

A G E N D A
Ordinance/Legislative Committee
Sub-Committee of the Newberg City Council
Wednesday, 5:30 p.m.
March 23, 1994

Newberg Public Library
503 E. Hancock Street
Newberg, Oregon

Members:	<u>X</u> Donna Proctor, Mayor	Staff:	<u>X</u> Terrence D. Mahr,
	<u>X</u> Elaine Smith, Chairman		City Attorney
	<u>X</u> Dave McMullen, Vice-Chairman	<u>X</u> Duane R. Cole,	
	<u>X</u> Shannon Stueckle, Member	City Manager	
	<u>X</u> Bob Engelke, Member	<u>X</u> Peggy Hall,	
		Legal Department	

I. Approval of Minutes of February 23, 1994

MOTION: Smith/McMullen to approve the February 24, 1994 minutes. (3 Yes/1 Absent (Engelke). Motion carried.

Committee member Bob Engelke arrived at the meeting.

II. Rules of the Council

City Attorney Terrence D. Mahr stated that after review and consideration by the Committee, he would entertain a motion to forward the Rules of the Council (Resolution No. 94-1835) to the Council for their review and consideration.

Discussion was held concerning the following changes/additions:

1. Section 1

Rule 10. When a question has been decided, it shall be in order for a member who voted in the majority, to move for reconsideration thereof, but no motion for reconsideration shall be made **once the City Council has adjourned**. No motion for such reconsideration shall be made more than once, and the motion to reconsider must be made at the same meeting at which the matter in question was passed.

2. Section 4 - AGENDA - (Additions)
Order of Business of the Council

III. Special Presentations and Recognition

IV. Consent Calendar

(Any Council member may request to remove any item from the Consent calendar to be discussed at a later time and the item shall be removed).

MOTION: Smith/McMullen to approve the changes and additions and refer them to the City Council for approval. (Unanimous). Motion carried.

III. Ordinance Compilation Report

Terry Mahr reviewed the compilation project with the Committee. Mr. Mahr stated that the Legal Department staff has quite a bit of contact with other cities and has learned that many cities contract out their compilation/codification services. The City will save time and money by having the legal review process and word processing done in-house.

IV. Review of Budget Changes

Terry Mahr reviewed the proposed budget changes.

1. Heidi Hess, will be leaving the Legal Department to have her baby due to arrive in late April. Her last day will be April 1, 1994. She is presently a .6 FTE (Full Time Equivalent). The new budget changes reflect that her position be increased to 1.0 FTE. We are presently advertising for her position and hope to have it filled within the next few weeks.

Further discussion was held concerning the starting salary for the secretarial position (109A - \$1501 per month). Members of the Committee indicated that they were not sure that the amount was appropriate. Peggy Hall stated that she checked with local attorneys, the Oregon State Employment Division and the Oregon State Bar concerning the salary range. Peggy Hall also indicated that the new .5 FTE secretary hired for the Fire Department was hired at the 109A level. Mayor Proctor stated that she believed that the amount was high for the position and discussed Newberg School District comparisons. Peggy Hall indicated that she would check with the School District concerning secretarial positions comparable to the Legal Department secretary position being considered.

2. Peggy Hall will move to a supervisory position as Court Administrator which has been budgeted and the her salary will be shared between the

Legal Department and Municipal Court. The over-time budget item has been reduced from \$7,000 to \$2,000 realizing a \$5,000 savings.

3. Archives - Records Management. The Legal Department absorbed the City Recorder's Department about six years ago. With that move, the Legal Department reduced the number of employees by one and eliminated an expenditure of about \$40,000 per year for the City. The City now needs some work in the records area in order to meet its obligations under the state laws. An expense line has been added to help facilitate the archives/retention process. The Legal Department is responsible for the maintenance and upkeep of all City records. There will be extensive work done in this area this coming fiscal year.
4. Hospital Training and Expenses. With the new affiliation of the Newberg Community Hospital, there is a reduction in the Legal Department due to expenses incurred for hospital meetings and training. This will be a \$4,000 savings to the Legal Department.

Municipal Court -

1. Shift of Peggy Hall's responsibilities provides for a half-time administrative position.
2. The Judge's salary will be reviewed and adjustments made accordingly.
3. Prosecuting attorney. Due to the backlog of cases and the influx of new case and the management thereof, a line item of a prosecuting attorney is requested.
4. In reviewing the backlog of cases, there are many DUI's and other cases that are asking for court appointed attorneys. We are increasing the Court appointed attorney fees in order to accommodate these requests.
5. Estimated revenues for this year is approximately \$125,000. In February, we sent out the billing statements from the new court system (cases entered after July 1, 1992). We are receiving some funds from these billing statements. Revenues should increase when collection efforts are progressive and consistent. The last billing was done in February, 1993. We look forward to implementing permanent systems to handle the flow of the cases through the Municipal Court.

Mr. Mahr stated that with the increase of expenditures for the Municipal Court

(adding the contract prosecutor and the Court Administrator), decrease in Legal Department expenditures, and combining both the Legal Department and the Municipal Court, the over-all increase is approximately \$10,000. This increase should more than off-set it by an estimated increase in revenue (as much as \$20-\$50,000 depending upon collections and activities).

Elaine Smith asked whether there is a conflict with Peggy Hall in the Legal Department as well as the Municipal Court Administrator. Mr. Mahr stated that he felt that there would not be a conflict in the Municipal Court operations. He has reviewed the matter with Judge Thompson and he has concurred.

V. Tax Base Levy

Mr. Mahr reviewed the tax base levy documents filed on March 17, 1994. The matter will be on the May 17, 1994 primary election. Shannon Stueckle asked whether there were other things on the ballot. Mr. Mahr stated that he believe that there were. There were County Commissioner positions to fill.

VI. Municipal Court Judge Review

Mr. Mahr discussed the City of Eugene survey that was in the Committee packet. Discussion was held on who would be reviewing the Judge for his performance evaluation. Terry Mahr welcomed members of the Committee to sit in on Court (Thursdays at 9:00 a.m.), view the process and make recommendations concerning the Court and the Judge. Terry Mahr stated that the City of McMinnville does not review the Judge. Robert Thompson is the judge for Sheridan, Newberg and McMinnville. Duane Cole stated that he would prepare a survey to be used in the evaluation. Mr. Cole further stated that he thought that it would be useful at the time of renegotiating the Judge's contract.

VII. Insurance Claims - Verbal Update

Terry Mahr reviewed a couple of insurance claims received by the City. He indicated that they are still in the initial stages and that as they progress, he would be in a better position to report on them. One case involved a false arrest claim which potentially violated Section 1983 of the Civil Rights Act. Mr. Mahr further advised the Committee that attorney fees would be allowed which is approximately \$150 per hour. The other case involved an alleged improper search procedure. Mr Mahr stated that both cases were difficult ones.

VIII. Litigation Update

Mr. Mahr provided the following report:

1. Commercial Bank v. A.R. Javorski and City of Newberg

We will have a summary judgment hearing on May 6, 1994. Mr. Javorski has retained an attorney. They are working out sale arrangements of the property (Pride Furniture). The amount claimed in cross claim filed by the City of Newberg against A.R. Javorski is approximately \$70,000.

Discussion was held concerning whether or not the City would be able to recover the money that was loaned from the Economic Development Revolving Loan Fund (EDRLF). Mr. Mahr stated that he thought that if a sale was not made, that the City could lose the investment. Commercial Bank is in first position and the City is not in a position to take out Commercial Bank.

2. Lamoreau v. Day and City of Newberg

Mr. Mahr shared with the Committee that the complaint was filed by Ed Lamoreau against Lillian Day and the City of Newberg for "interfering with plaintiff's use and plaintiff's patron's use of the parking spaces designated in the easement, and from changing or in any way altering the location of the spaces other than what is designated in the easement, and from removing an parking signage plaintiff may place on the property identifying the parking spaces designated for his business". Mr. Lamoreau also requests a quiet title to the parking easement agreement previously entered into with the Lillian Day. In addition, Mr. Lamoreau seeks "judgment against defendant Day for Plaintiff's damages in an amount to be proven at trial, but estimated at this time to be the sum of \$25,000". Mr. Brown, attorney for Mr. Lamoreau, is not seeking a judgment against the City of Newberg at this time.

The meeting adjourned at 7:10 p.m.



Terrence D. Mahr
City Attorney