

Council Roundup for August 8, 2022

The Newberg City Council met on August 8, 2022 and took the following actions.

Approved having a committee (Councilors Bacon and Yarnell Hollamon) work with a committee to revise language for the initiative petition to bring to Council at their August 15 meeting, and to have comprehensive legal review.



City Council Special Meeting

August 8, 2022 - 6:00 PM

Zoom meeting

please click this url to join:

<https://us06web.zoom.us/j/82846315724>

or join by phone:

us: +1 253 215 8782 or +1 346 248 7799

webinar id: 828 4631 5724

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. PRESENTATION OF INFORMATION**
 - 3.A Initiative Petition to Amend Charter, No. 2022-02
[RCA_Discussion_Information_2022-0808.docx](#)
[RCA Discussion Information 2022-0808 Exhibit 1.pdf](#)
- 4. PUBLIC COMMENT**
- 5. DISCUSSION AND QUESTIONS**
- 6. ADJOURNMENT**

ADA STATEMENT

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

TOPIC FOR COUNCIL DISCUSSION



Date of Meeting: August 8, 2022

Order <input type="checkbox"/> Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Information	
Subject: Discussion re Initiative Petition to Amend Charter (ID No. 2022-02)	Staff: City Attorney's Office Department: Legal
Work Session <input type="checkbox"/> Business Session <input type="checkbox"/>	Order On Agenda: Special Meeting Agenda Item

Recommendation:

Not applicable.

Executive Summary:

On May 31, 2022 the City of Newberg received a prospective petition to amend the City Charter. The text of the proposed amendment is attached as Exhibit 1. A Special Meeting has been called by City Council to deliberate on the initiative petition and to obtain an overview from the City Attorney's office on potential actions it may take related to the measure.

Voter Approval Required to Fund Homeless Camps

Findings:

- 1) City resources should not support homeless encampments near schools;
- 2) All homeless encampments supported by the City of Newberg should have voter support; and,
- 3) Voter decisions to fund homeless encampments must be informed decisions.

Therefore, the People of Newberg amend their City Charter by adding the following unnumbered section to Chapter XI - Miscellaneous Provisions:

Use of City Resources for Homeless Encampments.

- 1) City resources may not be used to subsidize the construction or operation of a homeless encampment located within 1500 feet of a Newberg school.
- 2) City resources may not be used to subsidize the construction or operation of a homeless encampment unless approved by a Voter Authorization Measure subject to the following conditions:
 - a. A majority of city voters must approve a ballot measure authorizing the use of city resources for a specific homeless encampment at a primary or general election in an even-numbered year.
 - b. The ballot title of the Voter Authorization Measure must identify the location or proposed location of the homeless encampment using the physical address(es) of associated property and list the distance between the encampment and the three closest Newberg schools.
 - c. The ballot title of a Voter Authorization Measure must identify the maximum total value of the city resources that may be authorized to support a specific homeless encampment. Duration of an encampment's authorization may not exceed the time period proposed under the measure and may not exceed ten years.
- 3) Definitions. As used in this Section:
 - a. "City resources" means the specific allocation of monies or property, over which the City exercises discretion, that could be allocated for uses other than homeless encampments, or, any significant allocations of city staff time, equipment and/or supplies with an aggregate value of \$25,000 or more during a single budget year. The limitations on the use of "city resources" within this section do not apply to the use or delivery of any emergency or public safety services, the delivery of other services to any

person camping at least 1500 feet from a school, the conduct of routine city operations that impose obligations upon or provide incidental benefits to an existing homeless encampment or to a proposed homeless encampment, or to any costs arising from an election for a Voter Authorization Measure.

- b. "Homeless encampment" means any property approved for use as an outdoor living space where tents, cabins, yurts, automobiles, recreational vehicles, or any housing structures lacking a permanent foundation or modern indoor plumbing facilities are used for transitional housing, or any section of public right of way where camping is allowed for purposes of temporary housing. This definition shall not apply to any properties or structures used to house persons displaced by fire, flood or other natural disasters.
 - c. "Newberg school" means the grounds and buildings of any institution offering onsite curricula for the advancement of K-12 students toward an Oregon diploma operating within Newberg city limits. If a Newberg school commences operations after an election for a Voter Authorization Measure is called, or after such measure is enacted by voters, that school's proximity shall not preempt the election called nor prohibit the use of city resources so approved for a homeless encampment.
- 4) Any ballot measure submitted for authorization under this section must comply with state law. If information required by this measure cannot be lawfully included within the ballot title of a measure, it shall be included in the explanatory statement for the measure or by written notice mailed to every voter no more than one week prior to mailing of ballots.
 - 5) The district attorney or any city taxpayer may file suit to enforce these provisions against any public official who expends, or authorizes the expense of, moneys in excess of the amounts authorized by voters or for purposes not so authorized. A prevailing claimant may recoup, on behalf of the City, misspent moneys and seek reasonable attorney fees from any public official found to be personally responsible for unauthorized expenditures. No city resources may be used to indemnify a public official from liability for any expenditure constituting malfeasance in office, or willful or wanton neglect of duty.
 - 6) If any portion of this section is held to be unenforceable as a matter of law by a court of competent jurisdiction, it shall be severed only to the degree necessary to correct the deficiency and shall not alter the remaining provisions.

2022 NEWBERG CITY COUNCIL MEETING INFORMATION

Meeting Date: 8/8/22

Start: 6:00 p.m. Stop: 7:38 p.m.

Councilors	Roll Call	Committee to work with petitioners on alternate language					
MCBRIDE	X	Yes					
MILDENBERGER	X	No					
YARNELL HOLLAMON	X	Yes					
KILBURG	X	No					
Mayor ROGERS	X	No					
BACON	X	Yes					
FINDLEY	X	Yes					
ROLL CALL VOTES		Yes: 7 No: 0 Absent: 0					
MOTION (1 st /2 nd):		Bacon/ McBride					
Department/ Staff:		Legal					
Changes:							
Tabled:							

City Recorder
 Scheduling on Forward Looking Calendar
 [1.75 hours] Workmen’s Compensation hours