

ORDINANCE/LEGISLATIVE COMMITTEE
SubCommittee of the Newberg City Council

Thursday, September 9, 1993

6:00 p.m.

Newberg Public Library

PRESENT: Donna Proctor, Mayor
Scott E. Reinhardt, Chairman
Elaine Smith, Vice-Chairman
Dave McMullen, Member
Shannon Stueckle, Member

STAFF PRESENT: Terrence D. Mahr, City Attorney
Duane R. Cole, City Manager
Katherine Tri, Finance Director (for agenda item IIIA)

I. Introduction

SR called the meeting to order. SR introduced Kathy Tri to committee members Shannon Steuckle and Dave McMullen.

II. Adoption of Minutes of July 8, 1993 meeting

The minutes were adopted and approved.

III. Matters Referred to Committee

A. Water/Sewer Turn on Fee

Kathy Tri, Finance Director, made presentation concerning turn on fee. The purpose of the turn on fee was to allow for a procedure to collect the fee without having to charge a deposit. A deposit is now held for each person who is a renter. It is difficult to keep track of the deposit. The only method of collecting overdue accounts is a lien on the property. This lien is not very effective. By charging a turn on fee, it will supplement the money we can receive from delinquent accounts. The total revenues collected by the City for supplying the service would off-set the money currently collected from deposits.

The people who presently have deposits might get refunded or we could continue to hold them. Deposits earn interest at a rate of 4%. The City is not earning 4% at the present time.

The exact purpose of charging the turn on fee would be as follows:

1. Covers cost of setting up account.
2. Avoids any appearance that we might have a tax subject to the limitations of Ballot Measure 5 by not collecting any fees by means of a lien on the property.
3. Ensures that we charge the proper fees and, therefore, the funds (water and sewer funds) are maintained in a business-like manner and protected from delinquent accounts.

MOTION: Shannon Steuckle/Elaine Smith - to recommend to the Council that they discontinue the collection of deposits and charge a water/sewer turn on fee in accordance with the resolution as presented.

Dave McMullen brought to the attention of the Committee a development issue. The developers are charged for the minimum water and sewer rate (\$12.00 per month) as soon as their meter is installed, regardless of whether they have access to water or not. This seems unfair when they may not have access to water. The Finance Director discussed how the account was set up. When the meter is installed, the account is opened and the charges are incurred. The issue is one of fairness.

MOTION: There was a unanimous motion of the Committee to refer the matter to the Community Development Committee. The City will review its policy and see if a more "fair" policy could be developed which would provide that the developer would begin paying water/sewer fees only when the water is available to the property. A report should come back next month to the Committee as to what is happening.

IV. Ordinances

A. Ethics Committee

Discussion ensues as to the establishment of an Ethics Committee. Dave McMullen said he thought it was a very good idea and he had read the Beaverton Ethics Committee matter and thought it was very good. City Attorney explained how the public officials who serve on the Council, commissions and boards need protection and answers to ethical questions. This would provide a fair and equal treatment for them. It would also provide an avenue by which the City could defend them, if they had received ethical advice in the proper channels and then there were some questions such as before the Ethics Commission. Also, it was reported that the Ethics Committee is establishing a pamphlet but they have been working on it for a number of years.

Dave McMullen said he likes the Beaverton ordinance very well. Shannon Steuckle pointed out that she did not want to expand bureaucracy, saw how this was necessary, but did not necessarily want to expand it.

There was a discussion as to who should be on the committee. They liked the idea that the members should be five, but thought that they should be members who are not members of other boards and commissions, similar to the way Beaverton had theirs set up. Eugene's code was well organized.

MOTION was to establish the Ethics Committee but to look at the following points:

1. Survey the policies of other cities our size and see if they had an Ethics Commission.
2. Change the make up of the Committee to include non-members who are not serving on commissions, boards or City Council.
3. Put a requirement that the members of the Commission must be residents.

4. Make appointment by the Mayor with a consent of the Council.
5. Should establish a Code of Ethics immediately, with some detail.
6. Establish an informal way where, perhaps through a checklist, the City Manager or City Attorney could review a simple matter and inform the Ethics Commission, rather than have them meet to make a decision.

It was further a part of the motion that a Code of Ethics should be established as quickly as possible and be distributed to the members. **Motion passed unanimously.**

- B. City Manager (Draft may be presented and discussed at meeting)
Not presented.
- C. City Attorney (Draft may be presented and discussed at meeting)
Not presented.

Chairman Reinhardt indicated that he would like to see this matter pushed forward as quickly as possible and would like a report next time.

V. Municipal Court Update/Storefronting

- A. Move to Community Development Building

City Attorney reported that a lease had been signed to lease the new space for the Community Development department. Dave McMullen had been instrumental in helping review that lease. Thanks was given to Dave McMullen for his insights and thoughts. The space would be available November 1, 1993.

The Mayor, Municipal Court and City Attorney would be moving to the Community Development Building. This should facilitate better coordination. That move would take place as soon as possible.

The lease was reviewed by the Committee. It was thought that the lease was very favorable to the City and the price (less than 50¢ per square foot) was a very good buy.

- B. High School Prank Report

The press that was the follow-up from the way the high school prank report was done, was well received. They also indicated that the people who had fallen off of the Diversion Agreement had been sentenced by the Judge and that had all worked very smoothly. There would be no further reports on the high school prank. However, there would be an attempt to work with the school to see that didn't happen again.

- C. Major Court Changes w/Senate Bill

The review of the McMinnville procedure was looked at and thought to be good. The Committee recommended that, when we move into the Community Development Building, we streamline our procedures. It was also recommended that we look into getting a part-time prosecutor because of the volume in there. It was discussed of sharing office with a local

attorney who could help us and that was thought to be a good idea, too. It was ordered to proceed with that thought.

VI. Compilation Project

There was a question as to whether we wanted to go to a codification. Chairman Reinhardt wanted the following things done:

1. Coordination with Department Heads and decision as to whether to go code or compilation.
2. Report brought back with aggressive timelines.
3. As much progress as possible to be done on the projects.

VII. Insurance

It was noted that we have a new Broker of Record, Monte Coleman, and that he had been doing a good job. He had discovered some gaps in our insurance policy. He had an expertise in the area and was doing quite well. The Committee would ask if there were any reports forthcoming from him.

VIII. Litigation Update

A. LUBA Appeal - Horizon Construction

New date would be set for hearing with Horizon Construction.

B. Arbitration - Construction

A decision as to whether the matter needed to go any further in arbitration would be coming this Friday. The Committee would be reported on that.

C. Tort Claims -

1. Mark Cohen - The Committee didn't have many questions on that one.
2. Tenley Properties - The update was reviewed. No questions.
3. Rosalie Bunnell - slipped and fell on City sidewalk. This was reviewed by the Committee.

D. Monthly Report

Monthly reports will be reviewed by the Committee. If there were any further questions, they needed to be responded to. This was mostly an informational session.

XI. New Business

There was no new business to come before the Committee.

X. Adjournment

The Committee adjourned at 9:00 p.m.