

MINUTES OF THE ORDINANCE/LEGISLATIVE COMMITTEE

Sub-Committee of the Newberg City Council

Wednesday, 12:30 p.m.

September 20, 1995

CITY OF NEWBERG

WASTEWATER TREATMENT FACILITY

18301 WYNOOSKI STREET

Newberg, Oregon 97132

Members Present:

T. Dan Wollam, Chairman
Shannon Stueckle, Member
Bob Engelke, Member

Staff: Terrence D. Mahr, (TDM)
City Attorney

Peggy R. Hall, Paralegal

ABSENT: Donna Proctor, Mayor
Donna McCain, Council member
Duane R. Cole, City Manager

I. Approval of Minutes of July 6, 1995 and August 16, 1995

Chairman Wollam declared the minutes approved as drafted. TDM reviewed the update of the items on the agenda at the August 16, 1995 meeting (abandoned vehicles, truck permit parking, etc.) TDM noted that the City Council adopted the Resolution allowing truck permit parking, but not truck trailers.

II. Discussion of Legislative Changes

TDM advised the Committee that the legislative changes were many. The League of Oregon Cities has an over view scheduled for September 28th in Salem. There are Legislative Update books available. TDM also noted that he has contacted Leslie Lewis and Stan Bunn concerning the "dessert/tea" event to be sponsored by the Committee to allow the citizens a chance to discuss their experience with the legislature, legislative procedures and concerns that they may have.

III. Municipal Court - Update

1. Revenues/Weekly activity

TDM stated that the Court and Legal Department staff made a similar presentation to the Finance Committee last month. Chairman Don Wright telephoned TDM's office to advise him that the staff did an excellent job in presenting information about the Court and its operation. TDM reviewed the state's intention on phasing out Municipal and District Courts. TDM stated that he doubted that Newberg Municipal Court would be phased out because it is a full service court that handles a variety of cases. Discussion was held concerning whether or not with the addition of new police officers, there would be an increase of citations issued. TDM stated that the Police Chief indicated that there would probably be a slight increase.

IV. Continued Business

1. Fee Schedule Update

TDM reviewed the fee schedule issue and how the State legislature changed the requirements. The city can now charge the \$250.00 fee for an appeal. Discussion was held concerning this issue and it was agreed that the amount of \$250 should remain. If the appeal fee is too low, it would be "too easy" for other persons, not adjacent property owners, to file unnecessary appeals. Further discussion was held concerning allowing exemptions for adjacent property owners to pay a reduced amount in they filed an appeal. Shannon Stueckle, Bob Engelke and Dan Wollam stated that they were not in favor of reduced amounts to anyone.

V. Municipal Code - Verbal Update

Not discussed.

VI. New Business.

1. Citizen Rate Review Committee (Ordinance No. 95-2418)

TDM discussed the bonding requirements for any changes on the rates. TDM stated that he would like to change the Ordinance to allow for clarification of membership, meetings, application process and qualifications of the members. The changes would make the Citizens Rate Review Committee more in line with other Sub-Committees of the Council. Further discussion was held concerning a formal recommendation to the City Council. TDM reviewed his informational memo dated September 20, 1995 to the Committee.

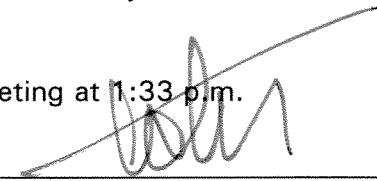
MOTION: Engelke/Stueckle to approve Ordinance No. 95-2418 as amended and discussed. (3 Yes/1 Absent (DM). Motion carried.

2. Yamhill County Drug Paraphernalia Ordinance.

TDM reviewed the County's ordinance and the enforcement of the County ordinance. TDM noted that the City does have a similar ordinance which appears to be more detailed. The fine amounts for the paraphernalia are more in the County ordinance than the City's ordinance. The City has fines for possession of less than an ounce of marijuana which are the same as the State fines (minimum \$500, maximum \$1,000). Sheriff's deputies citing individuals in Newberg would be different because the City already has the existing ordinance. TDM added that other smaller cities such as Dayton, Lafayette and Amity rely upon the Sheriff's Office for police services. The City of Newberg has its own ordinances involving drug paraphernalia and possession of marijuana. The Committee members present agreed that the fines should be increased for paraphernalia possession to be in accord with the County ordinance. Discussion was held concerning increasing the penalty for individuals that possess less than an ounce of marijuana within 1000 feet of a City park or school. The Committee recommended that the City amend its ordinance to provide that the penalties for possession of drug paraphernalia be the same as in the County ordinance. The Committee recommended that the City not give its consent to the enforcement of the County drug paraphernalia ordinance within its City boundaries because the City has an ordinance dealing with the subject and persons are cited into Municipal Court. Further, there has been no policy established as to what type of County ordinance should be enforced within the City. The Committee further recommended that the City ordinance be changed to increase, if possible, the penalty for possession of less than an ounce of marijuana on or near a City park or school.

VII. Adjournment

Chairman Wollam adjourned the meeting at 1:33 p.m.



Terrence D. Mahr, City Attorney