

MINUTES
Ordinance/Legislative Committee
Sub-Committee of the Newberg City Council
Wednesday, 5:30 p.m.
January 18, 1995

Newberg Public Library

Members:	X Donna Proctor, Mayor	Staff:	X Terrence D. Mahr,
	X T. Dan Wollam, Chairman		City Attorney
	X Donna McCain, Council		X Duane R. Cole,
	X Shannon Stueckle, Member		City Manager
	X Bob Engelke, Member		X Peggy Hall,
			Paralegal

I. Introduction of Members

Chairman Wollam opened the meeting. City Attorney Terrence D. Mahr advised the Committee that it was Committee member Donna McCain's birthday.

II. Approval of Minutes of November 16, 1994

Chairman Wollam asked for any amendments or changes to the November 16, 1994 minutes. There were none. Chairman Wollam stated that the minutes were approved as read.

III. Municipal Court Update

Terry Mahr stated that this is the end of the second quarter for the Municipal Court reporting period. Mr. Mahr further stated that the issuance of tickets are down all through the state. An increase in receipts was reported from last fiscal year. A review of the receipts projections and weekly activity report was done. Mr. Mahr also noted that the Municipal Court Judge's review is scheduled and asked for the Committee's comments concerning the process. Mr. Mahr noted that he is in the process of obtaining copies of review/evaluation reports from other cities and how they handle their Judge reviews. Discussion was held concerning customer (citizens, attorneys, defendants, court/city staff, police officers) reviews/evaluations. Mr. Mahr further noted that anyone can sit in on Court hearings. They are held on Thursdays, beginning at 9:00 a.m. at the Library. Mr. Mahr also reviewed Judge Robert Thompson's background (Oregon Municipal Court Judge's Association President, Vietnam veteran, Airforce service, long experience being a judge). Chairman Wollam asked whether or not there was official protocol to do the review. Mr. Mahr noted that he would prepare something for the next meeting.

Mr. Mahr added that Mr. Dave Cordon, an attorney who practices in the Newberg Municipal Court has also expressed some interest in prosecuting cases on a case basis. More information as it develops will be provided.

IV. Codification Project - Verbal Update (T. Dan Wollam)

Chairman Wollam stated that the base of the work has been performed except for the development code (land use section). This will be done in conjunction with Community Development staff. Mr. Wollam stated that he and Roxanne Gibbons (legal department secretary) has worked out most of the problems and the that the indexing and alpha listing will be a project in itself. Chairman Wollam further noted that the Committee members will be provided copies to review. Certain outdated ordinances and resolutions will need to be repealed and the process will be involved (animal control, licensing, taxi licensing and regulations, and other ordinances that need to be amended). Donna McCain asked whether the League of Oregon Cities could assist in this project by having them do an initial review. TDM stated that Sandra Arp has moved to City County Insurance Services (CCIS). TDM noted that he thought it might be an idea to come back with a flow chart on the process: (Department heads, Ordinance/Legislative Committee and then to the City Council). Chairman Wollam stated that they are not changing what is in the compilation at this time, they are making clerical changes only. Chairman Wollam further noted that it would be helpful to have a form that would help he and Roxanne to make the changes. Peggy Hall noted that she would review the request with Roxanne and come up with a form.

V. Litigation Update - Verbal

1. Scully Abatement

TDM noted that the demolition has started and that used bricks are available for \$.10 each. It appears that there are no environmental problems at this time (no oil spills). There is a problem with the common wall (Manka'a building). There is no outside funding source but that funds would be available through the City's EDRLF fund for the downtown project improvements.

2. Horizon Construction LUBA Appeal

TDM stated that the case was argued before LUBA and the City is awaiting a decision. The Racette's appear to have sold the property to the developer contingent upon the conditional use permit. There were no procedural issue violations and we are hoping for the City's decision to be affirmed.

3. Roth - Annexation Appeal (LUBA)

The City Council approved the urban growth boundary and annexation. Mr. Roth appealed to LUBA. The City provided assistance in mediation between the property owners and Mr. Roth. No one was interested in providing funding. DLCD was contacted to help in the mediation but nothing materialized. Things have changed due to the Crater School development. Drainage issues may be resolved through this development. TDM noted that it would not be much of a chance to win on appeal.

VI. Continued Business

1. Legal Department Goals - 1995

TDM reviewed the Legal Department goals for 1995. The City Council will hold a work

session on January 30, 1995. The Library Director's concerns dealing with Court operation will be addressed. Discussion has been held to hold Court on Mondays when the Library is closed. The Court's facility review will be reviewed by DRC, TDM and Leah Griffith, Library Director.

Discussion was held concerning the Judge's annual review. TDM noted that we needed to establish a review procedure.

Discussion was held concerning the archives and City records. TDM noted that the City needed to adopt the State's City Records Retention Schedule. TDM noted that Ordinance 2194 and related documentation would be reviewed by the Committee at the next meeting. TDM asked whether this was an issue that the Ordinance/Legislative Committee wanted to review.

2. Ethics Code.

TDM stated that it would be similar to the City of Portland Ethics Code for its public officials and employees. The code provides guidelines. Shannon Stueckle, T. Dan Wollam and TDM would be on the committee. Dan Wollam stated that Keith Lamb would be willing to serve on the committee. Mayor to appoint the Ad Hoc Committee for the Ethics Code. TDM stated that the mission would be to develop an ethics code within the City. The Code could be sampled after the City of Portland code with changes necessary to comply with the City of Newberg. DRC stated that City employees could also sit on the committee as advisory support.

MOTION: Engelke/Stueckle to recommend to the Mayor and City Council that an Ad Hoc Ethics Code Committee be established. (Unanimous). Motion carried.

VII. New Business

1. Resolution/Ordinance Format/Process

TDM noted that resolutions generally do not carry the Mayor's signature, only the City Recorder's. The Mayor has no veto power on the Ordinance. The Mayor "attests" the vote of the Council. Discussion was held concerning the conditions for the City documents as noted in the Charter. The Committee concurred that a "check and balance" would be a good idea.

2. Ordinance Review - Verbal Update

- (a) **Animal Control Ordinance**
- (b) **Pawnshop Ordinance**
- (c) **Discarded/Abandoned Vehicles**

TDM and Chairman Wollam stated that the compilation/codification project entailed review of quite a few ordinances. This would be an extensive process.

The ordinances involving discarded or abandoned vehicles has been discussed with Officer Art Pohl. He would like to cite vehicle owners that have not responded to the request for compliance.

3. Oregon State Archives City Records Retention Schedule

(a) Audio/Video Tape Retention

(b) Library Board Policy

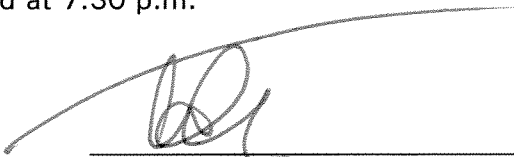
TDM stated that there was a great amount of work involved in preparing and producing the state schedules and guidelines. The City needs to adopt the State's City Records Retention Schedules as noted. Discussion was held concerning the time limits not being long enough for citizen review and that minimum guidelines should be reviewed with the Library Board. Donna McCain stated that we should work with the Library Board and the citizens.

MOTION: Stueckle/Engelke to approve the revisions to the Ordinance and Resolution formants. (Unanimous). Motion carried.

TDM inquired whether the time and place of the meeting was okay for everyone. TDM noted that we would be checking with Garden Eatery for a menu. The next meeting would be February 22, 1995, 5:30 p.m. at the Library.

IX. Adjourn

The meeting adjourned at 7:30 p.m.



Terrence D. Mahr
City Attorney