1. Agenda

   Documents:

   2019-01-02 City Council Agenda.pdf

2. Meeting Materials

   Documents:

   2019-01-02 Goal Setting.pdf
   2019-01-02 Administrative Policies Review.pdf
   2019-01-02 Finance Committee Composition Discussion.pdf
   2019-01-02 Modification To Fire Ban.pdf
   2019-01-02 Yachats City Charter Review.pdf
   RES 2019-48 Planning Commission Appointment.pdf
   2019-01-16 DRAFT City Council Agenda.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, January 2, 2019 at 9:30am

## Swearing in of New Council

### WORK SESSION AGENDA

I. CALL MEETING TO ORDER

II. WORK SESSION DISCUSSION TOPICS
1. 2019 Goal Setting Session
2. Establish Work Session Schedule for reviewing Administrative Policies
3. Discussion of proposed change of Fire Ban Modification
4. Discussion of Finance Committee Composition
5. Approve agenda for 1/9/19 City Council meeting **at 6:00pm in Room 1**

### REGULAR COUNCIL MEETING

I. Announcements, Correspondence and Proclamations

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

III. New Business – Voting to occur on each item of new business
- A. Election of Council President
- B. Planning Commission Appointment
- C. Dates and times of Council Meetings
- D. Proposed City Charter Revision
- E. Schedule Public Meeting for Plastic Bag Ordinance
- F. Schedule Public Meeting for Transient Occupancy Tax Rate Change
- G. Approve 2019 Council Goals
- H. Receive 2017-18 Audit, adopt any corrective measures
- I. Finance Committee Composition

VI. 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 20, 2018***

# City Council Action Item Cover Sheet

DATE: January 2, 2019

**Agenda Item:**

2019 Goal Setting Session

**Question Before Council:**

Establish Council Goals for 2019

**Person/Group Initiating Request:**

Council

**Item Summary/Background:**

The Yachats City Council established eight (8) goals to forward to the 2019 Council. Goal setting identifies priorities that the Council would like to address in the upcoming budget for the City of Yachats. Identifying specific objectives for each goal measures allows for establishment of a plan and measurement of 2019 Goal achievements.

The City Manager recommends, after review and discussion, that Council consider the following motion: I move to approve the 2019 Council Goals with the specific objectives outlined in the January 2, 2019 Work Session.

DATE: December 3, 2018

TO: Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: Yachats Current Large Project List

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Dear Mayor and City Council,

The purpose of this memo is to provide a current *large* project list for you to consider as you are reviewing your Council Goals and preparing for the 2019 Goal Setting discussion in January. For brevity, just the projects are listed – not all of the components that will go into following each project through to completion. These are NOT in any priority order, they are merely listed here for Council reference.

- IT website transition – *Estimated Completion June 2019*
- Library Remodel/Expansion
- Ocean View Drive Transfer – *Estimated Completion May 2018*
- Little Log Church & Museum Repairs – *Capital Funding Allocated for FY19 & FY20*
- 1st & 2nd Street Paving
- Water Master Plan
- Water Conservation & Curtailment Plan
- City Hall Relocation

# Yachats City Council Goals

**September 11, 2018; revised October 23, 2018**

## HIGHEST PRIORITIES

1. Water security
   - Increase quantity – storage at source (reservoir) or via other means (include future demand)
   - Ensure quality - purchase/exchange watershed and develop as natural forest
   - Evaluate drainage controls - holding ponds for new development, long-term viability of Commons wetland (eutrophication mitigation)
   - Plan for end-of-life of sewer plant- capacity and costs (30-years?)
   - Explore impact of climate change.

2. New Staff and Organization/Office Location
   - Adequately staff city functions
   - Organize staff and commissions to support city vision and objective
   - Use short-term, project-based, ad-hoc/advisory panels to support objectives and increase citizen participation
   - Secure on-going IT support and enhancement
   - Provide enough workspace for City personnel
   - Improve physical work environment for staff including "focus" areas
   - Provide the City Manager with secure, closed office space

3. Infrastructure/Maintenance Schedule for City Buildings
   Develop and prioritize a list of all street improvement projects (including undergrounded facilities)
   Develop a short and mid-term plan to address the improvements on streets and buildings
   Perform street improvements per plan
   Create a funding stream or allocate budget appropriately to fund street improvements
   Upgrade the Little Log Church and Library
   Continue to address parking needs, especially for the downtown core

4. Protect Natural Resources
   - Create an ordinance that actualize the Long-term comprehensive plan. (e.g., Enact tree ordinance (A. 11), viewshed protection (A. 12), ridge line protection (G. 10)
   - Proactively identify viewsheds and develop strategies to ensure their long-term health
   - Actively support organizations that protect and maintain the environment
   - Develop and promote city practices that minimize demands on the natural world
   - Pursue dark sky compliance and ban on plastic bags

5. Effective Governance/Financial Reserves/Roles and Responsibilities
   - Evaluate long-term capital needs and project costs
   - Set aside adequate reserves as policy/practice
   - Develop a fund dedicated to operating shortage in the event of economic downturn
   - Establish Council budget review cycles and regular reporting
   - Identify and apply for alternate funding sources available to small cities
   - Lobby for a "fair-share" of our property tax payments
   - Establish a plan for a grant writer/administrator
   - Establish a program to educate citizens on how they can use government
   - Establish Liaisons to Commissions and regular reports from Commissions
   - Develop evaluation procedures for City Manager and for Council, including citizen surveys
   - Collaborate with relevant governmental entities

6. Smart City/Digital Yachats
   - Create small group to familiarize themselves with what is happening in small communities in the area of smart cities and suggest how this concept might enhance the spirit of Yachats
   - Encourage exploration of alternative energy sources and continue to explore the EIP wind energy project
   - Encourage green energy practices throughout the citizenry of Yachats
   - Encourage alternative energy businesses to locate in Yachats
   - Continuously improve digital work-flow within city functions and for public access; ensure IT systems are current and effectively used
   - Ensure new capital purchases support digital monitoring (IoT/5G) and develop methodology to coordinate and monitor use, performance and maintenance
   - Improve digital communication with citizens including digital forums and surveys to solicit their wants, needs and priorities
   -Reduce costs through real-time responses to citizen questions and requests

7. Revise Charter
   - Encourage education about Charter changes
   - Identify potential changes in the Charter using the League of Oregon Cities model charter as a guide.

8. Healthcare for the Community
   - Continue work to establish healthcare services in Yachats
   - Encourage healthful practices such as community run/walk, commons activities, etc.

## OTHER GOALS

A. Broadband Infrastructure
   - Work with service-providers to ensure two or more competitively priced, state-of-art (e.g., gigabyte or better) internet access methods
   - Plan for future deployment of emerging broadband technology like 5G LTE
   - Support efforts to ensure broadband access at affordable prices for the communities surrounding Yachats and other rural communities throughout Oregon (collateral item – extend natural gas from Newport to Yachats?)

B. Emergency Planning
   - Ensure emergency planning is adequately funded and staffed
   - Maintain all city emergency caches and equipment and assist citizens in creating and maintaining their supplies (e. g. quarterly water and food exchanges, medical supply sales and other items as might be suggested by emergency planning committee)
   - Create and update all appropriate documentation
   - Practice emergency scenarios that engage all citizens and businesses in a fun manner

C. Attract and Encourage a Diverse and Creative Citizenry
   - Create, in cooperation with experienced developers, work-liye space in underutilized buildings (e.g., Fire Station, Alder)
   - Create, in cooperation with experience developers, shared workspace for artisans, makers, programmers, etc.
   - Fund or support staff for promoting creativity and economic development
   - Encourage low-density, affordable housing for workforce

D. Grow/Smooth Tourist Revenue
   - Address the visual appeal of the City
   - Complete Ocean View Drive project with enhanced 804 Trail and consistent, attractive fencing
   - Create an interpretive kiosk with large screen digital display of existing videos of trails and attractions, including the Native American transformative story, the "Community History Timeline" created for the 50/100 anniversary
   - Explore ways to utilize the unique interests and backgrounds of Yachatians to offer workshops, mentoring opportunities, and specialized trainings during the "off season" to attract targeted clientele
   - Establish/support a full-time outfitter and equipment for recreational opportunities. (Coordinate kayak, back-packing tours, bird-watching, Christmas light tours, etc.)

# City Council Action Item Cover Sheet

DATE: January 2, 2019

**Agenda Item:**

Administrative Policies

**Question Before Council:**

Establish Work Session Schedule for reviewing Administrative Policies

**Person/Group Initiating Request:**

Mayor John Moore

**Item Summary/Background:**

A full review of the Yachats Administrative Policies was not completed in 2018. A few policies have been updated; however, many need review and updating.

The City Manager recommends, after review and discussion, that Council consider establishing a work session schedule to review and update administrative policies identified during the January 2, 2019 Work Session.

# CITY OF YACHATS

| ADMINISTRATIVE POLICY NO. 1 | ANNUAL GOAL SETTING |
|---|---|

## OBJECTIVE

To facilitate an orderly process for handling short and long-term projects and concerns within the City's jurisdiction and to lay a basis for the new year's budget.

## SCHEDULING

At the beginning of each calendar year, the City Council shall hold a public Goal Setting Work Sessions in conjunction with the appropriate City Department Heads. City Council shall meet in January.

## PROCEDURES AND OBJECTIVES

1. **Goal Input.** During the proceeding November, the City shall solicit comments from Commissions, staff, and the community for additions to and amendments to City goals.

2. **Review**. The City Council shall consider community strategic needs, review existing goals as they relate to those needs, and revise goals as appropriate.

3. **Scope of Considerations.** Goals may be both short-term (1-5 years), and long-term (5-20 years). Council shall rank the goals in priority order.

4. **Budget Considerations.** Adopted goals shall serve as preliminary groundwork for proposed budget recommendations.

5. **Timetables.** The council shall set realistic timetables for accomplishing goals after consultation with appropriate commissions and staff.

6. **Implementation.** Appropriate Commissions and Department Heads shall prepare implementation plans for each City Goal Action and written evaluations shall be conducted every six months to measure progress.

7. **Mid-Year Review.** In June or July, staff and commissions shall review progress on goals and make adjustments and recommendations as needed.

# CITY OF YACHATS

**ADMINISTRATIVE POLICY NO. 2** **MEETING CALENDAR**

## OBJECTIVES

To provide a single source of information about community meetings, events, public hearing, court hearings and other meetings of public interest.

## WHERE

Meetings, Events, and hearings shall be published to the City's GoYachats Community Calendar and to the City's departmental web home page.

## PACKET MATERIAL

Calendar postings shall include a link to relevant public information in the City's document library.

# CITY OF YACHATS

**ADMINISTRATIVE POLICY NO. 3** **AGENDA DEADLINE**

## OBJECTIVES

To provide the Council and Commissions with accurate and timely material with which to evaluate matters before them, to provide time for onsite inspections as required, to provide staff with sufficient processing time and to facilitate orderly progress within a public meeting.

## DEADLINE

The deadline for public submission of topics for inclusion on the Agenda of a regularly scheduled Council or Commission meeting shall be 12:00 noon, on Wednesday of the calendar week before the meeting.

## LATE SUBMISSIONS

Items submitted after the deadline may be heard by the Body 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 before the meeting begins is there is a consensus of the Council or Commission to do so. The agenda also allows for "other business" to be discussed at the end of the meeting, and if necessary action me be taken.

# CITY OF YACHATS

**ADMINISTRATIVE POLICY NO. 4** **COMPLAINTS**

## OBJECTIVES

To provide established procedures for individual citizens to address concerns about City business, to provide safeguards against self-serving anonymous accusations and to establish a basis for the expenditure of City time and monies in the form of complaint investigations.

## COMPLAINTS TO BE IN WRITING

All complaints that require or request any City action to be taken shall be submitted in writing, on a form provided by the City, dated and signed by the person making the complaint.

## PROCEDURE TO BE FOLLOWED

Ordinance Violation Complaints

Those staff members authorized to enforce violations of City ordinances will determine if a violation may exist and follow the procedures as outlined in the Yachats Municipal Code, Chapter 1.12 – Civil Infractions or Section 4.08.050 – Transient Rental Complaints.

General Conditions Complaints

If a complaint is within the jurisdiction of department heads to handle they may do so. If not, department heads may determine which Body could best handle a complaint. If a written complaint is addressed to a particular body it shall be brought before them. If no determination can be made, a complaint shall be brought before the Council for referral to a Commission or staff member.

Complaints about Staff

These complaints shall be brought to the Mayor's attention.

## SITUATIONS REQUIRING IMMEDIATE ACTION

The Mayor may, at his/her discretion, poll the Council regarding any special action that may be indicated or required before a regularly scheduled meeting.

## PUBLIC DISCLOSURE

The City Council shall have full discretion, within the scope and limits of City ordinance, as to whether the complaint shall be discussed at a public meeting or, if provided by ordinance or Oregon State Statute, in Executive Session.

Administrative Policy No. 5
Yachats Donation & Recognition Policy

Introduction

The City of Yachats values the many monetary and non-monetary donations of individuals, foundations, corporations, nonprofit organizations, service clubs and other entities, and seeks to provide appropriate recognition for donations through this Policy. This Policy also recognizes that, unless specially exempted by the Parks & Commons Commission or the City Council, gifts, its purchase, installation, maintenance, repair or other costs incurred throughout the life of the gift, shall not incur any tax payer expense.

The City of Yachats, staff and citizens appreciate gifts and memorials for the City's parks, Commons, Library, Museum, programs and public spaces; and the altruistic contribution those gifts make in furthering the purposes for which these facilities and programs have been established. Donations come in many forms, including but not limited to: plaques, art, park and trail amenities, trees, and other items generally referred to as "Gifts."

Guiding Principles

The following principles form the basis for the Donation & Recognition Policy:

- It shall be the City's policy to take into account the resources, function and experience for which various public facilities and programs are maintained when considering the appropriateness of donor recognition and the placement of Gifts.
- In all forms of recognition, the donor's wishes for anonymity shall be respected.
- It is generally preferable to express appreciation for contributions directly to the donors or sponsors rather than by forms of recognition to be displayed on City property, buildings or parks.
- Recognition of corporate donations or sponsorships must not in any way suggest an endorsement by the City of Yachats, nor give the impression of advertising, commercialization, solicitation, or of a proprietary interest in the facility.
- Recognition shall not interfere with routine City operations or use.
- Any donation that will reside on the grounds of the Library or the Museum must first be approved by the appropriate commission for those properties.
- The acceptance of Gifts(including but not limited to amenities, trees, signage, plaques or other items requiring maintenance or at risk of deteriorating for any reason) will generally be on the basis of a **10-year term** commencing on the date of installation. During the term, the City agrees to maintain typical wear and tear of the Gift. At the end of the 10-year term, and upon 10-year increments thereafter in perpetuity, the donor may seek P&C Commission

approval to extend the term for an additional 10-years. Terms may not be longer than 10-years, and the renewal of the 10-year term must be made by written request or in person before the P&C Commission.

- At the end of each 10-year term, if no request for renewal of the term is made, the P&C Commission and/or the City Council may, at its full discretion, leave or move the amenity if in good repair, repair the amenity as appropriate at donors expense, or remove the amenity with no further obligation to the donor.
- Recognizing that many non-monetary gifts require on-going maintenance, repair and/or replacement, donors are requested to pay the following for non-monetary gifts:
    a. Actual cost of gift and installation charges.
    b. Estimated 10-year maintenance assessment.
    c. General administrative/endowment contribution of 10% of the total of a+b.

- Maintenance assessment fees (b. above) and general administrative/endowment contribution (c. above) are payable upon the City Council's approval of the request.

- Should the gift's maintenance fee (b. above) exceed the estimate during any 10-year term, the donor will be held responsible for the costs of repair and or restoration.

- Fees for the approval of all extensions of the 10-year term will require a new estimate of maintenance costs for the extended term, plus 10% of the maintenance costs for general administration.

- The City may, at its discretion, adjust the administrative/endowment contribution rate.

Gifts of art, literature, photography, recordings, memorabilia or other items for display or historical archiving at the Little Log Church Museum or Yachats City Library, may be accepted directly under the terms and conditions determined by the Museum and/or Library Commissions, as appropriate. However, any donation determined to have ongoing costs (i.e. restoration, preservation, etc.) will require separate approval by the City Council.

<u>Oversight</u>

The Yachats Parks & Commons Commission ("P&C Commission") is responsible for reviewing requests for gift donations to be displayed in the Commons or other City property. The P&C Commission may reject, suggest changes or accept donation requests. Requests accepted by the P&C Commission will then be forwarded to the City Council for consideration and possible final approval.

The P&C Commission is essentially charged with ensuring that the donation is suitable and compatible with the character of Yachats, displayed in an appropriate venue, and that fees collected for the Gift will fully cover the cost of the gift for its duration, including administrative overhead and routine maintenance. The P&C Commission's assessment will consider the suitability of the item, the appropriateness of the location, maintenance factors and costs, along with any other factors involving the Gift. Every effort should be made to apply unique and artful designs in creating the Gift, with encouragement in the use of artists local to the general area.

The approval of Gifts are at the full discretion of the P&C Commission and the City Council.

Forms of Recognition

**Off-site Recognition**
Thank you letters – Every donor shall receive a letter of appreciation from the Mayor or Chairperson of the appropriate Commission. Depending on the nature and significance of the gift, it might be appropriate to send a thank you letter from the City Council or Mayor. In many cases, this might be all that is required. The letter should acknowledge the gift, the donor, the date of acceptance, and for a monetary donation, the amount. The thank you letter shall also serve as evidence of the gift for the donor's tax records. As such, it should completely describe the gift. It should NOT, however, attempt to value a non-monetary gift.

**On-site Recognition**
Temporary signs – Temporary signs (such as those used to acknowledge donors during construction activities or restoration of a structure or site, or to recognize a sponsor's financial support for a contract period) should be informational, of appropriate design and scale, and make clear that the City of Yachats is recognizing the donation. They should inform readers and might contain a brief message about the nature of the project and the support provided by the donor. The signs should be sturdy, constructed of high quality materials, consistent with the design of other City signs, professionally done and in keeping with appropriate design standards. Signs shall comply with Municipal Code Standards and shall not exceed four (4) square feet. The donor's name and corporate logo (if any) may be used if they are subordinate to the sign's message.

Temporary recognition signs may be left in place only for the contract period, or in the case of "construction" signs, for no more than six months beyond completion of the actual work on the project.

**Recognition Boards and Walls**
Upon recommendation from the appropriate Commission, the City Council may approve the placement of donor boards or donor walls with City buildings, provided the boards or walls are not the first thing a visitor observes when entering the

building, are subordinate to the primary function of the facility, and are consistent with the professional design standards. Approval by the Commission or City Council will include setting the time for display of recognition. For example, temporary displays, such as "goal thermometers," might be appropriate for the life of a specific capital campaign while longer-term boards and walls might be appropriate for significant gifts.

**Permanent Plaques**
With the exception of pre-existing donor programs, permanent plaques are to be considered carefully and should only be used to recognize significant monetary or public service contributions to the City of Yachats.

**Endowments**
Perhaps the surest way for a donor or sponsor to achieve long-term recognition is through an endowment. Endowments can be established to provide a permanent source of annual funding to support a variety of public facility and programmatic needs. The establishment of an endowment should be considered for inclusion in any major fundraising campaign to provide for future operations, maintenance and repair costs, especially those associated with major capital improvements. Entities wishing to endow should be encouraged to enter into discussions with the appropriate Commission or City Council to determine the provisions and limitations of the endowment.

**Memorial Benches, Art & Other Amenities**
The P&C Commission has established locations for the possible placement of benches, picnic tables, interpretive panels, birdbaths, kinetic art and other outdoor amenities on City property and rights-of-way. Preference will be given to those offering donations in those specific sites. However other locations may be considered.

**Memorial trees**
The Commission has established locations for the planting of trees on City property. The selected locations also include the species of tree that may be planted in that specific location.

**Signage and Plaques:** Signage or plaques indicating the commemorative nature of the memorial or other remembrances may be placed on an amenity upon prior approval as cited above. Tree signs will require the same approval, however in no instance may a sign be placed on a tree in a manner that compromises the health or life of the tree. Signs or plaques will be left in place for 10 years or until they are no longer visually attractive.

# CITY OF YACHATS

**ADMINISTRATIVE POLICY NO. 6** **USE OF CITY STAFF**

## OBJECTIVE

To clarify the procedure for requesting City Staff work or time and contact with individuals under contract with the City to serve in certain positions as such use of resources is in fact an expenditure of City funds.

## WHO MAY REQUEST STAFF WORK/TIME

City Attorney and Municipal Court Judge – Contact with and use of the City Attorney's time, except for City Staff in the performance of their assigned duties must be authorized by the Mayor or Council President.

Contact with the Municipal Court Judge, other than by the Municipal Court Clerk and/or City Staff authorized to enforce violations of City Ordinances must be authorized by the Mayor or Council President.

City Staff - Only the Mayor, Councilors, or Commission Chairs are authorized to request work/time of City Staff. This shall include, but not be limited to, typing, site inspection, telephoning, etc.

- The Mayor or Councilors shall not direct staff to initiate any action or prepare any report that is significant in nature, or initiate any project or study without the approval of a majority of the Council unless such work is related to projects previously assigned.
- Commissions shall not direct staff to initiate any action or prepare any report that is significant in nature or initiate any project or study unless the City Council has directed the Commission to undertake the associated project, plan development or analysis, or if the tasks are related to the authority delegated by City Council or a Commission goal that has been adopted by the City Council.
- All other requests shall be considered to be public records requests and shall proceed as provided in Administrate Policy No. 14 – Public Access to Documents.

## FORM AND TIMING OF REQUESTS

Requests for significant staff work/time as authorized above are to be in writing and submitted to the supervisor at least three days before the work is required.

Emergency needs for City Staff work/time must be addressed through the Mayor or Council President.

## HARASSMENT OF CITY STAFF

Department heads (City Recorder, Public Works Director, and City Planner) will be responsible for suspending contact with any citizen who is deemed by them to be impeding the staff from carrying out their duties to the entire city or harassing a staff member. All such incidents will be reported to the City Council.

# CITY OF YACHATS

**ADMINISTRATIVE POLICY NO. 7** **AGENDA PACKETS**

## OBJECTIVES

To provide procedures for making meeting information available to the City Council, Commissions and the public; and, reduce copying expenses.

## WHEN AVAILABLE

All agenda packets shall be posted as electronic packets to the City's website and the document library before the close of business on Friday of the calendar week before a Council or Commission meeting. An email will be sent to the Council or Commission members to let them know that the packets are available for their review.

Packets shall also be available at City Hall for public review. Copies may be obtained at the current cost.
After meetings packets will be filed intact.

## PACKET MATERIAL

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

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.

# CITY OF YACHATS

**ADMINISTRATIVE POLICY NO. 8 MINUTES OF MEETINGS**

## OBJECTIVES

To cut down on work/time of City Staff, to cut down on copying costs, and to simplify records.

## 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 meetings will be kept on file for more detailed references for a period of two years. All Minutes shall be published in the City's document library.

## CONTENTS OF MINUTES

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

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

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

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

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

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

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

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

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

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

# CITY OF YACHATS

| ADMINISTRATIVE POLICY NO. 9 | COMMISSION VACANCIES |
|---|---|

## OBJECTIVES

To establish an accepted procedure for filling Commission and Committee vacancies that is fair and consistent and conducive to establishing open access to City Government.

## PROCEDURES AND OBJECTIVES

1. City Recorder shall maintain a working list of all citizens filing an application for service on City Commission, Boards, and Committees. Applications shall be kept until the person is appointed, becomes ineligible to serve, or withdraws the application.

2. 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.

3. Candidates shall be interviewed by the Commission, Board or Committee to discuss their qualifications and reasons for wanting to serve.

4. **Recommendations.** The Commission, Board or Committee shall then deliberate and present a recommendation to the Council of qualified candidates for the current vacancy.

5. Candidates and any person at the Council meeting who expresses a willingness to serve shall be interviewed by City Council at either a work session or regular meeting before being appointed. Incumbents seeking reappointment are not required to interview.

# CITY OF YACHATS

**ADMINISTRATIVE POLICY NO. 10** **CITY NEWSLETTER**

## OBJECTIVE

To set up guidelines for the issuance of a City Newsletter that would provide additional lines of communication between the City administration and members of the community regarding matters that may affect them or their property and inform them of procedures for interacting with the City.

## GENERAL AND EDITORIAL CONTROL

The Yachats City Council by a simple majority vote shall have sole control of a City Newsletter including, but not limited to:

1. The decision to issue a newsletter
2. Selection of the content
3. Format, i.e., size and layout
4. Selection of writers/reporters for general or specific use

## EDITOR

The City Council may choose to appoint an editor/liaison to carry out Council's wishes, as they pertain to the newsletter.

## SCHEDULING

The newsletter will be published twelve (12) times per year and distributed with the utility bills, which are mailed or emailed by the first of each month.

## CONTENTS

In addition to issues and topics approved by City Council, the following items may be included in the City Newsletter:

1. A directory containing a list of all current elected officials, commission members, and City staff including how they may be reached by phone will be included as space permits

2. An outline of all actions taken by City Council during the preceding month that may include a brief summary of any City land-use code amendments, ordinances adopted or decisions taken and directions to find more detailed information in the City's document library website: http://www.yachatsdocuments.info/index.html

3. A summation of any current or upcoming land-use policy recommendations made to the City Council by the Planning Commission together with rationale and/or conclusions.

4. Articles written by volunteers about activities related to City facilitates such as the Commons, Library and Little Log Church and Trails.

5. A calendar indicating City Council and Commission meetings, City functions, and events at the Yachats Commons, Little Log Church & Museum, Yachats Public Library, those sponsored by Yachats Area Visitors Center, GoYachats, The Friends of the Library, and Friends of the Yachats Commons. Other nonprofit community organization meetings and events may be included at the discretion of the editor/liaison and are subject to space available.

**SUBMISSIONS**

The newsletter article submission deadline is 9 a.m. on the 20th of each month but may be rescheduled by the editor/liaison in the event of a conflict that would interfere with the timely publication, printing, and/or distribution of the newsletter. The preferred method of submission is via email to the editor/liaison.

Nonprofit community organizations may submit articles for publication by the aforementioned deadline. These articles will be published at the editor's/liaison's discretion on a space available basis.

**DISTRIBUTION**

Issues will be provided free of charge via email or U.S. Postal Service to:

- Current water/sewer customers
- Property owners within the City limits not currently connected to water/sewer service
- Property owners within the City limits whose tenants receive the water/sewer bill

Upon request:

- Renters within the City limits who do not have a current water/sewer account
- Any government unit or agency, special district, or tax-supported unit or agency
- Community nonprofit organizations
- Media members or outlets
- Any Yachats area resident

**GENERAL AVAILABILITY**

Newsletters will be posted to the City's document library: www.YachatsDocuments.com.

Additional printed copies are available at the Yachats Public Library, YachatsCommons main entrance, and City Hall.

**ADMINISTRATIVE POLICY NO. 11**
**CAPITAL IMPROVEMENT BUDGET POLICIES**

**OBJECTIVES**

To provide an effective management tool for capital budgeting. This policy establishes policies for budgeting for capital improvements while providing sufficient flexibility to enable the City Council to respond to unforeseen circumstances and new opportunities that may benefit the jurisdiction.

**POLICIES**

1. The city will make all capital improvements in accordance with an adopted capital improvement program.
2. The city will maintain a multi-year plan for capital improvements and update it annually.
3. The city will enact an annual capital budget based on the multi-year capital improvement plan. Future capital expenditures necessitated by changes in population, changes in real estate development or changes in economic base will be calculated and included in capital budget projections.
4. The city will coordinate development of the capital improvement budget with development of the operating budget. Future operating costs associated with new capital improvement will be projected and included in operating budget forecasts.
5. The city will use intergovernmental assistance to finance only those capital improvements that are consistent with the capital improvement plan and priorities, and who's operating and maintenance costs have been included in operating budget forecasts.
6. The city will maintain all its assets at a level adequate to protect the city's capital investment and to minimize future maintenance and replacement costs.
7. The city, as part of its capital planning process, will project its equipment replacement and maintenance needs for the next several years and will update this projection each year. From this projection, a maintenance and replacement schedule will be developed and followed.
8. The city will identify the estimated costs and potential funding sources for each capital project proposal before it is submitted to City Council for approval.
9. The city will determine the least costly financing method for all new projects.
10. When projects are supported by more than one fund and unanticipated revenues are available, it shall be the policy for staff to reduce the contribution from the General Fund.

# CITY OF YACHATS

**ADMINISTRATIVE POLICY NO. 12 EMERGENCY PLAN FOR CITY RECORDS**

## OBJECTIVE

To set up guidelines for the protection of vital, important, permanent, and historical records.

## CLASSIFICATION OF RECORDS

Vital records: Those which are irreplaceable and can not be reconstructed from other sources. These records would be needed to continue or re-establish the City's operations following a disaster. Including but not limited to:

- Utility billing records for current amount due
- Accounts payable by the City

Important records: Those which are replaceable at reasonable expense, may be reconstructed, or obtained from other sources: Including but not limited to:

- Maps and tax lot information
- Building and Permit records
- Facilities construction and development
- Payroll Records
- Lien Docket

Permanent records: Those which chronicle policy decisions, record meetings, contain legal descriptions, document and establish laws and long-range plans, financial, budget, and audit information, and payroll records. Including but not limited to:

- City Charter
- City Code and/or Ordinances
- City Resolutions
- City Council and Commission Minutes
- Budget, Financial, and Audit
- Election Records
- Comprehensive Plan
- Deeds to City-owned lands and easements

Historical records: Those which afford necessary history and background, establish processes and procedures, and provide understanding for those conducting research. May be irreplaceable, but are not essential to the continuance or re-establishment of the City's operations following a disaster. Including but not limited to:

- Correspondence from prior years
- Complaint records
- Land use applications

## PROTECTIVE MEASURES

### Vital Records

Utility billing records for current amount due

The City will contract with a vendor to provide an offsite backup of all records daily. The vendor will, in turn provide redundancy by having an additional backup in a secondary location.

Accounts payable by the City

The City will contract with a vendor to provide an offsite backup of all records daily. The vendor will, in turn provide redundancy by having an additional backup in a secondary location.

Backup of computer files

- All Yachats Public records that are generated on the computer will be stored on the network server so they are part of the routine backup procedure.
- The City network server will be backed up each day. The City will contract with a vendor to provide an offsite backup of all records daily. The vendor will, in turn provide redundancy by having an additional backup in a secondary location.
- All Yachats Public records on the server will be backed up to an external hard drive regularly in addition to the backup provided by the vendor.
- Yachats Public Documents will be uploaded to the document library as they are created. All documents received that become part of an agenda packet will be uploaded to the document library.

### Important records

- All computer generated information and records will be stored on the City network server to ensure they are part of the routine backup procedure.
- A copy of the maps will be kept at the water plant.

### Permanent records:

- Working copies will be made of the Deeds and easements, and the originals stored off-site in the safe deposit box.
- Working copies of City Council and Commission minutes, Resolutions, and Ordinances will be made and the originals transferred to the Yachats Water Plant for permanent storage.
- The current City Council and Commission minutes will be indexed and made a part of the computer data base, stored on the City network server, and will be a part of the routine backup procedure. Minutes which were produced prior to the use of computers will be scanned into the computer and indexed in an ongoing project as staff has the time.
- Election records, audit reports, budgets, insurance records, and other financial data that is to be kept permanently will be transferred to the Yachats Water Plant for storage.
- Yachats Public Documents will be uploaded to the document library as they are created, if possible. All documents received that become part of an agenda packet will be uploaded to the document library.

**Historical records:**

- Records which are computer generated will be kept on the network server and be a part of the routine backup procedure.
- Yachats Public Documents will be uploaded to the document library as they are created. All documents received that become part of an agenda packet will be uploaded to the document library.
- Records which are of interest to the Little Log Church and Museum will be transferred to that site for storage and/or display.
- Records of general historical interest will be maintained as per the retention schedule. Storage will be on-site in file cabinets and/or appropriate containers.

**ADMINISTRATIVE POLICY NO. 13**
**SENSITIVE AND NON-PUBLIC INFORMATION POLICY**

## OBJECTIVES

The City of Yachats adopts this policy to help protect employees, customers, contractors and the City from damages related to loss or misuse of sensitive information.

## POLICY

Sensitive information includes the following items whether stored in electronic or printed format:

- *Personal Information* – Sensitive information includes, but not limited to:
  - Credit Card Information including the number (in part or whole), expiration date, cardholder name and cardholder address.
  - Tax Identification Numbers including Social Security Number, Business Identification Number or Employer Identification Number.
  - Payroll information including paychecks, pay stubs and pay rates.
  - Medical Information for any employees or customers including doctor names, insurance claims, prescriptions, or other personal medical information.
  - Other personal information belonging to employees, contractors or customers name in combination with a Social Security Number; Oregon driver's license or Oregon identification card; passport number; or financial, credit, or debit card numbers along with a security or access code or password.
- *Corporate Information* – Sensitive information includes, but not limited to:
  - Company, employee, customer, vendor, supplier, confidential, proprietary information or trade secrets.
  - Proprietary and/or confidential information.
- Any document marked "Confidential," "Sensitive," "Proprietary," or any document similarly labeled.

- The City will implement and maintain reasonable safeguards to protect the security and confidentiality of personal information, including proper custody and disposal. Documents, forms, and processes that include or require personal information will be reviewed to determine if and when obtaining or retaining personal information is necessary. If the personal information is not necessary, the forms and process will be revised to eliminate that information. Personal information if no longer needed shall be redacted.

**Hard Copy Distribution**

- Except when required by law, Social Security Numbers shall not be printed on mailed materials unless redacted, shall not be printed on cards used to access products, services, or City buildings, and shall not be included on public postings or displays, including the city's web site. SSN may be used for internal verification or administrative processes, but should be redacted whenever possible.
- File cabinets, desk drawers, cabinets and other storage space containing documents with sensitive information will be locked when not in use.
- City Hall and all facilities used for record storage shall be locked at the end of each workday and the alarm systems engaged.

- Desks, workstations, work areas, printers and fax machines will be cleared of all documents containing sensitive information when not in use.
- When documents containing sensitive information are discarded they will be immediately shredded using a mechanical cross cut shredder or stored in a secure space until transported to a commercial shredding site by authorized personnel. A certificate of shredding or other proof shall be required if the shredding is completed off-site.
- Notary journals that contain personal information should be kept in a secured area or a locked file cabinet or drawer. No identifying numbers shall be recorded in the notary journal. Type of identifying document and expiration date may be recorded in the notary journal only.

**Electronic Distribution**

- Internally, sensitive information may be transmitted using approved City email.
- Any sensitive information sent externally must be encrypted and password protected and only to approved recipients.

**Customer Accounts**

- As per Yachats Municipal Code Section 8.04.040 all charges for water and sewer are the responsibility of the property owner and therefore all service accounts shall be carried in the name of the property owner. City employees will take reasonable care when accepting applications for service and be aware of any suspect activity.
- Any customer choosing to use any e-bill/e-pay options offered by the City shall be provided with a copy of the Privacy Policy and Terms of Use Agreement and must agree before proceeding. A copy of the agreement is attached to this policy and marked "Exhibit A."

**Notification**

- The City shall provide notification of a security breach as soon as possible in writing, or electronically if it is the primary manner of communication with the customer or employee, or by telephone if the person is contacted directly. The exception is if the notification would impede a criminal investigation.

**Employee Training and Responsibilities**

- All City of Yachats personnel will be provided with a copy of this policy and reviewed with them as part of new employee orientation. The City of Yachats personnel are encouraged to use common sense judgment in securing the confidential information to the proper extent. If an employee is uncertain of the sensitivity of a particular piece of information, he/she should contact his/her supervisor. The City shall only collect sensitive information that is necessary for each transaction or that is considered to be public information. Employees shall adhere to this policy and any internal processes adopted by their department. Noncompliance may result in formal disciplinary action up to and including termination of employment.

**Annual Report**

- A report will be prepared annually and submitted to the City Council that will include matter related to the program, the effectiveness of the policies and procedures, the oversight and effectiveness of any third party billing and account establishment entities, a summary of any identify theft incidents and the response to the incident, and recommendations for substantial changes to the program, if any.

The City will work with copier vendors to ensure all data is removed before copiers are returned to the vendor for any reason.

# Privacy Policy and Terms of Use Agreement

## I. AGREEMENT BETWEEN USER AND CITY OF YACHATS:

The City of Yachats website is offered to you conditioned on your acceptance without modification of the terms, conditions, and notices contained herein. Your use of the City of Yachats website constitutes your agreement to all such terms, conditions, and notices.

## II. TERMS OF USE:

a. LINKS TO THIRD PARTY SITES

The City of Yachats website may contain links to other websites ("Linked Sites"). The Linked Sites are not under the control of the City of Yachats and the City of Yachats is not responsible for the contents of any Linked Site, including without limitation any link contained in a Linked Site, or any changes or updates to a Linked Site. The City of Yachats is not responsible for webcasting or any other form of transmission received from any Linked Site. The City of Yachats is providing these links to you only as a convenience, and the inclusion of any link does not imply endorsement by the City of Yachats of the site or any association with its operators.

b. NO UNLAWFUL OR PROHIBITED USE

As a condition of your use of the City of Yachats website, you warrant to the City of Yachats that you will not use the City of Yachats website for any purpose that is unlawful or prohibited by these terms, conditions, and notices. You may not use the City of Yachats website in any manner which could damage, disable, overburden, or impair the City of Yachats website or interfere with any other party's use and enjoyment of the City of Yachats website. You may not obtain or attempt to obtain any materials or information through any means not intentionally made available or provided for through the City of Yachats website.

c. TERMINATION/ACCESS RESTRICTIONS

The City of Yachats reserves the right, in its sole discretion, to terminate your access to the City of Yachats website and the related services or any portion thereof at any time, without notice. GENERAL To the maximum extent permitted by law, this agreement is governed by the laws of the State of Oregon, U.S.A. and you hereby consent to the exclusive jurisdiction and venue of courts in Lincoln County, Oregon, U.S.A. in all disputes arising out of or relating to the use of the City of Yachats website. Use of the City of Yachats website is unauthorized in any jurisdiction that does not give effect to all provisions of these terms and conditions, including without limitation this paragraph. You agree that no joint venture, partnership, employment, or agency relationship exists between you and the City of Yachats as a result of this agreement or use of the City of Yachats website. The City of Yachats performance of this agreement is subject to existing laws and legal process, and nothing contained in this agreement is in derogation of the City of Yachats right to comply with governmental, court and law enforcement requests or requirements relating to your use of the City of Yachats website or information provided to or gathered by the City of Yachats site with respect to such use. If any part of this agreement is determined to be invalid or unenforceable pursuant to applicable law including, but not limited to, the warranty disclaimers and liability limitations set forth above, then the invalid or unenforceable provision will be deemed superseded by a valid, enforceable provision that most closely matches the intent of the original provision and the remainder of the agreement shall continue in effect. Unless otherwise specified herein, this agreement constitutes the entire agreement between the user and the City Yachats with respect to the City of Yachats website and it supersedes all prior or contemporaneous communications and proposals, whether electronic, oral or written, between the user and the City of Yachts with respect to the City of Yachats website. A printed version of this

agreement and of any notice given in electronic form shall be admissible in judicial or administrative proceedings based upon or relating to this agreement to the same extent and subject to the same conditions as other business documents and records originally generated and maintained in printed form. It is the express wish to the parties that this agreement and all related documents be drawn up in English.

d. COPYRIGHT AND TRADEMARK NOTICES

All contents of the City of Yachats website are: © Copyright 1995-2008 City of Yachats, All Rights Reserved. and/or its suppliers. All rights reserved.

e. TRADEMARKS

The names of actual companies and products mentioned herein may be the trademarks of their respective owners.

The example companies, organizations, products, people and events depicted herein are fictitious. No association with any real company, organization, product, person, or event is intended or should be inferred.

Any rights not expressly granted herein are reserved.

f. NOTICES AND PROCEDURE FOR MAKING CLAIMS OF COPYRIGHT INFRINGEMENT

Pursuant to Title 17, United States Code, Section 512©(2), notifications of claimed copyright infringement under United States copyright law should be sent to Service Provider's Designated Agent. All inquiries not relevant to the following procedure will receive no response. See Notice and Procedure for Making Claims of Copyright Infringement.

## *III. PRIVACY AND DISCLOSURE:*

The City of Yachats is committed to protecting your privacy and developing technology that gives you the most powerful and safe online experience. This Statement of Privacy applies to the City of Yachats website and governs data collection and usage. By using the City of Yachats website, you consent to the data practices described in this statement.

a. COLLECTION OF YOUR PERSONAL INFORMATION

The City of Yachats collects personally identifiable information, such as your e-mail address, name, home or work address or telephone number. The City of Yachats also collects anonymous demographic information, which is not unique to you, such as your ZIP code, age, gender, preferences, interests and favorites.

There is also information about your computer hardware and software that is automatically collected by the City of Yachats. This information can include: your IP address, browser type, domain names, access times and referring website addresses. This information is used by the City of Yachats for the operation of the service, to maintain quality of the service, and to provide general statistics regarding use of the City of Yachats website.

The City of Yachats encourages you to review the privacy statements of websites you choose to link to from the City of Yachats website so that you can understand how those websites collect, use and share your information. The City of Yachats is not responsible for the privacy statements or other content on websites outside of the City of Yachats and the City of Yachats family of websites.

b. USE OF YOUR PERSONAL INFORMATION

The City of Yachats collects and uses your personal information to operate the City of Yachats website and deliver the services you have requested. The City of Yachats also uses your personally identifiable information to inform you of other products or services available from the City of Yachats website and its affiliates. The City of Yachats may also contact you via surveys

to conduct research about your opinion of current services or of potential new services that may be offered.

The City of Yachats does not sell, rent or lease its customer lists to third parties. The City of Yachats may, from time to time, contact you on behalf of external business partners about a particular offering that may be of interest to you. In those cases, your unique personally identifiable information (e-mail, name, address, telephone number) is not transferred to the third party. In addition, the City of Yachats may share data with trusted partners to help us perform statistical analysis, send you email or postal mail, provide customer support, or arrange for deliveries. All such third parties are prohibited from using your personal information except to provide these services to the City of Yachats, and they are required to maintain the confidentiality of your information.

The City of Yachats does not use or disclose sensitive personal information, such as race, religion, or political affiliations, without your explicit consent.

The City of Yachats keeps track of the websites and pages our customers visit within the City of Yachats website, in order to determine what City of Yachats services are the most popular. This data is used to deliver customized content and advertising within the City of Yachats to customers whose behavior indicates that they are interested in a particular subject area.

The City of Yachats website will disclose your personal information, without notice, only if required to do so by law or in the good faith belief that such action is necessary to: (a) conform to the edicts of the law or comply with legal process served on the City of Yachats or the site; (b) protect and defend the rights or property of the City of Yachats; and, © act under exigent circumstances to protect the personal safety of users of the City of Yachats, or the public.

## *IV. RETURN/ REFUND POLICY:*

Due to the nature of the services we provide, we cannot make refunds on open utility accounts once they have been paid. In the event of overpayment, a credit will be placed on your utility account.

## *V. USE OF COOKIES:*

The City of Yachats website uses "cookies" to help you personalize your online experience. A cookie is a text file that is placed on your hard disk by a Web page server. Cookies cannot be used to run programs or deliver viruses to your computer. Cookies are uniquely assigned to you, and can only be read by a web server in the domain that issued the cookie to you.

One of the primary purposes of cookies is to provide a convenience feature to save you time. The purpose of a cookie is to tell the Web server that you have returned to a specific page. For example, if you personalize the City of Yachats pages, or register with the City of Yachats site or services, a cookie helps the City of Yachats to recall your specific information on subsequent visits. This simplifies the process of recording your personal information, such as billing addresses, shipping addresses, and so on. When you return to the same the City of Yachats Web site, the information you previously provided can be retrieved, so you can easily use the City of Yachats features that you customized.

You have the ability to accept or decline cookies. Most Web browsers automatically accept cookies, but you can usually modify your browser setting to decline cookies if you prefer. If you choose to decline cookies, you may not be able to fully experience the interactive features of the City of Yachats services or Web sites you visit.

## *VI. SECURITY POLICY:*

The City of Yachats secures your personal information from unauthorized access, use or disclosure. The City of Yachats secures the personally identifiable information you provide on computer servers in a controlled, secure environment, protected from unauthorized access, use or disclosure. When personal information (such as a credit card number) is transmitted to other

websites, it is protected through the use of encryption, such as the Secure Socket Layer (SSL) protocol.

## *VII. DISCLAIMER:*

### a. MODIFICATIONS

The City of Yachats reserves the right to change the terms, conditions, and notices under which the City of Yachats website is offered, including but not limited to the charges associated with the use of the City of Yachats website.

### b. LIABILITY DISCLAIMER

The information, software, products, and services included in or available through the city of Yachats website may include inaccuracies or typographical errors. Changes are periodically added to the information herein. The city of Yachats and/or its suppliers may make improvements and/or changes in the city of Yachats website at any time. Advice received via the city of Yachats web site should not be relied upon for personal, medical, legal or financial decisions and you should consult an appropriate professional for specific advice tailored to your situation.

The city of Yachats and/or its suppliers make no representations about the suitability, reliability, availability, timeliness, and accuracy of the information, software, products, services and related graphics contained on the city of Yachats web site for any purpose. To the maximum extent permitted by applicable law, all such information, software, products, services and related graphics are provided "as is" without warranty or condition of any kind. The city of Yachats and/or its suppliers hereby disclaim all warranties and conditions with regard to this information, software, products, services and related graphics, including all implied warranties or conditions of merchantability, fitness for a particular purpose, title and non-infringement.

To the maximum extent permitted by applicable law, in no event shall the city of Yachats and/or its suppliers be liable for any direct, indirect, punitive, incidental, special, consequential damages or any damages whatsoever including, without limitation, damages for loss of use, data or profits, arising out of or in any way connected with the use or performance of the city of Yachats website, with the delay or inability to use the city of Yachats web site or related services, the provision of or failure to provide services, or for any information, software, products, services and related graphics obtained through the city of Yachats website, or otherwise arising out of the use of the cit of Yachats web site, whether based on contract, tort, negligence, strict liability or otherwise, even if the city of Yachats or any of its suppliers has been advised of the possibility of damages. Because some states/jurisdictions do not allow the exclusion or limitation of liability for consequential or incidental damages, the above limitation may not apply to you. If you are dissatisfied with any portion of the city of Yachats website, or with any of these terms of use, your sole and exclusive remedy is to discontinue using the city of Yachats website.

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If you have questions or comments about this privacy statement, the practices of our site, or your experience with our website, you may contact us at the following:

City of Yachats
PO Box 345
Yachats, OR 97498

waterbill@ci.yachats.or.us
Phone: (541)547-3565

**ADMINISTRATIVE POLICY NO. 14 PUBLIC ACCESS TO DOCUMENTS**

**OBJECTIVE**
Defines conditions by which an individual may obtain, through public access laws, documents and/or copies of documents.

**Record Classification**

- All records shall be considered public unless they are listed as exempt.
- All new correspondence or testimony related to City, Council or Commission business shall be delivered to the main office at city hall so they can be classified and scanned if the documents are to be added to the document library.
- Documents exempted from the document library include the following:
  - e-mail
  - phone calls
  - bills, invoices, advertisements, magazines, catalogs
  - utility billing records
  - payroll data
  - draft staff records including preliminary budgets and CIP work papers (capital improvement planning)
  - audit work papers
  - personnel records
  - large format documents like engineering plans, maps, as-built diagrams may be excluded when the City lacks the ability to scan documents and digital version are not available.

All organizations performing work for the city that results in a written document shall submit a digital copy to the City Recorder along with the print version. This requirement shall be included in all future contract documents.

**Public Access:**

- All public records since July 1st 2004 shall be available in the on-line Document Library.
- All active plans, studies, reports related to plans or projects shall be available in the Document Library.
- The final version of draft documents shall be marked as "Final Version"

- Documents with confidential information may be exempted or sensitive information shall be redacted.
- The public can obtain printed copies from computers at the Yachats Library if they do not have a printer at home. The cost per page shall be the prescribed amount for using the library public printer.
- Original documents shall be retained in the archive of printed public records stored at the sewer plant

1. The City shall provide a copy of this Policy as a written procedure for public records requests. Requests for information shall be in writing on a form provided by the City Recorder. The form shall also serve as the City's response as required in Section 11.

2. Any single document, which is easy to access, to which the public has access must be shown upon request.

3. Copies of up to five pages in length will be copied immediately at a cost of 15 cents per page upon request.

4. A request for more than 5 pages will be supplied at a cost of 15 cents per page as time constraints on the staff allow.

5. The person requesting the documents has the option of paying the staff overtime for the requested documents, or paying for the time of a part time person, hired by the City, to do the copying. The 15 cents per page charge shall also apply.

6. Persons with requests for documents which will require extensive research and copying may apply to City Council, or their designee for authorization to conduct the research, and make the copies themselves. All research will be conducted at the City Hall office, and all copies will be made on-site. City staff will assist in, and supervise all original document review, and equipment operations. The 15 cents per page charge shall apply.

7. All documents that will assist citizens in effectively participating in the planning process will be made available to the public, if the Council determines they are consistent with State and local laws for the protection of personal privacy, confidentiality, and exempt records law.

8. The Citizen Involvement Program, as adopted by City Council will be followed concerning public access to all planning and land-use documents.

9. The City Recorder may obtain legal advice from the City Attorney before releasing any documents if there is a question regarding exemption status.

10. The City Council may establish fees that are reasonably calculated to reimburse the City for its actual cost in making such records available. This fee may include the costs for summarizing, compiling, or tailoring a record, either in organization or media, to meet the person's request; a charge for time spent by the City staff in locating the requested records, reviewing the records in order to delete exempt material, supervising a person's inspection of original documents in or-

der to protect the records, coping records, certifying documents as true copies, or sending records by special methods such as express mail; and, a charge for attorney time reviewing and segregating records.

11. A written response must formally acknowledge the receipt of the request and include at least one of the following:

- A statement that the public body is not in possession of the requested records;
- A request from the public bodying clarifying the request;
- Copies of the requested records;
- A statement that the public body is in possession of at least some of the requested records, the amount of time the public body needs before the records will be available to the requestor and a cost estimate for providing the records;
- A statement that the public body is uncertain if it is in possession of the records and the amount of time the public body needs to search for the records; or
- A statement that the public records are exempted from public disclosure under state and federal law.

When appropriate citizens shall be informed about the document library.

Fees as established by Resolution No. 2005-04-03

**Research Fee**
A fee of $25 per hour shall be charged for any public document request that requires more than minimal time for City Hall staff to locate the requested documents and/or produce copies. If the estimated time will exceed one hour, the individual making the request shall pre-pay up to $100 of the estimated fee before the research is initiated. When the deposit has been used staff will contact applicant for authorization to continue the research. Upon completion of the research the individual shall pay any additional costs based on the actual time at the hourly rate. The City will refund any un-used portion of the pre-payment. Copy charges shall apply to any copies made.

**Photocopies**

| | |
|---|---|
| Photocopies | |
| Single-side, letter or legal size | 15¢ |
| Double side, letter or legal size | 10¢ per side |
| Over-Size (11 x 14) | 50¢ |
| Color Copies | $1.00 |
| **FAX** | |
| 1-5 pages | $2.50 |
| each additional page | 50¢ |
| **Transcription** | Actual Cost - (hourly wage x hours) |

# CITY OF YACHATS

ADMINISTRATIVE POLICY NO. 15
ACCEPTANCE OF SYSTEM DEVELOPMENT CHARGES

**OBJECTIVE**
To provide a consistent procedure for collecting System Development Charges, while accommodating property owners needs.

**ACCEPTANCE OF FEES**
System Development Charges must be paid prior to issuance of a building permit, development permit, or permit to connect to the water, sewer, or storm drain system within the City.

System Development Charges may be paid on an undeveloped lot, anytime, at the owner's election.

The current System Development Charges will be collected by the City and entered into the data base.

The System Development Charges collected will be credited to the lot indicated, and will remain a credit to the particular lot. Once applied to a specific lot, no fee may be credited to another lot.

If the lot is partitioned, the credit for System Development Charges will remain with the lot that retains the original map and tax lot number. If for any reason the map and tax lot number should change, the credit will remain with the lot that retains the majority of the "features" of the original lot, such as highway access, square footage, address, etc.

System Development Charges fees will not be returned once paid. The credit remains with the lot if ownership transfers.

If System Development Charges are paid for a specific project, and the property owner fails to get an approved building permit or construction loan, a refund will be made upon receipt of a written request. The necessary notations will be made in the data base, and the written request filed in the map and tax lot master file. Future development will require the payment of all System Development Charges at the rate such application is made.

Any System Development Charges the City imposes for public improvements not included in the current rate when paid will be collected prior to issuance of a building permit, development permit, or permit to connect to the water, sewer, or storm drain system within the City.

# CITY OF YACHATS

| ADMINISTRATIVE POLICY NO. 16 | NIGHT MEETING SECURITY |
|---|---|

## OBJECTIVES

To establish an accepted procedure for securing the meeting room and building following night time meetings, while providing a safe environment for City staff and volunteers.

## PROCEDURES AND OBJECTIVES

1. **Secure Building**. All doors and windows to the meeting room and building shall be locked following the meeting, making a reasonable attempt to secure the building.

2. **Provide Safe Environment.** Following all meetings the Presiding Officer of the Commission, Committee, or Council shall make certain that no City staff or volunteer is left to secure the building by themselves. A minimum of two persons shall be the last to leave the building.

# CITY OF YACHATS

Administrative Policy No. 17
Purchasing, Accounts Payable and Accounts Receivable Processing and Financial Reporting

## OBJECTIVES

To describe procedures, controls and accounting that will ensure the proper expenditure of City funds for goods and services necessary for the operation of the City of Yachats; and to provide for procedures, controls and accounting of funds received by the City to ensure that revenues are properly collected and accounted for.

## ACCOUNTS PAYABLE PROCESSING

Invoices received will be scrutinized by accounting personnel for validity of the vendor, purchase, amount and actual receipt of goods or services. Payment will be made according to the invoice, with monthly statements used for reconciliation purposes.

Invoices for goods and services other than regular monthly bills (i.e. utility bills, phone bills, etc.) will be referred to department heads for review and to determine the fund and budget line item to which they will be charged.

The obligations of the City of Yachats are to be paid when due, or before due if there is a cash incentive for early payment. The accounts payable for the previous fiscal period are presented to council for approval at their regular mid-month meeting. The summary "bills for approval" worksheet will be provided to councilors with a control report showing the details of each expenditure for the period. Accounts payable checks are processed on the first of the month and the Friday following the council meeting. All City checks require two signatures, and the documentation for each check will be attached to the check for review. Payroll checks are separate from accounts payable checks and are paid on the 15th and the last day of the month. Payroll liabilities and meter postage are paid by automatic withdrawal from the City checking account. Payroll checks and automatic withdrawals are not included in the control report.

City Council may appoint a financial liaison, typically the Council President, to meet with the Public Works Director and City Recorder (department heads) and the Deputy City Recorder (accounting personnel) prior to the Council meeting to review the bills for approval. All invoices would be available for inspection during the meeting.

Purchase orders are not required but may be issued by the City Recorder or Public Works Director if necessary.

## ACCOUNTS RECEIVABLE PROCESSING

Payments received will be processed through the cash receipts software, utility billing software and/or through the epay system. Accounting will retain the daily cash receipts journal, utility batch reports and epay batch reports.

Credit adjustments made to utility accounts will be recorded on a credit form and approved by the City Recorder before being entered into the computer.

## FINANCIAL REPORTING

Each month the City Recorder reconciles cash in banks, investment accounts, accounts payable, accounts receivable and payroll. Taxes received are reconciled quarterly and other non-utility receipts are reconciled annually to the general ledger.

Detailed records of monthly reconciliations are stored for audit and accounting record-keeping purposes, including monthly trial balance, general ledger, balance sheet and statement of revenues and expenditures for all funds. At fiscal year end, a general ledger report for the year will be added to these records and provided to the auditor.

After reconciliation of each month, department heads and the Council will be provided copies of the statement of revenues and expenditures for the year to date.

# CITY OF YACHATS

**ADMINISTRATIVE POLICY NO. 18 COMMISSION OPERATIONS & PROCEDURES**

## GOAL

To insure timely and fair action on all matters before the commissions conformable to the powers and duties specified in the City Code (2.04.040 and 2.08.040).

## OBJECTIVES

To establish rules regarding Commission operations, functions, and duties that will provide direction, allowing the members to facilitate an orderly progression of business at regularly scheduled public meetings. All meetings will be held on City premises, and duly noticed.

### Membership

Members will be appointed or released as provided by Code ("by the Mayor with approval by the 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.

### 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.

### Elections

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

### Officers

### Duties of the Chair

The Chair is the Presiding Officer of the meeting. The duties of the Chair are:

- 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, 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.

In order to facilitate an effective meeting, the Chair should remain impartial. The Chair may vote on a motion but has no veto. To speak for or against a motion the Chair should wait until all other members present have spoken. If the matter involves the Chair's strong minority position, the Chair should request another member to preside during deliberation and decision. Once the motion has been voted on, or otherwise resolved, the Chair will resume as presiding officer.

**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.

**Duties of the Commission Members**

- Members shall make every effort to attend each meeting and be on time.
- Effective members understand these rules as well as parliamentary procedure and abide by them.
- Members should address all remarks through the Chair.
- Members should be knowledgeable and familiar with the issues before them so they can participate in the meeting.
- Introduce motions.
- Deliberate the issues according to the rules, seeking clarification of and consensus on issues.

- Be aware of all rules of law regarding conflict of interest and voting for their Commission.
- Vote on all motions, except conflicts of interest as legally defined in Oregon Government Standards and Practices law or other law.
- Members shall abstain from voting on matters carried over from meetings they did not attend, unless they have listened to the audio recording, viewed any video tapes available, and/or read the documents, testimony, or written correspondence regarding the matter and declare such prior to voting.
- Members will attend Staff or Council recommended and/or provided training. Any member who does not attend such training may be removed from the Commission by Council.

**Calling the meeting to order and establishing a quorum**

If the Chair is absent the Vice-Chair will call the meeting to order.

If both the Chair and Vice-Chair are absent the Recording Secretary will call the meeting to order and call for an election of a Chair pro-tem.

If there is not a quorum:

- The meeting is called to order, the absence of a quorum is announced, and the meeting is adjourned. The minutes will show the absence of a quorum and the time of adjournment.
- No binding business can be transacted in the absence of a quorum.
- Members may hear scheduled guest speakers, or take comments from the floor, but shall not take any action.

CITY OF YACHATS

# ADMINISTRATIVE POLICY NO. 19
# RELIEF FOR WATER BILLING FOR NATURAL CAUSE WATER LOSS

## OBJECTIVES

To provide an application process for partial credit for water charges resulting from loss as a result of natural causes; define those specific causes; and, establish the procedure by which City Hall Staff will process the applications for credit, based on the criteria to ensure that it is fair and consistent.

## CRITERIA AND PROCEDURES

This policy applies only to the uncontrolled loss of municipal treated water at any residence or business as a direct result of natural causes. Relief will be considered for the quantity exceeding the average consumption.

1. The City Recorder will deny relief if it is determined that the property was unoccupied for 5 or more days and the hand valve was not present, not operational, or not used to minimize loss.

2. Any metered water service customer may apply for partial relief of the cost of water lost as a result of the below listed natural causes.

3. The City Recorder will grant relief of fifty percent (50%) of the charges above the applicant's average usage as determined by a review of the previous twelve (12) months' billings.

4. To qualify for such relief the situation shall meet the following criteria:

   a. The excessive loss of water must not be caused by negligence of any party or individual.

   b. The excessive cost of water must be greater than the average of the metered usage of the last twelve (12) billings.

   c. The relief applied for will not exceed two billing cycles.

   d. Only the owner, customer, or agent of record may apply.

   e. Relief will not be granted for any loss that occurs more than one time at the same part of the plumbing where relief was previously granted.

   f. The applicant must provide evidence that the leakage has been satisfactorily remedied and has been inspected by a City employee.

g. The applicant must apply by filing a request for relief with the City Recorder, or designee.

5. For the City of Yachats to provide relief for a loss of water over and above the customers average usage the loss must be caused by one, or more of the following natural events:

   a. Severe Freezing.

   b. Earthquake. Any time that such a natural event shall occur in the immediate vicinity of Yachats earthquake damage is an allowable cause.

   c. Earth slide. Any time an earth slide of size sufficient to cause the breaking or disconnection of plumbing the event is allowable and eligible for relief.

6. The City may forgive sewer charges when there has been an emergency loss of water and it is demonstrated that the lost water did not enter the sewer system.

7. Any decision or action of the City Recorder made or taken pursuant to this policy may be appealed to the council by filing written notice of appeal with the recorder within thirty (30) days following such decision or action. Such notice of appeal shall set forth in reasonable detail the action or decision appealed from the appellant's grounds for reversal or modification thereof. No later than the next regular council meeting following receipt of such notice, the council shall set a time for hearing upon such appeal. The action of the council upon such appeal shall be final.

**ADMINISTRATIVE POLICY NO. 20**
**FISCAL POLICIES FOR MANAGEMENT OF DEBT AND CAPITAL IMPROVEMENTS**

## OBJECTIVES

The purpose of this policy is to provide an effective management tool for debt and capital improvement financing. This policy establishes limits on the debt program while providing sufficient flexibility to enable the City Council to respond to unforeseen circumstances and new opportunities that may benefit the jurisdiction. The debt program sets forth the parameters for issuing debt and managing the debt portfolio while providing guidance to decision makers regarding the timing and purposes for which debt may be issued and types and amounts of permissible debt.

## POLICIES

1. Long-term borrowing will not be used to finance current operations or normal maintenance.
2. The city will make every effort to repay all debt issued within a period not to exceed the expected useful life of the improvement.
3. The city will not issue tax or revenue anticipation notes.
4. The city will not issue bond anticipation notes with maturities in excess of the time required to construct the project and sell the bonds, or two years.
5. For any enterprise fund (water and sewer) the rates will be reviewed annually to ensure that the rates are sufficient to meet the debt service requirements and support the operations.
6. The city will use pay-as-you-go financing for capital improvements that may be completed within one fiscal year.
7. The city will not issue bonds more frequently than once every two fiscal years, unless there is an emergency situation.
8. The city will get authorization from the voters for all bonds issues, including revenue bonds.
9. The city will maintain its total general obligation bonded debt at a level not to exceed 3% of the assessed valuation of taxable property within the city.
10. The city will ensure that its annual general obligation bonded debt service does not exceed 10% of total city resources.
11. The city will ensure that its annual general obligation bonded debt service does not exceed 10% of total city expenses.
12. The city will maintain a general fund contingency fund at a level not less than 7% and will strive for 12%
13. The city will maintain appropriate capital improvement reserve fund.
14. The city will maintain a five-year capital improvement plan that will be updated annually. The capital improvement plan will be used as the basis for formal fiscal year appropriations during the annual budget process.

**ADMINISTRATIVE POLICY NO. 21**
**USE OF CITY Credit card CREDIT CARD**

**OBJECTIVES**

To state the City of Yachats' policy on business use of VISA credit cards.

**Policies**

**General Statement of Policy**

The City of Yachats has obtained Business Credit cards for use by the Mayor and Department Heads. The card is to be used for business related expenses and/or emergency purchases only and is not intended to replace nor is a substitute to the current City Purchasing Policies and Procedures. Cards may be issued to:

- Mayor
- Public Works Director
- City Recorder/Finance Director

**Purpose and Uses**

1. The purpose of the Business Credit card is to accommodate business related expenses and/or charges and to provide the employee with the convenience of paying for expenses incurred while on official City business attending meetings representing the City, attending conferences or workshops where meals are not provided, and for purchases that are emergency in nature.
2. Only those persons to whom a Business Credit card is issued can authorize purchases using the card.
3. The Credit card may be used to pay for purchases where the City does not have established credit with the vendor, for purchases made online or when it is the most convenient way to purchase. The use of the card for cash advances, cash refunds and purchases that are personal in nature is a violation of this policy.
4. Each Credit card has a credit limit of Three Thousand Dollars ($3,000).
5. The Credit card cardholders are responsible for, required to and must:
    a. Ensure that he/she has sufficient budgetary authority to incur the charge and that there is sufficient amount available from his/her department budget to pay for the expenditure.
    b. Adequately identify and provide the original copy of the charge slip and/or receipts of all purchases/charges as shown on the monthly Credit card statement including the quantity and description of items purchased, if not available, to the City Recorder's Office. All credit card charges that are properly documented and authorized will be paid. Charges will not be processed that do not have the approval of the appropriate department head. It is the cardholder's responsibility to provide adequate documentation and proof of the appropriateness of the charges to their account.
    c. Secure approval of the Mayor, where necessary.

6. The cardholder must reimburse the City for any unauthorized charges or use of the card within seven (7) days after being notified of the violation.
7. Any disallowed charges (including finance charges) may be deducted from the cardholder's paycheck if deemed necessary.
8. It is the cardholder's responsibility to immediately notify the City Recorder if the card is lost or misplaced so that proper arrangement can be made with the bank to cancel the card.
9. Any violation or non-compliance with this policy may result in the revocation of the employee's right on the use of the Credit card, certain disciplinary action up to and including termination of employment.
10. Whenever an employee to whom a card has been issued leaves city employment the Business Credit card issued to them will be destroyed and the account closed.
11. All charges on the monthly statement will be listed on the City Council's Bills for approval in such a way that the Council can identify the user, purpose and fund charged.
12. The cards will be kept at City Hall unless needed for pre-authorized travel or for making purchases.

CITY OF YACHATS, OREGON

BUSINESS VISA CARD AGREEMENT

I hereby acknowledge receipt of the City's Business Credit card with the following number: _____

As a cardholder, I agree to comply with the terms and conditions set forth in this agreement. I hereby acknowledge that I have read and have received a copy of the City's Administrative Policy and Procedure governing the use of City Business Credit card Cards and agree to comply with the provisions on the use of card, documentation requirements and approval requirements. I understand the card should only be used for purchases/charges of business related items and/or for emergency business related purposes only and should not be used in lieu of the current City Purchasing Policies and Procedures.

I further understand that improper use of this card for prohibited expenditures and charges, including cash advances, cash refunds and personal purchases may result in disciplinary action, up to and including termination of employment.

I also agree that I have to reimburse the City for any and all charges made to my Credit card that are in violation of the allowable charges in accordance with this agreement. In the event I fail to reimburse the City within seven (7) days after being notified of the violation, I hereby authorize the City Recorder's Office to deduct the disallowed charges from my salary. I also understand the City may collect such amounts, even if I am no longer employed by the City. I understand and acknowledge that the City may terminate my right to use this card at any time, for any reason and I agree to return the card to the City immediately upon request, change of employment or upon termination of employment.

With my signature below, I hereby acknowledge that I have read and fully understand the provisions contained in this agreement and hereby acknowledge receipt of the Business Credit card.

Cardholder:

Signature: _____ Date: _____

Print Name: _____

CITY OF YACHATS
ADMINISTRATIVE POLICY NO. 22
NOTARIZATION POLICY

**OBJECTIVES**

To state the City of Yachats' policy on Notarization of Documents by City Staff

**General Statement of Policy**

While the City of Yachats does not wish to compete with local businesses, the City may provide Notary Public services for the public on a limited basis. This policy defines how the City will allow the Notary Public to function.

**Purpose and Uses**

Times

Notarization services for the public will generally be available during City Hall hours when:

- There are currently no local licensed notaries operating as a part of his or her normal business operation.
- The local licensed notaries are not available for reasons such as vacation or illness.
- The local businesses limit the access to employee notaries for services related to the business, i.e. a bank allowing only services to customers.
- The local notaries are not able to notarize a document because they are related to the person requiring the notarization.
- The person requiring the notarization is a local notary and not able to perform their own notarization.
- The notarization is required by the City of Yachats.

*Note: The employee notary may notarize any document for the public after hours as allowed by Oregon Law.*

Documents Accepted

The following documents will be permitted:

- Acknowledgements
- Verification Upon an Oath of Affirmation
- Certifying of a Copy
- Witnessing or Attesting a Signature
- Depositions

Notarizations of a Will, an Escrow Closing, or a Protest of Commercial Paper will not be allowed.

Fees

Fees will be waived for all notarizations.

Adopted by City Council - June 9, 2016

Right of Refusal

The Notary public has the sole responsibility to refuse a notarization, as allowed by Oregon law.

Responsibility for Updates and Renewals

It is the City of Yachats intent to maintain a minimum of one employee as a Notary Public. This shall be the responsibility of the City Administrator's office. The City shall pay for all education, licenses, seals and journals.

Notarization for colleagues on work premises

The Notary Public is allowed to notarize on his/her own time to colleagues for non-work purposes.

Disposition

Notary Seals, as required by law, shall go with the notarization agent if they should leave the City's employment, either by termination, or by resignation. However, Notary journals are also part of the public domain, and as such, shall be retained by the City of Yachats under current record retention laws. In this case, the Notary Public shall obtain a new notarial journal for use with a new employer. Future employees, who enter employment with the City and already possess a notary seal, shall obtain a new notary journal for use while they are employed by the City, since any records used are part of the public domain.

Education Requirements

The Notary Public is responsible for knowing and understanding Oregon laws and administrative rules, relating to notaries, and as per the Oregon Revised Statutes, and Oregon Administrative Rules.

Liability

The City of Yachats maintains liability insurance, which covers errors or omissions in the case of legal action being brought against the Notary Public.

Review and Update

This policy shall be reviewed by the City Administrator, depending upon notary updates and state law requirements.

Adopted by City Council - June 9, 2016

# Yachats Trail Development Guidelines

**As adopted by City Council – January 8, 2009**

***Preface:*** The following guidelines are offered as rudimentary trail construction premises and are offered as minimum considerations. Additional technical information on the covered topics and other trail design issues are available from California State Parks, US Forest Service and other trail management organizations.

***Trail Alignment***: The route of a trail is largely dictated by the constraints of pre-indentified starting/ending points, terrain, existing easements, and the need to protect natural and cultural features along the route. Route selection, to the degree possible, should be adjusted to provide the best view opportunities available and an enjoyable walking experience as well as slope and grade that assure a minimum ongoing maintenance workload. Wherever possible trail alignment should be used to prevent the need to structurally address drainage/erosion issues.

***Grade:*** The goal for trail grade is less than 7 %. For brief stretches, where terrain is problematic, grade can be as steep as 10%. If greater steepness is unavoidable stair or stepped trail surface will be required.

***Drainage:*** Drainage control on a trail relates to two primary types of water control; surface and subsurface. Surface water is precipitation that flows naturally along the surface but has been cut off by the trail. Methods of dealing with surface water to prevent standing water or erosion include; out-slope, drain dips, water bars, ditches and by varying the trail grade. Interceptor ditches above the trail to route runoff into adjacent natural drainages can also be used to minimize erosion. Subsurface water is one of the most troublesome problems in trail construction. It is best to align the trail around such areas whenever possible. In some cases these areas can be altered to lower the water table by diverting subsurface waters elsewhere (tile drains, ditches, culverts, perforated pipe). In other cases puncheon or boardwalk structures will be required.

***Structures:*** Any new structure creates a long term maintenance obligation. Therefore trails should be designed to minimize the need for ancillary structures. When unavoidable or when the benefit outweighs the long term maintenance need, bridges, stairways, benches, and the like should be designed to minimize future repair needs. Durable and long lasting materials such as aluminum bridge stringers, masonry stairways, stone benches or other long lasting options should be used.

***Base Construction:*** Construction of side-hill trails usually requires grading for a bed for the trail, but if the existing surface is .at and provides a suitable tread, leave it undisturbed. This will reduce erosion and maintenance. When grading is unavoidable fill slope and back-slope must be constructed to the native materials angle of repose. Any greater angle will result in drainage, erosion, and maintenance problems.

# City Council Action Item Cover Sheet

DATE: January 2, 2019

**Agenda Item:**

Finance Committee Composition

**Question Before Council:**

Discussion of policy issues raised on proposed Ordinance 355

**Person/Group Initiating Request:**

City Manager

**Item Summary/Background:**

In December 2018, the City Manager raised proposed revisions to the Finance Committee. Policy issues were raised and it was decided that the 2019 Council will review and discuss. Additionally, it was discussed that this revision may need to be considered in context with the 2nd phase of the organizational study.

The City Manager recommends, after discussion, that the Council develop a plan and recommendation for the Finance Committee, either alone or in the context of the 2nd phase of the Organizational Study.

DATE: December 5, 2018

TO: Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: Finance Committee Considerations

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Following the November 7, 2018 Council Action to modify the Yachats Advisory Finance Committee (red-lined resolution attached), the City Manager developed Ordinance No. 355 to reflect the modifications made by Council through the Resolution.

Once modified, the City Manager sent it to the City Attorney for review. The City Attorney had the following comments – I have included my questions to Council in italics after each question:

1) Overall, I understand the City's history with the CIP Committee (Finance Committee), but it seems like there is some overlap here with the Budget Committee and the Finance Committee appears to be an added layer of decision making. An added layer of decision making is not necessarily a bad thing, since it can increase community input and community notice. But, it can also slow the budgeting process down and may also tie the City's hands should it want to take advantage of an opportunity on short notice. This is my way of asking whether this committee is really needed, or whether it would be better for the Budget committee to take on some additional duties as set out in this Chapter 3.10.

*Does the Council wish to continue with the Finance Committee, or as the attorney suggests add additional duties to the Budget Committee. This would be a significant change in operations and should be considered with the information stated in the Organizational Study section of the agenda.*

2) Section 3.10.010. Generally staff are not voting members of committees, but instead serve as ex-officio members. Here, it looks like you are creating a voting membership position for someone from the Manager's Office. I think it is legally permissible, but I do think it is awkward.

*As a policy, does the Council wish to clarify of the staff are voting members or ex-officio members?*

3) Section 3.10.010. The Council may wish to clarify the following: How many members on the Committee? What are the terms of office? What is the quorum requirement and what are

the voting requirements? How many citizen members on the committee? Can a member be removed? If so, how?

*Does Council wish to clarify these policy questions? If so, does Council wish to make these requirements similar to other Commissions?*

4) Section 3.10.020. I read the duties of the Finance Committee as essentially providing input and assistance to the Council. But, I'm not sure how to read the last sentence in this section. This last sentence could be read to require Finance Committee approval before the City can spend money on any project ("no appropriation shall be voted for..."). Or, perhaps this is just a limitation on the Finance Committee? But then I'm not really understanding the requirement for submitting a report to Council ("shall first have submitted a report to the Council...").

*Does Council wish to clarify the process outlined in Section 3.10.020?*

5) Section 3.10.030. I'm not sure how the process of creating the CIP by the Finance Committee, approving the CIP by the Council, and then providing that the "first year amounts shall be included in the proposed budget for the next year" fits with the budget process. This section could be read as tying the Budget Committee's hands in what it can propose for the budget. I'm not sure if that fits with local budget law, which has the Budget Committee creating the proposed budget and providing it to the City Council. Maybe it is just a terminology issue. As a matter of process, I think the Section is accurate, but I think perhaps we should find a different way of phrasing this provision so that it doesn't seem like the Budget Committee is powerless. How about: "The first year amounts shall be included in the proposed budget for the next year for consideration by the Budget Committee."

*Does Council wish to incorporate the attorney's suggestion in Section 3.10.030?*

6) Section 3.10.040. As with the prior section, I'm a little concerned that this section creates confusion with the budget process. While an adopted CIP authorizes the expenditure of SDCs on a particular project (ORS 223.309), it is the adoption of a budget under the local budget law that creates an appropriation and authorizes the expenditure of City money. This section gives the impression that adoption of the CIP creates the authorization for the expenditure of money; but it is the adoption of an annual budget that actually creates the expenditure authority.

*Does Council wish to further clarify this section?*

I have attached, the current Code Chapter 3.10, Red-lined version of Ordinance 355, and the Red-lined version of the Resolution approved by Council on November 7, 2018.

The City Manager requires policy direction from Council regarding whether the Council wishes to 1) clarify the roles of the Budget and Finances Committees, and 2) clarify the language in the sections noted by the City Attorney.

## Chapter 3.10 - Capital Improvement Planning and Planning Sub-Committee

### Section 3.10.010 Membership.

The City Council shall establish and appoint a finance committee which shall also serve as the capital improvement planning committee (CIP committee). The chair of the finance committee shall also serve as the chair of the CIP sub-committee. (Ord. 330, 2014; Ord. 248, 2004)

### Section 3.10.020 Powers and duties.

The sub-committee, at public meetings, shall study proposed capital projects and improvements involving major non-recurring tangible assets and projects which (1) are purchased or undertaken at intervals of not less than five (5) years; (2) have a useful life of at least five (5) years; and (3) cost over $5,000. Each year, commission chairs, boards, and department heads, shall submit capital project requests to the sub-committee including information for all anticipated projects requiring council action during the ensuing five (5) to ten (10) years. Submissions shall be on the proscribed forms provided by the City's budget officer. The sub-committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the City. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the sub-committee's report or the sub-committee shall first have submitted a report to the City Council explaining the omission. (Ord. 330, 2014; Ord. 248, 2004)

### Section 3.10.030 Capital improvement program—Annual report to City Council.

The sub-committee shall prepare an annual report recommending a capital improvement budget for the next fiscal year, and a capital improvement program including recommended capital improvements for the following five (5) fiscal years. The report shall be submitted to the City Council for its consideration and approval. The first year amounts shall be included in the proposed budget for the next year. (Ord. 330, 2014; Ord. 248, 2004)

### Section 3.10.040 Capital improvement program—Adoption and appropriations.

Such capital improvement program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals and the like; but no such expenditure shall be incurred on projects which have not been so approved by the City through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five (5) years in the future. (Ord. 330, 2014; Ord. 248, 2004)

### Section 3.10.050 Capital improvement program—Public report.

The sub-committee's report and the council's recommended capital budget shall be published and made available to the public. The sub-committee shall deposit its original report with the City Recorder. (Ord. 330, 2014; Ord. 248, 2004)

**CITY OF YACHATS**

**RESOLUTION NO. ~~2007~~2018-~~10-01~~37**

**A RESOLUTION MODIFYING THE YACHATS ADVISORY FINANCE COMMITTEE**

**WHEREAS,** small cities lack staff resources to provide comprehensive financial analysis. Existing staff that could do this work are assigned other duties and don't have the time studies and analysis often require; and

**WHEREAS,** there tends to be a reliance on financial consultants who are expensive; and

**WHEREAS,** the City ~~Recorder~~ Manager would benefit from the opportunity to discuss financial issues with other professionals; and

**WHEREAS,** Yachats has ~~retired~~ volunteers with financial and analytical skills;

**NOW THEREFORE,** the City of Yachats resolves to authorize the creation of the Yachats advisory finance committee to provide financial expertise in recommendation to the City Council and Commissions.

**Duties:**

- Provide financial expertise in recommendations to the City Council and commissions for utility rates studies, property taxes decisions, changes in other taxes, other sources of revenue and financial agreements.
- Provide a long term horizon for fund balance projections (3-5 years)
- Provide a "state of the City" financial report to the City Council – This would be a snapshot of how the financial long term picture looks given certain assumptions.
- Provide a financial framework for a Drainage utility fund
- Assist the City ~~Recorder~~ Manager on special projects like:
    - Review and recommend changes to the City budget document
    - Review and comment on the CIP document and process
    - Is development paying their fair share of the infrastructure and operational costs?
    - How can the City organize / present information to improve decision making?
- Other projects assigned by the City Council

The committee's role is advisory.

**Membership:**

- Members should have skills in finance, analysis, budgets, and taxes.
- Experience with Excel and an e-mail account are desirable.
- Members will include one individual from Public Works, Planning, Parks & Commons, Library, Budget Committee, Council, and the City ~~Recorder~~Manager's Office

~~**This Resolution is memorializing an action taken by City Council at the October 11, 2007 meeting and was effective as of that date.**~~**Effective Date: This Resolution shall take effect immediately upon its adoption. Passed and adopted by the Yachats City Council the 7th day of November, 2018**

Attest:

_____ _____

~~Susanne Smith~~W. John Moore, Mayor
City ~~Recorder~~ Manager

~~Nancy Batchelder~~Shannon Beaucaire,

**CITY OF YACHATS**
**ORDINANCE NO. 355**

# AN ORDINANCE AMENDING THE YACHATS MUNICIPAL CODE CHAPTER 3.10 – ~~CAPITAL IMPROVEMENT PLANNING AND PLANNING SUB-COMMITTEE~~

**WHEREAS**, the procedure used to develop the Capital Improvement Plan has become a function of the Finance Committee; and

**NOW THEREFORE**, the City of Yachats ordains that Chapter 3.10 – Capital Improvement Planning ~~and Planning Sub-Committee~~ shall be amended to read as follows:

## Chapter 3.10 – Finance Committee and Capital Improvement Planning ~~And Planning Sub-Committee~~

**Sections:**


3.10.010 Membership
3.10.020 Powers and Duties
3.10.030 Capital Improvement Program - Annual Report to City Council
3.10.040 Capital Improvement Program - Adoption and Appropriations
3.10.050 Capital Improvement Program - Public Report


### Section 3.10.010 Membership

The City Council shall establish and appoint a Finance Committee which shall also serve as the Capital Improvement Planning Committee (CIP Committee). ~~The Chair of the Finance Committee shall also serve as the Chair of the CIP Sup-Committee.~~ The Finance Committee shall include, at least, one representative from the Public Works & Streets Commission, Planning Commission, Parks & Commons Commission, library Commission, Budget Committee, City Council, and the City Manager's Office. Citizen membership is strongly encouraged. The representatives shall be appointed from their respective entities. The Finance Committee shall appoint citizen members.

(Ord. 248, Add, 12/10/2004, Add 12/5/2018)

### Section 3.10.020 Powers and Duties

The ~~Sub-committee~~Finance Committee, at public meetings, shall:

1) Provide financial expertise in recommendations to the City Council and Commissions for utility rate studies, property tax decisions, changes in other taxes, and studies or recommendations for other sources of revenue and financial agreements;
2) Provide a long term horizon for fund balance projections (3-5 years);
3) Provide a "state of the City" financial report to the City Council – This would be a snapshot of how the financial long term picture looks given certain assumptions.
4) Assist the City Manager on special projects like:
    a. Review and recommend changes to the City budget document
    b. Review and comment on the CIP document and process
    c. Advise if development paying their fair share of the infrastructure and operational costs
    d. Advise how can the City organize / present information to improve decision making
5) ~~s~~Study proposed capital projects and improvements involving major non-recurring tangible assets and projects which:

a. ~~1)~~ are purchased or undertaken at intervals of not less than five years;
b. ~~2)~~ have a useful life of at least five years; and 3) cost over $5,000. and
6) Other projects assigned by the City Council

Each year, commission chairs, boards, and department heads, shall submit capital project requests to the ~~Sub-committee~~Finance Committee including information for all anticipated projects requiring Council action during the ensuing ~~six~~ five to ten years. Submissions shall be on the proscribed forms provided by the City's budget officer. The ~~Sub-committee~~Finance Committee shall consider the relative need, impact, timing and cost of these expenditures and the effect each will have on the financial position of the city. No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the ~~Sub-committee's~~Finance Committee's report or the ~~Sub-committee~~Finance Committee shall first have submitted a report to the City council explaining the omission.
(Ord. 248, Add, 12/10/2004 Add 12/5/2018)

**Section 3.10.030 Capital Improvement Program - Annual Report to City Council**
The ~~Sub-committee~~Finance Committee shall prepare an annual report recommending a Capital Improvement Budget for the next fiscal year, and a Capital Improvement Program ~~Including~~ including recommended capital improvements for the following five fiscal years. The report shall be submitted to the City Ceouncil for its consideration and approval. The first year amounts shall be included in the proposed budget for the next year.
(Ord. 248, Add, 12/10/2004 Add 12/5/2018)

**Section 3.10.040 Capital Improvement Program - Adoption and Appropriations**
Such Capital Improvement Program, after its adoption, shall permit the expenditure on projects included therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals and the like; but no such expenditure shall be incurred on projects which have not been so approved by the city through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.
(Ord. 248, Add, 12/10/2004 Add 12/5/2018)

**Section 3.10.050 Capital Improvement Program - Public Report**
The ~~Sub-committee's~~Finance Committee's report and the City Council's recommended Capital Budget shall be published and made available to the public. The ~~Sub-committee~~Finance Committee shall deposit its original report with the City ~~Recorder~~Manager's Office.
(Ord. 248, Add, 12/10/2004 Add 12/5/2018)

**PASSED AND ADOPTED** by the City Council of the City of Yachats on this _____day of _____.

Ayes:_____ Nays:_____ Abstentions:_____ Absent:_____

**APPROVED** by the Mayor this ____ day of _____.

Attest:

_____ _____
W. John Moore, Mayor Shannon Beaucaire, City ~~Recorder~~Manager

# City Council Action Item Cover Sheet

DATE: January 2, 2019

**Agenda Item:**

Fire Ban Modification

**Question Before Council:**

Discussion of proposed modification to 5.12.020

**Person/Group Initiating Request:**

Yachats Fire Department/City Council

**Item Summary/Background:**

In December 2018, the Fire Department asked the Council to consider modifying section 5.12.020 (G) and require a permit for all Barbecue Grills.

## 5.12.020 Outdoor burning prohibited—Exceptions.

No owner or other person responsible shall cause or allow to be initiated or continued on the owner's property any agricultural, commercial, construction, demolition, domestic, or industrial outdoor burning, except that the following shall not be prohibited by this section:

A. A fire used only for ceremonial or cooking purposes and fueled only by commercially available fireplace or barbecue fuel or by wood, with the fire contained in a fireplace, chiminea, or other similar structure or equipment (but not a burn barrel) specifically designed for outdoor ceremonial or cooking purposes and permitted by the Yachats Rural Fire Protection District;

B. A fire set or permitted by The Yachats Rural Fire Protection District when in the opinion of the District Fire Chief the fire is necessary or appropriate for the performance of the district's official duty for fire fighting or fire protection training;

C. A fire set or permitted by The Yachats Rural Fire Protection District and in accord with such conditions and restrictions as the Fire Chief deems appropriate, when in the opinion of the Fire Chief the fire is necessary or appropriate for fire fighting, fire prevention, or fire protection purposes;

D. A fire set or permitted by The Yachats Rural Fire Protection District and in accord with such conditions and restrictions as the Fire Chief deems appropriate, when the City Council has issued a written declaration of emergency and authorization of the fire on the ground that a hazard to the public health or safety cannot be removed or disposed of in any other practical manner;

E. A fire permitted by the Yachats Rural Fire Protection District on properties over five (5) acres, provided mechanical means, as approved by the Fire District, for introducing oxygen to accelerate the burn are used;

F. A campfire in a firepit structure provided by the State of Oregon in any state park;

G. A barbecue grill. (Ord. 343 § 1, 2016; Ord. 316, 2012)

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View the mobile version.

# City Council Action Item Cover Sheet

DATE: January 2, 2019

**Agenda Item:**

Yachats City Charter

**Question Before Council:**

Discussion of potential updates to the Yachats City Charter

**Person/Group Initiating Request:**

Council

**Item Summary/Background:**

The 2018 Council made recommendations to the charter for the 2019 Council to discuss. The relevant dates for the May 2019 election are also included.

The City Manager recommends, after discussion, that the Council consider the following motion:

I move that the City Manager make the recommended changes discussed at the January 2, 2019 meeting and bring a draft to the Council at the January 9 meeting for final Council Action.

DATE: December 3, 2018

TO: Yachats City Council

FROM: Shannon Beaucaire, City Manager

SUBJECT: May 2019 Election Deadlines – For Potential Charter Revisions

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Dear Mayor and City Council,

Here are the relevant dates for including an item in the May 2019 election:

- February 1, 2019 Resolution to Include in the Election
- February 2, 2019 Notice of Receipt of Ballot Title
- February 3, 2019 Explanatory Statement for County Voters Pamphlet
- March 4, 2019 Ballot Title
- June 5, 2019 Results. Do a Resolution of votes

# Chapter 99.01 - Charter

**Section 99.01.010 Charter.**

**Preamble**

We, the voters of Yachats, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the ~~state, and~~state and enact this Home Rule Charter.

**Chapter I - Names And Boundaries**

Section 1. Title. This charter may be referred to as the 2005 Yachats Charter, as amended.

Section 2. Name. The City of Yachats, Oregon, continues as a municipal corporation with the name "City of Yachats."

Section 3. Boundaries. The city includes all territory within its boundaries as they now exist or are legally modified by a majority of the voters of the City of Yachats at an election, or as otherwise legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

**Chapter II - Powers**

SECTION 4. POWERS. The city has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the city, as fully as though this charter specifically enumerated each of those powers.

Section 5. Construction. The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 6. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasijudicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances.

**Chapter III - Council**

Section 7. Council. The council consists of a mayor and four councilors nominated and elected from the city at large.

Section 8. Mayor. The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under council rules. The mayor is a voting member of the council and has no veto authority. With the consent of council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

Section 9. Council President. At its first meeting each year, the council must elect a president from its membership. The president presides in the absence of the mayor and acts as mayor when the mayor is unable to perform duties.

Section 10. Rules. The council must by resolution adopt rules to govern its meetings.

Section 11. Meetings. The council must meet at least once a month at a time and place designated by its ~~rules, and~~rules and may meet at other times in accordance with the rules.

Section 12. Quorum. A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules.

Section 13. Vote Required. The express approval of a majority of a quorum of the council is necessary for any council ~~decision, except~~decision, except when this charter requires approval by a majority of the council.

Section 14. Record. A record of council meetings must be kept in a manner prescribed by the council rules.

**Chapter IV - Legislative Authority**

Section 15. Ordinances. The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Yachats ordains as follows:".

Section 16. Ordinance Adoption.

(a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the council at two meetings.

(b) The council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts the ordinance at that meeting.

(d) After the adoption of an ordinance, the vote of each member must be entered into the council minutes.
(e) After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.

Section 17. Effective Date of Ordinances. Ordinances normally take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

**Chapter V - Administrative Authority**

Section 18. Resolutions. The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state "The City of Yachats resolves as follows:"

Section 19. Resolution Approval.

(a) Approval of a resolution or any other council administrative decision requires approval by the council at one meeting.

(b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the council adopts the resolution at that meeting.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 20. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

**Chapter VI - Quasi-Judicial Authority**

Section 21. Orders. The council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Yachats" orders as follows:".

Section 22. Order Approval.

(a) Approval of an order or any other council quasi-judicial decision requires approval by the council at one meeting.

(b) Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the council adopts the order.

(c) After approval of an order or other council quasi-judicial decision, the vote of each member must be entered in the council minutes.

(d) After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Section 23. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

## Section VIII
## APPOINTIVE OFFICERS

Section 8.1. City Manager.

a) The office of city manager is established as the administrative head of the city government.[1] The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the

[1] The city manager exercises the administrative authority delegated by the city charter and the city council. The manager and the council both exercise administrative authority. Only the council may exercise legislative authority. [52] This gives the manager a role in policy development consistent with the 8th edition of the NCL Model Charter (2011). It makes the manager responsible for carrying out city policy adopted by council resolution or ordinance. [53] This section adds more specific qualifications for city manager consistent with the 8th edition of the NCL Model Charter (2011).

development of city policies, and carry out policies established by ordinances and resolutions.[52]

b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.[53]

c) The manager need not reside in the city.[2]

d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.

e) The manager must:

1) Attend all council meetings unless excused by the mayor or council;

2) Make reports and recommendations to the mayor and council about the needs of the city;

3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits and other city decisions;

4) Appoint, supervise and remove city employees; [3]

5) Organize city departments and administrative structure;

6) Prepare and administer the annual city budget;

7) Administer city utilities and property;

8) Encourage and support regional and intergovernmental cooperation;

9) Promote cooperation among the council, staff and citizens in developing city policies and building a sense of community; [4]

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[2] If the city wants the charter to require the manager to live in the city, the following may be added: "but must become and remain a resident of the city while manager." In the alternative, if a residency requirement is desired but is not practicable due to a housing shortage or other condition, the following may be added: "but must live within 30 miles of the city." Either requirement can be imposed more flexibly by ordinance or contract.

[3] Note that the manager appoints, supervises and removes city employees. The council appoints, supervises and removes city officers.

[4] Subsections (8) and (9) of this section add provisions that update the charter by recognizing the increasing importance of regional and intergovernmental issues, and the participatory nature of policy development. They are consistent with the 8th edition of the NCL Model Charter (2011).

10) Perform other duties as directed by the council; and

11) Delegate duties, but remain responsible for actions of all subordinates.

f) The manger has no authority over the council or over the judicial functions of the municipal judge. [5]

g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.

h) When the manger is temporarily disabled from acting as manager or when the office of the manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the authority and duties of manger, except that a pro tem manager may appoint or remove employees only with council approval.

i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. [6] Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business. [7]

Section 8.2. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the city attorney's office.[8]

Section 8.3. Municipal Court and Judge. *(Do we want to keep in the Attorney & Judge)*

a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.

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[5] Municipal judges have administrative duties incidental to their judicial functions such as record keeping and accounting for certain funds. These administrative duties may be supervised by the city manager.

[6] A similar charter restriction was the basis for damages in *Still v. Benton*, 251 Or 463, 445 P2d 492 (1968). The court found that the mayor did not act within the scope of his authority in pressuring the manager to discharge the police chief. The chief was awarded punitive as well as general damages.

[7] This does not affect the ability of a council member to obtain information from the manager or other city employees. Council members also have at least as much right to public records as other members of the public under the Oregon Public Records Law, ORS 192.410 to 192.505.

[8] If a city attorney office is established by the charter, it is independent of the wishes of the council or manager. This language places office employees under the supervision of the attorney rather than the manager. The charter could establish the office and provide for appointment by the manager. If not created by charter, the city attorney office may

b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.[61]

e) The municipal judge may:

1) Render judgments and impose sanctions on persons and property;

2) Order the arrest of anyone accused of an offense against the city;

3) Commit to jail or admit to bail anyone accused of a city offense;

4) Issue and compel obedience to subpoenas;

5) Compel witnesses to appear and testify and jurors to serve for trials before the court;

6) Penalize contempt of court;

7) Issue processes necessary to enforce judgments and orders of the court;

8) Issue search warrants; and

9) Perform other judicial and quasi-judicial functions assigned by ordinance.

f) The council may appoint and may remove municipal judges pro tem.

g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.[62]

be created by ordinance. The ordinance may provide for city attorney appointment by the council or manager. Attorney duties may be assigned by ordinance and contract.

[61] ORS 221.339 gives municipal courts jurisdiction over violations and misdemeanors committed or triable in the city. Municipal courts do not have jurisdiction over felonies or designated drug-related misdemeanors as defined in ORS 423.478. The section provides that jurisdiction over misdemeanors may be limited by city ordinance. [62] ORS 51.035.

**Chapter VII - Elections**

Section 24. Councilors. The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, two councilors will be elected for ~~four~~two - year terms.

Section 25. Mayor. The term of the mayor in office when this charter is adopted continues until the beginning of the first odd- numbered year after adoption. At each general election after the adoption, a mayor will be elected for a two-year term.

Section 26. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan.

Section 27. Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

(b) No person may be a candidate at a single election for more than one city office.

(c) Neither the mayor nor a councilor may be employed by the city.

(d) The council is the final judge of the election and qualifications of its members.

Section 28. Nominations. The council must adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position.

Section 29. Terms. The term of an officer elected at a general election begins at the first council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

Section 30. Oath. The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon.

Section 31. Vacancies: The mayor or a council office becomes vacant:

(a) Upon the incumbent's:
- (1) Death,
- (2) Adjudicated incompetence, or
- (3) Recall from the office.

(b) Upon declaration by the council after the incumbent's:
- (1) Failure to qualify for the office within 10 days of the time the term of office is to begin,
- (2) Absence from the city for 30 days without council consent, or from all council meetings within a 60-day period,
- (3) Ceasing to reside in the city,
- (4) Ceasing to be a qualified elector under state law,
- (5) Conviction of a public offense punishable by loss of liberty, or
- (6) Resignation from the office,

Section 32. Filling Vacancies. A mayor or councilor vacancy will be filled by appointment by a majority

of the remaining council members. The appointee's term of office runs from appointment until expiration of the 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.

**Chapter VIII - Personnel**

Section 33. Appointive Officers. Additional officers as the Council deems necessary shall be appointed and may be removed by a majority vote of the entire Council.

Section 34. Compensation. The council must authorize the compensation of city officers and employees as part of its approval of the annual city budget.

Section 35. Merit Systems. The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness.

**Chapter IX - Public Improvements**

Section 36 Procedure. The council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance.

Section 37. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

**Chapter X - Miscellaneous Provisions**

Section 38. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

~~Section 39. Purchase and Sale of City Real Property. No fee simple title to real property shall be purchased nor shall fee simple title to property owned by the City be sold or otherwise transferred in its entirety without prior voter approval at an election.~~

Section ~~40~~39. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section ~~41~~40. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section ~~42~~41. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section ~~43~~42. Time of Effect. This charter takes effect ~~February 1, 2005~~January 1, 2013.

# City Council Action Item Cover Sheet

DATE: January 2, 2019

**Agenda Item:**

Planning Commission Appointment

**Question Before Council:**

Appointment of Douglas Conner to the Planning Commission

**Person/Group Initiating Request:**

Planning Commission

**Item Summary/Background:**

The Planning Commission recommends the appointment of Douglas Conner to the Planning Commission

The City Manager recommends, after discussion, that the Council consider the following motion:

I move to approve Resolution 2019-48, appointing Douglas Conner to the Planning Commission.

**CITY OF YACHATS**

**RESOLUTION NO. 2019-48**

**WHEREAS,** The Planning Commission made recommendations to the City Council concerning the appointment of members to serve on the Commission, and

**WHEREAS,** The City Council discussed the recommendation at the January 2, 2018 meeting;

**NOW THEREFORE,** the City of Yachats resolves that the following appointments are made:

- Planning Commission - 4 year term:
  - Douglas Conner is appointed to Seat B with a Term ending December 31, 2020

**Passed and adopted January 2, 2019. This Resolution is effective upon adoption.**

Attest:

W John Moore, Mayor

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, January 9, 2019 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:
  - i. December 5 Work Session;
  - ii. December 12 Council Session

IV. New Business:
- A. Wayne Belmont, Lincoln County discussion of Housing Project MOU
- B. Presentation of Library Conceptual Design, Funding Plan, and RFP
- C. Adoption of Comprehensive Plan Updates
- D. Adoption of Commons Manual & Fee Schedule Updates
- E. Budget Committee & Budget Officer Appointments

V. Reports
- A. Financial Report
- B. URD Report
- C. System Development Charges Annual Report
- D. Council Reports
- E. City Manager Report

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

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 December 11, 2018***