

ROSEBURG CITY COUNCIL AGENDA – JANUARY 23, 2023

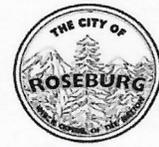
City Council Chambers, City Hall

900 SE Douglas Avenue, Roseburg, Oregon 97470

Public Online Access:

City website at <https://www.cityofroseburg.org/your-government/mayor-council/council-videos>

Facebook Live at www.Facebook.com/CityofRoseburg



Handwritten: 1-19-23

Comments on Agenda Items and Audience Participation can be provided in person or electronically via Zoom. See next page for instructions on how to participate in meetings.

Special Meeting – Planning Commission Interviews 5:45 p.m.

5:45 p.m. - Matthew Keller

6:00 p.m. - Annie Hamilton

6:15 p.m. - Emily Brandt

6:30 p.m. - Ron Smicker

6:45 p.m. - Jarrett Nielsen

7:00 p.m. Regular Meeting

1. Call to Order – Mayor Larry Rich

2. Pledge of Allegiance

3. Roll Call

Shelley Briggs Loosley
Kylee Rummel

David Mohr
Patrice Sipos

Ellen Porter
Ruth Smith

Brian Prawitz
Andrea Zielinski

4. Mayor Reports

- A. Goal Setting Discussion
- B. City Council Rules and Procedures for Review

5. Commission Reports/Council Ward Reports

- A. Planning Commission Appointment

6. Audience Participation – In Person or via Zoom/See Information on the Reverse

7. Consent Agenda

- A. January 9, 2023 Meeting Minutes
- B. Parker Road/Newton Creek Bridge Project – Intergovernmental Agreements

8. Resolutions

- A. Resolution No. 2023-01 – Resolution Referring a Ballot Measure for the May 16, 2023 Special Election – Amendments to the Roseburg City Charter
- B. Resolutions No. 2023-02 and 2023-03 – Resolutions Setting a New Council Reimbursement Policy and Reimbursement Amount

9. Ordinances

- A. Ordinance No. 3580 – Amending RMC Chapter 9.25 Telecommunications Providers, First Reading
- B. Ordinance No. 3581 – Amending Section 10.02.010 of the Roseburg Municipal Code Regarding the Oregon Fire Code, First Reading

10. Department Items

- A. Providing Interim Cash Flow Financing for Off Street Parking Fund

11. Items from Mayor, City Council and City Manager

12. Adjourn

13. Executive Session ORS 192.660(2)(d) – IAFF Labor Negotiations

Informational

- A. City Manager Activity Report
- B. Municipal Court Quarterly Report

AUDIENCE PARTICIPATION INFORMATION

The Roseburg City Council welcomes and encourages participation by citizens at all our meetings, with the exception of Executive Sessions, which, by state law, are closed to the public. To allow Council to deal with business on the agenda in a timely fashion, we ask that anyone wishing to address the Council follow these simple guidelines:

Comments may be provided in one of three ways:

- In person during the meeting in the Council Chambers, Roseburg City Hall, 900 SE Douglas Ave.
- Email by sending an email by 12:00 p.m. the day of the meeting to info@cityofroseburg.org
- Virtually during the meeting. Contact the City Recorder by phone (541) 492-6866 or email (info@cityofroseburg.org) by 12:00 p.m. the day of the meeting to get a link to the meeting.

When providing comments in person, each speaker must provide their name, address, phone number and which item on the agenda they wish to speak on the Audience Participation Sign-in Sheet.

When providing comments virtually or by email, each speaker must provide their name, address, phone number and which item on the agenda they wish to speak in an email to info@cityofroseburg.org.

When participating virtually, log or call in prior to the start of the meeting using the link or phone number provided.

- When accessing the meeting through the **ZOOM link**, click “Join Webinar” to join the meeting as an attendee.
- When accessing the meeting through the **phone**, call the number provided.
- All attendees will be held in a “waiting room” until called on to speak.

Persons addressing the Council must state their name and city of residence for the record. All remarks shall be directed to the entire City Council. The Council reserves the right to delay any action requested until they are fully informed on the matter.

TIME LIMITATIONS

With the exception of public hearings, each speaker will be allotted a total of 6 minutes. At the 4-minute mark, a warning bell will sound at which point the Mayor will remind the speaker there are only 2 minutes left. All testimony given shall be new and not have been previously presented to Council.

A total of 30 minutes shall be allocated for the “Audience Participation” portion of the meeting.

CITIZEN PARTICIPATION

- Anyone wishing to speak regarding an item on the agenda may do so when Council addresses that item.
- Anyone wishing to speak regarding an item on the Consent Agenda, or on a matter not on the evening’s agenda, may do so under “Audience Participation.”

PROVIDING COMMENTS

For each item in which speakers have requested to speak, the order will be as follows:

1. Speakers who attend in person will be called up to speak by the Mayor in the order in which they signed up.
2. Speakers on Zoom (video or phone only) will be called on to speak by the Mayor in the order in which they signed up. Each speaker will be brought in from the “waiting room” into the meeting to provide comments, then moved back to the “waiting room” after comments are provided.
3. Emailed comments to be read by the Mayor

If a matter presented to Council is of a complex nature, the Mayor or a majority of Council may:

1. Postpone the public comments to “Items from Mayor, Councilors or City Manager” after completion of the Council’s business agenda, or
2. Schedule the matter for continued discussion at a future Council meeting.

The Mayor and City Council reserve the right to respond to audience comments after the audience participation portion of the meeting has been closed.

The City Council meetings are on Facebook Live and available to view on the City website the next day at:
<https://www.cityofroseburg.org/your-government/mayor-council/council-videos>

The full agenda packet is available on the City’s website at: <https://www.cityofroseburg.org/your-government/mayor-council/council-agendas>

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



PLANNING COMMISSION INTERVIEWS/APPOINTMENT

Meeting Date: January 23, 2023
Department: Administration
www.cityofroseburg.org

Agenda Section: Special Meeting/Commission
Staff Contact: Koree Tate, Management Assistant
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

There is one vacancy on the Planning Commission that may be filled by a resident of the City.

BACKGROUND

A. Council Action History. Council accepted Victoria Hawk's resignation from the Planning Commission on December 12, 2022 leaving the Commission with one vacancy.

B. Analysis. Staff has advertised the Planning Commission vacancy through the local news media, social media and the City's website. Five applications have been received from City residents Matthew Keller, Annie Hamilton, Emily Brandt, Ron Smicker and Jarrett Nielsen. Their applications are attached.

The Roseburg Municipal Code requires the City Council to interview Planning Commission candidates at a public meeting. Existing members of the Planning Commission may also be given an opportunity to question the candidates and offer comments to the Council before it deliberates and acts. To the extent possible, the Council is to act to fill any vacancy at the same meeting in which candidates are interviewed. Following the interview, the Council may make an appointment or solicit additional candidates for consideration at a later meeting before making an appointment. Anytime during the process, upon three-fourths vote of the entire membership of the Council then in office, the Council may terminate the procedure and make an appointment.

C. Financial and/or Resource Considerations. N/A.

D. Timing Issues. It is recommended an appointment be made as soon as practical.

COUNCIL OPTIONS

- 1) Proceed to interview the applicants and make an appointment during the regular meeting; or
- 2) With a minimum of six affirmative votes, vote to discontinue the procedure as outlined in the above analysis and make an appointment; or
- 3) Choose to continue solicitation for additional applicants.

STAFF RECOMMENDATION

Pursuant to the Roseburg Municipal Code, Staff does not make recommendations in regard to Planning Commission appointments as that responsibility lies solely with the City Council.

ATTACHMENTS

Attachment #1 – Matthew Keller’s Application

Attachment #2 – Annie Hamilton’s Application

Attachment #3 – Emily Brandt’s Application

Attachment #4 – Ron Smicker’s Application

Attachment #5 – Jarrett Nielsen’s Application

Attachment #6 – Planning Commission Interview Questions



CITY OF ROSEBURG COMMISSION APPLICATION

Application for Appointment to: **PLANNING COMMISSION**

Planning Commission Public Hearings are held at 7:00 p.m. on the 1st Monday of each month in the Council Chambers of City Hall. This Commission reviews and takes action on land use and development projects based on the provisions of the City of Roseburg Land Use and Development Regulations.

Name: Keller Matthew
Last First

Home Address: 1849 NE Todd Street, 97470
Street Zip Code

Phone Number: 541-817-3949 Cell Phone: 541-817-3949

Email Address: matt.engineer10@gmail.com

Occupation Professional Engineer /Pinnacle Engineering, Inc.
Place of Employment

Business Address 4276 Old Highway 99 South 541-440-4871
Phone

1. Do you reside within the Roseburg city limits? Yes No
2. Do you own property or a business within the City? Yes No
3. How did you learn about this vacancy?
Newspaper Social Media City Website Word of Mouth
Other Please Specify: _____
4. The Municipal Code requires a minimum attendance rate of 75% each calendar year.
Can you meet this requirement? Yes No
5. What experience/training do you have that qualifies you for this particular appointment and what specific contributions do you hope to make?

I have been a professional Civil Engineer in Roseburg for the past 9 years. During my time working at Pinnacle Engineering, I have been involved with many local commercial and residential developments from an engineering standpoint. This position has made me very familiar with the City of Roseburg Land Use and Development Regulations. My career position has given me unique insight into current development needs and some of the obstacles that can be encountered. My position has required me to attend Planning Commission Meetings/hearings in the past making me familiar with the Planning Commissions process. I hope to contribute an opinion on land use decisions that reflect our city's needs both short and long term.

6. Please give a brief description of your involvement in community groups and activities.

I do not have a direct involvement in other community groups, boards or councils. I am however, a local business owner who has been a strong supporter of our community's youth by annual participation in the Rotary Livestock Auction. I am involved with numerous business networking groups where I am in regular contact and dialogue with other business owners in the area. These are events and gatherings where you develop an understanding of other business owner or community member needs, struggles and thoughts.

7. Please list community topics of particular concern to you that relate to this appointment.

I believe Roseburg is becoming an attractive location for larger industrial and commercial developments which has both pros and cons to our local economy or way of life. I think bringing these types of developments can be very positive for job growth and economic impact; however, they can sometimes have an impact on the rural values that residents of Roseburg hold dearly. The planning commission plays just a small part in this, but I think helping make decisions that has a positive impact on our economy and also a positive impact on our values is very important. Additionally, Roseburg has experienced a need for affordable housing. A lot has taken place to provide affordable housing developments in the area. Being able to assist in making these projects move forward in a positive way is important to me.

8. Please list your reasons for wishing to be appointed.

I strongly believe in community involvement from citizens, community leaders and community business owners. I think the planning commission is an area that I can serve and provide educated decisions/opinions that will benefit our community in a positive way. The City of Roseburg and Douglas County I feel is a very unique community compared to other jurisdictions to the north and south. I hope to help shape our community in a way that keeps our communities "uniqueness" and values.



Applicant Signature

1-13-2023

Date

Return completed application to the City Hall lobby, 900 SE Douglas, Roseburg, OR 97470 or e-mail to info@cityofroseburg.org.

If applicable, you will be advised when the City Council will conduct interviews of the applicants. Plan to be present to discuss your application with the Council. The Council will endeavor to make its selection at that meeting; however, it may wish to take more time to deliberate before making the appointment.

Information on this form is public information.

Thank you for your expression of interest in serving the community.

Applications due Friday, January 13, 2023 by 5:00 p.m.

Note: City of Roseburg employees may not serve on an elected body.



CITY OF ROSEBURG COMMISSION APPLICATION

Application for Appointment to: **PLANNING COMMISSION**

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Name: Hamilton Annie M
Last First

Home Address: 1205 SE CASS AVE Roseburg OR 97470
Street Zip Code

Phone Number: 360-206-7877 Cell Phone: 360-206-7876

Email Address: annie.hamilton@gmail.com

Occupation Editor/Columnist 1205 SE CASS AVE
Place of Employment

Business Address Hamilton Research Group 1205 SE CASS AVE Roseburg OR 97470
Phone

- Do you reside within the Roseburg city limits? Yes No
- Do you own property or a business within the City? Yes No
- How did you learn about this vacancy?
 Newspaper Social Media City Website Word of Mouth
 Other Please Specify: _____
- The Municipal Code requires a minimum attendance rate of 75% each calendar year.
 Can you meet this requirement? Yes No

5. What experience/training do you have that qualifies you for this particular appointment and what specific contributions do you hope to make?
 my professional history has well prepared me for talking on volunteerism with the planning commission. For years I served as executive director for non-profit organizations that dealt with planning, funding & facilitating medical meetings conferences and continuing education. I carry extensive expertise in technical writing, development of professional materials and in contract negotiation. I sincerely hope to be an effective part of the planning commission. Thank you!

6. Please give a brief description of your involvement in community groups and activities.
meeting planning & facilitation for groups such as American Cancer Society, American Tobacco, Boys & Girls Club, Elder care facilities AND hospitals. I ALSO HAVE A bit of experience in the sale, development AND planning of COMMERCIAL properties, including dealing with the permit process, budgets, AND committee oversights. I would LOVE to pitch in AROUND HERE AND BE USEFUL!

7. Please list community topics of particular concern to you that relate to this appointment.

MARKET RESEARCH
HISTORICAL ISSUES & CONSERVATION
PARKING WATER; USE, sensitivity, potentials
CRIME COMMUNITY EVENTS
Housing
development of programs for betterment of community

8. Please list your reasons for wishing to be appointed.

my long term goal has been to develop A program that enlists & utilizes the local resources in AN effort to assist individuals in their transition FROM trauma to society - my overall vision HAS BEEN geared toward Veterans (helping them transition FROM Active duty to mainstream Society) but the model ALSO could benefit Homeless people, etc. Single Parents, People returning to the work place, etc.

Applicant Signature

Date

1.13.2023

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*CV AVAILABLE UPON REQUEST



CITY OF ROSEBURG COMMISSION APPLICATION

Application for Appointment to: **PLANNING COMMISSION**

Planning Commission Public Hearings are held at 7:00 p.m. on the 1st Monday of each month in the Council Chambers of City Hall. This Commission reviews and takes action on land use and development projects based on the provisions of the City of Roseburg Land Use and Development Regulations.

Name: Brandt Emily
Last First

Home Address: 2271 NW Calkins Ave. Roseburg, OR 97471
Street Zip Code

Phone Number: 541-670-7977 Cell Phone: _____

Email Address: emily@uvarts.com

Occupation Executive Director Umpqua Valley Arts
Place of Employment

Business Address 1624 W. Harvard Ave. Roseburg, OR 97471 541-672-2532
Phone

1. Do you reside within the Roseburg city limits? Yes No
2. Do you own property or a business within the City? Yes No
3. How did you learn about this vacancy?
Newspaper Social Media City Website Word of Mouth
Other Please Specify: _____
4. The Municipal Code requires a minimum attendance rate of 75% each calendar year.
Can you meet this requirement? Yes No
5. What experience/training do you have that qualifies you for this particular appointment and what specific contributions do you hope to make?

After earning a grad degree in Landscape Architecture w/ an emphasis on urban design & planning, I worked 7.5 yrs at local civil engineering firm, i.e. Engineering (2013-2021). At i.e. Engineering, I practiced urban & landscape design and was the planner on a team of civil engineers that worked together on Roseburg's downtown improvement projects and countless private & public development projects throughout Oregon. I have written planning applications for site reviews, zone changes, and conditional use permits as well as represented clients at planning meetings. By serving on Roseburg's PC, I hope to apply my design and planning background when reviewing applications to be supportive of the exciting growth that is happening in our community. I'm especially interested in being helpful with ongoing improvements being planned for our trails, parks, and housing.

SPECIAL MEETING & COMMISSION REPORTS A
ATTACHMENT #3

6. Please give a brief description of your involvement in community groups and activities.

Since moving to Roseburg in 2013, I have served as a board member for the UCC Foundation (2015-current), Umpqua Valley Arts (2017-2021), Roseburg Sister Cities (2019-current), and Umpqua Habitat for Humanity (2014-2017). I also stay involved as a committee member for Thrive's Built Environment and Steering Committees and as Chair of the Summer Arts Festival. Serving on boards and committees in our community has exposed me to much of the great work that goes on here in Roseburg and I have met some really amazing people who are making a positive impact. Most recently I have led arts and culture education and community projects in my role as Executive Director at Umpqua Valley Arts. At UVA, I have worked to grow programming that serves families, youth, emerging professionals, and practicing artists in Douglas County.

7. Please list community topics of particular concern to you that relate to this appointment.

The promotion of our area for tourism and economic development purposes is important to me and I would like to become involved in the plans Roseburg is working on to advance these efforts. Advocating for arts and culture experiences as a means for economic development and community well-being is an important aspect of my volunteer and professional work in Douglas County and I would like to explore how the arts can play a more prominent role in the way we live in and promote Roseburg. Additionally, the built environment and how we design shared spaces in our town is a topic I am fascinated by. Accessibility to well design spaces is a major contributing factor to the health of our citizens and plays a critical role in attracting and retaining businesses and residents. I enjoy participating in plans for intentional design and beautification efforts in our urban spaces in an effort to promote prosperity and enjoyment in the place we live and play.

8. Please list your reasons for wishing to be appointed.

There is so much exciting growth happening in Roseburg and because of my design and planning background, I understand what it takes to make that growth happen. It is my hope that by serving on PC that I can be supportive of the city's efforts to create long term plans that make current and future growth intentional, sustainable and successful. I enjoy staying current on planning issues in Roseburg and would like to be a part of solutions that enhance the way we live.



Applicant Signature

January 11, 2023

Date

Return completed application to the City Hall lobby, 900 SE Douglas, Roseburg, OR 97470 or e-mail to info@cityofroseburg.org.

If applicable, you will be advised when the City Council will conduct interviews of the applicants. Plan to be present to discuss your application with the Council. The Council will endeavor to make its selection at that meeting; however, it may wish to take more time to deliberate before making the appointment.

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Thank you for your expression of interest in serving the community.

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CITY OF ROSEBURG COMMISSION APPLICATION

Application for Appointment to: **PLANNING COMMISSION**

Planning Commission Public Hearings are held at 7:00 p.m. on the 1st Monday of each month in the Council Chambers of City Hall. This Commission reviews and takes action on land use and development projects based on the provisions of the City of Roseburg Land Use and Development Regulations.

Name: SMICKER RON
Last First

Home Address: 2290 NW WITHERSTON AVE 97471
Street Zip Code

Phone Number: / Cell Phone: 503.358.0302

Email Address: RSMICKERJRA@GMAIL.COM

Occupation SENIOR DEVELOPER (FUNDRAISING) DEVEX CONSULTING LLC
PROFESSIONAL (UGM PORTLAND)
Place of Employment

Business Address 2290 NW WITHERSTON AVE 503.358.0302
Phone

1. Do you reside within the Roseburg city limits? Yes No

2. Do you own property or a business within the City? Yes No

3. How did you learn about this vacancy?

Newspaper Social Media City Website Word of Mouth

Other Please Specify: _____

4. The Municipal Code requires a minimum attendance rate of 75% each calendar year.

Can you meet this requirement? Yes No

5. What experience/training do you have that qualifies you for this particular appointment and what specific contributions do you hope to make?

I HAVE HELD A REAL ESTATE LICENSE IN OREGON AND WORKED IN COMMERCIAL REAL ESTATE. THIS GAVE ME EXPERIENCE IN PROPERTY DEVELOPMENT, AS WELL AS LAND USE/PLANNING. FOR NEARLY A DECADE I HAVE WORKED AS A FUNDRAISER, DURING WHICH TIME I HAVE BEEN RESPONSIBLE FOR NAVIGATING THE PLANNING PROCESS. ROSEBURG IS MY HOME AND MY GOAL IS TO PARTICIPATE IN HOW WE SHAPE THIS BEAUTIFUL PLACE, MOVING FORWARD.

6. Please give a brief description of your involvement in community groups and activities.

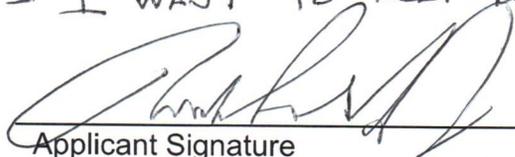
I SERVE ON THE BOARD OF AVIVA HEALTH, AS WELL AS THE YMCA. I AM AN ACTIVE MEMBER OF MY CHURCH

7. Please list community topics of particular concern to you that relate to this appointment.

URBAN GROWTH BOUNDARY EXPANSION VS LAND SWAP
TIMBER VS TOURISM (CULTURE)
GRANDFATHERED AGRICULTURAL LAND
CURRENT ZONING DESIGNATIONS

8. Please list your reasons for wishing to be appointed.

- I AM A DIRECT, HONES & THOUGHFUL PERSON WHO WILL ADD VALUE TO THE COMMISSION
- I HAVE A DEEP RESPECT FOR OUR HISTORY AND TRADITION WITH AN EQUAL DESIRE TO CHALLENGE OUR COMMUNITY TO THINK BIGGER
- I WANT TO HELP BE THE BEST STOWARD POSSIBLE OF OUR NATURAL RESOURCES & LAND.



Applicant Signature

1/9/2023
Date

Return completed application to the City Hall lobby, 900 SE Douglas, Roseburg, OR 97470 or e-mail to info@cityofroseburg.org.

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Thank you for your expression of interest in serving the community.

Applications due Friday, January 13, 2023 by 5:00 p.m.

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CITY OF ROSEBURG COMMISSION APPLICATION

Application for Appointment to: **PLANNING COMMISSION**

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Name: Nielsen Jarrett
Last First

Home Address: 2117 NE Fleser Ave. Roseburg, OR 97470
Street Zip Code

Phone Number: _____ Cell Phone: 334-379-9023

Email Address: nielsenjarrett@gmail.com

Occupation Owner/Designer / Skødt Design LLC.
Place of Employment

Business Address 2117 NE Fleser Ave. Roseburg, OR 97470
Phone

1. Do you reside within the Roseburg city limits? Yes No

2. Do you own property or a business within the City? Yes No

3. How did you learn about this vacancy?

Newspaper Social Media City Website Word of Mouth

Other Please Specify: _____

4. The Municipal Code requires a minimum attendance rate of 75% each calendar year.

Can you meet this requirement? Yes No

5. What experience/training do you have that qualifies you for this particular appointment and what specific contributions do you hope to make?

Landscape Designer - 10+ years
Bachelor's of Landscape Architecture - University of Oregon
Retired Federal Officer - Chief Warrant - 3, US Army, Aviation
Local Business Owner (www.skodtdesign.com)

6. Please give a brief description of your involvement in community groups and activities.
Substitute School Teacher - Edustaff (various schools around the county.)
Roseburg Native - RHS Class of 1993

7. Please list community topics of particular concern to you that relate to this appointment.

Zoning and appropriate land use.
Measured and intelligent growth, while limiting urban sprawl.
Reasonable use of resources.

8. Please list your reasons for wishing to be appointed.

I grew up here and upon graduating high school I left to see the world, and in the last 30 years have managed to see a fair but of it. In all that time I have lived in cities that were either growing too fast and losing their identity, or fighting the tide of change and being left behind.

I do not want to see either happen to Roseburg. Change is inevitable, but how change is adopted is manageable. As I look around and see what has happened to the city of my youth, I know I have something to offer in terms of understanding the local context as well as bringing a broader world view that can meld into that local context.

Jarrett Nielsen

Digitally signed by Jarrett Nielsen
Date: 2022.12.28 16:13:39 -08'00'

28 Dec 2022

Applicant Signature

Date

Return completed application to the City Hall lobby, 900 SE Douglas, Roseburg, OR 97470 or e-mail to info@cityofroseburg.org.

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PLANNING COMMISSION INTERVIEWS

1. Briefly tell us about yourself, your work history and educational background.
2. Why are you interested in serving on the Planning Commission?
3. What is your knowledge of land use planning at the state and local level?
4. How are the effects of comprehensive planning and day-to-day planning visible to the average citizen of Roseburg?
5. Describe your experience with conflict resolution.
6. How would you respond to a request that meets land use laws but that in your opinion negatively impacts an existing neighborhood?
7. What do you think the relationship should be between the Planning Commission and the City Council?
8. What else would you like us to know about you that would help us decide who should be appointed to the Commission?

- 1. Develop and implement policies to enhance housing opportunities**
 - Prioritize recommendations from the Housing Needs Analysis
 - Implement House Bill HB 2001 provisions
 - Pursue Urban Growth Boundary Swap
 - Continue Urban Renewal Multi-Family Housing Incentives

- 2. Implement transportation funding policies to meet identified community needs**
 - Adopt updated Transportation System Plan
 - Actively participate in local ODOT studies
 - Develop a strategy to pursue state/federal funding for Garden Valley and Harvard Avenue
 - Update Pavement Management Program
 - Identify options for additional local funding
 - Identify matching fund requirements for the next five years at the airport
 - Coordinate with UTRANS – identify underserved areas and opportunities for expansion

- 3. Enhance community livability and public safety**
 - Develop a City Communications Plan/Strategy
 - Consider increased use of security cameras overlooking public property
 - Work with school district regarding roles of School Resource Officers
 - Identify opportunities to expand library programs and services
 - Work with partners to improve existing parks and recreation facilities

- 4. Take a proactive role in community economic development and revitalization**
 - Support effort to construct the Allied Health College
 - Support efforts to increase tourism
 - Continue to support and evaluate the efforts of the Partnership
 - Look for opportunities to engage the Roseburg Area Chamber
 - Develop additional Urban Renewal incentive programs
 - Continue to support and evaluate the Downtown Roseburg Association
 - Enhance aesthetics of the river and encourage recreational and business opportunities for development

- 5. Update and implement the City's Emergency Preparedness Plan**
 - Improve community awareness
 - Improve organization's preparedness
 - Analyze critical infrastructure and prioritize needed improvements
 - Collaborate with Community Partners on critical incident/disaster preparedness
 - Improve employees' home preparedness to increase ability to respond

- 6. Explore strategies to address issues related to unhoused individuals within the community**
 - Identify City's proactive role in the unhoused crisis
 - Communicate with organizations on their efforts to help the unhoused
 - Continue participation/support for LPSCC & Sobering Center
 - Work with ADAPT towards sustainable funding for crisis intervention
 - Streamline process for lien/tax foreclosures and partner with developers of low income/government subsidized housing to create affordable housing

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



CITY COUNCIL RULES AND PROCEDURES REVIEW

Meeting Date: January 23, 2023

Department: Administration

www.cityofroseburg.org

Agenda Section: Mayor Reports

Staff Contact: Amy L. Sowa, ACM/Recorder

Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Council is being provided a copy of the City Council Rules and Procedures for their biennial review.

BACKGROUND

A. Council Action History.

March 8, 2021: Council adopted an ordinance amending RMC 2.34.

B. Analysis.

Council has adopted Rules and Procedures that are outlined in the municipal code under Chapter 2.34. These rules are updated as needed through adoption of an ordinance.

Attached are the current City Council Rules and Procedures. Although there are no recommended changes to the rules at this time, Council is being provided a copy for your biennial review per RMC 2.34.110(C).

C. Financial/Resource Considerations.

There are no financial or resource considerations with this review.

D. Timing Considerations.

RMC 2.34.110(C) states that the Council shall review these rules at least once during each odd-numbered year.

COUNCIL OPTIONS

If Council chooses, they could direct staff to draft changes to the City Council Rules and Procedures.

STAFF RECOMMENDATION

Staff has no recommendation.

SUGGESTED MOTION

No motion needed. The rules are being provided for review only.

ATTACHMENTS:

Attachment #1 – City Council Rules and Procedures

**ROSEBURG MUNICIPAL CODE CHAPTER 2.34
CITY COUNCIL RULES AND PROCEDURES**

Sections:

- 2.34.005 Definitions.**
- 2.34.010 Laws, rules and policies governing meetings of the Council.**
- 2.34.020 Notice and types of meetings.**
- 2.34.030 Attendance at Council meetings.**
- 2.34.040 Duties of meeting Chair.**
- 2.34.050 Meeting agenda and order of business.**
- 2.34.060 Procedures for making motions and voting.**
- 2.34.070 Minutes of Council meetings.**
- 2.34.080 Councilor training--Reimbursement of expenses.**
- 2.34.085 Use of electronic media.**
- 2.34.090 Representing the City.**
- 2.34.100 Sanctions.**
- 2.34.110 Effect, suspension and review of rules.**

2.34.005 Definitions. In this Chapter, except where the context clearly indicates a different meaning, the following words and phrases mean:

"Agenda" means a listing, by topic, of all matters to be discussed during a Council meeting; the date, time and location of the meeting; the type of meeting being held and the names of the Mayor and each member of the Council.

"Agenda report" means any report prepared by the City Manager, or any City official or employee, regarding a matter placed on an agenda for presentation to the Council.

"Mayor Pro-Tem" means the elected official acting in the place of the Mayor because of the Mayor's absence or inability to act. As required by the Charter, it shall be the Council President who acts as Mayor Pro-Tem. In the absence of the Mayor and Council President, the Councilor having served the longest time on the Council shall serve as Mayor Pro-Tem. Any Councilor serving as Mayor Pro-Tem shall retain the right to vote as a Councilor, except when, under Section 3.8 of the Charter, the Council President loses the ability to vote as a member of Council.

"Minutes" means a written record giving a true reflection of the matters discussed at a Council meeting, the views of those participating in the discussion and all other information required by the Public Meetings Law.

"Public Meetings Law" means all applicable state regulations affecting the meeting of a public body which are in effect at the time of the meeting.

"Robert's Rules of Order" means H. Robert's publication of the commonly used and accepted guidelines on proper parliamentary procedures and any revisions thereto.

"Quorum" means a majority of the Councilors, without regard to any legal conflict or abstention which prevents a Councilor from voting, except that a lesser number of Councilors may meet and compel the attendance of absent members.

2.34.010 Laws, rules and policies governing meetings of the Council. The following shall apply to the conduct and procedures to be followed for all meetings and proceedings of the Council:

- A. Public Records and Meetings Law.** The disposition of public records created or received by Councilors shall be in accordance with the Oregon Public Records Law. Written information incidental to the official duties of a member of the City Council, including electronic mail messages, notes, memos and calendars are public records and are subject to disclosure under the Public Records Law. The Public Meetings Law shall govern all meetings of the Council. Unless exempted by state law, all official meetings of the Council, for which a quorum is present, shall be open to the public. The quorum requirement for the conduct of Council business is five Council members. Public notice, as specified in Section 2.34.020 of this Chapter, shall be given of all meetings of the Council.
- B. Parliamentary Procedure.** Unless specified to the contrary in this Chapter, "Robert's Rules of Order" shall govern the proceedings of the Council in all cases; provided, however, strict adherence to such Rules shall be used only to the extent necessary to observe the law, expedite business, avoid confusion and protect the rights of members of the public and the prerogatives of the City's elected officials.
- C. Americans With Disabilities Act.** All meetings of the Council shall be held in compliance with the Americans With Disabilities Act.
- D. Laws Regarding Smoking in Public Meetings.** Smoking shall be prohibited during all meetings of the Council and at all times within the Council Chambers.
- E. Recording of Council Meetings.** All meetings of the Council may be recorded on tape; provided, however, the written minutes shall serve as the official and permanent record of all Council meetings.
- F. Confidentiality.** Councilors will keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other Councilors, the City Manager or the City Attorney. Issues related to confidentiality include:
 - 1. If in executive session, the Council reaches consensus on the proposed terms and conditions for any type of negotiation, whether it be related to property acquisitions or disposal, pending or likely claim or litigation, employee negotiations, or any other duly authorized confidential matter, all contacts with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representatives, nor communicate any executive session discussion.
 - 2. All public statements, information or press releases relating to a confidential matter will be handled by designated staff, the Mayor or a designated Councilor.
 - 3. The Council may sanction a member who discloses a confidential matter, as specified in Section 2.34.100 of this Chapter.

G. Conflict of Interest. Conflicts of interest may arise in situations where a Councilor, as a public official deliberating towards a decision, has an actual or potential financial interest in the matter before the Council. In accordance with state law, an actual conflict of interest is one that would be to the private financial benefit of a Councilor, a relative or a business with which the Councilor is associated. A potential conflict of interest is one that could be to the private financial benefit of a Councilor, a relative or a business with which the Councilor is associated. A relative means the spouse, children, siblings or parents of a Councilor. A Councilor must publicly announce potential and actual conflicts of interest, and, in the case of actual conflict of interest, must refrain from participating in debate on the issue or from voting on the issue unless allowed by state law.

H. Ex Parte Contacts.

1. Councilors shall endeavor to refrain from having ex parte contacts relating to any issue of a quasi-judicial hearing. Ex parte contacts include those by a party on a fact in issue under circumstances which do not involve all parties to the proceeding. Ex parte contacts can be made orally when the other side is not present, or in the form of written information that the other side does not receive.
2. If a Councilor has ex parte contact prior to any hearing, the Councilor will reveal such contact at the meeting prior to the hearing. The Councilor shall describe the substance of the contact and the Mayor shall announce the right of interested persons to rebut the substance of the communication. The Councilor will also state whether such contact affects the Councilor's impartiality or ability to vote on the matter. The Councilor must state whether he will participate or abstain in the vote on the matter.
3. A Councilor, who was absent during the presentation of evidence for a quasi-judicial hearing, cannot participate in any deliberations or decision regarding the matter unless the Councilor has reviewed all the evidences and testimonies received.

I. Speaking by Council Members. Any Councilor desiring to be heard shall be recognized by the Mayor, and shall confine his remarks to the subject under consideration or to be considered. Councilors will be direct and candid, and shall speak one at a time, allowing one another to finish speaking before another begins

J. Communications with Staff. Councilors shall respect the separation between policy making and administration by:

1. Working together with staff as a team and in a spirit of mutual confidence and support.
2. At all times, respecting the administrative functions of the City Manager and Department Heads, and refraining from actions that would undermine the administrative authority of the City Manager or Department Heads. However, notwithstanding the above, the Council's ability to judge the effective functions of the City Manager shall not be hampered. The Council shall give clear direction to the City Manager. If the City Manager is not clear about Council's intent, the City Manager shall ask for clarification. In all events, the Council will abide by the City Charter and Municipal Code when dealing with the City Manager.

3. Limiting all inquiries and requests for information from Department Heads to those questions that may be answered readily or with only the most minimal of research. Questions of a more complex nature shall be addressed to the City Manager. Such questions should, whenever possible, be put in writing with sufficient information to clarify the intended purpose of the question. Questions requiring staff time beyond 90 minutes shall be referred to the full Council for discussion and decision on the use of staff time. All written information given by the City Manager or City Attorney to one Councilor should be distributed to all Councilors with a notation indicating which Councilor requested the information.
 4. Limiting individual contacts with Department Heads and other City employees so as not to influence staff decisions or recommendation, to interfere with their work performance, to undermine the authority of supervisors or to prevent the full Council from having the benefit of any information received.
 5. Respecting roles and responsibilities of Staff when and if expressing criticism in a public meeting or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of Council members.
 6. As a general rule, during Council meetings, Council members will address questions of Staff to the City Manager. However, if a member of Staff is at the meeting specifically to provide special knowledge or expertise, a Councilor may direct a question directly to that person.
- K. Legal Advice.** Any request by a Councilor to the City Attorney for advice requiring legal research shall be through the City Manager. Exceptions to this are issues related to the performance of the City Manager and/or unique and sensitive personal, yet City-related requests. When these types of issues arise, the Mayor shall contact the City Attorney.
- L. Planning Commission Testimony.** In an effort to maintain the impartiality of the Planning Commission as a general land use hearing body of the City, especially in cases where issues can be remanded by the City Council back to the Planning Commission for review, the following rules are established:
1. For legislative land use matters before the Council, Commissioners may testify as a Commissioner, as a Commission representative if so designated by the Commission, or as a citizen.
 2. For quasi-judicial hearings or petitions for review before the Council, Commission members, who have participated in the preceding Commission decision, may not testify before the Council on the respective matter.
- M. Order and Decorum.** Councilors and citizens shall maintain order and decorum at Council meetings (including public hearings) and at Commission meetings. At the direction of the Mayor, or by a majority of the Council present, any audience member may be directed to leave the Council Chambers or Commission meeting place for the duration of the meeting if they:
1. Use unreasonably loud or disruptive language.

2. Make loud or disruptive notice.
3. Engage in violent or distracting action.
4. Willfully damage furnishings or the interior of the Council Chambers or any City meeting room.
5. Refuse to obey the rules of conduct provided herein, including the limitations on occupancy and seating capacity.
6. Refuse to obey an order of the Mayor or an order issued by a Councilor which has been approved by a majority of the Council present.

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

2.34.020 Notice and types of meetings.

A. Notice of Meetings. Except when more extensive notice is required by state law or this Code, the City Recorder shall give notice of all Council meetings to the public by posting the meeting agenda on the bulletin board at City Hall, and delivering, by mail or otherwise, the agenda to the news media and other interested persons upon written request. Provided state law is not violated, the failure of the City Recorder to give timely notice shall not prevent the Council from meeting or invalidate its actions. Notice shall include the date, time and location of the meeting, and a list of the subjects to be presented to Council. Unless a different location is specified in this Chapter and decided upon in advance of the meeting, all meetings of the Council shall be held in the Council Chambers.

B. Types of Meetings. The Council may conduct the following types of meetings under the guidelines contained herein and the City Recorder shall give notice of said meetings, as provided herein:

1. **Regular Meetings.** Regular Council meetings shall be held at 7:00 in the evening on the second and fourth Monday of each month. If such date falls upon a legal holiday, the meeting shall be held at the usual hour and place on the next following day, unless cancelled in advance by the Mayor or by majority vote of the Council. Unless otherwise specified in advance of the meeting, all regular evening meetings of the Council shall be held in the Roseburg City Hall Council Chambers. Notice of regular meetings shall be given in accordance with the above Subsection A at least 48 hours prior to the meeting. The Mayor or the Council, by majority vote, may cancel any regular meeting. When possible, notice of such cancellation shall be given at least 24 hours prior to the meeting.
2. **Special Meetings.** Special meetings of the Council may be called by the Mayor or by a majority of the members of Council. The call for a special meeting shall be filed with the City Recorder who shall give notice of said meeting at least 24 hours

prior to the meeting. Only the subjects listed on the special meeting agenda may be acted upon at the special meeting.

3. **Emergency Meetings.** An emergency meeting of the Council may be called on less than 24 hours' notice, provided that an actual emergency exists. The minutes of such meeting must describe the emergency justifying less than 24 hours' notice and contain a statement from the Mayor or City Manager indicating why the meeting could not be delayed. The City Recorder shall attempt to contact the news media to provide notice of such emergency meetings. Only the matters creating a need for the emergency meeting shall be discussed or acted upon during the meeting called for such reason.
4. **Work Study Sessions.** Work study sessions of the Council may be called by the Mayor or at the request of a majority of the members of Council. Such meetings shall allow Council the opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects and to hold open discussion on any City-related subject. Only subjects listed on the work study agenda may be acted upon during the work study session.
5. **Executive Sessions.**
 - a. Executive sessions, or closed meetings, shall be held in strict accordance with the Public Meetings Law. Matters discussed in executive session shall be exempt from public disclosure. Executive sessions shall be closed to all persons, except the Mayor and Council; persons reporting to Council on the subject of the executive session; the City Manager, unless directed otherwise by the Council; City staff persons directed by the City Manager to attend; news media representatives, unless excluded by the Public Meetings Law; and other persons authorized by Council to attend.
 - b. No elected official who declares a conflict of interest on a topic to be discussed in executive session shall remain in the room during such executive session discussion. No person attending an executive session of the Council shall disclose or discuss information received in executive session with another person, except a person who would have been authorized to attend the executive session but was not present at the time the executive session was conducted.
 - c. Prior to opening an executive session, the Mayor shall announce the purpose of the executive session, the state statute authorizing the executive session and the anticipated length of time required for the session and shall advise all those present, including the news media, that matters discussed in executive session are not to be disclosed or reported upon to the public.
 - d. An executive session may be held during any open meeting for which proper notice has been given, so long as the open meeting is adjourned until the executive session is concluded and then reopened to the public. A meeting that will be solely an executive session may also be called provided notice requirements, as outlined in this Section, are met and the meeting agenda identifies the state statute authorizing the executive session.

- e. No executive session may be held for the purpose of taking any final action or making any final decision, but a consensus of Council opinion may be gathered.
- 6. **Annual Meeting With the Municipal Judge.** At least once each year, the City Council will meet with the Municipal Judge to discuss how to make the Municipal Court a more effective tool for the City. On a different date, but also once a year, the City Council will conduct a performance evaluation of the Municipal Judge.
- 7. **Annual Evaluation of the City Manager.** The Council shall evaluate the City Manager in accordance with the terms of the Manager's employment agreement.

2.34.030 Attendance at Council meetings.

- A. **Elected Officials.** Councilors will inform the Mayor, Council President or City Manager if they are unable to attend any meeting. Additionally, the Mayor will inform the Council President or the City Manager of any absence from a meeting. Any Councilor may request that an item be postponed to another meeting if he is unable to attend the meeting at which the item has been scheduled. The request must be submitted in writing to the Mayor no later than noon the day of the meeting. If the Mayor is unavailable, the request may be submitted to the City Manager. If the Mayor and City Manager are unavailable, the request may be submitted to the City Recorder. A request to postpone may be requested for either a work session item or a vote on an agenda item. The request for postponement will be determined by a majority of Councilors present at the meeting during which the matter is scheduled on the agenda.
- B. **Staff.** The City Manager will attend all Council meetings unless excused. The City Manager may make recommendations to the Council and shall have the right to take part in all Council discussions but shall have no vote. The City Manager shall be mindful in these discussions of the separation between administration and policy and shall not engage in policy advocacy. The City Attorney will attend all regular Council meetings unless excused, and will, upon request, give an opinion, either written or oral, on legal questions. The City Attorney, if requested, shall act as the Council's parliamentarian. The City Recorder shall attend all Council meetings and keep the official journal (minutes) and perform other such duties as may be needed to assist with the orderly conduct of the meetings. Other staff will attend Council meetings upon request of the City Manager.
- C. **News Media.**
 - 1. The Council recognizes the important role of the news media in informing the public about the decisions, activities and priorities of government. These rules shall not be construed to prevent news media representatives from performing their duties so long as the manner of performance is not unreasonably disruptive of the meeting. For the purposes of these rules, the terms "news media," "press" and "representative of the press" are interchangeable and mean someone who:
 - a. Represents an established channel of communication, such as a newspaper or magazine, radio or television station; and either
 - b. Regularly reports on the activities of government or the governing body; or

- c. Regularly reports on the particular topic to be discussed by the governing body.
2. Except as provided in this Section, all meetings of the Council and its Commissions shall be open to the news media, freely subject to recording by radio, television and photographic services at any time, except where such actions are exempted by the Public Meetings Law. No representative of any news media shall interfere with the orderly conduct of the meeting. The media shall be allowed to attend executive sessions of the Council, excepting those involving deliberations with persons designated to carry on labor negotiations.

2.34.040 Duties of meeting Chair.

- A. The Mayor shall chair all meetings of the Council, but shall not vote, except in the case of a tie vote of the Council. In the absence of the Mayor, the Council President shall act as Mayor Pro-Tem and chair the meeting, but shall retain the right to vote unless prohibited by Section 3.8 of the Charter. In the absence of both the Mayor and Council President, the Councilor having served the longest time on Council shall act as Mayor Pro-Tem and chair the meeting, but shall retain the right to vote.
- B. The Chair shall keep the meeting in order and impose any reasonable restrictions necessary for efficient and orderly conduct. If necessary, the Chair may modify the order of business on the agenda rather than follow the agenda, as published.
- C. If public participation is to be a part of the meeting, the Chair may regulate the order and length of appearances and limit appearances to presentations of relevant points. When receiving public requests, testimony and evidence, the Chair shall rule on the admissibility and propriety of such requests, testimony and evidence.
- D. The Chair shall preserve order and decorum, prevent attacks on personalities or the impugning of members' motives and confine members in debate to the question under discussion. The Chair shall state all questions submitted for vote and announce the results. The Chair shall have the prerogative to set guidelines for public hearings and audience participation.
- E. Upon Councilor motion and a second thereof, decisions of the Chair described in the above Subsections A through D may be appealed to a vote of the Council.

2.34.050 Meeting agenda and order of business.

A. Meeting Agenda Process.

- 1. The Mayor and the City Manager shall prepare an agenda of the business to be presented for all meetings of the Council. The agenda packet shall be available for the City Council and the public not later than the Friday before the Monday Council meeting.
- 2. A Councilor may place an item on the agenda with the Mayor's approval in advance of the agenda preparation. If the Mayor agrees to place the item on the agenda, he shall advise the City Manager or the City Recorder. A Councilor may also request that an item be placed on a future agenda by bringing the item forward during "Items from Mayor, Council or City Manager." The decision to place the

matter on the next agenda shall be made by a majority vote from Council. Councilors may present their request orally or in writing. If a Councilor desires major policy or ordinance research, the Council should consider the request in light of City priorities and workload before directing staff time be spent on the matter. Councilors who agree that staff time can be spent on a particular item are not bound to support the issue when it comes before Council for a vote.

3. Upon a request from a member of the public, with the Mayor's approval, the City Recorder may add a topic, subject or presentation to the agenda. The City Manager shall determine in what order on the agenda the requested topic, subject or presentation shall be placed.
4. All Council agendas shall contain proper notice of the City's intent to conduct the meeting in accordance with the Americans With Disabilities Act and that persons needing an accommodation may contact the City Recorder 48 hours prior to the meeting time to request the necessary accommodation. Such notice shall provide the telephone number and address at which the City Recorder may be contacted.

B. Order of Business. During a regular Council meeting, the order of business shall be as follows:

1. **Call to Order/Pledge of Allegiance.** The Mayor shall call the meeting to order and lead those present in the Pledge of Allegiance.
2. **Roll Call.** The City Recorder shall call the name of each Councilor and note each Councilor's attendance or absence in the record.
3. **Mayor's Report.** The Mayor shall give special reports; make personal announcements; announce resignations and appointments of Council and/or commission members and ask for Council confirmation of the same; read proclamations; and advise Council and the public of any other pertinent matters.
4. **Council Commission and Ward Reports.** Councilors, when recognized by the Mayor, shall report activities, review current concerns and advise of other pertinent matters regarding the City Commissions for which they serve as Chair and their respective wards.
5. **Audience Participation.** Members of the audience shall be invited to address the Mayor and Council on matters not listed on the agenda. Participants must state their name and city of residence for the record prior to addressing Council. Council reserves the right to delay any action, if required, until such time when they are fully informed on the matter presented.
6. **Consent Agenda.** The consent agenda shall consist of a list of routine, non-controversial matters, not typically requiring discussion, presented for Council approval by a single motion. The Mayor shall announce all items on the consent agenda prior to calling for the motion. The Mayor or any Councilor may request that an item placed on the consent agenda be removed for discussion and independent vote by contacting the Council President no later than noon on the day of the meeting. The Council President shall immediately advise the City Manager of such request and announce the same at the meeting. Any item

removed from the consent agenda shall be discussed and acted upon following approval of other consent agenda items.

7. **Public Hearings.** A public hearing shall be held on each matter required by state law or City policy. Written and oral public testimony shall be heard prior to Council action. Participants must state their name and city of residence for the record prior to addressing Council. The Mayor shall announce the type of hearing which is to be held in accordance with the following:
 - a. Legislative hearings (all non-quasi-judicial hearings) may be conducted on matters involving multiple parties or concerning general community issues, such as certain Code amendments, grant applications or comprehensive/master plans. Unless more extensive notice is required by state law or directed by Council, notice of legislative hearings shall be published in the local newspaper at least 10 days prior to the hearing. Any interested member of the public may present testimony during the hearing.
 - b. Quasi-judicial hearings shall be conducted when required by law. Such hearings include certain land use decisions and appeals authorized by this Code. Notice of quasi-judicial hearings shall be given, as required by law, and to those having party status in the matter. Only those having party status may address the Council during the hearing.
8. **Resolutions.** When required by law, or when the Council's action needs formal presentation to others, the Council shall act by written resolution. Proposed resolutions may be presented to Council on such matters as, but not limited to, temporary or special regulations of the City, administrative actions, policies and orders or directives. Upon Council adoption, all resolutions shall be assigned a number and signed by the City Recorder.
9. **Ordinances.** When required by law and when adopting new or amending existing general laws of the City, the Council shall act by ordinance. As required by the Charter, ordinances shall be read twice by title only prior to adoption. Ordinances containing an emergency clause may be read twice and enacted at a single meeting of the Council by three-fourths vote of the entire Council. The City Recorder shall assign a number to each ordinance upon first reading thereof. The Mayor may approve or veto an ordinance, as provided in the Charter. If vetoed, the ordinance shall then be returned to the Council and the Mayor's veto may be overridden, as provided in the Charter. Upon the required number of affirmative votes from Council, an ordinance shall be declared adopted. After approval by the Council and the Mayor, or upon override of a mayoral veto by the Council, the City Recorder shall attest to all ordinances. All ordinances shall take effect 30 days after adoption or at the time specified in the ordinance, unless the ordinance contains an emergency clause, in which case, it becomes effective immediately upon adoption.
10. **Action Items by Department.** The City Manager and Department Heads shall present action items to Council for consideration, direction and/or approval.
11. **City Manager Reports.** The City Manager shall present special reports to Council for consideration, direction and/or approval.

12. **Items From Mayor, Councilors or City Manager.** The Mayor, any Councilor or the City Manager may bring up items of interest or concern which have not been formally placed on the agenda; provided, however, no action shall be taken unless it is agreed by a majority vote of the Council that in the interest of time, action should not be delayed until the next meeting.
13. **Executive Session.** Only items exempted from public disclosure by the Public Meetings Law shall be discussed in executive session.
14. **Adjournment.** Following completion of all matters listed on the agenda, the Mayor shall declare the meeting adjourned.

2.34.060 Procedures for making motions and voting.

- A. Any Councilor making a motion upon a matter to be voted on by the Council shall state the motion with enough clarity, specificity and brevity that the matter to be voted upon is clearly understood. All motions shall require a second by another Councilor prior to being put to a vote. The Mayor shall state the name of the Councilor who made the motion and the name of the Councilor who made the second. Any motion failing to receive a second shall be considered failed. When the Council concurs or agrees to an item that does not require a formal motion, the Mayor shall summarize the agreement at the conclusion of the discussion.
- B. Provided the procedure used allows the minutes to reflect the result of all votes taken in accordance with Subsection 2.34.070.B.5, in the absence of the Mayor directing another procedure, votes on the motion to adopt an ordinance shall be by roll call and votes on all other motions shall be by voice, unless a show of hands or roll call vote is called for by the Mayor or a Councilor.
- C. Except for a motion to adopt an ordinance at a single meeting, or an ordinance with an emergency clause for which the Charter requires at three-fourths vote of the entire Council, an affirmative vote from at least a majority of all Councilors present and eligible to vote, or at least a majority of all elected officials present and eligible to vote when the Mayor breaks a tie, shall be necessary to pass any motion upon which a vote has been called.
- D. The Mayor shall call for the vote on each motion receiving a second. Upon a call for the vote, each Councilor shall respond "yes" (aye), "no" (nay) or "abstain." Any Councilor responding "abstain" must state the reason for such abstention from the vote. An abstention shall not count as either an affirmative or a negative vote and shall not be counted toward the number of votes required to pass or reject a motion. Except to the degree allowed a member of the public, no Councilor shall discuss or vote upon any matter in which the Councilor has declared a conflict of interest.
- E. The following rules shall apply to motions during proceedings of the Council:
 1. A motion may be withdrawn by the mover at any time without the consent of the Council.
 2. If a motion does not receive a second, it dies. Certain motions can proceed without a second, including nominations and withdrawal of a motion.

3. If the Mayor is absent from a meeting and a motion receives a tie vote, the motion fails.
 4. A motion to table is not debatable unless made during a land-use hearing and precludes all amendments or debate of the issue under consideration. If the motion prevails, the matter may be taken from the table only by adding it to the agenda of the next regular meeting, at which time discussion will continue. If an item is tabled, it cannot be reconsidered at the same meeting.
 5. A motion to postpone to a certain time is debatable and amendable, and may be reconsidered at the same meeting. The question being postponed shall be considered at a later time at the same meeting or at a set specified time in the future. A motion to postpone is both debatable and amendable.
 6. A motion to call for the question shall close the debate on the main motion and is undebatable. This motion must receive a second and fails without a majority vote. Debate is reopened if the motion fails.
 7. A motion to amend can be made to a motion that is on the floor and has been seconded. An amendment is made by inserting, striking out, and/or substituting.
 8. Motions that cannot be amended include a motion to adjourn, to reconsider or to take from the table.
 9. A motion to amend an amendment is in order.
 10. Amendments are voted on first, then the main motion, as amended.
 11. Council will discuss a motion only after the motion has been moved and seconded.
 12. If requested, the motion maker, the Mayor or the City Recorder shall repeat the motion prior to voting.
 13. A motion to continue or close a public hearing is debatable.
 14. A point of order, after being addressed by the Mayor, may be appealed to the body.
- F. Reconsideration of Actions Taken.** A member who voted with the majority may move for a reconsideration of an action at the same or the next regular meeting. With a majority vote, the matter shall then be reconsidered. After a matter has been reconsidered once, no motion for further reconsideration shall be made without unanimous consent of the Council.

2.34.070 Minutes of Council meetings.

- A.** Written minutes shall be taken for all meetings of the Council, except executive sessions for which minutes may be kept in the form of tape recordings. No transcript of executive session minutes must be made unless otherwise required by law. The tape recordings, or written minutes if produced, of executive sessions shall not be disclosed to the public, including the news media, unless otherwise required by law. The City Recorder shall be

responsible for the minutes of all Council meetings. Exhibits presented before the Council in connection with its deliberations on a legislative, quasi-judicial or other substantive matter shall be accepted by the Council, made a part of the record and a copy shall be provided to the City Recorder.

- B.** The written minutes of Council meetings shall not be verbatim transcripts, but shall give a true reflection of the matters discussed at the meeting and the views of those participating in the discussions and shall contain at least the following:
1. The date and location of the meeting, the type of meeting held and the time it was called to order;
 2. The names of all elected officials present and those absent; the names and titles of all appointed officials present and the names of all news media representatives present and which media they represent;
 3. The substance of all matters discussed at the meeting, including all motions, proposals, directives, ordinances and resolutions, and the disposition of the same;
 4. Each motion made, the name of the Councilor making the motion, the name of the Councilor who seconded the motion or if the motion failed to receive a second, a statement that the motion failed due to lack of a second;
 5. The results of all votes, identifying any Councilor who abstains from voting and the reason for such abstention and those Councilors voting in the minority; if the vote on a matter is unanimous, the minutes shall so state the vote was unanimous;
 6. Any conflict of interest or potential conflict of interest declared by any elected or appointed official on any matter discussed by the Council, and the reason for such conflict;
 7. If the Council adjourned for an executive session during the meeting, a statement indicating the Council so adjourned; the state statute under which the executive session was authorized; the time the open meeting was adjourned for the executive session and the time at which the open meeting was reconvened;
 8. A reference to any document discussed at the meeting; and
 9. The time at which the meeting was adjourned.
- C.** Minutes of all Council meetings, except those prepared for executive sessions if so prepared, shall be made available to the public within a reasonable time following the meeting. Any minutes provided to the public prior to being approved by the Council shall be identified as an unofficial, draft record of the meeting. Minutes shall be provided to persons with disabilities in accordance with the Americans With Disabilities Act.
- D.** All minutes shall be approved by the City Manager and presented for formal approval by Council as promptly as possible. Minutes presented to Council may be amended by a majority vote of the Council. Upon Council approval, the minutes shall be considered final and shall not be amended thereafter. The approved minutes shall be considered the official record of the Council and shall be permanently retained by the City Recorder.

2.34.080 Councilor training--Reimbursement of expenses.

- A. Councilor Training.** The Mayor and members of Council are urged to educate themselves about local government, and as funding allows, to attend functions sponsored by the League of Oregon Cities. Requests to attend other government-related conferences, training seminars and meetings shall be presented to Council for approval. Following attendance at a conference, training seminar or meeting, excepting the League of Oregon Cities annual conference, the Mayor or Councilor attending shall give a report to all members of the Council unless the majority attended the same function.
- B. Reimbursement of Expenses.** Any elected official who serves on a board of the League of Oregon Cities, one of its committees or other such government group, shall be reimbursed for reasonable expenses not covered by the respective organization. Elected officials shall follow the same rules and procedures for reimbursement, as applied to City employees as set forth in the City of Roseburg Administrative Policy and Procedures Manual. Expenditures for other than routine reimbursable expenses (e.g., conference registration, travel, etc.) will require advance approval of the Council. Reservations for travel and lodging should be made through the City Manager's office. The City will issue the appropriate purchase order/expenditure upon request and approval by the City Manager. The City does not reimburse elected officials for expenses incurred by their spouses or guests, or for the purchase of alcoholic beverages.

2.34.085 Use of electronic media. The following guidelines shall apply to all electronic records and communications which are accessed on or from City owned electronic media, including but not limited to, iPads issued to the Mayor and Council for the receipt, retrieval and access to information relating to Council meetings and other City-related business. "Electronic media" means any and all storage or transmission channels or tools used to store or deliver information or data that use electronics or electromechanical energy for the user to access the content. Without limitation, examples are: computers, laptops, tablets, smart phones, email, text messaging, chatting and social media.

- A.** Electronic media may not be used to knowingly transmit, retrieve or store any communications which are discriminatory based on race, color, national origin, age, marital status, sex, political affiliation, religion, disability or sexual preference or of a harassing nature, derogatory to any individual or group, obscene or X-rated, or of a defamatory or threatening nature. The City's equipment shall also not be used for "chain letters" or any other purpose which is illegal, against City policy, or contrary to the City's interest.
- B.** All forms of City-owned electronic media, including internet access and email used by the Mayor or Council are to be used primarily for City business purposes, but may be allowed for limited personal use provided such use does not interfere with City business or conflict with the parameters set for in the above Subsection A. The City's equipment shall not be used for personal gain, outside business activities, political activity, fundraising or charitable activity or to promote personal, political or religious business or beliefs. Abuse or misuse of City electronic media may be grounds for the sanctions set forth in Section 2.34.100 of this Chapter.
- C.** In order to ensure the integrity of City-owned electronic media and equipment, the Mayor and Council shall not download any programs, install any software or make any changes

to the City owned iPads, other than periodic updates to City installed programs, without permission from the City Manager and assistance from the City's Information Technology Manager. Use of personal programs and unlicensed programs is strictly prohibited. The Mayor and Council shall not access information or services on the City owned iPads which would result in a subscription or user fee.

- D. Records created, manipulated or stored on any City owned iPad or in any other form of electronic media, are public records if sent, received, filed or recorded in pursuance of law or in connection with City business, whether or not they are confidential or restricted in use. The Mayor and Council shall not disclose any confidential information sent to them on City-owned iPads or through any other form of electronic media.
- E. All electronic records relating to City business are considered public records and must be accessible to the public unless specifically exempted from disclosure by state statute. As such, the records must be retained as part of the City's system and should not be deleted before consulting with the City Recorder.
- F. Use by the Mayor and Council in conformance with the policy contained herein is determined by the City Council to be part of an official compensation package for such officials as provided in ORS 244.040(2)(a).

2.34.090 Representing the City. When the Mayor or a Councilor represents the City before another governmental agency, a community organization or the media, the official should first indicate the majority position of the Council. Personal opinions and comments may be expressed only if the official clarifies that those statements do not represent the position of the Council. If an elected official represents the City in a lobbying situation, the official should avoid expressions of personal dissent from an adopted Council policy. When the Mayor or a Councilor attends meetings of governmental organizations such as the League of Oregon Cities, they do so as individual elected officials and are free to express their individual views. If the Council has an adopted policy relating to an issue under discussion, the Councilor is expected to report that first.

2.34.100 Sanctions. The following situations may require the Council to apply sanctions to influence behaviors:

- A. **Public Disruption.** Members of the public who do not follow proper conduct in a meeting will be given a verbal warning. If they continue to disrupt the meeting, they may be barred from further testimony at that meeting or removed from the meeting room.
- B. **Inappropriate Staff Behavior.** Council members who witness inappropriate staff behavior should report such to the City Manager. Such employees may be disciplined in accordance with standard City procedures for such actions.
- C. **Mayor or Council Members' Behavior and Conduct.** Council members who do not follow proper conduct or Council rules and procedures may be subject to any or all of the following sanctions by the City Council:
 - 1. Not be recognized by the Chair to speak at a meeting;
 - 2. Reprimanded or formally censured by the Council;

3. Lose all or a portion of their Commission assignments (both within the City of Roseburg or with other governmental agencies); or
 4. Have official travel restricted.
- D. Council members should point out any infractions of the rules and procedures to the offending Councilor. If the offense(s) continues, the matter should be referred to the Mayor and the Mayor shall discuss the matter with the Councilor. If the Mayor is the individual whose actions are being challenged, the matter should be referred to the Council President.
- E. It is the responsibility of the Mayor to initiate action if a Council member's behavior warrants sanction. If no action is taken by the Mayor, the alleged violation(s) can be brought up with the full Council in a public meeting.

2.34.110 Effect, suspension and review of rules.

- A. **Effect of Rules.** These rules shall repeal, rescind and replace all other rules and procedures of the Council which may have been formally adopted by resolution or informally adopted by past practice or implied policies. These rules shall also, when applicable by law, be followed by the Roseburg Urban Renewal Agency and all City Commissions, except when the Chapter of this Code which governs said Commission provides to the contrary and then that provision shall be followed.
- B. **Suspension of Rules.** These rules may be suspended upon an affirmative vote of five Councilors. Suspension of the rules should only occur in cases of extreme necessity and for no other reason.
- C. **Review of Rules.** The Council shall review these rules at least once during each odd-numbered year. Amendments shall be approved by ordinance adoption. These rules are not intended to replace or supersede any applicable federal or state laws or regulations, City ordinances, policies or provisions of the City Charter.

**MINUTES OF THE REGULAR MEETING
OF THE CITY COUNCIL MEETING
January 9, 2023**



Mayor Rich called the regular meeting of the Roseburg City Council to order at 7:00 p.m. on January 9, 2023 in the City Hall Council Chambers, 900 SE Douglas Avenue, Roseburg, Oregon. Councilor Rummel led the Pledge of Allegiance.

ROLL CALL

Present: Councilors Shelley Briggs Loosley, David Mohr, Ellen Porter, Brian Prawitz, Kylee Rummel, Patrice Sipos, Ruth Smith and Andrea Zielinski.

Others Present: City Manager Nikki Messenger, Assistant City Manager/ Recorder Amy Sowa, City Attorney Jim Forrester, Community Development Director Stuart Cowie, Fire Chief Tyler Christopherson, Library Director Kris Wiley, Police Chief Gary Klopfenstein, Public Works Director Dawn Easley, Communications Specialist Suzanne Hurt, Management Assistant Koree Tate and Sam Temple of the News Review.

STATE OF THE CITY ADDRESS

Mayor Rich provided the State of the City Address highlighting the accomplishments of 2022 and expectations for 2023. A full text of the Address is included in the City Council Record.

COMMISSION CHAIR APPOINTMENTS

Mayor Rich made the following Commission Chair appointments:

Airport	Councilor David Mohr
Economic Development	Councilor Brian Prawitz
Historic Resources Review	Councilor Kylee Rummel
Homeless Commission	Mayor Larry Rich
Library	Councilor Andrea Zielinski
Parks and Recreation	Councilor Patrice Sipos
Public Works	Councilor Ellen Porter

Mayor Rich appointed Councilors Smith and Sipos to serve on the MedCom Board. Councilor Mohr was appointed to serve as the Veteran Services liaison. Councilor Briggs Loosley would continue to serve as a member of the Homeless Commission as Vice-Chair.

COMMISSION APPOINTMENTS

Councilor Mohr moved to reappoint Clint Newell to the Airport Commission for another three-year term. The motion was seconded by Councilor Zielinski and approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. No one voted no.

Councilor Porter moved to reappoint Stephen Krimetz to the Budget Committee for another three-year term. The motion was seconded by Councilor Zielinski and approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. No one voted no.

Councilor Prawitz moved to reappoint Mickey Beach and Misty Ross to the Economic Development Commission for another three-year term. The motion was seconded by Councilor Briggs Loosley and approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. No one voted no.

Councilor Rummel moved to reappoint Nicholas Lehrbach to the Historic Resources Review Commission for another three-year term. The motion was seconded by Councilor Prawitz and approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. No one voted no.

Councilor Zielinski moved to reappoint Marcy Tassano and Francesca Guyer to the Library Commission for another three-year term. The motion was seconded by Councilor Rummel and approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. No one voted no.

Councilor Sipos moved to reappoint Kyle Bailey, Robert Grubbs and Tobiah Mogavero to the Parks and Recreation Commission for another three-year term. The motion was seconded by Councilor Briggs Loosley and approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. No one voted no.

Councilor Porter moved to reappoint Daniel Onchuck and Shelby Osborn to the Planning Commission for another four-year term. The motion was seconded by Councilor Zielinski and approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. No one voted no.

Councilor Porter moved to reappoint John Seward and Tim Swensen to the Public Works Commission for another three-year term. The motion was seconded by Councilor Briggs Loosley and approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. No one voted no.

ELECTION OF COUNCIL PRESIDENT

Mayor Rich explained that at the first meeting of the Council each year or as soon thereafter as practical, the Council would choose someone to preside over the Council and perform the duties of Mayor in the absence of the Mayor from the City or in case of the Mayor's inability to act as such. Councilor Sipos nominated to appoint Councilor Zielinski as the 2023 Council President. Councilor Zielinski accepted the nomination. Councilor Mohr nominated to appoint Councilor Briggs Loosley as the 2023 Council President. Councilor Briggs Loosley accepted the nomination. Councilor Zielinski nominated to appoint Councilor Prawitz as the 2023 Council President. Councilor Prawitz declined to accept the nomination.

Mayor Rich asked Councilors Briggs Loosley and Zielinski to provide a brief statement as to their nomination for Council President. Councilor Briggs Loosley wanted to help better serve the community, had the time available for the position, was a natural leader from years of experience serving on multiple Boards and committees, and would keep all informed, and treat others with respect. Councilor Zielinski wanted to continue the great leadership role of Council, had served on many committees and boards, coordinated Shop with a Cop, worked for the Sheriff's office over twenty years, loved and felt it was an honor to serve the community.

Mayor Rich called for a vote for the nomination to appoint Councilor Briggs Loosley as the 2023 Council President. Councilors Briggs Loosley, Mohr and Porter voted yes. Mayor Rich called for a vote for the nomination to appoint Councilor Zielinski as the 2023 Council President. Councilors Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. Mayor Rich announced Councilor Zielinski as the 2023 Council President.

CONSENT AGENDA

Councilor Zielinski moved to approve the following Consent Agenda Items:

- a. Minutes of December 12, 2022 Special Meeting
- b. Minutes of December 12, 2022 Regular Meeting

The motion was seconded by Councilor Sipos and approved with the following vote: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Sipos, Smith and Zielinski voted yes. No one voted no.

ORDINANCE NO. 3579 – COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE – TERRAFIRMA, SECOND READING

Sowa read Ordinance No. 3579, entitled, “An Ordinance Amending the Roseburg Comprehensive Plan Map and Zoning Map Involving Property Located at 761 and 797 NE Garden Valley Boulevard,” for the second time. Councilor Zielinski moved to adopt Ordinance No. 3579. The motion was seconded by Councilor Prawitz. Roll call vote was taken: Councilors Briggs Loosley, Mohr, Porter, Prawitz, Rummel, Smith, Sipos and Zielinski voted yes. No one voted no. Mayor Rich declared Ordinance No. 3579 as adopted.

ITEMS FROM MAYOR/CITY COUNCIL/CITY MANAGER

Councilor Prawitz noted it was a historical moment to have a female Council President. Mayor Rich reminded Council the Council President would handle most motions unless it revolved around a topic or Commission for which another Councilor chaired. In response to Councilor Smith, Mayor Rich explained Ward Reports was a time to bring up information happening in a Councilor’s Ward whether it was about events, meetings, or concerns. Ms. Messenger added it was also a time to provide any positive information happening in that area.

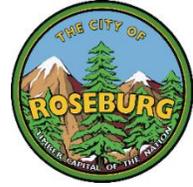
ADJOURNMENT

The meeting adjourned at 7:43 p.m.



Koree Tate
Management Assistant

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



PARKER ROAD/NEWTON CREEK BRIDGE PROJECT - INTERGOVERNMENTAL AGREEMENTS

Meeting Date: January 23, 2023
Department: Public Works
www.cityofroseburg.org

Agenda Section: Consent
Staff Contact: Dawn Easley, PW Director
Contact Telephone Number: 541-492-6730

ISSUE STATEMENT AND SUMMARY

Staff recently received the Intergovernmental Agreement (IGA) for the Parker Road/Newton Creek Bridge Rehabilitation Project from the Oregon Department of Transportation (ODOT). The issue for the City Council is whether to authorize the execution of the agreement.

BACKGROUND

A. Council Action History.

On October 26, 2020, the City Council authorized the City Manager to submit applications for three ODOT Local Bridge Program (LBP) grants for the Douglas Avenue, Parker Road, and Jackson Street bridges.

On July 25, 2022, the City Council adopted Resolution No. 2022-25, authorizing the acceptance of a grant award with ODOT through the local bridge program for the maximum amount of \$2,090,709 to design and replace the Parker Road/Newton Creek Bridge.

Staff is bringing the IGA to Council for approval because the total Project cost increased to \$3,292,100.

B. Analysis.

Parker Road/Newton Creek Bridge funding is for the design and construction of a replacement bridge. The existing bridge is a single span steel girder superstructure with a concrete filled steel grid bridge deck, with a current Sufficiency Rating of 46.1. The bridge provides the only point of access to the adjacent neighborhood and is currently load restricted and functionally obsolete.

Additional funding was added to the selection process for the 2024-2027 Statewide Transportation Improvement Program due to additional funding becoming available through the Infrastructure Investment Jobs Act (IIJA). Applications for local bridge projects through 2027 were submitted in 2020 and considered for funding by the Local Agency

Bridge Selection Committee, consisting of three representatives from counties, cities, and ODOT.

On June 16, 2022, the City received notice that the Local Agency Bridge Selection Committee for the LBP approved the grant application for the Parker Road/Newton Creek Bridge Replacement Project with federal funding provided by the IIJA that is available through Federal Fiscal Year (FFY) 2027.

On December 13, 2022, the City received the IGA from ODOT requesting signatures.

C. Financial/Resource Considerations.

The City has Surface Transportation Block Grant (STBG) funds available for the City match amount of \$338,098.67.

D. Timing Considerations.

If authorized, the IGA will be executed as soon as practical, which will allow the project to proceed as scheduled.

COUNCIL OPTIONS

The Council has the following options:

1. Authorize execution of the IGA for the Parker Road Bridge Project; or
2. Request additional information; or
3. Not move forward with the project at this time.

STAFF RECOMMENDATION

The existing bridge is structurally deficient, functionally obsolete, and load restricted. The ODOT Local Bridge Program is the only viable funding source for the bridge project. Council has authorized this agreement previously, but the project estimate has grown, leading staff to seek reauthorization. Staff recommends that the City Council authorize the execution of the Intergovernmental Agreement with ODOT for the Parker Road/Newton Creek Bridge Project.

SUGGESTED MOTION

“I move to authorize the execution of the Intergovernmental Agreement with ODOT for the Parker Road/Newton Creek Bridge Project.”

ATTACHMENTS:

Attachment #1 – Map

Attachment # 1



ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



RESOLUTION REFERRING A BALLOT MEASURE FOR THE MAY 16, 2023 SPECIAL ELECTION - AMENDMENTS TO THE ROSEBURG CITY CHARTER

Meeting Date: January 23, 2023
Department: Administration
www.cityofroseburg.org

Agenda Section: Resolutions
Staff Contact: Amy L. Sowa, ACM/Recorder
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Council is asked to consider adopting a resolution to refer a ballot title to the voters for the May 16, 2023 Special Election to amend the Roseburg City Charter.

BACKGROUND

A. Council Action History.

June 25, 2012: Staff provided a report to Council regarding revisions to the Charter and proposing a timeline to place a measure on the ballot in May of 2013. No further action was taken, and no changes were made to the Charter.

February 14, 2022: Council directed staff to form a City Charter Review Committee made up of the Assistant City Manager/Recorder, the City Attorney, councilors and city residents. Councilors Zielinski, Moothart and Cotterell agreed to serve as the councilor representatives.

June 13, 2022: Council appointed Sheila Cox, Jeffrey Weller and Mike Baker to serve as the citizen members of the City Charter Review Committee.

December 12, 2022: Council directed staff to bring back a resolution to place a ballot title on the May 16, 2023 Special Election amending the Roseburg City Charter.

B. Analysis.

The current Roseburg City Charter has not been updated since 1983. Many of the sections are outdated, out of compliance with current laws and practices, or in need of clarification.

The City Charter Review Committee began meeting monthly on June 22, 2022. During each meeting, two to three sections of the Charter were reviewed, compared to the League of Oregon Cities (LOC) model charter, and discussed in depth by the committee members. Staff and the City Attorney provided information and responded to questions

regarding legal requirements and current practices. Their final meeting was on Wednesday, October 26, 2022.

Staff brought the recommended amendments to the Council on December 12 for their review and consideration. Through review and discussion, several changes were recommended in the proposed amendments.

- Section 3.3 – Mayor: Election. The Roseburg City Charter Review Committee recommended changing the Mayor’s term to four years to match the terms of the councilors.
 - After further discussion, Council chose to leave the Mayor’s term at two years.
- Section 4.1 – City Manager: Appointment and Qualifications. The recommended amendment from the Committee was to remove the residency requirement for the position of city manager.
 - After further discussion, Council chose to leave the current language in the Charter with the addition of the following, “The Council shall have discretion to waive the city manager residency requirement, on an individual basis, when they deem appropriate.”

All other recommendations by the Committee were accepted by Council. Council directed staff to bring back a resolution referring the proposed amendments to the voters during the May 16, 2023 Special Election.

C. Financial/Resource Considerations.

If Council chooses to send the proposed amendments to the voters for the May 16, 2023, special election, there would be a cost of approximately \$1500-\$2000. If the measure passed, there would be costs associated with updating the Charter document online and in paper format at a cost of approximately \$500. Funds are available in the current budget.

D. Timing Considerations.

To meet the March 16, 2023, deadline to submit a measure for the May 16, 2023, election, Council would need to take action to place a measure on the ballot during a regular Council meeting no later than February 20, 2023.

COUNCIL OPTIONS

Council has the following options:

- Adopt a resolution to refer a measure for the May 16, 2023 Special Election ballot amending the Roseburg City Charter; or
- Make further amendments and adopt a resolution to refer a measure for the May 16, 2023 Special Election ballot with further amendments to the Roseburg City Charter; or
- Do nothing.

STAFF RECOMMENDATION

Staff recommends Council adopt a resolution to refer a measure for the May 16, 2023 Special Election ballot amending the Roseburg City Charter.

SUGGESTED MOTION

“I MOVE TO ADOPT RESOLUTION NO. 2023-01.”

ATTACHMENTS:

Attachment #1 – Resolution No. 2023-01 with Ballot Title as Exhibit “A”

Attachment #2 – Revised Charter with changes

Attachment #3 – Explanatory Statement

RESOLUTION NO. 2023-01

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF ROSEBURG THE QUESTION OF AMENDING THE ROSEBURG CITY CHARTER.

WHEREAS, The current Roseburg City Charter has not been updated since 1983; and

WHEREAS, A Roseburg City Charter Review Committee was formed in June of 2022 to review the Charter for possible updates; and

WHEREAS, The Roseburg City Charter Committee, after thorough review of all sections of the Charter, brought proposed amendments to the Council; and

WHEREAS, Amendments to the Charter require a vote of the electors of the City of Roseburg.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG that:

Section 1. MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the City of Roseburg a measure to amend the Roseburg City Charter.

Section 2. ELECTION CONDUCTED BY MAIL. The measure election shall be held in the City of Roseburg on May 16, 2023, for the next special election. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Douglas County, according to the procedures adopted by the Oregon Secretary of State.

Section 3. DELEGATION. The City of Roseburg authorizes the City Manager, or City Manager's designee, to act on behalf of the City and to take such further action as is necessary to carry out the intent and purpose set forth herein, in compliance with the applicable provisions of law.

Section 4. PREPARATION OF BALLOT TITLE. The City Attorney has prepared a ballot title for this measure (Exhibit A) and upon adoption of this resolution, shall file the ballot title with the City Recorder.

Section 5. NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the City Recorder shall publish in the next available edition of a newspaper of general circulation in the City a notice of receipt of ballot title, including notice that an elector may file a petition for review of the ballot title.

Section 6. FILING WITH COUNTY ELECTIONS OFFICE. Following the review period, the City Recorder shall deliver the Notice of Measure Election to the County Clerk for Douglas County for inclusion on the ballot for the May 16, 2023, special election.

Section 7. EFFECT ON RESOLUTION IF DECLARED INVALID. If any section, paragraph, subdivision, clause, sentence, or provision of this resolution is declared by a court or

administrative agency to be invalid, such declaration shall not affect, impair, invalidate, or nullify the remainder of this resolution.

Section 8. This resolution shall become effective immediately upon adoption by the Roseburg City Council.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING
ON THE 23rd DAY OF JANUARY, 2023.**

Amy L. Sowa, Assistant City Manager/Recorder

BALLOT TITLE

CAPTION: CITY OF ROSEBURG CHARTER AMENDMENT

QUESTION: Shall the City adopt amendments to the current City Charter?

SUMMARY STATEMENT: Charters grant legal authority to cities, specify how ordinances are adopted, list qualifications for officers, and assign duties to city officials. This measure would adopt amendments to the current Charter, which was enacted in 1983.

The Roseburg City Council referred the Charter amendments to the voters on the recommendation of a Charter Review Committee.

The amendments are based in part on the League of Oregon Cities Model Charter but keep those provisions that are unique and important to Roseburg. The proposed amendments retain the current form of government with a Mayor and eight councilors to govern, and a city manager to run administrative affairs. The amendments update the Charter to be more straightforward and modernized to clearly define the legal authority of the City.

The proposed Charter amendments remove current Charter language that is inconsistent with state law, and contains other minor changes.

Mark an (X) in the square [] before the answer of your choice.

[] Yes, I vote for the measure.

[] No, I vote against the measure.

ROSEBURG CITY CHARTER

INTRODUCTORY PROVISIONS

98.1.1 - Title.

This revision shall be referred to as the Roseburg City Charter of ~~1982~~2023.

98.1.2 - Corporate Name and Capacity.

The ~~inhabitants of the~~ City of Roseburg, Oregon ~~have been and are hereby constituted~~continues as a municipal corporation ~~by with~~ the name ~~of the~~ City of Roseburg ~~and by that name have perpetual succession and may sue and be sued in all courts of justice.~~

98.1.3 - Boundaries.

The City includes all territory ~~encompassed by within~~ its boundaries as they now exist ~~when this revision of the Charter is adopted or as they are subsequently~~or are legally modified in accordance with state law. ~~The repository of City records shall include at least two copies of this Charter each containing an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection during regular office hours. The City will maintain as a public record an accurate and current description of the boundaries.~~

98.2 - POWERS

98.2.1 - Vesting, Grant and Construction of Powers.

- (1) Except as this Charter provides to the contrary, all power of the City is vested in the Council, the representative legislative body of the City. The Council has legislative, administrative and quasi-judicial authority. The Council exercises legislative and quasi-judicial authority by ordinance, and administrative authority by resolution. The Council may not delegate its authority to adopt ordinances.
- (2) The City has all powers that the constitution or laws of the United States or of this state expressly or impliedly grant or allow cities, as fully as if this Charter specifically stated each of those powers.
- (3) In this Charter no mention of a particular power may be construed to be exclusive or to restrict the scope of the powers that the City would have if the particular power were not mentioned. The Charter shall be liberally construed to the end that the City has all powers necessary or convenient for the conduct of its affairs, including all powers that cities may assume under state laws or the provisions of the state constitution regarding municipal home rule.

98.3 - CITY COUNCIL AND MAYOR

98.3.1 - Council: Membership.

Eight councilors constitute the Council of the City.

98.3.2 - Council: Election.

The councilors shall be elected two from each ward classified into positions: one position designated as Position 1 and the other as Position 2 for each ward. Each councilor shall be elected for four years and shall hold office until a qualified successor ~~is elected or appointed~~takes office. Councilors in Position 1 shall be elected in ~~1982~~2026 and every fourth year thereafter and councilors in Position 2 shall be elected in ~~1984~~2024 and every fourth year thereafter, to take office as provided in this Charter.

98.3.3 - Mayor: Election.

A mayor shall be elected each even-numbered year for two years and hold office until a qualified successor is elected or appointed.

98.3.4 - Council: Meetings.

~~The Council must meet at least once a month at a time and place designated by its rules, and may meet at other times in accordance with the rules and laws of the state of Oregon.~~

~~The Council shall prescribe times and places for its meetings. It shall meet regularly at least once each month. At a meeting it may adjourn to the next succeeding regular meeting or to some specified time prior thereto. The mayor or a majority of the councilors may call special meetings of the Council in a manner prescribed by ordinance.~~

98.3.5 - Council: Quorum.

~~A majority of the Council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by council rules.~~

~~A majority of the councilors constitute a quorum for the transaction of Council business, except that a lesser number may meet and compel the attendance of absent members. A quorum may also compel the attendance of absent members.~~

98.3.6 - Council: Journal.

The Council shall keep a journal of its proceedings. Except where exempted by state law, the Council's deliberations and proceedings shall be public and its records available for inspection during business hours.

98.3.7 - Mayor: Functions.

The mayor shall preside at Council meetings but may not vote on matters before the Council, except in case of a tie, when ~~he or they~~ shall cast the deciding vote. The mayor shall, at least once each year, state to the Council the condition of the City and recommend such measures as ~~he or she~~they may deem expedient and proper.

98.3.8. - Council: President.

At the first meeting of the Council each year or as soon thereafter as practical, the Council shall choose one of its members to preside over the Council and perform the duties of mayor in the absence of the mayor from the City or in case of the mayor's inability to act as such. In functioning as mayor while the mayor is absent from the City for thirty days or physically unable to function as mayor for thirty days, the president of the Council has the legal powers, and is

subject to the legal limitations of the mayor, including veto power and voting only in the event of a tie.

98.3.10 – Council and Mayor: Immunity.

~~No councilor or mayor may be held liable or questioned in any other place, for words uttered in any meeting of the Council, its subcommittees, commissions and boards.~~

98.4 - CITY MANAGER

98.4.1 - City Manager: Appointment and Qualifications.

The Council shall appoint a city manager for an indefinite term who shall hold office ~~during at~~ the pleasure of the Council and may be removed at any time with or without cause by two-thirds vote of the entire Council. The city manager shall be chosen without regard to political considerations and solely on the basis of executive and administrative qualifications. The city manager need not be a resident of the city or state at the time of appointment, but promptly thereafter shall become and remain a resident of the city while in office. The Council shall have discretion to waive the city manager residency requirement, on an individual basis, when they deem appropriate. No councilor nor mayor may be appointed as city manager until one year after the expiration of ~~his or her~~their service in the office of councilor or mayor.

98.4.2 - City Manager: Vacancy.

If the office of city manager becomes vacant or if the city manager is absent from the City or ~~disabled~~unable to perform the duties of city manager, the Council may designate a city manager pro tem. The city manager pro tem shall perform the duties of city manager but may appoint or dismiss a department head only with the approval of the Council. The term of office of the city manager pro tem ends when the city manager returns to the City or takes office.

98.4.3 - City Manager: Powers and Duties.

The city manager shall be the chief executive officer and head of the administrative branch of the City government and shall be responsible to the Council for the proper performance of ~~his or her~~their duties. The city manager shall:

- (a) Supervise and control all administrative and business affairs of the City;
- (b) Enforce all ordinances;
- (c) See that the provisions of all franchises, contracts, leases, permits and privileges granted by the City are fully observed and enforced;
- (d) Except for municipal court judge(s), generally supervise and control all employees of the City including, but not limited to, employing, disciplining and discharging employees ~~at pleasure~~, assigning duties and accounting for performances;
- (e) Delegate duties, but remain responsible for all subordinates.
- ~~(ef)~~ Organize, disband or reorganize departments;
- ~~(gf)~~ Prepare the annual budget;
- ~~(hg)~~ Make all purchases;
- ~~(ih)~~ Execute all contracts;

- (j) At ~~his or her~~their discretion, appoint advisory boards to assist the city manager;
- (k) Prepare and furnish reports requested by the Council;
- (l) Devote full time to the office of city manager; and
- (m) Perform other duties as the Council directs.

98.4.4 - City Manager: Council Meetings.

The city manager and such other ~~officers-officials~~ of the City as the Council designates may sit with the Council but may not vote on questions before the Council. The city manager may take part in all Council discussions.

98.4.5 - City Manager: Interference in Administration.

~~No mayor or council member may directly or indirectly attempt to coerce the city manager or a candidate for the office of city manager in the appointment or removal of any City employee, or in administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, the mayor or councilors may discuss or suggest anything with the city manager relating to City business. No councilor or mayor may influence or attempt to influence the city manager in personnel decisions or in the purchase of supplies, nor may any councilor or mayor exact any promise relative to any personnel decision by the city manager. Violation of this section forfeits the office of the violator. The mayor and any councilor may, however, in open Council meeting discuss with or suggest to the city manager anything pertaining to City affairs.~~

~~98.4.6 - City Manager: Exclusive Powers.~~

~~The powers herein granted to the city manager are exclusive.~~

98.5 - MUNICIPAL COURT AND JUDGE

98.5.1 - Municipal Court: Creation and Jurisdiction.

The Council may continue the court known as the municipal court and prescribe the time and place the court shall transact judicial business. The jurisdiction and proceedings of the municipal court are governed by the general laws of the state for justices of the peace and justice courts except as City ordinance prescribes to the contrary. The municipal court has ~~original and~~ jurisdiction over all offenses defined and made punishable, and over all actions to recover or enforce forfeitures or penalties defined or authorized, by the ordinances of the City.

98.5.2 - Municipal Court: Powers.

- (~~2~~1) The municipal judge may:
 - (a) Render judgements and may impose sanctions for the enforcement thereof on persons and property within its jurisdiction;
 - (b) Cause the arrest of any person accused of an offense against the City;
 - (c) ~~Commit to jail or admit to bail anyone accused of a City offense; Commit to jail pending trial any person accused of an offense against the City;~~
 - (d) Issue and compel obedience to subpoenas;

- (e) Compel witnesses to appear and testify or jurors to serve in the trial of any cause before the municipal court;
- (f) Punish witnesses and others for contempt of court;
- (g) Issue any process necessary to carry into effect the judgment of the municipal court, including search warrants; and
- (h) Perform other judicial or quasi-judicial functions as the Council prescribes by general ordinance.

98.5.3 - Municipal Judge: Appointment.

The Council may appoint a municipal judge and such pro tem judges as it deems necessary to serve for indefinite terms to hold office at the pleasure of the Council and may remove any of them any time, with or without cause, by two-thirds vote of the entire Council.

98.5.4 - Municipal Judge: Vacancy.

If the office of municipal judge becomes vacant or if the municipal judge is absent from the City or ~~disabled~~unable to perform the duties of municipal judge, the City Council may appoint an ~~an~~ acting-municipal judge pro tem. The ~~acting~~ acting municipal judge pro tem shall perform the duties of municipal judge. The term of ~~acting~~ acting-municipal judge pro tem shall end when the municipal judge returns to the City or takes office.

98.6 - MUNICIPAL OFFICERS ~~AND EMPLOYEES~~.

6.1 – Municipal/City Officer. City officers are elected officers, the city manager and the municipal judge.

98.6.1 ~~2~~ - Qualifications.

No person may hold an elective City office unless a legal elector under the laws and constitution of the state, a resident of the City for one year immediately before being elected or appointed to the office, a resident of the City or ward ~~he or she~~they seeks to represent when nominated, elected or appointed and assuming the office and receiving the highest number of the votes cast for candidates for the office at the election at which the office is to be filed.

98.6.2 ~~3~~ - Certificate of Election.

Immediately after the votes at a municipal election for filling an elective office have been canvassed, the City ~~officer~~ official in charge of administering elections shall issue a certificate of election to each person declared by the canvassers to have been elected at the election. The certificate shall be prima facie evidence of the facts therein stated, but the Council shall be the judge of the election and qualifications of the mayor and councilors. Neither the mayor nor a councilor may be employed by the City, and in case of a contest between two or more persons claiming an elective city office shall determine the contest.

98.6.3 ~~4~~ - 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, unless the office becomes vacant under Section 6.6.

~~The term of city elective offices shall commence on the first day in January following the officer's election.~~

98.6.4~~5~~ - Oath of Office.

Each elective officer, the city manager and municipal judge before entering upon the duties of office shall take an oath or affirmation to support the constitution and laws of the United States and of the State of Oregon and to faithfully perform the duties of ~~his or her~~their office.

98.6.5~~6~~ - Offices: 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 felony crime;
- 6) Resignation from the office; or
- 7) Removal under Section 4.5.

6.7 - 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.

~~(1) An office becomes vacant upon its incumbent's death, adjudication of incompetence, conviction of a felony, removal from the City, resignation or ceasing to be a qualified elector of the City. An elective City office becomes vacant whenever its incumbent is absent from the City for thirty consecutive days without the consent of the Council or whenever the elected City officer has been absent from meetings of the Council for sixty days without the Council's consent or whenever a councilor removes his or her residence from the ward from which he or she is elected or appointed.~~

~~(2) The Council shall judge when an office becomes vacant.~~

98.6.6 - Compensation.

~~Councilors and the mayor shall receive no pay for their services but may be reimbursed for actual expenses they incur when performing their duties. The compensation of other officers shall be prescribed by the Council.~~

98.6.7~~8~~ - Liability for Unauthorized Expenditures.

(1) A city officer or employee who knowingly participates in, advises, consents to, or allows City money to be diverted to any purpose other than the purpose for which the money is raised may be removed from office and be charged with relevant criminal offenses as provided by statute.

~~A city officer who participates in, advises, consents to, or allows City money to be diverted to any purpose other than the one for which it is raised is guilty of malfeasance and removable from office as provided by law.~~

~~(2) If any City money is diverted from the purpose for which it is raised, if any money is unlawfully used or if any void evidence of debt is paid, any qualified elector or taxpayer of the City may bring a civil action in the name of the City against any officer voting for, approving of, or in any way directing the diversion, unlawful use, or void payment, to recover that amount, with interest, for the benefit of the City.~~

98.6.8-9 - State Ethics Laws.

State of Oregon ethics laws shall govern the conduct of all city officers, employees, appointees and agents. ~~(Res. 94-6, approved 4/11/94)~~

98.7 - ELECTIONS.

98.7.1 - Elections.

City elections, insofar as not governed by this Charter or City ordinance shall be conducted as prescribed by state law governing popular elections.

98.7.2 - Wards.

The Council shall divide the City into wards and redefine the boundaries thereof as necessary to accord persons in the City ~~the equal~~ protection of the lawsrepresentation.

98.7.3 - Voter's Qualifications.

No person may vote at a city election who is not a qualified voter of the state. No person may vote in a ward other than that in which ~~he or she~~they resides.

98.7.4 - Notice.

The ~~officer~~official in charge of city elections shall give ten days' public notice of each city election. The notice shall state the officers to be elected and the measures to be submitted at the election. ~~The notice shall also state the places for the election.~~

98.7.5 - Nomination.

The Council shall provide by ordinance the mode for nominating elective officers.

98.8 - ORDINANCES.

98.8.1 - Ordaining Clause.

The ordaining clause of an ordinance shall read: "The City of Roseburg ordains as follows:".

98.8.2 - Adoption.

(1) Except as subsection (2) and (3) of this section provide to the contrary, before being put upon its final passage, every ordinance of the Council shall be read fully and distinctly in open Council meeting on two different days.

- (2) Except as subsection (3) provides to the contrary, an ordinance may be enacted at a single meeting of the Council by three-fourths vote of the entire Council upon being read first in full and then by title.
- (3) Any of the readings may be by title only if no Council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for public inspection in the office of the mayor or city manager no later than one week before the first reading of the ordinance and if notice of their availability is posted at City Hall ~~or published once in a newspaper of general circulation in the city.~~
- (4) An ordinance adopted after being read by title only has no legal effect if it differs substantially from its terms as they stand when so read, unless each section incorporating such a difference, as finally amended prior to being adopted by the Council, is fully and distinctly read in open Council meeting.

98.8.3 - Attestation and Approval.

Upon the adoption of an ordinance a true duplicate original thereof shall be submitted to the mayor. If the mayor approves the ordinance, the mayor shall date and sign the ordinance. The city recorder shall attest to all ordinances.

98.8.4 - Veto.

If not approving an ordinance so submitted, the mayor shall, within ten days after receiving it, return it to the city manager, with the reasons for not approving it. If not so returned, the ordinance shall have legal effect as if so approved.

98.8.5 - Overriding of Veto.

At the first meeting of the Council after the mayor returns an ordinance not so approved, the city manager shall present the ordinance to the Council with the objections of the mayor, the ordinance shall then be put upon adoption again, and if three-fourths of the entire Council vote in favor of the ordinance, it takes effect in accordance with Section 8.6 of this Charter.

98.8.6 - ~~Times of Effect~~Effective Date of Ordinances.

Ordinances normally take effect on the 30th day after adoption, passage over the mayor's veto, 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 or passage over the mayor's veto, if it contains an emergency clause.~~An ordinance takes effect thirty days after its adoption by the Council and approval by the mayor or passage over the mayor's veto, unless it is necessary to have immediate effect for the preservation of the peace, health and safety of the city, states in a separate section the reasons why it is so necessary, and is approved by the affirmative vote of three-fourths of the entire Council. In that event it takes effect immediately upon its adoption by the Council and approval by the mayor or passage over his or her veto or at whatever subsequent time the ordinance specifies.~~

8.7 - Ordinance Continuation.

All ordinances consistent with this Charter in force when it takes effect remain in effect until amended or repealed.

98.9 - PUBLIC IMPROVEMENTS

98.9.1 - 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.~~

~~(1) Except as provided in this section, the procedure for making, altering, vacating or abandoning a public improvement shall be governed by the applicable general laws of the state.~~

~~(2) If a remonstrance against a street or alley improvement or repair is filed by the owners of two-thirds or more of the front footage of the property abutting the street or alley, the proposed improvement or repair may not be made and may not be initiated again for six months, except on the petition of the owners of one-half or more of the front footage of the real property abutting the proposed street or alley.~~

98.9.2 – Special Assessments.

The procedure for levying, collecting and enforcing ~~the payment of~~ special assessments for public improvements or other services ~~to be charged~~ against real property ~~shall will~~ be governed by ~~general~~ ordinance.

98.9.3 – Liens.

~~The docket of city liens is a public writing, and the original or a certified copy of any matter authorized to be entered in the docket shall have the force and effect of a judgment. From the time of the Council's authorization of an improvement on account of which an assessment is entered in the docket, the sum so entered is a lien against the property. The lien has priority over all other items and encumbrances upon the property and may be enforced in the manner authorized by the Council.~~

98.10 - MISCELLANEOUS PROVISIONS.

98.10.1 – Revenue Bonds.

~~The Council may issue revenue bonds without voter approval only for commercial or industrial development or a municipal utility.~~

98.10.2 – City Manager Tax Levy.

~~The Council shall in each year levy a tax not to exceed two and one-half mills upon the assessed valuation of all taxable property in the City. The tax shall be in addition to and in excess of constitutional limitations on taxation by the City and shall be used to assist in defraying the cost of the office of city manager.~~

98.10.3_1 - Indebtedness: Limits.

- ~~(1) Indebtedness of the City may not exceed the limits on city indebtedness under state law.~~
- ~~(2) Approval by the voters of City indebtedness need not be in the form of a Charter amendment.~~

98.10.4 – Terms, Proceeds and Retirement of Bonds.

~~Bonds issued by the City as evidence of indebtedness shall include such terms, the manner in which the proceeds from sale of the bonds shall be kept, invested, disbursed and accounted for~~

~~and the manner in which the indebtedness shall be retired as the Council prescribes. The prescription may not be changed for a particular bond after it is issued.~~

~~98.10.5 – Presumption of Validity of City Action.~~

~~In every proceeding in any court concerning the exercise or enforcement by the City or any of its officers or agencies of any power by this act given to the City or any of its officers or agencies, all acts by the City or any of its officers or agencies shall be presumed to be valid and no error or omission in any such act invalidates it, unless the person attacking it alleges and proves that he or she has been misled by the error or omission to his or her damage. The court shall disregard every error or omission which does not affect a substantial right of the person. Any action by this Charter committed to the discretion of the Council, when taken, shall be final and shall not be reviewed or called into question elsewhere.~~

~~98.10.6 – Existing Ordinances Continued.~~

~~All ordinances of the City consistent with this Charter and in force when it takes effect shall remain in effect until amended or repealed.~~

~~98.10.7.2 - Repeal~~

~~(1) All Charter provisions adopted before this Charter takes effect are repealed.~~

~~All Charter provisions of the City enacted prior to the time that this Charter is approved by the voters are hereby repealed except the sanitary sewer rates and charges established in subsection 67 of Section 33 of the 1907 Charter as amended, and except bond issuing power that have not been exhausted.~~

~~(2) No repeal of a feature of the 1907 Charter or any amendment or addition thereto that has repealed an earlier such feature revives the earlier.~~

~~(3) No repeal of a feature of the 1907 Charter or an amendment or addition thereto affects the validity of an outstanding bond issued by the City or impairs the obligation of the City under the bond or the rights of the holders of the bond.~~

10.3 – 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.

98.10.8.4 - Effective Date of Revision.

This revised Charter takes effect on ~~January 1, 1983~~ July 1, 2023.

**EXPLANATORY STATEMENT
CITY CHARTER AMENDMENTS
Election Date: May 16, 2023**

If approved, this measure would adopt amendments to the current Charter, which was enacted in 1983. Charters grant legal authority to cities, specify how ordinances are adopted, list qualifications for officers, and assign duties to city officials.

The Roseburg City Council referred the Charter amendments to the voters upon the recommendation of a Charter Review Committee.

The amendments are based in part on the League of Oregon Cities Model Charter, but keep those provisions that are unique and important to Roseburg. It retains the current form of government with the Mayor and eight Councilors to govern and a city manager to run administrative affairs. The amendments update the Charter to be more straightforward and modernized to clearly define the legal authority of the City.

The Roseburg City Council formed the Roseburg City Charter Review Committee and requested that the Committee review the current Charter and recommend changes. The Committee recommended the new Charter and the City Council has referred it to the voters. The major changes are:

- Language is added regarding the residency requirement for the city manager, giving Council discretion to allow the city manager to live outside city limits on an individual basis when appropriate.
- Adds language to allow the city manager to delegate some duties to other staff when appropriate. This provides the city manager more flexibility and efficiency in administering the daily work of the City.
- Adds a section regarding filling vacancies for the office of Mayor or Councilor. This section allows the person filling a vacancy to serve the remainder of the term of the person last elected to that office, rather than having to run mid-way through the term and again when the term expires. It keeps election of Council positions in original term end dates.
- Removes sections in the Charter that are not enforceable or legal, or are covered by state statute.

The new Charter Revision contains other minor changes as well.

A “Yes” vote adopts the amendments to the current Charter for the City of Roseburg and replaces the current Charter. A “No” vote keeps the current Roseburg City Charter unchanged.

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



RESOLUTIONS SETTING A NEW COUNCIL REIMBURSEMENT POLICY AND REIMBURSEMENT AMOUNT

Meeting Date: January 23, 2022
Department: Administration
www.cityofroseburg.org

Agenda Section: Resolutions
Staff Contact: Amy L. Sowa, ACM/Recorder
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Council is being asked to consider a reimbursement policy and the partial reimbursement amount for costs associated with internet and cell phone service for City elected officials.

BACKGROUND

A. Council Action History.

November 14, 2022 – Council adopted an ordinance amending the code to allow a set amount for partial reimbursement to City elected officials for the costs associated with internet and cell phone service.

B. Analysis.

The Mayor and members of the Council are volunteers and receive no pay for their service. In their role as an elected official, they spend many hours attending commission and Council meetings, community events, training sessions and meetings with their constituents. They must use technology to access Council agenda packets, the Roseburg Municipal Code and other informational records. In addition, the Mayor and members of the Council must be accessible to their constituents through phone or email, generally through a cell phone or other device.

There are costs associated with all of the activities listed above, and with the recent code amendment, partial reimbursement is now available to all City elected officials toward those costs.

Staff contacted each of the current elected officials to determine their monthly costs for both internet and cell phone service. From that, the following reimbursement amounts are being proposed as partial reimbursement, not to exceed the amount any City elected official currently pays for those services:

- Internet: \$50/month
- Cell Phone: \$25/month

Prior to implementing the reimbursement, it is recommended that a policy be adopted by resolution. Staff has prepared a resolution adopting a reimbursement policy for internet and cell phone services.

C. Financial/Resource Considerations.

At the recommended monthly reimbursement amount of \$75/month total for each of the nine City elected officials, the annual cost would be \$675. There are funds available in the administrative department's budget.

D. Timing Considerations.

Reimbursements can begin once a policy and fee are established.

COUNCIL OPTIONS

Council has the following options:

- Adopt a resolution adding a reimbursement policy and a resolution setting a partial reimbursement of \$50/month for internet service and \$25/month for cell phone service for City elected officials; or
- Request additional information; or
- Not adopt the resolutions.

STAFF RECOMMENDATION

Staff recommends Council adopt a resolution adopting a reimbursement policy and a resolution setting a partial reimbursement of \$50/month for internet service and \$25/month for cell phone service for City elected officials.

SUGGESTED MOTION

"I MOVE TO ADOPT RESOLUTION NO. 2023-02"

"I MOVE TO ADOPT RESOLUTION NO. 2023-03"

ATTACHMENTS:

Attachment #1 – Resolution No. 2023-02

Attachment #2 – Resolution No. 2023-03

RESOLUTION NO. 2023-02

A RESOLUTION ADOPTING A POLICY FOR COUNCIL REIMBURSEMENT FOR
INTERNET AND CELL PHONE SERVICE.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG that:

Section 1. Eligibility. City elected officials are eligible to receive a partial reimbursement per month for the cost of internet and cell phone service in their role as an elected official.

Section 2. Optional. Each City elected official has the option to receive or opt out of the monthly reimbursement.

Section 3. Procedure.

- 3.1 In December of each year, each City elected official will inform the City Recorder whether they choose to receive the monthly reimbursement for the coming year.
- 3.2 Each City elected official who chooses to receive the monthly internet and/or cell phone reimbursement shall provide a copy of their most recent monthly statement showing the cost of service at that time.
- 3.3 Reimbursement will be processed by the City's Finance Department within 15 days of the subsequent month.

Section 4. Reimbursement Allocation. Annually, prior to the end of the calendar year, Staff will contact each of the current elected officials to determine their monthly costs for both internet and cell phone service. From that, a partial reimbursement, not to exceed the amount any City elected official pays for those services, will be calculated. If the amount changes from the previous year, the new allocation will be adopted by Council resolution.

Section 5. Term. Reimbursement will continue through the elected official's term, or until their resignation or removal from office.

Section 6. This resolution shall be effective starting January 1, 2023.

ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING
ON THE ____ DAY OF _____, 2023.

Amy L. Sowa, Assistant City Manager/Recorder

RESOLUTION NO. 2023-03

**A RESOLUTION SETTING THE COUNCIL REIMBURSEMENT AMOUNT FOR
INTERNET AND CELL SERVICE.**

WHEREAS, The Mayor and members of the Council are volunteers and receive no pay for their service; and

WHEREAS, The Mayor and Council must use technology to access Council agenda packets, the Roseburg Municipal Code and other informational records, and be accessible to their constituents through phone or email; and

WHEREAS, There are costs associated with the technology needed for this access; and

WHEREAS, Council adopted ordinance No. 3577, which amended the code to allow partial reimbursement for internet and cell phone service to city elected officials.

NOW, THEREFORE, IT IS HEREBY RESOLVED BY THE CITY COUNCIL OF THE CITY OF ROSEBURG that:

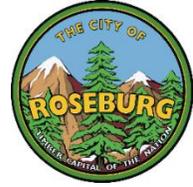
Section 1. City elected officials are eligible to receive a partial reimbursement of \$50 per month for the cost of internet and \$25 per month for the cost of cell phone service.

Section 2. This resolution shall be effective starting January 1, 2023.

**ADOPTED BY THE ROSEBURG CITY COUNCIL AT ITS REGULAR MEETING
ON THE ____ DAY OF _____, 2023.**

Amy L. Sowa, Assistant City Manager/Recorder

ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



ORDINANCE AMENDING ROSEBURG MUNICIPAL CODE CHAPTER 9.25 TELECOMMUNICATIONS PROVIDERS

Meeting Date: January 23, 2023
Department: Administration
www.cityofroseburg.org

Agenda Section: Ordinances
Staff Contact: Amy L. Sowa, ACM/Recorder
Contact Telephone Number: 541-492-6866

ISSUE STATEMENT AND SUMMARY

Council will be asked to review and discuss proposed amendments to Roseburg Municipal Code Chapter 9.25, Telecommunications Providers.

BACKGROUND

A. Council Action History.

March 27, 2000: Council adopted an ordinance adding Chapter 9.25 Telecommunications Providers to the Roseburg Municipal Code.

April 25, 2016: Council adopted an ordinance updating definitions relating to telecommunications providers.

B. Analysis.

There are several areas within the telecommunications Chapter of the Code that need updating to reflect new technology and to clarify current practices. In addition, a few minor scribes' errors are being corrected.

In recent years, new technology has been developed for telecommunications services. The most recent development is small cells, which can be attached to new or existing towers, poles or buildings. Recent FCC rulings have implemented a number of requirements for cities in regards to location of small cells and limitations on fees allowed to be charged. Code amendments regarding the process to locate small cells will be brought to the Council in the future. The proposed amendment being presented tonight is to include small cells as a telecommunications service and that the fee will be set by resolution. If Council adopts the proposed ordinance, Staff will bring back a resolution with the allowable FCC fee of \$270/cell added to the fee schedule.

Under Subsection 9.25.170, Staff is proposing to add language that a telecommunications franchise agreement may be terminated if the company no longer provides telecommunications service to residents in the City. There have been several companies that no longer serve customers in Roseburg, and there is no reason to continue to have

a franchise agreement with those companies. Upon confirmation from the company that they no longer provide service to customers in the City and wish to terminate, their franchise agreement would be terminated.

Under Subsection 9.25.310, Staff is proposing language to clarify that the telecommunications company is responsible for the cost of relocating their facilities for repair, maintenance or installation of public improvements in the public way regardless of whether part of a private development or a publicly funded project. There has been confusion in the past, and the new language provides clarification.

Under Subsection 9.25.480, Staff is proposing language to clarify that one of the judicial remedies the City may choose to use includes citations pursuant to RMC 1.06.

C. Financial/Resource Considerations.

The proposed amendments have no financial or resource impacts. They will simply codify current requirements and practices.

D. Timing Considerations.

It would be prudent to adopt these amendments at this time to reflect new technologies and clarify language that affects all of our telecommunications franchise agreements.

COUNCIL OPTIONS

Council has the following options:

- Proceed with first reading of Ordinance No. 3580; or
- Request additional information; or
- Do nothing.

STAFF RECOMMENDATION

Staff recommends that Council proceed with first reading of the proposed ordinance amending Chapter 9.25.

SUGGESTED MOTION

To proceed with first reading of Ordinance No. 3580, no motion is needed, only consensus to proceed by Council.

ATTACHMENTS:

Attachment #1 – Ordinance No. 3580

ORDINANCE NO. 3580

AN ORDINANCE AMENDING CHAPTER 9.25 “TELECOMMUNICATIONS PROVIDERS” OF THE ROSEBURG MUNICIPAL CODE

WHEREAS, there are several areas within the telecommunications Chapter of the Code that need updating to reflect new technology, and to clarify current practices; and

WHEREAS, Scriveners’ errors and updated statute numbers need to be corrected.

NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:

SECTION 1. Roseburg Municipal Code Section 9.25.005 “Definitions” is hereby amended to read as follows:

9.25.005 – Definitions.

~~~~~

"Public way" includes, but is not limited to, any street, road, bridge, alley, sidewalk, trail, path and utility easement, including the subsurface under and air space over these areas. This definition applies only to the extent of the City's right or authority to grant a franchise to occupy and use such areas for telecommunications facilities. "Public way" does not include City-owned buildings, parks or other property.

"Small Cells" means low-powered radio access nodes that operate in licensed and unlicensed spectrum with a range of 10 meters to 1 or 2 kilometers and can be deployed relatively easily on utility poles, street lamps, water towers, or rooftops.

"Telecommunications Act" means the Communication Policy Act of 1934, as amended by subsequent enactments including the Telecommunications Act of 1996 (47 U.S.C. sec. 151 et seq.) and as hereafter amended.

~~~~~

"Telecommunications utility" has the same meaning as given in ORS 759.005~~(4)~~(9)

~~~~~

**SECTION 2.** Roseburg Municipal Code Section 9.25.110 “Franchise fee” is hereby amended to read as follows:

9.25.110 - Franchise fee.

Each grantee shall pay to the City a franchise fee as follows:

- A. A telecommunications carrier shall pay seven percent (7%) of its gross revenue derived from exchange access services, as defined in ORS ~~401.710~~403.105 or a successor statute, less net uncollectibles from such revenue. The fee shall be

paid to the City on a quarterly basis, based on the revenues derived from the quarter just passed, not more than 30 days following the end of the quarter.

- B. A non-carrier provider that serves customers in the City shall pay five percent (5%) of its gross revenue. The fee shall be paid to the City on a quarterly basis, based on the revenues derived from the quarter just passed, not more than thirty (30) days following the end of the quarter.
- C. A non-carrier provider that occupies the public way but has no customers in the City shall pay an annual fee ~~of two dollars (\$2.00)~~ for each linear foot of the public way occupied by its facilities. The fee shall be set by Council resolution and adjusted annually in accordance with the Consumer Price Index (CPI-U West) for Portland, Oregon. The fee shall be paid by January 31 of each year, based on the linear feet of public way occupied by grantees facilities as of December 31 of the prior year. For the year in which grantee first obtains a franchise, the fee may be prorated on a monthly basis from the date of issuance of a permit to construct facilities in the public way, to December 31 of said year. Such proration shall not be applied in subsequent years.
- D. A person that holds a franchise for a private communications network shall pay an annual fee ~~of two dollars (\$2.00)~~ for each linear foot of the public way occupied by its facilities. The fee shall be set by Council resolution and adjusted annually in accordance with the Consumer Price Index (CPI-U West) for Portland, Oregon. The fee shall be paid by January 31 of each year, based on the linear feet of public way occupied by grantee's facilities as of December 31 of the prior year. For the year in which grantee first obtains a franchise, the fee may be prorated on a monthly basis from the date of issuance of a permit to construct facilities in the public way, to December 31 of said year. Such proration shall not be applied in subsequent years.
- E. A telecommunications provider that serves customers in the City and, on the effective date of this ordinance, holds a valid franchise authorizing it to occupy the public way and pay a fee by the linear foot, may, until the expiration of the current term of such franchise, continue to pay at the per-foot fee set by Council resolution in effect at the time this ordinance is adopted, as adjusted for inflation, or may elect to pay a fee calculated according to paragraph B of this section.
- F. The fee for each small cell installed within the city limits of the City of Roseburg shall be set by Council resolution. The fee shall be paid on an annual basis, not more than 30 days following the end of each calendar year.
- ~~F~~G. — Any grantee that fails to pay the franchise fee when due, shall be charged a penalty of ten percent and the legal rate of interest established by state statute, on such unpaid balance.

**SECTION 3.** Roseburg Municipal Code Section 9.25.170 "Revocation or termination of franchise" is hereby amended to read as follows:

9.25.170 - Revocation or termination of franchise.

A franchise to use or occupy public way of the City may be revoked or terminated for any of the following reasons:

- A. Construction or operation in the City or in the public way of the City without a construction permit.
- B. Construction or operation at an unauthorized location.
- C. Failure to comply with Section 9.25.160 herein with respect to sale, transfer or assignment of a telecommunications system or franchise.
- D. Misrepresentation by or on behalf of a grantee in any application to the City.
- E. Abandonment of telecommunications facilities in the public way.
- F. Failure to relocate or remove facilities as required in this Chapter.
- G. Failure to pay taxes, compensation, fees or costs when and as due the City under this Chapter.
- H. Insolvency or bankruptcy of the grantee.
- I. Violation of a material provision of this Chapter.
- J. Violation of a material term of a franchise agreement.

K. No longer providing telecommunications services in the City of Roseburg.

**SECTION 4.** Roseburg Municipal Code Section 9.25.180 “Notice and duty to cure” is hereby amended to read as follows:

In the event that the City believes that grounds exist for revocation or termination of a franchise, the City shall give the grantee written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the grantee a reasonable period of time, not exceeding thirty (30) days, to furnish evidence that:

- A. Corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- B. The allegation of a violation or noncompliance is incorrect; and/or
- C. It would be in the public interest to impose some penalty or sanction less than revocation.

**SECTION 5.** Roseburg Municipal Code Section 9.25.310 “Relocation or removal of facilities” is hereby amended to read as follows:

9.25.310 - Relocation or removal of facilities.

Within sixty (60) days following written notice from the City or such shorter time as the City may prescribe because of an emergency, a grantee shall, at no expense to the City, temporarily or permanently remove, relocate, change or alter the position of any telecommunications facilities within the public way whenever the City shall have determined that such removal, relocation, change or alteration is reasonably necessary for:

- A. The construction, repair, maintenance or installation of any City or other public improvements in the public way regardless of whether part of a private development or a publicly funded project.
- B. The operations of the City or other governmental entity in the public way.
- C. The public interest.

**SECTION 6.** Roseburg Municipal Code Section 9.25.480 "Other remedies" is hereby amended to read as follows:

9.25.480 - Other remedies.

Nothing in this Chapter shall be construed as limiting any judicial remedies that the City may have, at law or in equity, for enforcement of this Chapter, including citation in compliance with Chapter 1.06 of this Code.

**SECTION 7.** All other sections and subsections of Chapter 9.25 of the Roseburg Municipal Code shall remain in full force and effect as written.

**ADOPTED BY THE ROSEBURG CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.**

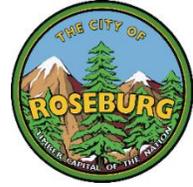
**APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.**

\_\_\_\_\_  
LARRY RICH, MAYOR

ATTEST:

\_\_\_\_\_  
AMY L. SOWA, CITY RECORDER

## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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### AN ORDINANCE AMENDING SECTION 10.02.010 OF THE ROSEBURG MUNICIPAL CODE REGARDING THE OREGON FIRE CODE

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Meeting Date: January 23, 2023  
Department: Fire  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

Agenda Section: Ordinances  
Staff Contact: Tyler Christopherson  
Contact Telephone Number: 541-492-6770

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#### ISSUE STATEMENT AND SUMMARY

The City of Roseburg Fire Department is responsible for implementing fire codes and maintaining fire safety throughout the City of Roseburg. The Oregon Fire Code is updated periodically to incorporate the International Fire Code and provide uniform regulations for fire departments throughout Oregon, and the Roseburg Fire Department adopts and follows each updated edition of the Oregon Fire Code when published.

Historically, the City has adopted the current cycle of the Oregon Fire Code the year it is updated and published. If approved, this ordinance will amend section 10.02.010 of the Roseburg Municipal Code, adopting the 2022 Oregon Fire Code, save and except such portions as are modified or amended by the Roseburg Municipal Code. A copy of the currently adopted Oregon Fire Code will be filed in the Office of the City Recorder.

#### BACKGROUND

##### **A. Council Action History.**

The Council has adopted the latest revision to the Oregon Fire Code each time the code is updated and adopted by the State of Oregon.

##### **B. Analysis.**

It is critical that the City adopt the Oregon Fire Code and incorporate it into the Roseburg Municipal Code. This ordinance will ensure the timely and seamless adoption of this upcoming code cycle, as well as those occurring in the future.

##### **C. Financial/Resource Considerations.**

No foreseeable financial considerations.

There are administrative resource considerations, to include the adoption process by staff, training personnel on the new code, and attending outside training by fire prevention personnel.

**D. Timing Considerations.**

The latest edition of the Oregon Fire Code, the 2022 Edition, was adopted by the State of Oregon on October 1, 2022. Concurrently, the Oregon Building Codes Division will adopt the 2022 Oregon Structural Specialty Code. It is imperative that the newest edition of the Oregon Fire Code be incorporated into the Roseburg Municipal Code at this time.

**COUNCIL OPTIONS**

Council has the following options:

- Move forward with the first reading of the proposed ordinance; or
- Direct Staff to make additional changes to the ordinance; or
- Do nothing.

**STAFF RECOMMENDATION**

Staff recommends Council move forward with first reading of Ordinance No. 3581.

**SUGGESTED MOTION**

No motion is required at this time. First Reading.

**ATTACHMENTS:**

Attachment #1 – Ordinance No. 3581

**ORDINANCE NO. 3581**

**AN ORDINANCE AMENDING SECTION 10.02.010 OF THE ROSEBURG MUNICIPAL CODE REGARDING THE OREGON FIRE CODE**

**WHEREAS**, the City of Roseburg Fire Department is responsible for implementing fire codes and maintaining fire safety throughout the City of Roseburg (City); and

**WHEREAS**, the Oregon Fire Code is updated periodically to incorporate the International Fire Code and provide uniform regulations for fire departments throughout Oregon; and

**WHEREAS**, the Roseburg Fire Department adopts and follows each updated edition of the Oregon Fire Code when published.

**NOW, THEREFORE, THE CITY OF ROSEBURG ORDAINS AS FOLLOWS:**

**SECTION 1.** Roseburg Municipal Code Section 10.02.010 titled Oregon Fire Code/Adoption and Scope is hereby amended to read as follows:

**10.02.010 - Adoption and scope.**

The City hereby adopts the 2022 Oregon Fire Code (OFC), save and except such portions as are modified or amended by this Chapter, a copy of which has appropriately been marked as having been adopted by this Chapter, and filed in the Office of the City Recorder. Said OFC, together with said additions and modifications, is adopted and incorporated herein as fully as if set forth at length in this Chapter, and the same shall be controlling within the entire corporate limits of the City.

**SECTION 2.** All other sections and subsections of Chapter 10.02 of the Roseburg Municipal Code shall remain in full force and effect as written.

**ADOPTED BY THE ROSEBURG CITY COUNCIL THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

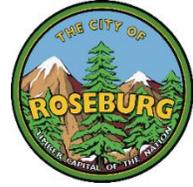
**APPROVED BY THE MAYOR THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.**

\_\_\_\_\_  
**LARRY RICH, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**AMY L. SOWA, ASSISTANT CITY MANAGER/RECORDER**

## ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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### PROVIDING INTERIM CASH-FLOW FINANCING FOR OFF STREET PARKING FUND

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Meeting Date: January 23, 2023  
Department: Finance  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

Agenda Section: Department Items  
Staff Contact: Ron Harker, Finance Director  
Contact Telephone Number: 541-492-6710

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#### ISSUE STATEMENT AND SUMMARY

The City provides downtown parking enforcement services through a contract with ACE Parking. The downtown parking enforcement program is still evolving as we strive to establish a program that meets the needs of the downtown while becoming solvent and sustainable. To date the City has not experienced a month in which revenue generation has exceeded expenses and has had to use reserves in the Off Street Parking Fund to cover the costs of the enforcement program. Reserves were not sufficient to cover the cash-flow needs of the Off Street Parking Fund; consequently, Council previously authorized the use of \$100,000 of ARPA funds to help cover the cash-flow needs. The \$100,000 has since been fully utilized and revenues still are insufficient to cover expenses resulting in the need for further financial support.

Staff is requesting that the use of ARPA funds be approved to provide the further financial support that is required. Keeping in line with previous Council action, it is proposed that \$50,000 of ARPA funds be authorized to provide the financial assistance required at this time.

#### BACKGROUND

##### A. Council Action History.

April 27, 2020: Authorized cancellation of the Parking Enforcement Services Contract with DRA/Park Smart by mutual consent effective March 31, 2020.

March 22, 2021: Received a Downtown Parking Assessment and Plan presentation from Rick Williams Consulting. Accepted the Downtown Parking Assessment and Plan.

December 13, 2021: Awarded the contract for parking enforcement services to ACE Parking.

January 24, 2022 – Authorized a supplemental budget to the Off Street Parking Fund establishing appropriation authority to manage the parking enforcement contract for fiscal year 2021-2022.

May 9, 2022 – Authorized staff to utilize ARPA funds to directly cover the cash-flow needs of the Off Street Parking Fund up to \$50,000.

August 22, 2022 – Council advised that the \$50,000 authorized from ARPA funds to cover cash-flow needs were fully expended. Furthermore, it was projected that the Off Street Parking Fund would have sufficient resources to cover the August expenses (which would be payable in September) but would be insufficient to fully cover expenses for September (which would be payable in October).

September 26, 2022 – Council authorized a second tranche of \$50,000 from ARPA funds to cover cash-flow needs of the Off Street Parking Fund.

**B. Analysis.**

The City's current cash balance in the Off Street Parking Fund is \$11,095 after paying ACE Parking for November services. It is projected that the City will just have sufficient resources to cover the expenses that are incurred for December's parking enforcement services and other related expenses; however, there will not be sufficient resources to cover future expenditures. Consequently, additional financial support is required to support the Off Street Parking Fund.

Currently, the parking enforcement program does not generate sufficient revenues to cover expenses and is not sustainable in its current form. Staff has been working with ACE Parking to identify modifications to the parking program that might make it sustainable. In the interim, parking enforcement expenses have and continue to accrue, resulting in a deficit that needs to be funded.

In alignment with previous Council action, staff requests the authorization of \$50,000 from ARPA funds to provide the financial support needed to provide the required cash flow in the Off Street Parking Fund. It is projected that \$50,000 would provide needed cash flow for approximately three months of operations.

**C. Financial/Resource Considerations.**

The use of ARPA funds to provide needed cash-flow financing will not significantly impact the ARPA fund as the proposed \$50,000 represents only 1.6% of expenditures. However, \$50,000 would be unavailable for other projects that could be facilitated through ARPA funds.

**D. Timing Considerations.**

Due to the rapid depletion of fund reserves and the need to maintain a positive cash balance in the fund, it is essential to provide staff with direction as to how address the need.

**COUNCIL OPTIONS**

- 1) Authorize \$50,000 from ARPA funds to be used to provide cash-flow assistance for the Off Street Parking Fund; or

- 2) Direct staff to bring back options for an intrafund loan to temporarily support the Off Street Parking Fund.

**STAFF RECOMMENDATION**

Staff recommends that Council authorize \$50,000 from ARPA funds to provide cash-flow assistance for the Off Street Parking Fund.

**SUGGESTED MOTION**

I move that \$50,000 of ARPA funds be authorized to provide cash-flow assistance for the Off Street Parking Fund.

**ATTACHMENTS:**

None

# ROSEBURG CITY COUNCIL AGENDA ITEM SUMMARY



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## CITY MANAGER ACTIVITY REPORT

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**Meeting Date: January 23, 2023**

**Department: Administration**

**[www.cityofroseburg.org](http://www.cityofroseburg.org)**

**Agenda Section: Informational**

**Staff Contact: Nikki Messenger, City Manager**

**Contact Telephone Number: 541-492-6866**

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### ISSUE STATEMENT AND SUMMARY

At each meeting, the City Manager provides the City Council with a report on the activities of the City, along with an update on operational/personnel related issues which may be of interest to the Council. These reports shall be strictly informational and will not require any action on the Council's part. The reports are intended to provide a mechanism to solicit feedback and enhance communication between the Council, City Manager and City Staff. For your January 23, 2023, meeting, the following items are included:

- Department Head Meeting Agendas
- Tentative Future Council Agenda Items
- City Manager Friday Message



Agenda  
Department Head Meeting  
PSC Umpqua Conference Room  
January 10, 2023 - 10:00 a.m.

1. January 9, 2023 City Council Meeting Synopsis
2. January 23, 2023 City Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents, Events, or Grants to review and/or sign
  - A. Parade Permit – Jan. 22, 2023
  - B. OLCC Special Event – Feb. 4, 2023
5. Discussion Items



Agenda  
Department Head Meeting  
PSC Umpqua Conference Room  
January 17, 2023 - 10:00 a.m.

1. Adapt Special Presentation
2. January 23, 2023 City Council Meeting Agenda
3. Review Tentative Future Council Meeting Agendas
4. Documents, Events, or Grants to review and/or sign
  - A. Parade Permit – Jan. 22, 2023
  - B. Facilities Use Permit – Jan. 29, 2023
  - C. Grant Checklist – Whipple Foundation
5. Discussion Items

**TENTATIVE FUTURE COUNCIL AGENDA**



**Unscheduled**

- 2023-2025 Council Goals
- ARPA Funds Discussion
- Umpqua Basin Urban Services Agreement
- Urban Growth Boundary Swap

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**February 13, 2023**

Special Presentation

- A. Annual Comprehensive Financial Report (ACFR) – Auditor Jeff Cooley
- B. Quarterly Report – Quarter Ended December 31, 2022
- C. 2023-2024 Budget Calendar
- D. Adapt Downtown Services

Consent Agenda

- A. January 23, 2023 Special Meeting Minutes
- B. January 23, 2023 Meeting Minutes

Resolutions

- A. Resolution No. 2023-04 - Adding Small Cell Telecommunications Fee

Ordinances

- A. Ordinance No. 3580 - Amending RMC Chapter 9.25 Telecommunication Providers, Second Reading
- B. Ordinance No. 3581 - Amending Section 10.02.010 of the Roseburg Municipal Code Regarding the Oregon Fire Code, Second Reading

Department Items

- A. Gary Leif Navigation Center Improvement Contract
- B. Five-Year Water Distribution Main Replacement Program Statement of Qualifications Award, Project No. WA-23-01

Informational

- A. City Manager Activity Report

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**February 27, 2023**

Consent Agenda

- A. February 13, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report

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**March 13, 2023**

Mayor Reports

- A. American Red Cross Month Proclamation

Consent Agenda

- A. February 27, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report

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**March 27, 2023**

Mayor Reports

- A. Child Abuse Prevention Month Proclamation
- B. National Library Week Proclamation

Consent Agenda

- A. March 13, 2023 Meeting Minutes

Department Items

A. Airport Standby Power Project Bid Award, Project No. 22PW06

Informational

A. City Manager Activity Report

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**April 10, 2023**

Mayor Reports

- A. Recognition of City Volunteers and Volunteer Recognition Month Proclamation
- B. Oregon Arbor Month Proclamation

Consent Agenda

- A. March 27, 2023 Meeting Minutes
- B. 2023 OLCC Annual Liquor License Renewal Endorsement

Informational

A. City Manager Activity Report

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**April 24, 2023**

Mayor Reports

- A. Historic Preservation Month Proclamation
- B. Bike and Safety Month, Walk and Bike to School Week and Bike to Work Day Proclamation
- C. Thrive Umpqua Day Proclamation

Consent Agenda

- A. April 10, 2023 Meeting Minutes

Special Presentation

- A. Umpqua Economic Development Partnership Annual Report

Informational

- A. City Manager Activity Report
  - B. Finance Quarterly Report
  - C. Municipal Court Quarterly Report
- 

**May 8, 2023**

Mayor Reports

- A. EMS Week Proclamation
- B. National Public Works Week Proclamation

Consent Agenda

- A. April 24, 2023 Meeting Minutes

Informational

A. City Manager Activity Report

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**May 22, 2023**

Mayor Reports

- A. Pride Month Proclamation

Consent Agenda

- A. May 8, 2023 Meeting Minutes

Resolutions

Annual Fee Adjustment

- A. Resolution No. 2023- -- - General Fees
- B. Resolution No. 2023- -- - Water Related Fees

Informational

A. City Manager Activity Report

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**June 12, 2023**

Mayor Reports

- A. Camp Millennium Week Proclamation
- B. Juneteenth Independence Day Proclamation

Consent Agenda

- A. May 22, 2023 Meeting Minutes

Public Hearing

- A. Resolution No. 2023- -- - 2023-2024 Budget Adoption

Informational

- A. City Manager Activity Report

***Roseburg Urban Renewal Agency Board Meeting***

Consent Agenda

- A. Minutes of previous meeting

Public Hearing

- A. Resolution No. UR2023--- - 2023-2024 Budget Adoption
- 

**June 26, 2023**

Mayor Reports

- A. 2022 Roseburg Optimist Club Officer of the Year - ---

Special Presentation

- A. Anvil NW, Experience Roseburg, Destination Marketing Annual Report

Consent Agenda

- A. June 12, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report
- 

**July 10, 2023**

Mayor Reports

- A. Parks and Recreation Month Proclamation

Special Presentation

- A. Gary Leif Navigation Center One-Year Report

Consent Agenda

- A. June 26, 2023 Meeting Minutes

Executive Session ORS 192.660(2)(i) – City Manager Report/Evaluation

Informational

- A. City Manager Activity Report
- 

**July 24, 2023**

Consent Agenda

- A. July 10, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report
  - B. Municipal Court Quarterly Report
- 

**August 14, 2023**

Consent Agenda

- A. July 24, 2023 Meeting Minutes

Informational

- A. City Manager Activity Report
  - B. Quarterly Financial Report
-

**August 28, 2023**

Consent Agenda

A. August 14, 2023 Meeting Minutes

Executive Session ORS 192.660(2)(i) – City Manager Performance Evaluation  
Informational

A. City Manager Activity Report

**Friday Message**  
**January 13, 2023**

- On Monday, Chief Klopfenstein and I attended the steering committee meeting for the sobering center. Statistics show that RPD is by far the most consistent user of the services, which means our officers are diverting people that may otherwise be headed for either jail or the emergency room.
- Three staff, the Mayor, and Councilors Briggs Loosely and Porter attended the Chamber luncheon on Monday and heard Commissioner Freeman deliver the annual update on Douglas County.
- The Economic Development Commission met on Tuesday and awarded ten of the eleven submissions for tourism grant funding. Grants (all under \$5,000) were awarded to:
  - Thrive Umpqua for the 2023 Umpqua Grown Guide
  - NeighborWorks Umpqua for Roseburg Blocktoberfest
  - Growing Miracles Lavender Garden for the 6<sup>th</sup> Annual Lavender Festival
  - Umpqua Velo Club for the Vineyard Tour
  - Umpqua Valley Quilters Guild – for the 38<sup>th</sup> Annual Quilt Show
  - Umpqua Valley Arts for the 2023 Plein Air event
  - Umpqua Valley Winegrowers for Taste of the Umpqua – Bend
  - Umpqua Homes, Inc. for the Everything Roseburg Mural
  - Saving Grace Pet Adoption Center for the Barks and Recreation event
  - Umpqua Valley Rainbow Collective/HIV Alliance for the Douglas County Pride event
- On Thursday, Dawn Easley, Ron Harker, Sgt. Daniel Allen, the Mayor, and I all spoke with the Chamber's Project Leadership cohort throughout the day about local government and its operations.
- Also on Thursday, the Mayor and I spoke with Kyle Bailey on Inside Douglas County regarding the State of the City address. The podcast can be accessed here: <https://kgennewsradio.com/2023/01/12/inside-douglas-county-1-12-23/>
- Other meetings for me on Thursday included UCC President Rachel Pokrandt and the Envision Roseburg team meeting. It was a busy day!
- On Friday, I attended the Southwest Area Commission on Transportation meeting. I am currently the chair of that group, which involves representation from ODOT's Region 3, District 7 encompassing Coos, Curry, and Douglas counties. We meet virtually and today's meeting was 'attended' by Oregon Transportation Commission member, Commissioner Julie Brown. We also discussed support for grant applications from four different transit districts in our area, received updates on ODOT projects in our region, the Highway 101 slide (road should re-open today), and a potential project occurring on the north spit of the Port of Coos Bay.
- Reminder that the Roseburg Public Library will be closed next week from Tuesday, January 17 through Friday, January 20 to replace the boiler.
- Reminder that City offices are closed Monday, January 16, in observance of Martin Luther King, Jr. Day.

**ROSEBURG CITY COUNCIL  
AGENDA ITEM SUMMARY**



**MUNICIPAL COURT QUARTERLY REPORT**

**Meeting Date: January 23, 2023**  
**Department: Municipal Court**  
[www.cityofroseburg.org](http://www.cityofroseburg.org)

**Agenda Section: Informational**  
**Staff Contact: Judge Jason Mahan**  
**Contact Telephone Number: 541-673-0171**

**ISSUE STATEMENT AND SUMMARY**

At the request of City Council, a report on the court's case volume and program revenues has been presented on a quarterly basis since July 2012. This report is the latest of the quarterly reports to have been provided in fulfillment of the Council's desire to receive regular updates on court operations and covers.

**FINANCIAL AND RESOURCE CONSIDERATIONS:**

| <u>COURT CASE TOTALS</u> | 1ST<br>QTR   | 2ND<br>QTR | YTD<br>TOTAL | PRIOR<br>YEAR |
|--------------------------|--------------|------------|--------------|---------------|
| CRIMES                   | 350          | 238        | 588          | 695           |
| TRAFFIC CRIMES           | 49           | 55         | 104          | 96            |
| TRAFFIC VIOLATIONS       | 875          | 548        | 1,423        | 2,103         |
| NON-TRAFFIC VIOLATIONS   | 69           | 14         | 83           | 45            |
| <b>TOTAL</b>             | <b>1,343</b> | <b>855</b> | <b>2,198</b> | <b>2,939</b>  |

After the second quarter of the 2022-23 fiscal year, total cases were down 25.21% from the prior year. By category, crimes, and traffic violations decreased by 15.4%, and 32.33% while traffic crimes, and non-traffic violations increased by 8.33% and 84.44% respectively.

| <u>COURT REVENUES</u> | BUDGET<br>2022-23 | 1ST<br>QTR<br>2022 | 2ND<br>QTR<br>2022 | YTD<br>TOTAL      | PRIOR<br>YTD<br>TOTAL |
|-----------------------|-------------------|--------------------|--------------------|-------------------|-----------------------|
| FINES                 | \$ 380,000        | \$ 70,224          | \$ 62,525          | \$ 132,749        | \$ 214,222            |
| COURT COSTS           | 20,000            | 5,642              | 9,638              | 15,280            | 13,557                |
| CRT APPT ATTORNEY     | 10,000            | 2,126              | 1,060              | 3,186             | 5,093                 |
| <b>TOTAL</b>          | <b>\$ 410,000</b> | <b>\$ 77,992</b>   | <b>\$ 73,223</b>   | <b>\$ 151,215</b> | <b>\$ 232,872</b>     |

After the second quarter of the 2022-23 fiscal year, total court revenues were down 35.07% from the prior year. Fines and collections revenue decreased by 38.03%, court costs revenues increased by 12.71% and court appointed attorney revenues decreased by 37.44%.

On a budgetary basis, revenues are 37% of budget after the second quarter of the fiscal year.

### **COUNCIL OPTIONS**

No Action is requested

### **STAFF RECOMMENDATION**

n/a

### **SUGGESTED MOTION**

n/a

### **ATTACHMENTS**

n/a

### **CLOSING REMARKS**

The court continues to work with Adapt and referring individuals who engage in services. We continue to see some individuals following through with contacting Adapt and engaging in services. Any individual who I order to seek assistance is always provided a date to return to court on a Friday morning. On that Friday morning, Larry Clark from Adapt is at court and is able to report if the person made contact and is following through with recommended assessments and treatment. Our court has a group of individuals that are repeatedly having law enforcement contact and I'm trying to get this group motivated to seek assistance. Many of these individuals have very significant mental health issues and if they were to seek help, they could see improvement in their lives. Although many people seem motivated to reach out for assistance, the number who follow though remains low.

I have been in discussions with individuals with the City and we are discussing setting up a work crew for homeless camp cleanup. We are discussing setting up a plan for individuals who are convicted of offenses like offensive littering or littering within 100 feet of waters to be sentenced to work crew that would involve cleaning up homeless camps. We will have to figure out if this program would work. We would have to figure out who would supervise this work and what days the cleanups would occur. There is also the issue of how many people would show up to do the work crew. There are quite a few people who are sentenced to work crew that choose not to do it and end up having to report to jail. So there is a question of whether or not we would have enough people show up to perform cleanup even if such a program were implemented.

As perhaps you are aware, Governor Brown issued an Order on December 21, 2022, that remitted uncollected court fines and fees associated with certain traffic violation cases. This Order only applies to people with traffic violations before HB 4210 took effect. In 2020 Governor Brown signed HB 4210 which prohibited driver license suspension for nonpayment of fines, although this Order will affect fines that were likely already in collections, I would assume that this Order will lead to a reduction in collected revenue for the Roseburg Municipal Court.

If you have any questions, please do not hesitate to contact me. If you would like me to attend the next city council meeting, please let me know.

Sincerely,  
Jason Mahan  
Roseburg Municipal Court Judge