Operation Quadratic- Code Research

Mission: Find every bit of NMC related to budget, budget, timing, rates model, rates timing, carve out the relevant code sections so that they can be edited.

### 2.15.080 Powers and duties.

A. The library advisory board shall be an advisory board and shall have no executive or administrative powers or authority and this article shall not be construed as depriving elected or appointed officials of the city of any power they may have under the laws of the state or the Charter of the city.

B. The board shall have powers and duties as follows:

1. The library advisory board participation in the selection of the library director is important. The selection process for library director shall include participation and recommendations from representatives of the board. The library director shall be hired by the city manager.

2. The library advisory board shall make recommendations to the city council about rules and policies for the efficient and effective operation of the library, its services and programs.

3. The library advisory board shall review the annual budget as prepared by the library director and as submitted by the city manager-budget officer. Should budget changes become necessary, the board may participate in the budget committee deliberations by representing the views of the library and the board. Recommendations may be made by the board to the budget committee and city council regarding the library budget.

4. The library director shall be responsible for all expenditures within the operating budget in conformance with city administrative procedures and Oregon local budget laws.

Article III. Rate Review Committee

2.15.120

**Article III. Rate Review Committee**

**2.15.120 Established.**

There is established a rate review committee (“committee”) for the City of Newberg, Oregon. [Ord. [2892](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2892.pdf) § 1 (Exh. A), 11-15-21; Ord. [2585](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2585.pdf), 7-21-03; Ord. [2418](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2418.pdf), 10-2-95. Code 2001 § 32.70.]

**2.15.130 Powers and duties.**

The committee shall consider the rates for the city wastewater and water systems, the amount of the stormwater maintenance fee, and other rates and/or fees, at the request of and as assigned by the city council. The committee shall hold public hearings, make recommendations to the city council regarding the establishment of the rates and fees, reconsider rates and fees that are proposed to be established by the city council, when referred to them for reconsideration, and make other recommendations concerning the operation, maintenance and construction of the wastewater and water systems, stormwater system, and other systems of the city. Such recommendations shall be accompanied by statements of facts as a basis for such recommendation. The committee, once assigned the responsibility for reviewing the rates and fees, may structure the review process as necessary to offer a recommendation to the city council. The committee shall further have the powers and duties which may hereinafter be assigned to it by the city council. [Ord. [2733](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2733.pdf) Att. A, 2-7-11; Ord. [2585](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2585.pdf), 7-21-03; Ord. [2418](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2418.pdf), 10-2-95. Code 2001 § 32.71.]

**2.15.140 Membership and terms of office.**

The committee shall consist of nine members. Terms shall be three calendar years except student terms will be one year. Follow membership definitions as listed in NMC [2.15.005](https://www.codepublishing.com/OR/Newberg/#!/Newberg02/Newberg0215.html#2.15.005)(E), Membership Definitions. [Ord. [2892](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2892.pdf) § 1 (Exh. A), 11-15-21; Ord. [2685](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2685.pdf), 1-7-08; Ord. [2627](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2627.pdf), 12-5-05; Ord. [2585](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2585.pdf), 7-21-03; Ord. [2418](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2418.pdf), 10-2-95. Code 2001 § 32.72.]

**2.15.150 Terms of office and appointment.**

*Repealed by Ord.*[*2892*](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2892.pdf)*.*[Ord. [2767](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2767.pdf) § 1(A), 12-2-13; Ord. [2690](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2690.pdf) § 2(C), 2-4-08; Ord. [2585](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2585.pdf), 7-21-03; Ord. [2418](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2418.pdf), 10-2-95. Code 2001 § 32.73.]

**2.15.160 Application and qualifications.**

A. The city shall give public notice of any vacancy of the committee and accept such applications for vacancies.

B. The application for membership on the committee shall state the principal occupation of the applicant, the principal residence of the applicant and give other information and qualifications, as the city may deem necessary.

C. All members shall have their principal place of residency inside the city limits at the time of their appointment and during the term that they serve on the committee.

D. No member, except the mayor, shall be an employee or official of the city. [Ord. [2790](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2790.pdf) § 1, 11-2-15; Ord. [2585](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2585.pdf), 7-21-03; Ord. [2418](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2418.pdf), 10-2-95. Code 2001 § 32.74.]

**2.15.170 Vacancies and removal.**

*Repealed by Ord.*[*2892*](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2892.pdf)*.*[Ord. [2690](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2690.pdf) § 2(C), 2-4-08; Ord. [2585](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2585.pdf), 7-21-03; Ord. [2418](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2418.pdf), 10-2-95. Code 2001 § 32.75.]

**2.15.180 Presiding members.**

At the committee’s first meeting of the new fiscal year, the committee shall elect a chair and vice chair to serve one-year terms. [Ord. [2892](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2892.pdf) § 1 (Exh. A), 11-15-21; Ord. [2767](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2767.pdf) § 1(B), 12-2-13; Ord. [2585](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2585.pdf), 7-21-03; Ord. [2418](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2418.pdf), 10-2-95. Code 2001 § 32.76.]

**2.15.190 Meetings.**

A. A majority of the voting members of the committee shall constitute a quorum. The committee shall meet first as requested by the city council, with subsequent meetings scheduled by the committee. The chair shall have the authority to set the day and time of the meetings; provided, that the council has requested that the rate and/or fee review process proceed. The chair shall have the authority to cancel meetings of the committee. Meetings of the committee shall be open to the public and subject to the Open Meetings Law. Meetings other than the regularly scheduled meetings may be announced at a prior meeting and thereby made a part of the meeting records.

B. The chairman, upon the chairman’s own motion, may, or at the request of three members of the committee, shall, by giving notice to the members of the committee, call a special meeting of the committee for a time not earlier than 24 hours after the notice is given. Notice of a special meeting shall be posted at City Hall and, to the extent feasible, provided to interested persons and the local newspaper at least 24 hours prior to the meeting. [Ord. [2585](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2585.pdf), 7-21-03; Ord. [2418](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2418.pdf), 10-2-95. Code 2001 § 32.77.]

**2.15.200 Authority.**

Once convened, the committee shall have the authority to establish a process for reviewing the water rates, wastewater rates, stormwater maintenance fees, and other fees as assigned by the city council. The process for establishing the rates and fees shall be just and equitable, and set by an administrative process which includes the following:

A. Rates shall be imposed upon all users of the water and wastewater systems, both inside and outside the city, and shall be just and equitable charges for service, maintenance, operation, debt service and reconstruction of the water and/or wastewater system.

B. Fees shall be imposed upon all users of the stormwater system, both in and outside the city, and shall be just and equitable charges for service, maintenance, operation, debt service, and reconstruction of the stormwater system. This review process may be undertaken with either the water rates, wastewater rates, or stormwater maintenance fees, or both the water and wastewater rates together, or all or both rates and fees together.

C. All costs for maintenance, operation, debt service, and reconstruction of the water system and/or wastewater system and/or stormwater system shall be identified by the city staff. These costs shall be reported to, reviewed, changed, and approved by the budget committee of the city during the annual budget process, as required by state statute.

D. The city council shall, as part of the annual budget process, adopt a budget for the maintenance, operation, debt service, and reconstruction of the water system and/or wastewater system and/or stormwater system.

E. Should the budget which the city council adopts require a change in the rates and/or fees levied and imposed upon all users of the water system and/or wastewater system and/or stormwater system, the city council shall, by motion at a duly noticed regular city council meeting, instruct the committee to develop and identify the rates and/or fees according to a cost-to-serve analysis. The cost-to-serve analysis shall provide a proposal for charges for service for the customer service groups which use the water system and/or wastewater system and/or stormwater system.

F. The committee, after due deliberation and consideration, shall set a date for a public hearing to receive input on the proposed rates and/or fees. The public hearing shall be held prior to a final recommendation to the city council on the rates and/or fees. The existing rates and/or fees and the new rates and/or fees shall be published in a newspaper and posted in three public places as part of the notice for the public hearing with the committee. The hearing shall consist of a presentation and explanation of the rates and/or fees by the city manager or designee, and an opportunity for users or representatives of users to address the rates and/or fees or other items of concern with relation to the water system and/or wastewater system and/or stormwater system. A written record of the hearing shall be made and kept for review by the city council.

G. Based on the input from the hearing, its understanding of the needs of the water system and/or wastewater system and/or stormwater system, and any other information it decides to consider, the committee shall recommend the water rates and/or wastewater rates and/or stormwater maintenance fees to be adopted by the city council.

H. The city manager, or a designee, shall compile the written and/or video record for the city council to consider as part of the committee’s recommendation.

I. Notice of the rates and/or fees that are recommended by the committee shall be published in the newspaper and posted in three public places within the city.

J. The city council shall hold a public hearing within 30 days after receiving the committee’s recommendation. The public hearing shall provide an opportunity to comment on the recommended water rates and/or wastewater rates and/or stormwater maintenance fees. The city council shall consider the record of the public hearing held by the committee and may open the matter for additional public input on the proposed rates and/or fees. The city council shall hear presentations and explanations of the rates and/or fees by the city manager, or a designee, as part of the public hearing. The city council may set rates and/or fees which are either equal to or less than those recommended by the committee. The city council may adjust the rates and/or fees, but if they are higher than those recommended by the committee, the city council must send the proposed rates and/or fees to the committee for reconsideration and hearing.

K. If the rates and/or fees are sent back to the committee for reconsideration, the city council shall review the recommendation after the public hearing by the committee.

L. The city council shall then, by resolution, set the water rates, wastewater rates and/or stormwater maintenance fees at an amount that assures the financial self-sufficiency of the systems.

M. Special Provision Allowing Increases Above a Certain Percent per Year in the Rates and/or Fees Set by the City Council to Be Subject to the State Referendum Process. The city council by resolution will set the rate and/or fees as provided for in this section. The rates and/or fees are set by the city council through exercising administrative authority by approval of a resolution. The exercise of administrative authority is not subject to the state referendum process since it is not municipal legislation. However, the city council grants the right to the electorate of the city to refer the resolution that approves any increase in rates and/or fees to the voters of the city for approval subject to the provisions set out below. This right of referral granted to the electorate will use the state referendum process including all the rules, regulations, and laws that apply to that process. Such resolution that adopts the approved increase in rates and/or fees will not take effect for at least 30 days from date of passage. This right of referral is subject to the following conditions:

1. Any annual increase in the rates and/or fees that does not exceed a percentage equal to the Consumer Price Index (CPI) plus three percent annually will not be subject to the referendum process.

2. Any portion of an annual increase which is greater than the percentage designated in subsection (M)(1) of this section will be subject to the right of the electors to refer the approval of that portion of the increase to the voters for approval through the state referendum process as set out above.

3. The CPI designated in subsection (M)(1) of this section is the CPI-U West Region Annual Average. The annual CPI is released on or around February 17th of the following year (approximately one and a half months after calendar year-end).

4. The resolution approving the increase in rates and/or fees will designate which portion of an increase if any is subject to the referral process as set out above. [Ord. [2861](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2861.pdf) § 1, 4-6-20; Ord. [2752](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2752.pdf) § 1, 5-7-12; Ord. [2585](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2585.pdf), 7-21-03; Ord. [2418](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2418.pdf), 10-2-95. Code 2001 § 32.78.]

Title 3 Revenue and Finance

**3.05.010 Property tax exemption.**

A. The provisions of ORS [307.515](https://www.codepublishing.com/cgi-bin/ors.pl?cite=307.515) through [307.523](https://www.codepublishing.com/cgi-bin/ors.pl?cite=307.523) as now enacted are adopted.

B. The following standards shall be used in considering an application for tax exemption:

1. The applicant shall furnish, for the city’s approval, its methodology for verifying tenant income in order to assure that the property for which the exemption is granted is occupied solely by low income persons as defined in ORS [307.515](https://www.codepublishing.com/cgi-bin/ors.pl?cite=307.515).

2. The applicant shall agree to provide the city, on or before July 1st of each calendar year, for so long as the exemption is requested, a financial report that shall contain a pro forma income statement in order to demonstrate that the applicant expends no more than 10 percent of its annual income from residential rentals for purposes other than the acquisition, maintenance or repair of residential property for low-income persons or for the provision of on-site child care services for the residents of the rental property.

3. The applicant shall ensure that enforcement mechanisms are in place and used to ensure that housing receiving exemptions under ORS Chapter [307](https://www.codepublishing.com/cgi-bin/ors.pl?cite=307) are maintained in decent, safe, and sanitary conditions by and for the occupants.

C. The city, after consultation with the county assessor, shall establish an application fee in an amount sufficient to cover the cost to be incurred by the city and the county assessor in administering ORS [307.515](https://www.codepublishing.com/cgi-bin/ors.pl?cite=307.515) through [307.523](https://www.codepublishing.com/cgi-bin/ors.pl?cite=307.523). The application fee shall be paid to the city at the time the application for exemption is filed. If the application is approved, the city shall pay the application fee to the county assessor for deposit in the county general fund, after first deducting that portion of the fee attributable to its own administrative costs in processing the application. If the application is denied, the city shall retain that portion of the application fee attributable to its own administrative costs and shall refund the balance to the applicant. [Ord. [2404](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2404.pdf), 5-15-95; Ord. [2401](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2401.pdf), 3-6-95. Code 2001 § 36.01.]

### 3.25.050 Authority of purchasing manager.

A. General Authority. The city manager shall be the purchasing manager for the city and is authorized to issue all solicitations and to award all city contracts for which the contract price does not exceed $100,000 and the proposed expenditure is included in the current  fiscal year budget. Subject to the provisions of this chapter, the purchasing manager may adopt and amend all solicitation materials, contracts, and forms required or permitted to be adopted by contracting agencies under the Oregon Public Contracting Code or otherwise convenient for the city’s contracting needs. The purchasing manager shall hear all solicitation and award protests.

B. Solicitation Preferences. When possible, the purchasing manager shall use solicitation documents and evaluation criteria that:

1. Give preference to goods and services that have been manufactured or produced in the State of Oregon if price, fitness, availability, and quality are otherwise equal;

2. Give preference to goods that are certified to be made from recycled products when such goods are available, can be substituted for nonrecycled products without a loss in quality, and the cost of goods made from recycled products is not significantly more than the cost of goods made from nonrecycled products; and

3. Give any other preferences as set forth in the City of Newberg Purchasing Policy, applicable law, or both.

C. Delegation of Purchasing Manager’s Authority. Any of the responsibilities or authorities of the purchasing manager under this chapter may be delegated and subdelegated by written directive, including the City of Newberg Purchasing Policy.

D. Mandatory Review of Rules. Whenever the Oregon State Legislative Assembly enacts laws that cause the Attorney General to modify its Model Rules, the purchasing manager shall review the public contracting regulations, other than the Model Rules, and recommend to the city council any modifications required to ensure compliance with statutory changes.

E. Emergencies.

1. In General. When the city manager or the city manager’s duly appointed designee determines that immediate execution of a contract is necessary to prevent substantial damage or injury to persons or property, the city manager or designee may execute the contract without competitive selection and award or city council approval, but, where time permits, the city manager shall attempt to use competitive price and quality evaluation before selecting an emergency contractor.

2. Reporting. Any official who enters into an emergency contract shall, as soon as possible, in light of the emergency circumstances:

a. Document the nature of the emergency, the method used for selection of the particular contractor, and the reason why the selection method was deemed in the best interest of the city and the public; and

b. Notify the city council of the facts and circumstances surrounding the emergency execution of the contract.

3. Emergency Public Improvement Contracts. A public improvement contract may only be awarded under emergency circumstances if the city council has made a written declaration of emergency. Any public improvement contract award under emergency conditions must be awarded within 60 days following the declaration of an emergency unless the city council grants an extension of the emergency period. Where the time delay needed to obtain a payment or performance bond for the contract could result in injury or substantial property damage, the city council may waive the requirement for all or a portion of required performance and payment bonds. [Ord. [2894](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2894.pdf) § 2 (Exh. A), 2-7-22; Ord. [2856](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2856.pdf) § 1, 2-18-20; Ord. [2733](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2733.pdf) Att. A, 2-7-11; Ord. [2618](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2618.pdf), 3-7-05; Ord. [1730](https://www.codepublishing.com/OR/Newberg/html/ords/Ord1730.pdf), 5-6-74. Code 2001 §§ 31.21, 34.05.]

## Chapter 3.30 PUBLIC SAFETY FEE

Sections:

[**3.30.010    Enactment, process and order.**](https://www.codepublishing.com/OR/Newberg/#!/Newberg03/Newberg0330.html#3.30.010)

[**3.30.020    Administration and collection.**](https://www.codepublishing.com/OR/Newberg/#!/Newberg03/Newberg0330.html#3.30.020)

[**3.30.030    Criteria.**](https://www.codepublishing.com/OR/Newberg/#!/Newberg03/Newberg0330.html#3.30.030)

[**3.30.040    Adjustment of existing public safety fee.**](https://www.codepublishing.com/OR/Newberg/#!/Newberg03/Newberg0330.html#3.30.040)

### 3.30.010 Enactment, process and order.

A. Enactment. The city establishes and authorizes the levying of a public safety fee (PSF) to be used to support the police and fire departments in carrying out their respective missions and duties to protect the public. The city council is empowered to enact separate PSFs through the process established below.

B. Process. The city will follow the process which provides the following:

1. Report from the administration that addresses:

a. Specific purpose or use to be made of the revenue from each PSF.

b. The estimated amount of revenue that the PSF would raise for the city.

c. The specific amount of the PSF and the method of determining the amount of the PSF.

d. The group of citizens who would be charged the PSF.

e. The criteria established for determining the need for a PSF.

2. Public hearing at which the city council may receive from the public advice; input and comment concerning the PSF.

3. Requirement that reporting be done at least annually to report the amount of revenue raised by the PSF, the expenditures from that revenue. This report may be incorporated in the annual budget.

C. Order. The city council shall enact each specific PSF through the process set out above using the council’s quasi-judicial authority by enactment of an order. [Ord. [2714](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2714.pdf) § 7 (Exh. A), 2009. Code 2001 § 36.35.]

### 3.30.020 Administration and collection.

The city administration will be responsible for billing, collection, and reporting to the city council concerning each PSF. The PSFs may be billed and collected through the city’s utility billing system. The city budget will contain information that clearly indicates the amount of revenue that each PSF is estimated to collect and the proposed expenditures. An annual report will be made to the city council showing actual revenue collected and expenditures made during the previous fiscal year. This report may be incorporated in the annual budget. [Ord. [2714](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2714.pdf) § 7 (Exh. A), 2009. Code 2001 § 36.36.]

### 3.30.030 Criteria.

The PSF will be established based upon the following criteria:

A. The need for services.

B. Comparison of resources to provide such services by examining the following:

1. Comparison with resources available in similar communities.

2. Comparison with resources used to provide services, such as number of police officers or firefighters per capita as shown through nationally recognized service studies.

3. Comparison of statistics showing the calls for service or incidents that require services from year to year to determine if the need for services has increased or decreased.

4. Any other recognized study or authoritative source showing comparison of resources needed with services to be delivered in the public safety area.

5. Take into consideration the increase or decrease in population.

6. A reasonable connection between those who need, use, or are likely to need or use the service, and those who are charged the fee.

7. The amount of revenue needed to support the resources to provide the services.

C. Any other criteria that should reasonably be considered that would be likely to assist in establishing an equitable PSF, which could be charged on a fair and equitable basis.

D. The report proposing the PSF will address the criteria to be considered.

E. The testimony at the public hearing should be addressed to the criteria.

F. The fee shall be established and levied on a reasonable basis considering all the criteria. [Ord. [2714](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2714.pdf) § 7 (Exh. A), 2009. Code 2001 § 36.37.]

### 3.30.040 Adjustment of existing public safety fee.

A. Purpose of Adjustment. The city council recognizes that unanticipated increases in the cost of living, health care, pension obligations, renegotiation of collective bargaining agreements, and other circumstances may require the city council to adjust a previously enacted PSF to provide the revenue needed to support the resources to provide the services for which the PSF was enacted.

B. Amended Order. The city council may adjust an enacted PSF by an amended order. The amended order shall only address a change in the fee amount. The amended order may index future increases to the PSF to an objective criterion, including but not limited to a CPI published by the U.S. Bureau of Labor Statistics.

C. Criteria. Any adjustment must be based upon the following criteria:

1. Identification of the financial circumstances that have changed since the original enactment of the PSF.

2. The amount of revenue needed to support the resources to provide the services identified in the PSF.

3. Any other criteria that should reasonably be considered that would be likely to assist in establishing an equitable adjustment to the PSF.

4. The report proposing the PSF adjustment will address the criteria to be considered.

D. Public Hearing. Prior to adjusting any enacted PSF, the city council shall hold a public hearing at which the city council may receive from the public advice, input and comment concerning the proposed adjustment. The testimony at the public hearing should be addressed to the criteria. [Ord. [2800](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2800.pdf) § 1, 2016.]

### 3.45.080 Fee determination, adjustments and terminations.

A. The TUF will be calculated as a monthly service charge and collected from responsible parties of developed property in a manner similar to the collection of city water or sewer fees. Fees need not be invoiced monthly but will not be invoiced for intervals longer than three months.

B. Adjustment or termination of the TUF will be approved by city council resolution. The TUF may be modified based on one or more of the following factors:

1. Cost of Service Adjustment. A rate adjustment reflecting a change in the amount of revenue required to maintain the city transportation pavement facilities defined by this chapter net of other city revenue that may be pledged for that purpose.

2. Inflationary Index Adjustment. A rate adjustment reflecting the changes in the cost of labor, materials and other services linked to changes to broader economic conditions as measured by the Engineering News-Record Construction Cost Index for Seattle.

3. New Revenue Adjustment. An adjustment based on revenue received from outside sources (not locally generated) to provide street maintenance.

4. Road Condition Assessments. Assessments that forecast reduced costs to maintain the condition of the road system.

5. Fee Termination. The fee can be terminated by the city council if it is determined that the funding is no longer needed to maintain the street system.

C. TUF Program Review. The adjustment to the TUF determined by subsection (B) of this section will not be automatic or predetermined. The citizen rate review committee will review the TUF program on a biennial basis or at such other times the city council refers the TUF to the committee for review. After reviewing the TUF program, the citizen rate review committee will make recommendations to the city council regarding the TUF. The provisions in NMC [2.15.120](https://www.codepublishing.com/OR/Newberg/#!/Newberg02/Newberg0215.html#2.15.120) through [2.15.200](https://www.codepublishing.com/OR/Newberg/#!/Newberg02/Newberg0215.html#2.15.200), including the right of referral, do not apply to review of the TUF.

D. Establishment of Service Fees. Monthly service fees will be established for the following types and classes of developed property or developed use:

1. Residential Properties.

a. Single-Family. Includes developed property with one, two, or three separate dwelling units. Each attached or separate dwelling unit is subject to the TUF for this class.

b. Multifamily. Includes developed property with four or more attached dwellings, condominiums, and town homes including accessory dwelling units. Each dwelling is subject to the TUF for this class.

c. Mobile Homes. Property located in parks as defined in ORS [446.003](https://www.codepublishing.com/cgi-bin/ors.pl?cite=446.003)(23).

2. Nonresidential Properties.

a. Class 1. Those categories generating less than 18 average daily trips per 1,000 gross square feet of developed area.

b. Class 2. Those categories generating from 18 to 30 average daily trips per 1,000 gross square feet of developed area.

c. Class 3. Those categories generating from 31 to 51 average daily trips per 1,000 gross square feet of developed area.

d. Class 4. Those categories generating from 52 to 80 average daily trips per 1,000 gross square feet of developed area.

e. Class 5. Those use categories generating more than 80 average daily trips per 1,000 gross square feet of developed area.

f. Class 6. Categories with trip-generating characteristics that either are not documented in the ITE manual or have special circumstances that merit separate fee calculation. Examples include gas stations, hospitals, universities, schools, parks, assisted living centers, fairgrounds, golf courses, and aviation facilities.

3. Nonresidential Class Distribution. The trip ranges described for Classes 1 through 5 are established equally, as close as possible by the following steps:

a. Sort all non-Class 6 categories from lowest to highest daily trip generation.

b. Set the break line between each class as close as possible to equally distribute the total trips generated by Classes 1 through 5.

E. Fee Minimum. The minimum monthly fee for nonresidential accounts shall be equal to the fee imposed for a single-family residential home. [Ord. [2828](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2828.pdf) § 1 (Exh. A § 3), 2-20-18; Ord. [2811](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2811.pdf) § 1 (Exh. A), 5-2-17.]

### 3.45.060 Prioritization of improvements.

A maximum of 70 percent of the annual revenue will be allocated for maintaining streets that have been determined to be in fair to good condition, with a pavement condition index (PCI) of 60 to 100, as determined by standard engineering practices. A minimum of 30 percent of the annual revenue will be allocated to restoration or reconstruction of residential streets with a pavement condition index (PCI) below 60. [Ord. [2811](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2811.pdf) § 1 (Exh. A), 5-2-17.]

### 3.60.090 Use of revenue.

A. Except for funds withheld for administrative costs under NMC [3.60.100](https://www.codepublishing.com/OR/Newberg/#!/Newberg03/Newberg0360.html#3.60.100), all construction excise taxes levied upon projects on commercial, industrial and mixed-use property under NMC [3.60.030](https://www.codepublishing.com/OR/Newberg/#!/Newberg03/Newberg0360.html#3.60.030)(A) shall be used in accordance with subsections (C) and (D) of this section; and

B. Except for funds withheld for administrative costs under NMC [3.60.100](https://www.codepublishing.com/OR/Newberg/#!/Newberg03/Newberg0360.html#3.60.100), construction excise taxes levied upon projects on residential improvements under NMC [3.60.030](https://www.codepublishing.com/OR/Newberg/#!/Newberg03/Newberg0360.html#3.60.030)(B) shall be used as follows:

1. Fifty percent to fund developer incentives under subsection (C) of this section;

2. Fifteen percent to the Oregon Housing and Community Services Department to fund home ownership programs that provide down payment assistance; and

3. Thirty-five percent to fund developer incentives and affordable housing programs under subsections (C) and (D) of this section.

C. The city may fund developer incentives allowed or offered pursuant to ORS [197.309](https://www.codepublishing.com/cgi-bin/ors.pl?cite=197.309)(5)(c) and (d) and (7), including but not limited to:

1. System development; and

2. Land acquisition; and

3. Local public improvements required by municipal governments.

D. The city may fund affordable housing programs in accordance with ORS [320.195](https://www.codepublishing.com/cgi-bin/ors.pl?cite=320.195), including but not limited to:

1. Rent buy-downs and subsidies; and

2. Down-payment assistance; and

3. Foreclosure-prevention assistance.

E. Any affordable housing unit built or purchased with construction excise tax funds shall have recorded in its chain of title a deed restriction that requires that the property remain “affordable housing” as defined by this chapter, for a period of no less than 60 years from the date of restriction.

F. The city manager shall provide the city council with an annual accounting, based on the city’s fiscal year, for construction excise taxes collected and the projects funded from each account in the previous fiscal year. A list of the amounts spent on each project funded in whole or in part with construction excise tax revenues shall be included in the annual accounting. [Ord. [2860](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2860.pdf) § 1 (Exh. A), 11-16-20.]

(Do we even have a cable commission anymore?)

### 5.30.430 Funds, budget, and annual report.

A. Disbursements.

1. The funds for the support of the commission shall be paid to the city, and disbursed to the commission, as part of the city’s budget.

2. Disbursements of funds shall be approved by the cable communications commission.

B. Annual Budget and Report.

1. The commission shall present an annual budget for inclusion in the city budget.

2. The commission shall present an annual report of its activities with its budget proposal each year. [Ord. [2106](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2106.pdf), 12-6-82. Code 2001 § 111.70.]

(The following section related to CET and is expired, should not be updated.)

### 13.05.140 Segregation and use of revenue.

A. All funds derived from a particular system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in NMC [13.05.060](https://www.codepublishing.com/OR/Newberg/#!/Newberg13/Newberg1305.html#13.05.060).

B. The city manager shall provide an annual accounting, based on the city’s fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account. [Ord. [2926](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2926.pdf) § 1 (Att. A), 6-17-24; Ord. [2922](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2922.pdf) § 2 (Att. B), 2-20-24; Ord. [2823](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2823.pdf) § 1, 3-19-18; Ord. [2306](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2306.pdf), 6-18-91. Code 2001 § 50.14.]

### 13.20.040 Stormwater system management.

A. The city, through its public works department, shall have all necessary authority and responsibility for the planning, design, construction, maintenance, administration and operation of the stormwater system.

B. The city council shall, as part of the annual budget process, adopt a budget for the stormwater system (including costs for maintenance, operation, debt service and construction of the system) and may include other information, such as field activities, accomplishments and the upcoming fiscal year’s priorities for the system. [Ord. [2784](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2784.pdf) § 10, 9-8-15; Ord. [2571](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2571.pdf), 5-5-03. Code 2001 § 53.04.]

### 13.10.240 Customer classes – Billing structure defined.

A. Customer Classes Defined. For the purposes of determining rates and assigning service charges, users shall be grouped, accordingly, into one of the following customer classifications:

1. Residential. All single-family residential services and multifamily residential services which have individual water meters for each dwelling unit;

2. Multi-residential or Standard Discharge Strength. All multifamily dwellings in which a single water meter provides service not classified elsewhere which have discharge strengths (ROD or 55) not exceeding one and one-half pounds per 100 cubic feet (240 mg/liter) of discharge flow;

3. Nonstandard Discharge Strength. All nonresidential users with discharge strengths (ROD or 55) in excess of one and one-half pounds per 100 cubic feet (240 mg/liter) of discharge flow;

4. Industrial. Establishments discharging nonstandard discharge strength, as defined in this chapter;

5. Commercial 1 Discharge Strength. All commercial users which have discharge strengths (BOD or SS) not exceeding one and one-half pounds per 100 cubic feet (240 mg/liter) of discharge flow;

6. Commercial 2 Discharge Strength. All commercial users with discharge strengths (BOD or 55) in excess of one and one-half pounds per 100 cubic feet (240 mg/liter) of discharge flow;

7. George Fox University; and

8. Public agencies.

B. Rate Structure. Wastewater service rates for each of the respective customer classifications enumerated in subsection (A) of this section shall be derived and calculated in accordance with the following standards and fixed by resolution of the city council:

1. Residential. A monthly flat fee based on average residential wastewater discharge.

2. Multi-residential or Standard Discharge Strength.

a. A minimum monthly fee equal to the wastewater service rate for residential users; plus

b. A per-unit charge for measured or estimated wastewater in excess of residential wastewater discharge.

3. Nonstandard Discharge Strength.

a. A monthly charge calculated in the same manner as for users in the multi-residential or standard discharge strength customers class; plus

b. An extra strength fee per unit of discharge based on measured or estimated wastewater parameters as established by the city.

4. Industrial. A monthly charge calculated in the same manner as for users in the nonstandard discharge strength customer class.

C. Charges to Customers outside the City. Any person having connection to the city wastewater system which is outside the corporate boundaries of the city, in addition to the fees and charges for services called for in subsection (B) of this section, shall be charged monthly fees derived and calculated in accordance with standards fixed by resolution of the city council.

D. Review and Revision of Rates. There are levied and imposed upon all users of the wastewater system, both inside and outside the City of Newberg, just and equitable charges for service, maintenance, operation, debt service, and reconstruction of the wastewater system. The setting of rates may be undertaken in conjunction with the consideration of the water rates. The just and equitable charges shall be fixed by an administrative process as established by ordinance.

1. All costs for maintenance, operation, debt service, and reconstruction of the wastewater system shall be identified by the public works director. These costs shall be reported to, reviewed, changed, and approved by the budget committee of the City of Newberg during the annual budget process required by state statute.

2. The city council shall, as part of the annual budget process, adopt a budget for the maintenance, operation, debt service, and reconstruction of the wastewater system.

3. Should the budget which the city council adopts require a change in the rates levied and imposed upon all users of the wastewater system, the public works director shall, within 30 days of adoption of the budget by the city council, develop and identify the rates according to a cost-to-serve analysis. The cost-to-serve analysis shall provide just and equitable charges for service for the customer service groups which use the wastewater system. The rates shall be reviewed by the citizens’ rate review committee in accordance with this chapter.

4. Based on the information received from the public works director and the community at the public hearing, the committee shall recommend the wastewater rates to be established to the city council.

5. The city manager shall compile the written record for the city council.

6. Notice of the rates that are recommended to be implemented shall be published in the newspaper and posted in three public places within the city.

7. The city council shall hold a public hearing within 30 days of the date of the recommendation to the city. The public hearing shall provide an opportunity to comment on the recommended wastewater rates. The city council may choose to hear the rate proposal on the record of the public hearing held by the committee. The city council shall hear presentations and explanations of the rates by the city manager, or designee, as part of the public hearing. The city council may then set rates which are either equal to or less than the rates recommended by the committee or may alter or change the rates in any way the city council deems appropriate. If the city council recommends rates higher than those recommended by the committee, the rates shall be sent back to the committee for reconsideration.

8. The city council shall then receive back a further recommendation from the committee.

9. The city council shall then by resolution set the wastewater rates, which are just and equitable, at an amount that assures the financial self-sufficiency of the wastewater system.

10. Such rates set by the city council shall not go into effect for a period of at least 30 days.

11. If within 30 days following the passage of the resolution setting the rates, the city receives through a petition, a form of which to be prescribed by the city and in general conformance with the state laws governing referendum petitions, a proposal to refer the matter of the wastewater rates to the voters of the city signed by a number of legal voters equal to 15 percent of the registered voters of the city, on the date such petitions are submitted, the city council shall then refer the matter to the voters of the city at the next available election. The wastewater rates shall not take effect until such time as the election has taken place. If the voters of the city reject the measure as referred to them, then the wastewater rates that were in effect prior to the passage of the resolution shall remain in full force and effect.

E. Notification. Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to wastewater treatment services. On or before July 1st of each year, the public works director shall post for public review at City Hall a listing of the wastewater parameters and corresponding categories of businesses which serve as the basis for the derivation of extra strength fees for users in the nonstandard discharge strength customer class as specified in subsections (A) and (B) of this section.

F. Appeals.

1. Any wastewater system user who believes their wastewater user charge, as applied to the user’s premises, is not within the intent of the foregoing provisions may make written application to the city council requesting a review of their user charge. The written request shall, where necessary, show the actual or estimated average flow of the user’s wastewater in comparison with the values upon which the charge is based, including how the measurements or estimates were made.

2. Review of the request shall be made by the city council and the director of public works or designee; action may include recommending further study of the matter by the director. If the city council determines that the user’s charges should be recomputed, based on approved revised flow and/or strength data, the new charges thus recomputed may be applied retroactively for the period of up to six months. [Ord. [2733](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2733.pdf) Att. A, 2-7-11; Ord. [2713](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2713.pdf) Exh. B, 4-20-09; Ord. [2684](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2684.pdf) § 1, 12-17-07; Ord. [2418](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2418.pdf), 10-2-95; Ord. [2334](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2334.pdf), 7-6-92; Ord. [2150](https://www.codepublishing.com/OR/Newberg/html/ords/Ord2150.pdf), 8-28-84. Code 2001 § 51.61.]

Chapter XI Miscellaneous Provisions

### Section 47 Property Tax Limitation.

The purpose of this Section is to reduce the ad valorem property tax rate authorized to be levied by the City to reflect the amount the City will no longer spend on fire, emergency medical and ambulance services if the City is within the Tualatin Valley Fire and Rescue District (District).

(a) Except as provided in subsection (b) the City Council is prohibited from levying more than $2.50 of the City’s permanent ad valorem property tax rate against any property within the District.

(b) Commencing with fiscal year 2019/2020, and each year thereafter, the City Council may increase the tax rate limit established under subsection (a) by 3% of the prior year’s limit. Council also may levy in excess of the limit specified in subsection (a), as increased under this subsection, if authorized by a measure approved by the voters.

(c) This Section shall apply commencing with the City’s 2018/19 fiscal year and continue in effect as long as the City remains within the boundaries of the District.

(d) A local option or bond levy approved by the voters will neither be affected by, nor affect, this Section.

Research Code about committee terms ORS 294.414(5)