

1. Agenda

Documents:

[2019-01-02 City Council Agenda .Pdf](#)

2. Meeting Materials

Documents:

[2020-103 RES Budget Officer Appointment.pdf](#)
[2020-104 RES Audit Services.pdf](#)
[2020-105 RES Urban Renewal Agency Budget Officer Appointment.pdf](#)
[2020-106 RES Urban Renewal Agency Budget Committee Recognition.pdf](#)
[2020-107 RES Budget Committee Recognition.pdf](#)
[Commission Rules Final 2019-02-20.Pdf](#)
[2020-01-02 Rural Telecommunications Act.pdf](#)
[2018-08-01 ADOPTED Yachats City Council Rules.pdf](#)
[Annual Report 2018-2019.Pdf](#)
[2020-01-02 Ch 4-08 2019 Comparison V3.Pdf](#)
[2020-01-02 Ch 4-08 VR Ordinance Draft3.Pdf](#)



CITY OF YACHATS

CITY COUNCIL WORK SESSION & REGULAR COUNCIL MEETING

441 Hwy 101 N., Yachats Commons, Room 1, Yachats OR

Thursday, January 2, 2020 at 9:30am

URBAN RENEWAL AGENCY

- I. New Business
 - A. Appoint FY21 Budget Officer
 - B. Appoint FY21 Budget Committee
 - C. FY19 Financial Statement
- II. Other Business

WORK SESSION AGENDA

- I. CALL MEETING TO ORDER
- II. WORK SESSION DISCUSSION TOPICS
 - A. Council & Commission Rules Discussion and review of updates

REGULAR COUNCIL MEETING

- III. Announcements, Correspondence and Proclamations
- IV. Public Comment: **Topics not listed on the agenda:** 5-minute limitation per person
- V. New Business
 - A. Elect 2020 Council President
 - B. Appoint FY21 Budget Officer
 - C. Appoint FY21 Budget Committee
 - D. FY20 Audit Services
 - E. Rural Telecommunications Investment Act
- VI. Public Hearing
 - A. Continuation of public hearing on modifications to Yachats Municipal Code 4.08 Vacation Rental Licenses
- VII. Other Business
 - A. From Mayor
 - B. From Council
 - C. From Staff

The work session and regular council meeting are open to the public and interested citizens are invited to attend. These are open meetings under Oregon law, but a work session is not a community forum; audience participation is at the discretion of the Council. Meetings are audio-recorded. Public meeting minutes are available for review at City Hall. The meeting place is accessible to persons with disabilities. For accommodations, please call (541) 547-3565, or Oregon Relay 1-800-735-2900 TDD) two days in advance. City of Yachats does not discriminate on the basis of race, color, religion, creed, gender, national origin, age, disability, marital or veteran status, sexual orientation, or any other legally protected status.

In accordance with ORS 192.630, City of Yachats will make a good faith effort to provide accommodations for any person desiring to attend a public meeting, if the request is made at least 48 hours in advance of the meeting time. The meeting room is physically accessible to persons with mobility devices; a sign language or foreign language interpreter may be available, with advance notice. Call City Hall at 541-547-3565 or Oregon Relay 1-800-735-2900 (TDD) two days in advance.

Posted December 23, 2019

Yachats City Council Vision

Our village is a place where natural resources are valued and protected, where diversity is celebrated, and where a vibrant economy and sense of community pride create and recreate a living spirit. Yachats cares not just for its citizens' basic needs but also supports them in their efforts to excel mentally, physically, artistically, and spiritually. It is a community with an enduring sense of itself.



**CITY OF YACHATS
RESOLUTION NO. 2020-103
A RESOLUTION APPOINTING THE CITY MANAGER AS THE BUDGET
OFFICER PER ORS 294.331**

The City of Yachats Resolves as follows:

WHEREAS, The City of Yachats follows the Oregon Local Budget Laws ORS 294 in preparing its budget. ORS 294.331 requires the governing body to designate the one person to act as the Budget Officer.

WHEREAS, The governing body is responsible for designating the person to act as Budget Officer. The Budget Officer shall act under the direction of the executive officer of the municipal corporations, or where no executive officer exists, under the direction of governing body.

WHEREAS, The Budget Officer shall prepare or supervise the preparation of the budget document. The Budget Officer shall prepare or supervise publishing all the notices required by Local Budget Law.

Now, therefore, be it resolved by the CITY OF YACHATS City Council designates the City Manager as the Budget Officer.

This Resolution was Adopted by the CITY OF YACHATS CITY COUNCIL this 2nd day of January 2020 and takes effect upon signing by the Mayor.

W. JOHN MOORE, Mayor

Attest by:

SHANNON BEAUCAIRE, City Manager



**CITY OF YACHATS
RESOLUTION NO. 2020-104
A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTRACT
AUDIT SERVICES TO REVIEW THE 2019-20 FISCAL YEAR**

WHEREAS, the State of Oregon requires an audit for the 2019-20 Fiscal Year; and

WHEREAS, the Council has approved the selection of Hanford & Associates, LLC in response to the RFP for audit services for fiscal year(s) 2017, 2018, and 2019; and

WHEREAS, the City would like to extend the contract for audit services an additional year;

NOW THEREFORE, The City of Yachats Resolves as follows that the City Manager is authorized to contract with Hanford & Associates, LLC for audit services as outlined in the letter of engagement, for the 2019-20 fiscal year.

Passed and adopted January 2, 2020. This Resolution is effective upon adoption.

CITY OF YACHATS

By: _____
W. John Moore, Chair

ATTESTED TO BY:

Shannon Beaucaire, City Manager



**CITY OF YACHATS
RESOLUTION NO. 2020-105
A RESOLUTION APPOINTING THE CITY MANAGER/URBAN RENEWAL
AGENCY SECRETARY AS THE URBAN RENEWAL AGENCY BUDGET
OFFICER PER ORS 294 AND 457**

The City of Yachats Resolves as follows:

WHEREAS, The City of Yachats follows the Oregon Local Budget Laws ORS 294 in preparing its budget. ORS 294.331 requires the governing body to designate the one person to act as the Budget Officer. ORS 457 specifies the requirements for the Urban Renewal Agency.

WHEREAS, the governing body is responsible for designating the person to act as Budget Officer. The Budget Officer shall act under the direction of the executive officer of the municipal corporations, or where no executive officer exists, under the direction of governing body.

WHEREAS, The Budget Officer shall prepare or supervise the preparation of the Urban Renewal Agency budget document. The Budget Officer shall prepare or supervise publishing all the notices required by Local Budget Law.

Now, therefore, be it resolved by the CITY OF YACHATS Urban Renewal Agency Board designates the City Manager/Urban Renewal Agency Secretary as the Urban Renewal Agency Budget Officer.

This Resolution was Adopted by the CITY OF YACHATS Urban Renewal Agency Board this 2nd day of January 2020 and takes effect upon signing by the Urban Renewal Agency Chair.

W. JOHN MOORE, Urban Renewal Agency Chair

Attest by:

SHANNON BEAUCAIRE, City Manager/Urban Renewal Agency Secretary



**CITY OF YACHATS
RESOLUTION NO. 2020-105
A RESOLUTION APPOINTING THE CITY MANAGER/URBAN RENEWAL
AGENCY SECRETARY AS THE URBAN RENEWAL AGENCY BUDGET
OFFICER PER ORS 294 AND 457**



**CITY OF YACHATS
RESOLUTION NO. 2020-106
A RESOLUTION RECOGNIZING THE FY21 (JULY 2020-JUNE 2021) BUDGET
COMMITTEE FOR THE URBAN RENEWAL AGENCY**

The City of Yachats Resolves as follows:

WHEREAS, The City of Yachats follows the Oregon Local Budget Laws ORS 294 in preparing its budget. ORS 457 specifies the requirements for the Urban Renewal Agency.

WHEREAS, the governing body of each municipal corporation shall establish a budget committee in accordance with the provisions of ORS 294.414. The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body.

WHEREAS, the budget committee shall hold one or more meetings to receive the Urban Renewal Agency budget message, the budget document, and provide members of the public with an opportunity to ask questions about and comment on the budget document.

WHEREAS, the governing body recognizes the previous appointment of the following electors to serve on the Urban Renewal Agency Budget Committee:

- Lance Bloch
- Don Groth
- Dawn Keller
- John Purcell
- Brad Webb

Now, therefore, be it resolved by the CITY OF YACHATS Urban Renewal Agency Board recognizes the FY21 Urban Renewal Agency Budget Committee.

This Resolution was Adopted by the CITY OF YACHATS Urban Renewal Agency this 2nd day of January 2020 and takes effect upon signing by the Urban Renewal Agency Chair.

W. JOHN MOORE, Urban Renewal Agency Chair

Attest by:

SHANNON BEAUCAIRE, City Manager/Urban Renewal Agency Recording Secretary



**CITY OF YACHATS
RESOLUTION NO. 2020-107
A RESOLUTION RECOGNIZING THE FY21 (JULY 2020-JUNE 2021) BUDGET
COMMITTEE FOR THE YACHATS CITY BUDGET**

The City of Yachats Resolves as follows:

WHEREAS, The City of Yachats follows the Oregon Local Budget Laws ORS 294 in preparing its budget.

WHEREAS, the governing body of each municipal corporation shall establish a budget committee in accordance with the provisions of ORS 294.414. The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body.

WHEREAS, the budget committee shall hold one or more meetings to receive the City's budget message, the budget document, and provide members of the public with an opportunity to ask questions about and comment on the budget document.

WHEREAS, the governing body recognizes the previous appointment of the following electors to serve on the City Budget Committee:

- Lance Bloch
- Don Groth
- Dawn Keller
- John Purcell
- Brad Webb

Now, therefore, be it resolved by the CITY OF YACHATS City Council recognizes the FY21 City Budget Committee.

This Resolution was Adopted by the CITY OF YACHATS CITY COUNCIL this 2nd day of January 2020 and takes effect upon signing by the Mayor.

W. JOHN MOORE, Mayor

Attest by:

SHANNON BEAUCAIRE, City Manager

Commission Rules

City of Yachats, Oregon



Amended December 18, 2019

Commission Rules - City of Yachats, Oregon

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Authority and Purpose Statement

The Municipal Code of the City of Yachats provides for the City of Yachats to have the following Commissions:

- A: Planning Commission
- B: Parks & Commons Commission
- C: Public Works & Streets Commission
- D: Library Commission

1. Meetings of the Commission

The meetings of the Commissions shall be open to the public.

1.1 Minutes of Meetings

The commission shall make and file with the City a report of all meetings and transactions of the commission for the preceding month. Copies of the minutes recorded at the regular and special meetings of the commission may serve as reports, shall be filed with the City as expediently as possible, and in no case more than thirty (30) days after the meeting of the commission. Each commission shall, in addition, make other reports as may be requested by the Council

2.11 General Format

All official printed minutes of any meetings of all city commissions, boards, and committees shall be fashioned after the minimum as required by State Law with minor additions. Recordings of entire minutes will be kept of file for more detailed references for a period of two years. All minutes shall be published in the City's document library.

2.12 Contents of Minutes

Meeting Particulars. Minutes shall include the date, time and place of all meetings.

Recordings. Agendas shall indicate that all proceedings are being recorded for back-up reference.

Attendance. Minutes shall include the names of all members of the governing body and indicate whether they are present or absent.

Motions. Minutes shall include all motions, proposals, resolutions, ordinances, and measures proposed and their disposition.

Result of Votes. Minutes shall include the result of all votes and the vote of each member by name.

Substance of Topics. Minutes shall include an outline of the substance of the discussion on any matter.

Reference to Documents. Minutes shall include any references to any specific document mentioned in discussion.

Public Participants. Minutes shall include the name of the member of the public who addressed the body.

Emergency Meetings. The minutes shall include, if required, the nature of the emergency for calling an emergency meeting.

Speeches and Statements. Speeches or statements or the exact text of discussions shall not be transcribed verbatim.

2.13 Special Meetings.

The chair shall have the power to convene special meetings.

2.14 Notice of Meetings

All meetings of City Commissions, Committees and Board are public meetings and must be noticed in advance in accordance with Oregon laws.

2.15 Agenda Packets

City staff will make the best effort to post electronic packets to the City's website and the document library before the close of business a week before a commission or committee meeting. An email will be sent to the commission members to let them know that the packets are available for their review.

Packets shall be available at City Hall for public review. Copies may be obtained at the current cost.

2.16 Packet Material

Text exhibits. Packets shall include copies of applications, map locations, and any other pertinent, easily reproducible text exhibits.

Drawings and Reports. Drawings, reports and other materials difficult or expensive to reproduce will be made available in limited quantity at work sessions or scheduled meetings and will be available for inspection at City Hall during regular business hours.

3. Commission Membership

3.1 Membership. Commission members will be appointed by the Mayor with approval of Council. Any person applying for appointment to any commission shall be interviewed by City Council at either a work session or regular meeting. No person shall serve at the same time on more than one commission. All applicants for commission service need to complete a volunteer application on the current form. Commissions should recommend their membership slate for the following year in November so they can be approved by Council in December.

3.2 Attendance. Unless excused by the Chair, any member who has three absences in a twelve month period may be removed from the Commission by City Council action, the position will be declared vacant, and the member will have to reapply to be reconsidered for appointment.

3.3 Elections. The Chair and a Vice-Chair shall be elected by ballot at the **last** meeting of the calendar year, or when a vacancy in either of these offices occurs.

3.4 Officers.

3.41 Duties of the Chair. The Chair is the presiding officer of the meeting. The duties of the Chair are:

- * The Chair serves as the liaison between the Commission and the City Manager and Mayor.
- * Consult with City staff and together formulate an agenda for the meeting.
- * Open the meeting on time and call the meeting to order.
- * Announce in proper sequence the business on the agenda
- * Recognize participants who are entitled to the floor.
- * State the nature of legitimate issues that arise during the meeting, secure consensus on their disposition, and, if a vote is needed, **suggest** the language of the motion. If a motion is out of order or unclear, the Chair should rule it out of order or require clarification. If a motion is in order, the Chair calls for the vote and announces the results of the vote.
- * Protect the commission from frivolous or delaying motions by refusing to recognize them.
- * Enforce order in respect to discussion, deliberation, and decision making.

- * Expedite business in a way compatible with the rights of the members and constituents.
- * Decide all questions of order.
- * Respond to inquiries of members.
- * Declare the meeting adjourned.
- * Ensure that reports and recommendations are forwarded to the Council.
- * With approval of the commission, delegate an alternate spokesman.
- * When appropriate, assist staff with securing the building after a night meeting.

3.42 Duties of the Vice-Chair

The Vice-Chair shall be presiding officer when the Chair is absent or when the Chair wishes to be a stronger, more partisan, participant in deliberation. The Vice-Chair may also assist the Chair as directed by the Chair or Commission.

3.5 Commission Vacancies.

3.51 Procedures and Objectives.

- The City Manager shall retain a working list of all citizens filing an application for service on City commissions, boards, and committees. Applications shall be kept until the person is appointed, becomes ineligible to serve, or withdraws the application.
- The Commission, board or committee shall consider the names of all persons currently on file and any person at the meeting that has expressed an interest in serving on that body.
- Candidates shall be interviewed by the Commission, board or committee to discuss their qualifications and reasons for wanting to serve.
- **Recommendations.** The Commission, board or committee shall then deliberate and present a recommendation to the Council of qualified candidates for the current vacancy.
- Prior to an appointment being made, candidates and any person at the Council meeting who express a willingness to serve shall be interviewed by City Council at either a work session or regular meeting. Incumbents seeking reappointment are not required to interview.

4. **Use of City Staff.** The Chair shall be the liaison between the Commission, board or committee and City staff. Only the City Manager is authorized to request work/time of City Staff or Contract Resources.

5. Commissions:

5.1 Planning Commission.

5.11 Membership. The Planning Commission shall consist of seven members appointed by the Mayor with the approval of Council.

Pursuant to ORS 227.030, no more than two (2) voting members of the commission may engage principally in the buying, selling or developing of real estate for profit as individuals, or be members of any partnership, or officers or employees of any corporation that engages principally in the buying, selling or developing of real estate for profit. No more than two (2) members shall be engaged in the same kind of occupation, business, trade or profession.

All commission members must reside in the City.

All commission members must have resided in the City for no less than six months prior to appointment.

The members of the commission shall receive no compensation for their services.

5.12 Terms of Office

Terms of office on the commission shall be four (4) years and shall expire on December 31st of the 4th year.

A member of the commission may be removed by a majority vote of the City Council for cause.

A vacancy shall be filled by the Mayor with the approval of Council for the unexpired portion of the term.

5.13 Powers and Duties.

Shall have the powers and duties provided for by ORS ww7.090, other state law, City Charter, comprehensive plan or other city ordinances.

Shall function primarily as a comprehensive planning body proposing policy and legislation to the Council related to the growth and development of the community. In addition to the authority provided in the previous sentence, the commission:

Shall review the comprehensive plan every two (2) years and make recommendations to the council concerning plan amendments which it has determined are necessary based on further study or changed concepts, circumstances, or conditions;

May formulate and recommend legislation to implement the comprehensive plan;

Shall conduct hearings, prepare findings of fact, and take such actions concerning specific land development proposals as required by city ordinance.

Shall perform such other responsibilities and duties as the City Council, from time to time, may delegate by ordinance, resolution or motion.

5.14 Organization

The commission may select a secretary from among its members, who shall serve at the pleasure of the commission or the City Manager shall designate a city staff member to act as secretary. The secretary shall keep accurate records of all proceedings of the commission and shall perform such duties as are requested of the secretary by the commission, this section, or by law.

5.15 Quorum.

Four (4) members of the commission shall constitute a quorum for the transaction of business.

5.2 Parks & Commons Commission

5.21 Membership. The Parks and Commons Commission shall consist of seven (7) members, appointed by the Mayor with consent of the Council.

One member of the commission may reside outside the City limits.

The members of the commission shall receive no compensation for their services.

5.22 Terms of Office.

Terms of office shall be three (3) years and shall expire on December 31st of the third year.

A member of the commission may be removed by a majority vote of the Council without cause.

A vacancy shall be filled by the Mayor with the approval of the Council for the unexpired portion of the term

5.23 Powers and Duties

Formulate rules, regulations and standards for the operation of the City's parks and the Commons building and grounds in a manner which assures security of the City's assets and encourages use by tenants, residents and visitors and recommend them to City Council for adoption;

Establish rental rates for various uses of the Commons; recommends such to City Council for adoption;

Enhance income through promotion or co-promotion of appropriate events;

Work with the Facilities Manager in development and implementation of a marketing program for tenants and special programs;

Plan for the regulation, development and improvement of the City's parks;

Receive gifts, grants, bequests and devises to carry out the purpose of the Commons and parks planning and programming process;

Work with the Facilities Manager in the development of the budget for the Commons. Prepare the annual budget for all City parks and submit to the Budget Officer the budget proposals for the parks and the Commons building for forwarding to the Budget Committee;

Perform such other responsibilities and duties as the City Council, from time to time, may delegate by ordinance, resolution or motion;

Monitor the Village Circulation Plan portion of the Comprehensive Plan relating to trails, including implementation, funding, and signage; and

Serve as liaison between the City and Lincoln County in development of the trail system, shoreline access points, and signage as established in the Village Circulation Plan and the 804 Trail.

Serves as the sponsoring Commission for the Trails Committee and the Little Log Church and Museum board.

5.24 Quorum

Four (4) members of the commission shall constitute a quorum for the transaction of business.

5.3 Public Works & Streets Commission

5.31 Membership

The Public Works & Streets Commission shall consist of seven (7) members, appointed by the Mayor with consent of the Council.

One member of the commission may reside outside the City limits.

The members of the commission shall receive no compensation for their services.

5.32 Terms of Office.

Terms of office shall be three (3) years and shall expire on December 31st of the third year.

A member of the commission may be removed by a majority vote of the Council without cause.

A vacancy shall be filled by the Mayor with approval of the Council for the unexpired portion of the term.

5.33 Powers and Duties.

Formulate rules, regulations and standards for the operation and use of the City's public works, recommend such to City Council for adoption.

Plan for future growth, development and improvement of the City's public works.

Advise the City Manager on improvements and maintenance for public works.

Recommend improvements or repairs to the City's streets, culverts, drainage and curbing.

Review all rates and fees including, but not limited to, water, sewer, and system development and report to the City Council by March 1st of each year and recommend any changes in rates, fees, charges or policy.

Review monthly Budget Reports for all Public Works systems including Capital Improvement Projects.

Serve as liaison to various Lincoln County Committees or Work Groups associated with Public Works systems.

Serve as the sponsoring Commission for the Emergency Preparedness Committee.

Serve as the City's Public and Traffic Safety Committee as follows:

- A. Hear suggestions and complaints from citizens concerning issues of public and traffic safety;
- B. Research and develop remedies for public and traffic safety concerns as needed;
- C. Recommend public and traffic safety priorities for the City;
- D. Review and recommend project application for funding;
- E. Serve as liaison between the City and the Oregon Traffic Safety Commission in developing the statewide highway safety program, and in meeting the National Highway Safety Program Standards;
- F. Act in an advisory capacity to the Yachats City Council in the implementation of safety activities;
- G. Foster public knowledge and support of traffic law enforcement and traffic engineering problems and needs;

Serve as a franchise review committee responsible for initially reviewing, negotiating and recommending to City Council all franchise agreements.

5.34 Quorum

Four (4) members of the commission shall constitute a quorum for the transaction of business.

5.4 Library Commission

5.41 Membership.

The Library Commission shall consist of five (5) members, appointed by the Mayor with consent of Council.

One member of the commission may reside outside the City limits.

The members of the commission shall receive no compensation for their services.

5.42 Terms of Office.

Terms of office shall be three (3) years and shall expire on December 31st of the third year.

A member of the commission may be removed by a majority vote of the Council without cause.

A vacancy shall be filled by the Mayor with the approval of the Council or the unexpired portion of the term.

5.43 Powers and Duties

Operate and manage the Yachats Public Library;

Formulate rules, regulations and standards for the operation of the library;

Receive gifts, grants, bequests and devises to carry out the purpose of the library;

Work with the librarians to prepare and submit to the budget officer an annual budget which will be forwarded to the budget committee

5.44 Quorum

Three (3) members of the commission shall constitute a quorum for the transaction of business.

To: Mayor W. John Moore
Yachats City Council

From: Shannon Beaucaire, City Manager

Date: January 2, 2020

Dear Mayor and Council,

The LOC sent the attached request to member Cities and is asking for a response by January 15, 2020. Please review and determine if the City of Yachats will add its support for this Act.

LOC will support the Rural Telecommunications Investment Act of 2020 (RTIA) sponsored by Rep. Pam Marsh in the upcoming session. This bill is a rerun of [HB 2184](#) (2019). The RTIA is expected to provide \$5 million annually for the Oregon Broadband Office for broadband/high-speed internet deployment focused on 25 school districts and 50+ libraries without high speed internet access. The \$5 million dollars will be generated by bringing the wireless users into Oregon's Universal Service Fund (OUSF). Additionally, the overall rate for all users will be reduced to 6% from 8.5%. The goal is to stabilize the OUSF which supports robust, reliable, and affordable advanced communications services in rural Oregon. These funds will also help cities leverage various federal funds for broadband. The LOC along with many other stakeholders have been participating in a coalition to support the Rural Telecommunications Investment Act.

*Representative Marsh requested that the LOC reach out to cities and gauge support. If you would like to show your support for this bill by adding your city logo to the attached one-pager **please send it to LOC by January 15.***

Support the Rural Telecommunications Investment Act!

Communication is key today. For businesses and customers alike, highspeed internet (broadband) is an essential tool for success in the 21st century digital economy. The Rural Telecommunications Investment Act (RTIA) will help modernize and inject overdue fairness into the Oregon Universal Service Fund (OUSF) statutes while dedicating long-term, reliable funding for broadband investment in rural Oregon communities that are too often ignored.

The 1999 Legislature established the OUSF to ensure that regardless of where Oregonians live, they have fair access to robust, reliable, and affordable advanced communications services.

Today this includes broadband. Unfortunately, connectivity in rural Oregon is falling well short of communities in urban areas. There is an unfair disparity in who pays to support the OUSF, and there are competitive disadvantages for various technologies as a result.

Oregon is at a crossroads concerning broadband investment. While other states continue to invest in broadband deployment, and while a great deal of federal money is available, accessing those funds takes planning, and the means to leverage federal dollars. Communities without broadband service encounter challenges accessing federal funds available for rural broadband investment:

- More than 400,000 Oregonians do not have broadband access in their homes

- More than 50 schools currently do not have broadband access for their students

- Some federal programs require 10% matching from the state to access federal dollars

- Broadband is now an essential part of healthcare delivery and rural providers face serious challenges to accessing service for their patients

RTIA will help close the digital divide and the competitive disadvantage built into the current OUSF funding mechanism. It will also provide ratepayer fairness by ensuring that all customers share the costs of telecommunications infrastructure. The Act will:

- Reduce the current surcharge for landline customers from 8.5% to 6% or less

- Reduce the potential surcharge for voice over internet protocol (VoIP) customers from 8.5% to 6% or less

- Cap the OUSF surcharge at 6%

- Stabilize the OUSF which supports robust, reliable, and affordable advanced communications services in rural Oregon

- Cap the overall size of the OUSF at \$28 million and establish a benchmark for planning

- Allocate \$5 million per year to expand broadband investment, including funding for the Oregon Broadband Office, technical assistance, planning, and infrastructure.

- Ensure that limited ratepayer dollars are spent toward broadband investment in rural areas that have little or no access to broadband, not to compete with existing providers

Rural Oregonians deserve access to broadband. Without broadband, these communities cannot attract the businesses or employees they need or provide access to students who lack the basic connectivity needed for success in the 21st century digital economy. If the Legislature fails to pass RTIA in the 2020 Legislative Session, the Oregon Public Utility Commission may assess the 8.5% OUSF surcharge on all VoIP lines, meaning those customers will see an increase on their

bill without RTIA's overall public interest benefits.

For more information, contact:

Rep Pam Marsh - Rep.PamMarsh@oregonlegislature.gov or Brant Wolf – bwolf@ota-telecom.org

Please join us in supporting rural Oregon with the Rural Telecommunications Investment Act!

RTIA Supporters



Oregon Citizens' Utility Board

610 SW Broadway, Suite 400
Portland, OR 97205

(503) 227-1984
www.oregoncub.org

OCHIN



LINK
OREGON



RELIANCE
CONNECTS
ROOTED HERE. REACHING THERE.



Clear Creek
Communications



City Council Rules

City of Yachats, Oregon



Initially Adopted and Effective March 1, 2005

Amended April 11, 2005

Amended April 6, 2008

Amended June 11, 2008

Amended November 1,
2008

Amended January 3, 2012

Amended March 5, 2013

Amended July 4, 2015

Amended August 1, 2018

Amended December 18, 2019

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1 Authority and Purpose Statement

The Charter of the City of Yachats provides that the Council shall adopt rules for the government of its proceedings. The City utilizes the Council-Manager form of government which combines the political leadership of local elected officials (Mayor and City Council) with the managerial experience of an appointed manager. All power and authority to set policy rests with the City Council. The City Council in turn hires a nonpartisan manager who has very broad authority to administer, supervise and lead the organization. The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted.

2 Meetings of the Council

2.1 Meetings to be Public

The deliberations and proceedings of the Council shall be open to the public, except as state law may provide otherwise (e.g., executive sessions).

2.2 Regular City Council Meetings

The Council shall meet at 9:30 AM on the first Thursday of each month, following the work session, if held, and at 2:00 p.m. on the third Wednesday of each month in the City Hall Council Chambers or at any place that the Council may direct. On recognized City holidays which fall on a Council meeting day, the Council shall determine date, time and place of that meeting.

2.3 Special City Council Meetings

The Mayor, or in the Mayor's absence, the President of the Council, may call a special meeting of the Council. Three Councilors may also call a special meeting by filing a request with the City Manager. Notice of a special meeting shall be given to each member of the Council at least 24 hours in advance of the meeting. Notice may be given in writing, in person, by telephone or by **email**. No business other than that for which a special meeting is called can be transacted at a special meeting.

2.4 Executive Sessions

An executive session (a meeting closed to the public) may be held in accordance with the Oregon Public Meetings Law. The Presiding Officer, or three (3) Councilors may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. Executive sessions may also be separately scheduled pursuant to the requirements for special meetings.

2.1 Attendance at Executive Sessions

The Presiding Officer shall determine which persons other than the Council shall attend an executive session.

2.2 Media Attendance

Representatives of the news media shall be allowed to attend executive sessions except those called pursuant to the ORS subsection for deliberations with persons designated to carry on labor negotiations. The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session.

2.3 Final Decision Prohibited.

No final decision shall be made in executive session. To make a final decision, the Presiding Officer shall either call the meeting into open session or place the decision on the agenda of a future open session.

2.1 Work Session Meetings

Work Session meetings may be held on the first Wednesday of the month and would precede the regular Council Meeting. Work Sessions may also be scheduled as necessary by consensus of the Council. Work Session meetings are informal sessions to review upcoming issues, receive special reports, conduct goal setting sessions and for special training purposes.

2.1 Subjects For Work Sessions

Review the list of topics to be included on the agenda of the next regular meeting with the following considerations:

- **Staff/Council Discussion.** Provide an opportunity for discussion between staff and Council to analyze an issue and receive direction from Council on how to proceed.
- **Information.** Receive selected information concerning proposed agenda items.
- **Available Data.** Establish if enough information has been submitted for the Body to make informed decisions. If more information is required, notify City staff that additional information is required before the regular meeting.
- **Finalize Agenda.** Set final Agenda for the regular meeting. Allowing for time constraints, determine if an additional meeting will be needed to address all agenda items or if certain items can be carried over to the next month's agenda.

2.2 Limits to Topics For Discussion

The merits of specific topics brought before the body by the public should not be discussed nor any direct action taken until a regularly scheduled meeting.

3 Meeting Procedures

3.1 Presiding Officer and Duties

The Mayor, or in the absence of the Mayor, the Council President, shall be the Presiding Officer at all meetings. In the case of the absence of the Mayor and the Council President, the City Manager shall call the meeting to order and the Council shall elect a Presiding Officer by majority vote. The Presiding Officer shall conduct all meetings, preserve order, enforce the rules of the Council and determine the order and length of discussion on any matter before the Council subject to these rules. The Presiding Officer may debate and vote on any issue.

3.1 Quorum Requirements

The Presiding Officer shall call the meeting to order at the time designated for a scheduled meeting. Except to adjourn, a quorum is necessary to conduct business at any meeting of the City Council. Quorum is defined by charter as a majority of the Council members.

3.2 Right of Councilor to be Heard

Every Councilor desiring to speak shall gain the attention of the Presiding Officer by raising his/her hand and, upon recognition by the Presiding Officer, shall confine their remarks to the question under debate. No member shall speak more than once on the same subject until all members who wish to speak have had the opportunity to do so. Agenda item "Other Business - Council" is the time for Council members to offer a topic for consideration for a future Council agenda. Members should state their concern up front, followed by a brief explanation of why the Council may want to consider the topic at a future meeting. Questioning of Staff. Councilors desiring to question the administrative staff may direct the inquiry to the Presiding Officer or to the person designated by the Presiding Officer to answer the inquiry during the Council meeting.

3.3 Preservation of Order

The Presiding Officer shall preserve order and decorum, discourage attacks on personalities or the impugning of Councilor's motives, and confine Councilor debate to the question under discussion. Persons in attendance at the meeting who become disorderly, abusive, or disruptive may be removed from the meeting. The Presiding Officer may summon the assistance of police or administrative staff to assist in maintaining order, and if an arrest of a person(s) is deemed necessary by the presiding officer to restore or maintain order, the Presiding Officer may sign a complaint or citation on behalf of the city.

3.4 Points of Order

The Presiding Officer shall determine all points of order, subject to the right of any Councilor to appeal to the Council.

3.5 Administrative Staff, City Employees Addressing Council

City administrative staff and other City employees desiring to address the Council shall first be recognized by the Presiding Officer and shall address such remarks to the Presiding Officer. The staff shall respond to questions or comments by the Council or members of the public with permission of the Presiding Officer, and shall do so in a polite, tactful manner.

3.6 Public Comment

No person shall enter into any discussion without being recognized by the Presiding Officer. Any citizen desiring to address the Council should come to the designated location to address the Council and be recognized by the Presiding Officer. After being recognized by the Presiding Officer, the person shall state their name and address for the record.

Agenda item "Public Comment" provides the opportunity for any member of the public to speak on any topic that is not on the meeting agenda. There will be an opportunity to speak on agenda items as the items are announced. Audience members will be recognized by a show of hand, and will come forward to the podium, stating name and address for the record. Audience members are asked to address their comments to the Presiding Officer, avoid personalizing or directing comments to any one or more individuals, try to be succinct and avoid lengthy commentary. Responses from Council members should be made after being recognized by the Presiding Officer.

Any citizen addressing the Council shall be limited to five minutes unless further time is granted by the Presiding Officer. No citizen shall be allowed to speak more than once upon any one subject until every other citizen choosing to speak has had an opportunity.

After a motion has been made, no citizen shall address the Council without first securing permission from three councilors.

3.1 Decorum of Meeting.

3.1 Improper Conduct

The following actions are not condoned by the City Council and may be cause for the Presiding Officer to have the person(s) removed from the Council Chambers:

- Using or making of loud or disruptive language, noise or conduct which obstructs the work or the conducting of the business of the Council.
- Engaging in violent or distracting action.
- Willful injury of furnishings or of the interior of the Council Chambers or other meeting place.
- Refusal to obey any rules of conduct, including the limitations on occupancy and seating capacity.
- Refusal to obey an order of the Presiding Officer or an order issued by a Councilor which has been approved by a majority of the Councilors present.

3.2 Removal Action

The Presiding Officer shall warn any person(s) whose conduct is described above before taking action to have such person(s) removed.

3.3 Vacating Council Chambers

If a meeting is disrupted by members of the audience, the Presiding Officer or a majority of the Councilors present may call for a recess until order is restored.

3.4 Picture Taking and Filming

Filming in the Council Chambers or other meeting places shall be allowed when permitted by the Presiding Officer.

3.5 Seating Capacity And Safety Requirements

The safe occupancy and seating capacity of the Council Chambers, as determined by the Fire Chief, shall be posted within the Council Chambers. The limitations on occupancy and seating capacity so determined and posted shall be complied with at all times.

Aisles shall be kept clear at all times. Members of the audience shall abide by the seating plan in the chambers, and should not move forward of the seating areas unless wishing to address and be recognized by the Presiding Officer.

3.6 Flags, Signs and Posters

No flags, posters, placards, or signs, unless authorized by the Presiding Officer, may be carried or placed within the Council Chambers, any other meeting place, or in any meeting place where a public hearing is being held. This restriction shall not apply to arm bands, emblems, badges or other articles worn on personal clothing of individuals, provided that such devices are of such a size and nature as not to interfere with the vision or hearing of other persons at the meeting, and providing that such devices do not extend from the body in a manner likely to cause injury to another.

3.7 News Media

The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. Accommodations shall be made where practical for members of the press at Council meetings so that they may observe and hear proceedings clearly. The terms “news media” “press” and “Representative of the press” for the purpose of these rules are interchangeable and mean someone who:

- Represents an established channel of communication, such as a newspaper or magazine, radio or television station; and
- Regularly reports on the activities of government or the governing body.
- Final decisions on the qualifications of an individual as a representative of the news media shall rest with the Council.

3.1 Rules of Order

The City of Yachats has adopted the latest edition of Modern Parliamentary Procedure by Ray E. Keesey as its procedural guide for deliberation and decision making, subject to charter and ordinance provisions.

3.1 Ordinary And Special Motions

General consent may be used for ordinary and special motions such as:

- to adjourn
- to recess
- to close deliberation
- to postpone
- to refer
- to withdraw, reconsider, or rescind

3.2 Main Motions

For main motions such as requests for action, policy changes, appointments, etc., use the following:

Parliamentary procedure:

After a motion has been made the presiding officer:

- Asks if the motion is understood by the entire Council.
- Invites discussion (from the Council).
- Restates the motion in its final form (the minutes taker can repeat the motion).
- Asks for the affirmative vote followed by the negative vote.
- Announces the result of the voting and adds any necessary information to interpret or to effect the decision.

3.1 Order of Business

The order of business of the City Council shall be as follows:

- Announcements
- Correspondence
- Public Comment
- Consent Agenda
- Minutes of the Previous Work Session, Executive and Regular Meeting.
- Bills for Approval
- Resolutions Memorializing Actions Taken by Simple Motion at Previous Meeting
- Resolutions Not Requiring Further Discussion by Council
- Other Actions Not Requiring Further Discussion by Council and Those Actions Outlined in Council Rules
- Reports
- Guests
- Commissions
- City Council
- Public Works Director
- City Manager
- City Attorney
- City Planner
- Public Hearing
- Unfinished Business
- New Business
- Other Business
- From the Council
- From the Staff

The Mayor or Presiding Officer has authority to adjust the agenda items and order of business.

3.1 Consent Agenda

Before the vote is taken on the Consent Agenda, a Council member may request that one or more items be excluded therefrom. The remaining items may then be voted upon as a whole. Items removed from the Consent Agenda as provided above shall be taken up for action immediately after the Consent Agenda vote and before the next item on the agenda is taken up.

3.1 Public Hearings

The public hearing procedure shall be followed as set forth in the Municipal Code and or Resolutions adopted by City Council. See Exhibit "A" (attached).

The Presiding Officer may, with the approval of Council, limit the time and number of speakers at each public hearing. In such event, the Presiding Officer shall announce such restriction prior to beginning of the hearing.

3.2 Voting Procedures

The vote on every motion shall be taken and entered in the meeting minutes. The Council will normally exercise its administrative authority by approving resolutions. Actions adopted by simple motion shall be memorialized by adoption of a resolution at the following meeting. Such resolutions shall be placed on the consent agenda.

3.3 Duty to Vote

Except as otherwise provided by law, every member shall vote, unless three or more Councilors excuse the member from voting. Any Councilor shall withdraw themselves from the item being voted on should there exist a direct pecuniary interest in the matter. If a member is not ready to vote, the member may request additional time to consider their response and the Council may wait.

3.1 Reconsideration of Actions Taken

Any Councilor who voted with the majority may move for a reconsideration of an action at the same or the next following regular meeting. Once a matter has been reconsidered at the same meeting, no motion for further reconsideration shall be made without unanimous consent of the Council.

3.2 Absentee Voting

The right to vote is limited to those present at the time of the vote. Attendance by electronic means (phone, Skype, etc.) is considered present.

3.1 Annual Goal Setting

In January of each calendar year, the City Council shall hold a public Goal Setting Work Session in conjunction with the appropriate City Department Heads.

3.8.1 Procedures and Objectives

- * Goal Input. During the preceding November, the City shall solicit comments from Commissions, staff, and the community for additions to and amendments of City goals.
- * Review. The City Council shall consider community strategic needs, review existing goals as they relate to those needs, and revise goals as appropriate.
- * Scope of Considerations. Goals may be both short-term (1-5 years), and long-term (5-20 years).
- * Budget considerations. Adopted goals shall serve as preliminary groundwork for proposed budget recommendations.
- * Timetables. The council shall set realistic timetables for accomplishing goals after consultation with appropriate commissions and staff.
- * Implementation. Appropriate Commissions and Department Heads shall prepare implementation plans for each City Goal Action and written evaluations shall be conducted every six month to measure programs.
- * Mid-Year Review. In June or July, staff and commissions shall review progress on goals and make adjustments and recommendations as needed.

4 Agenda Packets for City Council Meetings

- Any councilor may request to have an item placed on the Council agenda.
- Any Councilor may request, if responsible for an agenda item, postponement of the item to another meeting if the Councilor cannot be present at the meeting at which time the item is scheduled.
- Any two Councilors may request that an item be postponed to the following meeting. Further postponement requires a majority vote of the Councilors present.

4.1 Deadline

Public submission of topics for inclusion on future agendas shall be submitted to the Mayor and/or City Manager for consideration for future agendas.

4.2 Late Submissions

Items submitted after the deadline may be heard by the Council at their own discretion. Otherwise, they shall be put on the Agenda of the next regularly scheduled meeting. In addition, matters which are not on the agenda may be added after the meeting begins if there is a consensus of the Council to do so. The agenda also allows for "other business" to be discussed at the end of the meeting, and if necessary, action may be taken.

4.3 Packets Available

City staff will make the best effort to post electronic packets to the City's website and the document library one week before a Council meeting.

Packets shall **also** be available for Council members to pick up at City Hall at the end of business hours on Friday of the week before a regularly scheduled meeting. A sample Council packet will

be filed intact in the permanent files. Packets shall be available at City Hall for public review. Copies may be obtained at the current cost. A complete packet will be available for audience review during Council and Commission Meetings.

4.4 Packet Material

4.1 Text Exhibits

Packets shall include copies of applications, map locations and any other pertinent, easily reproducible text exhibits.

4.2 Drawings and Reports

Drawings, reports and other materials difficult or expensive to reproduce will be made available in limited quantity at work sessions or scheduled meetings and will be available for inspection at City Hall during regular business hours.

5 Minutes of the City Council Meetings

5.1 General Format

All official printed minutes of City Meetings shall be fashioned after the minimum as required by State Law with minor additions. Audio tape recordings of entire meetings will be kept on file for more detailed references for a period of two years.

5.2 Contents of Minutes

- **Meeting Particulars.** Minutes shall include the date, time, and place of all meetings.
- **Audio Taping.** Agendas shall indicate that all proceedings are being audio tape recorded for back-up reference.
- **Attendance.** Minutes shall include the names of all members of the governing body and indicate whether they are present or absent.
- **Motions.** Minutes shall include all motions, proposals, resolutions, ordinances, and measures proposed and their disposition.
- **Result of Votes.** Minutes shall include the results of all votes and the vote of each member by name.
- **Substance of Topics.** Minutes shall include an outline of the substance of discussion on any matter.
- **Reference to Documents.** Minutes shall include any references made to any specific document mentioned in discussion.
- **Public Participants.** The Minutes shall include the name and address of members of the public who addressed the body.
- **Emergency Meetings.** The Minutes shall include, if required, the nature of the emergency for calling an emergency meeting.
- **Speeches and Statements.** Speeches or statements or the exact text of discussions shall not be transcribed verbatim.

5.3 Submittal to Council

After being prepared in draft form by the City Manager or designee, the City Manager shall submit the minutes to Council as part of the "Consent Agenda" for the next regular Council meeting agenda.

5.4 Amendment & Approval by Council

The Council may amend the minutes to more accurately reflect what transpired at a meeting. An individual Councilor may call for additions or corrections to the minutes during the Work Session Meeting or before adoption of the consent agenda, and unless there is disagreement from other Councilors, the motion to approve the Consent Agenda shall include the minutes as amended. If the Council questions the minutes or is unsure they accurately reflect what transpired during a meeting, the Council may postpone approval of the minutes until a transcript of the portion of the meeting in question can be prepared. Information obtained subsequent to a meeting, which is relevant to discussions or action which occurred during that meeting, may be referenced into the record of the meeting at which the minutes are approved. The Council is the final authority as to amendment of the minutes. After Council approval, the City Manager shall incorporate any amendments approved by the Council, the Mayor shall sign the minutes. Under no circumstances shall the minutes be changed following approval by the Council, unless the Council authorizes such a change.

5.5 Retention

When approved and fully executed, the minutes shall be kept on file in the City Manager's Office. A "working copy" may be prepared for use in the City Manager's Office with the original transferred to the city storage area for permanent retention.

5.6 Public Access and Copies

Both written minutes and sound recordings (as long as kept) shall be available for public inspection during office hours. Copies of the written minutes shall be available to the public at the currently established price. Sound recordings and a transcriber shall be available to the public for use on City premises. Citizens may use their own storage device to make copies of sound recordings. The City Manager may implement additional reasonable rules and procedures to assure the preservation of original sound recordings. The City is not required to cause a transcript to be made of Council meetings. Upon a citizen request, however, copies of transcripts made for other purposes shall be made available in the same manner and for the same cost as written minutes.

6 Guidelines and Procedures for City Councilors

6.1 General Conduct

- Councilor should only speak for himself/herself and not for other Councilors, unless authorized to do so by the Council.
- Councilors should avoid personalizing issues; therefore, discussion should be issue-oriented.

- Councilors should not create or infer a change in City policy before, during or after consideration of a particular issue unless the specific issue has been established as policy by vote of the Council.
- During public meetings, if Councilors suggest substantive edits to an existing ordinance, amendments to the ordinance shall be prepared and reintroduced.
- City Councilors will be provided a City email specifically for City business. While Councilors can communicate amongst themselves via email, those emails may not include a quorum and may not be forwarded to others in a manner which creates a quorum.

6.2 Conflict of Interest

Generally, conflicts of interest arise in situations where a Councilor, as a public official deliberating in a quasi-judicial proceeding, has an actual or potential financial interest in the matter before the Council. Under state law, an actual conflict of interest is defined as one that would be to the private financial benefit of the councilor, a relative or a business with which the Councilor is associated. A potential conflict of interest is one that could be to the private financial benefit of the Councilor, a relative or a business with which the Councilor is associated. A relative means the spouse, children, siblings or parents of the public official or public official's spouse. A Councilor must publicly announce potential and actual conflicts of interest and, in the case of an actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue.

6.3 Legal Advice

Use of the City Attorney's time must be authorized by the Mayor or Council President. Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with the majority approval of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Manager. Exceptions to this are issues related to the performance of the City Manager and unique and sensitive personnel that involve city business-related requests. The City Attorney shall in either case provide any written response to the full Council and City Manager.

6.4 Communication with Staff

Councilors shall respect the separation between policy making and administration by:

- Refraining from interfering with the day-to-day administration of the City business, which is the responsibility of the City Manager.
- Respecting the administrative functions of the City Manager and department heads by refraining from actions which could undermine their authority.
- Not attempting to influence or coerce the City Manager or department head concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications or the granting of City licenses and permits.

- Addressing all formal inquiries and requests for information from staff to the City Manager or City Attorney and allowing sufficient time for response. All written information given by the City Manager or his/her designee to one Councilor should be distributed to all Councilors.
- Limiting individual inquiries and requests for information from staff, contract resources, or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature will be directed to the City Manager. Questions from individual Council members requiring significant staff time or resources (two hours or more) should normally require approval of the Council, although the City Manager may determine to follow up on requests from individual Councilors..
- Respecting roles and responsibilities of staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of Council members. All written informational material requested by individual Councilors will be submitted by staff to the entire Council with a notation indicating which Councilor requested the information.
- Councilors should never express concerns about the performance of a City employee or contract resource in public, to the employee / contractor directly, or other city employees, volunteers, commission members, committee members, or outside agencies. Comments about staff or contract resource performance should only be made to the City Manager through private correspondence or conversation.
- Nothing in this section precludes Council members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager.

Requests of use of City staff time shall be made to, and scheduled through the City Manager. This shall include, but not be limited to, typing, site inspection, telephoning, etc.

6.5 Sanctions

City Council members who intentionally and repeatedly do not follow proper conduct may be reprimanded or formally censured by the Council. Serious infractions of the Council Rules could lead to other sanctions as deemed appropriate by Council.

Council members should point out to the offending Council member infractions of the Council Rules. If the offense continues, then the matter should be referred to the Mayor in private. If the Mayor is the individual whose actions are being challenged, then the matter should be referred to the Council President.

It is the responsibility of the Mayor to initiate action if a Council member's behavior may warrant sanction. If no action is taken by the Mayor, or by the Council President if it is the Mayor's behavior in question, the alleged violation(s) can be brought up with the full Council in a public meeting.

If the violation of the Council Rules is outside the observed behavior of the Mayor or Council members, the alleged violation should be referred to the Mayor, or the Council President if it is the Mayor's behavior in question. The Mayor, or Council President if appropriate should ask the City Manager to investigate the allegation and report the findings to the Mayor. It is the Mayor's responsibility to take the next appropriate action. These actions can include, but are not limited to: discussing and counseling the individual on the violation(s); recommending sanctions to the full Council to consider in public meeting; or forming a Council ad hoc subcommittee to review the allegation, any investigation and findings, as well as to recommend sanction options for Council consideration.

6.6 Confidentiality

Councilors will keep all written materials provided to them on matters of confidentiality under law in complete confidence to insure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, City Staff, or City Attorney.

If the Council in executive session provides direction or consensus to city staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

All public statements, information, or press releases relating to a confidential matter will be handled by staff designated by majority of the Council.

The Council, by vote, may reprimand a member who discloses a confidential matter, or take any other appropriate legal action.

6.7 Expenses and Reimbursement

Councilors will follow the same rules and procedures for reimbursement as those which apply to City employees, as established by City policy. Councilor expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc.) must require advance Council approval according to the purchasing rules which apply citywide.

A Councilor who will be traveling on City business may make his or her own reservations for travel and lodging in accordance with City policy. Upon request to the City Manager, travel accommodations for Councilors will be made by City Staff.

The City does not reimburse Councilors for expenses incurred by their spouses.

Exhibit A – Hearings Procedures for Land Use Matters

CITY OF YACHATS - RESOLUTION NO. 2007-02-01

A RESOLUTION ADOPTING RULES OF PROCEDURE FOR THE CONDUCT OF HEARINGS RELATING TO LAND USE MATTERS AND REPEALING RESOLUTIONS NO. 62 AND NO. 280

WHEREAS, legislation of the State of Oregon mandates the adoption of rules for the conduct of certain hearings before the Council and Planning Commission; and

WHEREAS, the Council has determined that the rules set out in Resolution 280 need updating to provide clarity;

NOW THEREFORE, the City of Yachats resolves that the following hearing procedure rules are adopted:

RULES FOR CONDUCT OF HEARINGS

Section 1. Scope of Rules.

These rules shall govern the conduct of hearings held by the Council and the Planning Commission, hereafter referred to as the deliberating body, pursuant to the Zoning and Land Use Code of the City of Yachats, including all hearings and appeals provided for within said Code. Any other matters coming before the deliberating body for hearings may be governed by any or all of these rules at the discretion of the Council or Planning Commission, hereafter referred to as members.

Section 2. Nature and General Conduct of Hearing.

1. The deliberating body, in conducting a hearing which will result in a determination as to the permissible use of any specific property, is acting in an administrative, quasi-judicial capacity and all hearings shall be conducted accordingly. Interested parties are, therefore, entitled to notice of hearing, if required by Charter, Code or statute, an opportunity to be heard, to present and rebut evidence before a tribunal which is impartial, to have the proceedings recorded, and to have a decision based on evidence offered supported by findings of fact as part of that record.

2. No person shall be disorderly, abusive or disruptive of the orderly conduct of the hearing. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing. Such conduct may be cause for immediate suspension or continuance of the hearing by the deliberating body or the presiding officer may have the person or persons causing said disturbance removed from the hearing room.

3. No person shall testify without first receiving recognition from the presiding officer and stating his full name and residence address.

4. No person shall present irrelevant, immaterial or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by City staff shall be deemed relevant, material and competent unless objected to by any interested party with good cause at the first available opportunity.

5. The presiding officer, members of the deliberating body and, with the approval of the presiding officer, the City Attorney or any other officer or employee of the City may question any person who testifies.

Section 3. Challenge for Bias, etc./Disqualification

1. Any proponent or opponent of a proposal before the deliberating body may challenge the qualification of any member thereof to participate in such hearing and decision. Such challenge must state facts in writing, by affidavit, relied upon by the submitting party relating to a member's bias, prejudice, personal interest, or other facts from which the party has concluded that the member will not participate and make a decision in an impartial manner.

A) Such written challenge must be delivered by personal service to the City Manager and the member whose qualification is challenged not less than 48 hours preceding the time set for public hearing.

B) Such challenge shall be incorporated into the record of the hearing.

2. No member shall participate in discussion of the proposal or vote on the proposal when:

A) Any of the following has a direct or substantial financial interest in the proposal: The member or spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment; or

B) The member has a direct personal interest in the proposal; or

C) For any other reason, the member has determined that he or she cannot participate in the hearing or decision in an impartial manner.

3. Any member owning property, or having an interest in property within the area entitled to receive notice of the public hearing shall declare for the record the nature and extent of such interest. If the member has determined that he or she cannot participate in the hearing or decision in an impartial manner that member shall remove himself or herself from the deliberating body and join the audience and abstain from the vote on the proposal.

4. No other officer or employee of the City who has a financial or other private interest shall participate in discussion with or give an official opinion to the deliberating body on the proposal without first declaring for the record the nature and extent of such interest.

5. The general public has a right to have members free from pre-hearing or ex-parte contacts on matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Members of the deliberating body shall place on the record the substance of any written or oral ex-parte communications concerning a decision or action at the first hearing on the decision or action which occurs after the communication was made. Parties shall be given the right to rebut the substance of the communication. If such contacts have impaired their impartiality or their ability to vote on the matter, they shall so state and shall abstain therefrom.

6. Notwithstanding any provision of this or any other rule:

A) An abstaining or disqualified member may be counted for purposes of forming a quorum; and

B) A member may represent himself or herself, a client or any other member of the public at a hearing provided the member:

1) Abstains from the vote on the proposal;

2) Removes himself or herself from the deliberating body and joins the audience; and

3) Makes a full disclosure of the member's status and position at the time of addressing the deliberating body.

Section 4. Presiding Officer.

1. The Mayor, the Council President in the Mayor's absence, Chair of the Planning Commission or the Vice Chair in the Chair's absence shall be the presiding officer at all hearings. In their absence, or with their consent, the deliberating body may designate one of its members, or any other officer, employee, or person to act as presiding officer at a hearing. A presiding officer, if not a member shall have no vote on the question in determination of the matter.

2. The presiding officer shall have authority to:

A) Regulate the course and decorum of the hearing;

B) Dispose of procedural requests or similar matters;

C) Rule on offers of proof and relevancy of evidence and testimony;

D) Impose reasonable limitations on the number of witnesses heard and set reasonable time limits for oral presentations and rebuttal testimony; and

E) Take such other action authorized by the deliberating body appropriate for conduct commensurate with the nature of the hearing.

Section 5. Burden and Nature of Proof.

1. The burden of proof is upon the proponent. The more drastic the change or the greater the proposal or the greater the impact of the proposal on an area, the greater the burden is upon the proponent.

2. The requested proposal must be supported by proof that:
 - A) It conforms to the Comprehensive Plan for the City of Yachats as now or hereafter constituted, and any other special plan for the area involved;
 - B) It conforms to all applicable City Charter and other Code requirements;
 - C) There is a public need for the proposal;
 - D) The public need will be best served by granting the proposal, (if the proposal is for a zone change, proof must be submitted that the public need will be best served by changing the classification of the particular piece of property in question as compared with use of other available property); and
 - E) If other areas have been previously designated for use or development submitted in the proposal, there is a necessity for introducing the proposal into an area not previously contemplated and that the property owners there should bear the burden, if any, of introducing that proposal into their area.
3. The following criteria and factors are deemed relevant and material and shall be considered along with other factors deemed relevant by the deliberating body in reaching its decision on a proposal:
 - A) Mistake in the original zoning ordinance or Code;
 - B) Change of conditions within the immediate neighborhood in which the use or development is proposed;
 - C) All factors pertinent to the preservation and promotion of the public health, safety and general welfare, including but not limited to the character of the area involved, its peculiar suitability for particular uses, the conservation of property values and the direction of building development.

Section 6. Order of Procedure. The presiding officer, in the conduct of the hearing shall:

1. Open the Hearing. Announce the nature and purpose of the hearing and summarize the rules for conduct of the hearing. Hearings on land use actions shall include a statement that:
 - A) Describes the applicable substantive criteria which will be used to review the land use action;
 - B) Testimony at the hearing must be directed towards the criteria which will be used to review the land use action, or other criteria in the plan or land use regulations which a party believes to apply to the land use action;
 - C) Failure to raise an issue with sufficient specificity to afford the decision makers and the parties an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals based on that issue.
2. Objections to Jurisdiction. Inquire of the audience whether there are any objections to the jurisdiction of the deliberating body to hear the matter, and if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if an inquiry results in substantial evidence that the deliberating body lacks jurisdiction or the procedural requirements of the ordinance were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the deliberating body.

3. Call for Abstentions.

A) Inquire of the deliberating body whether any member thereof wishes to abstain from participation in the hearing. Any member then announcing his abstention shall identify the reasons for abstaining and shall not participate in discussion of the proposal or vote on the proposal.

B) Any member whose participation has been challenged by allegation of bias, prejudgment, personal interest, or partiality or who has been subject to significant ex-parte or prehearing contact with proponents or opponents may make a statement in response thereto or in explanation thereof, for the record, and his decision to participate in the hearing. This statement shall not be subject to cross-examination except upon consent of that member, but shall be subject to rebuttal by the proponent or opponent, as appropriate.

4. Staff Report. Summarize the nature of the proposal, explain any graphic or pictorial displays which are a part of the record, summarize the staff report, summarize the findings and decision of the Planning Commission if on appeal to Council and provide such other information as may be requested by the deliberating body. The presiding officer may request a representative of the Planning Commission or any other city officer or employee to perform this duty.

5. Applicant's or Proponent's Case. Determine whether the proponent will conduct the case in person or by representative. The applicant-proponent shall first be heard followed by any other persons in favor of the proponent's proposal.

6. Opponent's Case. Allow all persons in opposition to the proposal to present evidence and argument.

7. Applicant's Response. Allow the proponent to offer rebuttal evidence and testimony. Because the applicant bears the burden of demonstrating that the application should be approved, the applicant may respond to any opposing testimony but no new evidence shall be accepted.

8. Staff Recommendation. If the deliberating body wishes, request staff to make final comments and give their recommendations on the application.

9. Close of Hearing and Deliberation.

A) If the deliberating body decides that all necessary evidence has been presented, the presiding officer shall conclude the hearing and the deliberating body shall deliberate the proposal. The deliberating body shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponents, or staff, or may continue its deliberations to a subsequent meeting, the time and place of which must then be announced; but shall be within time limits established by ordinance. The subsequent meeting shall be for the purpose of continued deliberation and shall not allow for additional submission of testimony, except upon decision of the deliberating body.

B) If the deliberating body decides it needs more information, the hearing may be continued to a future date, the time and place of which must then be announced; but shall be within time limits established by Code.

Section 7. Official Notice.

1. The deliberating body may take official notice of the following:
 - A) All facts which are judicially noticeable; and
 - B) The Charter, Code, resolutions, rules, regulations and official policies (if written) of the City of Yachats.
2. Matters officially noticed need not be established by evidence and may be considered by the deliberating body in the determination of the proposal.

Section 8. Record of Proceedings.

1. The City Manager or designate, or, if unable to attend, a designee of the presiding officer, shall be present at each hearing and shall cause the proceedings to be recorded. It shall not be necessary to transcribe testimony unless required for judicial review or unless ordered by the deliberating body.
2. The presiding officer shall, where practicable, cause to be received all physical and documentary evidence presented which shall be marked to show the identity of the person offering the same and whether presented on behalf of proponent or opponent. Unless evidence is capable of being offered and incorporated into the record of the case, it shall not be received. All exhibits received into evidence shall be retained by the City until after any applicable appeal period has expired, at which time the exhibits may be released upon written demand to the person identified thereon.
3. Any member of the public shall have access to the record of the proceedings at reasonable times, places and circumstances. Any members of the public shall be entitled to a copy of the record at their own expense.

Section 9. Publication of Rules.

1. These rules shall be filed with the City Manager.
2. A copy of these rules shall be available at all meetings of the deliberating body at which a public hearing is scheduled. A copy shall be available to the public at a reasonable cost.
3. These rules are supplementary to any rules of procedure previously adopted by the City Council, either by ordinance or resolution, for the conduct of public hearings; provided, however, these rules shall control where there are conflicting provisions.

Section 10. Amendment and Suspension of Rules.

Any rule of procedure not required by law or the City Charter may be amended, suspended or repealed at any hearing by majority vote of the deliberating body members present and voting.

Section 11. Repeal.

Resolutions 62 and No. 280 are hereby repealed.

PASSED AND ADOPTED by the City Council February 2007.

EXHIBIT B – Mayor, Council & City Manager Duties and Goals

Preamble:

2016-17 TRANSITION OF POSITIONS AND MAYOR; GOALS OF COUNCIL

This memorandum was created to record the multi-layer changes to the operations of the City of Yachats during the fiscal year of 2016-17, when the administrative duties of the Mayor, City Recorder and Public Works Director were moved to a newly-created position of City Manager.

CITY CHARTER PROVISIONS

1. Mayor is the political head of the five-member council (Mayor plus four)
2. Council has legislative, administrative and quasijudicial authority
3. Different audiences dictate leadership roles of mayor/council members
4. Partnership is essential between Mayor and council members
5. Rotate assignments of issues/goals between Mayor, council members
6. Council members may help train future mayors
7. Council members may act as a mentor for new members
8. Mayor, Council President, City Manager work with attorney, engineer
9. Mayor, Council President, City Manager work with planner, insurance
10. Mayor, Council, City Manager, City Clerk III may all sign checks
11. Mayor, Council, City Manager, staff will attend meetings as City needs
12. Mayor, Council, City Manager may monitor committees/commissions
13. Mayor will assign commission/committee seats, as approved by council
14. Mayor, Council represent City in various aspects and authorities
15. Mayor, Council, staff will research, present written reports in meetings
16. Mayor maintains relationships with other governmental entities
17. Mayor participates in meetings with organizations on behalf of City
18. Mayor is encouraged to participate in LOC, OCZMA, OCWCOG
19. Mayor, Council President act as first-line supervisors to City Manager
20. Mayor, Council represent City at social functions, information meetings
21. Mayor, Council maintain phones and/or email to facilitate emergencies
22. Mayor, Council advise City Manager of planned absences, availability

MAYOR - Elected to serve a two-year term

1. Presides over & facilitates meetings
2. Preserves order, enforces council rules
3. Determines order of business, under council rules
4. Has a vote on the council
5. Does not have veto authority
6. Appoints commission/committee members, with consent of council

7. Must sign all records of council decisions
8. Serves as the political head of the city government
9. Substituted for by council president, elected by council
10. Is elected to two-year term
11. Must be a qualified elector under state law
12. Must reside within the city for at least one year before takes office
13. May not be employed by the city

COUNCIL - Elected to serve a four-year term each

1. Council consists of the Mayor and four other councilors
2. At its first meeting of the year, must elect a president from council
3. Has legislative, administrative, quasijudicial authority
4. Legislative = ordinance; administrative = resolution; quasijudicial = order
5. May not delegate its authority to adopt ordinances
6. Must adopt rules by resolution to govern its meetings
7. Must meet at least once a month, at a place designated by rule
8. May meet at other times, in accordance with the rules
9. A majority of members is a quorum to conduct business
10. A small number may meet, compel attendance of absent members
11. Express approval of majority of quorum required for council decision
12. A majority of the council may be required by Charter on occasion
13. A record of meetings must be kept according to council rules

COUNCIL PRESIDENT - Elected every year at the first meeting of the year

1. Presides in the absence of mayor, or Mayor's inability to act
2. Acts as first-line supervisor of City Manager, in the absence of Mayor

CITY MANAGER - Divided into five subcategories of responsibilities

Chief Administrative Officer

1. Accountable for all City operations
2. First point of contact for citizens proposing or requesting City Council action
3. Advise Mayor and Council of affairs and needs of the City
4. Attend city council meetings; represents city in various other meetings
5. Sit with Council and take part in Council discussions
6. Implement policy under general direction of council
7. Coordinate information flow between other agencies, public, council
8. Primary contact for City Attorney, Engineer, Planner, Council, Mayor
9. Organize or reorganize the departmental structure of City
10. Prepare ordinances and resolutions for review by city attorney

11. Analyze/create/discover/implement leading efficiency practices
12. Supervise/responsible for public works programs and facilities; City property
13. Not required to work with public works crew/have CDL/operate equipment
14. Meet with reps of various governmental agencies on problems
15. Confer with all department heads on programs, procedures, issues
16. Supervise all public utilities and properties owned by City
17. Recommend legislation to improve compliance with operations
18. Develop and revise city policies for approval by council
19. Analyze administrative problems, recommends solutions to council
20. Maintain a thorough and up-to-date knowledge of all municipal laws
21. Assist citizens seeking information or making complaints
22. Attempt to dispose of complaints to best advantage of all parties
23. Maintain cooperative working relationship with staff and public
24. Direct and follow all safety rules and procedures for work areas
25. All staff and contractors report to CM, under general supervision
26. Provide ordinance enforcement; may issue citations for Muni Court process
27. Provide for all ordinances to be administered
28. Approve and assign training for all department employees
29. Review approve all overtime accruals and time sheets
30. Annual evaluation of all employees
31. Discipline employees within guidelines of rules and contracts
32. Investigate complaints against persons supervised
33. Periodic review of position descriptions
34. Control, general supervision over employees, appointive officers
35. Employ/supervise/reward/discipline/dismiss any employee, under rules
36. Plan and direct activities of all City departments
37. Analyze, supervise committee functions, commissions, services
38. Develop and organize projects and programs, assist in conclusion
39. Coordinate department work with affected business or agencies
40. Advise public of service interruptions and emergencies
41. Investigate reports and complaints of service failures, resolve
42. Maintain accurate and orderly records of work accomplished
43. Generate or maintain maps, diagrams, correspondence, written reports

Chief Financial Officer

44. Chair Finance Committee and annual CIP process, with input
45. Authorize vendors and all purchases, under guidelines
46. Provide supporting exhibits for comprehensive financial plan
47. Supervise city contracts and operations of all City properties
48. Ensure that all terms of franchises, leases, contracts are fulfilled
49. Maintain knowledge of grant programs available
50. Supervise preparation of grant application, administers all grants
51. Provide administration for grants and contracts

- 52. Maintain insurance records on all City property; confers with agents
- 53. Supervise recording of assessment liens and collections
- 54. Invest City funds; responsible for and supervises all financial processes
- 55. Obtain estimates, quotes or bids from contractors
- 56. Draft or finalize staff reports, forwards to Council
- 57. Prepare agendas in coordination with chair of each body
- 58. Research, provide materials and supporting data for agenda items
- 59. Perform follow-up action, as necessary
- 60. Work with City Engineer, City Attorney, City Planner on projects
- 61. Fiscal supervision over City Budget and expense control
- 62. Business agent for sale of real or personal City property

Budget Officer

- 63. Administer/plan/direct overall budgeting and finance functions
- 64. Supervise preparation of annual budgets
- 65. Approve departmental needs, communicate to Budget Committee
- 66. Prepare Budget Message
- 67. Ensure budget documents are published in accordance with budget law
- 68. Act on broad policy, planning and budget decisions for operations
- 69. Prepare and transmit to Council an annual budget
- 70. Analyze, interpret, prepare, propose new budget to Budget Committee

Elections Officer

- 71. Prepare canvass of votes, posts notices
- 72. Ensure that documents are filed with County Clerk, under elections laws
- 73. Observe all deadlines and coordinate with County on verifications, filings

City Recorder

- 74. Supervise management of all City records and archives
- 75. Ensure minutes and/or journals of proceedings are kept
- 76. Countersign all writings authorized by the council
- 77. Prepare council agendas, provides info and documents for agendas
- 78. Custodian of record for all personal, intellectual, real property
- 79. Oversee publication of City newsletter and calendar of events
- 80. Oversee and/or perform work relating to maintaining records
- 81. Perform such other related duties as assigned

Yachats Urban Renewal District
Annual Report and Financial Statement
Fiscal Year July 1, 2018 – June 30, 2019

The City of Yachats has an urban renewal agency (Yachats Urban Renewal Agency) that receives property taxes to pay for projects and programs to improve the Urban Renewal District. Each year, urban renewal agencies provide a summary of their finances for public information. This report is in addition to the annual agency budgets, which are adopted after public hearings. The Annual Report & Financial Statement for the Yachats Urban Renewal Agency has been prepared for fiscal year 2019 based on audited financial information and is on file with the City of Yachats and the Yachats Urban Renewal Agency. Additional information is available to all interested persons by contacting Shannon Beaucaire, City Manager/Recording Secretary for the Yachats Urban Renewal Agency, at Yachats City Hall, 441 Highway 101 N, P.O. Box 345, Yachats, Oregon 97498; telephone (541) 547-3565; e-mail citymanager@yachatsmail.org.

Urban renewal funds come from a variety of sources...but the most common source is through tax increment financing. Tax increment financing is the basic means of financing urban renewal projects in the State of Oregon. Tax increment financing becomes available when an urban renewal plan is adopted. The steps in the tax increment process are:

- When a plan is adopted, total assessed value in the renewal area becomes the “frozen base” of assessed value.
- The Assessor re-calculates the total assessed values in the area each year that the renewal plan is in operation.
- Tax increment revenue is produced when total assessed values exceed the frozen base value. The assessor calls this increase over the frozen base “excess value”.
- Under Ballot Measure 50, growth in values comes from new construction, and a maximum 3% growth on existing property
- The tax increment revenue must be spent on activities written into the renewal plan
- The tax increment revenue must be spent inside the urban renewal plan boundary

Though urban renewal is a separate item on property tax statements, local property owners pay the same amount of tax whether or not an urban renewal district is established in their area. Basic property tax rates are fixed and will not change. Ballot Measure 50, which was passed by Oregon voters in 1996, requires urban renewal to be specifically shown on tax statements, but taxes shown on the tax statement to other taxing districts and government bodies are reduced by the same amount.

Fiscal Year 2019 Receipts and Expenditures

During the 2018-2019 fiscal year, the Agency received \$322,029 in tax revenue, \$51,029 more than budgeted, from tax increment financing. The Agency had a beginning fund balance of \$204,015. Expenditures totaled \$228,227 for payments to the City per an intergovernmental agreement. The payment to the City was used for repayment of the wastewater treatment plant loan and administration and accounting services. \$297,767 was carried forward into fiscal year 2019-2020 as a beginning balance.

Impact on Fiscal Year 2019 Tax Collections for Overlapping Taxing Districts

The division of taxes process results in some property taxes, which would otherwise have been received by the overlapping taxing districts, being paid over to the Yachats Urban Renewal Agency. The taxing districts forego a share of the property tax income during the life of an urban renewal plan so that the urban renewal agencies can carry out the activities that increase property values in the long term. The impact on the overlapping taxing districts was \$322,029.

Fiscal Year 2020 Budget Receipts and Expenditures

Budget estimates for fiscal year 2020 show that the Urban Renewal Agency expects to receive \$308,000 from the division of taxes.

Anticipated 2020 fiscal year expenditures include a payment to the City of Yachats of \$95,000 for debt service for the wastewater treatment plant loan, \$100,000 for debt service for the South Tank, \$25,000 for wastewater projects, \$13,000 for administration and accounting services. \$2,300 is budgeted for audit services and legal notices. \$347,456 was carried forward into fiscal year 2021 as a beginning balance.

This statement is hereby filed with the City of Yachats on January 15, 2020. Notice of this filing shall be posted and published on February 14 and February 21, 2020. The statement shall be made available to all interested parties.

Shannon Beaucaire
City Manager/Recording Secretary for the Yachats Urban Renewal Agency

Section 4.08.010 Purpose.

The vacation rental license is in recognition of the desire of many owners to rent their property on a short-term basis and to provide for the orderly use and regulation of such rentals to preserve the health, safety and welfare of the community. This use shall not adversely affect the residential character of the neighborhood. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.

Section 4.08.020 Definitions.

“Dwelling unit” means any building or portion thereof which contains separate living facilities, including provisions for sleeping, eating, cooking and sanitation.

“Incident” means an offensive activity or breach of the standards in Section 4.08.030.

“Local contact person” means a person with the authority to take action or make decisions concerning the management of a licensed vacation rental property.

“Occupant” means a person over the age of four (4) years who occupies a rented dwelling unit.

“Overnight” means anytime between the hours of 10:00 p.m. and 7:00 a.m. on the following day.

“Sleeping area” means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon.

“Surfaced” means a gravel, paved, tile, brick or concrete surface suitable for parking a vehicle.

“Vacation rental” means a single-family dwelling, duplex or triplex which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however, each individual unit is to be considered separately for licensing and regulation purposes. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than thirty (30) days.

Section 4.08.030 Standards.

A vacation rental license shall be issued to the dwelling owner providing the following standards are met:

A. Except for individual dwelling units located on the same property, such as a duplex or triplex, a person holding a vacation rental license or an interest in a property covered by a vacation rental license shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a vacation rental license covering any other property. Any change of ownership, in whatever form, shall be reported to the City within thirty (30) days.

B. Vacation rentals in residential zones shall have no more than four (4) bedrooms. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 328, adopted November 13, 2014.)

C. A vacation rental shall comply with all applicable laws. Basic visitor rules as provided by the City must be prominently displayed on the inside of the primary exit door.

D. Each vacation rental shall have a local contact person who must live within ten (10) miles of the City of Yachats and be available for response to alleged violations within two (2) hours of notification. The contact information for the local contact person shall be kept current with the City of Yachats; identified on the vacation rental application; and available by phone at all reasonable times (8:00 a.m. to 11:00 p.m.) and respond within two (2) hours if there is a problem during the dwelling's use as a vacation rental. The City license, with the name and phone number of the local contact, shall be posted on the front of the vacation rental building, where the public can easily read it. The license placard furnished by the City will be a specific color matched to property management companies, to further assist the public in identifying the responsible party. The house number for the vacation rental shall be prominently displayed on the exterior of the building, using numbers at least four (4) inches in height, and be readily visible from the street. A copy of the local contact person agreement, in a form approved by the City, which lists the duties and responsibilities of the local contact person, signed by both the property owner and the local contact person, shall be filed with the City, and kept current. The local contact person must maintain an accurate listing of complaints received about the vacation rental. The listing must document the date of each complaint received, the nature of the complaint and how the complaint was resolved. The listing will be provided to the City, upon request, as part of the annual license renewal for the vacation rental.

E. Off-street parking shall be provided that meets the standards in YMC 9.48.010. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 226, adopted 1/15/2002.) If access to the rental property crosses private property via an easement, right-of-way, or other conveyance, all parking must be contained on the rental property. Owners are required to provide parking that is unimpeded, surfaced, useable and available to renters. The parking shall be mapped and posted in the home, and a copy given to the City with the vacation rental license application, and again whenever the location of designated parking spaces change. The owner shall require renters to use only the parking spaces that are surfaced and marked on the map.

F. The maximum number of vehicles allowed on the property shall not exceed the number of surfaced parking areas on the property or six (6) vehicles, whichever is less. Parking is limited to surfaced parking on the property. If access to the rental property crosses private property via an easement, right-of-way, or conveyance, ingress and egress must be accomplished without encroachment on other properties adjoining the privately maintained access road or driveway. In such situations applicants will provide evidence of their right to use the privately maintained access road or driveway consistent with vacation rental before a vacation rental license is granted.

G. There shall not be any noise, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental that violates Yachats Municipal Code.

H. The maximum allowable number of occupants shall be two (2) persons per sleeping area plus two (2) additional persons per vacation rental. The rental agent shall match the number of persons and vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the City. Recreational vehicles, campers, tents and similar structures shall not be allowed on vacation rental properties. Parking a boat trailer under twenty feet in total length, including tongue, with or without a boat, is permitted as a substitute for one vehicle.

I. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided, with each receptacle either having a bear-resistant mechanism or being stored in a bear-resistant location. Except on collection day, these garbage receptacles shall not be readily visible from the street. Renters shall be advised not to place trash outside in plastic bags.

J. Each vacation rental shall provide and maintain a container for the disposal of cooking grease into a solid waste receptacle to prevent the grease from entering the sewer system.

K. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

L. Vacation rental licenses are non-transferable.

M. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

N. Licensees shall keep all information on the City website current and notify City Hall of any changes in mailing address, email address or agent or contact person. Email addresses, mailing addresses and phone numbers for the owner, local contact person and person responsible for tax reporting shall be kept current with the City. Failure to keep contact information current shall constitute a violation of this chapter.

O. Licensees may not advertise a vacation rental for a higher occupancy than the maximum allowable number of overnight occupants listed on the license.

P. Vacation rentals shall comply with the standards in this section, whether or not the vacation rental is occupied by a renter, owner, or other person.

Section 4.08.040 Inspection, license and annual fee.

A. The City shall prepare an application form for a vacation rental license. Prior to issuance of a vacation rental license, the City will inspect the subject property to determine occupancy capacity, parking and access compliance. Upon receipt of the completed application, the annual license fee, inspection and attestation that the licensing standards have been met, the City shall issue a license to the applicant (not the dwelling) for a period of one year. Subject to license caps and procedures under Section 4.08.040(C), licenses may be renewed annually if all standards are met. The vacation rental will be subject to inspection every two years. The City retains the right to re-inspect the property at any time. Complaints received by the City may trigger a re-inspection. An inspection fee will be assessed for the initial inspection, for additional inspections undertaken due to complaints, and for each two (2) year inspection completed by the City. To obtain a vacation rental license, an applicant is not required to also pay a business occupation license fee in addition to the annual vacation rental license fee. The annual license and inspection fees shall be set by resolution of the City Council. All fees are non-refundable.

B. All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1 of each year for the fiscal year commencing with that date and are delinquent on February 1. The delinquency fee will be set by resolution.

C. A total of one hundred twenty-five (125) licenses will be available at any one time. For license renewals each year, priority will be given to existing licenses seeking renewal, so long as the renewal application is delivered to the City by December 29, or the next business day if December 29 falls on a day City Hall is closed. After December 29, if existing licenses are below one hundred twenty-five (125) in total number, and there are licenses available after accounting for all license renewal, new applications will be accepted on a first-come first-served basis, with process identified through administrative policy.

Section 4.08.050 Complaints.

All complaints shall be in writing on a form provided by the City and signed by the complainant. The complainant must show or attest that they have made a timely attempt to resolve the issue with the local contact person responsible for management of the property. The complainant is expected to initiate the process while the out of compliance incident is occurring or when they first become aware that a property is not in compliance with the regulations. All complaints filed with the City shall be verified by the City for validity.

A. When a complaint is filed that is verified by the City to be valid, the owner and local contact person will be notified in writing by mail or email, and provided with a copy of the complaint. Either the owner or the local contact person will be required to meet with a City representative to discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time, City staff will prepare a report for City Council action.

B. Upon a second complaint that is verified by the City to be valid, the owner and local contact person will again be notified in writing by mail or email and provided with a copy of the complaint. Either the owner or local contact person will again be required to meet with a City representative to further discuss means by which further complaints may be avoided. If the licensee fails to meet this requirement within a reasonable amount of time, the City Manager will prepare a report for City Council action.

C. Upon a third complaint within a ninety (90) day period that is verified by the City to be valid, the owner and agent, if any, will be notified in writing by mail or email and provided with a copy of the complaint.

1. City staff may schedule a hearing and prepare a report for City Council action.
2. The City Council may schedule a hearing.
3. Either the City Manager or City Council may, without a hearing, revoke the license immediately.
4. In the event that a license is revoked, the applicant or license holder shall have the right of appeal. The written notice of appeal to the Council shall be filed with the City within fifteen (15) days of the notice of revocation.

D. Standards of judging complaints shall include, but are not limited to, the following:

1. Noncompliance with vacation rental license standards as stated in Section 4.08.030;
2. Monopoly of on-street parking;
3. Other offensive activities not in harmony with the residential neighborhood such as trespass, excessive noise or pets running loose.

E. The City Council, upon hearing the evidence, may: (1) approve the license as it exists; (2) revoke the license; (3) impose appropriate restrictions on the operation of the license.

Section 4.08.060 Violations—Penalties.

It is unlawful for any person to violate the requirements of YMC Chapter 4.08. Each day of a continuing violation constitutes a separate violation. Violations of this Chapter shall be subject to the procedures and penalties of YMC Chapter 1.12. In addition to the specific penalties set out in this Section, the third violation within any consecutive twelve (12) month period shall result in revocation of the vacation rental license for twelve (12) months, after which time the owner may reapply for a new license, in accordance with Section 4.08.040(C).

A. Failing or refusing to apply for a license, or operating without a license as required herein is a Class B infraction.

B. All other violations of YMC Chapter 4.08 are Class C infractions.

**CITY OF YACHATS
ORDINANCE NO. __**

**AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 4.08
RELATED TO VACATION RENTALS**

Whereas, the City has regulated vacation rentals for over twenty years so it has been able to observe the impact of the regulations on the community and observe which areas of the regulations could be improved to better obtain the desired results; and

Whereas, the City desires to maintain a strong sense of community and not overwhelm neighborhoods with short-term rentals that impact livability for owner-occupied and long-term rental homes; and

Whereas, the City has a record of responding to complaints related to vacation rentals and the impacts that these rentals have on neighborhoods, including noise, excessive trash, and parking problems; and

Whereas, the City understands the needs of owners that choose to rent out their homes on a short-term basis, so the City seeks to balance the wants of such owners with the wants of their neighbors that deal with the nuisance impacts that can result from vacation rentals; and

Whereas, the City wants to encourage all those property owners that engage in short-term renting of their property to license their activities so that all property owners are operating under the same rules; and

Whereas, the City wishes to make select changes to its vacation rental regulations based upon its review of recent complaints, examples from other jurisdictions, and reflection on its current practices,

NOW THEREFORE, the City of Yachats ordains as follows:

Section 1. Yachats Municipal Code Chapter 4.08.

Yachats Municipal Code Chapter 4.08 shall be amended to read as follows:

Section 4.08.010 Purpose.

The vacation rental license is in recognition of the desire of many owners to rent their property on a short-term basis and to provide for the orderly use and regulation of such rentals to preserve the health, safety and welfare of the community. This use shall not adversely affect the residential character of the neighborhood. These standards and procedures are in addition to City ordinances and Federal and State laws and regulations.

Section 4.08.020 Definitions.

“Dwelling unit” means any building or portion thereof which contains separate living facilities, including provisions for sleeping, eating, cooking and sanitation.

“Incident” means an offensive activity or breach of the standards in Section 4.08.030.

“Local contact person” means a person with the authority to take action or make decisions concerning the management of a licensed vacation rental property.

“Occupant” means a person over the age of four (4) years who occupies a rented dwelling unit.

“Overnight” means anytime between the hours of 10:00 p.m. and 7:00 a.m. on the following day.

“Sleeping area” means a bedroom or loft within a dwelling unit which meets the requirements of the building code as adopted by the State of Oregon.

“Surfaced” means a gravel, paved, tile, brick or concrete surface suitable for parking a vehicle.

“Vacation rental” means a single-family dwelling, duplex or triplex which is rented, or held out as available for rent, for periods of less than thirty (30) days, such as by the day or week. The dwelling may consist of individual units or be in a contiguous form to be considered a vacation rental dwelling; however, each individual unit is to be considered separately for licensing and regulation purposes. A dwelling which is listed with an agent as a vacation rental, advertised, available by referral, word of mouth, commendation and reputation are some of, but not limited to, the ways of identifying a vacation rental. It shall be a rebuttable presumption that a dwelling unit is a vacation rental if it is visited overnight by at least four (4) different vehicles over the course of a month, for three (3) consecutive months. The exchange of consideration is not necessary to meet the definition of a vacation rental if the dwelling otherwise is held out as available for occupancy for periods of less than thirty (30) days.

Section 4.08.030 Standards.

A vacation rental license shall be issued to the dwelling owner providing the following standards are met:

A. Except for individual dwelling units located on the same property, such as a duplex or triplex, a person holding a vacation rental license or an interest in a property covered by a vacation rental license shall not be eligible to apply for or hold, as a member of a group or any other form of beneficial ownership, a vacation rental license covering any other property. Any change of ownership, in whatever form, shall be reported to the City within thirty (30) days.

B. Vacation rentals in residential zones shall have no more than four (4) bedrooms. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 328, adopted November 13, 2014.)

C. A vacation rental shall comply with all applicable laws. Basic visitor rules as provided by the City must be prominently displayed on the inside of the primary exit door.

D. Each vacation rental shall have a local contact person who must live within ten (10) miles of the City of Yachats and be available for response to alleged violations within two (2) hours of notification. The contact information for the local contact person shall be kept current with the City of Yachats; identified on the vacation rental application; and available by phone at all reasonable times (8:00 a.m. to 11:00 p.m.) and respond within two (2) hours if there is a problem during the dwelling's use as a vacation rental. The City license, with the name and phone number of the local contact, shall be posted on the front of the vacation rental building, where the public can easily read it. The license placard furnished by the City will be a specific color matched to property management companies, to further assist the public in identifying the responsible party. The house number for the vacation rental shall be prominently displayed on the exterior of the building, using numbers at least four (4) inches in height, and be readily visible from the street. A copy of the local contact person agreement, in a form approved by the City, which lists the duties and responsibilities of the local contact person, signed by both the property owner and the local contact person, shall be filed with the City, and kept current. The local contact person must maintain an accurate listing of complaints received about the vacation rental. The listing must document the date of each complaint received, the nature of the complaint and how the complaint was resolved. The listing will be provided to the City, upon request, as part of the annual license renewal for the vacation rental.

E. Off-street parking shall be provided that meets the standards in YMC 9.48.010. (This provision shall be waived for any existing vacation rental as of the effective date of Ordinance No. 226, adopted 1/15/2002.) If access to the rental property crosses private property via an easement, right-of-way, or other conveyance, all parking must be contained on the rental property. Owners are required to provide parking that is unimpeded, surfaced, useable and available to renters. The parking shall be mapped and posted in the home, and a copy given to the City with the vacation rental license application, and again whenever the location of designated parking spaces change. The owner shall require renters to use only the parking spaces that are surfaced and marked on the map.

F. The maximum number of vehicles allowed on the property shall not exceed the number of surfaced parking areas on the property or six (6) vehicles, whichever is less. Parking is limited to surfaced parking on the property. If access to the rental property crosses private property via an easement, right-of-way, or conveyance, ingress and egress must be accomplished without encroachment on other properties adjoining the privately maintained access road or driveway. In such situations applicants will provide evidence of their right to use the privately maintained access road or driveway consistent with vacation rental before a vacation rental license is granted.

G. There shall not be any noise, litter or odor noticeable at or beyond the property line resulting from the use of the dwelling as a vacation rental that violates Yachats Municipal Code.

H. The maximum allowable number of occupants shall be two (2) persons per sleeping area plus two (2) additional persons per vacation rental. The rental agent shall match the number of persons and vehicles to the particular property being rented. Advertisements for the rental shall not list a number of occupants that exceeds the number authorized by the City. Recreational vehicles, campers, tents and similar structures shall not be allowed on vacation rental properties. Parking a boat trailer under twenty feet in total length, including tongue, with or without a boat, is permitted as a substitute for one vehicle.

I. Weekly solid waste collection service shall be provided. A sufficient number of suitable garbage receptacles shall be provided, with each receptacle either having a bear-resistant mechanism or being stored in a bear-resistant location. Except on collection day, these garbage receptacles shall not be readily visible from the street. Renters shall be advised not to place trash outside in plastic bags.

J. Each vacation rental shall provide and maintain a container for the disposal of cooking grease into a solid waste receptacle to prevent the grease from entering the sewer system.

K. All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having the control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.

L. Vacation rental licenses are non-transferable.

M. The licensee must comply with the requirements of the occupancy tax ordinance as a condition for issuance or renewal of a vacation rental license.

N. Licensees shall keep all information on the City website current and notify City Hall of any changes in mailing address, email address or agent or contact person. Email addresses, mailing addresses and phone numbers for the owner, local contact person and person responsible for tax reporting shall be kept current with the City. Failure to keep contact information current shall constitute a violation of this chapter.

O. Licensees may not advertise a vacation rental for a higher occupancy than the maximum allowable number of overnight occupants listed on the license.

P. Vacation rentals shall comply with the standards in this section, whether or not the vacation rental is occupied by a renter, owner, or other person.

Section 4.08.040 Inspection, license and annual fee.

A. The City shall prepare an application form for a vacation rental license. Prior to issuance of a vacation rental license, the City will inspect the subject property to determine occupancy capacity, parking and access compliance. Upon receipt of the completed application, the annual license fee, inspection and attestation that the licensing standards have been met, the City shall issue a license to the applicant (not the dwelling) for a period of one year. Subject to license caps and procedures under Section 4.08.040(C), licenses may be renewed annually if all standards are met. The vacation rental will be subject to inspection every two years. The City retains the right to re-inspect the property at any time. Complaints received by the City may trigger a re-inspection. An inspection fee will be assessed for the initial inspection, for additional inspections undertaken due to complaints, and for each two (2) year inspection completed by the City. To obtain a vacation rental license, an applicant is not required to also pay a business occupation license fee in addition to the annual vacation rental license fee. The annual license and inspection fees shall be set by resolution of the City Council. All fees are non-refundable.

B. All licenses shall be obtained prior to any rental of the property. The required application and license fee are due on January 1 of each year for the fiscal year commencing with that date and are delinquent on February 1. The delinquency fee will be set by resolution.

C. A total of one hundred twenty-five (125) licenses will be available at any one time. For license renewals each year, priority will be given to existing licenses seeking renewal, so long as the renewal application is delivered to the City by December 29, or the next business day if December 29 falls on a day City Hall is closed. After December 29, if existing licenses are below one hundred twenty-five (125) in total number, and there are licenses available after accounting for all license renewal, new applications will be accepted on a first-come first-served basis, with process identified through administrative policy.

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B. All other violations of YMC Chapter 4.08 are Class C infractions.

Section 2. Effective date.

Pursuant to the Yachats Charter, this ordinance shall take effect 30 days after adoption.

Passed and adopted by the City Council of the City of Yachats on this ____ day of _____, 2020.

W. John Moore, Mayor

Attest: _____
Shannon Beaucaire, City Manager