaha	State NE	ZIP code 68102
Location of property (street address if different from above) 1110 S. E. Flightline Drive	City Warrenton	State OR	ZIP code 97146
County, TRS map ID number, and Tax lot number of site	Contact person Tom Wortmann	Title Managing Director, Corporate Dev.	

My firm expects to first claim standard property tax exemption in (up to three consecutive) year(s): 2022

- Check here if your firm has or has had another exemption in this enterprise zone.
- Check here that your firm commits to renew this authorization application. Renew this application on or before April 1 every two calendar years, until the tax exemption on qualified property is claimed.
- Check here if requesting an **extended abatement** of one or two additional years of exemption. Extended abatement is subject to written agreement with local zone sponsor before this application is approved and to additional state or local requirements.

Zone manager use only (after written agreement but before authorizing firm):

County average annual wage: \$ _____ Year _____ Total exemption period: 4 or 5 Consecutive years (check one)

Business eligibility

Eligible activity—Check all activities that apply to proposed investment within the enterprise zone:

- Manufacturing Fabrication Bulk printing Shipping Agricultural production Energy generation
- Assembly Processing Software publishing Storage Back-office systems
- Other—describe the activities that provide goods, products, or services to other businesses (or to other operations of your firm):

- Check here if your business firm does or will engage in **ineligible activities** within the enterprise zone (such as retail sales, health care, professional services, or construction). Describe below (or in an attachment) these activities and their physical separation from "eligible activities":

Special cases—Check all that apply:

- Check here if a **hotel, motel, or destination resort** in an applicable enterprise zone.
- Check here if a **retail/financial call center**. Indicate expected percent of customers in local calling area: _____ %.
- Check here if a **"headquarters" facility**. (Zone sponsor must find that operations are statewide-regional in scope and locally significant)
- Check here if an **electronic commerce investment** in an e-commerce enterprise zone.

Employment in the enterprise zone (see worksheets on last page)

Don't count FTEs, temporary, seasonal, construction, part-time jobs (32 hours or less per week), or employees working at ineligible operations.

Existing Employment—My business firm's average number of full-time employees inside the zone over the past 12 months is _____

New Employees— • Hiring is expected to begin on (date or month and year):

January 2022

• Hiring is expected to be completed by (month and year):

April 2022

• Estimated total number of new employees to be hired with this investment is: 10

Commitments—By checking all boxes below, you agree to the following commitments as required by law for authorization:

- By April 1 of the first year of exemption on the proposed investment in qualified property, I will have increased existing employment within the zone by one new employee or by 10%, whichever is greater.
- My firm will maintain at least the above minimum level as an annual average employment during the exemption period.
- When the exemption claim is filed by April 1 following each calendar year of exemption, total employment in the zone will also not have shrunk by more than 85% at one time or by more than 50% twice in a row, compared to the highest such figure with any previous claim.
- My firm will comply with local additional requirements as contained in: (1) a written agreement for an extended abatement, (2) zone sponsor resolution(s) waiving required employment increase inside zone, or (3) an urban enterprise zone's adopted policy, if applicable.
- My firm will verify compliance with these commitments, as requested by the local zone sponsor, the county assessor or their representative, or as directed by state forms or administrative rules.
- My firm will enter into a **first-source hiring agreement** before hiring new eligible employees. (This **mandatory** agreement entails an obligation to consider referrals from local job training providers for eligible job openings within the zone during at least the exemption period.)

Oregon employment outside the enterprise zone

Check only those that apply:

- Check here if yours or any commonly controlled firm will curtail operations in the state **beyond 30 miles of the zone boundary and move them into the zone**. Indicate timing, location, number of any job losses, and relationship to the proposed enterprise zone investment:

- Check here if you are transferring operations into the zone from site(s) in the state **within 30 miles of zone boundary**:
My firm's average employment at the site(s) outside the enterprise zone boundary over the past 12 months is _____ jobs.
- Check here, if applicable, that your firm commits to increase the combined employment at the site(s) (outside but within 30 miles of zone boundary) and in the zone to 110% of the existing combined level by April 1 and on average during the first year of exemption.

Proposed investment in qualified property

Anticipated timing—Enter dates or months/years (non-binding)

Action	Site and building and structures			Machinery and equipment		
	Preparation	Construction*	Placed in service**	Procurement***	Installation	Placed in service**
To commence or begin on	April 2021	April 2021	April 2022	April 2021	August 2021	April 2022
To be completed on	May 2021	March 2022		May 2021	March 2022	

* Including new reconstruction, additions to, or modifications of existing building(s) or structure(s).
 ** This is in the calendar year directly before the very first year of exemption, so on page 1, please indicate the year following as the very first year expected for claiming this exemption.
 ***May precede application by up to three months (includes personal property).

Special issues:

- Check here for building/structure acquired/leased for which construction, reconstruction, additions, or modifications began prior to this application (attach executed lease or closing documents, and don't take up occupancy until this application is approved).
- Check here if anticipating using **Construction in process** tax exemption for qualified property that is still being constructed/installed and isn't yet placed in service and is located on site as of January 1. If so, file *Application for Construction-in-Process Enterprise Zone Exemption*, 150-310-021, by April 1 with the county assessor's office.

Qualifying property: Estimates of cost and details about property are not binding, but in order for property to be exempted, its basic type and any major building/structure needs to be at least represented below.

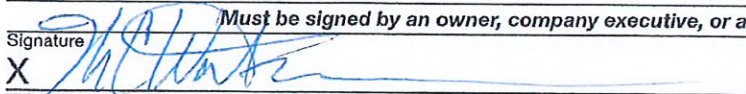
Type of property		Number of each/item	Estimated value	Check if any item will be leased
Real property	Building or structure to be newly constructed	1	\$ 5,000,000.00	<input type="checkbox"/>
	New addition to or modification of an existing building or structure		\$	<input type="checkbox"/>
	Heavy or affixed machinery and equipment	TBD	\$ 5,000,000.00	<input type="checkbox"/>
Personal property item(s) costing:	\$50,000 or more		\$	<input type="checkbox"/>
	\$1,000 or more (E-commerce zone or used exclusively for production of tangible goods)		\$	<input type="checkbox"/>
Total estimated value of investment			\$ 10,000,000.00	

In addition, describe below (or in an attachment) the overall nature and potential extent of your investment, including preliminary building plans and lists of property items, as appropriate and recommended by zone manager or county assessor (may be kept confidential).
 SDYB Opco will be constructing a 14,400 square foot fishmeal processing facility. Design is attached with main equipment list.

Declaration

I declare under penalties of false swearing [ORS 305.990(4)] that I have examined this document and attachments, and to the best of my knowledge, they are true, correct, and complete. If any information changes, I will notify the zone manager and the county assessor and submit appropriate written amendments. I understand that my business firm will receive the tax exemption for property in the enterprise zone, only if my firm satisfies statutory requirements (ORS Chapter 285C) and complies with all local, Oregon, and federal laws that are applicable to my business.

Must be signed by an owner, company executive, or authorized representative of the business firm

Signature X 	Date February 2, 2021
---	--------------------------

Title (if not an owner or executive, attach letter attesting to appropriate contractual authority)
Managing Director, Corporate Development

Local enterprise zone manager and county assessor must approve this application (with *Enterprise Zone Authorization Approval*, Form 150-303-082)

AGREEMENT FOR ENTERPRISE ZONE EXTENDED ABATEMENT

This agreement for Enterprise Zone Extended Tax Abatement ("Agreement") is executed by and among CLATSOP COUNTY, OREGON ("Clatsop County"), the CITY OF ASTORIA, OREGON ("City of Astoria"), the CITY OF WARRENTON ("City of Warrenton"), the PORT OF ASTORIA ("Port of Astoria") and River Barrel Brewing, Inc, herein collectively referenced in this Agreement as "Parties."

Clatsop County, the Port of Astoria, the City of Warrenton, and the City of Astoria are Sponsors of the Clatsop County Enterprise Zone pursuant to Oregon Revised Statute (ORS) 285C.045, *et seq.*

With the aid of tax incentives from the Sponsors, River Barrel Brewing, either directly or through an affiliate, intends to invest approximately \$8,075,000 in the Clatsop County Enterprise Zone by expanding the Astoria Campus on the Astoria waterfront with a projected place-in-service date of August 31, 2021.

River Barrel must execute a first-source hiring agreement, pursuant to ORS 285C.215, regarding the new permanent jobs to be created in Clatsop County.

The sponsor of the Enterprise Zone comprising the "Parties" do hereby enter into an agreement for extending the period during which River Barrel Brewing shall receive an exemption from ad valorem taxes on its proposed investment in qualified property in the Enterprise Zone, contingent on certain requirements, under ORS 285C.160.

The "Parties" jointly acknowledge that: subject to] approval of the application for authorization, as well as the satisfaction of requirements under ORS 285C.050 to 285C.250, River Barrel Brewing is eligible for three years of full exemption on its qualified property under ORS 285C.175 (2)(a); nothing in this agreement shall modify or infringe on that three-year exemption or the requirements thereof; and, this agreement is null and void if River Barrel Brewing does not qualify for the three years of exemption on some such property.

The Zone Sponsor does hereby grant to River Barrel Brewing an extension to that property tax abatement, as allowed under ORS 285C.175(2)(b), of an additional two years on the property that initially qualifies in the Enterprise Zone after the assessment year, estimated to begin on January 1, 2022, and, thusly, sets the period of exemption at five consecutive years in total, during which statutory requirements for the standard three-year enterprise zone exemption must also continue to be satisfied.

Confirmation of Statutory Provisions

In order for the qualified property to be exempt from ad valorem taxes for the additional two-year[s] of enterprise zone exemption as granted herein, River Barrel Brewing agrees herewith that under ORS 285C.160(3)(a)(A)(i) or (ii) and (b), in accordance with OAR 123-674-0600.

For each year of the entire exemption period, River Barrel Brewing's new employees shall receive an average level of compensation equal to or greater than 130 percent of the county average annual wage, such that:

- a. Compensation includes benefits such as employer-provided insurance that can be monetized and do not arise from a payroll tax or similar government mandate, and
- b. Except as revised under ORS 285C.160(4), the county wage is set at the time of authorization, and accordingly, the 2019 average wage for County is \$39,100 of which 130 percent equals \$50,830.

1. During the additional two years, the average annual wage (taxable income) received by River Barrel Brewing's new employees shall also be equal to or greater than the current county average wage based on the most recent, final figure at that time.

2. River Barrel Brewing's new employees' for purposes of these requirements comprise only employees hired for and working at full-time, year-round, non-temporary jobs that are created and filled for the first time after the date of application for authorization but on or before December 31 of the first full year of the initial exemption, and that are performed within the current boundaries of the Enterprise Zone and engaged a majority of their time in River Barrel Brewing's eligible operations according to ORS 285C.135 and 285C.200(7), regardless if

any such employee is leased, contracted for, or otherwise obtained through an external agent, provided that they are hired by and employed directly by River Barrel Brewing. 26 FTE for period 11/1/19-10/31/20.

A. **Signatures:** This Agreement may be signed in counterparts. A fax or electronic transmission of a signature page will be considered an original signature page. At the request of a party, the other party will confirm a fax-transmitted signature page by delivering an original signature page to the requesting party.

IN WITNESS WHEREOF, the Parties, by their respective duly authorized representatives, have executed this Agreement on the date shown below.

**CLATSOP COUNTY
BOARD OF COMMISSIONERS**

CITY OF ASTORIA

Name, Title

Name, Title

Date: _____

Date: _____

Attest:

Attest:

Recording Secretary

City Recorder

CITY OF WARRENTON

PORT OF ASTORIA

Name, Title

Name, Title

Date: _____

Date: _____

Attest:

Attest:


City Recorder

Recording Secretary

River Barrel Brewing

Approved as to Form

Name, Title



Date: _____

Attest:

Buoy Beer (River Barrel Brewing Inc.) - Standard Enterprise Zone Exemption Estimates

Assessed Value & Taxes for Most Recent Certified Tax Roll, 2020/2021

Year	Total Assessed Value		Tax Rate	Total Taxes	
2020	4,808,600		19.4253	93,408	

Structures, Machinery & Equipment and Land Taxable During Exemption

Year	Est. Remaining Assessed Value		Est. Tax Rate	Est. Taxes Remaining	Cumulative Taxes Remaining
2022	5,453,207		19.4253	105,930	105,930
2023	5,463,588		19.4253	106,132	212,062
2024	5,402,334		19.4253	104,942	317,004
2025	5,319,762		19.4253	103,338	420,342
2026	5,243,464		19.4253	101,856	522,198

Combined New Buildings and Machinery/Equipment

Year	Est. Exempt Assessed Value	Year of Exemption	Est. Tax Rate	Est. Exempt Taxes	Cumulative Exempt Taxes
2022	8,075,000	1	19.4253	156,859	156,859
2023	7,820,482	2	19.4253	151,915	308,775
2024	7,565,965	3	19.4253	146,971	455,746
2025	7,311,447	4	19.4253	142,027	597,773
2026	7,056,930	5	19.4253	137,083	734,856

All Property Taxable After the Exemption Ends

Year	Est. Assessed Value		Est. Tax Rate	Est. Collectable Taxes	
2027	11,975,481		19.4253	232,627	

Buoy Beer Land, Structures, Machinery & Equipment Taxable during Exemption			
2022/23		2022/23-2026/27	
Tax Rate \$19.4119		Tax Rate \$19.4253	
	Annual Tax		Cumulative Tax
	\$105,930.12		\$522,197.81
City of Astoria	\$41,155.35		\$202,881.13
4-H/Extension	\$269.38		\$1,327.99
Clatsop County	\$8,808.01		\$43,420.38
Clatsop County Local Option	\$272.66		\$1,344.12
Port of Astoria	\$633.11		\$3,121.04
Clatsop Care Center	\$888.33		\$4,379.14
Clatsop Care Center Local Option	\$1,254.23		\$6,182.94
Clatsop College	\$4,745.92		\$23,395.71
NW ESD	\$774.90		\$3,819.98
Astoria School District 1	\$39,583.73		\$195,133.64
Sunset Transportation	\$816.34		\$4,024.29
Astor East Urban Renewal	\$2,002.41		\$9,871.20
Astor West Urban Renewal	\$4,725.75		\$23,296.25
	\$105,930.12		\$522,197.81

Combined New Buildings and Machinery/Equipment Exempt, Standard Enterprise Zone			
2022/23		2022/23-2026/27	
Tax Rate \$19.4253		Tax Rate \$19.4253	
	Annual Tax		Cumulative Tax
	\$156,859.32		\$734,855.68
City of Astoria	\$60,942.03		\$285,501.68
4-H/Extension	\$398.91		\$1,868.79
Clatsop County	\$13,042.74		\$61,102.73
Clatsop County Local Option	\$403.75		\$1,891.49
Port of Astoria	\$937.51		\$4,392.04
Clatsop Care Center	\$1,315.42		\$6,162.48
Clatsop Care Center Local Option	\$1,857.25		\$8,700.86
Clatsop College	\$7,027.67		\$32,923.30
NW ESD	\$1,147.46		\$5,375.62
Astoria School District 1	\$58,614.81		\$274,599.13
Sunset Transportation	\$1,208.83		\$5,663.12
Astor East Urban Renewal	\$2,965.14		\$13,891.11
Astor West Urban Renewal	\$6,997.80		\$32,783.33
	\$156,859.32		\$734,855.68

Oregon Enterprise Zone Authorization Application*

Complete form and submit to the local enterprise zone manager **before** breaking ground or beginning work at the site.

Applicant

Enterprise zone or rural renewable energy development zone (where business firm and property will be located)		Email dave@buoybeer.com	
Name of business firm River Barrel Brewing Inc.		Phone (503) 468-0800	
Mailing address 2 7th Street	City Astoria	State OR	ZIP code 97103
Location of property (street address if different from above)	City	State	ZIP code
County, TRS map ID number, and Tax lot number of site 80908CB00600, 80908CB00700, 80908CB01900	Contact person David Kroening	Title President	

My firm expects to first claim standard property tax exemption in (up to three consecutive) year(s): 2022

- Check here if your firm has or has had another exemption in this enterprise zone.
- Check here that your firm commits to renew this authorization application. Renew this application on or before April 1 every two calendar years, until the tax exemption on qualified property is claimed.
- Check here if requesting an **extended abatement** of one or two additional years of exemption. Extended abatement is subject to written agreement with local zone sponsor before this application is approved and to additional state or local requirements.

Zone manager use only (after written agreement but before authorizing firm):

County average annual wage: \$ _____ Year _____ Total exemption period: 4 or 5 Consecutive years (check one)

Business eligibility

Eligible activity—Check all activities that apply to proposed investment within the enterprise zone:

- Manufacturing Fabrication Bulk printing Shipping Agricultural production Energy generation
- Assembly Processing Software publishing Storage Back-office systems
- Other—describe the activities that provide goods, products, or services to other businesses (or to other operations of your firm):

- Check here if your business firm does or will engage in **ineligible activities** within the enterprise zone (such as retail sales, health care, professional services, or construction). Describe below (or in an attachment) these activities and their physical separation from "eligible activities":
Restaurants are separate spaces inside the buildings

Special cases—Check all that apply:

- Check here if a **hotel, motel, or destination resort** in an applicable enterprise zone.
- Check here if a **retail/financial call center**. Indicate expected percent of customers in local calling area: _____ %.
- Check here if a **"headquarters" facility**. (Zone sponsor must find that operations are statewide—regional in scope and locally significant)
- Check here if an **electronic commerce investment** in an e-commerce enterprise zone.

Employment in the enterprise zone (see worksheets on last page)

Don't count FTEs, temporary, seasonal, construction, part-time jobs (32 hours or less per week), or employees working at ineligible operations.

Existing Employment—My business firm's average number of full-time employees **inside the zone** over the past 12 months is _____

- New Employees**— • Hiring is expected to begin on (date or month and year): 11/01/20
- Hiring is expected to be completed by (month and year): _____
- Estimated total number of new employees to be hired with this investment is: _____

Commitments—By checking all boxes below, you agree to the following commitments as required by law for authorization:

- By April 1 of the first year of exemption on the proposed investment in qualified property, I will have increased existing employment within the zone by one new employee or by 10%, whichever is greater.
- My firm will maintain at least the above minimum level as an annual average employment during the exemption period.
- When the exemption claim is filed by April 1 following each calendar year of exemption, total employment in the zone will also not have shrunk by more than 85% at one time or by more than 50% twice in a row, compared to the highest such figure with any previous claim.
- My firm will comply with local additional requirements as contained in: (1) a written agreement for an extended abatement, (2) zone sponsor resolution(s) waiving required employment increase inside zone, or (3) an **urban** enterprise zone's adopted policy, if applicable.
- My firm will verify compliance with these commitments, as requested by the local zone sponsor, the county assessor or their representative, or as directed by state forms or administrative rules.
- My firm will enter into a **first-source hiring agreement** before hiring new eligible employees. (This **mandatory** agreement entails an obligation to consider referrals from local job training providers for eligible job openings within the zone during at least the exemption period.)

Oregon employment outside the enterprise zone

Check only those that apply:

- Check here if yours or any commonly controlled firm will curtail operations in the state **beyond 30 miles of the zone boundary and move them into the zone**. Indicate timing, location, number of any job losses, and relationship to the proposed enterprise zone investment:

- Check here if you are transferring operations into the zone from site(s) in the state **within 30 miles of zone boundary**:
My firm's average employment at the site(s) outside the enterprise zone boundary over the past 12 months is _____ jobs.
- Check here, if applicable, that your firm commits to increase the combined employment at the site(s) (outside but within 30 miles of zone boundary) and in the zone to 110% of the existing combined level by April 1 and on average during the first year of exemption.

Proposed investment in qualified property

Anticipated timing—Enter dates or months/years (non-binding)

Action	Site and building and structures			Machinery and equipment		
	Preparation	Construction*	Placed in service**	Procurement***	Installation	Placed in service**
To commence or begin on	11/01/20	01/25/21	08/31/21	11/01/20	04/15/21	08/31/21
To be completed on	02/28/21	05/31/21		03/31/21	07/31/21	

* Including new reconstruction, additions to, or modifications of existing building(s) or structure(s).
 ** This is in the calendar year directly before the very first year of exemption, so on page 1, please indicate the year following as the very first year expected for claiming this exemption.
 ***May precede application by up to three months (includes personal property).

Special Issues:

- Check here for building/structure acquired/leased for which construction, reconstruction, additions, or modifications began prior to this application (attach executed lease or closing documents, and don't take up occupancy until this application is approved).
- Check here if anticipating using **Construction in process** tax exemption for qualified property that is still being constructed/installed and isn't yet placed in service and is located on site as of January 1. If so, file *Application for Construction-in-Process Enterprise Zone Exemption*, 150-310-021, by April 1 with the county assessor's office.

Qualifying property: Estimates of cost and details about property are not binding, but in order for property to be exempted, its basic type and any major building/structure needs to be at least represented below.

Type of property		Number of each/Item	Estimated value	Check if any item will be leased
Real property	Building or structure to be newly constructed		\$	<input type="checkbox"/>
	New addition to or modification of an existing building or structure	2	\$ 2,677,958.00	<input type="checkbox"/>
	Heavy or affixed machinery and equipment		\$ 5,397,042.00	<input type="checkbox"/>
Personal property Item(s) costing:	\$50,000 or more		\$	<input type="checkbox"/>
	\$1,000 or more (E-commerce zone or used exclusively for production of tangible goods)		\$	<input type="checkbox"/>
Total estimated value of investment			\$ 8,075,000.00	

In addition, describe below (or in an attachment) the overall nature and potential extent of your investment, including preliminary building plans and lists of property items, as appropriate and recommended by zone manager or county assessor (may be kept confidential).

Declaration

I declare under penalties of false swearing [ORS 305.990(4)] that I have examined this document and attachments, and to the best of my knowledge, they are true, correct, and complete. If any information changes, I will notify the zone manager and the county assessor and submit appropriate written amendments. I understand that my business firm will receive the tax exemption for property in the enterprise zone, only if my firm satisfies statutory requirements (ORS Chapter 285C) and complies with all local, Oregon, and federal laws that are applicable to my business.

Must be signed by an owner, company executive, or authorized representative of the business firm

Signature: X [Signature] Date: 10/13/20; updated 2/9/21 [Signature]

Title (if not an owner or executive, attach letter attesting to appropriate contractual authority)

President

Local enterprise zone manager and county assessor must approve this application (with Enterprise Zone Authorization Approval, Form 150-303-082)



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Collin Stelzig, P.E., Public Works Director
DATE: March 9th, 2021
SUBJ: Low Pressure Sewer Collection System: Main and 7th – Civil West Engineering.

SUMMARY

The City of Warrenton owns and operates a wastewater collection and treatment system which serves its approximately 5,700 residents. The wastewater system sprawls to collect sewage from Fort Stevens State Park in the northwest to the Warrenton-Astoria Regional Airport in the east. Much of the developed area served by the collection system is at a relatively similar elevation, resulting in the need for a wastewater collection system that now includes nearly 40 lift stations. As the City continues to grow, development in areas that cannot be easily serviced by conventional gravity collection systems is becoming more likely. The City has developed a policy that allows for, and guides the use of, low pressure sewer systems when the use of a conventional gravity sewer system or force main and lift station is not feasible.

Low pressure sewer systems differ from the traditional gravity/lift station designs by using small individual pumps at each connection which pump the waste into a common/shared foremain. The foremain will generally be in the street, and will be public property, but the individual pumps will be located on private property and will be owned and operated by the individual customers. The residences along North Main Avenue, North of NW Warrenton Drive and on 7th Place east of NW Warrenton Drive fit in the category of not having enough elevation to use a gravity collection system and not having enough connections to justify a traditional public lift station.

Public Works recommends Civil West Engineering to complete this work as detailed in their scope of work for the low pressure system design project. Their proposal totaling a not to exceed price of \$57,644 and a City contract are attached.

RECOMMENDATION/SUGGESTED MOTION

I move to award the contract for the Low Pressure Sewer Collections System North Main Avenue and NW 7th Place to Civil West Engineering.

ALTERNATIVE

- 1) Other action as deemed appropriate by the City Commission
- 2) None recommended

FISCAL IMPACT

This project has been approved by the City Commission and is included in the City of Warrenton 2020-2021 Adopted Budget.

Approved by City Manager:

A handwritten signature in blue ink, reading "Linda Engstrom", written over a horizontal line.

All supporting documentation, i.e., maps, exhibits, etc., must be attached to this memorandum.

**CITY OF WARRENTON
CONTRACT FOR PROFESSIONAL CONSULTING SERVICES**

CONTRACT:

This Contract, made and entered into this ____ day of March 2021, by and between the City of Warrenton, a municipal corporation of the State of Oregon, hereinafter called "CITY", and Civil West Engineering Services Inc., 213 Water Avenue NW, Suite 100, Albany, OR 97321 hereinafter called "CONSULTANT", duly authorized to do business in Oregon.

W I T N E S S E T H

WHEREAS, the CITY requires services which CONSULTANT is capable of providing, under terms and conditions hereinafter described; and

WHEREAS, CONSULTANT is able and prepared to provide such services as CITY does hereinafter require, under those terms and conditions set forth; now, therefore,

IN CONSIDERATION of those mutual promises and the terms and conditions set forth hereafter, the parties agree as follows:

1. CONSULTANT SERVICES:

A. CONSULTANT shall provide low pressure sewer system design services for the City of Warrenton, as outlined in the attached Scope of Work (attachment A).

B. CONSULTANT's obligations are defined solely by this contract and its attachment and not by any other contract or agreement that may be associated with this project.

2. COMPENSATION

A. The CITY agrees to pay CONSULTANT a total not-to-exceed price of \$57,644.00 for performance of engineering services;

B. The CONSULTANT will submit a final invoice referencing 030-430-380000 for all services rendered to: City of Warrenton, Attention: Accounts Payable, PO Box 250, Warrenton, Oregon 97146, **OR**, CONSULTANT may submit invoice via email to ap@ci.warrenton.or.us. City pays net 21 upon receipt of invoice.

C. CITY certifies that sufficient funds are available and authorized for expenditure to finance costs of this Contract.

3. CONSULTANT IDENTIFICATION

CONSULTANT shall furnish to the CITY the CONSULTANT's employer identification number, as designated by the Internal Revenue Service, or CONSULTANT's Social Security number, as CITY deems applicable.

4. CITY'S REPRESENTATIVE

For purposes hereof, the CITY'S authorized representative will be Linda Engbretson, City Manager, City of Warrenton, PO Box 250, Warrenton, Oregon, 97146.

5. CONSULTANT'S REPRESENTATIVE

For purposes hereof, the CONSULTANT's authorized representative will be _____.

6. CONSULTANT IS INDEPENDENT CONSULTANT

A. CONSULTANT shall be an independent CONSULTANT for all purposes and shall be entitled to no compensation other than the compensation provided for under Section 2 of this Contract,

B. CONSULTANT acknowledges that for all purposes related to this contract, CONSULTANT is and shall be deemed to be an independent CONSULTANT and not an employee of the CITY, shall not be entitled to benefits of any kind to which an employee of the CITY is entitled and shall be solely responsible for all payments and taxes required by law; and furthermore in the event that CONSULTANT is found by a court of law or an administrative agency to be an employee of the CITY for any purpose, CITY shall be entitled to offset compensation due, or, to demand repayment of any amounts paid to CONSULTANT under the terms of the contract, to the full extent of any benefits or other remuneration CONSULTANT receives (from CITY or third party) as result of said finding and to the full extent of any payments that CITY is required to make (to CONSULTANT or a third party) as a result of said finding.

C. The undersigned CONSULTANT hereby represents that no employee of the City of Warrenton, or any partnership or corporation in which a City of Warrenton employee has an interest, has or will receive any remuneration of any description from the CONSULTANT, either directly or indirectly, in connection with the letting or performance of this contract, except as specifically declared in writing.

7. CANCELLATION FOR CAUSE

CITY may cancel all or any part of this Contract if CONSULTANT breaches any of the terms herein or in the event of any of the following: Insolvency of CONSULTANT; voluntary or involuntary petition in bankruptcy by or against CONSULTANT; appointment of a receiver or trustee for CONSULTANT, or any assignment for benefit of creditors of CONSULTANT. Damages for breach shall be those allowed by Oregon law, reasonable and necessary attorney's fees, and other costs of litigation at trial and upon appeal. CONSULTANT may likewise cancel all or any part of this contract if CITY breaches any of the terms herein and be therefore entitled to equivalent damages as expressed above for CITY.

8. ACCESS TO RECORDS

CITY shall have access to such books, documents, papers and records of CONSULTANT as are directly pertinent to this contract for the purposes of making audit, examination, excerpts and transcripts.

9. FORCE MAJEURE

Neither CITY nor CONSULTANT shall be considered in default because of any delays in completion of responsibilities hereunder due to causes beyond the control and without fault or negligence on the part of the party so disabled provided the party so disabled shall within ten (10) days from the beginning such delay notify the other party in writing of the causes of delay and its probable extent. Such notification shall not be the basis for a claim for additional compensation.

10. NONWAIVER

The failure of the CITY to insist upon or enforce strict performance by CONSULTANT of any of the terms of this Contract or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its right to assert or rely upon such terms or rights on any future occasion.

11. ATTORNEY'S FEES

In the event suit or action is instituted to enforce any of the terms of this contract, the prevailing party shall be entitled to recover from the other party such sum as the court may adjudge reasonable as attorney's fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

12. APPLICABLE LAW

The law of the State of Oregon shall govern the validity of this Agreement, its interpretation and performance, and any other claims related to it.

13. CONFLICT BETWEEN TERMS

It is further expressly agreed by and between the parties hereto that should there be any conflict between the terms of this instrument and the proposal of the CONSULTANT, this instrument shall control and nothing herein shall be considered as an acceptance of the said terms of said proposal conflicting herewith.

14. INDEMNIFICATION

CONSULTANT agrees to indemnify and hold harmless the City of Warrenton, its Officers, and Employees against and from any and all loss, claims, actions, suits, reasonable defense costs, attorney fees and expenses for or on account of injury, bodily or otherwise to, or death of persons, damage to or destruction of property belonging to city, CONSULTANT, or others resulting from or arising out of CONSULTANT's negligent acts, errors or omissions in the supply of goods or performance of services pursuant to this Agreement. This agreement to indemnify applies whether such claims are meritorious or not; provided, however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of CONSULTANT and The City of Warrenton this indemnification and agreement to assume defense costs applies only to the extent of the negligence or alleged negligence of the CONSULTANT.

With regard to Professional Liability CONSULTANT agrees to indemnify and hold harmless CITY, its officers and employees from any and all liability, settlements, loss, reasonable defense costs, attorney's fees and expenses arising out of CONSULTANT's negligent acts, errors, or omissions in service provided pursuant to this Agreement; provided, however, that if any such liability, settlements, loss, defense costs or expenses result from the concurrent negligence of CONSULTANT and the City, this indemnification and agreement to assume defense costs applies only to the extent of negligence of CONSULTANT.

With respect to Professional Liability, CONSULTANT reserves the right to approve the choice of counsel.

15. INSURANCE

Prior to starting work hereunder, CONSULTANT, at CONSULTANT's cost, shall secure and continue to carry during the term of this contract, with an insurance company acceptable to CITY, the following insurance:

A. Commercial General Liability. CONSULTANT shall obtain, at CONSULTANT's expense and keep in effect during the term of this Contract, Commercial General Liability Insurance covering bodily injury and property damage with limits of not less than \$1,000,000 per occurrence and the annual aggregate of not less than \$2,000,000. Coverage shall include CONSULTANTs, sub consultants and anyone directly or indirectly employed by either. This insurance will include personal and advertising injury liability, products and completed operations. Coverage may be written in combination with Automobile Liability Insurance (with separate limits). Coverage will be written on an occurrence basis. If written in conjunction with Automobile Liability the combined single limit per occurrence will not be less than \$1,000,000 for each job site or location. Each annual aggregate limit will not be less than \$2,000,000.

B. Professional Liability Insurance. The CONSULTANT shall have in force a policy of Professional Liability Insurance in an amount not less than \$1,000,000 per claim and \$2,000,000 aggregate. The CONSULTANT shall keep such policy in force and current during the term of this Agreement.

C. Automobile Liability. CONSULTANT shall obtain, at CONSULTANT's expense and keep in effect during the term of the resulting Contract, Commercial Business Automobile Liability Insurance covering all owned, non-owned, or hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits). Combined single limit per occurrence will not be less than \$1,000,000, and annual aggregate not less than \$2,000,000.

D. Additional Insured. The liability insurance coverage shall include City and its officers and employees as Additional Insured but only with respect to CONSULTANT's activities to be performed under this Contract. Coverage will be primary and non-contributory with any other insurance and self-insurance. Prior to starting work under this Contract, CONSULTANT shall furnish a certificate to City from each insurance company providing insurance showing that the City is an additional insured, the required coverage is in force,

stating policy numbers, dates of expiration and limits of liability, and further stating that such coverage is primary and not contributory.

E. Notice of Cancellation or Change. There will be no cancellation, material change, potential exhaustion of aggregate limits or non-renewal of insurance coverage(s) without thirty (30) days written notice from CONSULTANT or its insurer(s) to City. Any failure to comply with the reporting provisions of this clause will constitute a material breach of this Contract and will be grounds for immediate termination of this Agreement.

16. LABORERS AND MATERIALMEN, CONTRIBUTIONS TO INDUSTRIAL ACCIDENT FUND, LIENS AND WITHHOLDING TAXES ORS 279B.220

CONSULTANT shall make payment promptly, as due, to all persons supplying CONSULTANT labor or material for the prosecution of the work provided for this contract.

CONSULTANT shall pay all contributions or amounts due the Industrial Accident Fund from CONSULTANT or any sub consultant incurred in the performance of the contract.

CONSULTANT shall not permit any lien or claim to be filed or prosecuted against the state, county, school district, municipality, municipal corporation or subdivision thereof, on account of any labor or material furnished.

CONSULTANT shall pay to the Department of Revenue all sums withheld from employees pursuant to ORS 316.167.

17. WORKERS COMPENSATION INSURANCE

CONSULTANT, its sub-CONSULTANTS, if any, and all employees working under this agreement are either subject to employers under the Oregon Worker's Compensation Law and shall comply with ORS 656.017, which requires them to provide workers compensation coverage for all their subject workers, or are employers that are exempt under ORS 656.126.

18. PAYMENT OF MEDICAL CARE ORS 279B.230

CONSULTANT shall promptly, as due, make payment to any person, co-partnership, association or corporation, furnishing medical, surgical and hospital care or other needed care and attention, incident to sickness or injury to the employees of such CONSULTANT, of all sums which the CONSULTANT agrees to pay for such services and all moneys and sums which the CONSULTANT collected or deducted from the wages of employees pursuant to any law, contract or agreement for the purpose of providing or paying for such service.

19. OVERTIME ORS 279B.235.

Employees shall be paid for overtime work performed under this contract in accordance with ORS 279B.235(3) unless excluded under ORS 653.010 to 653.261 (29 U.S.C. sections 201 to 209).

20. BUSINESS LICENSE

Prior to commencing work in the City of Warrenton, CONSULTANT shall obtain a city business license.

21. STANDARD OF CARE

The standard of care applicable to CONSULTANT's services will be the degree of skill and diligence normally employed by CONSULTANTS performing the same or similar services at the time CONSULTANT's services are performed. CONSULTANT will re-perform any services not meeting this standard without additional compensation.

22. NO THIRD PARTY BENEFICIARIES

This contract gives no rights or benefits to anyone other than the CITY and CONSULTANT and has no third party beneficiaries.

23. SEVERABILITY AND SURVIVAL

If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. Limitations of liability shall survive termination of this Agreement for any cause.

24. COMPLETE CONTRACT

This Contract and its referenced attachments constitute the complete contract between CITY and CONSULTANT and supersedes all prior written or oral discussions or agreements. CONSULTANT services are defined solely by this Contract and its attachments and not by any other contract or agreement that may be associated with this Contract.

IN WITNESS WHEREOF, the parties hereto have executed this agreement the day and year first written above.

City of Warrenton, a Municipal Corporation

CONSULTANT:

BY: _____
Henry Balensifer, Mayor Date

By: _____
Printed Name: _____ Date
Title: _____



Rogue Valley Office
830 O'Hare Parkway, Ste. 102
Medford, OR 97504
541-326-4828

South Coast Office
486 'E' Street
Coos Bay, OR 97420
541-266-8601

Willamette Valley Office
213 Water Avenue, Ste. 100
Albany, OR 97321
541-223-5130

North Coast Office
609 SW Hubert Street
Newport, OR 97366
541-264-7040

ENGINEERING SCOPE OF SERVICES

Date: February 23, 2021

Work Order Number:

To: City of Warrenton, Attn: Collin Stelzig

From: Matt Wadlington, P.E., Civil West Engineering Services, Inc.

RE: **Low Pressure Sewer Collection System: Main and 7th**
Engineering Scope of Services
Civil West Project Number: TBD

The purpose of this engineering proposal is to outline and describe the proposed engineering Scope of Services necessary to provide design and construction phase engineering services for the installation of a low pressure sewer collection system along 7th Place and the northern portion of north Main Avenue.

Background Summary

The City of Warrenton owns and operates a wastewater collection and treatment system which serves its approximately 5,700 residents. The wastewater system sprawls to collect sewage from Fort Stevens State Park in the northwest to the Warrenton-Astoria Regional Airport in the east. Much of the developed area served by the collection system is at a relatively similar elevation, resulting in the need for a wastewater collection system that now includes nearly 40 lift stations.

As the City continues to grow, development in areas that cannot be easily serviced by conventional gravity collection systems is becoming more likely. The City has developed a policy that allows for, and guides the use of, low pressure sewer systems when the use of a conventional gravity sewer system or forcemain and lift station is not feasible.

Low pressure sewer systems differ from more traditional gravity/lift station designs by using small individual pumps at each connection which pump the waste into a common/shared forcemain. The forcemain will generally be in the street, and will be public property, but the individual pumps will be located on private property and will be owned and operated by the individual customers.

The residences along north Main Avenue, north of NW Warrenton Drive and on 7th Place east of NW Warrenton Drive fit in the category of not having enough elevation to use a gravity collection system and not having enough connections to justify a traditional public lift station.

A road improvement plan was prepared in 2015 for this area which was not implemented, but will provide topography and base linework if available in CAD format.

Part A: Scope of Work

The following tasks have been identified to define the project scope of work at this time. The tasks identified and listed below are critical to ensure successful completion of the construction documents.

Proposed Scope of Services

Task 1 – Project Management / Administration- Consultant will provide project management and administrative efforts related to the tasks below. Included in this task is the preparation monthly summary reports and processing of paperwork and correspondence between Civil West Engineering, the project team, Client, and regulators for the tasks noted below.

Task 2 –Project Kickoff Meeting – Civil West will plan and facilitate a kickoff meeting to address the following objectives:

- Introduce core team members.
- Define roles and responsibilities.
- Present strategy and standards to be utilized.
- Review Schedule.

Given the current COVID health crisis, we recommend the kickoff meeting be held virtually.

Deliverables: Meeting Agenda and Minutes

Task 3 – Data Gathering – This task includes the following support efforts:

- Work with City staff to identify, request, and obtain relevant project information, data, and supporting documents.
- Use provided data provided by City to develop background information for design. This includes exporting GIS files for use in Autocad and reformat cad files provided of road construction plans for our use.
- Site visit by design staff to get pictures and identify obstacles.

Task 4 – Design– This task will include design and preparation of construction plans. Design will include size and type of material for the forcemain, the location in the road, and details for laterals to serve individual properties. Plans are estimated to include a cover sheet, detail sheets, and plan and profile sheets.

This task will include the detail of the connection to the existing sewer near the intersection of the new subdivision and will also require identification of lateral locations to best fit with existing or future residences.

There are four or five existing low pressure laterals that connect to the existing high-pressure forcemain in the road. We will develop a detail for the switchover of these connections to the new low pressure main. It is our assumption that the City will handle coordination with property owner affected by the switchover.

This task will also include regulatory coordination to coordinate the submittal to, and respond to comments from the Department of Environmental Quality.

The final deliverables for this task will include:

1. 90% complete plans submitted for City review.
2. 100% plans for approval and bidding.

Task 5 – Technical Specifications – This task will include the preparation of technical specifications for the project.

Task 6 – Bid Phase Services – Civil West will prepare bid documents and coordinate advertising the project in accordance with State and City contracting law (actual costs of advertisement will be invoiced directly to the City from the publication). Bid documents will be based on the City’s standard formatting and language. Civil West staff will answer questions from potential bidders prior to bid opening. If necessary, we will prepare bid addenda to provide clarification to construction documents and responses to submitted questions received from prospective bidders. We will attend and manage the bid opening which will occur at a location recommended by the City (City Hall, Public Works, etc.). We will then evaluate the bids received and provide a recommendation to the City. Once the City identifies a qualified bidder and elects to engage that bidder to complete the construction of the project, we will coordinate the completion of the Contractor and Owner Agreement (Construction Contract).

Task 7 – Construction Administration – Under this task, we will provide the services that are necessary to successfully manage the construction phase of the project. This will include serving as the liaison and coordinator between the contractor and the City. We will call for and conduct meetings, as required, to keep the project moving forward successfully and to address any concerns or issues that arise. We will respond to all requests for information or clarification submitted by the contractor and issue addenda to the plans as required. We will process all requests for payment and will confirm the accuracy and appropriateness of all requests. Our team will also review, negotiate, and submit for approval all change order requests if they occur. We will coordinate and meet regularly with our construction inspection team to review project progress, identify any problems or issues, and make sure that conflicts or problems are quickly resolved. Depending on the contractor’s schedule, weekly meetings may be held with the inspection team, the City, and the contractor.

Task 8 – Construction Inspection - This project will not require full time inspection. However, it will be required at key points in the timeline with only part time inspection during the balance of the time. During construction periods where constant inspection is not required, we will rely on City personnel for general monitoring of construction progress.

Task 9 – Reimbursables – Will be billed on a time and material basis. Items associated with this task include travel, meals, reproductions.

B: Project Fee Proposal

The following summary/ proposed fee schedule is provided below:

Task		
1	Project Management and Administration	\$1,830
2	Kickoff Meeting	\$1,120
3	Data Gathering	\$3,452
4	Design	\$15,744
5	Technical Specifications	\$5,316
6	Bid Phase Services	\$9,388
7	Construction Administration	\$12,520
8	Construction Inspection	\$7,124
9	Reimbursables	\$1,150
Total Project Cost		\$57,644

The above budget is considered as a not-to-exceed maximum for the scope of work described and will be billed on a time and materials basis to a maximum. Civil West reserves the right to alter distribution of compensation between individual phases of the work noted herein to be consistent with services rendered but shall not exceed the total estimated compensation amount unless approved in writing by owner.

Civil West Engineering Services appreciates this opportunity to provide the above services in support of the City of Warrenton. We are prepared to begin work immediately, as soon as we are authorized to do so. Please let me know if you have any questions, or if you wish to see any alterations to our proposed approach. If this proposed approach is acceptable, please sign below and return a copy to our office for our records.

Sincerely,
Civil West Engineering Services, Inc.



Matt Wadlington, P.E., Principal

Authorized Representative Signature Accepting Fee & Scope of Services

Date



AGENDA MEMORANDUM

TO: The Warrenton City Commission
FROM: Linda Engbretson, City Manager *Le*
DATE: March 9, 2021
SUBJ: Warrenton City Commission Rules and Rules of Procedure

SUMMARY

Thank you, Mayor Balensifer, for spending your valuable time drafting City Commission Rules and Rules of Procedure! The Commission met in a work session on January 19, 2021, to review the draft rules and consider amendments. The attached are final versions based on the discussion at the work session. We have prepared Resolutions adopting each set of rules for convenience and ease of updates in the future. A copy of the minutes from the work session, for your convenience and as a reminder of the discussion held, is also attached.

RECOMMENDATION/SUGGESTED MOTION

Staff recommends adopting the attached resolutions:

"I move to adopt Resolution No. 2593 adopting Warrenton City Commission Rules."

"I move to adopt Resolution No. 2594 adopting Warrenton City Rules of Procedure."

ALTERNATIVE

Other action as deemed appropriate by the City Commission.

FISCAL IMPACT

N/A

RESOLUTION NO. 2593

A Resolution of the City Commission of the City of Warrenton, Oregon, Adopting Commission Rules;

Repealing any other Resolutions in Conflict

Whereas, the City of Warrenton, Oregon, (hereinafter the "City") is committed to the principles of good governance; and

Whereas, the City recognizes the value of adopting rules to provide ethical guidance to public servants in the course of their duties as Commissioners, which is reflective of the values of the City;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WARRENTON:

Section 1. The Warrenton City Commission Rules, 2nd Edition, is hereby adopted as it is presented in Exhibit A and as may be revised and amended by the City Commission from time to time in the future.

Section 2. Any Resolution in Conflict with the rules as prescribed in Exhibit A to this resolution are hereby repealed.

Section 3. This Resolution is effective immediately upon its passage.

Adopted by the Warrenton City Commission this 9th day of March 2021.

Henry A. Balensifer, III
Mayor

ATTEST:

Dawne Shaw, CMC
City Recorder

Exhibit A



Warrenton City Commission Rules

2nd Edition

Adopted March 9, 2021

Resolution 2593

Chapter 1 – Eligibility for Elected Office:

- A. No Person shall be eligible for an elective office of the city unless at the time of nomination and election they are a qualified elector as defined by Article II, Section 2 of the Oregon Constitution. As such, a qualified elector by state law must include but is not limited to being:
 - 1. 18 years of age or older.¹
- B. Commissioners shall attend Commissioner orientation within 3 months of election or appointment of office.
- C. Commissioners should attend the League of Oregon Cities elected basics training as well before taking office if possible.

¹ Oregon Constitution Article II § 2 (a)

Chapter 2 – Discipline & Vacancies in Office

A. Supremacy of the City Charter

1. The City Charter is the supreme law of the city, but does not invalidate and is subservient to Federal and State law.

B. Disqualifying Offenses

1. The City Charter provides both a floor and a ceiling for the removal of elected officials, of which modification requires a charter amendment.
2. Offenses which will disqualify an incumbent or otherwise render their office forfeit are:
 - a. The incumbent's death²
 - b. Adjudicated incompetence
 - c. Conviction of a felony while in office or other offense pertaining to their office
 - d. Unlawful destruction of public records
 - e. Resignation
 - f. Recall from office
 - g. Ceasing to possess the qualifications for the office
 - h. The failure of the person elected or appointed to the office to qualify for elected office within 10 days after being sworn in; or
 - i. Upon absence from meetings of the commission for 60 days without the consent of the commission
 - j. Directly or indirectly, by suggestion or otherwise, attempting to exact any promise relative to any appointment from any candidate for City Manager.³
 - k. Except while in a commission meeting open to the public:
 - i. Directly or indirectly, by suggestion or otherwise, attempt to influence in any way the City Manager in the making of any appointment or removal of any officer or employee or in the purchase of supplies
 - ii. Discuss directly or indirectly with the City Manager the matter of specific appointments to any city office or employment

C. Enactment of Removal

1. Enactment of disqualification/forfeiture and removal from office shall occur only after the Commission has voted to declare the commission position vacant.
 - a. E.g. A commissioner can move away and resign, but their position is not vacant until such time as the commission votes to declare the position vacant.

D. Discipline

1. Discipline for the purposes of these rules is defined as action taken by the City Commission to hold its own members accountable for actions that violate these rules, harm public trust

² Items A – I; Warrenton City Charter Chapter VII § 31

³ Items J – K; Warrenton City Charter Chapter V § 20 (f)

or the integrity of the commission, or otherwise are punishable by the City Charter or these rules but do not rise to the level of disqualifying or forfeiting a commission member's elected office as described in Section B.

2. The Commission retains the right to discipline its members for infractions of these rules outside of removal as enabled by the charter.
3. Discipline must be done in a public meeting of the City Commission in accordance with Oregon Public Meetings law and notice requirements.
4. Examples of discipline include but are not limited to:
 - a. Written reprimand
 - b. Formal censure
 - c. Vote of no confidence
 - d. Other disciplinary action as found legal and fitting by the City Commission with the concurrence of the City Attorney
5. Prior to taking any disciplinary action, the commission must plainly state its concerns in writing or in a public meeting.
 - a. Any commissioner subject to discipline may be afforded a reasonable opportunity to respond to accusations or concerns for the record.
 - b. The commission may investigate the actions of any commissioner.

E. Warnings

1. The Mayor, City Manager or City Recorder are enabled, under these rules, to issue warnings for violations or actions that warrant warning of borderline /potential violation of these rules verbally or in writing. Warnings should not be issued except as to provide advance notice to the offending member that their behavior or actions are on notice as of concern.
2. The Mayor, City Manager, or City Recorder shall, if issued in writing, provide a copy of the warning to the City Attorney. If a staff issued verbal warning, the Mayor should be notified. If the Mayor was subject to the warning, the Mayor Pro-tem should be notified. Warnings are not required to be disclosed during a meeting, nor discussed.
3. A warning is considered an informal way to draw attention to a growing concern in behavior, breach of charter, or these rules.

Chapter 3 – Commission Roles

A. Commissioners

4. Individual members of the City Commission have no authority to act or represent the City Commission except as authorized by Commission direction, ordinance, resolution, tasking statement, or appointment.
 - a. Individual Commissioners are entitled to express their own opinions separate from or in opposition to the positions of the city provided they ensure it is noted as their own and not the position of the City.
5. Commissioners may not interfere with day-to-day administration or operations.
 - b. This does not prohibit the Commission, as a body, from passing resolutions, reviewing the performance of the City Manager, funding special investigations, approve appointments of city officers, conduct public hearings, pass budgets, or conduct legislative audits.

B. Mayor

1. The mayor is the ceremonial head of the city and is the presiding officer of all City Commission meetings. The mayor is directly elected to provide citizens a direct say in who should be the face and voice of their government and shall be the primary representative of the city in all political matters unless such role is delegated.
2. The mayor has no individual powers outside of those granted by the City Charter, ordinance or other means of delegation by the Commission such as these rules. Those powers are generally construed to include:
 - a. Nominating persons to city boards for appointment by the Commission.
 - b. Appointing Task Forces or convening committees
 - c. Calling special or emergency meetings.
 - d. Declaring emergencies when public meetings law or absences prevent a quorum of Commissioners from convening in time to do so; or as the Commission allows through an adopted Emergency Operations Plan.
 - e. Serving as the presiding officer of the City Commission.⁴
 - i. Convening and adjourning commission meetings.
 - ii. Enforcing the Commission's rules and procedures.
 - iii. Issuing the City Commission's orders to its boards in writing.
 - f. Representing the City at official events.
 - g. Any other power granted to the Mayor by Commission delegation, law, rule, or vote.
3. The mayor has obligations other members do not. These include:
 - a. Signing all ordinances, resolutions, agreements, contracts, and records approved by the Commission regardless of the mayor's position or vote on the aforementioned.⁵

⁴ Warrenton City Charter Chapter IV, §17

⁵ Warrenton City Charter Chapter V, §19

- i. The Mayor must sign all items approved by the City Commission unless they are absent, or if they are the subject of a disciplinary resolution or official action.
 1. In this case the Mayor Pro Temor whomever was the presiding officer of the hearing shall sign the items.
- b. Representing the City Commission's positions to federal, state, regional and local entities.
- c. Being the "go-to" person responsible for making speeches or providing a presence on behalf of the city at official and non-city events across the city, and at regional, state, and federal events.
 - i. This does not prevent other commissioners from speaking at events or providing a presence. However, commissioners do not have this obligation to the degree the Mayor does.

C. Line of Succession

The Mayor shall, after the annual appointment of the Mayor Pro Tem, submit a memorandum to the Commission and staff outlining the line of succession in the event the Mayor and Mayor Pro Tem are incapacitated, traveling or otherwise unable to discharge the duties of the presiding officer. This should consist of a list of the remaining commissioners by seniority. If more than one commissioner is equal in seniority, the Mayor shall designate the succession as they see fit and as commissioners are willing. However, if one or more commissioner wishes a certain place in succession, they may decide between each other or draw lots for their position(s) in succession. The memo shall be revised according to the results of such contest.

D. Staff

Commissioners shall endeavor to remember that they act as the legislative body of the City—not as the executive. The City Commission may enact policy but are not responsible for executing it, unless there is a legal and specific reason stipulating as such. They shall make all efforts to refrain from disrupting staff during day-to-day operations outside of what the City Manager allows. This does not prevent commissioners from requesting appointments or approaching staff in the course of acting as private citizens, at which they are entitled to the same level of access and attention as a private citizen.

Illustrating the Separation of Powers

The City Commission is like Congress. The Mayor like the speaker of the house. The City Manager like the president. The City Commission is the final say in development and passing policy and legislation, the Mayor presides over commission development of policy and legislation, and the City Manager manages the entirety of staff executing policy and has the majority of administrative decision authority.

Chapter 4 – General Commission Rules

A. Authorization, Amendment, and Waiver

These rules are authorized by the City Charter. The Commission should review these rules periodically. Amendments shall be adopted by resolution. The Commission rules are not intended to replace or supersede any applicable federal or state laws or regulations or provision of the City Charter.

The Commission may by majority vote in a public meeting waive any commission rule not already subject to restrictions below or as required by law.

1. The only rules that can not be suspended are those in contravention to City Charter provisions.

B. Attendance and Presence in the City

Commissioners must be present and attend meetings regularly for city government to function properly.

1. Commissioners will inform the Mayor and/or City Manager if they will be unable to attend any meetings in person.
 - a. If possible, the commissioner may attend remotely.
2. If the Mayor will be absent, the Mayor will inform the City Manager and the next in the line of succession who shall preside over the meetings.
3. Unexcused absences shall be determined by the Mayor or presiding commissioner during that meeting.
4. Commissioners with chronic unexcused absences may be censured by the City Commission.
5. The City Commission retains the right to compel the attendance of absent members when a quorum is lacking.⁶

C. Commissioner Rights as Private Individuals

Warrenton retains the use of volunteer elected officials whose first amendment rights shall not be infringed. Commissioners are allowed to speak to persons in their private capacity about anything provided they do not release or provide confidential information that violates the law. It is recognized Commissioners may advocate, confide, or counsel friends or family in their capacity as private citizens or professionals. Any rule that steps on those rights is considered best practices and advisory only.

D. Commission – Staff Relations

⁶ Warrenton City Charter Chapter IV § 14

All Commissioners shall recognize that by virtue of their position as elected officials their presence and words carry weight regardless in what capacity they represent themselves. In order to respect the separation between the Commission's role as a policy board and the City Manager's responsibilities for the execution of those policies and management of staff, Commissioners shall:

- 1) Not interfere with the day-to-day administration of city business, which is the responsibility of the City Manager.
- 2) Work together as a team within a spirit of mutual confidence, and support.
- 3) Respect the administrative functions of the City Manager and department heads and refraining from actions that would undermine the authority of the City Manager or department heads. The Commission shall abide by the City Charter in its dealings with the City Manager and staff.
- 4) Limit individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature will be directed to the City Manager. Questions from individual Commissioners requiring significant staff time or resources (two hours or more) should normally require the consensus of the Commission to explore, although the City Manager may determine to follow up on requests from individual Commissioners independently. Any information obtained from staff should be shared with the entire Commission. The aforementioned is not intended to apply to questions by Commissioners acting in their private/professional capacity rather than as members of the City Commission. Commissioners will be treated as members of the public when acting in their private/professional capacities.
- 5) Limit individual contacts with city officers and employees in a way so as to not interfere with staff work performance or undermine the authority of the City Manager, department heads and other managerial and supervisory employees.
- 6) Respect staff and their roles and responsibilities, even if expressing criticism of an action.
- 7) Comments and concerns about staff performance should first be made to the City Manager.
- 8) Commissioners should exercise caution when approached by persons familiar to them who may have been separated from the city. This is to protect the city from persons who wish to gather information relative to a tort or workplace claim against the city.
- 9) Nothing in this section precludes Commissioners from obtaining information and asking questions during Commission meetings or from evaluating the performance of the City Manager.
- 10) Nothing in this section precludes Commissioners from engaging with staff in their private capacity to accomplish their day-to-day employment responsibilities. In such instances, Commissioners will be treated as any other member of the public.

E. Conferences and Seminars

Commission members are urged to educate themselves about local government. To that end, and as funding allows, Commissioners are urged to attend League of Oregon Cities trainings at city expense. Requests to attend other government related conferences, training seminars and meetings at city expense will be presented to the Commission for approval.

1. Commissioners shall not be reimbursed for any travel expenses incurred within Clatsop County.
2. Commissioners paying their own way do not need commission approval to attend conferences or trainings.
3. Commissioners who serve on committees or the boards of the League of Oregon Cities or Oregon Mayors Association or other similar associations of local governments may be reimbursed for reasonable expenses not covered by the respective body. Commissioners attending meetings outside of Clatsop County at the directive of or as an appointed representative of the City Commission do not need to seek permission for reimbursement of travel costs at GSA rates for the dates of travel and event only. Commissioners shall at all times conduct themselves so as to be a credit to the City and its people.

F. Breach of Confidentiality

A breach of confidentiality is a serious offense which threatens the public treasury, trust between commissioners, trust between the commission and staff, and is an overall violation of the duties to which commissioners are sworn.

1. The Commissioners are responsible for confidentiality over and above what state law requires.
2. Breaching confidentiality which creates a harm to the city is not covered by tort liability coverage granted to commissioners in the regular course and scope of their duties as elected officials.

G. Threats of Legal Action

It is recognized that we live in an exceedingly litigious society. Being a public entity means that individuals may target the city for, or threaten with, legal action in order to redress a grievance, obtain a benefit or preferential treatment, or in many cases—to get their way. Sometimes legal action is also unavoidable. All commissioners have first and foremost a fiduciary duty to the public before any individual claimant(s). Additionally, Individuals may reach out to commissioners individually, send correspondence, or state in a public meeting a threat, or allude to a likelihood of filing a claim against the city. Commissioners, acting in their capacity as elected officials should observe the following procedure if someone makes a credible threat of legal action:

1. Cease and not discuss any matters subject to or likely to be party to a legal claim.
2. Not assume that they are the only commissioner or appointee being approached about this issue.
3. Warn the individual(s) that any suggestion of legal action is grounds for terminating the topic of conversation until legal action is disposed of, or threats are ceased. Until that time, all correspondence or discussion should be between the City Attorney or staff and the individual(s) related the threat.
 - a. This is to ensure a single point of contact and negotiation.

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

1. Commissioners will assist the Mayor in preserving order and decorum during meetings, and may not, by conversation or any other action, delay or interrupt the proceedings or refuse to obey the rulings of the Mayor or commission rules.
2. Commissioners will not interrupt, by means of speaking or actions, another commissioner member who has the floor except as parliamentary procedure allows.
3. Commission discussions should focus on city issues and not issues outside of the realm of influence or decision by the city.
4. Commissioners shall not engage in personal attacks
 - a. Personal attacks are defined as attacks that impugn the character of, cast aspersions on, or otherwise are malicious attacks on an individual's character.
 - i. Official evaluation of performance or actions likely to result in a cancellation of contract or disciplinary action is not considered "personal" in nature provided the discussion revolves around facts or actions that are material to the evaluated issue.
5. Commissioners shall come to meetings prepared. Gather necessary information, research issues, and ask questions before each meeting as best as possible.
6. Commissioners shall speak only for themselves, and not for other council members.
7. Commissioners shall refrain from personalizing issues, and keep discussions issue oriented.

L. Legal Advice

1. Requests to the City Attorney for advice requiring extensive legal research and/or cost shall not be made by an individual Commission member except with the concurrence of the majority of the Commission.
2. The Mayor may independently request extensive legal research to meet an impending or immediate emergency or crisis provided the Mayor promptly include the City Manager.
 - a. Any legal queries and correspondence to the City Attorney by the Mayor shall copy or be shared with the City Manager unless the correspondence is regarding the City Manager.
 - b. Impending and Immediate is defined as when a localized, clear and present danger is known or extremely likely to be occurring.
 - a. Clear and present dangers can be construed to include, but are not limited to:
 - i. Weather or natural events forecasted to occur that may require an emergency declaration.
 - ii. A major influx in non-residents that have a high likelihood of causing major disruption to the city's health, welfare or safety.
 - iii. Warnings of civil unrest to occur in the city from credible intelligence sources such as but not limited to: the Oregon State Police, Dept. of Homeland Security, or FBI.

- b. Clear and present dangers for the purposes of this section may not be construed to include chronic, nebulous or indeterminate circumstances. E.g. Climate change
- 2. Individual commissioners wishing to propose an ordinance or resolution that requires a legal opinion shall make a request for vetting through the Mayor or City Manager.
 - a. In both cases the City Manager shall determine if such a policy is capable of being drafted from existing staff resources or if legal counsel is required to draft.

M. Appointed Boards

The City Commission has several boards, commissions, and committees comprised of appointed persons that advise the City Commission on specific issues, or serve a statutory role. Per the Warrenton City Charter, “the Mayor shall appoint the committees provided by the rules of the commission.”⁷ The powers and process for appointing persons to these entities is set forth as follows:

- 1. Types
 - a. There are three types of boards: required, advisory, and task forces.
 - i. Required boards are any board required by federal, state, or city statute. They are permanent in function and exist by city ordinance.
 - 1. E.g. Budget Committee and Planning Commission
 - ii. Advisory boards are any board created by the City Commission to advise the City on policy and the operations and sustainability of city assets or departments. These boards are considered “standing” and exist by resolution.
 - iii. Task forces are any group convened to review a specific issue and develop recommended plans, policies or specific actions to address them. These groups are considered temporary only and exist by Tasking Order.
- 2. Powers
 - a. Unless the appointed board serves a legal requirement such as the budget committee or planning commission, all boards shall be advisory only.
 - i. Required boards have the rights and powers afforded them through their legal authority and any other delegated authority . These boards shall always have staff support to ensure they meet their legal requirements.
 - ii. Advisory boards are either standing committees of the city or temporary committees to investigate, create, vet, and propose policies, programs or projects that advise the commission and staff on issues within the city pertaining to their mandate.
 - iii. Task forces are temporary boards created by the Mayor or Commission and shall meet within a finite period to create findings and provide recommendations to the Commission or Mayor on a specific issue or topic.
 - b. The Mayor shall have the sole authority to nominate persons for appointment to boards, commissions, committees, and task forces.⁸

⁷ Warrenton City Charter Chapter V § 19

⁸ Warrenton City Charter Chapter V § 19

- c. Unless officially delegated, the commission shall have the sole authority to confirm and appoint persons for appointment to boards, commissions, and committees.
 - i. If a task force is convened by the Mayor, the Mayor may directly appoint.
 - ii. If a task force is convened by the City Commission, the standard process applies.
 - d. The City Manager retains the right to determine the level of staff support these standing or temporary bodies receive..
- 3. Process
 - a. Persons recruited for or independently seeking positions on a board, commission, or committee shall completely fill out a form developed by the City Recorder.
 - b. The Mayor shall interview individuals for nomination, and upon selecting which person should be appointed, shall file a letter with the City Commission nominating them for a specific position. The letter shall include the name, position, and rationale for appointing them.
 - i. To reduce paperwork, the Mayor is encouraged to submit nomination letters by committee when multiple nominees are being put forth.
- 4. Other Stipulations
 - a. Applicants may not be appointed by the Commission directly unless the Mayor waives the right to nominate or an applicant for a board is a relative of the Mayor.
 - b. The Mayor must disclose to the commission at the meeting for which appointment(s) are considered, the names of applicants not selected.
 - i. This list will be confirmed by the City Recorder before being provided in the meeting packet or in print before the meeting.
 - c. The Mayor may not make temporary appointments if the commission refuses to confirm nominees for positions unless allowed by commission consensus.
- 5. Relatives, superiors or employees for boards and commissions.
 - a. If a relative, boss, or employee of a Commissioner meets eligibility requirements and applies to serve on a board, that citizen is entitled to participate in their government.
 - b. The Mayor, being the sole member to nominate appointees, may not nominate a relative as defined by state ethics laws, nor a superior or employee—however in the same spirit as in paragraph (a) above, the Mayor may forward the person’s application and any others who applied for nomination that are not already being nominated for positions on that board. In such cases, the Commission shall consider all such persons as nominees for that board and appoint whichever nominee to that specific board position.
- 6. Removal of appointees
 - a. The Mayor may remove appointees from boards for lack of attendance.
 - i. The Mayor must make the commission aware of any removals for cause before or during the next commission meeting.

N. Liaison to Boards, Commissions, and Committees

City Appointed/Controlled Boards

1. The Mayor may appoint Commissioners to act as liaison to citizen boards, commissions, committees, or other bodies that directly advise the City Commission. Commissioners shall submit reports verbally or in writing regarding the activities and actions of the entities to which the Commissioner is liaison to. If a commissioner is failing to meet attendance obligations, or will be missing from a substantial amount of meetings, they shall inform the Mayor who may appoint another Commissioner to sit on that board until the absent member is able to fulfill their duties or is replaced. When attending a meeting of a City board, commission, or committee as liaison, Commission members will:
 - a. Respect entirely the authority of the chairperson.
 - b. Not attempt to influence the entity on any item under its consideration, unless delivering a message or directive from the Commission. It is important for the advisory body to make objective recommendations to the Commission on items before them.
 - c. Nothing in this section precludes City Commissioners from explaining what the City Commission expects from the entity or explain Commission policies or goals to which boards are held to.
 - d. Not vote at the body's meeting on any item.
 - e. The Mayor has the right to remove Commissioners from official liaison positions for violations of the aforementioned.
 - f. These aforementioned rules apply solely to city controlled/appointed boards.

Non-City Appointed/Controlled Boards

1. The Mayor or Commission may appoint commissioners to intergovernmental boards to represent the city's interests. In these appointments members are allowed to vote and make representations for the city provided they are in line with the city's official positions. These commissioners are required to report back the decisions of the boards pertinent to or affecting the City's interests.
 - a. The Mayor may fill in, at any time, for a commissioner provided they give warning of their attendance or are asked to.

RESOLUTION NO. 2594

A Resolution of the City Commission of the City of Warrenton, Oregon, Adopting Rules of Procedure and
Repealing any other Resolutions in Conflict

Whereas, the City of Warrenton, Oregon, (hereinafter the "City") is committed to the principles of good governance; and

Whereas, the City recognizes the value of adopting rules to provide clear, transparent, and comprehensive rules of procedure for efficient administration of legislative matters:

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF WARRENTON:

Section 1. The Warrenton City Rules of Procedure, for the fair and efficient conduct of business by the City Commission and all its subsidiary boards, commissions, committees, and task forces, is hereby adopted as presented in Exhibit A.

Section 2. Any Resolution in Conflict with this resolution are hereby repealed.

Section 3. This Resolution is effective immediately upon its passage.

Adopted by the Warrenton City Commission this 9th day of March 2021.

Henry A. Balensifer, III
Mayor

ATTEST:

Dawne Shaw, CMC
City Recorder

Exhibit A



Warrenton City Rules of Procedure

1st Edition

Adopted March 9, 2021

Resolution 2594

Chapter 1 – General Principles

I. Purpose

The Purpose of this document is to provide a standardized manual for the fair and efficient conduct of business by the City Commission and all its subsidiary boards, commissions, committees and task forces.

II. Rationale

The City of Warrenton utilizes a council-manager form of government. This form of government utilizes residents who volunteer by election to serve on the City Commission. The City Commission in turn appoints additional volunteers to its subsidiary boards. Volunteers come to the city with varying degrees of time availability and knowledge of parliamentary procedure. Before this manual, the City of Warrenton had no official parliamentary manual but relied on a heavily modified form of Robert's Rules of Order which was carried down by observation and contained some idiosyncrasies based on the presiding officer's prior experience and traditions set forth by prior presiding officers. Since *Robert's Rules of Order Newly Revised 11th Edition* is over 700 pages and uses arcane language, it is necessary to ensure that the common citizen be able to quickly and easily read, comprehend, and become adept in parliamentary procedure. This manual aims to provide such a solution.

III. Procedures or Situations Not Covered/Controlling Rules

If the need or call for a specialty procedure not covered in this manual arises, *Robert's Rules of Order Newly Revised 11th Edition* shall control.

1. This manual is the primary procedural manual. Robert's Rules of Order may only be used when a situation not covered under this manual arises.
2. All members are discouraged from invoking the finer points of parliamentary procedure when such points will obscure the issues before the commission and confuse members of the board or public.
 - i. Any abuses may be ruled out of order by the presiding officer if a simpler procedure may be used to accomplish the same thing, or if procedure is being abused to stall or confuse an issue.

IV. Principles of this Manual

- A. This manual should cover the vast majority of issues that will come before the City Commission. For the purposes of this manual, any requirement or reference to a "board" is to mean any city board elected or appointed in general. If a specific board is noted, that procedure is solely for the named board.
- B. Principles for all board members (which includes the chair)
 1. All members must vote unless barred by rule or law, or excused by the majority from doing so.

2. All members present shall be counted towards a quorum.
3. The majority must be allowed to rule.
4. The minority have rights that must be respected.
5. Members have a right to information needed to make decisions.¹
 - a. Members have a right to expect all members are prepared and have fully read the meeting packet and relevant materials.
6. Courtesy and respect are required.
7. Members have a right to an efficient meeting. Dilatory motions will not be entertained.
8. All members have a right to speak at least once before every vote of the board.

C. Principles for presiding officers

1. The presiding officer has the responsibility to be the most prepared and timely of all members.
2. The presiding officer must be strict on procedure to ensure fairness and consistency for the board, participants, and public.
3. The presiding officer is not solely responsible for the decision the governing or advisory body makes.
4. The presiding officer must balance the emotional and procedural aspects of each meeting.
 - a. The presiding officer must keep their own ego and emotions in check to facilitate a fair meeting.
5. The presiding officer has wide latitude in deciding how to run a meeting and should balance that authority with respect for time, good order, and the rights of participants.

V. Official Parliamentarian

All elected and appointed boards comprise of citizen volunteers with varying degrees of experience with procedure. This manual accounts for certain enumerated local customs and practicalities that override normal parliamentary procedure. To ensure there is a person on each board responsible for being familiar with procedure, the official parliamentarian for each board shall first be the chairperson, and second (when the chair is unable to answer a question of or fails to follow proper procedure) the staff member assigned to the board. Ergo the policy of the city is to ensure all chairpersons and their supporting staff receive presiding officer training within the first 6 months of their appointment, or election.

¹ This is not unlimited; the right to information can be abused to intentionally delay commission action or satisfy personal interests beyond the scope or normal legislative duties. The Staff have a right to request full commission direction before engaging in major deviations from day-to-day duties or workloads. See the Warrenton City Commission Rules for more.

VI. Staff Participation in Meetings

Staff provide professional support to boards in the City. They cannot make motions, nor vote during public meetings of the City Commission or its subsidiary boards unless authorized by law, but they have certain rights to participate as enumerated below. These rights may be expanded by authorizing law, resolution, or as allowed by the presiding officer or board policy, but shall not be less than the following:

A. City Commission Meetings

1. The City Commission should not meet without staff.
 - a. Staff is defined as any professional support person under contract or employment of the city.
 - b. The only exception is:
 - During a catastrophic emergency that requires prompt action and staff is unavailable. This should be done per the adopted emergency operations plan.
2. The City Manager and City Attorney have full rights to participate in meeting discussions as non-voting members of the Commission, as well as raise points of order.²
 - If the Commission wishes to take legal action against or terminate the City Manager they may meet with the City Attorney to discuss the matter without the City Manager, but must meet public notice requirements for an executive session.
 - The City Manager nor City Attorney may be excluded from participating while they are in attendance.
3. The City Recorder or whomever is taking minutes may raise points of order related to procedure or to apprise the presiding officer of any legal requirements of a hearing or passage of an ordinance, or to clarify points for the record.

B. Planning Commission Meetings

1. Due to the legal nature of most of its proceedings, the Community Development Director and City Attorney have full rights to participate in discussions, as well as raise points of order.
 - a. To ensure legal compliance during quasi-judicial decisions, the City Attorney may, if they determine a violation of law or process would occur³, declare a motion improper and out of order, overriding any determination the chairperson makes on that point.
2. The staff member taking minutes may raise points of order or request clarification for the record.
3. Staff members presenting to the Planning Commission have a right to present their full report, to clarify items, and answer questions freely.

² Warrenton City Charter Chapter V, §20 d

³ E.g. if the Planning Commission were to move to grant a variance to an applicant when no such application has been filed, nor has a variance been noticed.

C. Budget Committee

1. The City Manager, City Attorney, and Finance Director may participate fully in discussions as well as call other staff to report on specific budgetary matters.

D. Advisory Committees

1. The assigned department head or their designee to represent the department may participate as necessary and deemed appropriate per the bylaws or charter of the board, or as comfortable with the chairperson.
2. The staff member taking minutes may raise points of order or request clarification for the record.
3. Staff should avoid lobbying or attempting to steer committee members one way or another regarding policy recommendations. However, staff may answer questions or provide information related to existing budgets or projected budgets and other operational information.
4. Staff shall have the opportunity to make their concerns, objections, or support known when the recommendation is reviewed by the commission.

E. Task Forces

1. If the City Manager has assigned staff to a Task Force, specified staff may participate as the chairperson and/or Tasking Statement allow.

F. Ex Officio Status in All Meetings

1. The City Manager and City Attorney shall be considered and have the right to attend and participate as ex officio members of all city boards unless otherwise excluded for legal reasons.
2. To ensure the legal and proper conduct of business, the City Manager, City Attorney and City Recorder have the right to raise points of order or request clarification for the record in all City meetings where they are not explicitly barred from attending.

G. Town Halls and Other Constituent Meetings

1. The City Manager & Mayor shall attend official town halls.
 - a. Official is defined as sanctioned or approved by the City Commission
2. Staff participation in town halls not sanctioned by the City Commission shall be contingent upon the City Manager's approval.
3. The City Manager and other staff are not required to attend constituent meetings such as Mayor's Coffee or other informal gatherings at city hall meant to engage and educate the public. The City Manager's presence is encouraged as they are able, but shall be optional as the day-to-day operations of the city allows.

VII. Reading List

All elected and appointed board members shall be provided a copy of this manual as minimum required reading. However, for board chairpersons it is encouraged they read at least one, if not both of the following books on parliamentary procedure.

- *Mastering Council Meetings* by Ann G. Macfarlane and Andrew L. Esteb (151 pages)
- *Roberts Rules of Order Newly Revised (11th edition)* by Henry M. M Robert III, Daniel H. Honemann, and Thomas J. Balch (716 pages)

Chapter 2 – General Governance

I. Quorum

- A. A quorum is required to conduct official city business. Unless otherwise stated in law, resolution, or tasking statement, a quorum shall be determined to exist when a simple majority of the elected or appointed members are present.⁴
- B. In the event a quorum is not present, the presiding officer, or the members present shall:
 - a. Adjourn the meeting
 - b. Attempt to call absent members to determine their ability to participate
 - c. Vote as a minority to compel the attendance of absent members⁵
 - i. This option is solely available to the city commission

II. City Commission

- A. Commissioners, including the Mayor, shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Commissioners should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Commissioners should do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, creed, national origin, sex, gender identification, social station, or economic position.

III. Presiding Officer

- A. The presiding officer of the City Commission shall be the Mayor, or in their absence whoever is next in the line of succession that is present.⁶
- B. The presiding officer of any non-elected board shall be whomever is the chairperson or whomever is the vice-chairperson.
- C. During meetings, the presiding officer shall have the authority to:
 - a. Preserve order
 - b. Enforce these rules of procedure
 - c. Determine the order of business under these rules of procedure
 - d. Rule on matters such as points of order, questions of privilege, and whether or not items are in order
 - e. Question or request clarity regarding motions by members
 - f. Convene and adjourn the meeting

⁴ Warrenton City Charter Chapter IV, § 14 & 18

⁵ Warrenton City Charter Chapter IV, § 14

⁶ Warrenton City Charter Chapter IV, § 17

IV. Meetings

- A. All meetings shall comply with Oregon Public Meetings Laws.
- B. The normal time for city commission meetings shall be set by resolution, but may be different for special or emergency meetings as needed or set by the Mayor or City Manager, or if the commission decides to change the meeting time.
- C. Appointed boards shall have a regular meeting time set to be convenient to its members, and have the authority to change the times with adequate notice to the City Recorder.
- D. Work sessions shall be scheduled by the City Manager independently or at the request of the Mayor or City Commission.
 - a. Votes may not be taken during work sessions.
- E. Special & Emergency Meetings
 - a. The Mayor upon their own motion may, or at the request of three commissioners shall, by giving notice to all members of the city commission, call a special meeting with 24 hours notice.⁷
 - i. During an exigency where the Mayor is out of town and unable to be reached, the next commissioner in the line of succession may call an emergency meeting after consulting with the City Manager or as allowed by the City's adopted emergency operations plan.

V. Agenda

- A. The Agendas for regular meetings and work sessions shall be prepared by staff without commission approval.
- B. The Mayor may add items to the agenda prior to its publishing, or have specific ones postponed, but may not postpone items indefinitely nor postpone or remove items that are time sensitive or legal in nature such as (but not limited to) land use appeals and contracts.
 - a. Commissioners wishing to add items should consult the City Manager or Mayor.
 - b. Members wishing to add an item after an agenda is published should make a request to the Mayor.
- C. All items requested for addition to the agenda after the agenda is published shall be added via unanimous consent at the beginning of the meeting.
- D. The normal order of business for a regular commission meeting shall be set by resolution. Currently it is as follows:
 - a. Call to Order
 - b. Pledge of Allegiance
 - c. Consent Calendar
 - a. This is for items considered perfunctory. All items within this consent calendar may be collectively approved with one vote and without debate.
 - b. Board members are expected to have read and suggested corrections, if any, to the consent calendar prior to the meeting. Suggested corrections submitted prior to the meeting will be presented to the board by the City

⁷ Warrenton City Charter Chapter IV, § 13 with section omitted to comply with ORS 192.640(3).

Recorder or responsible staff member immediately after the agenda item is announced.

- d. Commissioner Reports
 - a. This is for Commissioners to report on their activities, meetings, and engagements conducted at the behest of the commission. Typically this has either written or oral reports about the materially important matters discussed or decided at meetings of boards to which the member is appointed to represent the city on. It may include reports on items of interest learned at league of Oregon Cities trainings or seminars of benefit to the Commission as a whole.
 - b. This is also an appropriate time for commissioners to request commission consensus or direction related to any decision before the board they are appointed to represent the city on, which requires a clarification or position of policy of the city commission.
- e. Public Comment
 - a. This is for general public comment and not for comments related to public hearings.
- f. Public Hearings
 - a. This is for public hearings including formal appeals to the City Commission such as, but not limited to, nuisance determinations or land use decisions.
 - b. Often hearings have a separate public comment period described as public testimony.
- g. Business Items
 - a. For items that will be decided with finality, such as a resolution or ordinance that will require formal votes.
 - b. For items where formal votes must be taken or commission action is required beyond discussion.
- h. Discussion Items
 - a. For items that are not fully developed to be ready or organized for a vote.
 - b. To discuss items that staff, commissioners or board members request.
 - c. For providing direction to staff for the development of policies.
 - d. Any other item the commission wishes to discuss but not act on.
- i. Good of the Order/Remonstrances
 - a. This is the time for commissioners to state whatever is on their mind but not on the agenda such as ideas or proposals to the commission, recognition of persons or events, opining on recent events as individual commissioners, or any general matter not on the agenda.
 - b. Members should take no longer than 5 minutes, however this portion is not generally timed and is customarily approximated by the presiding officer.
- j. Executive Session
 - a. For any and all valid reasons for which staff or the commission wish to meet, and which are legally valid under ORS 192.660
 - b. No votes may be made in Executive Session.
- k. Adjournment

- E. All appointed boards are encouraged to adapt the aforementioned order of business to meet their needs. At a minimum, all city board regular meetings shall have:
 - a. Agenda
 - Call to Order
 - Approval of Minutes/Consent Calendar
 - Reports
 - Public Comment
 - Business Items
 - Discussion Items
 - Adjournment
 - b. This does not apply to work sessions or special meetings. Those meetings shall have agendas as appropriate to the subject and purpose of the meeting.
- F. The City Manager shall prepare an agenda for regular city commission meetings, and as necessary, for special meetings of the city commission in consultation with the Mayor.
 - a. The City Manager may place routine items and items referred by staff on the agenda.
 - b. The City Manager should take reasonable steps to ensure the agenda and informational material for regular commission meetings are distributed to the commission at least 5 full days prior to the meeting.
 - i. Customarily meeting materials are made available by the end of day Wednesday prior to the regular meeting.
 - c. The City Manager is permitted to make additions, corrections, or adjustments to the agenda prior to the meeting, and with the presiding officer's consent—immediately after the meeting has been convened.
 - d. The City Manager may remove any items on the agenda at any time prior to the meeting by apprising the Mayor or presiding officer, who shall announce the change at the beginning of the meeting.
- G. The presiding officer may, at the start of the meeting, change the order in which certain agenda items are considered with unanimous consent.
- H. The City Manager designates specific staff to support appointed boards and reserves the right to withhold staff from non-statutory boards should there be a need to preserve day-to-day operations.
 - a. Staff shall prepare the agenda for all statutory board meetings.
 - b. Board chairpersons or the designated staff support shall prepare the agenda for all non-statutory boards to which they are assigned.
 - c. Task force chairpersons may prepare their own agendas. If the task force has designated support staff, the chairperson may delegate the agenda development to them. Chairpersons must consult staff on agenda development.

VI. Conduct

A. Technology

- a. All members of the board, staff and public shall silence or turn off their phones or any other technology which has the likelihood of disrupting the meeting.

- i. If a board or staff member anticipates the need to step out to take an unavoidable call, they must apprise the presiding officer of this, as well as place their phone on vibrate or whatever mode that enables the member to be alerted without undue disruption to the meeting.
 - ii. This does not apply to first responders who have pagers or radios which they must monitor.
- B. Debate, Testimony and Comment
 - a. Public Testimony & Comment
 - i. The public shall fill out a public comment card for public comment and a public testimony card for public hearings in which they wish to have standing in the proceeding.
 - ii. The presiding officer shall have the right to limit the length of testimony/comment, or combine testimonies/comments (ensuring the record reflects the number of individual testimonies being combined) that are the same. See Section 7 for more detail.
 - iii. Direct discussion, questions or any engagement between the audience or speakers and the board shall be at the discretion of the presiding officer.
 - b. Debate/Discussion
 - i. The presiding officer shall ensure persons recognized are able to speak/present uninterrupted as these rules allow.
 - ii. The presiding officer, or by a vote of the majority of members, may place a limit on the time each member has to speak on an issue.
 - 1. Limits must be fairly applied to all members unless a member is the presenter/speaker on an agenda item.
 - 2. It is customary for a speaker to not exceed 5 minutes in making statements or updates.
- C. Presiding Officer
 - a. The presiding officer shall, at all times, be an example for decorum and behavior.
 - b. The presiding officer shall be the sole person to recognize members for speaking, preserve decorum, and decide all points of order—subject to appeal by the Commission or board.
 - c. The presiding officer may allow communications concerning items on the agenda or other commission business to be entered into the record of proceedings or hearing record.
 - d. The presiding officer shall have discretion in the application of these rules to ensure a smooth and efficient meeting unless the board votes for stricter application or suspension of the rules.
- D. Legitimate Orders
 - a. A legitimate order is one that follows this manual of procedure.
 - b. An order that skips or bypasses proper procedure is illegitimate until proper procedure cures the breach of process, or otherwise is disposed of by the majority of the commission.
- E. Members

- a. Members of the board shall assist in preserving order during meetings and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey legitimate orders of the presiding officer or City Commission adopted rules.
 - b. Members shall, when addressing staff or the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.
- F. Staff
- a. All city staff and officers shall observe the same rules of conduct as members of the board and shall address the presiding officer by their appropriate title (Mayor or Chair + last name).
- G. Public
- a. Members of the public in attendance shall: refrain from booing, hissing, clapping, prolonged gesticulating, speaking to the commission out of turn, or making any sort of disturbance that interrupts or distracts from the conduct of business by the board or its members.
 - b. Members of the public shall refrain from making phone calls, or conversing amongst themselves in a manner that disrupts or distracts the board and/or other members of the public at the meeting.

VII. The Public

A. Rights

- a. The public shall have a right under these rules, during regular meetings, to address the board at a time appropriately set and for a duration determined by the presiding officer for public comment.
 - i. Note: Oregon law provides no right to public comment, except in public hearings. Oregon law ensures a right of the public to observe public meetings provided they are not disruptive to the proceedings.
 - ii. The time limit on public testimony/comment shall be no less than 1 minute per person and the standard at 3 minutes per person.

B. Concerns or Issues

- a. The city serves the public as a whole. The Commission sets policy and the staff executes those policies and delivers those services to the public. Outside of public meetings where an issue is taken up by the Commission, the chain of command shall be respected by City Commissioners at all times as it pertains to matters which staff are charged to execute.
- b. The Chain of Command for a complaint by employees or constituents with administrative or operational concerns shall be:
 - i. The supervisor or department head, unless that person was the one interacting with the complainant; then
 - ii. The City Manager, then
 - iii. The City Commission

- c. Per the Warrenton City Charter, City Commissioners shall, when approached by constituents about issues, administrative functions or decisions, or anything executed by staff, refer the matter first to the City Manager, unless the issue is about the City Manager directly—at which point refer it to the Mayor or City Attorney.
- d. Unless an applicant or appellant in a public hearing, the public does not have a right to participate in the meeting beyond making their statement or submitting something for the record.
 - i. The public, with the exception of executive sessions, has a right to observe all meetings by remote or in person attendance.
- e. The Commission reserves the right to not respond to the person making a comment or query at the meeting until such time as they can confer with staff or direct staff to answer the question after becoming fully informed on the matter.
 - i. This is to ensure the Commission is enabled to make fully informed decisions, to consult with legal, to determine if a decision would violate existing policy or city law, and/or to ensure the Commission does not expose itself to legal issues through uninformed statements or assumed guarantees.

C. Legal threats

- a. It is the policy of the City of Warrenton that whenever a party insinuates, threatens, or has filed a lawsuit, the commission and staff (except the City Manager and/or City Recorder in concert with the City Attorney) shall:
 - i. Inform the party that due to pending litigation or litigation suggested as likely to be filed, they are not allowed to engage in any discussion on any subject that is or related to the issue potentially or actively being litigated. If there is a question, it may be referred to the appropriate staff member.
 - ii. Not engage in further unnecessary contact with that party until the issue is decided.
 - iii. Inform the City Manager of any and all contacts by such parties.
- b. Staff may be in contact with potential or active plaintiffs in the discharge of their duties such as making payments, submitting records requests, and the issuance of permits. Due to this, staff may be exempted from subparagraph (i) as needed to carry out their duties.

VIII. Removal from Meetings/Boards

- A. Removal is a serious action taken only when necessary.
- B. Removal must be specific to the meeting which the offense requiring removal occurs. Trespassing a person from a public meeting may not occur longer than that day, or as limited or extended as the City Attorney determines is legal.
- C. Any officer of the Warrenton Police Department is considered a Sergeant-At-Arms of the City Commission and shall enforce the lawful orders of the presiding officer, or votes of the City Commission.

- D. Any person who actually impedes the orderly conduct of any meeting, may be removed from a meeting at the direction of the presiding officer, or by vote of the board.
 - a. When in doubt, consult the City Attorney.
 - b. The offender(s) shall leave immediately upon being ordered.
 - c. If the offender(s) does not leave, the Sergeant-At-Arms shall trespass the offending individual.
 - d. If the offender(s) does not leave, and no Sergeant-At-Arms is available or nearby, the presiding officer shall either recess the meeting until such time as they can be removed or adjourn the meeting.
- E. Any member of a board, except the City Commission, whose conduct significantly disrupts the orderly conduct of business, or who has made threats or become a danger to others may be trespassed from that meeting upon the order of the presiding officer or vote of the majority of the members.
 - a. If such an action is taken, a report must be promptly submitted to the City Manager and forwarded to the City Commission for review and potential remediating action.
- F. Whenever practicable, the presiding officer or majority of the board shall give a warning to the offender.
- G. A warning is not necessary when it would not be effective under the circumstances or when the conduct of the person constitutes an immediate threat to any person's safety.

Chapter 3 – Parliamentary Procedure

I. Format

- A. The format of this manual shall be to state the rule and, when applicable, the appropriate action or statement to invoke that rule or to provide an example of what could be said.
 - a. An action/statement or examples are denoted in quotations.
- B. When a “board” is mentioned it pertains to all elected and appointed board within the City of Warrenton’s jurisdiction.

II. Formal Rules and Informal Rules

C. Formal Rules

- a. Unless otherwise noted, formal rules of procedure as explained in this manual shall be the default method by which the City Commission shall conduct its regular and special meetings and a decision to invoke them shall not be appealable.
- b. If informal rules have been invoked, formal rules may be re-instituted at any time by the presiding officer announcing “We shall now be under formal rules.”
 - i. If a particular member requests formal rules to be invoked, it is customary for the mayor to grant that request.
 - ii. The Commission may impose formal rules on any portion or all of the meeting by voting on a motion to invoke formal rules. “Mr. Mayor, I move the commission conducts the remainder (or item x) under formal rules.”
- c. The following portions of the agenda shall always be held under formal rules:
 - i. Public hearings
- d. The following portions of the agenda should be held under formal rules:
 - i. Business items
 - ii. Commissioner Reports

D. Informal Rules

- a. Informal rules relax the requirement for recognition before speaking and rigid control of debate or discussion by the presiding officer.
- b. It also allows board members and staff to speak freely without rigid regulation of time and frequency by the presiding officer.
- c. The presiding officer remains in control of the meeting and may interject to ensure a member or staff is heard, and curb repetitive statements or bad behavior.
- d. The presiding officer alone has the discretion to invoke informal rules of procedure for the meeting.
- e. Informal rules should be invoked at the call to order. “I call this meeting to order under informal rules.”
 - i. If not invoked at the call to order, it may be invoked at a different time, such as during the discussion portion of the agenda or an executive session.
- f. Informal rules do not abrogate any rights or privileges granted by this manual to anyone.

III. Presiding Officer Role

- A. It is the presiding officer's role to:
 - a. Open the meeting
 - b. Announce the next activity/item
 - c. Recognize members and speakers
 - d. State questions and put them to a vote
 - e. Refuse to recognize dilatory or out of order motions
 - f. Enforce order and decorum
 - g. Expedite business
 - h. Decide all questions of order
 - i. Respond to inquiries
 - j. Authenticate documents of the board by signing them
 - k. Close the meeting

IV. Presiding Officer Scripts

The presiding officer should conduct the meeting by stating the following during the following portions of the meeting:

- A. CALL TO ORDER: Tap the gavel and announce: "I will call this meeting to order"
- B. PLEDGE OF ALLEGIANCE: Call to members and attendees to the pledge by stating: "All Rise for the Pledge of Allegiance," stand and begin the pledge.
 - a. The presiding officer shall take their seat after the pledge concludes, and if any persons continue to stand, should state "you may be seated."
- C. CONSENT CALENDAR: Announce "Consent Calendar. Is there a motion to amend or approve?"
 - a. Commissioners may seek recognition to amend the minutes, request amendments to the agenda, or ask questions related to issues on the calendar.
- D. COMMISSIONER REPORTS: Announce "Commissioner Reports. This is the time for commissioners to report on their activities representing the city."
 - a. Ask commissioners individually if they have any reports.
- E. PUBLIC COMMENT: Announce: "This is the time for public comment, anyone wishing to address the City Commission concerning items of interest may do so provided they have submitted a public comment card to the city recorder. Please confine all remarks to the whole City Commission and limit your testimony to 3 minutes per person. The Commission reserves the right to delay any action, if required, until such time as they are fully informed on a matter."
 - a. Prior to announcing this portion of the meeting, the presiding officer should sort the comment cards by category of purpose and call the persons to the lectern.
- F. PUBLIC HEARINGS: Announce: "We will now begin with public hearings."
 - a. Read the script provided by staff for the public hearing, or refer to Appendix C or F of this manual.
- G. BUSINESS ITEMS: Announce: "We will now move on to Business Items."

- a. State the first business item at which time the responsible staff member will come forward and be recognized by the presiding officer to introduce the item.
 - i. If a board member is introducing it, the presiding officer shall recognize the respective member (unless it is the presiding officer's item).
- H. DISCUSSION ITEMS: Announce: "We will now move on to Discussion Items."
 - a. All the same guidance for Business Items applies
- I. GOOD OF THE ORDER: Announce: "Good of the Order"
 - a. Recognize commissioners individually to speak
- J. EXECUTIVE SESSION: Announce: "We will now move into Executive Session, will the public, visitors, and non-invited staff please clear the chambers."
 - a. Hammer the gavel and read the specific script provided by staff (see Appendix D)
 - b. After the executive session concludes, announce: "We will now move out of executive session and resume the regular meeting. Staff shall open the chamber."
- K. ADJOURNMENT: Announce: "There be no further business, we stand adjourned."
 - a. After announcing the adjournment, it is customary to tap the gavel to give finality to the order.

V. Gavel Use

- A. The gavel represents the presiding officer's authority and as such deserves the highest respect by the person who yields it.
- B. At a minimum it is used to:
 - a. Open and close the meeting
 - b. Recess the meeting, or order the members to stand at ease.
 - c. To maintain order and restore it when breached during the meeting.
- C. Inappropriate use:
 - a. The gavel shall not be used in a flippant or abusive manner such as:
 - i. A toy during the meeting
 - ii. To threaten
 - iii. Continuous hammering
 - 1. When a person is out of order, the gavel should be rapped once or twice, and the issue stated by the presiding officer. If the offender continues to be out of order, the chair shall repeat the process.
 - 2. While the chair has discretion to use the gavel as they see fit to maintain order, it is considered poor form to bang away with the gavel continuously. If the offender is so out of control, they should be removed from the meeting or the meeting recessed.

VI. Participation/Recognition

- A. The right for staff members to participate in meetings is provided for in Chapter 1 of this manual. Any staff member empowered as aforementioned or board member wishing to speak, ask a question, make a motion, among other things shall first request to be recognized.
- B. The presiding officer shall recognize members in a manner to ensure all members have an opportunity to speak at least once on every item.
- C. No person shall speak until recognized by the presiding officer, unless a parliamentary inquiry or point of order exists which allows for interruption.

VII. Motions

- A. Only board members may make motions.
- B. When a member is recognized and in the process of making a motion, no one may interrupt that member unless it is to raise a privileged motion, a point of order, or question of privilege.
 - a. The presiding officer has every right to interrupt a person if they are out of order, or to exercise the privilege of the chair (such as, but not limited to making a question of privilege).
- C. After a motion is made, the presiding officer may request a rationale or clarification on motions.
- D. The presiding officer has the right to separate a motion into separate votes in order to facilitate a decision or when separating items would bring clarity to the members and/or decision.
- E. Types of motions
 - a. Primary/Main Motions
 - i. An original motion on any topic/subject on the agenda
 - ii. Does not take precedence over any other motion
 - iii. Cannot be made while any other motion is being considered
 - iv. Cannot conflict with the board's rules, charter or the law.
 - b. Subsidiary/Secondary Motions
 - i. Any motion applied to another motion
 - ii. Take precedence over primary motions, but not privileged or incidental motions
 - iii. Examples include motions to: table, close debate, postpone, refer to committee, amend, or postpone indefinitely
 - c. Incidental Motions
 - i. Arise out of, and take precedence over all other motions except privileged ones.
 - ii. Cannot be amended and nor debated (except appeal to the chair)
 - iii. Examples include motions to: appeal the ruling of the chair, object to consideration, withdraw a motion, suspend the rules
 - d. Privileged Motions
 - i. Unrelated to a motion being considered
 - ii. Take precedence over all other motions
 - iii. Are not debatable
 - iv. Examples include motions to: set adjournment time, adjourn, make a question of privilege, follow the agenda.
- F. See Appendix A for a table of common motions.

- G. See Appendix B for a complete list of motions and descriptions.

VIII. Voting

A. Who may vote

- a. Only elected or appointed members of the board may make official votes.
- b. Guests, staff, and onlookers do not vote, nor do they have any rights during a meeting other than what are granted by these rules, the City Charter, or state or federal law.

B. Majority Vote

- a. A majority vote means more than half of the votes cast must be in favor to win.
 - i. A tie vote shall always be considered a failed a motion.
- b. This is required for most motions.

C. Taking the Vote

- a. Before a vote can occur, a motion must be made and seconded.
- b. The presiding officer must state the motion before a vote can be taken. "It has been moved and seconded to
 - i. The presiding officer may summarize the motion's content if the original motion is lengthy or confusing, unless there is a legal requirement for precise language.
 - 1. The presiding officer shall provide an opportunity for the member making the motion to clarify the motion if it is summarized/truncated.
 - ii. The presiding officer has a right to require a motion be written and submitted in order to meet legal requirements or to ensure clear language for the vote and record.
- c. The presiding officer shall then call the vote by stating "It has been moved and seconded to (state motion). All those in favor say aye. All those opposed say no."
- d. Upon the result of the vote, the presiding officer shall announce if the motion passed or failed.

D. A member has a right to change their vote up until the presiding officer announces the result. After that time, a member can only change their vote with unanimous consent of the board.

- a. The decision to grant this privilege cannot be debated, but if a member objects to unanimous consent, it shall go straight to a vote.

E. Unanimous Consent

- a. The presiding officer, in order to expedite the meeting, may use unanimous consent to approve items that are considered non-controversial. An example is: Presiding officer- "I there any objection to the approval of the minutes [pause], hearing none the minutes are approved."
 - i. Presiding officers have a responsibility to ensure members have a clear opportunity to object.
- b. Members have a right to object to unanimous consent and have an item considered just like any other motion. In order to do so, a member need only to interject with "I object" before the presiding officer finishes stating the consented action.
 - i. Objections must be made prior to the conclusion of the statement of action, or it is out of order.

F. Voting methods

Method	Language to Use	
	<i>In Favor</i>	<i>Opposed</i>
Unanimous Consent	"Is there any objection to...?"	"I object!"
Voice Vote	All those in favor say "aye"	All those opposed say "no"
Show of Hands	All those in favor raise one hand and keep it up. [pause] Thank you, hands down.	All those opposed raise one hand and keep it up. [pause] Thank you, hands down.
Roll Call Vote	May the clerk call the roll. [The clerk will call each member individually who will state their aye or no]	
Ballot	The members shall now vote by ballot. Please fill out your ballot and pass them to the clerk. [after the clerk receives all ballots] The clerk will now announce the votes.	

VIII. Debate/Discussion

- A. The purpose of debate and discussion is to ensure a full vetting of policies and proposals in public. That said, members shall have read and prepared for the meeting in advance, and as such their arguments are expected to be formed and ready for the debate which should keep debate relatively succinct and to the point.
- B. Threshold for debate
 - a. Items on the agenda are considered already on the table for voting. They do not require a motion to begin discussion or debate. They still require a motion to decide.
 - b. New items not on the agenda must be moved, seconded, and debated to be considered, then the actual deciding of the item/proposal must be also be moved, seconded, and debated. This is the same for any amendments.
- C. No member shall speak other than as allowed by these rules, and until recognized by the presiding officer.
 - a. This does not apply to motions that allow interrupting to seek recognition.
- D. Ideally, the presiding officer should refrain from commenting on each member's speech, should introduce the subject, speak last on the subject, and summarize the discussion before calling a vote.
- E. Members should confine themselves to the question under debate.
- F. Members may not speak about the motives of other members.
- G. Neutral language should be used to avoid inflammatory remarks.
- H. Members should not explain their votes while voting. This is to save time and because explaining a position is the same as debate.

- I. Members should refrain from dwelling on prior decisions of the body unless they are a proposing or debating an alternative.
- J. In bodies 7 persons and smaller, there is no limit to the number of speeches (unless the board imposes one), however the presiding officer or the board may set time limits to the length of each speech.
 - a. Members should strive to keep their statements to 5 minutes or less each time they are recognized.
 - b. Members should not speak more than once until all members have had an opportunity to speak on a matter.
 - c. There is no requirement to alternate speakers for/against.
 - d. The presiding officer is always allowed to participate in debate unless rules specific to that board prohibit it.
- K. Members have a right to pass and not speak.
- L. Members have a right to yield their time to another member speaking, but a member speaking may not ask for someone else's time.

VIII. Decorum

- A. It is the role of the members to police themselves in decorum first, then the presiding officer.
- B. The board should recognize that the presiding officer's role is not to "nanny" the board, and should support the presiding officer's role to maintain decorum.
- C. If the board disagrees with the presiding officer's ruling on decorum they have a right to appeal the ruling.
- D. Remarks must be relevant to the topic at hand.
 - a. It is the duty of the presiding officer to determine what is and isn't germane, subject to appeal to the greater board.
- E. Members may not speak about the motives of other members.
 - a. In ordinary discussion and debate, members are not allowed to attack or speak about the motives of their colleagues.
 - b. Members may speak about their own motives and those of nonmembers.
 - c. This does not pertain to points of order or challenges to conflict of interest.
- F. Debate behavior
 - a. Members shall avoid arguments and confine conduct to debate and discussion.
 - b. For the purposes of these rules, debate is defined as an exchange of ideas and opinions necessary and relevant to the development of policy, making of decisions, and deciding controversies before the board and that are within the power of the board to do so. Arguing is defined as fighting a member's ideas on a personal level or the needless quibbling over things outside of the board's responsibilities.
 - c. The line between heated debate and bitter argument can be fine and discretion is given to the presiding officer to delineate this.
 - d. When an argument is particularly heated, the presiding officer may order the board to "stand at ease" for a short period of time not to exceed 5 minutes. Longer periods should be accomplished through a recess.

- i. At the end of standing at ease or the recess, the presiding officer shall bring the meeting back “to order.”
- G. Neutral language is to be used/No inflammatory language
 - a. The types of inflammatory language are many and a presiding officer shall gavel and cut off any members using inflammatory language. Members have a responsibility to be alert and interject points of order as necessary when the presiding officer fails to police members.
 - i. E.g. Robert’s Rules states a good example:
 - 1. “If a member disagrees with a statement by another in regard to an event that both witnessed, she cannot state in debate that the other’s statement ‘is false.’ But she might say, ‘I believe there is strong evidence that the member is mistaken’ or ‘The statistics before us does not support that claim.’ The moment the chair hears such words as ‘fraud,’ ‘liar,’ or ‘lie’ used about a member in debate, (s)he must act immediately and decisively to correct the matter and prevent its repetition.”
- H. Members should not speak against their own motion
 - a. This is to avoid wasting time. If a member feels their motion is incorrect or changes their mind about its usefulness, they should move to amend or withdraw it.
- I. Members may not explain their vote while voting
 - a. Debate of an item is sufficient to explain the reasons for voting.
 - b. Appointed board members may submit to the City Commission their reasons for opposing a measure in writing, and the chairperson (or if the chair voted against—they may delegate responsibility to a person on the prevailing side) may submit with a recommendation or decision to the City Commission a brief report summarizing the reasons a recommendation was passed. The mechanics of this may be decided by the respective board as a whole.
- J. Dead Horse Rule
 - a. If a member is not going to take steps to change a situation by motion or a proposal, it is not worthwhile to dwell past decisions or problems outside of good of the order.
 - b. If a member has moved to change a situation, but was on the losing side of that, they should avoid “beating a dead horse,” accept the current decision as the policy of the board and move on.
 - i. This rule applies to the meetings only. Outside of privileged/confidential information, members are free to remark on decisions on their own behalf.

Appendix A: Written Motions

Items are listed in order of precedence. All motions should be preceded by “Mister or Madame Mayor or Chair...”

Privileged Motions:

Set Adjournment Time: “I move to set the time of adjournment to...”

- Sets a time for the end of the meeting/limits the time of the meeting
- Debatable when presented as it’s own motion. Non-debatable when another motion is currently being debated.

Recess: “I move to recess the meeting for... [or] until...”

- Temporarily adjourns the meeting for a specific period of time. Typically this is used to give everyone a break, or to confer with staff over the development of a complex motion or a legal matter.

Adjourn: “I move to adjourn”

- Closes the meeting immediately if the presiding officer has not adjourned the meeting already. Requires 2/3 majority if all items on the agenda have not been disposed of.
- Non-debatable

Question of Privilege: “Question of Privilege”

- Enables a person to inquire about immediate needs extraneous to the business before the board. This includes: turn the heat up, open a window or door, eject rowdy persons attending the meeting, or to ask the presiding officer to remind people to turn off their cell phones.
- The presiding officer must rule whether the question is in order to interrupt the business ongoing.
- Informal rules allow for the members to simply just state the issue.

Call for Orders of the Day: “I Demand Regular Order”

- If a speaker is going completely off the topic or making a motion outside the scope of the issue currently being considered a member may interject and demand regular order. This is only for blatant violations.
- The presiding officer will consider the demand and determine if order has been violated and rule accordingly.

Subsidiary Motions:

Table: “I move to table ... for/until/to...”

- Tabling an agenda item, or a motion is to postpone it for a definite period of time.
- Non-debatable.

Call the Question: “I call the question and move that we stop debate.”

- This ends debate and moves to vote on the question (aka motion) before the board.
- This does not automatically mean a vote can occur, it requires a second and a vote.
- This motion is not debatable.

Limit or Extend Debate: "I move to limit/extend debate to...[x statements per member/x time per speaker/x time/x amount of time at which a vote shall be taken]."

- This can be a primary motion to apply to any agenda item or all items. It can also be a subsidiary motion while something is under consideration.
 - If a primary motion, it can be subject to amendments.
 - If a subsidiary motion to business already under consideration it can only apply to the item currently on the table and cannot be amended.
 - Once debate/discussion is limited, it cannot be tabled, referred to committee, nor the question be called. Once the limited debate is finished, those questions can be moved, but are not debatable.
- A motion to extend debate after debate is limited can only be done once the limitation has been concluded.
- The chair has the privilege of extending or limiting debate to members provided a motion has not been made to pre-empt that privilege.

Postpone to a Definite Time: "I move to postpone...for/until...."

- This does not kill a motion, it only moves it to a defined time in the future.
- Under these rules, a definite time should not be more than 9 months, preferably to another point in the meeting, or a meeting in the near future.

Refer to Committee: "I move to refer the matter to ...committee."

- If the commission feels a matter could be better developed it may create a committee to which it refers the matter or it can refer the matter to one of its appointed advisory boards.
- If the advisory board feels a subcommittee ought to be formed, it can do so by moving to create a subcommittee and then referring the matter to such a committee.
- It is HIGHLY recommended that either the referring board set a date for when the referred matter should be returned to the referring board, or submit with the referral a request to the referred board for an estimated time for the matter to be returned.

Amendment: "I move to amend the..." / "I move to amend....and add/strike ..." / "I move to strike... and replace with..."

- This is to change or edit something before the board. It can be minutes, reports, motions, etc.
- An amendment to the primary motion has less precedence than an amendment to a subsidiary motion.

Postpone Indefinitely: "I move to postpone... indefinitely."

- Used to kill the main motion for the duration of the meeting and avoids a direct vote on the item.
- Useful for disposing of badly chosen main motions that cannot be either adopted or expressly rejected without possibly undesirable consequences.
- Can only be applied to the primary motion, and only made while a primary motion is immediately being considered (i.e. all the amendments or other modifications must be disposed of).
- Is fully debatable including on the merits of the issue to be postponed.
- A negative vote precludes this motion from being reconsidered on the same issue.

Primary & Associated Motions:

Main/Primary Motion: “I move to approve/deny...”

- Used to introduce business or items to the board
- Used to dispose of items on the agenda
- The start of parliamentary procedure and lowest in precedence/rank.

Withdraw: “I move to withdraw my motion...”

- Used to withdraw a motion to prevent it from being defeated or because a cleaner motion would do better than a multitude of amendments (which can be confusing).
- Only the member who made the motion can move to withdraw.
- Withdrawal is usually handled by unanimous consent, but if any member objects, a vote must be taken.

Reconsider: “I move to reconsider...”

- This is to take up an item entirely again as if it had never been decided. Whatever is decided countermands the previous decision.
- Generally is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.
- Can be made over any motion and yields to no motions. It can be made after a motion to adjourn has passed, but the chair has not formally adjourned the meeting by gavel. However, in precedence of consideration, it has only the same as the motion that is being reconsidered.
- This motion can only be moved on the same day or next day (preferably the same meeting)
- Must be moved by someone who voted with the prevailing side.

Incidental & Other Motions:

Request for Information: “I would like to make a request for information.”

- Could be called “point of information”, and is simply any request for information that is relevant to the debate and somewhat urgent. (i.e. cannot be used to stall an issue if the information is not urgent).
- For receiving information only—not stating an opinion on the information provided (which is debate). It is out of order for a member to use this to provide information or ask a question to which information has already been provided during the meeting or in the packet.
- The presiding officer is not required to respond to hypothetical questions, nor to require staff (if the question is inexorably to be presented to them) to respond to hypothetical queries either.

Point of Order: “Point of Order”

- Is a quick way to point out a mistake in parliamentary procedure, or a violation of rules such as decorum.
- Once recognized the presiding officer will ask the person to state their point.
- The presiding officer will weigh the point and potentially consult this manual or staff to make a ruling.
 - The ruling can either be “The point is well taken” and the presiding officer remediates the issue, or “The point is not well taken” at which the presiding officer will continue with whatever business is before the board.

- Points of Order are subject to appeal.

Appeal: “I move to appeal the ruling of the Mayor/Chair”

- Normally used when members disagree with the presider’s ruling on a point of order.
- Can be used when members disagree with any ruling or decision of the presiding officer.
 - The ability to appeal is a core foundation of parliamentary procedure and a reminder to presiding officers are the servants of the board and that the board is the final authority.
- Requires a second.
- Appeals related to decorum or other issues not related to the business before the board, are not debatable.
- Process is as follows in descending order after an appeal is moved and seconded:
 - Presiding officer speaks first and explains the reason for their ruling.
 - (If appeal is debatable) Members debate the matter, each member speaking solely once—with no yield privileges.
 - Presiding officer summarizes the arguments for/against.
 - Members Vote
 - Voting in favor is to uphold the presiding officer’s ruling.
 - A negative vote is to agree with the appeal and not uphold the presiding officer’s ruling.
 - A tie defaults to uphold the presiding officer’s ruling.

Suspend the Rules: “I move to suspend the rules and...”

- Used to do something during a meeting that would otherwise violate rules of order.
- Can be made when no other question is pending.
- Can only supersede other motions if it is for a purpose connected to a pending motion.
- Cannot be reconsidered, debated, or amended.
- Requires a 2/3 vote if moved by a member, or the presiding officer can suspend the rules through unanimous consent.
- Cannot be used to suspend federal, state or local law—only for procedural or board rules.

Bring Back Motions:

These motions take precedence over nothing and are out of order when another motion is on the table. They can only be amended to the matter upfront, and not to expand the matter being brought back. If these motions fail they can be brought back. If they pass, they cannot be reconsidered in the same meeting.

Rescind: “I move to rescind...”

- This is to void or cancel something already passed in the same and/or the last meeting.
- Cannot be used to void anything that has been validated by signature by the presiding officer.
- Cannot be moved on something that is legally impossible to do such as the adoption of certain quasi-judicial land use decisions.

Take from the Table: “I move to take... from the table.”

- This is used to bring forward something that was previously tabled.
- Cannot be reconsidered during the same meeting.

Amend Something Previously Adopted: “I move to amend the previously adopted...”

- Amendments may not be beyond the scope of the original notice.
 - Notice is defined as the original motion, or in the case of a rules change, without full notice to the membership before it .

Appendix B: Motions Chart

Ranking of Motions: Greater numbers have precedence over lower.

Privileged Motions					
	<u>Rank</u>	<u>Second</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
Set Adjournment Time	13	Yes	No	Yes	Majority
Adjourn	12	Yes	No	No	Majority
Recess	11	Yes	No	Yes	Majority
Question of Privilege	10	No	No	No	Chair rules
Call for Orders of the Day	9	No	No	No	No

Subsidiary Motions					
	<u>Rank</u>	<u>Second</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
Table	8	Yes	No	No	Majority
Call the Question	7	Yes	No	No	2/3
Limit or Extend Debate	6	Yes	No	Yes	2/3
Postpone to a Certain Time	5	Yes	Yes	Yes	Majority
Refer to Committee	4	Yes	Yes	yes	Majority
Amendment		Yes	Yes	No	Majority
<i>Secondary Amendment</i>	3.5	Yes	Yes	Yes	Majority
<i>Primary Amendment</i>	3	Yes	Yes	Yes	Majority
Postpone Indefinitely	2	Yes	Yes	No	Majority

Amendment & Call the Question may be applied to higher rank motions

Main Motion & Associated Motions					
	<u>Rank</u>	<u>Second</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
Primary/Main Motion	1	Yes	Yes	Yes	Majority
Withdraw		No	No	No	Yes

Incidental Motions & Other Motions					
		<u>Second</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
Request for Information		No	No	No	Chair rules
Point of Order		No	No	No	Chair rules
Appeal		Yes	Depends	No	Yes or 2/3
Suspend the Rules		Yes	No	No	2/3

Bring-Back Motions					
		<u>Second</u>	<u>Debate</u>	<u>Amend</u>	<u>Vote</u>
Reconsider		Yes	Yes	No	Majority
Rescind		Yes	Yes	Yes	**
Take from the Table		Yes	No	No	**
Amend something previously adopted		Yes	No	No	Majority

** Majority w/ previous notice, 2/3 w/out notice, or majority of full membership

Appendix C: Public Hearings Script

Announcement of the Matter

This is the time set for a public hearing on _____.

Opening the hearing/record

“At this time I will open the hearing.” (tap the gavel)

Ethics Disclosure

Are there any conflicts of interest or ex parted contacts to report?

Staff Report

“Will staff please present their report?” (Staff reads report into the record)

Public Testimony

“Public Testimony will now be allowed. Persons wishing to speak shall fill out a blue public comment card and submit it to the city recorder in order to be recognized. Once recognized, they shall come to the lectern and begin speaking. Persons speaking shall address their comments to the Commission as a whole and shall keep their comments to no more than ___ minutes.

- “Is there anyone present wishing to speak in favor of _____?”
- “Is there anyone present who wishes to speak but is neutral to the matter?”
- “Is there anyone present wishing to speak in opposition?”

“If there is no further speakers, I will close the public comment session.”

Final Commission Discussions

“Do any members of the board have any additional questions about this matter for the staff?”

Hearing Closure

“If there is no further discussion, I’ll close the public hearing at this time.” (tap the gavel)

Commission motion.

Appendix D: Executive Session Script

Items in yellow are subject to change and will be amended by staff. A specific version is included for reference. See Appendix E for the full law on executive sessions.

(tap the gavel)

The Warrenton City Commission will now meet in executive session under the authority of ORS 192.660(2)(e); *to conduct deliberations with persons designated by the governing body to conduct real property transactions.*

Representatives of the news media are specifically directed not to report on any of the deliberations during the executive session, except to state the general subject of the session as previously announced.

No decision may be made in executive session. The Commission is not expected to return to regular session to take action on items considered in the executive session.

(after the session has ended tap the gavel, open the chambers and adjourn.

Appendix E: ORS 192.660 “Executive Sessions Permitted on Certain Matters”

This is not the full law, only those parts that are potentially to be used by the city are included. The other portions are deleted for brevity

- (2) The governing body of a public body may hold an executive session:
- a) To consider the employment of a public officer, employee, staff member or individual agent.
 - b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.
 - c) n/a
 - d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.
 - e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.
 - f) To consider information or records that are exempt by law from public inspection.
 - g) n/a
 - h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
 - i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
 - j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
 - k) To consider matters relating to school safety or a plan that responds to safety threats made toward a school.
 - l) n/a
 - m) n/a
 - n) To discuss information about review or approval of programs relating to the security of any of the following:
 - (A) A nuclear-powered thermal power plant or nuclear installation.
 - (B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.
 - (C) Generation, storage or conveyance of:
 - (i) Electricity;
 - (ii) Gas in liquefied or gaseous form;
 - (iii) Hazardous substances as defined in ORS [453.005 \(Definitions for ORS 453.005 to 453.135\)](#) (7)(a), (b) and (d);
 - (iv) Petroleum products;
 - (v) Sewage; or
 - (vi) Water.
 - (D) Telecommunication systems, including cellular, wireless or radio systems.
 - (E) Data transmissions by whatever means provided.

- (3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS [192.640](#) (Public notice required).
- (4) [Representatives of the news media shall be allowed to attend executive sessions](#) other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS [332.061](#) (Hearing to expel minor students or to examine confidential records) (2) but the governing body may require that specified information be undisclosed.
- (5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.
- (6) No executive session may be held for the purpose of taking any final action or making any final decision.
- (7) The exception granted by subsection (2)(a) of this section does not apply to:
 - (a) The filling of a vacancy in an elective office.
 - (b) The filling of a vacancy on any public committee, commission or other advisory group.
 - (c) The consideration of general employment policies.
 - (d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:
 - (A) The public body has advertised the vacancy;
 - (B) The public body has adopted regular hiring procedures;
 - (C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and
 - (D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.
- (8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

Appendix F: Quasi-Judicial/Land Use Public Hearings Script

**This script will be altered by staff to align to the issue but is included here for reference. Items highlighted are alterable.*

This is the time for a public hearing in the matter of an appeal for an application for a 15-lot subdivision at the terminus of SW Kalmia Avenue, Clear Lake Subdivision Application SUB 19-1, Wetland Hardship Variance WHV 19-1 & Variance VAR 19-1.

(Open Hearing)

At this time I will open the public hearing. (tap the gavel)

If you wish to speak, please fill out the blue colored comment card. As the presiding officer, I will recognize you from the form, or if I ask if anyone else wishes to speak. We need to determine how many people are here to testify and may limit individual speaking time to ensure that everyone has the opportunity to speak.

This hearing is being recorded. Please speak clearly. Once recognized, please step up to the lectern and begin your comments by stating your name and mailing address for the record. We request all testimony to be to the point, focusing on comment on the relevant issues. To avoid repetitive or redundant testimony – if someone has already testified and made your point but you still wish to be on the record, please simply state that the previous speaker has raised your issue or state the written comments submitted on your card suffice.

The applicable substantive criteria pertaining to the application are as follows:

Chapters 16.112; 16.120; 16.124; 16.136; 16.140; 16.144; 16.152; 16.156; 16.272; 16.192; 16.216; and Section 16.208.050.

Testimony, arguments and evidence in this hearing must be directed toward the applicable criteria or standards identified in the staff report, or to other criteria in the development code or comprehensive plan that you believe applies to this decision. The application before the City this evening must be decided based on these criteria. Despite the importance of other issues that may be raised during the public hearing, the authority of the City is limited only to those issues that address compliance with the applicable criteria.

Failure to raise an issue with sufficient specificity to afford the Commission and the parties an opportunity to respond to the issues precludes an appeal to the Land Use Board of Appeals based on that issue.

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

We will conduct this hearing as follows:

- Commission ethics disclosures.
- Presentation of the staff report.
- Commission questions of staff.
- Presentation by the applicant.
- Commission questions of the applicant.
- Public Testimony:
 - Testimony in support of the application and neutral testimony.
 - Testimony in opposition to the application.
 - Rebuttal by the applicant.
 - Close of public testimony.
- Deliberation among City Commission members with questions of staff as necessary.
- Motion to approve, approve with conditions, or deny the application.
- City Commission vote on the application.

A decision may be made by the City Commission at the close of the hearing, or the matter may be continued to a time and date certain in the future. If the matter is reset to a date certain in the future, this will be the only notice of that date you receive.

We shall now commence.

(Disclosure by members of the City Commission.)

Do any Commissioners wish to disclose any ex parte contacts, bias or conflicts of interest. Please indicate the nature and extent of the ex parte contact, bias or conflict of interest and indicate whether you intend to participate in or abstain from the hearing.

Do any members of the City Commission have conflicts of interest with the application?

Have any members had any ex parte contacts regarding the application?

Have any members visited the subject site?

If you have a conflict or have had such contact of bias, do you believe you can still make a fair and impartial decision?

Does any member of the audience wish to challenge any Commission member's impartiality for the record?

(If an Appeal—De Novo)

Under the City’s Development Code, the appeal of a quasi-judicial decision to the City Commission is limited to the specific issues raised during the written comment period or at the public hearing for the appealed decision, unless the Commission decides to hold a de novo hearing which allows additional evidence or testimony concerning any other relevant issue. Under the adopted City Commission Rules, all land use appeals shall be held de novo so that the public is afforded the maximum opportunity to weigh in. Is there any objection to holding this hearing de novo? Hearing no objection—so ordered. (if a member wishes to not hold the hearing de novo, they may object and move to suspend the rules to solely hear the appeal on the issue[s] appealed).

(Presentation of the Staff Report.)

Mr./Mrs./Ms. _____, would you please present your report.

Do any members of the Commission have any questions of staff about this application?

(Testimony from the Applicant of Applicant’s Representative.)

Would the applicant like to make a presentation?

Do any members of the Commission have any questions about this application for the applicant?

(Public Testimony.)

I will now open the public testimony portion of the public hearing. Please hand me the sign-up sheets for the speakers.

OPTIONAL – If there are numerous people wishing to speak, individual testimony will be limited to _____ minutes per person, both pro and con, as well as neutral testimony.

(Testimony in Support of the Application.)

“We will now hear from those wishing to speak in support of the application. Please direct all testimony to the City Commission.

(Presider calls the first name on the support list, and so on.)

That is all of the names on the support list. Is there anyone else who has not testified who wishes to speak in favor of the application?

Is there anyone who has not testified who wishes to speak as neutral to the application?

(Testimony in Opposition to the Application.)

We will now hear from those wishing to speak in opposition to the application. Again, please direct all testimony to the City Commission.

(Presider call the first name on the opposition list, and so on.)

That is all of the names on the opposition list. Is there anyone else who has not testified who wishes to speak in opposition to the application?

(Applicant Rebuttal.)

The applicant now has the opportunity to offer a rebuttal or closing statement. Do you wish to speak?

(Close the Public Testimony Portion of the Hearing.)

I will now close the public testimony portion of this public hearing, and open the City Commission deliberations on the application.

(City Commission Deliberations.)

(City Commission members deliberate among themselves and may ask staff questions as needed.)

MOTION IS MADE

VOTE ON THE MOTION

MINUTES
Warrenton City Commission
Special Work Session – January 19, 2021
4:00 p.m.
Warrenton City Hall - Commission Chambers
225 S. Main
Warrenton, OR 97146

Mayor Balensifer called the work session to order at 4:01 p.m.

City Commissioners Present: Mayor Henry Balensifer, Mark Baldwin, Rick Newton, Gerald Poe, and Tom Dyer (via Zoom)

Staff Present: City Manager Linda Engbretson, Legal Counsel Ashley Driscoll (via Zoom), and City Recorder Dawne Shaw

Mayor Balensifer noted the three documents he has been working on – the Commission Rules, Rules of Procedure, and Policies and Procedures for Citizen Boards. He stated each will need to be adopted by resolution.

Mayor Balensifer began with the review of the Commission Rules. He began with Chapter 1 and noted he worked with legal counsel; he noted the text highlighted in blue (Section B) will be excised, and later down the road we will form a charter review committee to update the charter. He continued his review of the rules. There was brief discussion on the ability to serve on the commission if you have a felony conviction; Legal Counsel Ashley Driscoll clarified, if you are eligible to vote, you are an eligible elector. Mayor Balensifer reiterated the need to update the City Charter. Ms. Driscoll stated LOC puts out a model charter that many cities use and noted Warrenton's charter is very different. There was consensus on Chapter 1, and on referring section B to a charter review committee in the future.

The review of the Commission Rules continued: Chapter 2 – Mayor Balensifer reviewed the marked edits; no further changes were noted; Chapter 3 – no changes, other than marked edits; Chapter 4 – Mayor Balensifer briefly discussed the suspension of rules (section A). He continued his review and noted section C-9, and stated legal counsel prefers to not put it in the rules, however he likes it in the rules. Ms. Driscoll stated she prefers it as policy; she briefly spoke about first amendment rights. She noted her concerns and stated she would not put it in the rules; she would not want something so broad. She stated she would prefer to send an email if an issue comes up. After further discussion, Mayor Balensifer and Ms. Driscoll agreed on a wording change to state that commissioners should refrain from sharing confidential information with employees who have resigned to avoid discipline or to avoid termination, or who were terminated about their time employed with the city and/or their supervisors. Ms. Driscoll also suggested a training on ethics laws/public records laws/public meeting laws that is given by their office. She stated she is concerned about putting some of this into the commission rules as the information changes all the time. Mayor Balensifer noted they will come back to this later in the

review and asked if there were any objections to the changes in section C-9; there were none.

He continued with the review: Conferences and Seminars - there were no changes. Breach of Confidentiality - Ms. Driscoll noted a correction to the wording of the second paragraph - should state "tort liability coverage." No other changes noted. Threats of Legal Action – Mayor Balensifer noted this is not enforceable in every instance but is important to state. Discussion continued; concerns were noted about not restricting speech in a personal capacity; this would only apply to their role as a commissioner. Ms. Driscoll recommended this as the *procedure* for threats of legal action. After further discussion, section 4-G will be reworded and brought back. Government Ethics Requirements and Reporting – no changes other than the outlined edits. Ethical Conduct and Fair Treatment – Mayor Balensifer reviewed the outlined edits and clarified the section on conflict of interest. Expenses, Compensation and Reimbursement – no additional changes. General Conduct – Mayor Balensifer reviewed the outlined edits; no additional changes were noted. Legal Advice - no further edits were noted. Appointed Boards – section 5-A may need to be clarified. Liaison to Boards, Commissions and Committees – no further changes. Mayor Balensifer stated Chapter 5 is removed. He referred to the letter Ms. Driscoll recently sent to the Commission related to employee issues and suggested adding it as an appendix; there were no objections.

Mayor Balensifer reviewed the Rules of Procedure – Ms. Engbretson asked about A-2 on page 4 – executive sessions regarding the city manager; Ms. Driscoll clarified. Mayor Balensifer stated he will remove the "or terminate" language. Mayor Balensifer continued his review of the rules. Ms. Driscoll had questions on Chapter 2, Section VIII - Removal from Meetings/Boards; Mayor Balensifer noted he and Ms. Driscoll will discuss and bring back. He continued with the review of Chapter 3, noting that Section VIII- Voting - items C and D will be removed. Chapter 3, Section VIII- Decorum - it was determined items J and K will be removed. Mayor Balensifer stated he would like to have this manual on the dais for reference by the board chairs.

Policies and Procedures for Citizen Boards – Mayor Balensifer discussed Chapter 3; he clarified the "when in doubt" language in 3.1- Constituency Defined, noting that inquiries should be submitted through their chairperson to the City Commission via the *City Manager* - not the Mayor. Review continued; after discussion, section 4.7 - Dress Code will be excised. No further changes were noted.

Ms. Engbretson stated other area managers would like a joint work session for an overview on the enterprise zone. The County has the virtual work session scheduled for February 10, at 5:30 p.m.

At 6:02 p.m. Mayor Balensifer adjourned the work session and announced they will now meet in executive session under authority of ORS 192.660(2)(d); *conduct deliberations with persons designated by the governing body to carry on labor negotiations*, and ORS 192.660(2)(f); *to consider information or records that are exempt by law from public inspection*. He stated the Commission is not expected to go into regular session to take action on any item considered in the executive session.

MINUTES

Warrenton City Commission
Special Work Session – 1.19.21
Page: 2

At 6:38 p.m., Mayor Balensifer reconvened the work session to discuss dates for the commission goal setting retreat; consensus was for February 13, 2021.

There being no further business, Mayor Balensifer adjourned the work session at 6:40 p.m.

APPROVED:

Henry A. Balensifer III, Mayor

ATTEST:

Dawne Shaw, CMC, City Recorder



AGENDA MEMORANDUM

TO: The Warrenton City Commission

FROM: Dawne Shaw, City Recorder

DATE: March 9, 2021

SUBJ: Adoption of 2021 City Commission Goals

SUMMARY

At a February 13, 2021 work session, the City Commission discussed goals for 2021. At its last meeting, the City Commission presented their goals and requested staff prepare a resolution for adoption. Resolution No. 2595 formally adopts the 2021 City Commission goals as follows:

1. Aggressively Pursue Revenue Opportunities
2. Improve Internal and External Communications
3. Address Critical Staffing Needs
4. Complete Unfinished Projects

RECOMMENDATION/SUGGESTED MOTION

I move to adopt Resolution No. 2595; A Resolution of the City Commission of the City of Warrenton, Adopting 2021 City Commission Goals.

ALTERNATIVE

Other action as deemed appropriate by the City Commission

FISCAL IMPACT

Budget Accordingly

Approved by City Manager:

Linda Engleton

RESOLUTION NO. 2595

Introduced by All Commissioners

A Resolution of the City Commission of the City of Warrenton, Oregon

Adopting 2021 City Commission Goals

WHEREAS, the Warrenton City Commission met in a work session on February 13, 2021 to discuss goals to guide budgeting and staff priorities; and

WHEREAS, the City Commission presented its goals at its February 23, 2021 meeting and requested to adopt them by formal resolution;

NOW, THEREFORE, BE IT RESOLVED the City Commission of the City of Warrenton hereby adopts the following goals for 2021:

1. Aggressively Pursue Revenue Opportunities
2. Improve Internal and External Communication
3. Address Critical Staffing Needs
4. Complete Unfinished Projects

Adopted by the City Commission of the City of Warrenton this 9th day of March 2021.

This resolution shall take effect immediately upon its passage.

APPROVED

Henry A. Balensifer III, Mayor

ATTEST

Dawne Shaw, CMC, City Recorder