1. Agenda

    Documents:

        2018-08-01 AGENDA.PDF

2. Meeting Materials

    Documents:

        2018-08-01 AUDIT RESOLUTION.PDF
        2018-08-01 DOG DISCUSSION.PDF
        2018-08-01 FACILITATED MEETING.PDF
        2018-08-01 MID COAT WATER.PDF
        2018-08-01 RIGGS PROPERTY.PDF
        2018-08-01 RULES RESOLUTION.PDF
        2018-08-01 SMALL CITY RESOLUTION.PDF
        2018-08-01 WATER RESOLUTION.PDF
        2018-08-08 DRAFT AGENDA.PDF
        2018-08-08 SCOTT RESIGNATION.PDF

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

CITY COUNCIL WORK SESSION, REGULAR COUNCIL MEETING

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

Wednesday, August 1, 2018 at 9:30am

WORK SESSION AGENDA

I. CALL MEETING TO ORDER

II. WORK SESSION DISCUSSION TOPICS

a. Discussion of potential options for Riggs Property
b. Review of Council Rules Update
c. Discussion of Citizen suggestion for Vacation Rental Rules Update re: dogs
d. Update on Mid-Coast Water Planning Partnership
e. Update & Discussion of Council Facilitated Session
f. Approve agenda for 8/8/18 City Council Meeting **at 6:00pm in Room 1**

REGULAR COUNCIL MEETING

I. Announcements

II. Public Comment/Citizen Concerns
i. (**topics not listed on the agenda**: 5-minute limitation per person)

III. Discussion/Vote: Resignation of Councilor Greg Scott
Appointment of Council President
IV. Vote: Resolution 2018-07-03 Council Rules Update
V. Vote: Resolution 2018-08-01 Water Shortage Phase 1 Declaration
VI. Vote: Resolution 2018-08-02 Authorization to Engage Auditors
VII. Vote: Resolution 2018-08-03 Small City Allotment Grant

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 7/26/18

City Council Action Item Cover Sheet

DATE: August 1, 2018

Agenda Item:

Resolution 2018-08-02 Resolution to authorize the City Manager to contract with Hanford & Associates for audit services for the 2017-18 Fiscal Year

Question Before Council:

Approval of Resolution 2018-08-02

Person/Group Initiating Request:

City Manager

Item Summary/Background:

Hanford & Associates has sent the attached engagement letter to contract for audit services for the 2017-18 fiscal year. Resolution 2018-08-02 authorizes the City Manager to contract with Hanford and Associates for those services.

The City Manager recommends, after considering any comments, the City Council consider the following motion:

I move to authorize the City Manager to contract with Hanford & Associates for audit services for the 2017-18 fiscal year in Resolution 2018-08-02.

Alternative: None Recommended

CITY OF YACHATS

RESOLUTION NO. 2018-08-02

A RESOLUTION AUTHORIZING THE CITY MANAGER TO CONTRACT AUDIT SERVICES TO REVIEW THE 2017-18 FISCAL YEAR

WHEREAS, the State of Oregon requires an audit for the 2017-18 Fiscal Year; and

WHEREAS, the Council has decided to hire Hanford & Associates for audit services as proposed;

NOW THEREFORE, the City Council authorizes the City Manager to contract with Hanford & Associates for audit services as outlined in the letter of engagement, for the 2017-18 fiscal year.

Adopted by the Yachats City Council on August 1, 2018

_____

Gerald Stanley, Mayor

ATTEST:

_____

Shannon Beaucaire, City Manager

July 23, 2018

City Council
City of Yachats
441 Highway 101 North
Yachats, Oregon 97498

Dear Council Members,

We are pleased to confirm our understanding of the services we are providing for the City of Yachats ("the City") for the year ended June 30, 2018. Please read this letter carefully as it is important that you understand and accept the terms under which we have agreed to perform our services as well as management's responsibilities under this agreement.

Audit Services
We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, the aggregate remaining fund information, and the related notes to the financial statements, which collectively comprise the basic financial statements of the City as of and for the period ended June 30, 2018. Accounting principles generally accepted in the United States of America (U.S. GAAP) call for certain required supplementary information (RSI) to accompany the basic financial statements. The Governmental Accounting Standards Board also considers this information a necessary part of financial reporting, as it provides perspective to the basic financial statements. Therefore, as part of this engagement, we will apply limited procedures to the City's RSI in accordance with auditing standards generally accepted in the United States of America (GAAS). These limited procedures will primarily consist of inquiries of management regarding their methods of measurement and presentation. However, we will not express an opinion or provide any assurance on this RSI, as our limited procedures do not provide us with sufficient evidence to do so. Consequently, the financial statements we present to you will include the following required RSI that will not be audited and, as such, our report will disclaim an opinion on this RSI:

- Management's Discussion and Analysis
- Schedule of Proportionate Share of Net Pension Liability
- Schedule of Contributions – Oregon Public Employees Retirement Fund
- Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual – Major Governmental Funds

We also understand that supplementary information other than RSI will accompany the City's basic financial statements. In accordance with GAAS, we will apply auditing procedures and other additional procedures deemed necessary to the following supplementary information accompanying the basic financial statements in order to provide an opinion on this information in relation to the financial statements as a whole:

- Combining Balance Sheet – Non-Major Governmental Funds
- Combining Schedule of Revenues, Expenditures and Changes in Fund Balance – Non-Major Governmental Funds
- Schedule of Revenue, Expenditures and Changes in Fund Balance – Budget and Actual Non-Major Governmental Funds
- Schedule of Revenues, Expenses and Changes in Fund Balance – Budget and Actual Major Proprietary Funds
- Schedule of Expenditures of Federal Awards

The statements we present to you will include the following additional information, which will not be subject to the auditing procedures applied in our audit of the basic financial statements and for which our report will not provide an opinion or any assurance:

- Schedule of Capital Assets Used in the Operation of Governmental Funds
- Schedules of Property Tax Transactions
- Schedule of Bond Loan and Contract Principal and Interest Transactions

The objective of our audit is the expression of an opinion about whether your financial statements are fairly presented, in all material respects, in conformity with U.S. GAAP and to report on the fairness of the additional information referred to above when considered in relation to the financial statements taken as a whole. The objective also includes reporting on:

- Internal control over financial reporting and compliance with laws, regulations, and the provisions of awards, contracts or grants agreements, noncompliance with which could have a material effect on the financial statements in accordance with Government Auditing Standards.
- Internal control over compliance related to major programs and an opinion (or disclaimer of opinion) on compliance with federal statutes, regulations, and the provisions of federal awards that could have a direct and material effect on each major program in accordance with the Single Audit Act Amendments of 1996 and Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards* (Uniform Guidance).

The reports on internal control and compliance are solely for information and use of management, Oregon Secretary of State Municipal Audits Division, federal awarding agencies, and if applicable, pass-through entities and will each include a paragraph that the purpose of the report is solely to describe the following: (1) the scope of testing of internal control over financial reporting and compliance and the result of that testing and not to provide an opinion on the effectiveness of internal control over financial reporting or on compliance; (2) the scope of testing internal control over compliance for major programs and major program compliance and the result of that testing and to provide an opinion on compliance but not to provide an opinion on the effectiveness of internal control over compliance; and (3) that the report is an integral part of an audit performed in accordance with Government Auditing Standards in considering internal control over financial reporting and compliance. The Uniform Guidance report on internal control over compliance is solely to describe the scope of testing of internal control over compliance and the results of that testing based on the Uniform Guidance requirements.

Our audit will be conducted in accordance with GAAS; the standards for financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; the Single Audit Act Amendments of 1996; and the provisions of the Uniform Guidance.

Our professional standards as defined by GAAS require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement and are fairly presented, in all material respects, in conformity with U.S. GAAP. As such, our audit will involve performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements and will include tests of the accounting records of the City, a determination of major programs in accordance with the Uniform Guidance, and other procedures we consider necessary to enable us to express an opinion whether the financial statements prepared as part of this engagement are fairly presented, in all material respects, in conformity with U.S. GAAP. The procedures we determine necessary will depend on our professional judgment as auditors and will be based, in part, on our assessment of the risks of material misstatement of the financial statements, whether due to fraud or error.

An audit also includes evaluating the appropriateness of accounting policies used, and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. If we deem it appropriate, our procedures will also include tests of documentary evidence supporting the transactions recorded in the accounts, may include tests of the physical existence of inventories, and will include direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, creditors, and financial institutions. As part of our audit process, we will request written representations from your attorneys, and they may bill you for responding. At the conclusion of our audit, we will also request certain written representations from you about the financial statements and related matters. These representations will include acknowledging our assistance with the preparation of your financial statements, the schedule of expenditures of federal awards, and notes accompanying these documents, and that you have reviewed and approved these documents, approved their release, and that you have accepted responsibility for them.

Because of the inherent limitations of an audit, together with the inherent limitations of internal control, an unavoidable risk exists that some material misstatements may not be detected by our firm, even though our audit is properly planned and performed in accordance with GAAS and Government Auditing Standards. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. Since we plan and perform our audit in accordance with GAAS to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from errors, fraudulent financial reporting, misappropriations of assets, or violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity; and because the determination of abuse is so subjective, Government Auditing Standards do not expect auditors to provide reasonable assurance regarding the detection of abuse. As required by the Single Audit Act Amendments of 1996 and the Uniform Guidance, our audit will include tests of transactions related to major federal award programs for compliance with applicable laws and regulations and the provisions of contracts and grant agreements. Our procedures will be less in scope than what would be required to render an

opinion on internal control and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to Government Accounting Standards. However, we will inform you of any material errors that come to our attention, and we will inform you or the appropriate level of management of any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. We will also include such matters in the reports required for a Single Audit.

In making our risk assessments, we will consider internal controls relevant to the preparation and fair presentation of the City's financial statements in order to design audit procedures that are appropriate in the circumstances. However, our audit procedures are not designed for the purpose of expressing an opinion on the effectiveness of your internal control. As required by the Uniform Guidance, we will perform tests of controls to evaluate the effectiveness of the design and operation of controls that in our professional opinion are relevant to preventing or detecting material noncompliance with the requirements applicable to each major federal award program. Our tests, however, will be less in scope than what would be required to render an opinion on those controls and, accordingly, no opinion will be expressed in our report on internal control issued pursuant to the Uniform Guidance. We will communicate to you in writing concerning any significant deficiencies or material weaknesses in internal control relevant to the audit of the financial statements that we identify during the audit as required by the American Institute of Certified Public Accountants, the Government Auditing Standards, and the Uniform Guidance.

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the City's compliance with certain provisions of laws, regulations, contracts, and grants. However, the objective of those procedures will not be to express an opinion in our report on compliance with these provisions pursuant to Government Auditing Standards.

In addition, the Uniform Guidance requires that we also plan and perform the audit to obtain reasonable assurance about whether the City has complied with applicable laws and regulations and the provisions of contracts and agreements applicable to major programs. Our procedures, as such, will consist of the applicable procedures described in the OMB "Compliance Supplement" for the types of compliance requirements that could have a direct and material effect on each of the City's major programs. The purpose of these procedures will be to express an opinion on the City's compliance with requirements applicable to major programs in our report on compliance issued pursuant to the Uniform Guidance.

Oregon State Regulations require that we perform audit procedures as defined in the provisions of the Minimum Standards of Audits of Oregon Municipal Corporations, prescribed by the Secretary of State. The purpose of those procedures will be to report on the City's compliance with the applicable requirements.

We will also prepare the financial statements of the City of Yachats in conformity with U.S. generally accepted accounting principles based on information provided by you.

As this engagement is not designed to be a fraud audit, management understands and accepts the inherent limitations of the audit services described in this agreement.

Our responsibility as auditors is, of course, limited to the period covered by our audit and does not extend to any other periods.

Teresa Hanford is the engagement partner for the audit services specified in this letter. Her responsibilities include supervising Hanford & Associates, LLC's services performed as part of this engagement and signing or authorizing another qualified firm representative to sign the audit report.

Responsibilities of Management and Those Charged with Governance

As part of our engagement, we may advise you about appropriate accounting principles and their application; however, the management of the City acknowledges and understands that the final responsibility for the preparation and fair presentation of the financial statements in accordance with accounting principles generally accepted in the United States of America remains with you. This responsibility includes the financial statements, all accompanying information, and the representations that accompany them. Management's responsibilities also include identifying government award programs, understanding and complying with program requirements, and the preparation of the schedule of expenditures of federal awards (including notes and noncash assistance received) as required by the Uniform Guidance. As such, the management of the City is responsible for adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole. Other management responsibilities include maintaining adequate records, selecting and applying accounting principles, and safeguarding assets.

By your signature below, you also acknowledge and understand that the management of the City is responsible for the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error. This responsibility includes having appropriate programs and controls in place to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the organization that involves management, employees who have significant roles in internal control, regulators, grantors and others where fraud could have a material impact on the financial statements. The management of the City is also responsible for informing us of your knowledge of any allegations of fraud or suspected fraud affecting the City received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the City complies with applicable laws and regulations and for taking timely and appropriate actions to remedy any fraud, illegal acts, or violations of contracts and agreements. You agree that you will confirm your understanding of your responsibilities as defined in this letter to us in your representation letter.

In fulfilling management's responsibility for establishing and maintaining internal control and for compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants, estimates and judgments by management are required to assess the expected benefits and related

costs of the controls. The objectives of internal control are to provide management with reasonable, but not absolute, assurance that assets are safeguarded against loss from unauthorized use or disposition; that transactions are executed in accordance with management's authorizations and recorded properly to permit the preparation of financial statements in accordance with U.S. GAAP, and that federal award programs are managed in compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants.

Management is also responsible for the preparation and fair presentation of the supplementary information in conformity with accounting principles generally accepted in the United States of America. You agree that you will confirm your understanding of your responsibilities with respect to the supplementary information in your representation letter. You further agree to include our report on the supplementary information in any document that contains and indicates that we have reported on such supplementary information.

Management's responsibilities also include designating qualified individuals with suitable skill, knowledge, and/or experience to be responsible and accountable for overseeing financial statement preparation, tax services, and any other non-attest services we perform as part of this engagement, as well as evaluating the adequacy and results of those services and accepting responsibility for them.

Also, as required by the Uniform Guidance, it is management's responsibility to follow up and take corrective action on reported audit findings and recommendations. This responsibility includes maintaining a summary of prior audit findings and recommendations and the corrective actions taken to address these issues; and for providing us with this information as part of our engagement. management is also responsible to provide input on the current audit findings and recommendations, as well as management's planned corrective actions for these issues.

You further acknowledge and understand that management is responsible for making us aware of any contractor relationship in which the contractor has the responsibility for program compliance; providing us with access to all information management is aware of that is relevant to the preparation and fair presentation of the financial statements such as personnel, records, documentation and other matters; for the accuracy and completeness of the information that is provided to us; and for informing us of events occurring or facts discovered subsequent to the date of the financial statements that may affect the financial statements. This responsibility also includes providing us with any additional information that we may request from management for the purpose of the audit; as well as allowing us unrestricted access to individuals within the organization from whom we may determine it necessary to obtain audit evidence, including access to your designated employees who will type all confirmations we request.

Written Report

We expect to issue a written report upon completion of our audit of the City's financial statements. Our report will be addressed to the City Council of the City of Yachats. We cannot provide assurance that an unmodified opinion will be expressed on the financial statements. Circumstances may arise in which it is necessary for us to modify our opinion, add emphasis-of-matter or other-matter paragraphs, decline to express an opinion, or withdraw from the engagement.

The inclusion, publication, or reproduction by the City of any of our reports in bond offerings, regulatory filings, or Data Collection Forms containing information in addition to financial statements may require us to perform additional procedures to satisfy our professional responsibilities. Accordingly, our reports should not be used for such purposes without our prior written permission. Also, to avoid delay or misunderstanding, it is important that we be given timely notice of the City's intention to include, publish or reproduce our report in any report, document, or written communication containing financial information on which we have not reported. Any agreement to perform work in connection with an offering, including an agreement to provide permission or consent, will be a separate engagement.

Other Matters

We expect to begin our audit on approximately August 15, 2018 and to issue our report by November 30, 2018.

In accordance with the terms and conditions of this agreement, the City shall be responsible for the accuracy and completeness of all data, information and representations provided to us for purposes of this engagement. Because of the importance of oral and written management representations to the effective performance of our services, the City releases and indemnifies our firm and its personnel from any and all claims, liabilities, costs and expenses attributable to any misrepresentation by management and its representatives.

At the conclusion of our engagement, we will complete the appropriate sections of and sign the Data Collection Form that summarizes our audit findings. We will also provide copies of our reports to the members of the City Council and the City Administrator; however, it is management's responsibility to submit the reporting package (including financial statements, schedule of expenditures of federal awards, summary schedule of prior audit findings, auditors' reports, and a corrective action plan) along with the Data Collection Form to the designated federal clearinghouse and, if appropriate, to pass-through entities. The Data Collection Form and the reporting package must be submitted within the earlier of 30 days after receipt of the auditors' reports or nine months after the end of the audit period, unless a longer period is agreed to in advance by the cognizant or oversight agency for audits.

By your signature below, you acknowledge that the audit documentation in connection with this engagement is the property of Hanford & Associates, LLC and constitutes confidential information. However, in accordance with applicable laws and regulations, we may be asked to make certain audit documents available to and/or provide copies of selected audit documentation to regulators, governmental agencies, or their representatives ("Regulators") for purposes of quality review of the audit, to resolve audit findings, in accordance with funding requirements, or to carry out oversight responsibilities. Regulators may intend, or decide, to distribute the copies of information obtained therein to others, including other governmental agencies. By your signature below, you further acknowledge and agree that we are authorized to allow the Regulators access to, and copies of, such audit documents. We will notify you of any such request.

It is our policy to keep records related to this engagement for seven years. However, Hanford & Associates, LLC does not keep any original client records, so we will return those to you at the

completion of the services rendered under this engagement. When records are returned to you, it is your responsibility to retain and protect your records for possible future use, including potential examination by any government or regulatory agencies.

By your signature below, you acknowledge and agree that upon the expiration of the seven-year period, Hanford & Associates, LLC shall be free to destroy our records related to this engagement.

Our fee for these services will be a not-to-exceed (NTE) price of $22,000 as follows:

- $16,000 firm fixed price for the audit of the financial statements and compliance to Minimum Standards of Oregon Municipal Corporations prescribed by the Oregon Secretary of State.
- $6,000 NTE for the City's compliance with requirements applicable to major programs in our report on compliance issued pursuant to the Uniform Guidance. This will be billed at our standard hourly rates plus travel. Our standard hourly rates vary according to the degree of responsibility involved and the experience level of the personnel assigned to your audit.

Our invoices for these fees will be rendered each month as work progresses and are payable upon presentation. In accordance with our firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances will not be encountered during the audit. If significant additional time is necessary, we will discuss it with you and arrive at a new fee estimate before incurring additional costs.
Should any litigation or adverse action (such as audits by outside organizations and/or threatened litigation, etc.), by third parties arise against the City or its officers subsequent to this engagement, which results in the subpoena of documents from Hanford & Associates, LLC and/or requires additional assistance from us to provide information, depositions or testimony, the City hereby agrees to compensate Hanford & Associates, LLC (at our standard hourly rates then in effect) for additional time charges and other costs (copies, travel, etc.), and to indemnify us for any attorney's fees to represent Hanford & Associates, LLC.

If any dispute arises among the parties hereto, the parties agree to first try in good faith to settle the dispute by mediation administered by the American Arbitration Association under its applicable rules for resolving professional accounting and related services disputes before resorting to litigation. The costs of any mediation proceeding shall be shared equally by all parties.

The City of Yachats and Hanford & Associates, LLC both agree that any dispute over fees charged by the firm to the City will be submitted for resolution by arbitration in accordance with the applicable rules for resolving professional accounting and related services disputes of American Arbitration Association, except that under all circumstances the arbitrator must follow the laws of Washington State. Such arbitration shall be binding and final. IN AGREEING TO ARBITRATION, WE BOTH ACKNOWLEDGE THAT IN THE EVENT OF A DISPUTE OVER FEES CHARGED BY THE ACCOUNTANT, EACH OF US IS GIVING UP THE RIGHT TO HAVE THE DISPUTE DECIDED IN A COURT OF LAW BEFORE A JUDGE OR JURY AND INSTEAD WE ARE ACCEPTING THE USE OF ARBITRATION FOR RESOLUTION. The prevailing party shall be entitled to an award of reasonable attorneys' fees and costs incurred in connection with the arbitration of the dispute in an amount to be determined by the arbitrator.

In accordance with Government Auditing Standards, we will provide you a copy of any peer review reports and letters of comment received during the period of this agreement.

We appreciate the opportunity to be of service to the City of Yachats and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Very truly yours,

Teresa Hanford, Managing Member
Hanford & Associates, LLC

RESPONSE:

This letter correctly sets forth the understanding of the City of Yachats

APPROVED:

City Administrator
City of Yachats

Date

City Council Action Item Cover Sheet

DATE: August 1, 2018

Agenda Item:

Discussion of Citizen Suggestion for vacation rental requirements regarding dogs

Question Before Council:

Discussion

Person/Group Initiating Request:

City Council

Item Summary/Background:

The City Manager has provided the Citizen concern submitted to Council at the last meeting, as well as the proposed ordinance Ms. Davies drafted in 2017.

*For Council

City of Yachats
PO Box 345 (441 Highway 101 N.)
Yachats OR 97498-0345

541-547-3565 ofc
541-547-3063 fax
cityhall@YachatsMail.org

RECEIVED
JUL 06 2018
CITY OF YACHATS

COMPLAINT FORM - Nuisance, Land Use, or other Code Violations

Name of Complainant: Lawrence Calkins
(Person filing this complaint)

Mailing Address: P.O. Box 756, Yachats **Phone Number:** (208) 316-3658

Name of Defendant: N/A (See attached page)
(Person against whom this complaint is made)

Address where violation occurred: _____
(Nearest house number or intersecting street, if no address)

I have reasonable grounds to believe that the named Defendant did unlawfully violate:

- ☐ Title 5, Chapter 5.08 – Nuisances – City of Yachats Municipal Code
- ☐ Title 9 - Zoning and Land Use – City of Yachats Municipal Code
- ☐ Title _____ - City of Yachats Municipal Code

I observed this offense at approximately _____a.m./p.m. on the ___ day of _____,

20___. (Multiple offense dates, if applicable: _____)

This offense occurred within the municipal boundaries of the City of Yachats, Oregon, at this address: _____

Or near this address or intersecting street: _____.

Write a plain and concise statement of the facts constituting the offense:

(See attached regulation to be considered.)

I further declare and certify that the above information is true and correct to the best of my knowledge. I further state that I understand that, as the Complainant, it may be necessary for me to testify in Yachats Municipal Court, as such.

Lawrence Calkins
Complainant

July 6, 2018
Date

PLEASE ATTACH ANY APPLICABLE PHOTOGRAPH(S)

NOTICE: Once filed, this document becomes public information, and may be used in Court.

July 6, 2018

Complaint—Suggestion for Regulation

To: Yachats City Council

My concern is not really an official complaint against a person or persons. It is more a suggestion on a regulation that should be part of the Vacation Rental rules for the city of Yachats.

We live on Ocean View Drive and observe many, many people walking their dogs along the drive. We have no objections to the dogs. Rather, we have an objection to their human friends. Although the majority of locals are very responsible in curbing their dogs at appropriate sites and picking up after them, this is not always the attitude of those occupying vacation rentals. Many neglect to pick up feces and many allow their animals to wet on the bench or on the lawn surrounding the bench. This is a family area where people eat their lunch and children play and it should be kept clean. This could potentially be a way to spread e coli throughout the community. The dogs also use neighborhood lawns at times.

Our suggestion is that part of the responsibility of having a vacation rental that rents to people with dogs should be the provision of an assigned location on the property for dogs to do their business. This information should also be posted in the rental along with other requirements. This should become part of the city code.

I would appreciate you considering this regulation to help with the health and safety of the community.

Lawrence Calkins
(208) 316-36587

ORDINANCE NO. X

AMENDMENT TO CITY OF YACHATS MUNICIPAL CODE 5.08.030 ANIMALS AT LARGE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Yachats (City) has previously adopted ordinances establishing standards and provisions for protection of the health and welfare of its citizens and the environment of the City; and

WHEREAS, the City has determined that it is in the best interest of the City and its citizens to provide clarity and expand standards for keeping dogs within the City;

NOW THEREFORE, BE IT ORDAINED by the City of Yachats, Lincoln County, Oregon, that Yachats Municipal Code (YMC) 5.08, et seq., shall be amended in the following manner:

Amend:	YMC 5.08.030 Animals at large. (A) No owner or person in charge of any animals shall permit the animal to run at large; including, but not limited to, dogs, chickens or other domestic fowl, horses, mules, cattle, goats and sheep.
Add:	(B) All pets must be under control at all times. Methods of control include a leash or demonstrated effective voice command. The person having control, custody or possession of a dog shall clean up after the dog by using a dog waste bag or other suitable method.
Add:	(C) "It shall be unlawful for a person owning or keeping a dog to allow the dog to deposit solid waste upon any property other than that of the person owning or keeping the dog. It shall, however, be a defense if the owner or keeper removes the solid waste.

EFFECTIVE DATE: This ordinance shall become effective 30 days after final passage by the council and its signature by the Mayor.

ADOPTED by a vote of __ for and __ against, this 13th day of December, 2017.

CITY OF YACHATS

By: _____
GERALD F. STANLEY, Mayor

Attest:

_____
Shannon Beaucaire, City Manager

City Council Action Item Cover Sheet

DATE: August 1, 2018

Agenda Item:

Facilitated Special Work Session

Question Before Council:

Update and discussion

Person/Group Initiating Request:

Council

Item Summary/Background:

The City Council directed the City Manager to obtain dates for a facilitated special work session. Based upon the input from the City Council, and travel schedules, the City Manager is recommending that the Council either make the week of September 5, 10, or 17, 2018 the Work Session the Facilitated Session The facilitator is open EXCEPT for Sept 5 in the morning & Sept 7 in the afternoon.

A draft agenda, comprised of topics received, is attached for further review and additions.

Given the length of the agenda, it is recommended that this Special Facilitated Work Session be scheduled from about 9 AM to 4 PM with a working lunch.

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

CITY COUNCIL SPECIAL WORK SESSION,

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

Date, Time

FACILITATED SPECIAL WORK SESSION AGENDA

I. CALL MEETING TO ORDER

II. FACILITATED APECIAL WORK SESSION DISCUSSION TOPICS

a. Roles & Responsibilities of Manager & Council
b. Format of Financial Reports to Council
c. Strategic Planning – priorities for the City
d. Council Communications – Clarifying end of conversations, written motions
e. Charter Amendments – Council terms, City Manager, League of Oregon Cities Model Charter
f. City Manager Evaluation format

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.

City Council Action Item Cover Sheet

DATE: August 1, 2018

Agenda Item:

Mid-Coast Water Planning Partnership Update

Question Before Council:

Update and discussion

Person/Group Initiating Request:

Councilor Tooke

Item Summary/Background:

Councilor Tooke will update the City Council on the Mid-Coast Water Planning Partnership

Place-Based Integrated Water Resources Planning

Helping Oregon communities plan for their current and future water needs

Place-based planning is one of the recommended actions from the 2012 Integrated Water Resources Strategy (IWRS). It provides an opportunity for communities to work collaboratively, in partnership with the state, to understand their water resources challenges and needs, and identify potential solutions to meet those needs. The place-based planning draft guidelines describe the five steps and key planning principles central to any place-based planning effort.

Planning Step 1

Build a collaborative and inclusive process – Conveners work with their project team to: assemble partners representing diverse interests, including state agencies; develop a communication and outreach strategy to ensure an open and inclusive process; create a governance agreement that describes how the partners will collaborate and make decisions using consensus; and develop a work plan outlining how they will execute Planning Steps 2-5.

Planning Step 2

Gather information to understand current water resources and identify knowledge gaps – The planning group assesses and describes water resources in the basin, looking at water quantity, quality, and ecology. This effort includes collecting existing information, identifying any gaps in knowledge, and developing strategies to fill these gaps.

Planning Step 3

Examine current and future water needs for people, the economy, and the environment – The planning group defines how much water is needed to meet current and future instream and out-of-stream water needs, considering water quantity, water quality, and ecosystem needs. Groups examine water challenges and vulnerabilities, such as how climate change, population growth, and land use may affect water resources and the ability to meet water needs.

Planning Step 4

Identify and prioritize strategic, integrated solutions to meet multiple water needs – The planning group collaboratively identifies integrated actions to address the instream and out-of-stream needs identified in Step 3. Once identified, the group prioritizes actions and develop strategies to implement those actions.

Planning Step 5

Develop and approve a place-based integrated water resources plan – The planning group formally reviews and approves the plan. The Water Resources Commission and other agencies will have an opportunity to review and formally accept the plan, based on whether it is consistent with the IWRS, the guidelines, and state water policy.

Key Planning Principles

- Locally-initiated and led collaborative effort
- Voluntary, non-regulatory process
- Includes a balanced representation of water interests
- Conducted in partnership with the state
- Addresses instream and out-of-stream needs
- Looks at water quantity, quality and ecosystem needs in an integrated approach
- Creates an open and transparent process that fosters public participation
- Builds on and integrates existing studies and plans
- Does not infringe on existing water rights
- Adheres to IWRS principles and state laws

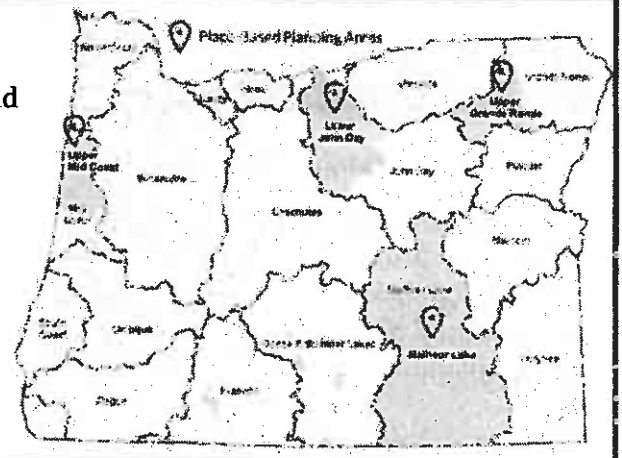
Learn More!

Visit the web page: http://bit.ly/owrdplanning Email: placebasedplanning@wrd.state.or.us

Contact Planning Coordinators Harmony Burright (503-986-0913) or Steven Parrett (503-986-0914)

Place-Based Planning Updates January – July 2017

- Sustainable Northwest and OWRD co-produced a Collaborative Water Planning event in May that brought together planning groups, potential conveners, other collaboration practitioners, and statewide partners to share lessons learned and best practices.
- The Association of Oregon Counties provided collaboration assistance to conveners. The National Policy Consensus Center provided collaboration training to one planning group.
- Calls/meetings held with conveners and private funders.
- Memos developed to provide clarity on OWRD roles and responsibilities and how to request technical assistance.
- Inter-agency meetings in April, May, and August.
- Convener calls/meetings in March, May, and August.



Malheur Lake Basin

Conveners: Harney County Court & Watershed Council

Total Grant Award: $135,000 (partial fund)

Planning Step 2

- Declaration of Commitment signed by 20 partners.
- Quarterly meetings of the full Collaborative held in January, April, and July.
- Conceptual model of the water system developed.
- Water Availability Working Group convened to gather and analyze water data/information.
- Grant applications submitted to private funders.
- Coordination with other study and planning efforts.

More information: Contact Gretchen Bates at 541-589-0915 or gretchen@hcwatershedcouncil.com

WEB: www.hcwatershedcouncil.com/community-based-water-planning

Upper Grande Ronde Sub-Basin

Convener: Union County

Total Grant Award: $197,000 (full fund)

Planning Step 2

- Memorandum of Agreement adopted and signed by18 partners.
- Stakeholder meetings held in January, February, April, June, August.
- Technical advisory group convened to assemble and analyze water data/information.
- Water setting presentation delivered by OWRD.
- Collaboration training delivered by NPCC.
- First field tour coordinated to learn about water needs for farms, cities, and rivers from partners.
- Successful transition to new convener.

More information: Contact Scott Hartell at 541-963-1014 or shartell@union-county.org

WEB: http://union-county.org/planning/place-based-integrated-water-resources-planning/

Lower John Day Sub-Basin

Convener: Gilliam SWCD & Wheeler SWCD

Total Grant Award: $190,000 (full fund)

Planning Step 2

- Declaration of Cooperation developed and signed by 14 partners.
- Partnership meetings held in February, March, and June.
- Kick-off meeting of technical working group to assemble and analyze water data/information.
- RFP process developed and executed to distribute funding and boost partner capacity/engagement.
- Water setting presentation delivered by OWRD.
- Successful transition to new conveners.

More information: Contact Christina Kirwan at 541-384-2672 x108 or gilliamswcd@gmail.com

WEB: Under development.

Mid-Coast Region

Conveners: City of Newport & OWRD

Total Grant Award: $185,000 (partial fund)

Planning Step 2

- Charter adopted and signed by 36 partners.
- Meetings of the full Partnership held in January, March, May, and August.
- Four study groups assembled to work with technical consultant to assemble and analyze water data/information.
- Water setting presentation delivered by OWRD.
- First field tour coordinated to learn about watershed processes from partners.
- Grant applications submitted to private funders.

More information: Contact Timothy Gross at 541-961-5313 or T.Gross@NewportOregon.gov

WEB: www.midcoastwaterpartners.com

City Council Action Item Cover Sheet

DATE: August 1, 2018

Agenda Item:

Riggs Property

Question Before Council:

Discussion of potential options for Riggs Property

Person/Group Initiating Request:

City Council

Item Summary/Background:

At the last Council meeting, Council heard citizen input regarding the current status & possible actions for the Riggs property. Council wished to discuss the possible options at the August 1 Work Session. The presentation, outlining the options, is located in the Council packet.

Riggs Property

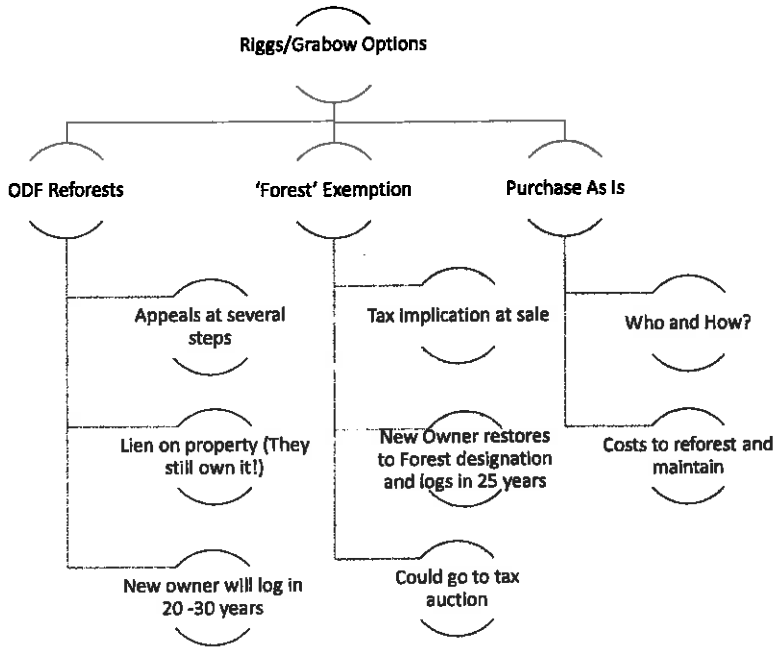
Current Status and Possible Actions

Status

- Approx. 150 of 300 Acres Logged
  - 180 Acres (23%) of Yachats Watershed = Private Industrial Forest
  - Not all logging was in watershed – exact acres requires more study
  - South of Salmon Creek not logged
- Two Tax Lots: Riggs and Grabow (LLCs)
  - Taxes Are Current for 2017
  - Unlogged portions still classified as 'Forest'
  - 120 acres are no longer 'Forest'
- ODF Has Completed the Civil Penalty Phase
  - Owners have **not** responded to any correspondence
  - Next steps from ODF pending (but limited)

Bio Status

- Land is restoring "naturally"
  - Non-selective ground cover emerging: invasives, overly-dense trees, randomly spaced trees, etc.
  - Obviously, critical habitat lost
- ODF feels fire threat is minimal
  - Limited bio-mass to ignite living trees and suppressible if ignites
  - Nearest land owner strongly disagrees
- Loggers met ODF best practices re. riparian set-backs
- Cost to Yachats water plant in first year: increased sedimentation
  - Concerned with "pesticides" following reforestation



ODF Reforests

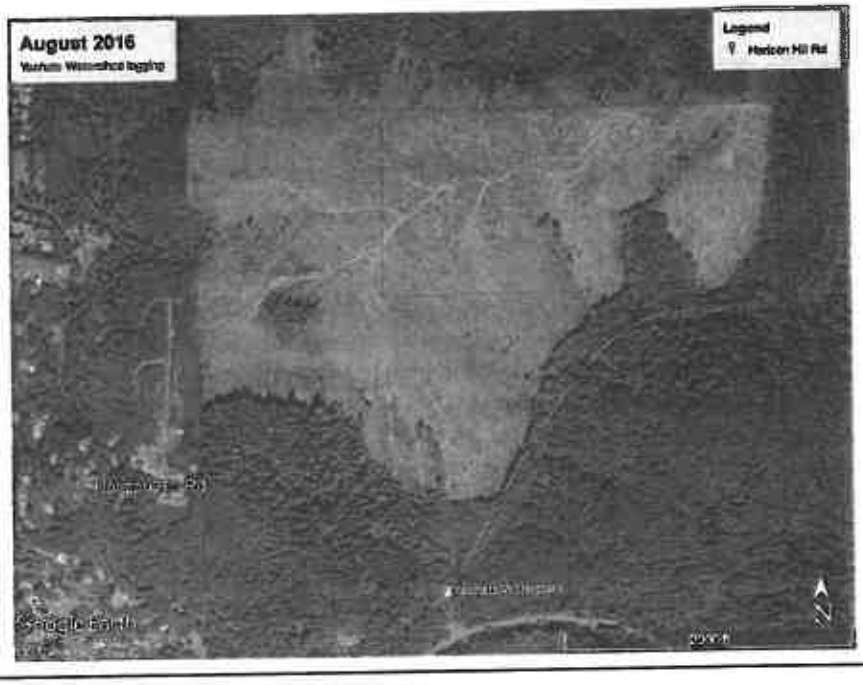
- Owner can appeal ODF reforesting at a few steps
  - Request delay or plead financial hardship
  - Contest estimated costs
- Reforesting costs are a lien on the property
  - No apparent downside to owner – ODF took on reforest headache
  - Lien = cost which would have been incurred regardless
- New owner will pay lien as part of purchase and could relog
  - Current cycles are 20 – 30 years

Removed Forest Designation

- Under Oregon rule, 'Forest' land taxed at typically 20% of value
  - Deferred property taxes offset by timber sale taxes
  - Any acreage removed from 'Forest' classification is taxed at full-value back five yrs.
  - County Assessor has removed approx. 150 acres from 'Forest'
- Back taxes must be paid as part of a sale (Est. $20,000)
  - New owner can convert back to forest and appeal back taxes
- Unpaid Civil Penalties are referred to County Attorney
  - Could be prosecuted. IMHO unlikely
  - Lien on property, paid as part of a sale: $42,000 total – all years, both properties
  - Can be waived by ODF if reforested
- Owner could simply walk away
  - Land qualifies for auction after approx. 5 years.
  - Unlikely as taxes and penalties are not unreasonable

Purchase As Is

- Current County Market Price: $400K, Assessed Value is $127K (approx.)
  - Both parcels together: per current online assessor report
    - Requires more research – does not reflect 'Forest' removal
  - Owner has been bad actor and will undoubtedly ask much more
  - Note: One parcel effectively "landlocks" the other
- Consider buying through agent with low-ball offer
  - Sue the owner to incentivize (water plant costs, non-compliance, fire risk)
- Ongoing costs
  - Reforesting: includes assessment, seedlings, pesticides, labor
  - Insurance: Oregon fire fund, liability
  - Selective thinning (There is NO obligation to log!)
- Place in Conservation Easement or make Yachats city property to avoid property taxes



Note:
Boundaries and Salmon Creek approximate

City Council Action Item Cover Sheet

DATE: August 1, 2018

Agenda Item:

Resolution 2018-07-03 Council Rules Update

Question Before Council:

Does the Council approve the proposed changes to the Council Rules

Person/Group Initiating Request:

City Council

Item Summary/Background:

The City Manager recommends that City Council adopt the proposed changes to the City Council Rules. The City Manager further recommends after considering any comments, the City Council consider the following motion:

I move to authorize the changes to Council Rules in Resolution No. 2018-07-03, a resolution adopting changes to City Council Rules

Alternatives:

If Council would like to consider an alternate action, the vote should be moved to another date.

CITY OF YACHATS

RESOLUTION NO. 2018-07-03

A RESOLUTION ADOPTING CHANGES TO CITY COUNCIL RULES

WHEREAS, The Charter of the City of Yachats provides that the Council shall adopt rules for the government of its proceedings. 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; and

NOW THEREFORE, the City of Yachats resolves to adopt the attached document titled City Council Rules, complete with the attached "Exhibit A & B".

Adopted by the Yachats City Council on August 1, 2018

_____

Gerald Stanley, Mayor

ATTEST:

_____

Shannon Beaucaire, City Manager

City Council Action Item Cover Sheet

DATE: August 1, 2018

Agenda Item:

Resolution 2018-08-03 Resolution for Small City Allotment Grant

Question Before Council:

Approval of Resolution 2018-08-03

Person/Group Initiating Request:

City Manager

Item Summary/Background:

The Engineer of Record for the City recommended application for the Small City Allotment Grant for 2 streets in our CIP plan - West 1st & E 2nd. The Engineer wrote the grant on July 26 & the City applied prior to the August 1 deadline. Attached is the resolution the State recommends with the Grant. The City Manager recommends, after considering any comments, the City Council consider the following motion:

I move to authorize the small city allotment grant in Resolution 2018-08-03, a resolution for Small City Allotment

Alternative: None Recommended

CITY OF YACHATS
RESOLUTION NO. 2018-08-03
A RESOLUTION FOR SMALL CITY ALLOTMENT

WHEREAS, Under the provisions of ORS 366.800 and 366.805, there has been withdrawn from state highway funds appropriated for allocation to all the cities of the State of Oregon the sum of Two Million Five Hundred Thousand and No/100 ($2,500,000.00) Dollars, and in addition there has been withdrawn from monies available to the Department of Transportation from the State Highway Fund the sum of Two Million Five Hundred Thousand and No/100 ($2,500,000.00) Dollars. As provided in ORS 366.805, said sums have been set up in a separate account to be administered by the Oregon Transportation Commission and to be allotted each year by said commission to be spent, within cities of 5,000 or fewer persons, upon streets not a part of the state highway system that are inadequate for the capacity they serve, or are in a condition detrimental to safety; and

WHEREAS, The City of Yachats is an incorporated city of the State of Oregon and has a population of less than 5,000 as given by the latest official federal census. The following streets of said city, West First Street and East Second Street, meet the conditions required in ORS 366.805.

NOW, THEREFORE, the members of the City Council, in regular or special session assembled, do hereby find, declare, and resolve:

1. That the aforementioned named streets of said City are inadequate for the capacity they serve or are in a condition detrimental to safety.

2. That said streets of said City are in need of repair, reconstruction, or other major improvement.

3. That said streets are not part of the state highway system, and are under the jurisdiction and control of the City.

4. That the Oregon Transportation Commission hereby is respectfully requested to consider and declare said streets as qualified for reconstruction, repair, or other improvements out of funds allocated and made available by and through the said $5,000,000 appropriation of revenues which is to be administered and spent by the Transportation Commission.

5. That the City of Yachats does hereby offer to the Transportation Commission and does hereby pledge complete cooperation and assistance to the end, that said City may share and participate in the use and benefit of said special fund and appropriation; and therefor does designate Shannon Beaucaire, City Manager as the official representative of the City in all negotiations resulting from this request.

Passed and approved this 1 day of August, 2018.

There is attached hereto and made a part of hereof, a city map on which is indicated the street, streets, road or roads, described in this resolution.

****

I, hereby certify that the foregoing resolution was passed and approved by the City Council of the City of Yachats at a regular or special meeting of said Council, held on the 1 day of August, 2018, and the above copy is a true and correct copy of the original and of the whole thereof.

Dated this 1 day of August, 2018.

_____

Gerald Stanley, Mayor

ATTEST:

_____

Shannon Beaucaire, City Manager

City Council Action Item Cover Sheet

DATE: August 1, 2018

Agenda Item:

Resolution 2018-08-01 Declaration of a Water Shortage

Question Before Council:

Approval of Resolution 2018-08-01

Person/Group Initiating Request:

City Manager

Item Summary/Background:

On July 18, 2018, after consultation with the Water lead, the City Manager/Public Works Director determined that based upon Yachats Municipal Code, Section 8.22 that it was necessary to enter water conservation actions - Phase 1.

The City Manager recommends, after considering any comments, the City Council consider the following motion:

I move to authorize water conservation actions - Phase 1 in Resolution 2018-08-01, a resolution declaring a water shortage emergency.

Alternative: Council may reject or modify the determination per Section 8.22.100

CITY OF YACHATS

RESOLUTION NO. 2018-08-01

A RESOLUTION DECLARING A WATER SHORTAGE EMERGENCY

WHEREAS, As the result of a drought and the threat of a continued drought or other condition, the ordinary demands and requirements of water consumers may not be satisfied without depleting the water supply of the City of Yachats to the extent that there may be insufficient water for human consumption, sanitation, or fire protection; and

WHEREAS, The City Council, to protect the health, safety and general welfare of its citizens in the public interest, finds it necessary to adopt regulations necessary to mitigate any water shortage emergency as per the Yachats Municipal Code, Section 8.22; and

NOW THEREFORE, As per section 8.22.100, the City Council accepts the decision of the City Manager/Public Works Director and Declares a Water Shortage Emergency, Phase 1. Should the drought continue, additional restrictions may be imposed, based on the measured flows of the water sources, as per the Yachats Municipal Code, Section 8.22.

Adopted by the Yachats City Council on August 1, 2018

_____

Gerald Stanley, Mayor

ATTEST:

_____

Shannon Beaucaire, City Manager

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

CITY COUNCIL MEETING

441 Hwy 101N, Yachats Commons, Room 1

Wednesday, August 8, 2018 at 6:00pm

AGENDA

I. Announcements, Correspondence and Proclamations

II. Public Comment (**topics not listed on the agenda**: 5-minute limitation per person)

III. Minutes
- A. Minutes: 07/03/18 Work Session
- B. Regular: 07/11/18 Regular Meeting

IV. Reports
- A. Council Reports
- B. City Manager Report

V. Business
- A. Vote: Planning Commission Appointment
- B. Discussion/Vote: Parks & Commons Commission: Commons Manual Update
- C. Public Hearing/Vote: Ordinance 352: Amendments to Section 8.22

VI. Other Business
- A. From Mayor
- B. From Staff
- C. From Council

This meeting is open to the public and all interested persons are invited to attend. This meeting will be audio taped. All items to be considered by the Commission must be submitted to City Hall no later than one week prior to the meeting. Minutes of all public meetings are available for review at City Hall, or on the City website at www.yachatsoregon.org. 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 August 1, 2018**

City Council Action Item Cover Sheet

DATE: August 1, 2018

Agenda Item:

Councilor Scott Resignation

Question Before Council:

Acceptance of Councilor Scott's resignation

Appointment of a new Council President

Person/Group Initiating Request:

Councilor Scott/Mayor Stanley

Item Summary/Background:

Councilor Scott submitted his letter of resignation from Council on July 25, effective immediately.

The City Manager recommends that City Council accept the resignation of Greg Scott

I move to accept the resignation of Greg Scott, from the Yachats City Council, effective immediately.

The City Manager further recommends that City Council discuss appointing a new Council President. & filling the vacancy caused by this resignation. Council should determine a process, by motion, for appointing a new Council President & the vacancy caused by this resignation.

Council President:

Chapter III, section 9 of the City Charter states that the council must elect a president from its membership at its first meeting each year. The President presides in the absence of the mayor & acts as mayor when the mayor is unable to perform duties.

Council Vacancies:

Chapter VII, section 32 of the City Charter states that a mayor or councilor vacancy will be filled by appointment by a majority of the remaining council members. The appointees term of office runs from the appointment until the expiration of the term of office of the last term of office of the last person elected to that office. If a disability prevents a council member from attending council meetings or a member is absence from the city, a majority of the council may appoint a councilor pro tem.