

A G E N D A
Ordinance/Legislative Committee
Sub-Committee of the Newberg City Council
Wednesday, 5:30 p.m.
April 20, 1994

The Noodle Restaurant
2320 NE Portland Road
Newberg, Oregon

Members:	X Donna Proctor, Mayor	Staff: X Terrence D. Mahr, City Attorney
	X Dave McMullen, Chairman	X Duane R. Cole, City Manager
	X Shannon Stueckle, Member	X Peggy Hall, Legal Department
	X Bob Engelke, Member	

Committee Chair Dave McMullen called the meeting to order at 5:55 p.m.

I. Approval of Minutes of March 23, 1994

MOTION: Stueckle/McMullen to approve the March 23, 1994 minutes.
(Unanimous). Motion carried.

II. Elaine Smith Resignation

Terry Mahr and Mayor Proctor advised the Committee of Elaine Smith's resignation.

III. Ordinance Compilation Report

Terry Mahr reviewed briefly the ordinance compilation project. Mr. Mahr also advised the Committee that the Department Heads were provided portions of the ordinances that pertained to their departments to help with the codification process. This will prove to be very valuable in changing the compilation project into the new City code. Mr. Mahr further noted that in obtaining information from other cities, city staff has found that numerous other cities are redoing their compilation or codification as well. The process will focus on government issues. In addition, the City will save approximately \$16 - \$17,000 by doing the project in house.

IV. Ethics Committee

Discussion was held concerning ethics complaints filed against public officials and the City's insurance coverage. Duane Cole furnished a handout concerning the City policy (see attached). Discussion was further held concerning the clear lines that potential ethical complaints could be filed against public officials. Discussion was further held concerning forming a committee to review ethical complaints. Committee members voiced their concerns regarding confidentiality and their business and private lives. TDM stated that there were questionnaires circulated at the Hospital concerning potential ethical complaints. Additional discussion was held concerning letters to the Ethics Commission involving payment of attorney fees for public officials in which ethics complaints were filed against them but were not charged with ethical violations. Chair Dave McMullen stated that he was against spending the City's money and staff time on hiring outside counsel to review ethical complaints. TDM stated that if the public official requests advice from the City Attorney, and that advice is followed and if an ethical issue arose, then the City's insurance would pay. Committee members asked whether the "new" ethics issues came up during the Hospital matters. Mayor Proctor, Duane Cole and Terry Mahr noted that the City was involved in ethical issues prior to the Hospital issues.

Discussion was held concerning the process and the level of expertise of the prospective Ethics Committee members. Discussion was also held on which body would govern the process? TDM advised that if the City Attorney's office handled the ethics complaints, the City's insurance policy or the City Attorney's professional liability insurance could cover the advice given to the public officials by the City Attorney (unless the public official was found guilty).

The Committee members noted that the process should be directed through the City Attorney's office. Duane Cole and Terry Mahr noted that they will continue the discussion and come up with a process and procedure.

V. Tax Base Levy

Duane Cole reviewed the tax base levy and provided an informational sheet for the committee (see attached). Terry Mahr noted that it would be a walk-in election rather than a mail-in ballot. Duane Cole stated that the next tax levy meeting is set for Wednesday, April 27th at 6:30 p.m. at Izzy's.

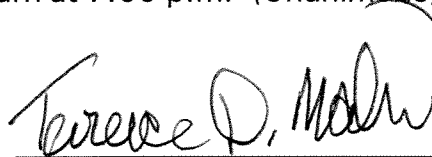
VI. Insurance Claims - Verbal Update

Terry Mahr reviewed briefly the claims that the City is involved: an illegal search and seizure, a false arrest and an easement issue.

Duane Cole advised the Committee of the DEQ containment area issue. Mr. Cole stated that he has met with Stan Bunn and has been advised that this is a major issue that needs to be addressed. Mr. Cole further noted that the facility should be located in Sherwood. A meeting is scheduled for May 4th at the Hospital to provide information to the community. Discussion was held concerning the clean air cause and effect and the Portland Metro area.

Terry Mahr noted that the next meeting will be held at The Noodle at 5:30 p.m. on Wednesday, May 18, 1994.

MOTION: Engelke/Stueckle to adjourn at 7:00 p.m. (Unanimous). Motion carried.

A handwritten signature in black ink, appearing to read "Terrence D. Mahr", written over a horizontal line.

Terrence D. Mahr
City Attorney