

ORDINANCE/

LEGISLATIVE

COMMITTEE

1985 TO 87

Ordinance/Legislative Committee  
Minutes

1985

1986

1987

3/25/85

5/21/85

~~6/23/86~~

9/3/85

6/23/86

2/19/87

2/26/87

3/19/87

4/2/87

6/11/87

MINUTES OF A MEETING OF THE  
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, 7:00 a.m.

Velvet Carriage

March <sup>25</sup>24, 1985

Present:

Alan Halstead, Chair

Rick Faus,

City Attorney

Hal Grobey

Mike Warren, City Manager

Donna Proctor

Arvilla Page, City Recorder

Mr. Faus had provided copies of two proposed ordinances for the Committee to review. He stated these had originally been one ordinance, but after staff review, it was split into two ordinances for clarity.

Under present ordinances, there are approximately 20 different procedures to enforce civil infractions and 5 to 10 procedures to abate nuisances. These proposed ordinances will set up uniform enforcement and abatement procedures. The main feature of the enforcement procedure is clarity and decriminalization. There are no jail penalties for violations. The penalty is fine only.

Mr. Faus then reviewed enforcement of the sidewalk ordinance as an example under the abatement procedure. A civil infraction has a notice procedure that is an option. The next step is issuance of the citation. He then reviewed the proposed citation.

Mr. Faus responded to the Committee's question on the bowling alley which is currently in the abatement process under the current ordinances. He stated the procedure would be much faster under the new ordinance because it would be less complex.

Mr. Grobey questioned the \$1,000 per day fine. Mr. Faus responded that a citation need not be issued for each day of non-compliance.

Mr. Warren noted that it would save time for the Council members and it would not increase staff requirements.

Mr. Grobey stated his concern that we would next be hiring a full-time enforcement officer to go out and look for violations. Mr. Faus responded that it would not develop to that extent here.

Mr. Faus stated that the ordinances make for more efficient enforcement, cut down on paper work, and there will be a training session for those designated as enforcement officers.

Recommendation The Committee unanimously recommended approval of the two ordinances to the Council.

There was no other business before the Committee and the meeting adjourned at 7:55 a.m.

MINUTES OF A MEETING OF THE  
ORDINANCE/LEGISLATIVE COMMITTEE

Tuesday, 7:00 a.m. Velvet Carriane May 21, 1985

Members Present: Alan Halstead, Chairman  
Hal Grobey  
Donna Proctor  
Tommy Tucker

Others Present: Rick Faus, City Attorney  
Clay Moorhead, Planning Director  
Arvilla Page, City Recorder

New Business:

C. Mr. Faus distributed materials on Cable TV for the Committee to review. He noted there were two summaries of articles that are included in the material.

A. Dredging Bill: Mr. Faus presented a letter from State Representative Mike Kopetski of District 33 requesting the support of the City on HB 2592 and HB 2593 which would authorize the state to dredge the Willamette River between Corvallis and Yamhill Landing below Newberg. The Committee discussed the issue briefly.

Motion: Grobey-Tucker that a letter be sent in support of dredging, but consider only contracting the service as opposed to using State personnel. Carried unanimously.

D. Other Legislative Issues, Franchise Fees: The Committee voiced opposition to any legislation that would restrict a city's right to impose franchise fees.

B. Solar Access Model Ordinance Program: This item was referred to the Committee from the Council. The Committee discussed the effect this ordinance, if enacted widely, would have on developers and the planning and building staffs of cities. Also discussed was whether solar projects are cost effective in the Willamette Valley.

Motion: Grobey-Tucker to recommend that no action be taken on the ordinance. Carried unanimously.

E. Update on Uniform Nuisance Abatement and Civil Infractions Ordinance: Mr. Faus noted that proof copies of the citations are included in the information packet. There will be training sessions before the citations are used. The City will take a conservative approach with the City Manager reviewing each case before action is taken for the time being. An example of the use of this ordinance would be the bowling alley. The standing wall has now been demolished and it was found to be very dangerous with little or no reinforcement in the concrete.

C. Continuation of Cable TV Review: Mr. Grobey stated that we should review enforcement of the franchise and identify what provisions are

not being met by the franchise holder. Mr. Tucker stated that if we do not educate ourselves to what is going on in cable television, it will be to TCI-Liberty's advantage.

Motion: Tucker-Grobey to recommend that the City join the national association that represents cable television officers and will represent cities that have cable television franchises. Carried unanimously.

D. Continued review of Legislative Issues: Mr. Faus stated there does not seem to be as many issues of concern to cities in this session of the legislature as in the past. A proposed bill on tort claim limits is of concern to cities. A bill on annexations would streamline the process. A bill that would involve the State Motor Vehicles Division in the collection of parking fines has failed.

The Committee discussed the bill that would require more public works projects to be contracted. Several local State projects were noted where private contractors could probably do the job with more efficiency.

Meeting adjourned at 7:55 a.m.

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MINUTES OF A JOINT MEETING OF THE  
ORDINANCE/LEGISLATIVE & FINANCE COMMITTEES

Tuesday, 6:30 p.m.                      Council Chambers                      September 3, 1985

Committee Members Present:      Roger Gano, Finance Chair  
   Hal Grobey, Finance & Ordinance  
   Alan Halstead, Ordinance Chair  
   John Poet, Finance  
   Donna Proctor, Finance & Ordinance  
   Tommy Tucker, Ordinance

Others Present:                      Elvern Hall, Mayor  
   Mike Warren, City Manager  
   Rick Faus, City Attorney  
   Arvilla Page, City Recorder  
   George (Les) Page, Cable TV Consultant

Mr. Page was introduced to those Councilmembers that had not previously met him. Mr. Page was previously contracted by the City for assistance in preparing the cable television franchise ordinance and in the selection of the franchisee which is TCI-Liberty Cable.

Mr. Page noted that the City was on the crest of the franchising frenzy when they negotiated their first cable television franchise. The franchise was completed prior to the change in the federal laws. Liberty Cable, at the time of the franchise agreement, had plans that they did not tell the City. He stated that he had quickly reviewed the rate increase requested by TCI-Liberty Cable. He also stated that he believes that much of the new federal law on cable television franchises is pro city.

Councilman Tucker stated he does not feel the Council is in a position to judge whether Liberty has put in the local office all the equipment and people required in the agreement. He does not feel they have addressed the needs.

Councilman Grobey stated the key issue is compliance with the franchise agreement. The dish was moved and the microlink for reception of local stations has not been completed.

Mayor Hall advised that Liberty did come to the Council and get approval to move the dish. This permission was granted on the promise of better reception of local channels.

Councilman Tucker stated the City needs findings--of--fact. Liberty may have the staffing, but they may not be adequately trained.

Mr. Page noted that the timing is good to do some form of evaluation. The City would need to demonstrate that TCI-Liberty has not lived up to the franchise in order to revoke it. All cities need to review early on before the time to refranchise. To verify the poor reception of the local stations, the signals received and the signals distributed will need to be studied.

Councilman Grobey asked whether Mr. Page was equipped to do a financial audit. Mr. Page responded that he has done many audits although he is not an accountant.

Councilman Tucker stated another concern was whether Liberty has done and adequate job promoting cable television.

Mr. Page stated he would recommend starting at the beginning of the franchise agreement to identify and list whether or not they are complying. He stated his rates are standard rates at \$57.50 per hour. His estimate for the entire project would not exceed \$3,500.

Several members of the Committee noted they were not opposed to the rate increase, but TCI-Liberty must justify the increase. Mr. Faus noted that the balance sheet required with the rate increase request has not yet been provided.

Mr. Page stated he could have a firm proposal ready in 10 days and the project could be completed in 10 weeks, including the public hearings. Mr. Page then described how he would approach the work. He would send a letter to TCI-Liberty advising that he has been appointed the representative of the Council for the franchise and rate increase request review.

Mr. Faus stated that a public hearing is allowed to obtain public input. Councilman Grobey asked whether it would be a help or hindrance to have others involved in the hearings. Mr. Page responded that it would be of value to have some of the Council involved. Mr. Faus reviewed that part of the ordinance for the Committee.

Councilman Grobey suggested the Committee hold another meeting to discuss the completed proposal and allow time to think about Mr. Page's recommendations. Mr. Faus advised that a resolution is on the agenda for tonight's council meeting to enter into a contract with Mr. Page based on a maximum contract amount.

Motion: Grobey-Halstead to modify the language of the proposed resolution to allow the City Manager to contract for the services of George L. Page after Committee review of Mr. Page's proposal. Carried unanimously.

The Committee set Mr. Page's the next meeting for September 16, 1985 at 7:00 a.m. at the Velvet Carriage restaurant with Les Page to be present to allow for review of Mr. Page's final proposal.

Meeting adjourned at 7:18 p.m.

A MEETING OF THE  
ORDINANCE/LEGISLATIVE COMMITTEE

Monday, 7:00 a.m. Unicorn's Garden June 23, 1986

Members Present: Alan Halstead, Chairman  
Hal Grobey  
Donna Proctor

Others Present: Elvern Hall, Mayor  
Mike Warren, City Manager  
Rick Faus, City Attorney  
Arvilla Page, City Recorder

The meeting was called to order by Chairman Halstead.

New Business:

A. Discussion of elimination of 10 minute Parking Zones in front of Newberg Carnegie Library.

Mr. Faus stated this change was recommended by the Police Chief and the Public Safety Committee. There are now new spaces available for short term parking and these spaces are no longer needed and are not used. The Safety Committee has recommended that these spaces be changed to 2 hour parking.

The Committee discussed other short term parking spaces that may no longer be needed. They also discussed limited parking on Hancock Street. It was the consensus of the Committee that all the other limited parking and parking changes need to be gathered and included in one ordinance.

B. Discussion and review of "An ordinance of the City Council of the City of Newberg, Oregon, consenting to a change of control of Liberty Cable Communications, Inc. to TCI West, Inc".

Mr. Faus stated this request is based on a stock transfer from Liberty to TCI West. It is a corporate reshuffling of stock ownership. Liberty previously brought the change in ownership from Liberty to the Council. This is only an approval of the name change.

Councilman Grobey stated there is a problem in granting the change in ownership now with their failure to comply with some terms of the franchise. We should say no to the request as a means of putting them on notice that we will be taking other action.

Mr. Faus stated we are obligated to do the change requested. Also, it would not be important in the negotiations.

C. Discussion and review of Liberty Communications, Inc./TCI Cable Television rate increase request and discussion and review of George L. Page report of evaluation of Liberty/TCI system



performance and franchise compliance conducted for the City of Newberg, Oregon

Mr. Faus stated that Les Page has recommended we look at the technical items that have not been fulfilled. We could use the failure to comply to deny the rate request. At present, there is not enough information to evaluate the request as some information needed was not released by the cable company. They have been allowed some rate increases under Federal law. Les Page has stated that our system is better than most. The request for a rate increase was submitted some time ago. There have been delays by the cable company, Les Page, and the City. A resolution has been prepared listing the findings for denial. These findings on the draft resolution were reviewed. The final finding in the resolution is that the City will no longer have control over rates after December 31, 1986.

Mr. Faus stated review of technical compliance should begin by obtaining the estimated costs of compliance. The evaluation should then be to determine; how badly do we want the technical requirements and how much will they cost us?

Mr. Faus and the Committee reviewed and discussed the findings on the draft resolution for denial.

Councilman Grobey stated that we now have ordinance provisions that we cannot enforce. We actually have no control. We need to look at the ordinance to remove those provisions we cannot enforce. Their revenue shortfall was their own fault. They have not marketed effectively and they have not provided other services that could be a revenue source.

Councilwoman Proctor asked why we could not audit the same as we can the garbage franchise. Mr. Faus responded that the federal law concerning cable television makes the difference.

Mr. Faus stated we can go forward with the rate increase denial without a formal public hearing procedure. Mr. Faus stated that Les Page indicated that we really do have a very good system.

Motion: Grobey-Proctor to recommend to the Council approval of the change of control ordinance and recommended passage of the resolution denying the rate increase request. Carried unanimously.

Councilman Grobey stated there should be some provision in the ordinance excusing staff from enforcing provisions of the ordinance until there are changes in the federal law.

Mr. Faus stated this could be taken care of when the technical changes are made.

Councilman Grobey asked whether any additional time will be needed for Les Page. Mr. Faus stated he may be needed for review of the cost information.

The Council briefly discussed parking lots that need paving and parking space at the hospital.

Meeting adjourned at 8:15 a.m.

MINUTES OF A MEETING  
OF THE ORDINANCE/LEGISLATIVE COMMITTEE  
Thursday, 7:00 p.m.                      Council Chambers                      February 19, 1987

The meeting was called to order by Chairwoman Donna Proctor.

Members Present:     Harold Grobey                      Donna Proctor  
                               Alan Halstead                      Marily Rementeria

Others Present:        Terry Mahr, City Attorney  
                               Arvilla Page, City Recorder

Mrs. Rementeria presented a complaint she has received regarding a truck parked in a residential area that is warmed up for a long period regularly. Neighbors have complained about the air pollution and the noise. She added that she herself is familiar with this situation as she jogs on this street and has noted the pollution.

The Committee discussed trucks parking in various locations, both residential and non residential areas. Mr. Mahr stated he would have the Building Official investigate this complaint.

**NEW BUSINESS:**

1.    Legislative Input Program.

Not all members of the Committee are receiving copies of the Legislative Bulletin published by the League of Oregon Cities. Subscriptions will be ordered.

Mr. Mahr presented a form he has prepared for input from the Council on bills before the legislature on which they wish to offer input. He reported the Chamber of Commerce will be contacting our representatives several times each month.

The work done by the Ordinance - Legislative Committee during the last legislative session was described. The Committee met each week to review the Legislative Bulletin and their concerns were transmitted to the Senator and Representative the next day.

Mr. Mahr noted that Newberg is known as active players and asked the Committee members how active they wished to be during this legislative session. Each of the members responded that, even though it would be a lot of work, they wished to be very active and meet each week to review the bills being considered. It was suggested that the meetings have a fixed time limit. It was agreed to meet at 7:00 p.m. to 8:00 p.m. on Thursdays, at the library if possible. The second Thursday of each month would be a longer meeting. Their input would be transmitted on Friday.

2.    Liberty Cable Television Franchise (TCI).

Councilman Grobey noted there is very little the City can do since deregulation. There are a lot of things not done in the franchise. We

need to look at the study done by Les Page. He suggested we investigate repealing the franchise and imposing a property tax on them in place of the franchise fee. This would remove the City from being a watch dog. Mr. Mahr said he would research this suggestion.

3. Herb Swift Memorial Award.

The Committee discussed various ways that Mr. Swift, a former City Attorney and very active citizen, could be recognized for his contributions to the community. It was the consensus of the Committee that special recognition be given by the Council and that a proclamation and plaque be presented. Mr. Mahr stated he would do some research on Mr. Swifts various activities.

**OLD BUSINESS**

The Committee went into **Executive Session** under the rules of ORS 192.660 (1)(a) Personnel and/or Employment.

The Committee reviewed the draft of a resolution adopting a procedure for hiring a city manager and reviewed the elements to be contained in the contract that will be offered.

The Committee adjourned to **Regular Session**.

Motion: Halstead-Grobey to recommend to the Council adoption of the resolution adopting a procedure for hiring a city manager as amended by the Committee. Carried unanimously.

Meeting adjourned at 9:22 p.m.

MINUTES OF A MEETING OF  
THE ORDINANCE/LEGISLATIVE COMMITTEE

Thursday, 7:00 p.m. Rotarian Room, Library February 26, 1987

The meeting was called to order by Chairwoman Proctor.

Members Present: Harold Grobey  
Alan Halstead  
Donna Proctor  
Marily Rementería

Others Present: Elvern Hall, Mayor  
Terry Mahr, City Attorney  
Arvilla Page, City Recorder

NEW BUSINESS

Consideration and review of pending legislation.

Councilman Grobey noted that pending legislation changing electrical inspection responsibility is not in the bulletin yet. It is just a first step in placing other controls and we should oppose it. Mayor Hall reported that Alan Barnes, Building Official, is familiar with it and has asked that the City oppose it. It is important that we try to retain local option.

Mayor Hall stated that another bill we should watch is HB 3011 on economic policy. The Council of Governments has cautioned that we go slow on endorsement. It has a regional focus on economic development goals.

The Committee discussed the regional concept of economic development goals and the consensus was that Newberg's goals might not be the same as the region in which we have been placed. The region has identified tourism as its economic goal.

Mr. Mahr left the room to obtain copies of HB 3011 for the Committee from the library and returned with the copies during the Committee's review of other bills.

The Committee chose to support, oppose or watch the following bills:

OPPOSE

SB 389 Exempts possible site for super collider from local land use regulations. (Special exemptions should not be allowed. Sets precedent.

HB 2507 Electronics Security Exemption. Exempts installers of electronic security systems from authority of Builders Board. (Should have to be bonded the same as other businesses that make installations in buildings.)

- HB 2424 County Tax Administration Costs. Authorizes counties to receive one percent of property tax receipts of taxing districts to defray administration costs for tax collection activities.
- HB 2549 Delinquent Real Property Taxes. Authorizes deficiency judgments for delinquent taxes, etc. where judicial foreclosure of non-commercial trust deeds and authorizes action to recover delinquent taxes after non-judicial foreclosure where sale proceeds are inadequate to satisfy tax claim.
- SB 402 Competitive Bidding. 1 Requires competitive bids on public improvements of \$15,000 or more if any portion could be subcontracted.
- SB 430 State Sunset Review Process. Terminates "sunset" review of state agencies.
- SB 442 Outdoor Advertising Sign Compensation. Provides for payment of just compensation for removal of outdoor advertising signs.
- SB 317 Payment for Medical Exams. Requires law enforcement agency to pay for medical examination required by agency in investigation of prosecution of alleged incident of nonconsensual sexual intercourse. (Victims assistance available)
- SUPPORT
- HB 2573 State Funding for Mandates to Local Governments. Requires state reimbursement of costs which local government incur as a result of any new state-required program or increased level of service for an existing state-required program; requires a 1987-89 legislative interim study of state-required programs.
- HB 2348 Public Officials as Regulators. Prohibits any state or local public official, elected or appointed, with "authority to regulate the conduct of any private activity, occupation, or industry" from accepting employment with regulated industry for two years after leaving public office.
- HB 2413 20-Day Voter Registration. Implements procedures for 10-day voter registration.
- HB 2466 City Initiative Petitions. Deletes requirement that city governing body adopt or reject initiated measure. Grants city governing body discretionary authority to adopt or reject initiated measure, unless city charter or state law requires submission to city electors.

HB 2522 Small Claims Jurisdiction. Increases from \$1,500 to \$3,000 jurisdiction of small claims departments of district and justice courts.

SB 437 Group Home Zoning. Authorizes cities and counties to restrict number of group residential facilities located in single-family residential zones.

SB 438 Land Use Appeals. Limits right to appeal land use decision to those adversely affected. Requires Land Use Board of Appeals to affirm decision unless it's clearly erroneous.

HB 2488 Regional Land Use Differences. Requires LCDC and DLCD to consider regional differences when making and reviewing land use decisions.

HB 2492 Building Permit Decision. Excludes issuance of building permit from definition of land use decision.

HB 2513 Firefighter Working - Duty Hours. Modifies firefighter maximum working hours and method of determining duty hours. By Oregon Fire Chiefs Assoc.

SB 457 Criminal Suspect "Stops". Allows police to stop person reasonably suspected of committing, attempting to commit or being about to commit crime.

HB 2066 EMT-1 Certification. Adds to statutory requirements for certification as Emergency Medical Technician-I that applicant be 18 years old and has completed state Health Division examination.

HB 2189 Undercover Surveillance. Removes court order requirement for undercover surveillance device.

HB 2418 "Good Samaritan" Law for Transporters. Exempts person who transports injured person under direction of medically trained person from liability under "Good Samaritan" law.

#### WATCH

SB 468 Urban Renewal Revision.

SB 283 Industrial Development Revenue Bonds.

SB 101 Public Railway Ownership or Maintenance.

SB 451 Budget Law for COGs and ORS 190 Agencies.  
SB 452 County Road Districts.  
SB 435 Public Contracting Law Revision.  
SB 454 Tort Limitation Increase.  
HB 2495 LUBA Appeal.  
HB 2583 LUBA Replacement.  
HB 2511 Commission on Juvenile Law Revisions.

OBTAIN COPIES

HB 2495 LUBA Appeal.  
HB 2583 LUBA Replacement.  
HB 2954 Catastrophic Health Insurance.  
HB 2386 Drug Paraphernalia.

OTHER

SB 154 State Volunteer Immunity. Grants immunity from personal liability to volunteers acting on behalf of the State of Oregon, if acts not willful, wanton or malicious.

Committee recommends that this bill be changed to include all government agencies, not just state.

Meeting adjourned at 8:08 p.m.



**MINUTES OF A MEETING  
OF THE ORDINANCE/LEGISLATIVE COMMITTEE**

Thursday, 7:00 p.m.    Rotary Meeting Room, Library    March 19, 1987

The meeting was called to order by Chair Donna Proctor at 7:20 p.m.

Members Present:    Hal Grobey                      Donna Proctor  
                         Alan Halstead                  Marily Rementería

Others Present:    Elvern Hall, Mayor  
                         Terry Mahr, City Attorney  
                         Arvilla Page, City Recorder

Mr. Mahr reported on a meeting with the County Commissioners in Salem regarding matters before the legislature. He stated he has also discussed policing districts with our Chief of Police. Chief Bishop recommends that we oppose this legislation. He then explained the concept of policing districts to the Committee Members. The Committee then **agreed** that this legislation should be opposed.

The Committee then reviewed Legislative Bulletin #9 from the League of Oregon Cities.

**WATCH THESE BILLS:**

- HB 2918    Public Water Right. This bill may add more complications to already complex laws.
- HB 2977    UGB/Urban Service Expansion. Watch recommended by Mayor Hall.
- HB 3317    Community Energy Development Program.
- HB 2883    Reconnect to Federal Income Tax. Watch as this affects all Oregon tax payers.
- HB 2897    Bicycle Trails and Footpaths. Eliminates requirement that counties use 1% of state highway funds for footpaths and bicycle paths. We should ask that cities be included in the change.
- SB 620    Public Contract Definition, by Oregon County Counsels Assoc.; and
- SB 722    Public Contract Violations, by AFSCME.
- HJR 35    Constitutional Amendment on Recall.
- HB 3124    Telecommunications Franchise Agreements. **Get more information on this.**

Ordinance Committee  
March 19, 1987  
Page 2

- SB 587      PERS Retirement Benefits; and  
SB 622      PERS Retirement Benefit. May affect our costs.
- HB 2076     State Holidays. May affect us.
- HB 3171     PERS - Service and Age. **Check this** with our retirement insurance consultant. As we must meet or exceed PERS, this will affect us.
- HB 3234     Retirement Benefit Computation. **Check this**, same as above.

**SUPPORT THESE**

- SB 566      Fiscal Fix. Provides that affected territory temporarily remains part of city or district when annexation has been declared invalid. Support recommended by Mayor Hall.
- HB 3297     Intent to Abandon Water Right. Requires intent to abandon right before right is lost for non use.
- HB 3021     PUD Franchising. Re-establishes city authority to franchise PUDs. By League of Oregon Cities.
- HB 3255     Prevailing Wage Rates. Repeals state provisions relating to prevailing wage rates on public contracts (Little Davis Bacon). By OHA, LOC and SDA.
- HB 2687     Adverse Appeals. Limits right to appeal land use decision to those adversely affected. Requires LUBA to affirm decision unless clearly erroneous.
- HB 3092     Governor's Jail Siting Program. Requires Governor's task force to develop emergency facilities siting program. Mayor Hall gave Committee explanation on this bill.
- SB 666      Compensable Injury. Excludes from compensability injuries incurred while ingesting or as a result of ingesting drugs or alcohol. Authorizes employer to conduct test to determine if consumption of ingestion of drugs and alcohol caused or contributed to occupational disease or injury. By AOI.
- HB 2958     Workers Compensation Compensable Injury. (Companion to and similar to above)
- HB 3090     Compensable Injury and Occupational Disease. Clarifies definition of compensable injury and occupational disease. Prohibits stress claims resulting from discipline, job evaluation or termination of employment.

**OPPOSE THESE BILLS**

- SB 584      Local Government Electrical Work. Declares government agencies ineligible to obtain electrical contractors license. by. NECA; **and**
- SB 594      Electrical Safety Law Enforcement. Removes Authority of cities and counties to enforce electrical safety law. By NECA; **and**
- SB 672      Electrical Permit Fees. Limits fees charged by cities and counties for permits under electrical safety law. By NECA.
- Opposition to above three bills recommended by Building Official.
- HB 2785      Restriction of Local Government Systems Development Charge. Restricts local government use of systems development charges. By Oregon State Home Builders Association.
- HB 2852      Treatment Works Plumbing Exemption. Prohibits exemptions to state plumbing rules for treatment works constructed pursuant to the Environmental Quality Commission declaring threat to drinking water. --- We should not concede our rights.
- HB 3100      City Sewer Franchise Fees. Requires municipalities to pay franchise fees for EQC. EQC is charged with distributing funds to low income and elderly property owners to help pay assessments for Multnomah County sewer treatment works. By United Citizens and Herb & Pat Brown.
- HB 3101      Inadequate Sewer System Findings. Requires a governing body to declare an existing sewer system to be inadequate before that body can require connection to treatment works constructed after EQC declares threat to drinking water. Same sponsor as previous bill.
- HB 3103      Forming Special Districts by City Initiative. Requires citizens to initiate formation of special districts. Prohibits city participation in petition drives; limits assessment of special districts for nonconstruction costs to 10% of total assessment in cases where EQC has declared a threat to drinking water. Same sponsor as two previous bills.
- HB 3220      Supervising Electricians. Requires license or supervisory electrician to design, plan and lay out electrical installations. By Oregon Homebuilders Assoc., NECA and Ind. Elec. Cont. of OR.

- HB 3254 One- and Two-Family Building Code Advisory Board. Creates one- and Two-Family Building Code Advisory Board with authority to adopt code. Sets time limit for permit issuance. Allows reduced fees. By Oregon State Home Builders Assoc. --- Unneeded advisory.
- HB 2868 Hospital Tax. Imposes annual tax on association or political subdivision operating a hospital; sets rate at 2% of gross revenue and applies proceeds to service for medically indigent. By Rep. Hanlon.
- HJR 13 Property Tax Levy Limitation . Amends Constitution, limits power to levy property tax to 95% of operating levy for preceding year unless levy is approved by voters; requires that assessments be at 100% market value. By Reps. Tahern & VanLeeuwen.
- HJR 43 Rate of Tax Base Growth. Restricts growth in tax base without an election to the increase in per capita personal income, but not to exceed 6%; amends Constitution. By Rep. McCarty.
- HB 3010 Abolishes Intergovernmental Relations Division. Transfers to Economic Development Department duties of Intergovernmental Relations Division, certain duties of Department of Education and Commission for Child Care. Abolishes Intergovernmental Relations Division. Declares emergency, effective July 1, 1987. By Committee on Trade and Economic Development. --- New Governor's reorganization. **Oppose and Watch.**
- HB 3228 5% Oregon Preference. Authorizes public contracting agency to award contract to Oregon bidder if within 5% of low bid on contracts. --- Opens door to lawsuits.
- SB 516 Land Use Compensation. Allows circuit court to award compensation when a land use decision deprives landowner of reasonable economic use of any portion of land. By Senator Meeker and 15 others, plus 40 Representatives; **and**
- HB 2758 Destination Resort Siting II. Allows destination resorts to be sited in exclusive farm use zone. (See HB 3097) By House Committee on Environment & Energy; **and**

Ordinance Committee  
March 19, 1987  
Page 5

HB 2779 Land Use Compensation. (See SB 516); and

HB 3097 Destination Resort Siting. (See HB 2758).

**What is League doing on these four bills?**

HB 2006 Temporary Employee Benefits. Requires full range of work related benefits available to permanent employees be provided to public employee employed for more than six months. By AFSCM.

#### **End of Review**

The Committee discussed date and length of the next meeting of the Committee. There will be no meeting the coming Thursday because of the scheduled meeting with Senator Hatfield at George Fox College. Mr. Mahr stated there needs to be a longer meeting next time the Committee meets to review the managers contract document and take care of others matters that have been referred to the Committee. Some of the work will need a recommendation to the Council. The next meeting was set at 7:00 p.m. on April 2, 1987 and to be a longer work session.

It was noted that meetings twice a month would be adequate for legislative review until the final weeks of the legislative session. The first and third Thursdays were set as regular meeting dates. Mr. Mahr asked the Committee members to be sure to fill out their comment sheets for the second and fourth weeks.

Meeting adjourned at 8:25 p.m.

MINUTES OF A MEETING OF  
THE ORDINANCE/LEGISLATIVE COMMITTEE

Thursday, 7:00 p.m. Library, Rotary Meeting Room                      April 2, 1987

The meeting was called to order by Chair Donna Proctor.

Members Present:        Hal Grobey                      Alan Halstead  
                         Donna Proctor                  Marily Rementería

Others Present:        Elvern Hall, Mayor  
                         Terry Mahr, City Attorney (at 7:30 p.m.)  
                         Arvilla Page, City Recorder

NEW BUSINESS:

1. Consideration and Review of Pending Legislative Materials.

The Committee reviewed Legislative Bulletin #11 from the League of Oregon Cities and commented on various bills as follows:

WATCH THESE, MORE INFORMATION NEEDED:

- SB 715        Utility Metering. Sets uniform charge for utility inspection of meters. How does this affect us?
- HB 3289       Economic Development Department Funds. Use of funds. More information needed.
- SB 874        Payment for City Prisoners. City to pay for person sentenced or held for appearance before city court. More information need as well as input from Chief Bishop.
- HB 2679       Court Fee for Jail Improvement. How does this affect us and municipal court cases?
- SB 763        Periodic Review Revision. Need to get input on this from City Planner.
- SB 832        Uninhabited Territory Annexation. More information needed.
- HB 3062       Purchase of Handguns. Recommendation of Police Chief needed.

SUPPORT THESE:

- SB 960        Library District Formation. Allows library service providers to institute formation of library district by resolution.
- SB 1005       Regional Solid Waste Study. Directs Department of Environmental Quality to conduct study of regional solid waste management problem and report to Legislature. This will eventually affect us.

- SB 931 Court Assessment For Lab Work. Requires court to assess convicted person \$50 to offset cost of tests and lab work if investigation and prosecution of the case has required such tests or lab work.
- HB 2674 Municipal Investments. Allows municipalities to invest specified reserve funds in investments with maturity exceeding one year and with maturity coinciding with expected use of funds.
- HB 3139 Redefines economic impact for fiscal impact statements for state agency rulemaking.
- HB 3232 In Lieu Payments for Police, Fire. Establishes formula for state compensation to eligible cities or districts for police or fire protection of state property and authorizes state general funds.
- HJR 24 Unified Tax Reporting Form. Directs Dept. of Revenue, Commerce, Workers' Comp. and Human Resources to work with the LOC and Assoc. of OR Counties to develop unified tax reporting form for all city, county and state reporting requirements for income, business and employment taxes.
- SB 790 DUII Vehicle Forfeiture. Authorizes confiscation of vehicle of person convicted of driving while under influence of intoxicants under certain circumstances and subjects vehicles to civil forfeiture to the state.
- HJR 31 Length of Session. Amends Oregon Constitution, upon voter approval at 1988 general election, to cause regular legislative session to run maximum of 150 days unless extended in five-day extension voted by two-thirds of members of each house.
- SB 743 League Annexation Bill. Establishes new procedure for annexation by cities when urban services will be provided. By LOC.
- SB 989 Sports Fields. Adds sports or recreational field to definition of "open space land".
- SB 857 Ambulance Provider Direct Payment. Requires that insurance policies provide that payments for ambulance care and transportation be made directly to provider.

OPPOSE THESE:

- SB 897 Incinerator Vote. Prohibits D.E.Q. or Metro Service Dist. from siting a garbage burner in a county which has voted against siting prior to July 13, 1985.
- HB 2964 Ecotopia. Requires state and local governmental agencies to carry out duties, functions and powers so as to enhance natural productivity of lands and waters of this state.
- HB 3278 Economic Development Aid. Requires recipients of economic development aid to notify Employment Division of jobs availability and to notify Economic Development Dept. of intent to discontinue production or operation.
- SB 738 Privatization of Public Services. States policy of public agencies to operate at least cost and promote growth of private sector; prohibits public agencies from entering into agreements that limit or prohibit contracting with private firms to provide public services.
- SB 800 Local Budget Law. Requires expenditure estimates according to Local Budget Law to include the value of compensation and benefits received by each officer and employee under personal services. (More detailed record keeping.)
- HB 2578 State Expenditure Limitation. Removes human resource program from expenditure growth rate limitation. (All programs should receive equal treatment.)
- HB 2952 Sewage Treatment Works Connection Fees. Limits charges to \$250 by a county with population over 300,000 for connection of an owner-occupied dwelling to the treatment works. (Actual cost of connection may be more.)
- HB 3109 Local Budget Law. Requires publication of summary of proposed budget along with budget committee notice; requires extensive additional information in budget summary; requires Local Budget Advisory Committee to meet at least once a year and make a report that is sent to specific organizations; establishes requirements for notice published prior to meeting of governing body on budget document. (This would increase expenditures and staff time. Staff time during budget preparation already excessive.)
- HB 2401 Sale of Forfeited Property. Requires public or private sale of property forfeited because of wrongful conduct. Requires city or county to use sale proceeds for general government purposes. (This looks like a restriction on use of property. More information needed.)



- HB 2505 Engineer, Surveyor Registration Requirement. Requires applicants for registration as professional engineers or land surveyors (and "in-training" status) to have graduated from four-year college or school approved by Board of Engineering Examiners. (Committee opposes the narrowing of routes to becoming registered engineer or surveyor.)
- SB 872 Allocation of Election Costs. Provides for allocation of election costs between state and electoral districts. Repeals provision exempting cities from bearing cost of election held on date of primary or general election. (This would increase our election costs.)
- HB 3093 Mobile Home Park Annexation. Requires cities annexing territory containing a mobile home park to zone as residential the land occupied by the park. (Interferes with property owners rights and restricts local zoning authority.)
- HJR 40 Drug Testing of Public Officials. Proposes constitutional amendment upon vote of people at next general election requiring drug testing of elected public officials.
- SB 946 PERS - Health Insurance. Creates PERS Supplemental Health Insurance account to reimburse retirees for health insurance premiums they pay. Provides that PERS Board may require employer contributions to the account not to exceed 1% of payroll. (Increased cost to governments.)

## 2. City Manager's Contract

The Committee reviewed a survey of city managers salaries and benefits in other Oregon cities. The survey, prepared for another city, included only a few comparable to Newberg in size and the City Attorney was asked to obtain similar information from a number of cities that would be more comparable.

## 3. Review of Planning Ordinance Amendments

This ordinance amendment would eliminate the Conditional Use process for certain types of use. The Committee discussed the proposed amendment at length. There was concern expressed that this would be beneficial to only a few and it might not be beneficial to other property owners in a future situation.

Mr. Mahr stated he understood the Committee would like this reviewed by the Planning Commission to have an administrative process developed; to come back out as legislative rather than quasi judicial.

Motion: Grobey-Proctor to direct the Planning Staff to refer this to the Planning Commission at their meeting on April 16, 1987 and later bring recommendations to the Council. Carried unanimously.

4 & 5. Ordinances to adopt Uniform Building Code and Uniform Fire Code.

Mr. Mahr explained these are the new codes that have been adopted by the State. Included in these codes are also the uniform plumbing code and unsafe building code. The Fire Code was last adopted by the City in 1976.

Motion: Grobey-Proctor to recommend adoption of the new codes. Carried unanimously.

Councilman Grobey noted the Council should be sure to support Alan Barnes in attending the meetings on code review.

6. Proposed change to Newberg Zoning Ordinance #1968.

Mr. Mahr explained this amendment to the C-2 (Community Commercial) zoning to permit light industrial uses in commercial zones. The Planning Commission has studied this for several months and made some proposals. The Ordinance Committee needs to make recommendation from among the proposals.

Motion: Grobey-Halstead to direct staff to proceed with draft of ordinance providing for a 10 day appeal period and placing a 2 year sunset provision on the ordinance amendment so that it can be examined in the future after some experience. Carried unanimously.

OTHER BUSINESS

Mayor Hall reported on a tour of the City he took with the Building Inspector to view problem houses. He stated there needs to be something to take the heat off the Building Inspector on these problems and he suggested that a Commission on Building Safety composed of citizens could be set up to function similar to the Traffic Safety Commission.

Councilman Grobey stated he agreed, but we need to have a written policy guideline for this commission to work with.

Motion: Grobey-Rementeria that a resolution be prepared creating at nuisance and building safety commission and defining the scope of the work of the committee. Carried unanimously.

Meeting adjourned at 9:30 p.m.

MINUTES OF A MEETING  
OF THE ORDINANCE/LEGISLATIVE COMMITTEE

Thursday, 7:00 p.m.                      Council Chambers                      June 11, 1987

The meeting was called to order by Donna Proctor, Chair.

Members Present:      Hal Grobey                      Alan Halstead (at 7:10 p.m.)  
                         Donna Proctor                      Marily Rementería

Staff Present:        Terry Mahr, City Attorney  
                         Clay Moorhead, Planning Director  
                         Arvilla Page, City Recorder

Others Present:       Four members of Newberg Downtown Association (NDA)  
and the NDA Manager.

NEW BUSINESS:

1. Economic Improvement District.

Don Skei, Chairman for the EID, reported on the informational meeting on the EID held at George Fox College of June 8. The meeting was attended by 35 people. The report from McMinnville was of particular interest as they have been able to reduce their vacancy rate in the downtown area.

Mikki Snell continued the report on the meeting. She said 130 property owners were notified. Many of the owners live out of town and there was a meeting of the school board in conflict, therefore, 35 was a good response.

Mr. Moorhead displayed a map of the area with the 3 cent and 2 cent areas defined.

The Committee named specific properties that are mixed use and questioned whether the particular properties would be assessed. Assessment would depend on the primary use of the property. The Council would make the decision on any adjustments.

Mr. Mahr asked whether there was any vocal opposition at this point. Mr. Skei responded that a petition is being circulated in opposition.

Those present then discussed at length the issue of remonstrance against the EID; date remonstrance required, reversal of prior opposition, method of remonstrating, etc.

Those present then discussed contact and notification of the property owners. Mr. Moorhead said a list of owners has been obtained from the County Tax Assessor. Some mail sent to the listed address has been returned and alternate addresses are being sought. Ms. Snell described her contact by phone with some of the property owners. She stated that she is not getting negative response.

Councilor Grobey questioned the status of the ordinance. Mr. Moorhead responded that the ordinance will require fine tuning before presentation to the Council. The assessment ordinance will require much more work as the assessment amount for each property will need to be determined.

Continued support of NDA by the City was discussed. With the EID income, the financial support needed from the City will be much less. Councilor Grobey noted that the City will probably continue to support NDA, but they will have to work for that support.

Mr. Mahr noted that Brad Berry in his presentation to the Council stated they did not expect more than 10 to 15% opposition and asked if this is a viable estimate. Mr. Skei responded that they do not feel there is more opposition and that more opposition will change to support after one year of the EID.

Mr. Mahr pointed out that the Council will want accountability from the NDA as the City will be collecting this tax and turning it over to NDA.

Councilor Grobey asked what kind of enforcement will we go into on collections. Bettie McDowell, NDA Manager, responded that 15% is estimated as non paying. Mr. Mahr stated the City has to decide whether they will vigorously enforce collection.

The Committee voted unanimously to recommend the Council approve the EID if the percentage of approval is that required by state law. Mr. Mahr noted that objection can be received at the public hearing and the opposition percentage will be based on assessed value.

Ms. Snell asked if something could happen to this as occurred with the Newberg Centennial Redevelopment Commission and Councilor Grobey as if a two-thirds majority approved, could the majority then be reversed or could they go to court.

Mr. Mahr responded that it was technically possible but very hard to do. Property owners could file suit on errors made.

## **2. Consideration and Review of Pending Legislation.**

Mr. Moorhead gave an update on the annexation bill before the legislature. The Senate has approved the bill proposed by the cities. However, the bill is not hung up in the House committee and may go to the floor with a 3 to 2 vote against it. If this prevails, the only way we would be able to annex would be by election.

Ord./Leg. Committee  
June 11, 1987  
Page 3

The Committee discussed islands and areas the City should annex. Councilor Grobey noted we are in violation of our own ordinances on several islands which include the Newall Addition.

The Committee discussed the pros and cons of annexing the Newall Addition. Mr. Moorhead said D.E.Q. would have to declare a health hazard to force the property owners to request annexation. He noted that D.E.Q. is reluctant to make this designation, even though raw sewage is surfacing from the inadequate septic tank drain fields.

Motion: Grobey-Proctor to draft the ordinance to annex the sewage treatment property, now. Carried unanimously.

Motion: Grobey-Rementeria to recommend the Council initiate to process of annexation of all islands. Carried unanimously.

Mr. Mahr noted that annexing the Newall Addition will be bringing in a lot of problems. Councilor Grobey suggested giving them a time frame to bring the subdivision up to standard.

Mr. Mahr said he would have the public works director report on the problems.

Motion: Grobey-Rementeria to adjourn. Carried unanimously.

Adjourned at 8:45 p.m.

ap