



City of Oregon City
2015
City Commission Orientation
Handbook



**2015 City of Oregon City
City Commission Orientation Handbook**

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CITY COMMISSION



CITY COMMISSION Orientation Manual

Section One City Roster



City of Oregon City, Oregon

CITY COMMISSION

January 1, 2015

MAYOR

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CITY COMMISSION



CITY COMMISSION

Orientation Manual

Section Two

City Charter

THE CHARTER OF OREGON CITY

To provide for the government of the city of Oregon City, Clackamas County, Oregon; and to repeal all charter provisions of the city enacted prior to the time that this charter takes effect.

BE IT ENACTED by the people of the city of Oregon City, Clackamas County, Oregon:

CHAPTER 1 - NAME AND BOUNDARIES

Section 1 - Title of Enactment.

This enactment may be referred to as the Oregon City Charter of 1982.

Section 2 - Name of City.

The municipality of Oregon City, Clackamas County, Oregon, shall continue to be a municipal corporation with the name "Oregon City."

Section 3 - Boundaries.

Unless mandated by law, the city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by the voters. The recorder shall keep in his office at City Hall at least two copies of this charter, in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection at any time during regular office hours of the recorder.

(Amended by voters at the City election held May 18, 1999.)

CHAPTER II - POWERS

Section 4 - Powers of the City.

The city shall have all powers which the constitutions, statutes, and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.

Section 5 - Construction of Charter.

In this charter no mention of a particular power shall be constructed to be exclusive or to restrict the scope of the powers which the city would have if the particular power were not mentioned. The charter shall be liberally construed to the end that the city may have all powers necessary or convenient for the conduct of its municipal affairs, including all powers that cities may assume pursuant to state laws and to the municipal home rule provisions of the state constitution. If the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter.

CHAPTER III - FORM OF GOVERNMENT

Section 6 - Where Powers Vested.

Except as this charter provides otherwise, all powers of the city shall be vested in the commission.

Section 7 - Commission.

In addition to the Mayor, the commission shall be composed of four commissioners elected from the city at large for terms of four years each. The term of office of each member in office at the date of amendments to this charter in May, 1990 shall continue until expiration; provided, however, that the term of city commission position number 5 shall cease as of January 2, 1991. At the 1990 general biennial election, two members shall be elected, and at the 1992 general biennial election, two members shall be elected, and in each case on each fourth year thereafter, a like number shall be elected. The term of office of each commissioner shall commence on the 2nd day of January after the election of that commissioner in the preceding November, unless such date shall fall on a legal holiday, in which case such term shall commence on the following day. No person shall be elected to the office of commissioner for more than two terms of four years in any ten year period.

(Adopted by voters at the City election held May 15, 1990)

Section 8 - Commissioners.

Each office of commissioner shall be designated by number. The city recorder shall assign a number to each of the four commission positions. The numbers so assigned shall be certified by the city recorder to the commissioner in office holding that position. One copy of the certification shall be sent to the county elections officer. In all proceedings for the nomination and election of candidates for or to the office of commissioner, every petition for nomination, declaration of candidacy, certificate of nomination or election, shall state the position number of the office to which the candidate aspires, and the candidate's name shall appear on the ballot only for the designated position. Each voter shall have the right to vote for only one candidate for each position on the commission, and the candidate for each position receiving the highest number of votes for such position shall be considered elected. No person may file for more than one position at any single election.

(Adopted by voters at the City election held May 15, 1990)

Section 9 - Mayor.

At the 1990 general biennial election, and at every general election each four years thereafter, a mayor shall be elected from the city at large for a four year term. The mayor in office at the time this charter is amended in May 1990, shall continue in office until January 2, 1991. The mayor shall have been a resident of the city for at least twelve months preceding election to that office and shall remain a resident of the city as a condition of holding such office. No person may file for the position of mayor and city commissioner at any single election. The term of office of the mayor shall commence on the 2nd day of January after the election of that position the preceding November, unless such date shall fall on a legal holiday, in which case such term shall commence the following day.

Notwithstanding section 32 of this charter, if at any time after January 2, 1991, the office of Mayor shall become vacant before the normal expiration of that term, a special election shall be held at the next available date to fill that office for the unexpired term; provided, however, if one hundred eighty (180) days or fewer remain in such term vacated, the commission shall appoint a person to fill such vacancy for the remainder of the unexpired term.

If a prospective candidate for election to the office of mayor has been elected either to the office of mayor or city commissioner for more than two terms of four years in the previous ten years, that prospective candidate shall not be eligible for election to the office of mayor.

(Adopted by voters at the City election held May 15, 1990 as amended by voters at the City election held November 7, 2000)

Section 9A - Commission President.

The commission shall meet at 8 o'clock P.M. on the first Wednesday in January after the first general election under this charter and shall be called to order by the mayor. The commission, including the mayor, shall then proceed to elect a commission president by ballot from their number who shall hold office for the term of one year and until a successor shall be elected and qualified. The commission president shall perform the duties of mayor in the absence of that officer. In the absence of the mayor from the city or the inability of the mayor to act, the president of the commission shall have and exercise the power to perform all duties of the mayor.

(Adopted by voters at the City election held May 15, 1990)

Section 10 - Nominations.

A qualified elector who has resided in the city during the 12 months immediately preceding an election may be nominated for an elective city office to be filled at the election. The nomination shall be by a petition that specifies the office sought and shall be in a form prescribed by the commission. The petition shall be signed by not fewer than 50 electors. No elector shall sign more than one petition for each office to be filled at the election. If he does so, his signature shall be valid only on the first sufficient petition filed for the office. The signatures to a nomination petition need not all be appended to one paper, but to each separate paper of the petition shall be attached an affidavit of the circulator thereof, indicating the number of signers of the paper and stating that each signature appended thereto was made in his presence and is the genuine signature of the person whose name it purports to be. Opposite each signature shall be stated the signer's place of residence, identified by its street and number or other sufficient designation. All nomination papers comprising a petition shall be assembled and filed with the recorder as one instrument not earlier than 120 nor later than 61 days before the election. The recorder shall make a record of the exact time at which each petition is filed and shall take and preserve the name and address of the person by whom it is filed. If the petition is not signed by the required number of qualified electors, the recorder shall notify the candidate and the person who filed the petition within five days after the filing. If the petition is insufficient in any other particular, the recorder shall return it immediately to the person who filed it, certifying in writing wherein the petition is insufficient. The deficient petition may be amended and filed again as a new petition, or a substitute petition for the same candidate may be filed, within the regular time for filing nomination petitions. The recorder shall notify an eligible person of his nomination, and that person shall file with the recorder his written acceptance of nomination, in such form as the commission may require, within five days of notification of nomination. Upon receipt of the acceptance of nomination, the recorder shall cause the nominee's name to be printed on the ballots. The petition of nomination for a successful candidate at an election shall be preserved in the office of the recorder until the term of office for which the candidate is elected expires. In lieu of nomination by petition, an elector may file for office by payment of a \$50 filing fee or such greater fee as the commission may fix.

Section 11 - Manager, Judge, and Other Officers.

Additional officers of the city shall be a city manager and municipal judge, each of whom the commission shall appoint, and such other officers as the commission deems necessary. The commission may combine any two or more appointive offices, except the office of city manager and municipal judge. In no such combination shall the municipal judge be subject in his judicial functions to supervision by any other office.

Section 12 - Salaries.

The compensation for the services of each city officer and employee shall be the amount fixed by the commission. A commissioner shall not receive a salary, but may be reimbursed for expenses upon prior authorization of the commission.

Section 13 - Qualifications of Officers.

No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the twelve months immediately preceding the election. The commission shall be the final judge of the foregoing qualifications and election of its own members.

CHAPTER IV - COMMISSION

Section 14 - Meetings.

The commission shall hold regular meetings in the city at 8 o'clock P.M. on the first Wednesday of each month and on the second Thursday thereafter unless otherwise designated by the commission. If a meeting date falls on a legal holiday, then it shall be held on the following day. It shall adopt rules for the government of its members and proceedings. The mayor upon his own motion may, or at the request of three members of the commission shall, by giving notice thereof to all members of the commission then in the city, call a special meeting of the commission for a time not earlier than three nor later than 48 hours after the notice is given. Special meetings of the commission may also be held at any time by the common consent of all the members of the commission.

Section 15 - Quorum.

A majority of members of the commission shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.

Section 16 - Record of Proceedings.

The commission shall cause a record of its proceedings to be kept. The ayes and nays upon any question before it shall be taken and entered in the record.

Section 17 - Proceedings to Be Public.

No action by the commission shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

Section 18 - Mayor's Functions at Commission Meetings.

The mayor shall be chairman of the commission and preside over its deliberations. He shall have a vote on all questions before it. He shall have authority to preserve order, enforce the rules of the commission, and determine the order of business under the rules of the commission.

Section 19 - Vote Required.

Except as this charter otherwise provides, the concurrence of a majority of the members of the commission present at a commission meeting shall be necessary to decide any question before the commission.

CHAPTER V - POWERS AND DUTIES OF OFFICERS

Section 20 - Mayor.

The mayor shall appoint the committees provided by the rules of the commission. He shall sign all records of proceedings approved by the commission. He shall have no veto power and shall sign all ordinances passed by the commission within three days after their passage. After the commission

approves a bond of a city officer or a bond for a license, contract, or proposal, the mayor shall endorse the bond.

Section 21 - City Manager.

(a) **Qualifications.** The city manager shall be the administrative head of the government of the city. He shall be chosen by the commission without regard to political considerations and solely with reference to his executive and administrative qualifications. He need not be a resident of the city or of the state at the time of his appointment. Before taking office, he shall give a bond in such amount and with such surety as may be approved by the commission. The premiums on such bond shall be paid by the city.

(b) **Term.** The manager shall be appointed for an indefinite term and may be removed at the pleasure of the commission. Upon any vacancy occurring in the office of manager after the first appointment pursuant to this charter, the commission at its next meeting shall adopt a resolution of its intention to appoint another manager. Not later than four months after adopting the resolution, the commission shall appoint a manager to fill the vacancy.

(c) **Powers and Duties.** The powers and duties of the manager shall be as follows:

(1) He shall devote his entire time to the discharge of his official duties, attend all meetings of the commission unless excused therefrom by the commission or the mayor, keep the commission advised at all times of the affairs and needs of the city, and make reports annually, or more frequently if requested by the commission, of all the affairs and departments of the city.

(2) He shall see that all ordinances are enforced and that the provisions of all franchises, leases, contracts, permits, and privileges granted by the city are observed.

(3) The manager shall designate a city recorder, shall appoint and may remove appointive city officers and employees except as this charter otherwise provides, and shall have general supervision and control over them and their work with power to transfer an employee from one department to another. He shall supervise the departments to the end of obtaining the utmost efficiency in each of them. He shall have no control, however, over the commission or over the judicial activities of the municipal judge.

(4) He shall act as purchasing agent for all departments of the city. All purchases shall be made by requisition signed by him or authorized designee.

(5) He shall be responsible for preparing and submitting to the budget committee the annual budget estimates and such reports as that body request.

(6) He shall supervise the operation of all public utilities owned and operated by the city and shall have general supervision over all city property.

(d) **Seats at Commission Meetings.** The manager and such other officers as the commission designates shall be entitled to sit with the commission but shall have no vote on questions before it. The manager may take part in all commission discussions.

(e) **Manager Pro Tem.** Whenever the manager is absent from the city, is temporarily disabled from acting as manager, or whenever his office becomes vacant, the commission shall appoint a manager pro tem, who shall possess the powers and duties of the manager. No manager pro tem, however, may appoint or remove a city officer or employee except with the approval of three members of the commission.

(f) **Ineligible Persons.** Neither the manager's spouse nor any person related to the manager or his spouse by consanguinity or affinity within the third degree may hold any appointive office or employment with the city.

Section 22 - Municipal Judge.

(a) The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the city of Oregon City, Clackamas County, Oregon. All area within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court.

(b) The jury panel for the municipal court shall be selected periodically by the municipal judge in the same manner in which juries are selected for circuit court. In no event may a jury panel serve more than one year. A jury shall be of six in number. Each party shall be entitled to three peremptory challenges in addition to challenges for cause. Challenges shall be taken in the same manner as provided in circuit court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.

Section 23 - Recorder.

The recorder shall serve ex officio as clerk of the commission, attend all its meetings unless excused therefrom by the commission, keep an accurate record of its proceedings, and sign all orders on the treasury. In the recorder's absence from a commission meeting, the manager shall appoint a clerk of the commission pro tem who, while acting in that capacity, shall have all the authority and duties of the recorder.

CHAPTER VI - ELECTIONS

Section 24 - Regular Elections.

Regular city elections shall be held at the same times and places as biennial general state elections, in accordance with applicable state election laws. The recorder, pursuant to directions from the commission, shall give at least ten days' notice of each regular city election by posting notice thereof at a conspicuous place in the city hall and in one public place in each voting precinct of the city. The notice shall state the officers to be elected, the ballot title of each measure to be voted upon, and the time and place of the election.

Section 25 - Special Elections.

The commission shall provide the time, manner and means for holding any special election. The recorder shall give at least ten days' notice of each special election in the manner provided by the action of the commission ordering the election. The dates of special elections shall be subject to designation by state law.

Section 26 - Regulation of Elections.

Except as this charter provides otherwise and as the commission provides otherwise by ordinances relating to elections, the general laws of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contests thereof.

Section 27 - Canvass of Returns.

In all elections held in conjunction with state and county elections, the state laws governing the filing of returns by the county clerk shall apply. In each special city election the returns therefrom shall be filed with the recorder on or before noon of the day following, and not later than five days after the election the commission shall meet and canvass the returns. The results of all elections shall be entered in the record of the proceedings of the commission. The entry shall state the total number of votes cast at the election, the votes cast for each person and for and against each proposition, the name of each person elected to office, the office to which he has been elected, and a reference to each measure enacted or approved. Immediately after the canvass is completed, the recorder shall make and sign a certificate of election of each person elected and deliver the certificate to him within one day after the canvass. A certificate so made and delivered shall be prima facie evidence of the truth of the statements contained in it.

Section 28 - Tie Votes.

In the event of a tie vote for candidates for an elective office, the successful candidate shall be determined by a public drawing of lots in a manner prescribed by the commission.

Section 29 - Commencement of Terms of Office.

The term of office of a person elected at a regular city election shall commence the first of the year immediately following the election.

Section 30 - Oath of Office.

Before entering upon the duties of his office, each officer shall take an oath or shall affirm that he will support the constitutions and laws of the United States and of Oregon and that he will faithfully perform the duties of his office.

CHAPTER VII - VACANCIES IN OFFICE

Section 31 - What Creates Vacancy.

An office shall be deemed vacant upon the incumbent's death; adjudicated incompetence; conviction of a felony, other offense pertaining to his office, or unlawful destruction of public records; resignation; recall from office; or ceasing to possess the qualifications for the office; upon the failure of the person elected or appointed to the office to qualify therefor within ten days after the time for his term of office to commence; or in the case of a mayor or commissioner, upon his absence from the city for 30 days without the consent of the commission or upon his absence from meetings of the commission for 60 days without like consent, and upon a declaration by the commission of the vacancy.

Section 32 - Filling of Vacancies.

Vacant elective offices in the City shall be filled by appointment. A majority vote of the commission shall be required to validate the appointment. The appointee's term of office shall begin immediately upon his appointment and shall continue until the next general election and until a successor is duly elected and qualified to complete the unexpired or new term of office as applicable. During the temporary disability of any officer or during his absence temporarily from the city for any cause, his office may be filled pro tem in the manner provided for filling vacancies in office permanently.

CHAPTER VIII - ORDINANCES

Section 33 - Enacting Clause.

The enacting clause of all ordinances hereafter enacted shall be, "Oregon City ordains as follows:"

Section 34 - Mode of Enactment.

(a) Except as paragraphs (b) and (c) of this section provide to the contrary, every ordinance of the commission shall, before being put upon its final passage, be read fully and distinctly in open commission meeting on two different days.

(b) Except as paragraph (c) of this section provides to the contrary, an ordinance may be enacted at a single meeting of the commission by unanimous vote of all commission members present, upon being read first in full and then by title.

(c) Any of the readings may be by title only if no commission member present at the meeting requests to have the ordinance read in full, or if a copy of the ordinance is provided for each commission member and three copies are provided for public inspection in the office of the city recorder not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at the city hall and two other public places in the city or by advertisement in a newspaper of general circulation in the city. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in open commission meeting as finally amended prior to being approved by the commission.

(d) Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.

(e) Upon the enactment of an ordinance the recorder shall sign it with the date of its passage and his name and title of office, and within three days thereafter the mayor shall sign it with the date of his signature, his name and title of his office.

Section 35 - When Ordinances Take Effect.

An ordinance enacted by the commission shall take effect on the thirtieth day after its enactment. When the commission deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it shall take effect immediately upon the unanimous vote of the commission.

CHAPTER IX - PUBLIC IMPROVEMENTS

Section 36 - Condemnation.

Any necessity of taking property for the city by condemnation shall be determined by the commission and declared by a resolution of the commission describing the property and stating the uses to which it shall be devoted.

Section 37 - Improvements.

The procedure for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or, to the extent not so governed, by the applicable general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the commission to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance thereto by the owners of two-thirds of the land to be specially assessed therefor. In this section, "owner" shall mean the record holder of legal title or, where land is being purchased under a land sale contract recorded or verified to the recorder in writing by the record holder of legal title to the land, the purchaser shall be deemed the "owner."

Section 38 - 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 be governed by general ordinance.

Section 39 - Bids.

A contract for a public improvement to be made by a private contractor shall be let to the lowest responsible bidder for the contract and shall be done in accordance with plans and specifications approved by the commission. The commission by ordinance may exempt contracts of a particular nature or under a designated dollar amount from public bidding.

CHAPTER X - PARKS AND NATURAL BEAUTY

Section 40 - Purpose.

The purpose of this Chapter X of the Charter is to prevent the transfer, sale, vacation or major change in use of city parks without first obtaining an approving vote of the legal voters of this city; to designate certain park areas and their use; to preserve the natural beauty of public parks and to protect the rights of citizens in the preservation of their heritage of nature. Its purpose also is to establish authority and procedures for abatement of nuisances and fire hazards for the protection of the public, as well as protection of the rights of individual citizens.

Section 41 - Approval by Voters.

The commission may not do any of the following listed acts with regard to any designated city park or part thereof without first obtaining approval of the legal voters of the city. Said acts are as follows:

- (a) Sell, lease or otherwise transfer park property.
- (b) Vacate or otherwise change the legal status of any park.
- (c) Construct permanent buildings or structures thereon other than for recreational purposes and park maintenance. In any case where at the date of adoption of this section there are existing structures which do not comply with this provision, such structures and any additions and alterations thereto are accepted from the provisions of this section.
- (d) Change the status of a natural park; construct buildings, or clear vegetation in a natural park, except for the construction of trails and essential roads and elimination of hazards constituting a clear and present danger to the public.

Section 42 - Parks Designated.

The following areas within the city are hereby designated as parks and where noted are designated also as natural parks:

- (a) Block 40, OREGON CITY.
- (b) Block 96, OREGON CITY.
- (c) Block 102, OREGON CITY.
- (d) Block 152, OREGON CITY.
- (e) The area designated as WATERBOARD PARK on the map of Oregon City revised 1969, and the adjoining areas thereof lying below the high bluff, the westerly end of which area is at the southwesterly corner of Tract 19, FIELDS ADDITION, and the easterly end of which area is approximately at the intersection of Quarry and Third Streets; except any portion thereof lying north of the road running from John Adams Street and the extension thereof around the south side of the

Armory and connecting to South 2nd Street. WATERBOARD PARK as above described is designated as a natural park.

- (f) CLACKAMETTE PARK, at the confluence of the Willamette and Clackamas Rivers.
- (g) ATKINSON PARK, as designated on the map of Oregon City, revised 1969 and being all of the City land bounded by Sixteenth Street, McLoughlin Avenue, and Jackson Street.
- (h) RIVERCREST PARK, as designated on the map of Oregon City, revised 1969.
- (i) To the extent that the same is owned by Oregon City, or shall hereafter be acquired by Oregon City, the triangular area bounded on the east by Linn Avenue, on the north by Charman Street and on the southwest by the old portion of Linn Avenue, and which area lies south of Block 26, FALLS VIEW ADDITION, is designated as a natural park.
- (j) The city land acquired from the Oregon City School District lying at Fourth and Blanchard Streets in the plat of CANEMAH.
- (k) The area designated as KELLY FIELD on the map of Oregon City, revised 1969.
- (l) Block 126, OREGON CITY, except Lot 4 thereof.

Section 43 - Additional Parks.

Additional parks may be created and land established as parks upon the acceptance by the commission of a gift to the city for park purposes or a dedication of land as a park. Real property owned or acquired by the city in other manners may be designated as a park by ordinance. Park areas may be specifically designated as natural parks and when so designated shall be maintained as provided in Section 41. Whenever any real property is designated as a park as provided herein, it is subject to all of the provisions of this Chapter X.

Section 44 - Regulation of Maintenance.

It is the policy of the city to recognize that there is beauty in natural growth as well as in developed property and that hazards exist on property. It is the policy of the city to reduce dangers but to maintain beauty. It is not the policy nor purpose of this section to allow one group of citizens to impose its standards of beauty on others. To protect the public health and safety, the commission has power to require property owners to remove trash, rubbish and garbage from their property. The commission also has power to abate any condition on any private property constituting a public or private nuisance under the law in the state of Oregon. The commission has power to require the removal of dead grass, brush, trees, and other growth which constitutes a direct fire hazard to public or private buildings; provided, however, the commission may not require the removal of any dead or green vegetation if a sufficient fire break exists between such vegetation and buildings so that the same does not constitute a direct and unreasonable fire hazard to such buildings. The commission may require property owners to remove noxious weeds and plants if the same are a hazard to persons not on the property or a hazard to adjoining property. Nothing herein contained is intended to restrict the commission's right to control the streets. The commission may establish lines for the planting of shade or ornamental trees and generally regulate the use and development of the portion of street rights-of-way between the property line and the travel portion of the street. If any property owner fails to comply within ten days with a lawful notice given pursuant to this section requiring the removal of a hazard or nuisance, the commission may, after hearing, cause the same to be removed and the cost thereof shall be a lien on the property and shall be collected in the same manner as street improvement liens.

CHAPTER XI - ANIMAL CONTROL

Section 45 - Method of Disposition.

The use of the decompression chamber and all other methods of killing animals at or by animal control authorities, dog control authorities, pounds, animal shelters, humane societies, and like institutions, public or private, which kill animals is hereby prohibited within the city limits of Oregon City, with the sole exception of the administration of sodium pentobarbital either by injection or orally.

Section 46 - Animal Technician.

Said sodium pentobarbital shall be skillfully and humanely administered by a licensed veterinarian or a trained, experienced animal technician. "Animal technician" means an individual who has received a certificate in animal technology, or a comparable certificate, from a recognized college or university or an individual who has successfully completed a recognized course of instruction in the administration of sodium pentobarbital for humane animal euthanasia or an individual who has, in past experience, demonstrated proficiency in the administration of sodium pentobarbital for humane animal euthanasia.

CHAPTER XII - MISCELLANEOUS PROVISIONS

Section 47 - Debt Limit.

Except by consent of the voters, the city's voluntary floating indebtedness shall not exceed twenty-five thousand dollars. For purposes of calculating the limitation, however, the legally authorized debt of the city in existence at the time this charter takes effect shall not be considered. All city officials and employees who create or officially approve any indebtedness in excess of this limitation shall be jointly and severally liable for the excess.

Section 48 - (Repealed by voters at city election held May 19, 1992.)

Section 49 - Civil Service System.

The city commission shall provide a system of civil service for employees in all full time positions of city service except elected officials as provided for in the charter, the city general manager, city recorder, municipal judge and city attorney; the provisions of said civil service system to be substantially the same in application for all employees, positions and places not herein excluded.

Section 50 - Union Membership.

Employees of the city are hereby guaranteed the privilege of joining a union of their own choice. City officials shall not discriminate against any employee who sees fit to join a union, nor shall any person exercise any restraint, interference or coercion to prevent such union membership. Employees of the city may bargain collectively and negotiate with all public officials through union representatives of their own choosing on all matters affecting wages, working conditions and fringe benefits. When employees of the city so request, the city commission shall within thirty days after receiving such request through collective bargaining methods establish a grievance procedure providing for the orderly presentation and solution of individual employee grievances as well as group grievances.

Section 51 - South Fork Water Commission.

The mayor and two members of the commission appointed by the mayor shall constitute the Oregon City members of the South Fork Water Commission.

Section 52 - Penalty.

The commission may provide for the punishment of a violation of any ordinance of the city by a fine not to exceed two thousand five hundred dollars and/or one year imprisonment in jail, and for such reasonable court costs as determined by the municipal judge.

Section 53 - 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.

Section 54 - Repeal of Previously Enacted Provisions.

All charter provisions of the city enacted prior to the time that this charter takes effect are hereby repealed.

Section 55 - Time of Effect of Charter.

This charter shall take effect July 1, 1983.

Section 56 - Garbage Burning Plants.

No garbage burning plants shall be allowed in Oregon City.

(Adopted by voters at the City election held November 2, 1982.)

Resolution No. 82-29 was voted on at a regular City election held November 2, 1982. New City Charter was approved by voters and effective July 1, 1983.

Section 57 - General Obligation Bonds and Revenue Bonds.

Except as herein provided, upon passage of this amendment to the City Charter, no general obligation bonds or revenue bonds of any nature shall be issued or sold by the City of Oregon City without a vote of the people. The Commission may not adopt or pass any ordinance or resolution providing for the issuance or sale of general obligation bonds or revenue bonds to be an emergency nor use any other means to prevent their referral to the voters.

This section shall not apply to: i) bonds issued pursuant ORS 223.205 et seq. (the Bancroft Bonding Act), or similar law, to finance public improvements through local improvement districts; and ii) any bonds issued to refinance or refund existing or future bonds.

(Adopted by voters at the City election held May 21, 1996.)

Section 58 - Water Rates.

The commission may not increase water rates by more than three percent annually without a vote of the people. The commission may not declare any ordinance or resolution establishing water rates to be an emergency nor use any other means to prevent their referral to the voters. (Adopted by voters at the City election held May 21, 1996.)

(Amended by voters at the City election held May 21, 2013)

Section 59 - Urban Renewal Agency.

The urban renewal agency of the city (the "Agency") shall not issue bonded indebtedness after the effective date of this section unless the bonded indebtedness complies with the restrictions of this section. The commission shall not approve any amendment to an urban renewal plan after the effective date of this section unless the plan requires that bonded indebtedness issued to carry out the plan be issued in compliance with the restrictions of this section.

A. Bonded indebtedness issued by the Agency after the effective date of this section shall either:

- (i) Be approved by the voters of the city;
- (ii) Be issued to refund lines of credit, bonds or other borrowings that were executed before the effective date of this section; or,
- (iii) Be issued to finance written commitments of the Agency that were entered into before the effective date of this section.

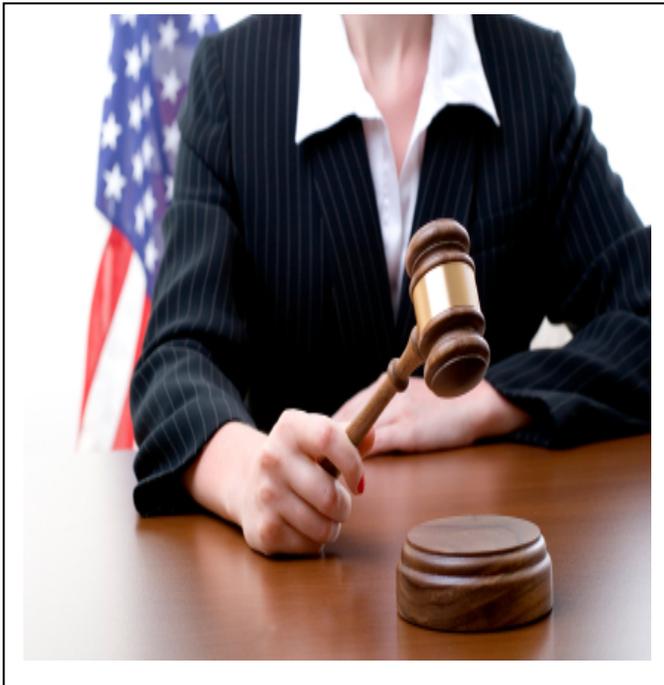
B. Each urban renewal plan of the Agency that exists on the effective date of this section is hereby amended to add the following provision: "No bonded indebtedness shall be issued under this plan except in compliance with the requirements of the Charter of the City of Oregon City. Any amendment of the preceding sentence must be approved by a non-emergency ordinance of the city."

C. For purposes of this section "bonded indebtedness" has the meaning defined for that term in ORS 310.140(3), as that section of the statutes exists on the date this section of the charter is approved by the voters of the city. That statute defines "bonded indebtedness" to mean "any formally executed written agreement representing a promise by a unit of government to pay to another a specified sum of money, at a specified date or dates at least one year in the future."

D. This section shall not limit the Agency's rights or obligations under any lines of credit, bonds or other borrowings that were executed prior to the effective date of this section.

(Res. No. 12-27, adopted by voters at the City election held November 6, 2012.)

CITY COMMISSION



CITY COMMISSION

Orientation Manual

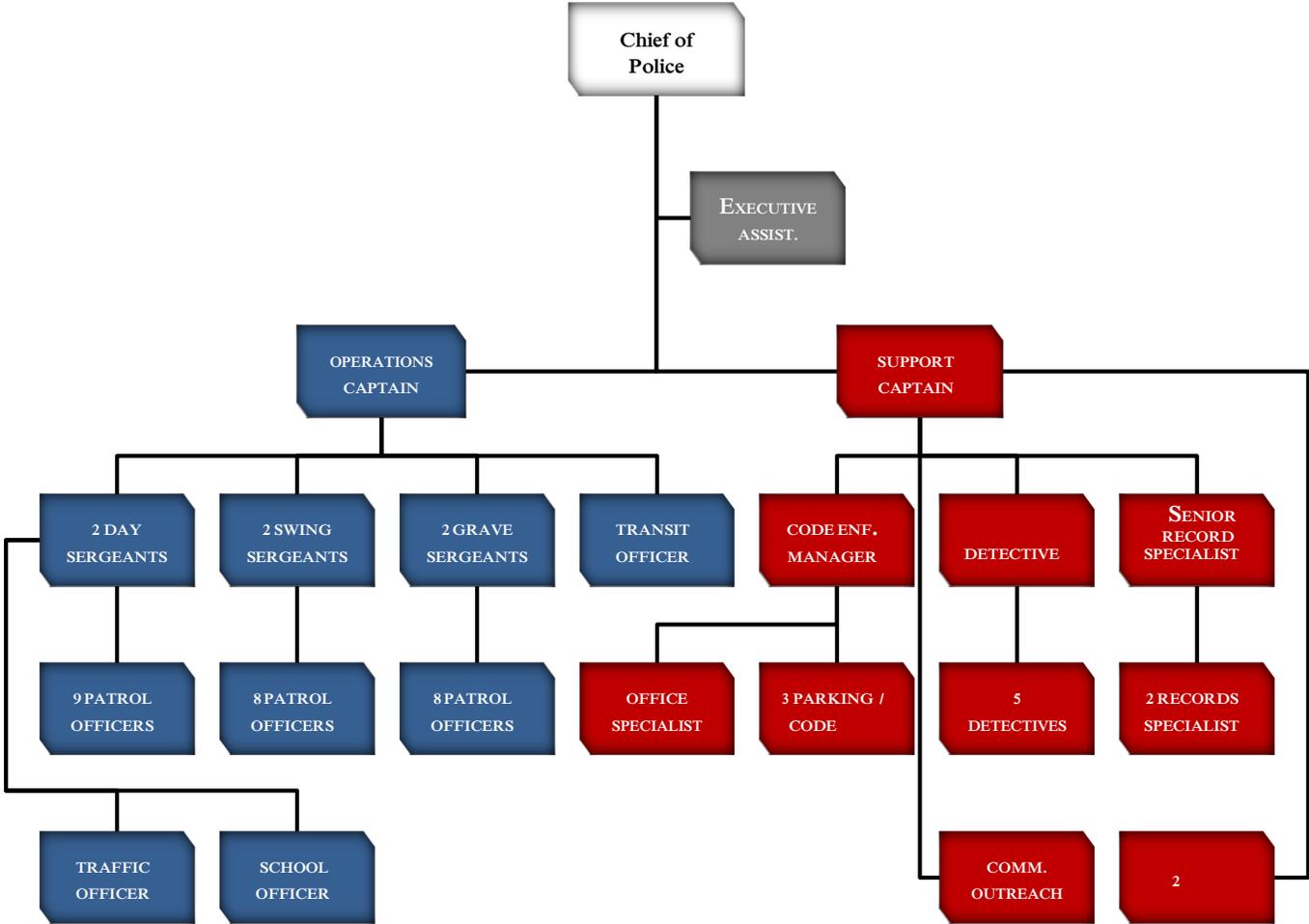
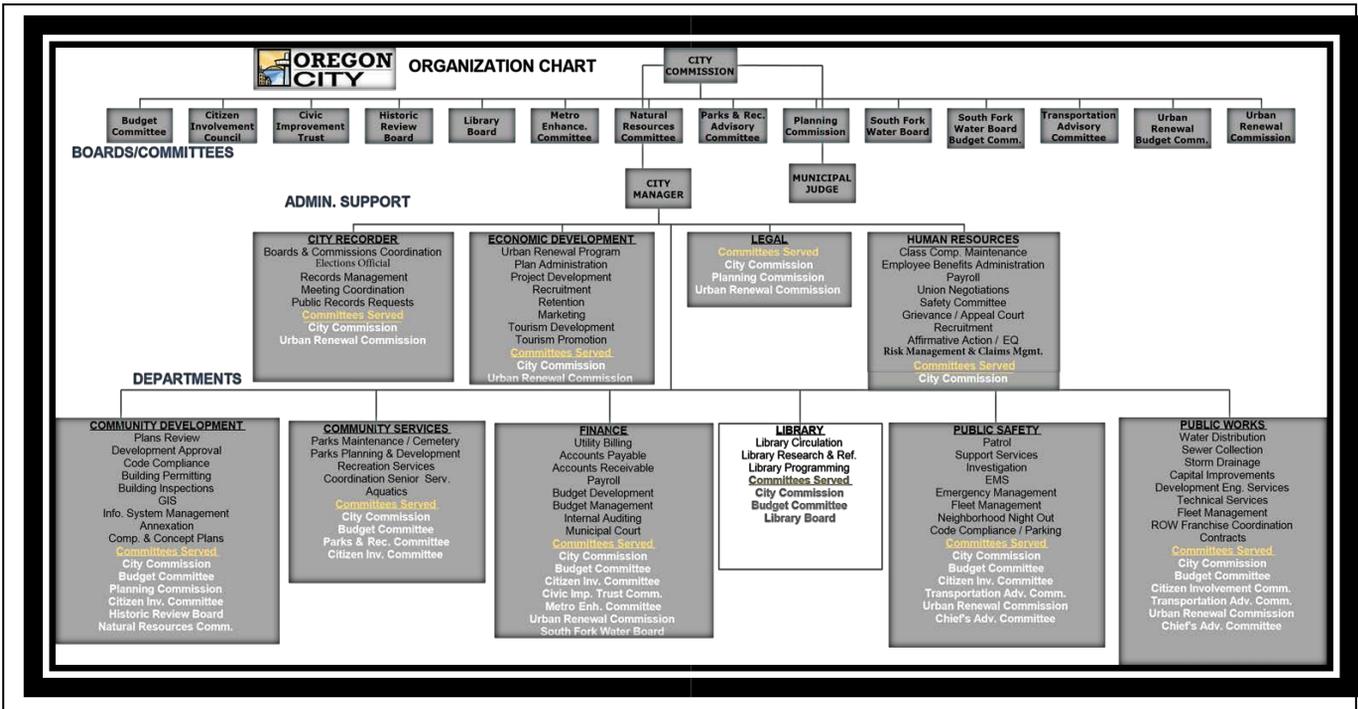
Section Three

**Oregon City
Government**

CITY OF OREGON CITY
Government

The City Commission of the City of Oregon City is composed of the Mayor and four Commissioners elected from the city at large for terms of four years each. The four Commissioner positions are numbered as Position No. 1, Position No. 2, Position No. 3, and Position No. 4. The term of office of each member is four years. The election of City Commissioners is non-partisan and is held in even-numbered years. For example, in 2012 Commissioner Position Nos. 2 and 3 were elected; in 2014 the Mayor and Commissioner Positions Nos. 1 and 4 were elected. The term of office of each Commissioner shall commence on the 2nd day of January after the election of that Commissioner in the preceding November, unless such date shall fall on a legal holiday, in which case such term shall commence on the following day. No person shall be elected to the office of Commissioner for more than two terms of four years in any ten-year period.

The City Commission elects a Commission president at its first meeting in January each year. The Commission president shall perform the duties of Mayor in the absence of that officer. In the absence of the Mayor from the city or the inability of the Mayor to act, the president of the Commission shall have and exercise the power to perform all duties of the Mayor.



FORM OF GOVERNMENT

The City of Oregon City operates through a Commission/Manager form of government consisting of an elected Mayor and City Commissioners who appoint a City Manager to manage the operations. The City Commission also appoints a municipal judge. The City Manager oversees the operations of eight departments. These departments are:

Administration: City Manager's Office; City Recorder's Office; Economic Development
Community Development
Community Services
Finance
Human Resources
Library
Public Safety and Police
Public Works

The City Commission is the City's legislative and policy-making body. As a whole, the City Commission is responsible for passing ordinances and resolutions necessary for governing the City, in addition to setting the direction of City policy. The City Manager is responsible for the overall administration of the City and works with the City Commission and citizens to plan for the future of the City. The City Manager assists the City Commission in defining and implementing the City's vision by setting goals and establishing objectives to reach these goals. The City Manager also assists in matters of policy research, identifying areas requiring legislative policy decisions, and preparing recommendations on alternative courses of action.

The employment relationship between the City Commission and the City Manager honors the fact that the City Manager is the chief executive officer of the City of Oregon City. The City Commission should avoid situations that can result in Oregon City staff being directed, intentionally or unintentionally, by one or more members of the City Commission. All dealings with the City Manager, whether in public or private, should respect the authority of the City Manager in administrative matters.

MUNICIPAL JUDGE RESPONSIBILITIES

According to the City of Oregon City's Charter, the municipal judge's duties include:

The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by ordinances of the city.

The municipal judge shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any such person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court.

The municipal judge shall select jury panels in the same manner as for circuit court.

For more information on the responsibilities and duties of the municipal judge, refer to Section 22 of the City Charter.

CITY COMMISSION / CITY ATTORNEY RELATIONSHIP

The City Attorney shall be appointed by and shall serve at the discretion of the City Manager. The City Attorney serves as the legal advisor to the Mayor, City Commission, City Manager, and departments. The general legal responsibilities of the city attorney are:

Provide legal assistance necessary for formulation and implementation of legislative policies and projects.

Represent the City's interests, as determined by the City Commission in litigation, hearings, negotiations, and similar proceedings.

Prepare contracts, charter amendments, ordinances, bonds, and other legal documents to best reflect and implement the purposes for which they are prepared.

Keep the City Commission and staff apprised of court rulings and legislation affecting the legal interests of the City.

It is important to note that the city attorney does not represent individual members of the City Commission, but the City Commission as a whole.

CITY MANAGER CODE OF ETHICS – INTERNATIONAL CITY/COUNTY MANAGEMENT ASSOCIATION (ICMA)

Adopted in 1924, the ICMA Code of Ethics defines the principles that today serve as the foundation for the local government management profession and set the standard for excellence. David Frasher, Oregon City's City Manager, is a member of ICMA and has completed the ICMA's Voluntary Credentialing Program, attaining the highest level of certification as a credentialed manager. Credentialing includes commitment to upholding high ethical standards as listed below and to attending an annual training program to continually improve the skills and practices on the job. ICMA members pledge to uphold these ethical principles in their conduct and decisions in order to merit the trust of the public, elected officials, and staff they serve.

The following five pages list the ICMA Code of Ethics with Guidelines.

ICMA Code of Ethics - With Guidelines

The ICMA Code of Ethics was adopted by the ICMA membership in 1924, and most recently amended by the membership in May 1998. The Guidelines for the Code were adopted by the ICMA Executive Board in 1972, and most recently revised in July 2004.

The mission of ICMA is to create excellence in local governance by developing and fostering professional local government management worldwide. To further this mission, certain principles, as enforced by the Rules of Procedure, shall govern the conduct of every member of ICMA, who shall:

1. Be dedicated to the concepts of effective and democratic local government by responsible elected officials and believe that professional general management is essential to the achievement of this objective.
2. Affirm the dignity and worth of the services rendered by government and maintain a constructive, creative, and practical attitude toward local government affairs and a deep sense of social responsibility as a trusted public servant.

Guideline

Advice to Officials of Other Local Governments. When members advise and respond to inquiries from elected or appointed officials of other local governments, they should inform the administrators of those communities.

3. Be dedicated to the highest ideals of honor and integrity in all public and personal relationships in order that the member may merit the respect and confidence of the elected officials, of other officials and employees, and of the public.

Guidelines

Public Confidence. Members should conduct themselves so as to maintain public confidence in their profession, their local government, and in their performance of the public trust.

Impression of Influence. Members should conduct their official and personal affairs in such a manner as to give the clear impression that they cannot be improperly influenced in the performance of their official duties.

Appointment Commitment. Members who accept an appointment to a position should not fail to report for that position. This does not preclude the possibility of a member considering several offers or seeking several positions at the same time, but once a *bona fide* offer of a position has been accepted, that commitment should be honored. Oral acceptance of an employment offer is considered binding unless the employer makes fundamental changes in terms of employment.

Credentials. An application for employment or for ICMA's Voluntary Credentialing Program should be complete and accurate as to all pertinent details of education, experience, and personal history. Members should recognize that both omissions and inaccuracies must be avoided.

Professional Respect. Members seeking a management position should show professional respect for persons formerly holding the position or for others who might be applying for the same position. Professional respect does not preclude honest differences of opinion; it does preclude attacking a person's motives or integrity in order to be appointed to a position.

Reporting Ethics Violations. When becoming aware of a possible violation of the ICMA Code of Ethics, members are encouraged to report the matter to ICMA. In reporting the matter, members may choose to go on record as the complainant or report the matter on a confidential basis.

Confidentiality. Members should not discuss or divulge information with anyone about pending or completed ethics cases, except as specifically authorized by the Rules of Procedure for Enforcement of the Code of Ethics.

Seeking Employment. Members should not seek employment for a position having an incumbent administrator who has not resigned or been officially informed that his or her services are to be terminated.

4. Recognize that the chief function of local government at all times is to serve the best interests of all of the people.

Guideline

Length of Service. A minimum of two years generally is considered necessary in order to render a professional service to the local government. A short tenure should be the exception rather than a recurring experience. However, under special circumstances, it may be in the best interests of the local government and the member to separate in a shorter time. Examples of such circumstances would include refusal of the appointing authority to honor commitments concerning conditions of employment, a vote of no confidence in the member, or severe personal problems. It is the responsibility of an applicant for a position to ascertain conditions of employment. Inadequately determining terms of employment prior to arrival does not justify premature termination.

5. Submit policy proposals to elected officials; provide them with facts and advice on matters of policy as a basis for making decisions and setting community goals; and uphold and implement local government policies adopted by elected officials.

Guideline

Conflicting Roles. Members who serve multiple roles--working as both city attorney and city manager for the same community, for example--should avoid participating in matters that create the appearance of a conflict of interest. They should disclose the potential conflict to the governing body so that other opinions may be solicited.

6. Recognize that elected representatives of the people are entitled to the credit for the establishment of local government policies; responsibility for policy execution rests with the members.

7. Refrain from all political activities which undermine public confidence in professional administrators. Refrain from participation in the election of the members of the employing legislative body.

Guidelines

Elections of the Governing Body. Members should maintain a reputation for serving equally and impartially all members of the governing body of the local government they serve, regardless of party. To this end, they should not engage in active participation in the election campaign on behalf of or in opposition to candidates for the governing body.

Elections of Elected Executives. Members should not engage in the election campaign of any candidate for mayor or elected county executive.

Running for Office. Members shall not run for elected office or become involved in political activities related to running for elected office. They shall not seek political endorsements, financial contributions or engage in other campaign activities.

Elections. Members share with their fellow citizens the right and responsibility to vote and to voice their opinion on public issues. However, in order not to impair their effectiveness on behalf of the local governments they serve, they shall not participate in political activities to support the candidacy of individuals running for any city, county, special district, school, state or federal offices. Specifically, they shall not endorse candidates, make financial contributions, sign or circulate petitions, or participate in fund-raising activities for individuals seeking or holding elected office.

Elections on the Council-Manager Plan. Members may assist in preparing and presenting materials that explain the council-manager form of government to the public prior to an election on the use of the plan. If assistance is required by another community, members may respond. All activities regarding ballot issues should be conducted within local regulations and in a professional manner.

Presentation of Issues. Members may assist the governing body in presenting issues involved in referenda such as bond issues, annexations, and similar matters.

8. Make it a duty continually to improve the member's professional ability and to develop the competence of associates in the use of management techniques.

Guidelines

Self-Assessment. Each member should assess his or her professional skills and abilities on a periodic basis.

Professional Development. Each member should commit at least 40 hours per year to professional development activities that are based on the practices identified by the members of ICMA.

9. Keep the community informed on local government affairs; encourage communication between the citizens and all local government officers; emphasize friendly and courteous service to the public; and seek to improve the quality and image of public service.

10. Resist any encroachment on professional responsibilities, believing the member should be free to carry out official policies without interference, and handle each problem without discrimination on the basis of principle and justice.

Guideline

Information Sharing. The member should openly share information with the governing body while diligently carrying out the member's responsibilities as set forth in the charter or enabling legislation.

11. Handle all matters of personnel on the basis of merit so that fairness and impartiality govern a member's decisions pertaining to appointments, pay adjustments, promotions, and discipline.

Guideline

Equal Opportunity. All decisions pertaining to appointments, pay adjustments, promotions, and discipline should prohibit discrimination because of race, color, religion, sex, national origin, sexual orientation, political affiliation, disability, age, or marital status.

It should be the members' personal and professional responsibility to actively recruit and hire a diverse staff throughout their organizations.

12. Seek no favor; believe that personal aggrandizement or profit secured by confidential information or by misuse of public time is dishonest.

Guidelines

Gifts. Members should not directly or indirectly solicit any gift or accept or receive any gift--whether it be money, services, loan, travel, entertainment, hospitality, promise, or any other form--under the following circumstances: (1) it could be reasonably inferred or expected that the gift was intended to influence them in the performance of their official duties; or (2) the gift was intended to serve as a reward for any official action on their part.

It is important that the prohibition of unsolicited gifts be limited to circumstances related to improper influence. In *de minimus* situations, such as meal checks, some modest maximum dollar value should be determined by the member as a guideline. The guideline is not intended to isolate members from normal social practices where gifts among friends, associates, and relatives are appropriate for certain occasions.

Investments in Conflict with Official Duties. Member should not invest or hold any investment, directly or indirectly, in any financial business, commercial, or other private transaction that creates a conflict with their official duties.

In the case of real estate, the potential use of confidential information and knowledge to further a member's personal interest requires special consideration. This guideline recognizes that members' official actions and decisions can be influenced if there is a conflict with personal investments. Purchases and sales which might be interpreted as speculation for quick profit ought to be avoided (see the guideline on "Confidential Information").

Because personal investments may prejudice or may appear to influence official actions and decisions, members may, in concert with their governing body, provide for disclosure of such investments prior to accepting their position as local government administrator or prior to any official action by the governing body that may affect such investments.

Personal Relationships. Members should disclose any personal relationship to the governing body in any instance where there could be the appearance of a conflict of interest. For example, if the manager's spouse works for a developer doing business with the local government, that fact should be disclosed.

Confidential Information. Members should not disclose to others, or use to further their personal interest, confidential information acquired by them in the course of their official duties.

Private Employment. Members should not engage in, solicit, negotiate for, or promise to accept private employment, nor should they render services for private interests or conduct a private business when such employment, service, or business creates a conflict with or impairs the proper discharge of their official duties.

Teaching, lecturing, writing, or consulting are typical activities that may not involve conflict of interest, or impair the proper discharge of their official duties. Prior notification of the appointing authority is appropriate in all cases of outside employment.

Representation. Members should not represent any outside interest before any agency, whether public or private, except with the authorization of or at the direction of the appointing authority they serve.

Endorsements. Members should not endorse commercial products or services by agreeing to use their photograph, endorsement, or quotation in paid or other commercial advertisements, whether or not for compensation. Members may, however, agree to endorse the following, provided they do not receive any compensation: (1) books or other publications; (2) professional development or educational services provided by nonprofit membership organizations or recognized educational institutions; (3) products and/or services in which the local government has a direct economic interest.

Members' observations, opinions, and analyses of commercial products used or tested by their local governments are appropriate and useful to the profession when included as part of professional articles and reports.

(Taken from the ICMA Web site, <http://icma.org>)

CITY COMMISSION



CITY COMMISSION

Orientation Manual

Section Four

Guidelines and Duties For Elected Officials

CITY OF OREGON CITY Guidelines & Duties for Elected Officials

The Mayor and City Commissioners, as representatives of the City of Oregon City, can render better service if they understand their duties, are aware of their responsibilities, and are informed of the best methods for carrying out their charge. Among their public duties, the Mayor and City Commissioners provide leadership for constituents, arbitrate conflicting interests, and make sound decisions by studying problems and reviewing alternatives to determine the best course of action. The Mayor and City Commissioners are responsible for establishing policy, adopting the City's budget, and providing direction to the City Manager. The Mayor and City Commissioners represent the City on local, regional, and state boards, Commissions, and committees.

The City Manager is responsible for implementing the policy decisions of the Mayor and Commission. Because the City Manager is responsible for the day-to-day operation of City government, the Commission issues all priority orders and directives through the City Manager. On occasion, the Mayor or a Commissioner may use the less formal process of making a request or suggestion directly to a department director. If the request or suggestion raises any policy or procedural questions, it should be brought to the attention of the City Manager.

POLICY MAKING

Policy is established by a majority vote of the City Commission. While individual members may disagree with a decision of the majority, a decision of the majority does bind the City Commission's to a course of action. It is the City Manager's responsibility to ensure the policy of the City Commission's is implemented.

All phases of the City Commissioner's job are involved in the determination of policy. The City Manager can assist the City Commission in studying and determining municipal policies. A good example of this is the budget process. The City Manager and staff gather the budget information, prepare the budget, review the budget with the budget committee, and submit the budget to the City Commission. The City Commission reviews the budget, revises as necessary, and adopts the budget.

Policy making is the process of deciding what is to be done for the City. This can easily be confused with how a program is to be administered, which is the responsibility of the City Manager. Simply stated, policy making is the "what to do" and administration is "how to do it." In municipalities, policy can take the form of ordinances, resolutions, and motions.

APPOINTMENTS

CITY MANAGER / MUNICIPAL JUDGE

City Charter, Section 11:

Additional officers of the city shall be a City Manager and municipal judge, each of whom the Commission shall appoint, and such other officers as the Commission deems necessary. The Commission may combine any two or more appointive offices, except the office of City Manager and municipal judge. In no such combination shall the municipal judge be subject in judicial functions to supervision by any other office.

BOARDS AND COMMITTEES

City Charter, Section 20

The Mayor shall appoint the committees provided by the rules of the Commission.

OTHER DUTIES

CONTACT WITH CONSTITUENTS

On occasion, the Mayor and City Commissioners are requested to attend a district meeting, neighborhood meeting, or homeowner association meeting. These are opportunities to understand the needs of the residents and can assist in policy making.

CEREMONIAL DUTIES

The Mayor and City Commissioners can expect invitations to groundbreakings, ribbon cuttings, openings for parks, capital improvement projects, business, and special projects.

REPRESENTING THE CITY OF OREGON CITY

Representing the City of Oregon City at the state and federal level in matters of municipal interest is an important role for the Mayor and City Commissioners. Issues that affect the City's ability to govern and operate successfully are monitored by the City Manager's Office, and the City Commission, as an elected body, should communicate on such issues with the state and federal legislatures.

CONFERENCES AND TRAININGS

The Mayor and City Commissioners have the opportunity to attend state and national conferences for public officials and municipal organizations. These conferences provide the City Commission with opportunities to create relationships with other elected officials as well as discover what other cities are accomplishing. The Mayor and City Commissioners' training and conference opportunities are limited by dollars budgeted for such training and conferences and any other requirements as imposed by the City Commission on itself.

MEDIA RELATIONS

TIPS ON MEDIA RELATIONS

Public relations is extremely important and City Commissioners should be prepared to respond to media questions at some time. The following pages contain some tips on media relations.

As an elected official of the City of Oregon City, you play a fundamental role in determining the direction of the City's goals and objectives. Your position on the City Commission will require you to interact with the media. The following list contains twelve tips on working with the media and the public. These tips will assist you in building media relations and promote a positive image of the City of Oregon City.

1. Remember you are a City Commissioner, elected to serve the citizens of Oregon City. If you keep the needs and desires of the citizens in mind as you perform your duties, the process of reporting your actions is always easier.
2. Remember you are communicating with citizens of Oregon City and surrounding areas, not the reporter. What do you want the citizens to know about what is happening? What type of impact will it have on the City's quality of life? When sending a message to the community, state the message several times. This increases your chances that the reporter will quote you on this point.
3. Remember the reporter is also a citizen. If he or she does not understand a situation or message you are sending, the reporter will not be able to explain it to the citizens. It may be necessary to provide reporters with background information and reports. If you are unable to answer a question, admit you do not know the answer and you will get back to them. Be truthful and

only state the facts. Incorrect statements can easily be misinterpreted and greatly affect your image and that of the City. It is okay to say, "I do not know."

4. Remember that nothing is off the record. Only make statements that you wish to see in print.
5. Remember a relationship with the press must be developed. Involve the media leadership in community questions as major policy issues develop. Thank the media for articles and for their ideas and help. If a reporter prints something you disagree with, talk with them in the same manner you would handle a work associate.
6. Develop internal city hall policies and plans concerning your communications. City Commissioners should understand their responsibilities and the information being released. In many instances, the Mayor or City Manager will release information. The City Commission should be in agreement and understand their responsibilities when dealing with the press. The City Commission should work with the City Manager's Office in being proactive by bringing stories to the media.
7. Remember to do your research before meeting with reporters. City Commissioners should consult with each other and the Mayor before taking a position on a critical public issue. Consulting with Commissioners, the Mayor, and the City Manager will allow you to better anticipate possible questions from reporters. Know the facts and implications of the policy issues you will be discussing and avoid off-the-wall comments that could lead to embarrassment for both you and the City.
8. Remember to make yourself accessible to reporters.
9. Always honor deadlines when dealing with reporters. Find out when a reporter needs information for the next issue. Know the deadlines of the various local and state newspapers. Supplying the proper information when needed will help you build a relationship with the reporter.
10. Remember you will not always be pleased with articles and editorials that the media prints. Keep an open mind; "news" as defined by the media means something unusual or something significant to the audience. The media will often present other points of view; do not let this affect your relationship with reporters.
11. Remember never to avoid the media when there is bad news. Provide the media with the information they need to know and continue doing business as usual. The faster you provide information to the media, the less opportunity they have to speculate on the issues.

LOBBYING GUIDELINES

The Oregon Government Ethics Commission publishes an excellent document, *Guide to Lobbying in Oregon*, describing the lobbying regulations in Oregon. Briefly stated, the purpose of the lobbying regulations are as follows:

ORS 171.730: Lobbying Regulation Purpose

The Legislative Assembly finds that to preserve and maintain the integrity of the legislative process, it is necessary that the identity, expenditures, and activities of certain persons who engage in efforts to persuade...be publicly and regularly disclosed.

You may be lobbying and be unaware of your actions. As a City Commissioner, it is important to know lobbying regulations. For example, according to the above document, “any of the following activities for which you receive compensation or other consideration, undertaken for the purposes of influencing legislative action or engendering goodwill, would be examples of lobbying:

- Testimony at legislative committee hearings
- Formal appointments
- Casual conversations
- Written correspondence (letters, memos, e-mails, notes)
- Telephone conversations
- Providing
- Entertainment (sports events, movies, theatre)
- Dining, cocktail parties
- Travel and accommodations”

You may or may not be required to register as a lobbyist. KNOW THE LAW, and protect yourself. Contact the OGEC or visit their Web site for more information:

www.ogec.state.or.us

Oregon Government Ethics Commission
3218 Pringle Road S.E., Suite 200
Salem, OR 97302-1544
503-378-5105
ogec.mail@oregon.gov

COMMUNICATIONS

One of the most fundamental roles of a City Commissioner is communication. Communication with the public and other jurisdictions to assess community opinions and needs, and communication with City staff to provide policy direction and to gain an understanding of the implications of various policy alternatives are all important tasks for a City Commissioner.

E-MAIL

Each City Commissioner is issued an e-mail address to use for City business, communication with other Commissioners, the City Manager, departments, and constituents. All e-mail communication is subject to Open Records Law, as further discussed in this manual.

CORRESPONDENCE

City Commissioners may be required to write letters to citizens, businesses, or other public agencies. Typically, the Mayor will transmit the City's position on policy matters to outside agencies and organizations on behalf of the City Commission. Individual Commissioners may need to prepare letters for constituents in response to an inquiry or to provide requested information. City letterhead and staff cannot be used for personal or political purposes.

DO'S AND DON'T FOR ELECTED OFFICIALS

The following collection of guidelines are excerpts from Do's and Don'ts for Elected Officials, compiled by Patterson Parks Consultants.

RULES FOR EFFECTIVE COUNCILS

Peter Drucker's Six Rules for Presidents

Focus on what needs to be done, not necessarily what you want to do.

Concentrate – don't splinter yourself. Perhaps six to twelve things need to be done. Pick only one or two if you want to accomplish anything at all. *The following is a slight departure from Drucker's rules: Cities can and must do more. However, you have to determine the saturation level for yourself, your staff, and the community.*

Never bet on a sure thing.

Don't micromanage. Appoint good people, define action, give good direction, evaluate progress, demand accountability, and be realistic. When things go wrong, complete the following list in order: Review yourself, look at organizational readiness, evaluate your resources, look at community readiness, and look at staff capabilities.

Appoint professionals, not friends.

Once elected, stop campaigning. Always be mindful of the next election. Treat people well, explain your positions, make decisions, and accomplish something.

In the public sector you have to do better than good, you must be efficient, you have to remember the people out there. In government you have to be better financial managers because you have no excess. Ask yourself why you are here and who is your customer.

- Peter Drucker

PATTERSON PARKS' GUIDELINES FOR COUNCIL BEHAVIOR *(Printed with permission)*

City governance is about relationships. Develop cautious trust in one another and work to build relationships. Broaden your circle and expand your thinking. Help your base of support broaden its thinking. As a Commissioner, you'll learn more about issues than you thought possible before you took office. Good-old-boy mentality is just who has whose ear.

Build a relationship with your staff. Understand the management hierarchy and each party's roles, and respect them. Know that you have an effect on the organization's morale and ability to perform.

Give clear direction. Then give the responsibility and authority necessary to carry out tasks and/or accomplish goals.

Understand that no one will do things exactly as you would. Either be specific in your direction, or accept the outcome as long as goals are accomplished and work is performed within the parameters given.

Attempt to understand other points of view. (This applies even if you believe you have 20/20 vision and the rest of the world wears bifocals.)

Do your homework, learn the issues and alternatives, and move the discussion from cliques and emotions to the facts, options, and reality.

Understand your role and the roles of others. Respect those roles.

Seek compromise where appropriate.

Invite your community to participate in the decision-making process. Make sure that those who come to the table bring something positive, including a willingness to find solutions.

Learn to move forward when you have a consensus. This doesn't mean total support or unanimity from all. You will have to make difficult (and sometimes unpopular) decisions.

Once a decision is made, go forth. Evaluate at intervals. Don't evaluate immediately just because things start badly or because you don't agree with the decision.

Don't be overly concerned with who individually profits from a decision. Instead, ask if the community profits.

Understand the politics of your community. But don't become a slave to political correctness, what the media will say or write, or if your position will be popular.

Preparation is the key to success. Remember the old saying: "The will to win means nothing without the will to prepare."

Have a plan (a great plan), communicate the plan, execute the plan, evaluate your progress, and hold people accountable.

GREAT GOVERNANCE

Great governance is:

Orchestrating, directing, and managing the debate on the community plan and community issues.

Implementing the plan and addressing issues.

Periodic review and adjustment of the plan when and if necessary.

LEADERSHIP, ACTION, AND CONTROVERSY

Citizens expect their Commissioners and civic leaders to have a point of view on today's events and to be firm about the destination of the organization or civic journey.

As Commissioners, you don't report the news – you make it.

Leadership of your community requires you to be biased about the future. This very trait of leadership will make you a target of those who propose an alternative future.

When you take a position on issues and the future path of your community, you will be criticized more than someone who takes no stand at all.

Your credibility will be questioned.

You must protect your credibility, for it is the metal that allows you to take strong stands.

Leadership is about action:

Develop an organizational culture for getting things done.

This culture of execution is a systematic process of:
discussing the how and why
questioning action and proposals
following through
ensuring accountability

The execution culture is about:
making assumptions about your community environment
assessing your organization's capabilities
linking strategies to operations and the people who are going to implement the strategy
synchronizing those people and their various disciplines
linking rewards to outcomes

Dialogue is the key to this culture.

How people talk to each other absolutely determines how well the organization functions.

Is dialogue politicized, fragmented, or measured?

Or, is dialogue candid and reality-based?

EFFECTIVE DEBATE – Action Requires Debate

Points to Remember:

- Arriving at decisions takes time
- Be cordial and polite, but firm and direct
- Major topics may take more than just the business meetings
- Do homework and prepare thoughts before meetings
- Understand timing of issues

Skills Necessary for Debate:

- Bringing issues forward
- Honesty in thoughts
- Treatment of others during a debate
- Balance personal desire with those in disagreement
- Discover common ground
- Ability to follow through

How to Debate and Decide:

- Specify
- State ideas succinctly
- Specify your position
- Present supporting information and why that position is held
- Clarify

Not everyone sees the issue the same. We each bring different background and perceptions to an issue.

What are the facts we can agree on and how do we develop the information needed to decide?

Allow others to seek clarification of your position.

Modify

Seek modifications or compromise with an attempt to get to common ground to reach the next step.

Seek who agrees, disagrees, or who will agree with identified modifications.

Compromise is an art – learn it, seek alternatives, and know your bottom line and what has to be done.

Ratify

When there is agreement or consensus, move on (may not be unanimous)

Steps to Consider in Addressing Issues and What Questions to Ask Yourself and Others in a Debate

What is the problem or issue?

Define it.

How does it work?

What is being proposed?

What information supports the proposal and is additional information needed to discuss and decide the issue? If so, what?

Does the problem need fixing?

Is it a priority?

Do priorities need adjusting to allow staff to address a new issue?

Do you have a plan of action?

How much does the solution cost and how will you fund it?

Does the proposed action address the issues? Does it make it better?

Do all parties have a common base of information to debate the issue?

What are the expected outcomes?

What are the evaluation criteria?

Other Notes:

Do not try to beat each other down, filibuster, or delay decisions. Once all positions have been explored and positions given, determine what (if any) other information is needed to make a decision.

If there is disagreement, work toward a compromise (what is each person willing to give on)

If no compromise is reached, vote and move on. Agree that the majority position will be supported, and evaluate at critical points in the implementation to see if the path should be continued.

Come prepared. Do homework before the meeting. Do not plan to do homework at the meeting as this delays others who have come prepared (unless there is a good reason for not being prepared).

CONTROVERSY

The question is not if, but how you will manage during controversy. You will be debate and controversy. It is the nature of the public process – the clash of issues, desires, and viewpoints.

Fight hard for your positions, but remember the collegial role of the Commission. Know when you have lost, and help make your colleagues' decisions a reality. Jefferson said, "A commitment to popular consent means a willingness to lose."

Work as a Commission to build a base of support for your plan or position.

Communicate where you are and why you're there.

Do your homework – know the issues and alternatives.

DECISION CRITERIA

What is best for your community?

What is best for your city?

Is the decision reasonable and realistic?

Is the decision legal, fair, equitable?

Governance is about creating and executing a plan.



Best Practices for an Elected Governing Commission
Joe Hertzberg
December 2010

The following guidelines are based on many years of experience with city councils, county commissions, and other elected governing bodies. However, every commission is unique, and each should discuss and adopt its own guidelines. Most questions have no “right” or “wrong” answers, but it is important that commissioners have the same expectations. It is helpful to review and revise guidelines at least annually.

Expectations and Courtesies

Make every effort to attend every meeting, to arrive on time, and to be prepared.

Do not criticize any commissioner, staff member, or citizen in public.

No surprises: Whenever possible, inform others before they learn important news in public.

Speak only when recognized by the chair. Don’t interrupt or engage in side conversations when another commissioner is speaking.

Be brief and to the point.

Say what you mean and mean what you say: Limit political speeches and don’t posture or grandstand.

Clearly explain how you got to your position and how it serves the public interest. This is especially important when you disagree with a staff or committee recommendation.

Share credit generously. Spread opportunities to get positive recognition and spread responsibilities to do things that will evoke criticism.

Support the legitimacy of Commission decisions, even those you didn’t vote for. When a decision is made, move on.

Good Process and Procedure
Meetings

The Commission’s goal is to adjourn by a fixed time unless extended by majority consent of members present. Any member may call for a point of order at or around 30 minutes before this fixed time to review remaining agenda items. The Commission may reset or reschedule items that may not be reached prior to the regular time of adjournment.

Commission packets will be available a set number of days prior to business meetings. Commissioners are encouraged to submit questions and comments at least 2 business days preceding the business meeting.

Any member can pull an item from the consent agenda to discuss separately at the meeting.

Contact the City Manager in advance and explain your reason for pulling the item.

If you thought about pulling an item but got further information that changed your mind, inform others so they have the same information.

Pulling an item from the agenda to defer consideration is a Commission decision.

The allocation of meeting time should reflect the priority among issues.

The purpose of the question and answer period during a public hearing is to elicit information. Commissioners should not use it as a forum to express their own positions. This should be reserved for the discussion period.

At a study session, any commissioner may call for a point of order to propose that it would be more appropriate to discuss the matter during a business meeting. The Commission will decide whether the discussion should continue or be held during a business meeting.

Issues for Discussion and Decision

Decisions with major financial implications should be considered in the context of citywide priorities, as part of the regular budget process. Cuts or increases should not be made piecemeal.

Commission agreement is required to start, slow down, or stop a project.

Process for emerging ideas:

Don't bring an issue to the Commission until it is ready.

Consult with the City Manager to help frame issues before introducing new directions or amendments.

Have individual conversations with other commissioners, but be careful to give them consistent messages so all have the same information.

When the idea is ripe, schedule a study session for general discussion and to identify next steps.

Internal Communication

Limit use of email to other commissioners:

To transmit information.

To express your own individual opinion.

To suggest that a matter should be discussed by the full Commission.

Reply only to comment on whether a matter should be discussed by the full Commission.

Occasionally, there may be special reasons for individual briefings rather than a work session for the full Commission. When commissioners are individually briefed, it is important for all to get the same information.

External Communication **General**

The City Manager or Mayor responds to communications directed to the full Commission.

If a communication is directed to an individual commissioner, you may choose to respond as an individual or refer to the City Manager.

The City must speak with one voice on labor issues. Commissioners who are contacted individually should make no comment and should report the contact to the City Manager.

Communication with Partners and Allies

In general, the Mayor or City Manager speaks for the City.

In public settings, members must be crystal-clear whether they are speaking as an individual or for the Commission.

Communication with Boards, Commissions, and Committees

No commissioner should try to influence the deliberation or outcomes of board proceedings.

The Liaison's role is to facilitate two-way communication, helping the board to understand the Commission and the Commission to understand the board.

Liaison assignments should be equitably allocated among Commission members based on their interests, availability, tenure on the Commission, and other factors.

Working Relationship between Commission and Staff

Commission and staff are partners in serving the public. As members of the City team, they play different roles, but they should be working toward the same goals. Mutual trust, confidence, and respect are the keys to effective working relationships.

Communication between Commissioners, City Manager, and Staff

In general, commissioners should communicate only with the City Manager or department heads. Department heads will inform the City Manager when they have significant conversations with commissioners. There are several exceptions:

You may communicate directly with staff members working with you on an ongoing assignment to a particular project.

You may communicate directly with seasoned staff members with whom you have a long-term working relationship.

Discuss personnel issues only with the City Manager.

Commissioners are encouraged to attend staff occasions, celebrations, and recognition events.

Only the full Commission may give direction to employees, and only through the City Manager. As a rule of thumb, this applies to any activity that takes more than one hour of staff time.

Commissioners are encouraged to take issues to the City Manager first, giving as much information as possible to ensure a thorough response.

The City Manager shares information equally with all commissioners.

Staff should understand that different Commission members prefer to communicate in different modes – telephone, email, in person.

Staff Reports

Staff's role is to gather facts, present objective analysis, and make recommendations based on their best professional judgment.

Written reports should be succinct and prepared in a style agreed to by the Commission.

Presentations in public settings should be brief, in plain language, and supported with appropriate visuals.

Commissioners are encouraged to pose questions and concerns to staff members in advance of public meetings. This allows staff to respond thoroughly and accurately. It is especially important not to surprise staff in public.

If substantive information is provided to one commissioner, staff will provide the same information to all.

Commission decisions may take into consideration many other factors in addition to the staff recommendation.

Regular and honest feedback helps everyone to work together more effectively.

Tips for Effective Commissioners

Respect the different styles of fellow commissioners.

Be open to changing your mind based on new information.

Take personal responsibility for encouraging respectful behavior among your fellow commissioners.

Strive for consensus, but don't settle for the lowest common denominator.

If you have a concern with another member, speak directly to that person.

Be open with sharing information. Give unto others information you would want them to give unto you.

Spend some casual time together. Invite fellow commissioners to get together informally, particularly those of opposing views.

Pick your spots. Try hard to win on matters important to you, and let others win on matters important to them and not so important to you.

Recognize that you are seen as a commissioner at all times, no matter how you may see yourself.

Whenever you put anything in writing, assume that everyone in the city is looking over your shoulder.

Be welcoming to speakers and treat them with respect. Remember that for many citizens, speaking in front of the Commission is an unfamiliar and difficult experience.

Learn the various businesses of the City. Schedule visits, walk-throughs, and ride-alongs to better understand the day-to-day picture as a basis for making policy decisions.

Everyone does not have to weigh in on every question. Sometimes it's OK to just vote.

When a discussion grinds, you might suggest taking a break.

Praise people in public, criticize in private.

CITY COMMISSION



**Orientation
Manual**

Section Five

**City
Commissioner
Roles &
Responsibilities**

CITY COMMISSIONER
Roles And Responsibilities

CITY COMMISSIONER ROLES, RESPONSIBILITIES, AND ACTIVITIES

A. Regulatory Authority---The City Commission is the ultimate authority in City affairs, excluding any litigation or legislation decisions from higher authorities. The City Commission is the contract review board for the City. The City Commission is also the final local appeal in City land use actions.

1. Regulatory Actions and Activities
 - a. Hold public hearings
 - b. Develop and implement other public involvement processes to aid in considerations of proposed ordinances, policies, and procedures
 - c. Pass ordinances, approve policies and procedures
 - d. Convene as quasi-judicial body to hear land use appeals and render decisions

B. Financial Authority

1. Fiduciary Actions and Activities
 - a. Approve contracts for city work (Contract Review Board)
 - b. Levy Taxes
 - c. Assess fees and other charges for service
 - d. Sell bonds
 - e. Consider and approve annual or bi-annual budget
 - f. Monitor budget throughout the year
 - g. Ensure rationally and legality between where money comes from and where money is spent
 - h. Ensure cost effectiveness and efficiency in local government service costs, where feasible

C. Employer Authority

1. Employer Actions and Activities
 - a. Hire, evaluate, and terminate, if necessary, the City Manager
 - b. Appoint the Municipal Court Judge
 - c. Provide resources to accomplish the work of the city and the goals and direction set by the Commission
 - d. Ensure a competitive and responsible wage and benefit program to aid retention and recruitment, where financial feasible
 - e. Provide means that City can provide a safe work place for all its employees
 - f. Appoints and evaluates performance of Municipal Court Judge and discusses desired direction for Court---Judge is final authority on Court proceedings.

D. Representative Authority

1. Representative Actions and Activities
 - a. Be the eyes, ears, and voice for the community
 - b. Represent all citizens
 - c. Understand community issues and assist the community in understanding the issues

- d. Communicate city issues and position of the Commission and City on those issues
- e. Communicate city issues and concerns to other governmental agencies
- f. Provide transparency in all city deliberations where feasible and practical
- g. Make all decisions in public
- h. Adhere to all local, state, and federal laws in the execution of the office of City Commissioner
- i. Be an effective member and representative of the entire Commission
- j. Make decisions in the best interest of the City versus just what is popular
- k. Appoints citizens to advisory committees and receives their recommendations for deliberation and possible action

E. Visioning and Planning Responsibility

1. Visioning and Planning Actions and Activities

- a. Set direction for community and organization
- b. Determines mission and vision for community
- c. Communicate, and gain support for City's mission, vision, projects, programs, services, and actions
- d. Decide on implementation plan to accomplish mission and vision
- e. Determine branding for community

F. Other Points

1. Ethics

- a. Actual conflict of interest
- b. Perceived conflict of interest

2. Meetings

- a. City Commission---1st and 3rd Wednesdays---7:00 p.m.
- b. City Commission Work Session---Held the Tuesday between regular meetings each month---5: 30 p.m.
- c. Special Session of City Commission: Convened as needed; time and date set when needed
- d. Commission Retreat---Annually---May hold retreat to discuss specific issue or issues at other times of year as needed
- e. Executive Session (*examples below*)
 - i. Personnel Matters
 - ii. Labor Negotiations
 - iii. City Manager Evaluations
 - iv. Litigations
 - v. Real Estate Acquisition or Sale

3. Responsibilities of City Manager

- a. Hires, directs, and terminates all City Employees including Department Heads
- b. Oversees day-to-day operations and activities of City of Oregon City
- c. Ensures Commission direction, goals, and policies are carried out
- d. Develops policy issues and actions for Commission consideration and action
- e. Advises Commission on policy issues and business operations of City organization
- f. Communicates and explains action and activities of the City
- g. Performs as organizational spokesperson when necessary
- h. Acts as City liaisons to citizens and citizen groups

- i. Acts as Economic Development / Urban Renewal Director for City of Oregon City
- j. Acts as Emergency Management Director in emergencies
- k. Is Budget Director for City---Prepares and delivers budget to Budget Committee and City Commission for their consideration, recommendations, modifications, and approval.

CITY MANAGER AND EXECUTIVE MANAGEMENT TEAM EXPECTATIONS

The executive management team (City Manager, Department Directors, and City Recorder) has the following expectations:

Staff will adhere to legal, ethical City procedural and moral laws, regulations, and guidelines.

The Mayor and City Commissioners will not attempt to influence or direct staff to make certain recommendations.

Personnel issues must be the sole discretion of the City Manager, or his/her designee, elected officials will not be involved, to include briefings and/or “lending a sympathetic ear” to the employee or department director, unless requested to do so by the City Manager.

Performance problems or concerns with members of the executive management team will be addressed through the City Manager. Performance problems or concerns with other employees will be brought to the attention of the appropriate department director. Concerns are not to be made in public, but rather individually.

Provide questions related to agenda items to City Manager in advance of a City Commission meeting. This provides staff with sufficient opportunity to conduct any necessary research as required.

Be cautious in “overacting” to a few citizens complaining/requesting action from the City on various issues. This is not to say that we should not be responsive, but should prioritize the issues accordingly.

Ensure that the intended direction at a City Commission meeting is made through a motion that is clear. Staff may be unclear about a specific direction when there is tacit “approval through silence.”

During work sessions and regular City Commission meetings, allow staff to complete their presentation before getting into details.

INFORMAL RULES

Following are informal rules/guidelines which are currently in practice within the City.

Petitions Before City Commission and Boards and Commissions – The City Commission will not entertain, nor will staff process, proposals or requests from any person, group, or business that is shown to be substantially in non-compliance with prior commitments made to the City of Oregon City.

Time Limitations for the Re-Hearing of Petitions or Requests – Once the City Commission or planning Commission has heard a request on the part of any person, group, or business and a

decision rendered, the applicant shall be prohibited from bringing substantially the same request before the governing board or authority for a period of one year.

Guidelines for City Commissioners' Request for Information – Mayor/Commissioners may make requests for information from the City Manager. If the request requires research, the City Manager may direct department directors or other staff to conduct the research.

Code Enforcement Policy Direction – City staff will utilize a systematic code enforcement approach in all commercial areas. Code enforcement in residential areas shall be on a complaint basis unless there is found to be an imminent threat to health and safety for which the inspector shall issue a complaint.

Guidelines for Mayor and City Commission Interaction with Boards and Commissions
The Mayor and/or members of the City Commission will not make direct presentation, appeals, testimony, etc. to boards or commissions as part of the formal board/commission process unless directed to do so by the City Commission.

OREGON GOVERNMENT ETHICS COMMISSION

ORS Chapter 244 requires certain city officials and elected officials to file a Statement of Economic Interest (SEI) with the Oregon Government Ethics Commission (OGEC) by April 15 of each year. These officials include members of the City Commission, Planning Commission, and Historic Review Board; City Manager; and Municipal Judge.

Public officials who fail to file their SEI could be liable for a civil penalty of up to \$1,000 and/or suspension from performing their official duties.

OGEC will distribute the SEI to officials in March for completion and submission by April 15. In addition, the city recorder will send the necessary forms to all elected officials and other city officials required to file the SEI.

For further information, please visit the state's Web site at <http://www.ogec.state.or.us>.

CITY COMMISSION



CITY COMMISSION

Orientation Manual

Section Six

**City Commission
Meetings**

CITY OF OREGON CITY

City Commission Meetings

MEETINGS OF THE CITY COMMISSION

City Commission meetings are a vital part of the democratic process in the conduct of the City's affairs. It is at City Commission meetings that laws, policies, and basic decisions are made for the City of Oregon City. All meetings of the City Commission are open to the public unless noted otherwise.

REGULAR CITY COMMISSION MEETINGS

Regular City Commission meetings are held at 7:00 p.m. on the first and third Wednesdays of each month in the Commission Chambers at City Hall, 625 Center Street, Oregon City. When a City Commission meeting falls on a legal or national holiday, the meeting shall be held the following day.

SPECIAL CITY COMMISSION MEETINGS

The Mayor may call a special meeting of the City Commission for a time not earlier than three or later than 48 hours after a notice is given. A special meeting may also be held at the request of three members of the Commission. Special meetings of the Commission may also be held at any time by the common consent of all the members of the Commission.

WORK SESSION

Work Sessions are typically held the Tuesday between the two City Commission meetings each month at 5:30 p.m. No formal votes may be taken on work session items, although Commissioners may be polled on any matter under discussion at a work session.

RETREAT

The City Commission holds an annual 2-day retreat in January of each year, typically on a Friday and Saturday. The main purpose is to discuss the City's goals for the upcoming year, receive training, and hear reports from the various department directors.

EXECUTIVE SESSION

Executive sessions are governed by ORS 192.660 and are closed to the public, except that representatives of the news media shall be allowed to attend most sessions. The City Commission and staff in attendance shall not disclose to any person the content of any discussion that takes place in an executive session. Executive sessions are typically held prior to or at the end of a regular or special meeting. No executive session may be held for the purpose of taking a final action or making a final decision, although the Commission may reach a consensus in executive session. Formal voting must be taken in open session to allow the public to know the result of the discussion that took place in executive session.

Executive sessions may be held to discuss the following topics:

- Employment and personnel matters.
- Dismissal or discipline matters.
- Matters pertaining to the function of the medical staff of a licensed, public hospital.
- Deliberations regarding labor negotiations.
- Deliberations regarding negotiations of real property transactions.

- To consider information or records that are exempt by law from public inspection.
- To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.
- To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.
- To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.
- By a health professional regulatory board to consider information obtained as part of an investigation of licensee or applicant conduct.
- By the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.
- To discuss information about review or approval of programs relating to security.

Mayor's Presiding Role

The Mayor shall preside over the City Commission's deliberations. The Mayor shall have a vote on all questions before it; shall have authority to preserve order, enforce the rules of the Commission, and determine the order of business under the rules of the Commission.

City Commission Meetings

Jan. 7, 2015
Jan. 13, 2015 Work Session
Jan. 23 & 24, 2015 Retreat
Jan. 21, 2015
Feb. 4, 2015
Feb. 10, 2015 Work Session
Feb. 18, 2015
Mar. 4, 2015
Mar. 10, 2015 Work Session
Mar. 18, 2015
April 1, 2015
April 6, 2015 OCCIT Grant Review
April 7, 2015 Work Session
April 13, 14 & 20, 2015 Budget Committee Meetings (as needed)
April 15, 2015
April 21, 2015 Urban Renewal Budget Committee Meeting
May 6, 2015
May 12, 2015 Work Session
May 20, 2015
May 27, 2015 Metro Enhancement Committee
June 3, 2015
June 9, 2015 Work Session
June 17, 2015
July 1, 2015
July 7, 2015 Work Session
July 15, 2015
Aug. 5, 2015
Aug. 11, 2015 Work Session
Aug. 19, 2015
Sept. 2, 2015
Sept. 8, 2015 Work Session
Sept. 16, 2015
Oct. 7, 2015
Oct. 13, 2015 Work Session
Oct. 21, 2015
Nov. 4, 2015
Nov. 10, 2015 Work Session
Nov. 18, 2015
Dec. 2, 2015
Dec. 8, 2015 Work Session
Dec. 16, 2015

OPEN MEETINGS

The Open Public Meetings Law requires that all meetings of the “governing body of a public body” must be open and public. A meeting generally includes any situation in which a majority of the City Commission meets and discusses the business of that body. Purely social gatherings are expressly exempted, unless the body’s business is discussed.

Any meeting at which at least three members of the City Commission are present and the purpose is to discuss City matters is considered an open meeting and is public. The meeting notice must be posted 24 hours prior to the meeting.

ORS 192.610 to 192.690 describes the open meetings law. Among other matters, this law ensures that the meeting of governing bodies at which decisions about the public’s business are made or discussed are open to the public; that the public has received notice of the time and place of meetings; and that the meetings are accessible to persons wishing to attend.

(Excerpts from the 2013 Oregon Revised Statutes regarding public meetings are printed at the end of this chapter.)

OPEN RECORDS

Under ORS 192.420, every person has a right to inspect any nonexempt public record of a public body. The law requires the custodian of public records (commonly the City Recorder) to provide “proper and reasonable opportunities for inspection and examination of the public records during usual business hours.”

The law expressly authorizes a public body to establish fees “reasonably calculated to reimburse the public body for the public body’s actual cost of making public records available...” These costs may include summarizing, compiling or tailoring the public records to meet the person’s request.

Though the law favors public access to government records, a public body may deny a records inspection request if it can prove that the record is exempt from disclosure. ORS 192.501 contains a list of “conditionally exempted” records.

(Excerpts from the 2013 Oregon Revised Statutes regarding open records are printed at the end of this chapter.)

CONFLICT OF INTEREST

ORS 244.020 defines “Actual Conflict of Interest” as follows:

“Actual conflict of interest” means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person’s relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (12) of this section.

At any time the Mayor or City Commissioner believes a potential for conflict of interest exists, he or she is encouraged to consult with the city attorney for advice.

AGENDA

The City Commission agenda is the official order of business at City Commission meetings. The agenda reflects the City Commission's duties and responsibilities and the items include consideration and/or approval of programs, expenditures, payments, contracts, agreements, land use and zoning changes, ordinances, resolutions, appointments, and approving or amending the operating and capital improvement project budgets.

The City Manager reviews the tentative agendas for upcoming meetings with the department directors at weekly staff meetings and adjustments and revisions are made. Each agenda item typically includes a staff report with a background report, staff recommendations, budget impacts, and other pertinent information necessary to make a decision. There are times when reports are made orally at the City Commission meetings, and there will be no supporting materials in the packet. The City Manager is responsible for approving the staff recommendation on each agenda item.

AGENDA PACKET

The City Recorder is responsible for compiling the agenda and supporting materials for the City Commission meetings for the Mayor, Commissioners, and staff. The City Commission receives an electronic version of the packet via e-mail approximately five days before the scheduled meetings. The packet is available for the public on the City's Web site at www.orcity.org.

If the Mayor or a Commissioner feels that something is missing from the packet or they have a question not covered in the background material, it is suggested they contact the City Manager prior to the meeting. This will enable staff to deliver material to the City Commission during the day or have available by the evening of the meeting.

If a member of the Commission will be absent from the scheduled meeting, the City Recorder's office should be notified to assist in the preparation of the evening meeting.

POSTINGS

Agendas for all City Commission meetings are posted on the notice board in the lobby of City Hall, at the Oregon City Library, at the Pioneer Community Center, and on the City's Web site. The agendas are also sent electronically to local news media and other interested citizens.

DINNER

A catered dinner for the City Commission and department directors will be provided prior to City Commission meetings. Specific dietary needs should be communicated to the City Recorder.

CITY COMMISSION RULES OF PROCEDURE

RESOLUTION NO. 14-16

A RESOLUTION APPROVING A SECOND AMENDMENT TO THE CITY COMMISSION RULES OF PROCEDURE

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City Commission finds that Section 1 of the Charter of the City of Oregon City provides that the City Commission shall adopt rules for the government of its members and proceedings; and

WHEREAS, the City Commission finds that establishing rules of procedure governing public meetings is important to efficient and effective resolution of City business; and

WHEREAS, the original Rules of Procedure were established by the City Commission by Resolution No. 11-01 on March 16, 2011; and the 1st Amendment to the Rules were approved by Resolution No. 11-24 on November 2, 2011; and

WHEREAS, the City Commission desires to further amend the Rules of Procedure.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1 Authority and Purpose

The Charter of the City of Oregon City provides that the City Commission ("Commission") shall adopt rules for the government of its members and proceedings. The following rules of procedure shall be in effect upon adoption by the Commission and until such time as they are amended, or new rules are adopted. For purposes of these rules, the Mayor is included in the term "Commissioner," unless the context requires otherwise. The rules are designed to apply to all City boards, committees, and commissions where appropriate.

Section II General Rules

A. Meetings to be Public: The deliberations and proceedings of the Commission shall be open to the public in accord with ORS 192 and any other applicable public meetings laws.

B. Quorum: Three members of the Commission shall constitute a quorum to conduct the City's official business at regular and special meetings. The concurrence of a majority of the members of the Commission present at a Commission meeting shall be necessary to decide any question before the Commission.

C. Attendance:

1. Commissioners are expected to attend all Commission work sessions and regular meetings; however, when it is necessary for a Commissioner to be absent from any meeting of the Commission, Commissioners are expected, as a matter of courtesy, to notify either the Mayor or the City Manager of their planned absence. Commissioners not present at a meeting will be noted as absent in the meeting minutes.

2. A Commissioner who is unavailable in person may participate in work sessions and regular meetings by conference call or other electronic means. If such participation occurs, the Commissioner shall be considered in attendance and not absent.

D. Compelling Attendance: When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, the remaining Commissioners may compel attendance of the absent Commissioners in accordance with Section 15 of the City Charter.

E. Minutes of Meetings:

1. Except as provided in paragraph 2 below, the Commission shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law but the written minutes must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time after the meeting and shall include at least the following information:

- a. All members of the Commission present;
- b. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
- c. The results of all votes and the vote of each member by name; and
- d. A reference to any document discussed at the meeting.

2. Minutes of executive sessions shall be kept in accordance with the above four (4) points. Instead of written minutes, a record of any executive session may be kept in the form of a sound tape or other suitable recording which need not be transcribed unless otherwise provided by law. Such recording shall be kept permanently by the City Recorder and not subject to disposal under record retention requirements of state law.

3. The City Recorder or designee shall have the responsibility for preparing minutes, for correcting minutes to reflect Commission amendments, for retaining minutes, and for furnishing copies of the minutes to persons desiring a copy.

4. Minutes shall be prepared with sufficient detail to meet their required use. Specifically, the following requirements shall be met:

- a. Sound recordings shall be made at each meeting. Equipment malfunction shall not be a reason to postpone the meeting and shall not negate the validity of the written minutes. The City Recorder or designee may temporarily interrupt the Commission proceedings in the event of equipment malfunction or other case of short term loss of recording.
- b. If a verbal staff report is a summary of an agenda report, it may be so referenced in the minutes.
- c. Names and, if furnished, city of residence of persons testifying shall be included in the minutes.
- d. If a citizen's verbal testimony is a full summary of a written letter or other submission, it may be so referenced in the minutes.

e. All exhibits submitted, received and not excluded by the Commission during hearings and all other documents submitted shall be noted in the minutes.

f. Except for delay beyond the control of the City Recorder, or in the event of extraordinarily lengthy meetings, the minutes shall be prepared in final form by the next regular Commission meeting.

g. Minutes are public records upon composition; however, if distributed to the public before Commission approval, in any form other than as part of the Commission meeting information, "DRAFT" shall be noted on each reproduced page.

5. After being prepared in final form by the City Recorder or designee, the minutes shall be submitted to the Commission as quickly as feasible for approval by motion duly made and seconded, and approved by a majority of a quorum present. Approval of the minutes of any meeting may be undertaken individually or in conjunction with other business items as part of approval of a motion in a consent agenda item. Members of the Commission may vote on approval of minutes whether or not they were present at the meeting.

6. The Commission may amend the minutes to reflect more accurately what transpired at a meeting. An individual Commissioner may call for additions or corrections to the minutes and unless there is disagreement from other Commissioners, the motion to approve the minutes shall include the minutes as amended. If the Commission questions the minutes or is unsure they accurately reflect what transpired during a meeting, the Commission may postpone approval of the minutes until recordings of the portion of the meeting in question can be consulted. The Commission shall be the final authority as to the amendment of the minutes.

7. When approved, the minutes shall be kept on file permanently in the City Recorder's office in paper and electronic formats. Sound recordings of Commission meetings shall be retained for a minimum of twelve months, subject to the Commission ordering retention for a longer time.

8. Both written minutes and sound recordings shall be available for public inspection and copying during office hours. Sound recordings and a listening device shall be available to the public for use on City premises. The City Recorder may implement additional reasonable rules and procedures to assure the preservation and orderly public review of such sound recordings.

F. Right of Commissioner to be Heard: Any Commissioner desiring to be heard shall be recognized by the presiding officer, but shall confine his or her remarks to the subject under consideration.

G. Addressing Staff: Commissioners at Commission meetings shall address questions or requests of staff through the staff person presenting the agenda item or the City Manager. All other requests of staff must go through the City Manager.

H. Rules of Order: "Robert's Rules of Order" shall govern in all situations not specifically covered by these rules or the City Charter. The Commission has previously adopted Robert's Rules of Order. In the event of a conflict between these rules and Robert's Rules of Order, these rules shall prevail. The City Attorney shall be the parliamentarian for the Commission.

Section III – Types of Meetings

A. **Regular Meetings:** Regular City Commission meetings shall be held at 7:00 p.m. on the first and third Wednesdays of each month in the City Commission Chambers at City Hall, 625 Center Street, Oregon City. When a City Commission meeting falls on a legal or national holiday, the meeting shall be held the following day or on a date fixed by the Commission for that meeting.

B. **Special Meetings:** The Mayor may call a special meeting of the Commission. A special meeting may also be held at the request of three members of the Commission. Special meetings of the Commission may also be held at any time by the common consent of all the members of the Commission. A special meeting shall be subject to the same rules applicable for regular Commission meetings. An emergency meeting may be called by the Mayor or three members of the Commission for a time not earlier than three or later than 48 hours after notice is given. The call for an emergency meeting shall specify the day, the hour, and the location of the special meeting and shall list the subject or subjects to be considered.

C. **Work Sessions:** Work sessions are typically held at 5:30 p.m. on the Tuesday between the first and third Wednesdays of each month Commission. No formal votes may be taken on work session items, although Commissioners may be polled in order to give direction to the City Manager on topics under discussion at a work session. The agenda for the work session shall be prepared by the City Manager based on any of the following:

1. All items directed by the consensus of the Commission shall be listed on the agenda.
2. All items deemed appropriate by the City Manager as specified in the City Charter.
3. Business from the Commission pertaining to committee reports and other Commission business.

D. **Executive Sessions:** Executive sessions are governed by ORS 192.660 and are closed to the public, except that representatives of the news media shall be allowed to attend most sessions. City Commissioners and staff in attendance shall not disclose to any person the content of any discussion that takes place in an executive session. The Commission may require all in attendance not to disclose executive discussions and may adopt appropriate sanctions for breach of such requirement. Executive sessions are typically held prior to or at the end of a regular or special meeting. No executive session may be held for the purpose of taking a final action or making a final decision, although the Commission may reach a consensus in executive session. Decisions must be taken by formal vote in open session to allow the public to know the result of the discussions in executive session.

E. **Retreat:** The Commission shall hold an annual retreat in January of each year for the purpose of setting annual Commission goals for the year. In addition, at the retreat, all City department heads shall give an annual department update, addressing current and future projects for the department. Commission retreats are subject to the open meeting and public records laws of Oregon.

Section IV – Presiding Officer and Duties

A. **Presiding Officer:** The Mayor shall preside over the City Commission's deliberations. The Mayor shall have a vote on all questions before the Commission; shall have authority to preserve order, enforce the rules of the Commission, and determine the order of business under the rules of the Commission. In the absence of the Mayor, the Commission President shall perform the Mayor's

duties. In the absence of the Mayor from the city or the inability of the Mayor to act, the President of the Commission shall have and exercise the power to perform all duties of the Mayor. In the absence of the Mayor and the President, if a quorum of the Commission be present, the senior member of the Commission shall preside over the meeting as President Pro-Tem. If there is no one senior member of the Commission, Commissioners shall choose, by vote, a President Pro-Tem to preside at that meeting.

B. Call to Order: The meetings of the Commission shall be called to order and conducted by the Presiding Officer.

C. Preservation of Order: Effective governance requires that Commissioners, staff, and members of the public treat one another with dignity and respect at all times. The presiding officer shall preserve order and decorum, discourage attacks on personalities or the impugning of Commissioners' and citizens' motives, and confine Commissioner debate to the question under discussion. Persons in attendance at the meeting who become disorderly, abusive or disruptive may be removed from the meeting. The presiding officer may summon the assistance of the police or other administrative staff to assist in maintaining order, and if an arrest of a person(s) is deemed necessary to restore or maintain order, the presiding officer may sign a complaint on behalf of the City.

Commissioners, staff, and the public must first be recognized by the presiding officer before speaking. Any of the following shall be sufficient cause for the presiding officer or Sergeant-at-Arms to remove any person from the City Commission Chamber or City Hall, at the direction of the presiding officer, for the duration of the meeting:

1. The use of unreasonably loud, disruptive or profane language.
2. The making of loud or disruptive noise.
3. Engaging in violent or distracting action.
4. The willful damage of furnishings or of the interior of the City Commission Chamber or City Hall.
5. The refusal to obey any of the rules of conduct provided within this Section, including the limitations on occupancy and seating capacity.
6. The refusal to obey an order of the presiding officer or an order issued by any Commissioner which has been approved by a majority of the Commissioners present.
7. Any conduct that substantially obstructs the work or the conduct of business of the Commission.

Before the presiding officer directs removal of any person from the meeting hall for conduct described here, that person shall be given a warning by the presiding officer to cease the objectionable conduct.

If a meeting is disrupted by members of the audience, the presiding officer or a majority of the Commissioners present may order that the City Commission Chamber or City Hall be cleared.

D. Points of Order: The presiding officer with the advice of the City Attorney shall determine all procedures, subject to the right of any Commissioner to appeal to the Commission. If any appeal is taken, the question shall be, "Shall the action proposed by the presiding officer be sustained?"

E. Question to be Stated: The presiding officer shall ensure that all questions submitted for a vote are clearly articulated for the record and shall announce the result. A roll call vote shall be taken upon the request of any Commissioner.

F. Substitution for Presiding Officer: The presiding officer may call upon the President of the Commission, or if absent, any other Commissioner, to preside temporarily over the meeting. Any such substitution shall not continue beyond adjournment.

Section V – Agenda and Order of Business

A. Agenda: The City Commission agenda is the official order of business at City Commission meetings. The agenda shall be a listing by topic of subjects to be considered by the Commission at any meeting. Items are placed on the agenda by consensus of the majority of the Commission or recommended by the City Manager. The agenda shall be delivered to Commissioners as provided in Section D(1) below, unless a special or emergency meeting is duly called, in which case delivery shall be prompt, in accordance with the circumstances.

Each agenda item typically includes a Commission report with a background report, staff recommendations, budget impacts, and other pertinent information necessary to make a decision. There are times when reports are made orally at the City Commission meetings, and there will be no supporting materials in the packet. The City Manager shall be responsible for approving the staff recommendation on each agenda item. Commissioners are encouraged to contact the City Manager before arriving for the meeting if they have questions about an agenda item.

B. Consent Agenda: The consent agenda contains routine items that are generally not controversial and do not require further discussion. The group of items may be approved with one motion and one roll call vote. Items may include approval of the minutes, routine resolutions, easements, deeds, agreements, contracts, and other miscellaneous items. Any item or items may be removed for separate consideration at the request of any Commissioner or member of the public. Items removed for separate consideration will be considered immediately following approval of the consent agenda.

C. Order of Business: The general rule as to the order of business in regular meetings shall be as follows:

1. Call to Order – The Mayor calls the meeting to order and roll call is taken.
2. Flag Salute.
3. Ceremonies, Proclamations, Presentations.
4. Citizen Comments – This section allows members of the public to speak for three minutes near the beginning of each regular Commission meeting on any matter of interest that is not on the agenda. The comment time may be adjusted by Commission consensus. Verbally abusive or disruptive behavior or slanderous comments are not allowed.

The City Commission does not generally engage in dialog with those making comments, but may ask clarifying questions with the Presiding Officer's permission or refer the issue to the City Manager for evaluation. The City Commission requests that complaints be initially addressed at the department level prior to the citizen addressing the City Commission.

Only those citizens who have completed a comment form and delivered it to the City Recorder will be called to speak. When called upon, speakers shall state their name and city of residence for the record. The City Recorder shall receive any written comments or other materials submitted to the Commission. If a speaker wishes to give an electronic presentation, the presentation must be delivered to City staff, preferably via electronic mail, 48 hours prior to the meeting. The citizen's external electronic data device will not normally be permitted to be used on City equipment for security purposes.

5. Adoption of the Agenda – This section permits time to make additions, deletions, or changes to the current agenda, including removing an item from the consent agenda.

6. Public Hearings.

7. General Business – New items for consideration. General business also includes first and second readings of ordinances and some resolutions.

Ordinances for Introduction (First reading) – An ordinance is an act of law of the City of Oregon City or through an initiative ordinance enacted by the citizens of Oregon City through the election process. The ordinance for introduction to the City Commission, commonly called the “first reading,” is considered by the Commission and if passed, is generally moved forward to the next Commission meeting for the second reading. The Commission can decide what will constitute the first reading – whether to have the entire ordinance read into the record, or only the title of the ordinance read into the record.

Final Ordinances (Second reading) – If approved at the second reading, the ordinance is passed and becomes effective 30 days following the second reading, unless an emergency is declared, in which case the Commission may choose a different time for the ordinance to become effective, including being effective immediately.

Resolutions – Resolutions may be required to authorize expenditure of City funds beyond authorized amounts, establish new funds, authorize certain contractual arrangements on behalf of the City, call for an election, to amend or rescind an existing resolution, and a number of other municipal actions. Unlike an ordinance, a resolution is usually effective immediately and does not require a second reading or a waiting period to become effective. A resolution should be reserved for the acts of the City Commission which require a formal written record that the action has been taken, but do not necessarily require the adoption of an ordinance or law.

8. Consent Agenda – All items listed under the consent agenda are considered routine and non-controversial and will be enacted by one motion. There will be no separate discussion on these items, unless an item has been removed from the consent agenda under Adoption of the Agenda.

9. Communications –

- a. The City Manager presents his/her report at this point in the meeting.
- b. Mayor's report and appointments by the Mayor of citizens to Boards or Commissions.
- c. Reports by Commissioners of their activities in the community.

10. Adjournment

D. Agenda Packets

1. The City Recorder is responsible for compiling the agenda and supporting materials for the City Commission meetings for the Mayor, Commissioners, staff, and the public. The City Recorder shall create the agenda packet and transmit electronically to each member of the City Commission and staff the Friday before each regular Commission meeting and before each special meeting as feasible. The packet shall also be electronically posted to the City's Web site at www.orcity.org.

2. Agendas for all City Commission meetings shall be posted on the notice board in the lobby of City Hall, at the Oregon City Library, at the Pioneer Community Center, and on the City's Web site. The agendas are also sent electronically to local news media and other interested citizens. The agenda shall also be available electronically and posted to the City's Web site at www.orcity.org.

Section VI – Committees

A. The Commission may create committees to assist in the conduct of its Charter duties with such assignments as the Commission may specify. The Mayor shall appoint, at his or her sole discretion, members to such committees to serve until the special purpose for which the committee was created has been accomplished or when the committee is abolished by the Commission. Unless otherwise provided by ordinance, all committees so created shall be advisory to the Commission and all committees shall conduct their meetings in accordance with the Public Meetings Law.

Section VII – Reconsideration of Actions Taken

A. Unless specifically governed by other provisions of the codes, ordinances, or other regulations of the City, any Commissioner who voted with the majority may move for reconsideration of an action at the same or the next following regular meeting of the Commission. No additional testimony or evidence from the public shall be taken as part of reconsideration unless the record is re-opened and notice provided. Once a matter has been reconsidered, no motion for further reconsideration shall be made without unanimous consent of the Commissioners present at the meeting.

Section VIII – Use of Electronic Devices

A. It is the policy of the Commission, in keeping with the intent of the state's open meetings law, that the use of electronic communications devices during Commission meetings be limited and shall otherwise comply with rules and laws applicable to proceedings before the Commission. Use of such devices is generally permitted only at work sessions so long as the source and the content of the information is disclosed to the public and access to the information remains courteous to guests and meeting attendees.

Any electronic communication regarding a quasi-judicial matter to be considered by the Commission is an ex parte contact, and shall be disclosed, as required by law.

This rule does not prohibit the use of the City provided interactive computers on the dais for viewing the Commission meeting agenda and agenda packet. This rule does not limit the use of electronic communications devices outside of public meetings. However, all electronic communications sent and received by Commissioners must comply with the rules and laws applicable to public records.

B. Definitions

1. As used in this section, “electronic communications devices” means laptop computers, blackberries, cell phones, or other similar devices capable of transmitting or receiving messages electronically.
2. As used in this section, “electronic communications” means e-mail, text messages, or other forms of communications transmitted or received by technological means.

Section IX – Conduct of Quasi-Judicial Land Use Hearings

A. Nature and General Conduct of Hearing

1. The Commission, when conducting an administrative, quasi-judicial land use hearing shall provide notice of the hearing to all persons entitled to notice under the codes of the City and state law. In conducting the hearing, the Commission shall provide to all entitled persons an opportunity to be heard, to present and rebut evidence to an impartial tribunal, to have the proceedings recorded, and to have a decision based on substantial evidence consistent with state law and the Oregon City Municipal Code.
2. Each person wishing to testify shall fill out a sign up card and provide it to the City Recorder. Speakers will proceed in the order in which their card is received. The information requested on the sign up card allows the city to provide appropriate follow up information, including notice of any decision, to persons who participate in the hearing.
3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer.
4. No person shall testify without first receiving recognition from the presiding officer and stating his or her name and city of residence for the record.
5. There shall be no audience demonstrations, such as applause, cheering, display of signs or other conduct disruptive to the hearing.
6. The presiding officer, Commissioners, City Manager, City Attorney, and with the approval of the presiding officer, any other officer or employee of the city may question and cross examine any person who testifies.
7. Any person entitled to participate in a hearing may also submit written testimony in addition to or in lieu of speaking before the Commission.
8. Any person unable to attend and participate in the public hearing may submit written testimony by the noticed deadline.
9. If a speaker wishes to give an electronic presentation, the presentation must be delivered to City staff, preferably via e-mail, 48 hours prior to the meeting. The citizen’s external electronic data device will not normally be permitted to be used on City equipment for security purposes.
10. Timetable for Staff Reports, Testimony, Rebuttal:

Public Hearing Process for Land Use Items:

Staff Report:

15 minutes for Staff report

Public Testimony:

15 minutes for applicant

5 minutes for representatives of a recognized neighborhood association, government agency, or other incorporated public interest organization

3 minutes for any individual

5 minutes for applicant's rebuttal

Questions of Staff

Commission Deliberation / Motion

Public Hearing Process for Appeal Items:

Staff Report

15 minutes for Staff report

Public Testimony:

10 minutes for appellant

10 minutes for applicant

5 minutes for representatives of a recognized neighborhood association, government agency, or other incorporated public interest organization

3 minutes for individuals

5 minutes for applicant's rebuttal

Questions of Staff

Commission Deliberation / Motion

B. Challenge and Disqualification of Commissioner(s)

1. With respect to any quasi-judicial action before the Commission, any proponent or opponent of a matter to be heard by the Commission may challenge the qualification of any Commissioner to participate in such hearing and decision. Such challenge must state facts relating to the Commissioner's bias, prejudgment, conflict of interest or other facts from which the party has concluded that the Commissioner is unable to participate and make a decision in an impartial manner.

a. Such challenge must be made prior to the commencement of the public hearing.

b. Such challenge shall be incorporated into the record of the hearing.

2. No Commissioner shall participate in discussion or vote on a quasi-judicial matter when:

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

b. The Commissioner has a direct personal interest in the proposal; or

c. For any other reason, the Commissioner determines that he or she cannot participate in the hearing and decision in an impartial manner.

3. No other officer or employee of the City who has a financial or other private interest shall participate in discussion with or give official opinion to the Commission on the matter without first declaring for the record the nature and extent of such interest, as required by Oregon law.

4. The general public has a right to have Commissioners free from pre-hearing or ex parte contacts on quasi-judicial matters heard by them. It is recognized that a countervailing public right is free access to public officials on any matter. Therefore, Commissioners shall reveal any pre-hearing or ex parte contacts with regard to any matter at any commencement of the public hearing on the matter. If such contacts have impaired the Commissioner's impartiality or ability to vote on the matter, the Commissioner shall so state and shall abstain from consideration of the matter.

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

a. An abstaining or disqualified Commissioner may be counted for purposes of forming a quorum;

b. A Commissioner may represent himself or herself, a client or any other member of the public at a hearing provided that the Commissioner:

1. Abstains from the vote on the matter;
2. Removes himself or herself from the Commission area and joins the audience; and
3. Makes full disclosure of his/her status and position at the time of addressing the

Commission.

C. Presiding Officer:

1. The presiding officer shall have the authority to:

a. Regulate the course and decorum of the hearing

b. Dispose of procedural requests or similar matters;

c. Rule on admissibility of exhibits and other documents into evidence, offers of proof and relevance of evidence testimony;

d. Impose reasonable limitation on the number of witnesses heard and set reasonable time limits for oral presentations, questions of various parties and rebuttal testimony; and

e. Take other such action authorized by the Commission appropriate for conduct commensurate with the nature of the hearing.

D. Order of Procedure:

The presiding officer, in conduct of the hearing shall:

1. Commence the Hearing: Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.

2. In quasi-judicial matters, call for Ex Parte Contacts, Conflicts of Interest or Bias:

a. Inquire of the Commission whether any member wishes to abstain from participation in the hearing. Any Commissioner then announcing a decision to abstain shall identify the reason for abstaining and shall not participate in discussion of the matter or vote on the matter.

b. Allow any Commissioner whose participation has been challenged by an allegation of bias, prejudgment, personal interest, or partiality or who has been subject to significant ex parte or pre-hearing contact with proponents or opponents to make a statement in response thereto or in explanation thereof, as part of his or her decision to participate in the hearing. This statement shall not be subject to cross-examination, except upon consent of the Commissioner, but shall be subject to rebuttal by the proponent or opponent as appropriate.

3. Objections to Jurisdiction: Inquire of the audience whether there are any objections to the jurisdiction of the Commission to hear the matter and, if such objections are received, conduct such further inquiry as necessary to determine the question. The presiding officer shall terminate the hearing if the inquiry results in substantial evidence that the Commission lack jurisdiction or the procedural requirements of the ordinance were not met. Any matter thus terminated shall, if the defect can be remedied, be rescheduled by the Commission.

4. Staff Report and Recommendations: Call upon the City Manager or other city staff person to provide that the nature of the matter be summarized, that any graphic or pictorial displays which are part of the record be explained, that the staff report, findings and decision of the Planning Commission or other appropriate board or agency be summarized, and provide other such information as may be requested by the Commission.

5. Applicant and Public Testimony: All testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open.

6. Applicant's Case: The applicant shall be heard first, followed by persons in favor of the proposal. If the hearing is an appeal, the applicant shall still be heard first.

7. Testimony in favor of the application. Allow supporters to be heard.

8. Testimony in opposition to the application. Allow opponents to be heard.

9. Public Agencies: Allow representatives of any city, state, regional authority, or municipal or quasi-municipal corporation existing pursuant to law to testify.

10. Rebuttal Testimony: Allow the applicant to offer rebuttal testimony.

11. Written Communications: Facilitate distribution of written communications addressing a matter before the Commission prior to the commencement of the hearing to be considered for receiving into evidence.

12. Continuance or Close of Hearing and Deliberation by City Commission: The Commission shall either make its decision and state its findings, which may incorporate findings proposed by the proponent, opponents, the staff, or the Planning Commission, continue the public hearing with the public record open or close the public hearing and continue for deliberations. If the decision is continued for further public testimony or deliberations to a subsequent meeting, the time and place of the subsequent meeting must then be announced. Prior to deliberation on the matter, the

Commission shall conclude the hearing. If the subsequent meeting shall be for the purpose of continued deliberation, or to consider proposed findings, additional public testimony shall not be allowed, except upon decision of the Commission. If additional testimony is to be accepted after the close of the public hearing, the public hearing must be reopened, and is subject to public notice requirements.

E. Record of Proceedings:

1. The City Recorder, or designee, shall prepare a record of proceedings in the manner prescribed for all City Commission meetings.
2. The City Staff, where practicable, shall receive all physical and documentary evidence presented which shall be marked to show the identity of the person offering the evidence and whether it was presented on behalf of a proponent or opponent. Unless evidence is capable of being offered and incorporated into the record, it shall not be received. In those cases, the person offering testimony must provide the City Staff with a copy of PowerPoint presentations, oversized exhibits, etc. If the testimony and documentary evidence is not physically conveyed to the City Staff, those documents shall not be deemed part of the record. All exhibits received into evidence shall be retained by the Commission until any applicable appeal period has expired, at which time the exhibits may be released upon written request to the person identified thereon.

Section X – Amendments and Additions to Operating Procedures and Policies

- A. Unless otherwise superseded by law, any part of these operating procedures and policies may be temporarily suspended by a two-thirds vote of those members of the Commission present and voting.
- B. These operating procedures and policies may be permanently amended at any meeting at which prior notice of the proposed change is provided to each member of the Commission. A majority vote of those members of the Commission present and voting is needed to effect an amendment or an addition to these operating procedures and policies.

ENACTED this 2nd day of July 2014.

ROBERT'S RULES OF ORDER

“The application of parliamentary law is the best method yet devised to enable assemblies of any size, with due regard for every member’s opinion, to arrive at the general will on the maximum number of questions of varying complexity in a minimum time and under all kinds of internal climate ranging from total harmony to hardened or impassioned division of opinion.”
Robert’s Rules of Order

BASIC PROVISIONS AND PROCEDURES

The following summary of *Robert’s Rules of Order* will provide a basic understanding of City Commission meeting procedures.

1. **QUORUM OF MEMBERS** – According to the City Charter, a majority of members of the Commission shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.
2. **MAYOR** – The Mayor is the presiding officer of the City Commission meeting. In the Mayor’s absence, the Commission president will preside at the City Commission meeting. In the absence of both the Mayor and Commission president, the Commission will elect someone to preside at the meeting.

It is the duty of the presiding officer to call the meeting to order, announce the business before the Commission, recognize Commissioners entitled to speak, state and put to vote all questions before the Commission, and announce the vote, to preserve order and decorum, to decide all points of order subject to appeal to a vote of the entire Commission, and to generally keep the meeting running smoothly. All comments and questions should be addressed to the presiding officer. If a Commissioner has questions for a staff member or member of the public, those questions should be asked through the presiding officer.

3. **DEBATE** – Discussion of matters (debate) can only take place after the Mayor has called that item on the agenda. *Robert’s Rules* requires that there be a motion on the floor prior to any debate or discussion. Generally, the Mayor will recognize Commissioners desiring to speak in the order they indicate by hand motion. The Mayor will recognize all members wishing to speak the first time, prior to recognizing a member the second time.
4. **MOTIONS** – After a matter has been called by the Mayor and any staff comments have been received, it is appropriate for a Commissioner to make a motion in order that it may be discussed or debated by the Commissioners and action taken. A motion may be very simple, i.e.: “I move adoption of the resolution presented by _____.” This motion is called the **MAIN MOTION**.
 - a. **MAIN MOTION** – The principal, main question or motion is a motion to bring a matter before the Commission for action.
 - b. **SUBSIDIARY OR SECONDARY MOTION** – This is a motion applied to the main motion for the purpose of disposing of the main motion, i.e.: “to table,” “to postpone,” “to refer to committee,” “to amend” or to “call the question.” These motions take precedence over the main motion and must be voted on before a vote can be taken on the main motion.

After a Commissioner has made a motion and before the Mayor has stated the questions, that Commissioner may amend or withdraw the motion without approval of the Commission.

However, after the Mayor has stated the question and opened it for discussion by the other Commissioners, an affirmative vote of the Commission is needed to amend the motion.

A motion to amend can be amended, but an amendment to an amendment cannot be amended. In other words, a proposed resolution can be amended and that amended part of the resolution can again be amended, but no further amendments can be made to that part without defeating the resolution and beginning all over with a new resolution.

c. **INCIDENTAL AND PRIVILEGED MOTIONS** – Incidental motions take precedence over main or subsidiary motions and are used to resolve questions about the motions, i.e., a question of order, motion to suspend the rules, or a motion for leave to withdraw the pending main or subsidiary motion. A privileged motion, i.e., to adjourn, takes precedence over all other motions, is undebatable, and thus must be voted on before any other business.

d. **THE PREVIOUS QUESTION** – A motion to call the previous question or as sometimes stated “to call the question” requires the Mayor to immediately ask the Commissioners to vote on whether debate (discussion) should be closed and the main motion should be voted on at that time.

5. **MOTIONS TO RECONSIDER** – May a member who was absent at the time a vote was originally taken vote to reconsider the vote? A Commissioner may vote on a motion to reconsider even though that Commissioner was not present at the time the original vote was taken. However, if the Commissioner abstained from voting due to a conflict of interest then that Commissioner would also have conflict of interest on the motion to reconsider.

A motion to reconsider may only be made by a Commissioner who voted on the prevailing side and can only be made at the same meeting at which the original motion was adopted or prior to an ordinance becoming effective. A motion to reconsider and enter on the minutes preserves the matter until the next meeting at which time the vote is taken on the motion to reconsider.

COMMISSION CHAMBERS

The Commission Chambers is equipped with a state-of-the-art audio visual system. The system provides microphones at the dais, staff tables, and guest table. There are several issues related to the system which are important to keep in mind:

The microphones are always on.

To ensure clarity, speak directly into the microphone at no more than one foot away. Never make comments during a recording that you do not want as part of the record. All guest speakers must speak at the guest's table. Do not allow guests to speak from the audience, as their comments will not be recorded into the record.

All regular meetings, work sessions, and special City Commission meetings are recorded. Regular meetings are video streamed on the City's Web site live and are available on demand following the meeting. The regular meetings are also televised live through Willamette Falls Media Center, and a DVD recording is made to televise the meetings again throughout the week.

Agenda packets are created electronically for all Commission members. The dais is equipped with monitors that display the agenda packets electronically and permit the Commissioner to alternate between the packet and a presentation taking place on the "big screen."

Final Note:

It is the Commission's role to work with its management staff to develop a vision, course of action, action plan, and parameters for action. At this point, the Commission must allow staff to do its job and then evaluate the performance and adjust direction at critical points along the way.

OPEN MEETINGS LAW -- EXCERPTS FROM OREGON REVISED STATUTES

PUBLIC MEETINGS

192.620 Policy. The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of ORS 192.610 to 192.690 that decisions of governing bodies be arrived at openly. [1973 c.172 §1]

192.630 Meetings of governing body to be open to public; location of meetings; accommodation for individuals with disability; interpreters.

(1) All meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

(2) A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

(3) A governing body may not hold a meeting at any place where discrimination on the basis of race, color, creed, sex, sexual orientation, national origin, age or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place does not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominant use.

(4) Meetings of the governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction, or at the administrative headquarters of the public body or at the other nearest practical location. Training sessions may be held outside the jurisdiction as long as no deliberations toward a decision are involved. A joint meeting of two or more governing bodies or of one or more governing bodies and the elected officials of one or more federally recognized Oregon Indian tribes shall be held within the geographic boundaries over which one of the participating public bodies or one of the Oregon Indian tribes has jurisdiction or at the nearest practical location. Meetings may be held in locations other than those described in this subsection in the event of an actual emergency necessitating immediate action.

(5)(a) It is discrimination on the basis of disability for a governing body of a public body to meet in a place inaccessible to persons with disabilities, or, upon request of a person who is deaf or hard of hearing, to fail to make a good faith effort to have an interpreter for persons who are deaf or hard of hearing provided at a regularly scheduled meeting. The sole remedy for discrimination on the basis of disability shall be as provided in ORS 192.680.

(b) The person requesting the interpreter shall give the governing body at least 48 hours' notice of the request for an interpreter, shall provide the name of the requester, sign language preference and any other relevant information the governing body may request.

(c) If a meeting is held upon less than 48 hours' notice, reasonable effort shall be made to have an interpreter present, but the requirement for an interpreter does not apply to emergency meetings.

(d) If certification of interpreters occurs under state or federal law, the Oregon Health Authority or other state or local agency shall try to refer only certified interpreters to governing bodies for purposes of this subsection.

(e) As used in this subsection, “good faith effort” includes, but is not limited to, contacting the department or other state or local agency that maintains a list of qualified interpreters and arranging for the referral of one or more qualified interpreters to provide interpreter services. [1973 c.172 §3; 1979 c.644 §2; 1989 c.1019 §1; 1995 c.626 §1; 2003 c.14 §95; 2005 c.663 §12; 2007 c.70 §52; 2007 c.100 §21; 2009 c.595 §173]

192.640 Public notice required; special notice for executive sessions, special or emergency meetings.

(1) The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

(2) If an executive session only will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

(3) No special meeting shall be held without at least 24 hours’ notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours’ notice. [1973 c.172 §4; 1979 c.644 §3; 1981 c.182 §1]

192.650 Recording or written minutes required; content; fees.

(1) The governing body of a public body shall provide for the sound, video or digital recording or the taking of written minutes of all its meetings. Neither a full transcript nor a full recording of the meeting is required, except as otherwise provided by law, but the written minutes or recording must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

- (a) All members of the governing body present;
- (b) All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;
- (c) The results of all votes and, except for public bodies consisting of more than 25 members unless requested by a member of that body, the vote of each member by name;
- (d) The substance of any discussion on any matter; and
- (e) Subject to ORS 192.410 to 192.505 relating to public records, a reference to any document discussed at the meeting.

(2) Minutes of executive sessions shall be kept in accordance with subsection (1) of this section. However, the minutes of a hearing held under ORS 332.061 shall contain only the material not excluded under ORS 332.061 (2). Instead of written minutes, a record of any executive session may be kept in the form of a sound or video tape or digital recording, which need not be transcribed unless otherwise provided by law. If the disclosure of certain material is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, that material may be excluded from disclosure. However, excluded materials are authorized to be examined privately by a court in any legal action and the court shall determine their admissibility.

(3) A reference in minutes or a recording to a document discussed at a meeting of a governing body of a public body does not affect the status of the document under ORS 192.410 to 192.505.

(4) A public body may charge a person a fee under ORS 192.440 for the preparation of a transcript from a recording. [1973 c.172 §5; 1975 c.664 §1; 1979 c.644 §4; 1999 c.59 §44; 2003 c.803 §14]

192.660 Executive sessions permitted on certain matters; procedures; news media representatives' attendance; limits.

(1) ORS 192.610 to 192.690 do not prevent the governing body of a public body from holding executive session during a regular, special or emergency meeting, after the presiding officer has identified the authorization under ORS 192.610 to 192.690 for holding the executive session.

(2) The governing body of a public body may hold an executive session:

(a) To consider the employment of a public officer, employee, staff member or individual agent.

(b) To consider the dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent who does not request an open hearing.

(c) To consider matters pertaining to the function of the medical staff of a public hospital licensed pursuant to ORS 441.015 to 441.063 including, but not limited to, all clinical committees, executive, credentials, utilization review, peer review committees and all other matters relating to medical competency in the hospital.

(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions.

(f) To consider information or records that are exempt by law from public inspection.

(g) To consider preliminary negotiations involving matters of trade or commerce in which the governing body is in competition with governing bodies in other states or nations.

(h) To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.

(i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

(j) To carry on negotiations under ORS chapter 293 with private persons or businesses regarding proposed acquisition, exchange or liquidation of public investments.

(k) If the governing body is a health professional regulatory board, to consider information obtained as part of an investigation of licensee or applicant conduct.

(L) If the governing body is the State Landscape Architect Board, or an advisory committee to the board, to consider information obtained as part of an investigation of registrant or applicant conduct.

(m) To discuss information about review or approval of programs relating to the security of any of the following:

(A) A nuclear-powered thermal power plant or nuclear installation.

(B) Transportation of radioactive material derived from or destined for a nuclear-fueled thermal power plant or nuclear installation.

(C) Generation, storage or conveyance of:

(i) Electricity;

(ii) Gas in liquefied or gaseous form;

(iii) Hazardous substances as defined in ORS 453.005 (7)(a), (b) and (d);

(iv) Petroleum products;

(v) Sewage; or

(vi) Water.

(D) Telecommunication systems, including cellular, wireless or radio systems.

(E) Data transmissions by whatever means provided.

(3) Labor negotiations shall be conducted in open meetings unless negotiators for both sides request that negotiations be conducted in executive session. Labor negotiations conducted in executive session are not subject to the notification requirements of ORS 192.640.

(4) Representatives of the news media shall be allowed to attend executive sessions other than those held under subsection (2)(d) of this section relating to labor negotiations or executive session held pursuant to ORS 332.061 (2) but the governing body may require that specified information be undisclosed.

(5) When a governing body convenes an executive session under subsection (2)(h) of this section relating to conferring with counsel on current litigation or litigation likely to be filed, the governing body shall bar any member of the news media from attending the executive session if the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation.

(6) No executive session may be held for the purpose of taking any final action or making any final decision.

(7) The exception granted by subsection (2)(a) of this section does not apply to:

(a) The filling of a vacancy in an elective office.

(b) The filling of a vacancy on any public committee, commission or other advisory group.

(c) The consideration of general employment policies.

(d) The employment of the chief executive officer, other public officers, employees and staff members of a public body unless:

(A) The public body has advertised the vacancy;

(B) The public body has adopted regular hiring procedures;

(C) In the case of an officer, the public has had the opportunity to comment on the employment of the officer; and

(D) In the case of a chief executive officer, the governing body has adopted hiring standards, criteria and policy directives in meetings open to the public in which the public has had the opportunity to comment on the standards, criteria and policy directives.

(8) A governing body may not use an executive session for purposes of evaluating a chief executive officer or other officer, employee or staff member to conduct a general evaluation of an agency goal, objective or operation or any directive to personnel concerning agency goals, objectives, operations or programs.

(9) Notwithstanding subsections (2) and (6) of this section and ORS 192.650:

(a) ORS 676.175 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of licensee or applicant conduct investigated by a health professional regulatory board.

(b) ORS 671.338 governs the public disclosure of minutes, transcripts or recordings relating to the substance and disposition of registrant or applicant conduct investigated by the State Landscape Architect Board or an advisory committee to the board. [1973 c.172 §6; 1975 c.664 §2; 1979 c.644 §5; 1981 c.302 §1; 1983 c.453 §1; 1985 c.657 §2; 1995 c.779 §1; 1997 c.173 §1; 1997 c.594 §1; 1997 c.791 §9; 2001 c.950 §10; 2003 c.524 §4; 2005 c.22 §134; 2007 c.602 §11; 2009 c.792 §32]

192.670 Meetings by means of telephonic or electronic communication.

(1) Any meeting, including an executive session, of a governing body of a public body which is held through the use of telephone or other electronic communication shall be conducted in accordance with ORS 192.610 to 192.690.

(2) When telephone or other electronic means of communication is used and the meeting is not an executive session, the governing body of the public body shall make available to the public at least one place where, or at least one electronic means by which, the public can listen to the communication at the time it occurs. A place provided may be a place where no member of the governing body of the public body is present. [1973 c.172 §7; 1979 c.361 §1; 2011 c.272 §2]

192.680 Enforcement of ORS 192.610 to 192.690; effect of violation on validity of decision of governing body; liability of members.

(1) A decision made by a governing body of a public body in violation of ORS 192.610 to 192.690 shall be voidable. The decision shall not be voided if the governing body of the public body reinstates the decision while in compliance with ORS 192.610 to 192.690. A decision that is reinstated is effective from the date of its initial adoption.

(2) Any person affected by a decision of a governing body of a public body may commence a suit in the circuit court for the county in which the governing body ordinarily meets, for the purpose of requiring compliance with, or the prevention of violations of ORS 192.610 to 192.690, by members of the governing body, or to determine the applicability of ORS 192.610 to 192.690 to matters or decisions of the governing body.

(3) Notwithstanding subsection (1) of this section, if the court finds that the public body made a decision while in violation of ORS 192.610 to 192.690, the court shall void the decision of the governing body if the court finds that the violation was the result of intentional disregard of the law or willful misconduct by a quorum of the members of the governing body, unless other equitable relief is available. The court may order such equitable relief as it deems appropriate in the circumstances. The court may order payment to a successful plaintiff in a suit brought under this section of reasonable attorney fees at trial and on appeal, by the governing body, or public body of which it is a part or to which it reports.

(4) If the court makes a finding that a violation of ORS 192.610 to 192.690 has occurred under subsection (2) of this section and that the violation is the result of willful misconduct by any member or members of the governing body, that member or members shall be jointly and severally liable to the governing body or the public body of which it is a part for the amount paid by the body under subsection (3) of this section.

(5) Any suit brought under subsection (2) of this section must be commenced within 60 days following the date that the decision becomes public record.

(6) The provisions of this section shall be the exclusive remedy for an alleged violation of ORS 192.610 to 192.690. [1973 c.172 §8; 1975 c.664 §3; 1979 c.644 §6; 1981 c.897 §42; 1983 c.453 §2; 1989 c.544 §1]

192.685 Additional enforcement of alleged violations of ORS 192.660.

(1) Notwithstanding ORS 192.680, complaints of violations of ORS 192.660 alleged to have been committed by public officials may be made to the Oregon Government Ethics Commission for review and investigation as provided by ORS 244.260 and for possible imposition of civil penalties as provided by ORS 244.350.

(2) The commission may interview witnesses, review minutes and other records and may obtain and consider any other information pertaining to executive sessions of the governing body of a public body for purposes of determining whether a violation of ORS 192.660 occurred. Information related to an executive session conducted for a purpose authorized by ORS 192.660 shall be made available to the Oregon Government Ethics Commission for its investigation but shall be excluded from public disclosure.

(3) If the commission chooses not to pursue a complaint of a violation brought under subsection (1) of this section at any time before conclusion of a contested case hearing, the public official against whom the complaint was brought may be entitled to reimbursement of reasonable costs and attorney fees by the public body to which the official's governing body has authority to make recommendations or for which the official's governing body has authority to make decisions. [1993 c.743 §28]

192.690 Exceptions to ORS 192.610 to 192.690.

(1) ORS 192.610 to 192.690 do not apply to the deliberations of the Oregon Health Authority conducted under ORS 161.315 to 161.351, the Psychiatric Security Review Board, the State Board of Parole and Post-Prison Supervision, state agencies conducting hearings on contested cases in accordance with the provisions of ORS chapter 183, the review by the Workers' Compensation Board or the Employment Appeals Board of similar hearings on contested cases, meetings of the state lawyers assistance committee operating under the provisions of ORS 9.568, meetings of the personal and practice management assistance committees operating under the provisions of ORS 9.568, the county multidisciplinary child abuse teams required to review child abuse cases in accordance with the provisions of ORS 418.747, the child fatality review teams required to review child fatalities in accordance with the provisions of ORS 418.785, the peer review committees in accordance with the provisions of ORS 441.055, mediation conducted under ORS 36.250 to 36.270, any judicial proceeding, meetings of the Oregon Health and Science University Board of Directors or its designated committee regarding candidates for the position of president of the university or regarding sensitive business, financial or commercial matters of the university not customarily provided to competitors related to financings, mergers, acquisitions or joint ventures or related to the sale or other disposition of, or substantial change in use of, significant real or personal property, or related to health system strategies, or to Oregon Health and Science University faculty or staff committee meetings.

(2) Because of the grave risk to public health and safety that would be posed by misappropriation or misapplication of information considered during such review and approval, ORS 192.610 to 192.690 shall not apply to review and approval of security programs by the Energy Facility Siting Council pursuant to ORS 469.530. [1973 c.172 §9; 1975 c.606 §41b; 1977 c.380 §19; 1981 c.354 §3; 1983 c.617 §4; 1987 c.850 §3; 1989 c.6 §18; 1989 c.967 §§12,14; 1991 c.451 §3; 1993 c.18 §33; 1993 c.318 §§3,4; 1995 c.36 §§1,2; 1995 c.162 §§62b,62c; 1999 c.59 §§45a,46a; 1999 c.155 §4; 1999 c.171 §§4,5; 1999 c.291 §§25,26; 2005 c.347 §5; 2005 c.562 §23; 2007 c.796 §8; 2009 c.697 §11; 2011 c.708 §26]

**OPEN RECORDS LAW - EXCERPTS FROM OREGON REVISED STATUTES
INSPECTION OF PUBLIC RECORDS**

192.420 Right to inspect public records; notice to public body attorney.

(1) Every person has a right to inspect any public record of a public body in this state, except as otherwise expressly provided by ORS 192.501 to 192.505.

(2)(a) If a person who is a party to a civil judicial proceeding to which a public body is a party, or who has filed a notice under ORS 30.275 (5)(a), asks to inspect or to receive a copy of a public record that the person knows relates to the proceeding or notice, the person must submit the request in writing to the custodian and, at the same time, to the attorney for the public body.

(b) For purposes of this subsection:

(A) The attorney for a state agency is the Attorney General in Salem.

(B) "Person" includes a representative or agent of the person. [1973 c.794 §3; 1999 c.574 §1; 2003 c.403 §1]

192.430 Functions of custodian of public records; rules.

(1) The custodian of any public records, including public records maintained in machine readable or electronic form, unless otherwise expressly provided by statute, shall furnish proper and reasonable opportunities for inspection and examination of the records in the office of the custodian and reasonable facilities for making memoranda or abstracts therefrom, during the usual business hours, to all persons having occasion to make examination of them. If the public record is maintained in machine readable or electronic form, the custodian shall furnish proper and reasonable opportunity to assure access.

(2) The custodian of the records may adopt reasonable rules necessary for the protection of the records and to prevent interference with the regular discharge of duties of the custodian. [1973 c.794 §4; 1989 c.546 §1]

192.440 Certified copies of public records; fees; waiver or reduction.

(1) The custodian of any public record that a person has a right to inspect shall give the person, upon request:

(a) A copy of the public record if the public record is of a nature permitting copying; or

(b) A reasonable opportunity to inspect or copy the public record.

(2) If a person makes a written request to inspect a public record or to receive a copy of a public record, the public body receiving the request shall respond as soon as practicable and without unreasonable delay. The public body may request additional information or clarification from the requester for the purpose of expediting the public body's response to the request. The response of the public body must acknowledge receipt of the request and must include one of the following:

(a) A statement that the public body does not possess, or is not the custodian of, the public record.

(b) Copies of all requested public records for which the public body does not claim an exemption from disclosure under ORS 192.410 to 192.505.

(c) A statement that the public body is the custodian of at least some of the requested public records, an estimate of the time the public body requires before the public records may be inspected or copies of the records will be provided and an estimate of the fees that the requester must pay under subsection (4) of this section as a condition of receiving the public records.

(d) A statement that the public body is the custodian of at least some of the requested public records and that an estimate of the time and fees for disclosure of the public records will be provided by the public body within a reasonable time.

(e) A statement that the public body is uncertain whether the public body possesses the public record and that the public body will search for the record and make an appropriate response as soon as practicable.

(f) A statement that state or federal law prohibits the public body from acknowledging whether the record exists or that acknowledging whether the record exists would result in the loss of federal benefits or other sanction. A statement under this paragraph must include a citation to the state or federal law relied upon by the public body.

(3) If the public record is maintained in a machine readable or electronic form, the custodian shall provide a copy of the public record in the form requested, if available. If the public record is not available in the form requested, the custodian shall make the public record available in the form in which the custodian maintains the public record.

(4)(a) The public body may establish fees reasonably calculated to reimburse the public body for the public body's actual cost of making public records available, including costs for summarizing, compiling or tailoring the public records, either in organization or media, to meet the person's request.

(b) The public body may include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in reviewing the public records, redacting material from the public records or segregating the public records into exempt and nonexempt records. The public body may not include in a fee established under paragraph (a) of this subsection the cost of time spent by an attorney for the public body in determining the application of the provisions of ORS 192.410 to 192.505.

(c) The public body may not establish a fee greater than \$25 under this section unless the public body first provides the requestor with a written notification of the estimated amount of the fee and the requestor confirms that the requestor wants the public body to proceed with making the public record available.

(d) Notwithstanding paragraphs (a) to (c) of this subsection, when the public records are those filed with the Secretary of State under ORS chapter 79 or ORS 80.100 to 80.130, the fees for furnishing copies, summaries or compilations of the public records are those established by the Secretary of State by rule, under ORS chapter 79 or ORS 80.100 to 80.130.

(5) The custodian of any public record may furnish copies without charge or at a substantially reduced fee if the custodian determines that the waiver or reduction of fees is in the public interest because making the record available primarily benefits the general public.

(6) A person who believes that there has been an unreasonable denial of a fee waiver or fee reduction may petition the Attorney General or the district attorney in the same manner as a person petitions when inspection of a public record is denied under ORS 192.410 to 192.505. The Attorney General, the district attorney and the court have the same authority in instances when a fee waiver or reduction is denied as it has when inspection of a public record is denied.

(7) A public body shall make available to the public a written procedure for making public record requests that includes:

(a) The name of one or more persons to whom public record requests may be sent, with addresses; and

(b) The amounts of and the manner of calculating fees that the public body charges for responding to requests for public records.

(8) This section does not apply to signatures of individuals submitted under ORS chapter 247 for purposes of registering to vote as provided in ORS 247.973. [1973 c.794 §5; 1979 c.548 §4;

1989 c.111 §12; 1989 c.377 §2; 1989 c.546 §2; 1999 c.824 §5; 2001 c.445 §168; 2005 c.272 §1; 2007 c.467 §1]

192.445 Nondisclosure on request of home address, home telephone number and electronic mail address; rules of procedure; duration of effect of request; liability; when not applicable.

(1) An individual may submit a written request to a public body not to disclose a specified public record indicating the home address, personal telephone number or electronic mail address of the individual. A public body may not disclose the specified public record if the individual demonstrates to the satisfaction of the public body that the personal safety of the individual or the personal safety of a family member residing with the individual is in danger if the home address, personal telephone number or electronic mail address remains available for public inspection.

(2) The Attorney General shall adopt rules describing:

(a) The procedures for submitting the written request described in subsection (1) of this section.

(b) The evidence an individual shall provide to the public body to establish that disclosure of the home address, telephone number or electronic mail address of the individual would constitute a danger to personal safety. The evidence may include but is not limited to evidence that the individual or a family member residing with the individual has:

(A) Been a victim of domestic violence;

(B) Obtained an order issued under ORS 133.055;

(C) Contacted a law enforcement officer involving domestic violence or other physical abuse;

(D) Obtained a temporary restraining order or other no contact order to protect the individual from future physical abuse; or

(E) Filed other criminal or civil legal proceedings regarding physical protection.

(c) The procedures for submitting the written notification from the individual that disclosure of the home address, personal telephone number or electronic mail address of the individual no longer constitutes a danger to personal safety.

(3) A request described in subsection (1) of this section remains effective:

(a) Until the public body receives a written request for termination but no later than five years after the date that a public body receives the request; or

(b) In the case of a voter registration record, until the individual must update the individual's voter registration, at which time the individual may apply for another exemption from disclosure.

(4) A public body may disclose a home address, personal telephone number or electronic mail address of an individual exempt from disclosure under subsection (1) of this section upon court order, on request from any law enforcement agency or with the consent of the individual.

(5) A public body may not be held liable for granting or denying an exemption from disclosure under this section or any other unauthorized release of a home address, personal telephone number or electronic mail address granted an exemption from disclosure under this section.

(6) This section does not apply to county property and lien records. [1993 c.787 §5; 1995 c.742 §12; 2003 c.807 §1]

192.447 Nondisclosure of public employee identification badge or card.

(1) As used in this section, "public body" has the meaning given that term in ORS 174.109.

(2) A public body may not disclose the identification badge or card of an employee of the public body without the written consent of the employee if:

(a) The badge or card contains the photograph of the employee; and

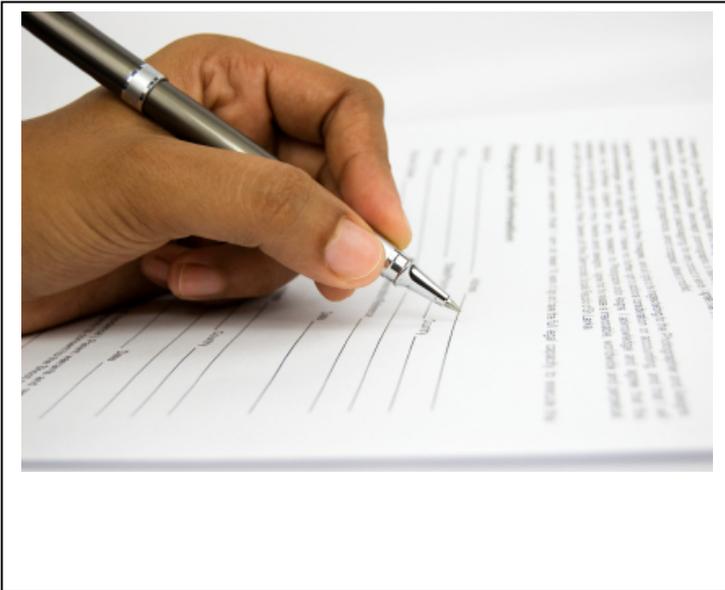
(b) The badge or card was prepared solely for internal use by the public body to identify employees of the public body.

(3) The public body may not disclose a duplicate of the photograph used on the badge or card. [2003 c.282 §1]

Note: 192.447 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 192 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

192.495 Inspection of records more than 25 years old. Notwithstanding ORS 192.501 to 192.505 and except as otherwise provided in ORS 192.496, public records that are more than 25 years old shall be available for inspection. [1979 c.301 §2]

CITY COMMISSION



CITY COMMISSION

Orientation Manual

Section Seven

Commission Policies

COMMISSION POLICY 1-1
Adopted January 20, 1999

PURPOSE

The purpose of this policy is to establish guidelines for agenda preparation, scheduling, attendance and rules of order for Commission meetings.

APPLICABILITY

The policy applies to all elected officials, administrative personnel and citizens.

IN GENERAL

It is the responsibility of the City Manager to ensure that the Oregon City Commission meeting guidelines are met before, during and after each meeting of the City Commission.

OREGON CITY COMMISSION MEETING GUIDELINES

- A. **Commission Meetings.** Commission meetings are conducted on the first Wednesday and on the second Thursday thereafter of each month beginning at 8:00 PM unless otherwise designated by the Commission. If a meeting falls on a legal holiday, then it will be held on the following day.
- B. **Rules of Procedure.** The rules of procedure governing Commission meetings shall be the latest revised edition of Robert's Rules of Order.
- C. **Length of Commission Meetings.** The number of items to be included on the agenda for Commission meetings is left to the discretion of the City Manager. Since it is the desire of the Commission that no meetings exceed two (2) hours in length, the City Manager may adjust the number of items on the agenda accordingly.
- D. **Special Meetings.** The Mayor upon his/her own motion may, or at the request of three (3) members of the Commission shall, by giving notice to all members of the Commission then in the City, call a special meeting of the Commission for a time no earlier than three (3) nor later than forty-eight (48) hours after the notice is given. Special meetings of the Commission may also be held at any time by the common consent of all the members of the Commission.
- E. **Quorum.** A majority of members of the Commission shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance.
- F. **Records of Proceedings.** The City Commission shall cause a record of its proceedings to be kept. The ayes and nays upon any question before it, shall be taken and entered in the record.
- G. **Proceedings to be Public.** No action by the Commission shall have legal effect unless the motion for the action and vote by which it is disposed of take place at proceedings open to the public.

H. **The Mayor's Function.** The Mayor shall be chair of the Commission and preside over its deliberations. He/she shall have a vote on all questions before the Commission. He/she shall have authority to preserve order, enforce the rules of the Commission and determine the order of business under the rules of the Commission.

I. **Commission Packets.** Commission packets containing the agenda and relevant staff reports will be delivered to the Mayor and Commission the Friday prior to each City Commission meeting date.

J. **Agenda Preparation.** It is the responsibility of the City Recorder to prepare the City Commission meeting agenda, organize the agenda and staff reports into packets and arrange delivery of the packets to the Mayor and Commission members.

K. **Agenda Items.** Items for the Commission meeting agenda may be placed on the agenda by any of the following methods:

1. By the City Commission through consensus of a majority of members to the City Manager.
2. By City staff through reports reviewed by the City Manager.
3. By the City Manager or Department Directors.
4. By citizens through consensus of a majority of Commission members either through vocal or written requests to include background of the issue to be addressed, the resolution wanted and funding required to gain resolution.
5. By City staff to boards/commissions and committees through reports submitted to the City Manager.
6. By the City's legal counsel through communication submitted to the City Manager.

L. **Staff Reports.** Staff reports submitted to the City Recorder by department directors for agenda items must be concise and clear and include all the facts and background information necessary for the Commission to make a decision.

It is the responsibility of the department directors to submit to the City Recorder, their staff reports and agenda materials throughout the week prior to the Commission meeting but no later than 12:00 Noon on Thursday of that week.

It is the responsibility of the City Manager to review and sign each staff report and return them to the City Recorder to process for the Commission packets.

M. **Commission Meeting Attendance.** Department directors having items on a Commission meeting agenda must attend that meeting. Other department directors may attend at their option. The City Manager will attend all City Commission meetings, unless excused.

N. **Commission Meeting Follow-Up.** All City Commission requests must be followed up in a timely and efficient manner pursuant to Administrative Policy 2-5: Administrative Response to City Commission Requests.

COMMISSION POLICY 1-3
Adopted March 5, 1997

PUBLIC MEETINGS

PURPOSE

The purpose of this policy is to provide guidelines for public meetings according to ORS 192.610 to 192.690.

APPLICABILITY

This policy applies to the City Commission, Planning Commission, and any other body that requires a quorum in order to make a decision.

IN GENERAL

The Oregon form of government requires an informed public aware of the deliberations and decisions of governing bodies and the information upon which such decisions were made. It is the intent of the City of Oregon City that decisions of its governing bodies be arrived at openly according to ORS 192.610 to 192.690.

DEFINITIONS

- A. **Decision.** A decision means any determination, action, vote, or final disposition upon a motion, proposal, resolution, order, ordinance or measure on which a vote of a governing body is required, at any meeting at which a quorum is present.
- B. **Executive Session.** An executive session is any meeting or part of a meeting of a governing body which is closed to certain persons for deliberation on certain matters.
- C. **Governing Body.** A governing body is the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.
- D. **Meeting.** A meeting is the convening of a governing body of a public body for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter. A meeting does not include any on-site inspection of any project or program. A meeting also does not include the attendance of members of a governing body at any national, regional or state association to which the public body or the members belong.

PUBLIC MEETING GUIDELINES

- A. **Open Meetings.** All meetings of a governing body of a public body must be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192.610 to 192.690.

No quorum of governing body shall meet in private for the purpose of deciding on or deliberating toward a decision on any matter except as otherwise provided by ORS 192.610 to 192.690.

B. **Meeting Location.** Meetings of a governing body of a public body shall be held within the geographic boundaries over which the public body has jurisdiction; or at the administrative headquarters of the public body; or at the nearest practical location.

A governing body shall not hold a meeting at any place where discrimination on the basis of race, creed, color, sex, age, national origin or disability is practiced. However, the fact that organizations with restricted membership hold meetings at the place shall not restrict its use by a public body if use of the place by a restricted membership organization is not the primary purpose of the place or its predominate use.

C. **Public Notice.** The governing body of a public body shall provide for and give public notice, reasonably calculated to give actual notice to interested persons including news media which have requested notice, of the time and place for holding regular meetings. The notice shall also include a list of the principal subjects anticipated to be considered at the meeting, but this requirement shall not limit the ability of a governing body to consider additional subjects.

1. If an *executive session only* (according to 192.660) will be held, the notice shall be given to the members of the governing body, to the general public and to news media which have requested notice, stating the specific provision of law authorizing the executive session.

2. No *special or emergency meeting* shall be held without at least twenty-four (24) hours notice to the members of the governing body, the news media which have requested notice and the general public. In the case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances but the minutes for such a meeting shall describe the emergency justifying less than twenty-four (24) hours notice.

D. **Meeting Minutes.** The governing body of a public body shall provide for the taking of written minutes of all its meetings. Neither a full transcript nor a recording of the meeting is required, except as otherwise provided by law but the written minutes must give a true reflection of the matters discussed at the meeting and the views of the participants. All minutes shall be available to the public within a reasonable time after the meeting and shall include at least the following information:

1. All members of the governing body present;
2. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
3. The results of all votes and except for public bodies consisting of more than twenty-five (25) members unless requested by a member of that body, the vote of each member by name; and
4. A reference to any document discussed at the meeting.

Minutes of *executive sessions* shall be kept in accordance with the above four (4) points. Instead of written minutes, a record of any executive session may be kept in the form of a sound tape recording which need not be transcribed unless otherwise provided by law. Material, the disclosure of which is inconsistent with the purpose for which a meeting under ORS 192.660 is authorized to be held, may be excluded from disclosure. However, excluded materials are authorized to be examined privately by court in any legal action and the court shall determine their admissibility. Any violation of these public meeting guidelines shall be subject to enforcement proceedings as specified in ORS 192.680 and 192.685.

CITY INSURANCE MANAGEMENT PLAN

PURPOSE

The purpose of this policy is to establish fair and consistent insurance coverage for the City of Oregon City.

APPLICABILITY

This policy applies to the City Commission.

IN GENERAL

In the changing market place it is necessary to continually manage/organize the City's insurance portfolio. The end result of this management process should be cost effective insurance coverage provided at the lowest possible cost. Recognizing the challenge the City shall appoint an Agent of Record to manage its insurance programs in a timely, efficient and cost effective manner.

- A. **Appointment.** The City Commission shall appoint an Agent of Record.
- B. **Responsibility of Agent of Record.** The Agent of record shall advertise in local trade magazines and any other appropriate publication that the City is receiving proposals on insurance, such as liability, fleet vehicle, fire, false arrest, boiler and any other type of insurance. The Agent of Record shall then make recommendations to the Commission on the proposed type and amount of insurance. These recommendations shall be in the form of a written report showing comparative analysis of the potential providers (including evidential findings). The City Commission shall make the final decision regarding vendor choice.
- C. **Length of Appointment.** The City Commission reserves the right to change the Agent of record every three (3) to five (5) years.

DEFENSE OF CITY OFFICIALS IN PROCEEDINGS NOT SUBJECT TO THE OREGON TORT CLAIMS ACT (“OCTA”)

PURPOSE

It is in the public interest of the City of Oregon City that elected officers, members of official City boards, commission and committees, all City employees, and City agents be free of the fear of personal financial hardship resulting from having to defend claims and charges (other than “true” crimes punishable by imprisonment) which are beyond the scope of the OCTA and which arise out of the good faith performance of their duties. This policy is designed to be consistent with ORS 30.285 and shall be so construed.

APPLICABILITY

This policy applies to the City’s elected officers (officers), members of official City boards, commissions and committees (officials), all City employees (employees), and City agents (agents).

DEFINITIONS

Malfeasance is failure to comply with ethical standards of conduct...*evildoing, ill conduct, the commission of some act which is positively unlawful, and/or the doing of an act which is wholly wrongful and unlawful.*

IN GENERAL

- A. Except as otherwise provided by law, the City shall defend, save harmless and indemnify its officers, officials, employees or agents against any tort claim or demand, whether groundless or otherwise, arising out of an alleged act or omission occurring in the performance of duty.
- B. In no event shall the resources of the City be committed to the defense of the City officer, official, employee, or agent unless the City Commission is satisfied that:
1. The act or omission does not constitute malfeasance in office; or
 2. The act or omission does not constitute willful or wanton neglect of duty.
- C. With respect to matters not covered by the OTCA, the resources of the City should not be committed to the defense of a City officer, official, employee or agent, unless the City Commission is satisfied that:
1. The act or omission of the officer, official, employee, or agent was in good faith and without malice and in course of official duties. Good faith is absent if the officer, official, employee or agent knew or reasonably should have known that the act or omission would violate a law, rule or regulation; and
 2. The officer, official, employee, or agent did not act contrary to the advice of legal counsel.

D. In no event should the resources of the City be committed to the defense of a City officer, official, employee or agent charged with a crime punishable by imprisonment unless the Commission is satisfied that it is not a “true” crime in that:

1. The offense charged is based solely on the alleged negligence of the City officer, official, employee, or agent and the City officer, official, employee, or agent was not malfeasant in their position nor willfully or wantonly neglectful of official duty; or

2. It appears that the allegedly criminal act or omission was done or omitted as a conscious and good faith choice between evils in response to an emergency, or as a conscious and good faith attempt to protect persons from injury, disease, or to protect property from damage or destruction, either of which would have been likely and substantial had the City officer, official, employee, or agent not acted in the manner charged; or

3. The only basis for the charge is vicarious liability for the misconduct of a subordinate; and where the City officer, official, employee, or agent clearly did not participate in or condone the subordinate’s conduct knowing or having good reason to know it to be unlawful.

E. Ordinarily the commitment to defend a City officer, official, employee or agent will involve direct payment of defense costs as they are incurred. In any case, however, the City Commission may choose to commit only to reimbursement of validated expenses in the event the City officer, official, employee or agent is ultimately exonerated.

F. In no event will the office of the City Attorney be used to provide primary defense for a City officer, official, employee, or agent on a claim or charge outside the scope of the OTCA. The City Attorney may, however, provide information and assistance to the attorney retained to defend the case unless the City Attorney determines that such assistance would create a conflict of interest or otherwise violate the Code of Professional Responsibility governing attorneys.

G. Nothing in this policy should be construed to entitle any City officer, official, employee or agent to defense. The intent of this policy is to vest discretion with the City Commission with certain restrictions as to when defense funds may be provided. In each case the City Commission should be guided by considerations of what is in the best interest of the City of Oregon City subject to the above conditions and restrictions.

TRAVEL AUTHORIZATION AND REIMBURSEMENT OF CITY COMMISSIONER EXPENSES

PURPOSE

This purpose of this policy is to establish procedures relative to business-related expenses and City-endorsed travel incurred by the City Commission members.

APPLICABILITY

This policy applies to the Mayor and City Commissioners.

IN GENERAL

A person engaged in travel for the benefit of the City has a responsibility to keep accurate, substantiated cost records, original receipts and to submit requests for reimbursement that are in accordance with this policy. The City Commission shall be entitled to reimbursement for actual and necessary business-related expenses that are not directly billed to the City to include but not limited to dinners, luncheons, breakfasts, and expenses associated with transportation and travel.

NOTE: Gifts related to reasonable travel expenses for the City Commission are exempt from the restrictions of the ethics laws if the gift is related to officially designated negotiations, economic development activity, or trade promotion or fact-finding missions or trips and the payment of expenses have been approved by the City Commission (OAR 199-005-0020).

Travel Expense Reimbursement

The City will reimburse the City Commission for reasonable business travel expenses incurred while on a trip related to official City business.

Travel in the interest of the City can usually be anticipated and is a regularly budgeted item. For travel to be approved, funds must be available in the Commission's budget. In those instances where budgeted funds in this appropriation are inadequate, a formal budget adjustment must be requested.

Travel by City Commission members does not require prior approval by the City Manager.

The traveler must complete Part A of the Travel Authorization form (anticipated expenses) prior to travel which provides a record of the travel and offers a per diem check in advance. The form is submitted to the City Manager's Office at least two weeks prior to the proposed travel date. Accounts payable will review budget appropriations and, if in order, will cut the per diem check.

In emergency situations, when the Travel Authorization form cannot be submitted two weeks in advance, the Travel Report is submitted with a memo describing the emergency.

Advancing money for travel does not constitute approval of spending the entire advance; only actual and necessary expenditures will qualify for reimbursement. An advance cannot be obtained if a previous advance has not cleared repayment or a new Travel Report form for actual expenses has not been received

Part B of the Travel Authorization form (actual expenses) must be completed following the travel listing actual expenses.

TRAVEL EXPENSES

Transportation.

Air Travel. Air travel will be considered a standard cost for reimbursement purposes. First class air passage will not be considered. Air travel shall be utilized only when the cost is a savings over mileage expense and other expenses incurred when traveling by car.

Travel arrangement should be made as far in advance as possible to take advantage of the most economical rate.

Personal Vehicle. Mileage will be reimbursed when a Commissioner's personal vehicle is used for City business, except mileage will not be reimbursed for travel to and from regularly scheduled Commission meetings requiring the attendance of all Commissioners. Mileage shall be reimbursed at the current IRS rate. Commissioners traveling by personal automobile on City business are required to carry, at the Commissioner's expense, public liability and property damage insurance at the minimum required by law.

Travel in City Vehicles. Travel in City owned vehicles might be approved under certain circumstances. When traveling in a City vehicle, receipts for gas, oil and other supplies purchased enroute will be required. The cost of gas, oil, etc. for the City vehicle should be entered under "Other" in the "Transportation" section on the Travel Authorization form.

Taxi, Shuttles and Rental Cars. Taxi expenses are considered reimbursable expenses when shuttle services do not effectively meet the needs of travel. Shuttle service available through the airport and/or conference is encouraged when available. A rental car may be permitted when it is in the best interest of the City.

Parking. The City will reimburse a business related parking expense. On trips of more than one (1) day duration, long-term economy parking must be used. An original parking receipt will be required for reimbursement.

Lodging. All business-related lodging expenses will be reimbursed following the domestic per diem rates established by the US General Services Administration for the travel destination. Accommodations should be appropriate for the purpose of the trip. Receipts for all lodging costs shall be obtained. If members of the family accompany the Commissioner, the reimbursable lodging cost shall be that of a single room. When requested, most hotels and motels will furnish a receipt for a single room when a double room is used but desire reimbursement for a single room. If such an arrangement cannot be made, the price of a single should be noted on the receipt for actual lodging costs. If the room is not shared with another City employee, the single room rate must be available in the supporting documents included with the Travel Authorization form.

The final hotel bill must reflect that the bill has been paid in full (either showing a zero balance or accompanied with a credit card receipt). This must be an itemized statement indicating daily room charges, meals (without room service charges), telephone calls, etc., if applicable.

Meals. All business-related expenses for meals, including tips, will be reimbursed following the domestic per diem rates established by the US General Services Administration. Receipts must be attached to Part B of the Travel Authorization form.

Original receipts must be submitted to be reimbursed for actual costs or expenses exceeding the per-diem rate schedule. If original receipts are not available, meal expenses will automatically be reimbursed on a per-diem basis.

Other Miscellaneous Travel Expenses.

Phone and Fax Charges: Expenses incurred for phone and fax charges will be allowed only when necessary for City business.

Registration Fees: Fees for meeting or convention registration will be paid in advance by the City. To request advance payment for registration fees, complete the tuition section of Part A of the Travel Authorization form

Tips: Expense for tips should be included with the transportation, lodging and meal expenses. Gratuities are not reimbursable individually.

Alcoholic Beverages: Expenditures for alcoholic beverages are not reimbursable.

Direct Pay Expenses. Expenses that can be directly paid by the City such as airfare and conference registration fees should be arranged in advance with the City Manager or designee.

REIMBURSEMENT OF TRAVEL EXPENSES

To apply for reimbursement, complete Part B of the Travel Authorization form **within 60 days** of the trip with actual expenditures totaled, original receipts attached, and signature of person requesting reimbursement. Submit the form to the City Manager's Office, who is responsible for reviewing the request for proper documentation and reasonableness of expenses.

After review, the Travel Authorization form will be submitted to Accounts Payable for processing.

If any portion of the travel advance is unspent, the unspent portion must be repaid when the Travel Authorization form is submitted. The Accounts Payable staff is responsible for following up on delinquent travel advances.

A representative of the City is expected to use good judgment in the nature of expenses incurred in traveling. Expenses for family members who accompany a City Commissioner on a trip are not reimbursable. The expense report should be prepared to reflect only the actual and necessary expenses related to the person authorized to make the trip and the level of expenses in all categories must be appropriate and reasonable.

Other Expense Reimbursement

General business expenses will be considered for reimbursement that are required for the performance of Commissioner duties. Examples of expenses not reimbursed are meals with constituents, meals with other commissioners, or other activities where there was an alternative to avoiding the expense.

At the end of each month, Commissioners shall itemize all other non-travel expenses that are not directly paid by the City on a Commission Expense Statement. The statement shall be forwarded to the City Manager's Office within seven (7) days following the last day of each month. The City Manager will approve and authorize reimbursement for the Commission Expense Statements

which meet these guidelines and that do not exceed the budgeted amount for Commissioner expenses. Expenses which exceed these amounts shall be forwarded to the City Commission for approval and reimbursement authorization. All approved expenses will be forwarded to the Finance Department for reimbursement.

Contact the City Recorder's Office for the proper filing forms.

ALCOHOLIC BEVERAGE SERVICE IN MUNICIPAL BUILDINGS

PURPOSE

The purpose of this policy is to establish regulations for lessees who want to serve alcoholic beverages including, but not limited to beer, wine and champagne (hereinafter “alcoholic beverages”), in municipal buildings.

APPLICABILITY

This policy applies to municipal buildings that are leased for wedding receptions, retirement functions, class reunions, and all similar events where alcoholic beverages will be served.

IN GENERAL

It is the responsibility of the Community Activity Director or designee to coordinate the rental of municipal buildings and the implementation of this policy.

It is the City’s responsibility to minimize City liability related to the rental of municipal buildings for private use when alcoholic beverages will be served.

It is the lessee’s responsibility to safeguard the safety and health of Oregon City residents and others when the lessee allows alcoholic beverages to be served in leased municipal buildings.

Any lessee who serves alcoholic beverages in a municipal building shall ensure all state and local laws are complied with by serving the alcoholic beverages and by those consuming the alcoholic beverages.

SPECIFIC REQUIREMENTS:

- A. **TIME LIMIT.** Alcoholic beverages may be served in leased municipal buildings for period of time not to exceed four (4) hours.
- B. **FOOD:** Food must be served if alcoholic beverages are being served.
- C. **INSURANCE.** The lessee shall obtain, at the lessee’s expenses, a \$1,000,000 liability insurance policy for bodily injury, including death and property damage. The lessee shall name the City, its officers, agents, and employees, as additional insureds on the policy. The lessee shall provide the City with a copy of the Certificate of Insurance of this effect at least seven (7) days before the lease commences. The Certificate of Insurance shall contain a clause to the effect that the City shall be notified in writing no less than seventy-two (72) hours in advance of the event insured if the policy is canceled or substantially modified.
- D. **INDEMNITY.** The lessee shall sign an agreement with the City in which the lessee agrees to hold harmless and defend the City, its officers, agents, and employees from and against any and all claims arising out of the lessee’s use of the municipal building.
- E. **OLCC LICENSE.** In accordance with state law, if any financial compensation is going to be provided in exchange for alcoholic beverages, the lessee shall obtain a license from the

Oregon Liquor Control Commission (“OLCC”). The lessee shall provide the City a copy of any such license at least seven (7) days before the lease commences.

F. OLCC PERMIT. Any person who will be serving alcoholic beverages in the leased municipal building must obtain an OLCC service permit. The lessee shall provide the City a copy of the OLCC permit at least seven (7) days before the lease commences.

G. RENTAL. The hourly rental of municipal buildings for events where alcoholic beverages will be served will be forty percent (40%) more than the hourly rental that is charged for use of a municipal building where no alcoholic beverages are served.

H. DEPOSIT. The lessee shall provide a \$500 security and damage deposit prior to the event. This deposit may be made via credit card, which will not be charged unless there is damage to the building as a result of the lessee’s use of the building.

CITY COMMISSION ELECTRONIC MESSAGING POLICY

PURPOSE

This purpose of this policy is to establish acceptable usage by elected officials of electronic messaging systems, including but not limited to e-mail, instant messaging, blogging and social media sites, such as Facebook or Twitter (sometimes collectively referred to as “electronic messaging” or “electronic messages”).

APPLICABILITY

This policy applies to the Mayor and City Commissioners and, upon adoption, will become part of the Commission’s Rules of Procedure. A separate policy applies to City employees.

IN GENERAL

Although the use of electronic messaging and social media allows City Commissioners to conduct City business efficiently, use of electronic messaging systems comes with some inherent risks. The City Commission sets forth the following policies, but reserves the right to change those policies at any time as may be appropriate or required under the circumstances or as resulting from the development of new technologies or new laws.

The City Commission prohibits discrimination based on age, race, gender, sexual orientation, physical or mental disability, sources of income, or religious or political beliefs. Use of electronic messaging resources to harass or to discriminate for any or all of the aforementioned reasons is prohibited.

Message Ownership, Confidentiality and Public Records Retention

All electronic messages to or from City elected officials where City business is discussed, whether on City-provided electronic messaging systems or on personal systems or web server pages are subject to disclosure through valid public records or litigation discovery requests.

Messages sent electronically can be intercepted inside or outside the agency and, as such, any expectation of confidentiality is limited. Accordingly, proprietary or confidential information should not be sent through e-mail, instant messages or other social media sites.

All electronic messages stored in City-provided electronic messaging systems or composed, sent, or received by City elected officials, regardless of their content, are, by law, public records of the City. This includes e-mail that is accessed using City-provided electronic messaging resources via external e-mail systems, such as Yahoo!, Gmail, Hotmail, MSN Mail, AOL, Comcast, and other e-mail services offered by

Internet service providers. In order to aid in record retention and organization, the City-provided electronic messaging system will be programmed to provide an automatic copy of all electronic messages sent to and from City elected officials, regardless of whether those messages are ultimately determined to be exempt from disclosure.

If the information transmitted by electronic messages relates to the “transaction of public business,” that information shall not be deleted or otherwise disposed of unless done in accordance with a records retention schedule set forth in Oregon City Resolution No. 09-31. Each e-mail message or posting must be evaluated for content to determine which retention procedure to apply. The City Recorder shall assist City elected officials, as requested, in making such determination.

The legal “custodian” responsible for retaining electronic messages on privately-maintained electronic messaging systems will normally be either the originator of the message for outgoing messages or the receiver of the message for incoming messages. The City shall not be deemed the legal custodian of messages that are not included in city-maintained back-up files.

When a public records request is made to the City that includes records retained by an elected official of the City, the City Recorder shall notify the affected official(s). Under the City’s public records policy, the elected official has five days from the date of receipt of a request for public records, including for electronic messages, to deny, grant, deny in part, or grant in part the request. Alternatively, the elected official shall within five (5) business days explain why more time is needed for a full response. Failure to respond within the seven day deadline shall be deemed a denial.

Expiration of this seven day period triggers the right to initiate proceedings in circuit court to challenge the denial. The elected official may consult the City Attorney for advice in dealing with a request for public records. Further representation of an elected official shall be a determination of the City Manager or City Commission. It is the responsibility of each City Commissioner to acquire appropriate training in retention of electronic messages. The City Recorder’s Office is available to assist the City Commission with regard to standard retention practices.

Electronic messages are frequently inadequate in conveying mood and context. Elected officials should carefully consider how the recipient might interpret a message before composing or sending it.

Use of Electronic Messages and Public Meetings

Use of e-mail by a quorum of a public body may, in some circumstances, constitute a meeting under Oregon’s public meeting laws, even when discussions take place through one-on-one email discussions that then can be passed on to others. As such, the City Commission is encouraged to refrain from discussing City business via electronic messages in those cases in which members are deliberating towards a decision.

City Issued Electronic Messaging

The City provides electronic messaging resources to assist in conducting City business including issuance of an email address that is to be used while conducting City business via email and not for personal use. These limitations include but are not limited to:

Personal soliciting.

Lobbying, soliciting, recruiting, selling, or persuading for or against commercial ventures, products, religious or political causes unrelated to City business, outside organizations, or similar activities.

Electioneering with regard to candidacy for public office.

The operation of a business or for any undertaking for personal gain.

Use by, or on behalf of, any outside organization or third party.

As records created by elected officials on City messaging systems are public records, the City may intercept, monitor, review and/or disclose any and all messages composed, sent, or received on city-issued electronic resources. The interception, monitoring, and reviewing of messages may be performed with the assistance of content filtering software, or by designated agency employees and/or designated external entities. City employees designated to review messages may include, but are not limited to, the city manager, city recorder, and/or representatives from Human Resources, Legal, or Information Technology departments.

The City may alter, modify, re-route, or block the delivery of messages as appropriate. This includes, but is not limited to:

Rejecting, quarantining, or removing the attachments and/or malicious code from messages that may pose a threat to City resources.

Discarding attachments, such as music, considered to be of little business value and of significant resource cost.

Rejecting or quarantining messages with suspicious content.

Re-routing messages with suspicious content to designated City employees for manual review.

Rejecting or quarantining messages determined to be unsolicited commercial e-mail (spam).

Appending legal disclaimers to messages.

The system administrator shall keep a record of those messages altered, modified, re-routed, or blocked.

Even though the City employs anti-virus software, virus infected messages can enter the City's messaging systems. Viruses, "worms," and other malicious code can spread quickly if appropriate precautions are not taken. Elected officials should:

Be suspicious of messages sent by people not known by you.

Not open attachments unless they were anticipated by you.

Disable features in electronic messaging programs that automatically preview messages before opening them.

The City considers unsolicited commercial e-mail (spam) a nuisance and potential security threat. Elected officials are encouraged not to attempt to remove themselves from future delivery of a message that they determine is spam. These "Remove Me" links often are used by unscrupulous mass junk e-mailers as a means to verify that you exist. Attempted removal will only ensure that the member will receive ever-increasing amounts of spam.

Upon expiration of term of office, the City will deny all access to electronic messaging resources, including the ability to download, forward, print, or retrieve any message stored in the system, regardless of sender or recipient, unless requested through the public records request policy of the City.

Internet message boards are a fertile source from which mass junk e-mailers harvest e-mail addresses and e-mail domains. Elected officials are encouraged not to use City-provided e-mail addresses when posting to message boards.

RESOLUTION NO. 11-22
A RESOLUTION OF THE CITY OF OREGON CITY ESTABLISHING A POLICY
REGARDING MEDIA IN EXECUTIVE SESSIONS

WHEREAS, ORS 192.610(2) provides: "Executive session' means any meeting or part of a meeting of a governing body that is closed to certain persons for deliberation on certain matters"; and

WHEREAS, ORS 192.660(4) provides: "Representatives of the news media shall be allowed to attend executive session ... but the governing body may require that specified information be undisclosed;" and

WHEREAS, the Oregon City Commission (the "Commission") currently has no policy or procedure for determining what is a news media organization and who is a representative of the news media; and

WHEREAS, it is in the public interest to establish a policy that defines "news media organization" and who is a "representative of the news media" in order to preserve the purposes of having executive sessions while safeguarding the rights of news media organizations; and

WHEREAS, the Commission also desires to establish as its policy that it requires all information discussed or considered in executive sessions to be undisclosed.

NOW, THEREFORE, OREGON CITY HEREBY RESOLVES as follows:

1. Definitions. As used in this resolution, the following definitions apply:
 - A. "News" means factual information that is about current events.
 - B. "News media organization" means an entity that is organized and operated to publish, broadcast or disseminate news to the public as determined by Sections 3 or 4 below.
 - C. "Representative of the news media" means an employee, agent or contractor of a news media organization who is engaged in the act of gathering news for that news media organization as determined by Section 5 below.
2. Policy that Information Be Undisclosed. It is the Commission's policy that all information discussed or considered in executive sessions of the Commission may not be disclosed in any form, and/or to any other person so long as the information is properly within the scope of statutory authorization of the executive session. This policy extends to all statements made in executive sessions, to all documents considered, and all other information presented or considered regardless of the format, within the proper scope of the executive sessions of the Commission. To the extent this policy may be inconsistent with Oregon law, Oregon law shall control. This policy shall apply regardless whether persons attending any particular executive session are reminded of the policy. The Commission, in its sole discretion, may make exceptions to this policy if it is in the public interest to do so, and if a majority of the members thereof vote to do so.

3. Recognized News Media Organizations. The following entities are hereby recognized as news media organizations without requiring further proof because they have an established history of publishing, broadcasting or disseminating news in, affecting, or about Oregon City to the public:

- A. The Oregonian
- 8. Oregon City News/Clackamas Review

No other entity shall be recognized as a news media organization unless it is recognized through the process described in Section 4 below.

4. Recognition of Other Entities.

A. In order to be recognized as a news media organization, an entity other than those recognized in Section 3 above must: (i) submit a written request for recognition as a news media organization to the Commission; and (ii) provide evidence that the entity is organized and operated to publish, broadcast or disseminate news to the public.

8. It shall be the entity's burden to persuade the Commission by a preponderance of the evidence that it is organized and operated to publish, broadcast or disseminate news to the public. The entity may be a news component of a larger organization which isn't necessarily a news media organization.

C. The Commission may consider any relevant evidence provided or gathered in making a decision whether to recognize an entity as a news media organization. The Commission shall make its determination whether to recognize the entity as a news media organization based the following criteria:

- (i) Regular publication, regular broadcasts or regular updates (at least once weekly) of news;
- (ii) Publication, broadcast or website must contain a minimum of 25% news content, and include news produced by its own staff;
- (iii) The publication, broadcast or website must not serve primarily as a platform to promote the interest and/or opinions of a special interest group, individual or cause, or as a forum to air grievances, engage in gossip, or for personal attacks or character assassination.

D. The Commission's decision to recognize or not to recognize an entity as a news media organization is a quasi-judicial decision reviewable as provided by ORS 34.010 to 34.100.

5. Attendance at Executive Sessions. Representatives of the news media are allowed to attend executive sessions, except as otherwise allowed by law. In order to determine whether someone requesting permission to attend an executive session is a representative of the news media, the following procedure shall be followed:

A. Any person who wishes to attend an executive session must: (i) submit a written request for permission to attend an executive session to the Commission; and (ii)

provide evidence that the person is an employee, agent or contractor of a news media organization who is engaged in the act of gathering news for that news media organization.

B. The request for permission shall be on a form provided by the Commission. The person requesting permission to attend an executive session must complete and sign the request form. The request form shall include a space for the person to indicate his or her name and the entity for which he or she is an employee, agent or contractor. The request form shall also include a space for the person to sign his or her signature certifying that he or she is gathering news for a news media organization; that the information submitted is true; and that he or she understands that it is the Commission's policy, and that he or she agrees to comply with the Commission's policy, that all information discussed or considered in executive sessions of the Commission shall not be disclosed in any form, and/or to any other person as long as it was properly within the scope of the announced statutory authorization of the executive session and as long as the media's reporting has not independently verified it.

C. It shall be the person's burden to persuade the Commission or Commissioners by a preponderance of the evidence that he or she is an employee, agent or contractor of a news media organization engaged in the act of gathering news for a news media organization. The Commission shall make its determination whether to recognize the person as a representative of the news media based on the following criteria:

(i) Proof, satisfactory to the Commission, that the person is associated with a recognized news media organization. Such proof can come in the form of the following:

- Press identification - press badge or identification issued by recognized news media organization, plus proof of identity (such as a driver's license);

- Proof of A recently published news article by a news media organization with the person's byline, or a masthead showing the person's name as a member of the editorial staff of a recognized news media organization, plus proof of identity; or

- A letter on letterhead from an editor of a recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity (freelancers must have clippings or proof of work with a recognized news media organization within the last six months); and

(ii) Proof, satisfactory to the Commission, that the person is gathering news, even though the information discussed or considered in executive session may not be disclosed in any form, and/or to any other person.

D. If the entity disclosed on the request for permission form is not recognized as a news media organization, the person shall not be allowed to attend an executive session until the entity is granted recognition.

E. If the executive session is for the purpose of discussing current litigation or litigation likely to be filed, and the member of the news media is a party to the litigation or is an employee, agent or contractor of a news media organization that is a party to the litigation, the person shall not be allowed to attend the executive session. If the Commission has reason to believe that the person has submitted false information or has previously failed to comply with the Commission's policy regarding disclosure of information properly within the scope of previous executive sessions, it may refuse permission for the person to attend the executive session.

F. The Commission may consider any relevant evidence provided or gathered in making a decision whether a person is a representative of the news media. The Commission's decision to recognize or not to recognize a person as a representative of the news media, and/or to grant permission to attend an executive session, is a quasi-judicial decision reviewable as provided by ORS 34.010 to 34.100.

6. Cameras and Other Recording Devices. Cameras, tape recorders and other recording devices may not be used in executive sessions, except the official executive session recordings made by City staff. .

This policy was approved by the City Commission via Resolution No. 11-22 on November 16, 2011.

CITY COMMISSION



CITY COMMISSION

Orientation Manual

Section Eight

**Boards and
Commissions**

CITY OF OREGON CITY Boards and Commissions

Most Boards and Commissions are established in the City of Oregon City for the purpose of advising the City Commission as provided by the Charter or by ordinance. Members of such boards shall be appointed by the Mayor, with the exception of the Urban Renewal Commission, who's members are appointed by the City Commission, and the Citizen Involvement Council, who's members are appointed according to its bylaws.

Oregon City's system of boards and commissions provides a way for residents who have special experience or interests to participate in the City's decision-making process by advising the City Commission on numerous issues.

The boards and commissions system provides the opportunity to interact creatively with people of all ages, interests and backgrounds. Democracy can be realized when citizens are able to come together across neighborhood and economic lines to assist in making the community decisions that will shape all of their lives. While commissioners are themselves appointed from within the community, it is important that they in turn ensure that a wide variety of viewpoints from the rest of the community are considered when boards make recommendations to the City Commission. Board members should treat these widely varying viewpoints of other members and the public with respect so that all citizens are encouraged to participate in government.

The City of Oregon City enjoys a wide variety of Commission-appointed citizen boards, commissions, and committees which advise the City Commission on numerous issues. As citizen participation has evolved into a vital and integral part of local government, the number of commissions has steadily grown.

Most boards and committees/commissions include member terms that end on December 31st. Advertising and recruitment for openings is administered by the City Recorder's Office in the fall of each year. Appointments are made for new terms in January of each year. Each board or

committee has specific membership requirements, and the City's Website is the ideal place to locate the membership and board information.

Membership requirements, board/committee descriptions, and the Board and Commission Manual may be found on the City's Website at:

<http://www.orcity.org/cityrecorder/boards-commissions>

The following Boards and Committees are active in the City of Oregon City:

- Budget Committee
- Citizen Involvement Council
- Historic Review Board
- Library Board
- Natural Resources Committee
- Oregon City Civic Improvement Trust
- Oregon City Metro Enhancement Committee
- Parks and Recreation Advisory Committee
- Planning Commission
- South Fork Water Board
- South Fork Water Board Budget Committee

Tatashina Sister City Committee
Transportation Advisory Committee
Urban Renewal Commission
Urban Renewal Budget Committee

CITY COMMISSION



CITY COMMISSION

Orientation Manual

Section Nine

Addenda

ADDENDA

SUPPORT FOR THE CITY COMMISSION

The City Recorder's Office is the City Commission's contact for administrative matters such as expense reports, travel arrangements for City-related business, training and conference registration, agenda packets, city hall access, and other housekeeping needs. Due to staff limitations, the City Recorder's Office is not able to provide personal clerical or administrative duties for the City Commission. Should tasks require significant time commitments, prior consultation with the City Manager is requested.

MAIL DELIVERY

Mail is collected for the City Commission and delivered to the Commission on meeting days or via USPO. Commissioners are welcome to stop by City Hall at their convenience to pick up mail if they so desire. The Commission's mail is subject to public records law and must be maintained according to retention. The City Recorder's Office can assist with this task.

ACCESS TO INFORMATION

The Mayor and City Commissioners have access to any City information, reports, or correspondence and can be provided the documents through the City Manager's Office. In cases where a staff response to an individual City Commissioner request involves written material, which may be of interest to other Commissioners, the City Manager may provide copies of the material to the entire City Commission. In making this decision, the City Manager will consider whether the information is significant, new, otherwise not available to the commission, or of interest to the entire commission.

CITY HALL ACCESS

Internal access at City Hall is achieved through key cards assigned to each City Commission member. New Commissioners will be assigned a key card following their oath of office.

LAPTOPS

The Mayor and City Commissioners are issued a laptop for exclusive use of City business for the duration of their elected term. The laptops are used to access agenda packets, City e-mail, create correspondence, and other City business matters. Personal use of the City-issued laptop is not recommended.

E-MAIL ACCESS

Each City Commission member will be assigned a City e-mail account. The e-mail address will be printed on the Commissioner's business cards. Again, the contents of all e-mail are subject to the Open Records Law, as previously discussed.

**Excerpt from Administrative Policy 2-18
Web 2.0 Use Policy**

Note: This policy applies to the Commission's use of their city-issued laptop as related to city remote e-mail access and Internet use.

City of Oregon City Acceptable Use of Digital Equipment, Internet and Web 2.0 Application Guidelines

City owned digital equipment, access to the Internet, and City provided applications may not be used for purposes prohibited by City of Oregon City policies, State or Federal law, including (this list is not necessarily inclusive)

conducting private business;

political campaigning;

announcing union membership meetings or conducting other exclusively union business;

sharing or storing unlicensed software or audio/video files;

or any illegal or inappropriate usage.

Digital equipment and all applications must be authorized and installed by appropriate personnel or designee in each City department. Only software or hardware that meets the City's defined standards will be installed unless an exception has been documented in writing. This includes but is not limited to applications specifically designed to communicate electronically.

Use of video, audio, image storage, etc. can put a strain on the available resources of the City's networks and bandwidth. Users shall work through Department heads and the Information Technology Supervisor to establish the resource and bandwidth requirements of any new applications or systems prior to use.

Use of Internet resources of any kind for which there is a fee, whether accessed via the Internet, email or other applications, must not be accessed or downloaded without prior approval from a supervisor

Use of any of Web 2.0 resources must be consistent with applicable records retention requirements and does not imply privacy.

Any attempts to avoid detection of Internet activities in conflict with these guidelines is prohibited.

Viewing or printing of inappropriate material (see Public Internet Wi-Fi Policy language) such as pornography or violence to an individual or group is prohibited, unless used as part of a business application, such as a Police investigation.

Use of Web 2.0 resources may be used infrequently and occasionally for personal use, as long as such use is incidental and does not interfere with your workload, as determined by your supervisor.

Oregon Government Ethics Commission Conflict of Interest Handout

Statutes relating to conflicts of interest:

ORS 244.020(14) "Public official" means any person who, when an alleged violation of this chapter occurs, is serving the State of Oregon or any of its political subdivisions or any other public body as defined in ORS 174.19 as an elected official, appointed official, employee or agent, irrespective of whether the person is compensated for the services.

OAR 199-005-0003(2) "Decision" as used in ORS 244.020(9)(a) and (b) means an act that commits the public body to a particular course of action within the public official's scope of authority and that is connected to the source's economic interest. A decision is not a recommendation or work performed in an advisory capacity. The following examples illustrate the types of acts that are considered to be "decisions":

An employee makes a decision when issuing or denying a permit.

An enforcement employee makes decisions on whether to cite, warn or arrest.

An employee who approves contracts makes a decision on a contract.

An employee who commits their public body's funds for goods and services, such as office supplies, makes a decision.

ORS 244.020(15) "Relative" means:

The spouse of the public official or candidate;

Any children of the public official or of the public official's spouse;

Any children of the candidate or of the candidate's spouse;

Siblings, spouses of siblings or parents of the public official or of the public official's spouse;

Siblings, spouses of siblings or parents of the candidate or of the candidate's spouse;

Any individual for whom the public official or candidate has a legal support obligation;

Any individual for whom the public official provides benefits arising from the public official's public employment or from whom the public official receives benefits arising from that individual's employment; or

Any individual from whom the candidate receives benefits arising from that individual's employment.

ORS 244.020(2) "**Business**" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain but excluding any income-producing not-for-profit corporation that is tax exempt under section 501(c) of the Internal Revenue Code with which a public official or a relative of the public official is associated only as a member or board director or in a non-remunerative capacity.

ORS 244.020(3) "**Business with which the person is associated**" means:

Any private business or closely held corporation of which the person or the person's relative is a director, officer, owner or employee, or agent or any private business or closely held corporation in which the person or the person's relative owns or has owned stock, another form of equity interest, stock options or debt instruments worth \$1,000 or more at any point in the preceding calendar year.

Any publicly held corporation in which the person or the person's relative owns or has owned \$100,000 or more in stock or another form of equity interest, stock options or debt instruments at any point in the preceding calendar year.

Any publicly held corporation of which the person or the person's relative is a director or officer;

For public officials required to file a statement of economic interest under ORS 244.050, any business listed as a source of income as required under ORS 244.060(3).

ORS 244.020(1) "**Actual conflict of interest**" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which would be to the private pecuniary benefit or detriment of the person or the person's relative or any business with which the person or a relative of the person is associated unless the pecuniary benefit or detriment arises out of circumstances described in subsection (12) of this section.

ORS 244.020(12) "**Potential conflict of interest**" means any action or any decision or recommendation by a person acting in a capacity as a public official, the effect of which could be to the private pecuniary benefit or detriment of the person or the person's relative, or a business with which the person or the person's relative is associated, unless the pecuniary benefit or detriment arises out of the following:

An interest or membership in a particular business, industry, occupation or other class required by law as a prerequisite to the holding by the person of the office or position.

Any action in the person's official capacity which would affect to the same degree a class consisting of all inhabitants of the state, or a smaller class consisting of an industry, occupation or other group including one of which or in which the person, or the person's relative or business with which the person or the person's relative is associated, is a member or is engaged.

(c) Membership in or membership on the board of directors of a nonprofit corporation that is tax-exempt under section 501(c) of the Internal Revenue Code.

ORS 244.120: Methods of handling conflicts; Legislative Assembly; judges; appointed officials; other elected officials or members of boards.

Except as provided in subsection (2) of this section, when met with an actual or potential conflict of interest, a public official shall:

If the public official is a member of the Legislative Assembly, announce publicly, pursuant to rules of the house of which the public official is a member, the nature of the conflict before taking any action thereon in the capacity of a public official.

If the public official is a judge, remove the judge from the case giving rise to the conflict or advise the parties of the nature of the conflict.

If the public official is any other appointed official subject to this chapter, notify in writing the person who appointed the public official to office of the nature of the conflict, and request that the appointing authority dispose of the matter giving rise to the conflict. Upon receipt of the request, the appointing authority shall designate within a reasonable time an alternate to dispose of the matter, or shall direct the official to dispose of the matter in a manner specified by the appointing authority.

An elected public official, other than a member of the Legislative Assembly, or an appointed public official serving on a board or commission, shall:

When met with a **potential conflict of interest**, announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official; or

When met with an **actual conflict of interest**, announce publicly the nature of the actual conflict and:

Except as provided in subparagraph (8) of this paragraph, refrain from participating as a public official in any discussion or debate on the issue out of which the actual conflict arises or from voting on the issue.

(8) If any public official's vote is necessary to meet a requirement of a minimum number of votes to take official action, be eligible to vote, but not to participate as a public official in any discussion or debate on the issue out of which the actual conflict arises.

Nothing in subsection (1) or (2) of this section requires any public official to announce a conflict of interest more than once on the occasion which the matter out of which the conflict arises is discussed or debated.

(4) Nothing in this section authorizes a public official to vote if the official is otherwise prohibited from doing so.

ORS 244.130 Recording of notice of conflict; effect of failure to disclose conflict.

When a public official gives notice of an actual or potential conflict of interest, the public body as defined in ORS 174.109, that the public official serves, shall record the actual or potential conflict in the official records of the public body. In addition, a notice of the actual or potential conflict and how it was disposed of, may in the discretion of the public body be provided to the Oregon government Ethics Commission within a reasonable period of time.

A decision or action of any public official or any board or commission on which the public official serves or agency by which the public official is employed may not be voided by any court solely by reason of the failure of the public official to disclose an actual or potential conflict of interest.

ORS 244.135 Method of handling conflicts by planning commission members.

A member of a city or county planning commission shall not participate in any commission proceeding or action in which any of the following has a direct or substantial financial interest:

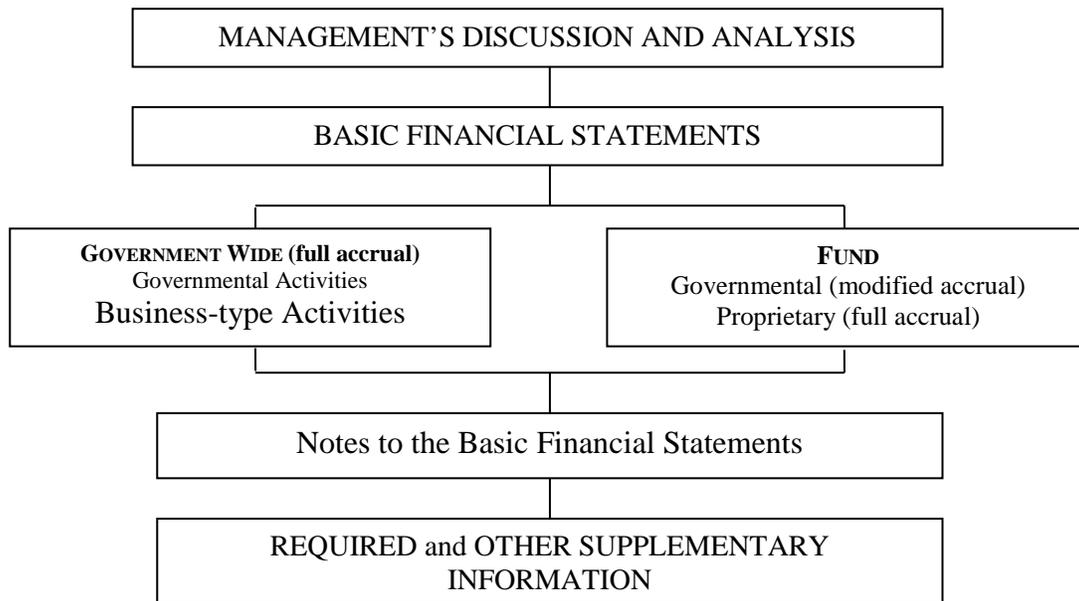
The member or the spouse, brother, sister, child, parent, father-in-law, mother-in-law of the member;

Any business in which the member is then serving or has served within the previous two year; or

Any business with which the member is negotiation for or has an arrangement or understanding concerning prospective partnership or employment.

Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.

FINANCIAL SECTION COMPONENTS



GOVERNMENT-WIDE FINANCIAL STATEMENTS

The government-wide statements are designed to report information about the City as a whole using accounting methods similar to those used by private-sector companies.

The statements include not only the City itself (known as the primary government) but also a legally separate urban renewal agency for which the City is financially accountable. The Statement of Net Position includes all of the City's assets (land, buildings, infrastructure such as streets, traffic signals, utility lines and bridges, etc.), deferred inflows and outflows, and liabilities (including general obligation long term debt), with the difference reported as net position.

The Statement of Activities presents information showing how the government's net assets changed during the year. All of the current year's revenues and expenses are accounted for in the Statement of Activities regardless of when cash is received or paid. Thus, revenues and expenses are reported in this statement for some items that will result in cash inflows or outflows in a future fiscal period. Examples of such items include earned but uncollected property taxes (future inflow), and earned but unused compensated absences (future outflow).

The net position provides a measure of the City's financial health or position. The two government-wide statements report the City's net position and how they have changed.

The government-wide financial statements are divided into two categories and distinguish functions of the City that are principally supported by taxes and intergovernmental revenues (governmental activities) from functions that are intended to recover all or a significant portion of their costs through user fees and charges (business-type activities).

Governmental activities – Most of the City's basic services are included here, such as Police, Parks, Library, Planning and Zoning, Building, Traffic Control and Improvements, Street Construction and Maintenance, Parking and Code Enforcement, and General Administration (City Commission, City Manager, City Recorder, Legal, Finance, Human Resources, and Information Services).

Business-type activities – The City charges fees to customers to cover the costs of certain services it provides. The City's Water, Wastewater and Stormwater Utilities, and Cemetery are included here.

FUND FINANCIAL STATEMENTS

The fund financial statements provide detailed information about the most significant funds – not the City as a whole. A fund is a grouping of related accounts that is used to maintain control over resources that have been segregated for specific activities or objectives. The City uses fund accounting to ensure and demonstrate compliance with finance-related legal requirements. All of the funds of the City can be divided into three categories: governmental, proprietary and fiduciary.

Governmental funds - Governmental funds are used to account for essentially the same functions reported as *governmental activities* in the government-wide financial statements. However, unlike the government-wide statements, governmental funds financials place emphasis on available financial resources, rather than upon net income determination. Therefore, unlike the government-wide financial statements, governmental fund financial statements focus on the acquisition and use of current spendable resources, as well as on balances of spendable resources available at the end of the fiscal year. Such information may be useful in evaluating the City's near-term requirements.

The City maintains 27 individual governmental funds. Information is presented separately in the governmental funds' Balance Sheet and Statement of Revenues, Expenditures and Changes in Fund Balances for those funds that are considered significant (major) to the City taken as a whole. The remaining governmental funds are reported as a combined total. The three major governmental funds for the year ended June 30, 2013 are:

General Fund - Accounts for all of the financial resources of the City, which are not accounted for in any other fund. Principal sources of revenue are property taxes, franchise fees, state shared revenues, court related fines and charges, and transfers from other funds for administrative services. Principal expenditures are for public safety, culture and recreation, and general services.

Street Development Fund - Accounts for revenues from gas tax apportionments from the State of Oregon and expenditures as specified under Article IX, Section 3 of the Oregon Constitution.

Downtown Urban Renewal Agency - Accounts for the activity of the Downtown Urban Renewal Agency. Property taxes are the main revenue source. Expenditures are for urban renewal projects.

The governmental fund financial statements can be found in the basic financial statements. Summary fund data by fund-type for the non-major governmental funds is provided in the form of combining statements. Individual fund data for each of these non-major governmental funds is provided as Supplementary Information.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for governmental funds with similar information presented for governmental activities in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financial decisions. Both the governmental funds Balance Sheet and the governmental funds Statement of Revenues, Expenditures, and Changes in Fund Balances provide a reconciliation to facilitate this comparison between governmental funds and governmental activities.

For the fiscal year ended June 30, 2013, the City adopts an annual appropriated budget for all governmental funds. To demonstrate compliance with the budget, a budgetary comparison schedule has been provided for the General Fund.

Proprietary funds - Proprietary funds are used to account for activities where the emphasis is placed on net income determination. The City maintains two types of proprietary funds: enterprise funds and internal service funds.

Enterprise funds - Used to account for water utility, wastewater utility, stormwater utility and cemetery activities. Enterprise funds are used to report the same functions presented as business-type activities in the governmental-wide financial statements.

Internal service funds – Used as an accounting device to accumulate and allocate costs internally among the City's various functions. The City uses internal service funds to account for Fleet Maintenance and Utility Customer Service. Because internal service funds predominantly benefit business-type functions rather than governmental, their assets and liabilities have been included with business-type activities in the government-wide financial statements.

The proprietary fund financial statements can be found in the basic financial statements. The enterprise funds, of which water and wastewater are considered to be major funds of the City, are reported separately as proprietary fund financial statements in the basic financial statements. Conversely, all internal service funds are combined into a single, aggregated presentation in the proprietary fund financial statements. Individual fund data for the internal service funds is provided in the form of combining statements.

The City also adopts an annual appropriated budget for all proprietary funds. To demonstrate compliance with the budget, budgetary comparison statements have been provided for the enterprise funds as Supplementary Information and for the internal services funds.

Fiduciary funds – Fiduciary funds are used to account for resources held for the benefit of parties outside the government. Fiduciary funds are not reflected in the government-wide financial statements because the resources of those funds are not available to support City programs. The accounting used for fiduciary funds is much like that used for proprietary funds. The City maintains one Agency Fund for the Pioneer Community Center. The Statement of Changes in Assets and Liabilities for the Fiduciary Fund.

NOTES TO THE BASIC FINANCIAL STATEMENTS

The notes provide additional information that is essential for a full understanding of the data provided in the government-wide and fund financial statements. They are an integral part of the basic financial statements and should be read in conjunction with them.

OTHER INFORMATION

Required Supplementary Information - In addition to the basic financial statements and accompanying notes, this report presents certain supplementary information required by financial reporting standards.

Other Supplementary Information - The report presents combining and individual fund statements and schedules as well as other financial schedules.

The report also includes statistical information including financial trends, and demographic and economic information.

GOVERNMENT WIDE FINANCIAL ANALYSIS

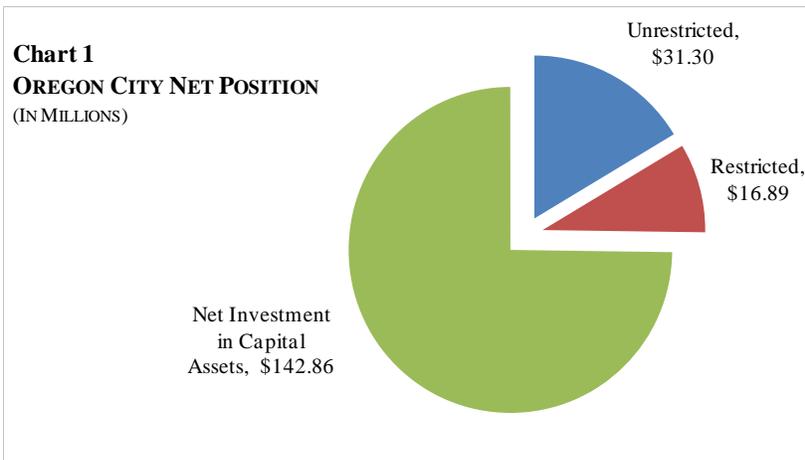
STATEMENT OF NET POSITION

As noted earlier, net position may serve over time as a useful indicator of a government's financial position. In the case of the City, assets exceeded liabilities by \$191.05 million at the close of FY 2012- 13, an increase of \$14.40 million from the prior year.

TABLE 1
NET POSITION AS OF JUNE 30

	Governmental Activities		Business-type Activities		Total	
	2013	2012	2013	2012	2013	2012
Current and other assets	\$ 46,483,076	\$ 42,366,874	\$ 24,400,503	\$ 21,003,301	\$ 70,883,579	\$ 63,370,175
Capital assets	96,990,380	91,368,031	62,533,396	63,174,066	159,523,776	154,542,097
Total assets	143,473,456	133,734,905	86,933,899	84,177,367	230,407,355	217,912,272
Deferred outflows of resources	-	-	200,052	261,186	200,052	261,186
Long term liabilities	30,655,342	27,872,840	3,059,322	3,649,061	33,714,664	31,521,901
Other liabilities	4,169,556	8,378,372	1,676,498	1,627,766	5,846,054	10,006,138
Total liabilities	34,824,898	36,251,212	4,735,820	5,276,827	39,560,718	41,528,039
Net position:						
Net investment in capital assets	83,848,980	77,536,631	59,008,396	59,094,066	142,857,376	136,630,697
Restricted for:						
Debt service	26,598	794,770	-	-	26,598	794,770
Public works	9,179,034	5,916,616	-	-	9,179,034	5,916,616
Culture and recreation	870,554	1,019,821	-	-	870,554	1,019,821
Planning and building	653,450	290,867	-	-	653,450	290,867
Construction	-	-	6,158,956	2,831,608	6,158,956	2,831,608
Unrestricted	14,069,942	11,924,988	17,230,779	17,236,052	31,300,721	29,161,040
Total net position	\$ 108,648,558	\$ 97,483,693	\$ 82,398,131	\$ 79,161,726	\$ 191,046,689	\$ 176,645,419

The largest portion of the City's net position reflects its investment of \$142.86 million or 74.8% percent in capital assets (e.g., land, buildings, improvements, equipment, and infrastructure, net of accumulated depreciation) less any related outstanding debt used to acquire those assets. The City uses these assets to provide services. Consequently, capital assets are not available for future spending. Although the City's net investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources since the capital assets themselves cannot, nor are expected to, be used to liquidate these liabilities.



An additional portion of the City's net position, \$16.89 million, or approximately 8.8% percent, represents resources that are subject to external restrictions on how they may be used. The remaining balance is unrestricted net position totaling \$31.30 million or approximately 16.4% percent. As of June 30, 2013, the City had positive balances in all three categories of net position, both for the City as a whole, as well as for its separate governmental and business-type activities. The City's overall net position increase of \$14.40 million during FY 2012-13 is explained in the government and business-type activities discussions below.

STATEMENT OF ACTIVITIES

As with the Statement of Net Position, the City reports governmental activities on a consolidated basis. A summary of the Statement of Activities is shown in Table 2 below.

TABLE 2
CHANGES IN NET POSITION
FISCAL YEARS ENDED JUNE 30

	Governmental Activities		Business-type Activities		Total	
	2013	2012	2013	2012	2013	2012
Revenues						
Program revenues						
Charges for services	\$ 8,149,456	\$ 7,024,279	\$ 15,458,622	\$ 13,080,553	\$ 23,608,078	\$ 20,104,832
Operating grants and contributions	4,335,678	4,962,382	433,121	285,370	4,768,799	5,247,752
Capital grants and contributions	9,014,649	12,407,690	3,159,982	1,981,702	12,174,631	14,389,392
General revenues						
Property taxes	11,667,767	11,229,599	-	-	11,667,767	11,229,599
Franchise taxes	2,455,771	1,885,683	-	-	2,455,771	1,885,683
Other	2,413,144	1,277,205	109,118	75,866	2,522,262	1,353,071
<i>Total revenues</i>	<u>38,036,465</u>	<u>38,786,838</u>	<u>19,160,843</u>	<u>15,423,491</u>	<u>57,197,308</u>	<u>54,210,329</u>
Expenses						
General governmental	6,098,539	4,954,893	-	-	6,098,539	4,954,893
Public safety	7,586,591	6,950,927	-	-	7,586,591	6,950,927
Public works	4,754,904	4,581,017	-	-	4,754,904	4,581,017
Culture and recreation	4,415,999	4,094,079	-	-	4,415,999	4,094,079
Planning and building	3,539,149	2,900,939	-	-	3,539,149	2,900,939
Interest on long-term debt	1,427,119	1,471,875	-	-	1,427,119	1,471,875
Water	-	-	5,930,385	4,087,533	5,930,385	4,087,533
Wastewater	-	-	7,227,300	6,662,550	7,227,300	6,662,550
Stormwater	-	-	1,816,052	1,465,359	1,816,052	1,465,359
<i>Total Expenses</i>	<u>27,822,301</u>	<u>24,953,730</u>	<u>14,973,737</u>	<u>12,215,442</u>	<u>42,796,038</u>	<u>37,169,172</u>
Changes in net position before transfers	10,214,164	13,833,108	4,187,106	3,208,049	14,401,270	17,041,157
Transfers	950,701	1,956,649	(950,701)	(1,956,649)	-	-
Changes in net position	11,164,865	15,789,757	3,236,405	1,251,400	14,401,270	17,041,157
<i>Net position - beginning</i>	97,483,693	81,693,936	79,161,726	77,910,326	176,645,419	159,604,262
<i>Net position - ending</i>	<u>\$ 108,648,558</u>	<u>\$ 97,483,693</u>	<u>\$ 82,398,131</u>	<u>\$ 79,161,726</u>	<u>\$ 191,046,689</u>	<u>\$ 176,645,419</u>

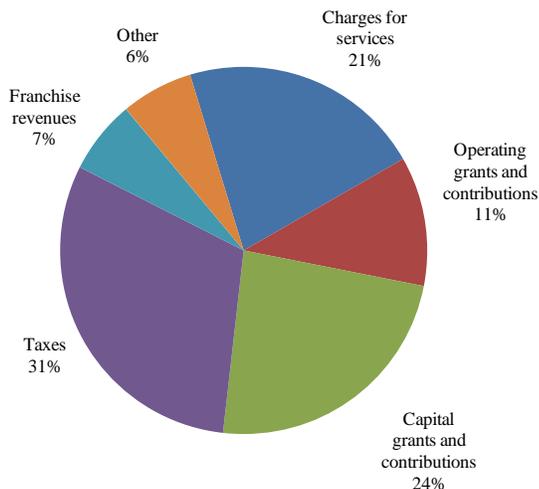
GOVERNMENTAL ACTIVITIES

Governmental activities increased the City's net position by \$11.16 million. The key factor for the increase was capital grants and contributions in the amount of \$9.01 million. These revenues are mainly attributable to grants received for the Highway 213 "Jughandle Project" improvements and the Main Street roadway improvements. Additionally, charges for services increased by approximately \$1.13 million due to higher volume and/or activity, particularly in the Building Department, where a few large residential development projects positively impacted inspection revenue.

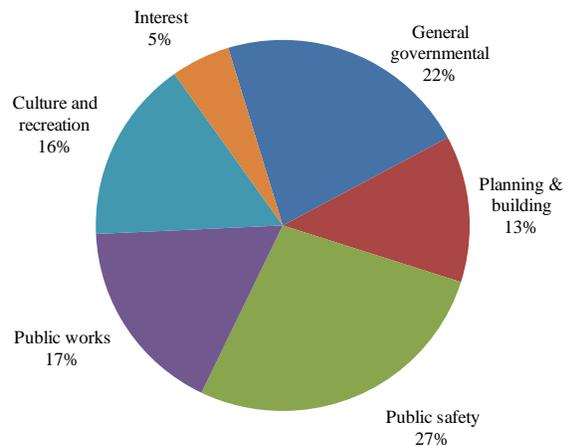
The revenues and expenses charted in the following pie charts include all program and general revenues for governmental activities (such as property taxes, franchise taxes, charges for services, operating and capital grants and contributions) as well as all governmental expenses for the various services reported under governmental activities as described above.

GOVERNMENTAL ACTIVITIES REVENUES AND EXPENSES

Revenues by Type



Expenses by Activity

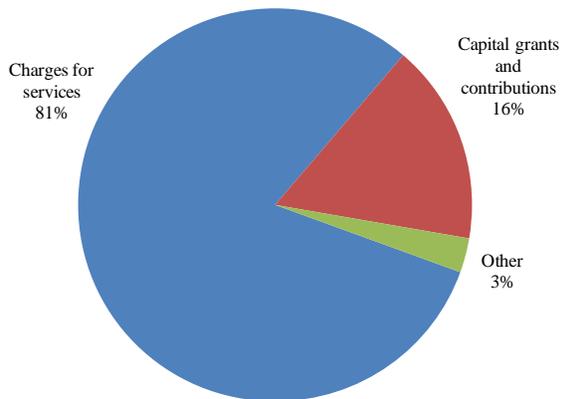


BUSINESS-TYPE ACTIVITIES

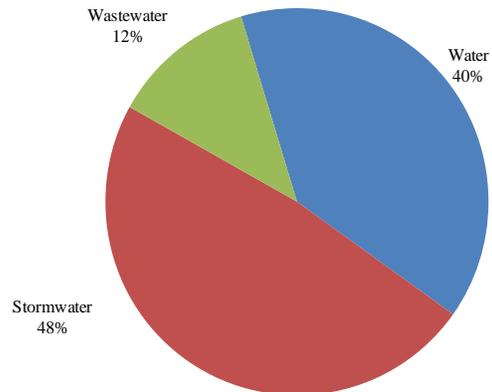
Business-type activities increased the City's net position by \$3.24 million. The City can only use these assets to finance the continuing operations of the water, wastewater, stormwater and cemetery operations. Of this net position increase, \$2.19 million represents the systems development charge revenues that were set aside for capital projects in the future years. Revenues increased by approximately \$3.74 million, mainly as a result of increased building activity impacting an increase in systems development charges as well as increases to charges for services from annual rate adjustments required to meet operational needs.

BUSINESS-TYPE ACTIVITIES REVENUES AND EXPENSES

Revenues by Type



Expenses by Activity



FINANCIAL ANALYSIS OF MAJOR FUNDS

GOVERNMENTAL FUNDS

Major governmental funds include the General, Street Development and Downtown URA Funds. General Fund ending fund balance increased due to unanticipated court fines, and operational cost savings across all departments. The Street Development Fund's balance increased by \$1.46 million for reimbursement of costs for construction of Highway 213 improvements. Additionally, all planned construction activity was not completed prior to year end. The fund's resources are restricted for transportation projects under Oregon law. The Downtown URA Fund accumulated restricted tax increment revenues for future urban renewal projects.

PROPRIETARY FUNDS

The Water Fund's net position increased by \$1.23 million, mainly due to capital contributions of approximately \$368,000, increase in joint venture (South Fork Water Board) of approximately \$433,000, and system development revenues of \$426,000. The Water SDC Fund accumulated approximately \$710,000 in system development charges that are restricted for capacity increasing projects under Oregon law. The Wastewater Fund's balance slightly increased by approximately \$278,000 mainly as a result of budgetary savings in operations and capital projects not completed.

GENERAL FUND BUDGETARY HIGHLIGHTS

The total budget for the General Fund was increased during the year by \$191,247 to accept grants from the Oregon Department of Transportation for an electronic citation program, from the Oregon Parks and Recreation Department for a park construction project, and from Clackamas County for a Special Investigations Unit in the Police Department. Additional adjustments moved contingency to operations to fund court bailiffs.

General Fund actual revenue exceeded the final budget by approximately \$394,000. The most significant factors were an increase to court fines and forfeitures. Actual expenditures were approximately \$1 million less than budgeted (excluding contingency). Administration and the Police

Department had unfilled positions during the year and the City realized operational savings throughout every department, mainly in personnel costs.

CAPITAL ASSETS AND DEBT ADMINISTRATION

CAPITAL ASSETS

At June 30, 2013, the City had approximately \$159.52 million invested in a broad range of capital assets, including land, buildings and improvements, equipment, roads, bridges, water and sewer lines. Capital assets comprise approximately 69% of all City assets. Of that total, infrastructure is the largest component of both governmental and business-type activities. Infrastructure includes road improvements, sidewalks, stormwater systems, sewer lines, and water lines. Within governmental activities, the second largest component is currently land.

TABLE 3
CAPITAL ASSETS, NET OF DEPRECIATION
AS OF JUNE 30
(in millions)

	Governmental Activities		Business-type Activities		Total Government-wide	
	2013	2012	2013	2012	2013	2012
Land	\$ 9.21	\$ 9.21	\$ 1.68	\$ 1.68	\$ 10.89	\$ 10.89
Construction in progress	0.30	17.75	-	-	0.30	17.75
Equipment	1.08	1.14	2.32	2.60	3.40	3.74
Buildings and improvements	1.22	0.81	10.51	10.30	11.73	11.11
Infrastructure	85.18	62.46	48.02	48.59	133.20	111.05
Total	\$ 96.99	\$ 91.37	\$ 62.53	\$ 63.17	\$ 159.52	\$ 154.54

Major capital asset activities during the fiscal year are highlighted below. Additional information on the City's capital assets can be found in the notes to the basic financial statements.

Completion of Highway 213 / Jughandle construction project, \$4.75 million

Oregon City roadway reconstruction, \$1.59 million

Beavercreek right turn lane, \$408,000

Waterline improvements, \$165,000

DEBT ADMINISTRATION

At the end of the current fiscal year, the City had total debt outstanding of approximately \$32.18 million. Of this amount, \$28.65 million represents outstanding debt for the governmental funds while \$3.53 million is for business-type activities. During the year, the City's Urban Renewal Agency issued \$3.45 million in bonds to pay off its line of credit. Additional principal payments of \$1.61 million made during the year reduced total issued debt outstanding from \$34.44 million in the prior year.

Bonds totaling \$1.43 million are voter approved general obligation bonds which are paid by ad-valorem tax on all taxable property in the City. PERS pension bonds in the amount of \$15.51 million are limited tax obligation funds that are payable from various City funds that have personal services. Urban Renewal bonds totaling \$11.72 million are also paid from ad-valorem taxes.

The City's bonded debt for business-type activities includes one water revenue bond, and one sewer revenue bond. The total amount of water bonds outstanding is \$380,000 at June 30, 2013. The total amount of sewer bonds outstanding is \$3.15 million at June 30, 2013. All

of the business-type activity bonds are paid from net revenues of the water and sewer systems respectively.

The City's underlying rating for general obligation debt was raised from AA- to AA by Standard & Poor's on December 17, 2013. In their rationale for the upgrade, the rating agency noted strength in the City's management conditions, budgetary flexibility, budgetary performance, and liquidity position. The outstanding water revenue and sewer revenue bonds have bond insurance provided by Financial Guaranty Insurance Company (FGIC) and this raises the rating to the highest level, AAA.

The City is subject to a debt limit in which general obligation debt issues are limited to three percent of real market value of all taxable property within the City's boundaries. The City was below the legal debt limit.

TABLE 4
DEBT OUTSTANDING AS OF JUNE 30
(in millions)

	Governmental Activities		Business-type Activities		Total Government-wide	
	2013	2012	2013	2012	2013	2012
General Obligation Bonds	\$ 1.425	\$ 1.750	\$ -	\$ -	\$ 1.425	\$ 1.750
Limited Obligation Bonds	15.510	15.875	-	-	15.510	15.875
Revenue Bonds	-	-	3.525	4.080	3.525	4.080
Tax Increment Bonds	11.716	8.635	-	-	11.716	8.635
Line of Credit	-	3.446	-	-	-	3.446
Total Issued Debt Outstanding	28.651	29.706	3.525	4.080	32.176	33.786
Compensated Absences	0.545	0.505	0.137	0.144	0.682	0.649
Total Long Term Debt	<u>\$ 29.196</u>	<u>\$ 30.211</u>	<u>\$ 3.662</u>	<u>\$ 4.224</u>	<u>\$ 32.858</u>	<u>\$ 34.435</u>

Additional information on the City's bonded debt can be found in the long-term debt footnote in the notes to the basic financial statements.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGETS AND RATES

During the preparation of the budget for the ensuing fiscal year, the long-term impacts of the local economy were examined in conjunction with business decisions made by the City. The City adopted its first biennial budget for the biennium beginning July 1, 2013 and ending June 30, 2015. The City's adopted budget for the 2013-15 biennium reflects total appropriations of \$132.39 million. The following are the major assumptions used in developing the FY 2013-15 biennial budget:

The City's population will grow 1.0% in 2013.

The City's tax rate will be \$4.4090 of the City's permanent levy rate of \$5.0571.

Assessed values, the basis of property tax revenues, will grow by 3.5% in 2014 and 2.5% in 2015, or \$61.05 million in 2014 and \$62.58 million in 2015.

Total property tax revenues are estimated to increase by approximately 8.6% over the two-year period due to the property value increase and the \$0.25/\$1,000 increase on the tax rate.

Charges for services are scheduled to increase between 3.0% and 9.0% depending on previously approved indexing schedules.

Interest rates on investments will be 0.54% based on prevailing rates and are not projected to increase in the biennium.

The average increase for the cost of goods and contracts is projected at 3.0% annually
Cost of Living increases were proposed for all employees in the amount of 2.0% to 3.0%.

Health benefit costs will increase by 11.0% in 2014 and 10.0% in 2015 based on current claims and premiums projections prepared by the City's benefits broker.

Public Employees Retirement System (PERS) contributions increased by 5.0%
Capital projects and equipment costs are projected to increase by 2.0% annually.

REQUESTS FOR INFORMATION

This financial report is designed to provide a general overview of the City's finances for those with an interest in the government's finances. Questions concerning any of the information provided in this report should be addressed to the Finance Director at P.O. Box 3040, Oregon City, Oregon 97045-0304

BUDGET SUMMARY – ALL FUNDS COMBINED

The chart below summarizes all resources and requirements by category for the 2013-2015 biennium and compares them to FY 2011 and 2012 actual totals as well as to the FY 2013 Budget.

	2010-2011 Actual	2011-2012 Actual	2012-2013 Amended Budget	2013-2014 Adopted Budget	2014-2015 Adopted Budget	2013-2015 Adopted Biennium
Resources						
Beginning Fund Balance	\$ 22,946,893	\$ 22,893,643	\$ 27,040,928	\$ 31,911,844	\$ 20,217,708	\$ 31,911,844
Property Taxes	9,092,962	9,363,040	9,710,602	10,496,353	10,751,937	21,248,290
Franchise Fees	2,191,378	2,422,801	2,384,781	2,572,891	2,611,732	5,184,623
Intergovernmental	7,662,622	16,779,224	14,182,222	6,447,348	5,310,315	11,757,663
Charges for Services	16,878,429	19,687,122	18,220,346	20,624,254	21,404,811	42,029,065
Licenses & Permits	1,278,246	1,748,495	1,240,270	1,437,450	1,511,225	2,948,675
Fines and Penalties	864,835	1,078,240	695,000	865,000	910,000	1,775,000
Miscellaneous Income	2,011,312	1,779,269	1,529,337	1,552,083	1,504,773	3,056,856
Transfers	5,340,044	5,440,734	5,755,857	5,566,386	5,695,430	11,261,816
Other Financing Sources	517,049	602,279	616,334	607,614	606,414	1,214,028
Total Resources	\$68,783,770	\$81,794,847	\$81,375,677	\$82,081,223	\$70,524,345	\$132,387,860
Requirements by Category						
Personnel Services	\$ 16,536,602	\$ 17,238,654	\$ 18,620,644	\$ 20,042,376	\$ 20,821,061	\$ 40,863,437
Operating Materials & Services	12,209,026	13,481,094	15,868,784	17,595,014	16,334,232	33,929,246
Capital Outlay	7,373,595	16,067,817	22,581,272	16,347,932	8,892,588	25,240,520
Debt Service	2,167,985	2,223,241	2,281,352	2,311,807	2,361,374	4,673,181
Transfers	5,320,045	5,440,734	5,755,857	5,566,386	5,695,430	11,261,816
Other Uses - Loans	2,282,874	-	1,934,821	-	-	-
Contingency	-	-	11,110,892	14,826,570	10,823,172	10,823,172
Ending Unappropriated Fund Balance	22,893,643	27,343,307	3,222,055	5,391,138	5,596,488	5,596,488
Total Requirements	\$68,783,770	\$81,794,847	\$81,375,677	\$82,081,223	\$70,524,345	\$132,387,860

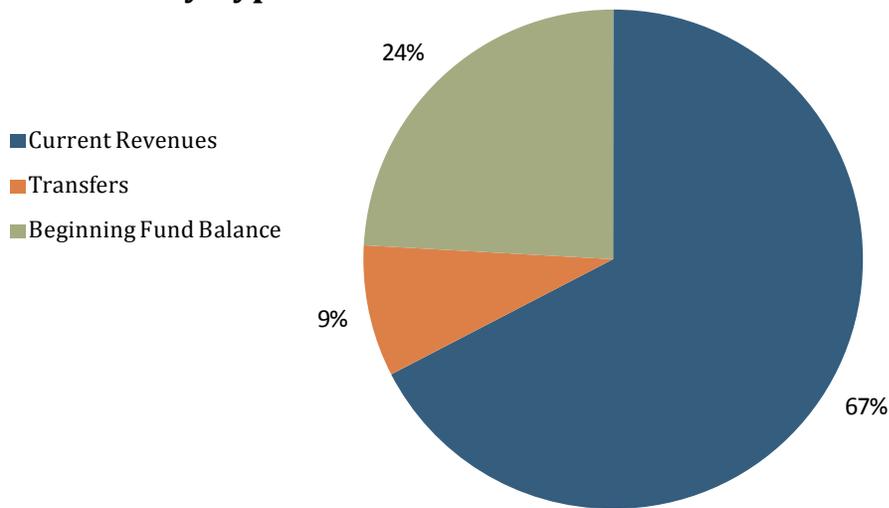
The chart below summarizes all requirements by Department or Function for the 2013-2015 biennium and compares them to FY 2011 and 2012 actual totals as well as to the FY 2013 Budget.

	2010-2011 Actual	2011-2012 Actual	2012-2013 Amended Budget	2013-2014 Adopted Budget	2014-2015 Adopted Budget	2013-2015 Adopted Biennium
Requirements by Department/Function						
Policy & Administration	\$ 6,868,244	\$ 5,211,202	\$ 6,412,051	\$ 6,619,810	\$ 6,752,759	\$ 13,372,569
Community Services	2,981,817	3,209,733	3,231,841	3,538,949	3,598,258	7,137,207
Community Development	1,017,029	1,300,080	1,359,983	2,158,700	1,661,835	3,820,535
Building	1,211,886	1,207,803	1,155,429	1,180,487	1,201,707	2,382,194
Police Department	6,684,256	6,761,529	7,298,647	7,820,230	8,093,829	15,914,059
Library	1,135,883	1,894,133	4,776,035	4,932,672	2,666,913	7,599,585
Engineering	319,402	356,614	359,680	487,009	499,737	986,746
Streets	2,729,473	3,176,057	4,435,131	4,375,600	4,240,437	8,616,037
Water	5,359,982	5,422,223	6,109,683	6,190,635	6,219,071	12,409,706
Wastewater	5,483,213	5,587,112	5,744,413	6,792,428	6,692,087	13,484,515
Stormwater	2,059,600	2,055,005	2,170,080	2,526,666	2,428,777	4,955,443
Governmental Debt Service	2,228,229	1,492,665	1,564,240	1,584,153	1,650,301	3,234,454
System Development	4,777,052	14,062,966	11,529,010	3,566,510	4,159,060	7,725,570
Customer Service	771,782	775,764	823,353	924,376	944,494	1,868,870
Code Enforcement & Parking	540,874	579,631	774,067	784,673	758,566	1,543,239
Business & Economic Development	372,012	383,461	472,931	370,175	372,175	742,350
Other Capital & Reserve Funds	1,349,393	975,562	8,826,156	8,010,442	2,164,679	10,175,121
Contingency	-	-	11,110,892	14,826,570	10,823,172	10,823,172
Ending Unappropriated Fund Balance	22,893,643	27,343,307	3,222,055	5,391,138	5,596,488	5,596,488
Total Requirements	\$68,783,770	\$81,794,847	\$81,375,677	\$82,081,223	\$70,524,345	\$132,387,860

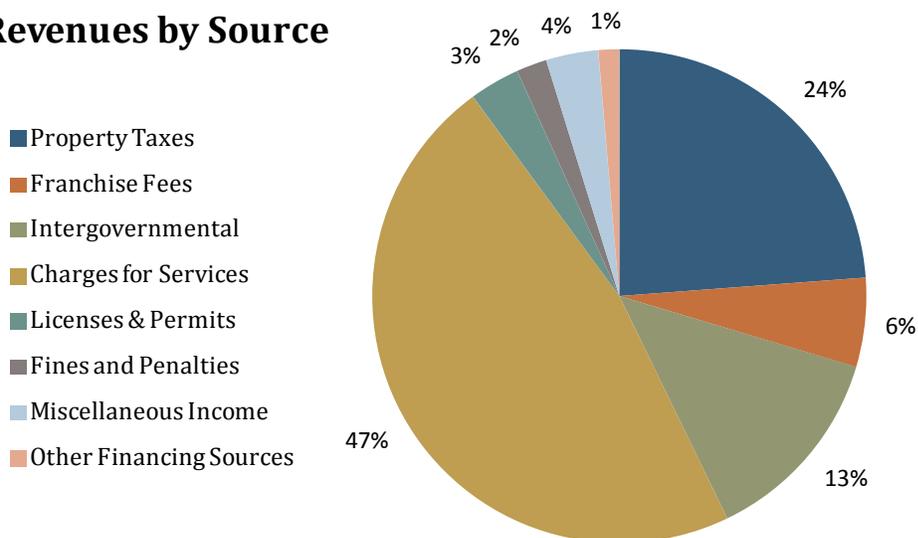
WHERE THE MONEY COMES FROM – ALL FUNDS COMBINED

Resources to meet Oregon City's obligations and service needs are derived from three primary sources: beginning fund balance, current revenues, and transfers in from other funds. Beginning fund balance consists of revenues carried forward from previous fiscal years, including reserves for specific purposes (e.g., debt reserves and capital improvements) and monies used for working capital cash flow. Current revenues are those earned from city operations or taxes collected during the fiscal year. The third source is transfers between funds to pay for either direct or indirect costs. The first chart below compares the relative percentage of each source of revenue and the second chart breaks down current revenues (excluding beginning fund balance and transfers) for the biennium.

Resources by Type



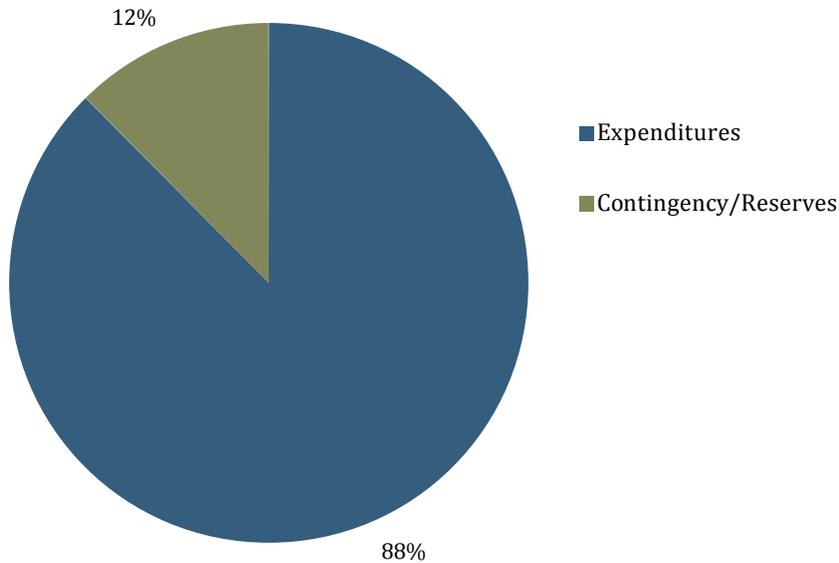
Revenues by Source



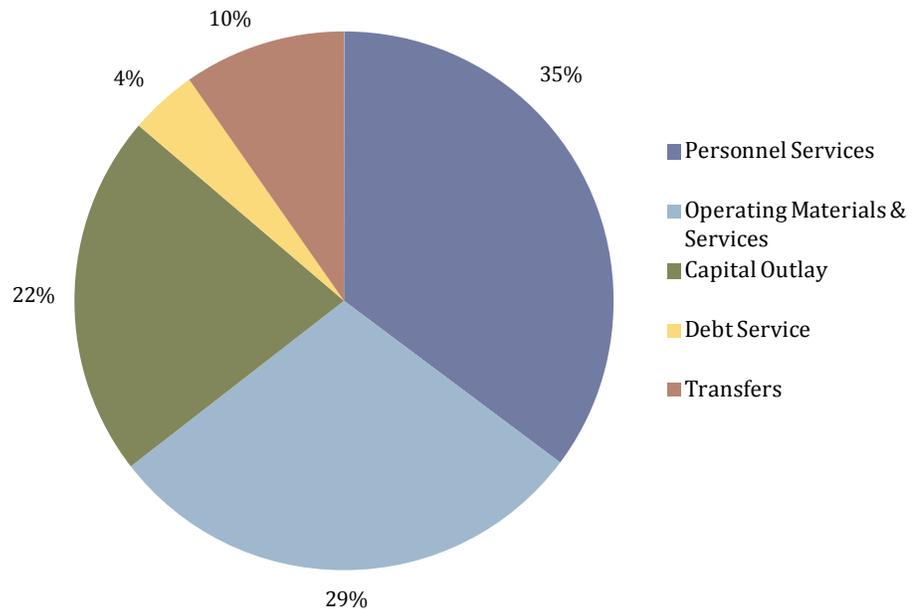
WHERE THE MONEY GOES – ALL FUNDS COMBINED

Oregon City's Requirements fall into two primary categories: Expenditures and Contingency/Reserves. Total requirements consist of all monies appropriated for use during the fiscal year plus contingency, which may be used to meet unanticipated operating needs, and reserve for future expenditures. The following charts break down total appropriations into expenditures and contingency, then further break down expenditures by category or function.

Requirements by Type



Expenditures by Category



RESOURCES & REQUIREMENTS – ALL FUNDS

The following table summarizes total resources/requirements for each fund, which equal by fund in a balanced budget.

Fund	2010-11 Actual	2011-12 Actual	2012-13 Amended Budget	2013-14 Adopted Budget	2014-15 Adopted Budget	2013-2015 Adopted Biennium
General	\$ 19,362,217	\$ 18,810,862	\$ 17,888,331	\$ 20,101,051	\$ 19,073,706	\$ 37,052,695
Special Revenue Funds						
Building Operations	1,256,073	1,411,243	1,236,556	1,279,804	1,289,932	2,470,419
Business Development	180,402	101,943	81,100	63,875	63,750	113,925
Cable TV	194,398	216,646	232,300	222,600	282,400	370,900
City Clean Up	438,551	429,521	406,000	392,950	334,330	588,900
Civic Improvement Trust	112,955	83,746	86,200	86,000	88,000	168,000
Code Enforcement	225,441	249,307	266,600	266,800	254,998	498,600
Community Development	1,168,304	1,388,013	1,384,309	2,346,375	1,835,414	3,994,114
Downtown	450,847	513,108	535,950	601,925	516,454	1,057,525
Economic Improvement District	45,738	105,519	130,050	115,375	115,500	230,500
Engineering Group	326,038	402,230	365,843	506,600	502,991	990,000
Library	2,204,301	2,913,954	2,756,016	2,507,808	2,343,895	4,327,774
Oregon City Metro Enhancement	273,433	265,270	259,600	174,914	170,414	295,414
Parks & Recreation Trust	196,416	222,141	233,569	230,450	233,000	273,000
Street	1,863,188	2,458,545	2,406,972	2,589,301	2,448,608	4,700,588
Capital Projects Funds						
Public Works Building Reserve	3,057,703	4,132,692	5,294,200	6,382,692	1,100,000	7,482,692
Ermatinger House Restoration	-	250,222	415,500	480,500	81,000	531,000
Library Reserve	388,742	1,345,371	2,307,861	2,948,793	645,763	3,594,556
Parks Development SDC	1,571,214	1,892,119	1,136,367	1,753,699	1,572,699	2,340,699
Police Building Reserve	246,078	122,721	97,000	67,224	77,224	87,224
Police Services Reserve	187,690	367,606	414,600	566,100	738,850	738,850
Street Development SDC	6,551,379	14,670,053	11,370,706	3,477,970	2,723,995	4,118,970
Pavement Maintenance	1,830,027	2,278,584	2,348,497	2,337,698	2,091,409	4,215,029
Upgrade Streets Annexed	223,265	189,940	190,975	192,000	162,750	192,750
Enterprise Funds						
Cemetery Endowment Care	103,394	103,920	104,400	105,020	105,570	105,570
HOPP Sewer Construction	41,547	31,395	22,400	18,000	18,650	30,800
Wastewater Development SDC	1,812,268	1,964,198	1,820,141	2,258,208	1,819,058	2,526,208
Wastewater	5,828,642	5,897,086	6,066,872	6,977,569	7,005,241	13,797,669
Wastewater Rate Stabilization	623,252	623,252	623,252	623,252	623,252	623,252
Stormwater Development SDC	353,085	349,527	387,163	518,387	371,727	644,887
Stormwater	2,364,041	2,432,031	2,327,019	2,676,876	2,517,445	5,044,111
Water Development SDC	1,179,479	1,678,642	1,592,665	2,140,620	2,227,395	2,650,620
Water	6,848,687	6,961,362	7,074,492	6,694,494	6,513,508	12,704,143
Water Rate Stabilization	492,242	492,242	492,242	492,242	492,242	492,242
Internal Service Funds						
Fleet	2,487,953	2,792,587	5,099,761	5,639,762	5,846,582	6,589,112
Utility Customer Service	774,654	783,373	843,665	943,188	969,563	1,893,939
Debt Service Funds						
Fire Bond	421,064	424,367	423,313	421,345	422,320	812,883
PERS Rate Differential	3,096,392	2,439,509	2,653,190	2,879,756	2,844,710	4,038,300
Closed Funds						
Arts Commission	2,670	-	-	-	-	-
Total All Funds	\$ 68,783,770	\$ 81,794,847	\$ 81,375,677	\$ 82,081,223	\$ 70,524,345	\$ 132,387,860

BIENNIAL BUDGET SUMMARY OF CHANGES – ALL FUNDS

As indicated in the table below, there were no changes between the proposed, approved, and adopted budgets.

Fund	2013-2015 Proposed Budget	2013-2015 Approved Budget	2013-2015 Adopted Budget
General	\$ 37,052,695	\$ 37,052,695	\$ 37,052,695
<i>Special Revenue Funds</i>			
Building Operations	2,470,419	2,470,419	2,470,419
Business Development	113,925	113,925	113,925
Cable TV	370,900	370,900	370,900
City Clean Up	588,900	588,900	588,900
Civic Improvement Trust	168,000	168,000	168,000
Code Enforcement	498,600	498,600	498,600
Community Development	3,994,114	3,994,114	3,994,114
Downtown	1,057,525	1,057,525	1,057,525
Economic Improvement District	230,500	230,500	230,500
Engineering Group	990,000	990,000	990,000
Library	4,327,774	4,327,774	4,327,774
Oregon City Metro Enhancement	295,414	295,414	295,414
Parks & Recreation Trust	273,000	273,000	273,000
Street	4,700,588	4,700,588	4,700,588
<i>Capital Projects Funds</i>			
Public Works Building Reserve	7,482,692	7,482,692	7,482,692
Ermatinger House Restoration	531,000	531,000	531,000
Library Reserve	3,594,556	3,594,556	3,594,556
Parks Development SDC	2,340,699	2,340,699	2,340,699
Police Building Reserve	87,224	87,224	87,224
Police Services Reserve	738,850	738,850	738,850
Street Development SDC	4,118,970	4,118,970	4,118,970
Pavement Maintenance	4,215,029	4,215,029	4,215,029
Upgrade Streets Annexed	192,750	192,750	192,750
<i>Enterprise Funds</i>			
Cemetery Endowment Care	105,570	105,570	105,570
HOPP Sewer Construction	30,800	30,800	30,800
Wastewater Development SDC	2,526,208	2,526,208	2,526,208
Wastewater	13,797,669	13,797,669	13,797,669
Wastewater Rate Stabilization	623,252	623,252	623,252
Stormwater Development SDC	644,887	644,887	644,887
Stormwater	5,044,111	5,044,111	5,044,111
Water Development SDC	2,650,620	2,650,620	2,650,620
Water	12,704,143	12,704,143	12,704,143
Water Rate Stabilization	492,242	492,242	492,242
<i>Internal Service Funds</i>			
Fleet	6,589,112	6,589,112	6,589,112
Utility Customer Service	1,893,939	1,893,939	1,893,939
<i>Debt Service Funds</i>			
Fire Bond	812,883	812,883	812,883
PERS Rate Differential	4,038,300	4,038,300	4,038,300
<i>Closed Funds</i>			
Arts Commission	-	-	-
Total All Funds	\$ 132,387,860	\$ 132,387,860	\$ 132,387,860

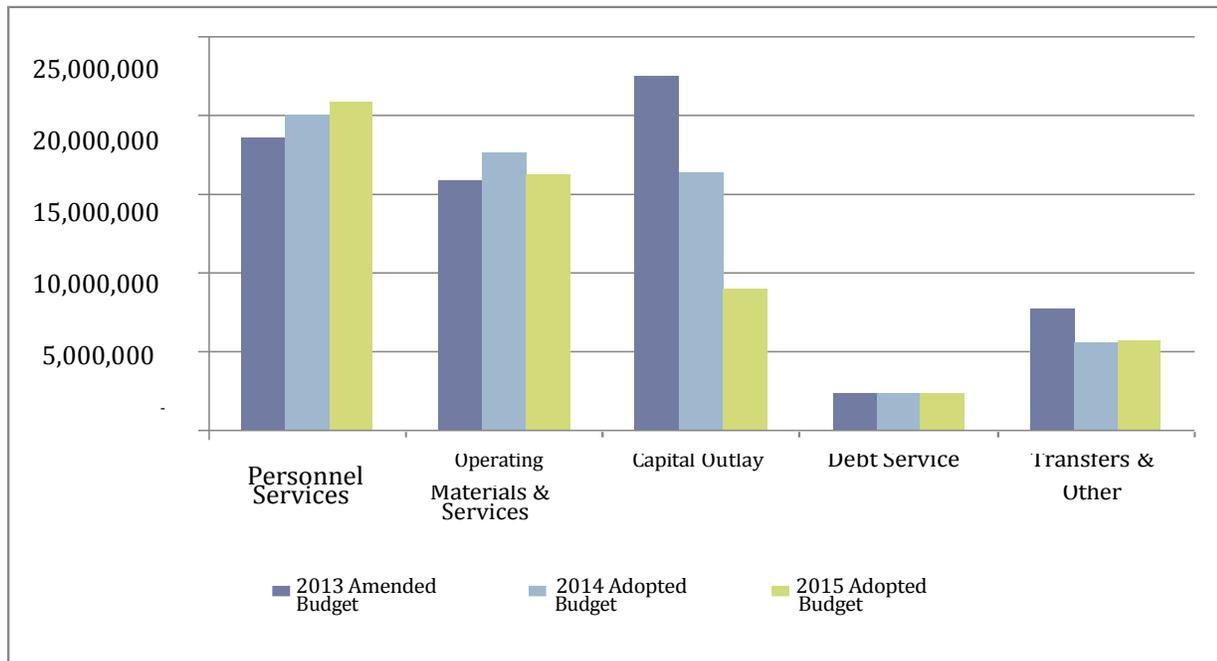
BUDGET TRENDS BY YEAR

The table below compares the adopted 2013- 2015 biennial budget to the FY 2013 budget. Major changes between ending fund balances and contingencies from year to year cause the most significant variations between each year.

The following section compares budgeted expenditures by year, excluding fund balance and contingency. As shown below, overall expenditures decreased in each year of the biennium. (Further discussion on the changes in fund balance is found in the Budget Message.)

	2013 Adopted Budget	2014 Adopted Budget	2015 Adopted Budget	2013-2015 Adopted Biennium
Total Budget	\$ 81,375,677	\$ 82,081,223	\$ 70,524,345	\$ 132,387,860
Less Ending Fund Balance and Contingency	(14,332,947)	(20,217,708)	(16,419,660)	(16,419,660)
Total Expenditures	\$ 67,042,730	\$ 61,863,515	\$ 54,104,685	\$ 115,968,200

The chart below compares each year of the adopted biennial budget (FY 2014 and FY 2015) to prior year budgeted expenditures (FY 2013) by Category for all budgeted funds.



Personnel Services: Personnel costs increased by \$1.4 million in 2014 and \$779,000 in 2015. This increase is mainly due to the addition of three police officers and a Risk and Contract Coordinator in 2014. A ROW Coordinator was added in 2015. Additionally, budgeted wages and fringe benefits were projected to increase between 4% and 8% annually due to raises and the rising cost of healthcare and retirement.

Operating Materials & Services: Operating costs increased by \$1.7 million in 2014 and decreased in 2015 by \$1.3 million. This one-year increase is mostly due to investment in the Willamette Falls Legacy Project of \$500,000 and an increase in school excise taxes collected for and transmitted to the School District.

Capital Outlay: The largest expenditure change is in Capital Outlay. Budgeted capital decreased by \$6.2 million in 2014 due to the completion of the \$22 million Highway 213/205 construction project (Jughandle) in 2013; however 2014 still has \$9.2 million budgeted in major projects (Oregon City Library and Public Works Building.) A further decrease of \$7.5 million in 2015 is due to the bulk of these two projects being budgeted in 2014; \$1.75 million was budgeted for the Library and Public Works building in 2015.

Debt Service: Debt Service remained relatively stable throughout the three years.

Transfers & Other Uses: This category includes funding of a \$1.9 million loan to the Urban Renewal Agency in 2013.

REVENUE ASSUMPTIONS AND TRENDS

The City's major revenue sources are explained below, including the underlying assumptions for the revenue estimates and trend information. Revenues are forecasted conservatively in response to uncertainties about the regional and national economy.

Property Taxes (24%)

Property tax revenues are calculated by applying the City's tax rate, not to exceed the permanent rate, to the assessed value. At the beginning of each fiscal year, the Clackamas County Assessor determines assessed values of properties. With the approval of Measure 50 in 1997, assessed values on individual properties were rolled back to FY 1995-96 levels and then reduced by 10%.

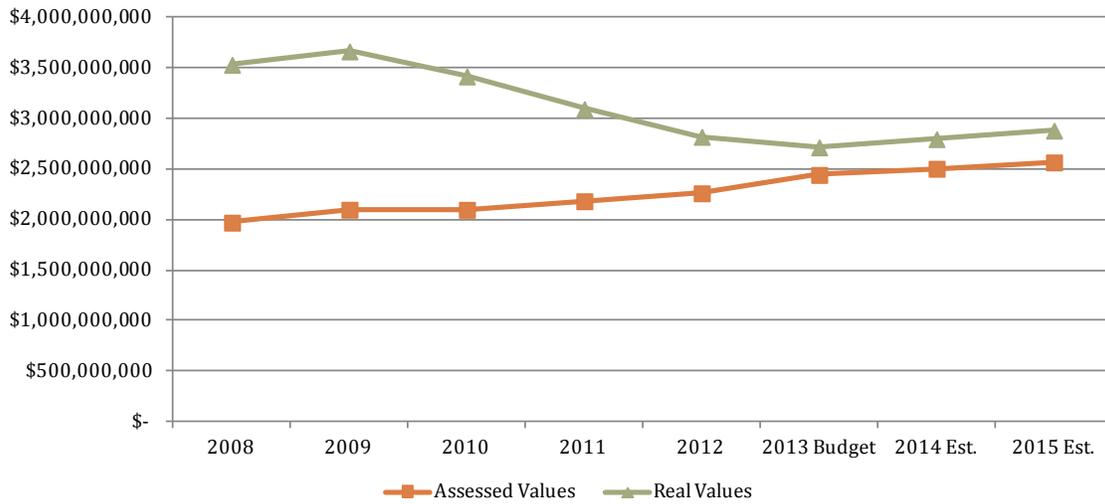
Assessed value increases are limited to 3% per year. Annual 3.5% and 2.5% increases in assessed value for property taxes are built into the calculation due to economic factors, valuation increase limits, and county assessor information. For FY 2013, Oregon City's total assessed value was approximately 90% of the real market value. This gap is expected to widen in the coming years due to the cap on assessed value increases. Assessed value is used for spreading the operating levies, while market values are used to meet Measure 5 cap requirements, approved by voters in 1990, which limit tax rates to \$15 per \$1,000 of real market value (\$5.00 for schools and an aggregate \$10.00 for all other governments), and to spread debt service levies, which are exempt from Measures 5 and 50.

During the November 2007 fire annexation election, the city reduced the authorized (or permanent) tax rate of \$5.0571 per \$1,000 of assessed value to \$4.159 per \$1,000 and further pledged that the rate would not be increased for five years. The adopted budget includes the first increase in the tax rate since that pledge in an amount of \$0.25 per \$1,000. The budgeted rate of \$4.409 per \$1,000 is still below the City's Permanent Tax Rate.

The city's total projected assessed value is multiplied by its permanent or adopted tax rate per \$1,000 of assessed value to calculate the anticipated property taxes to be received. Due to discounts and collection history, the city assumes a 94% collection rate on property taxes for the FY 2013-2015 biennium. This is in line with previous year's collection estimates and reflective of the current collection rate. The table above shows property tax collections by year and compares them to assessed property value. The chart and table below show the historic and projected assessed values by year in comparison to real market property values from 2008 through the current biennium.

	2011 Actual	2012 Actual	2013 Amended Budget	2014 Adopted Budget	2015 Adopted Budget	2013-2015 Adopted Biennium
Property Taxes	\$ 9,092,962	\$ 9,363,040	\$ 9,710,602	\$10,496,353	\$10,751,937	\$21,248,290
Assessed Value (Millions)	2,182.00	2,260.50	2,442.13	2,527.61	2,590.80	

The table above shows property tax collections by year and compares them to assessed property value. The chart and table below show the historic and projected assessed values by year in comparison to real market property values from 2008 through the current biennium.



Year	Assessed Value	Real Value	Percentage of Real Value
2015 Est.	\$2,590,795,869	\$2,879,701,165	90%
2014 Est.	\$2,527,605,726	\$2,795,826,374	90%
2013	\$2,442,131,136	\$2,714,394,538	90%
2012	\$2,260,500,253	\$2,818,469,932	80%
2011	\$2,181,996,329	\$3,092,724,735	71%
2010	\$2,097,567,632	\$3,415,274,093	61%
2009	\$2,098,547,513	\$3,662,707,654	57%
2008	\$1,970,655,118	\$3,531,262,250	56%

Franchise Fees (6%)

Franchise fees are charged to private utilities for the use of publicly owned right-of-ways (ROW). Private franchised activities include electricity, tele-communications, natural gas, and cable television. Additionally, the City's water, wastewater and stormwater funds pay matching franchise fees. Franchise fees are charged as a percentage of gross proceeds generated within Oregon City's city limits.

Revenues are estimated based on 6-year trend information assuming no growth in the projected year at the rates charged based on individual agreements with the different franchisees. Current franchise rates and projected revenues are shown below. The City anticipates adoption of a new ROW Ordinance to capture previously uncharged utilities. Revenues in the biennium include a projection for this additional revenue.

Service	Rate	2010-11 Actual	2011-12 Actual	2013 Amended Budget	2014 Adopted Budget	2015 Adopted Budget	2013-15 Adopted Biennium
Electricity	3.5%	\$ 620,108	\$ 898,155	\$ 885,000	\$ 850,000	\$ 850,000	\$ 1,700,000
Cable TV	5.0%	350,722	359,110	350,000	368,000	377,000	745,000
Water Utility	6.0%	375,598	297,823	306,757	317,861	327,396	645,257
Natural Gas	5.0%	285,684	285,539	280,000	280,000	280,000	560,000
Wastewater Utility	6.0%	160,039	160,000	160,000	189,960	203,244	393,204
Garbage	4.0%	190,490	190,875	200,000	192,000	195,000	387,000
Stormwater Utility	6.0%	93,024	93,024	93,024	134,070	138,092	272,162
Telecommunications	5.0%	115,713	138,275	110,000	125,000	125,000	250,000
R.O.W. Ordinance	N/A	-	-	-	100,000	100,000	200,000
Other	6.0%	-	-	-	16,000	16,000	32,000
Total Franchise Fees		\$ 2,191,378	\$ 2,422,801	\$ 2,384,781	\$ 2,572,891	\$ 2,611,732	\$ 5,184,623

Charges for Services (47%)

Charges for water, wastewater, pavement maintenance, and stormwater are charged to all utility customers throughout the City. These fees are established through resolution and are based on individual utility master plans and rate studies. The City Commission approves the rates based on costs to provide services according to City Charter. Revenues are estimated based on number of utility customers (total connections) times approved rates.

Water utility charges for services assume that no rate setback occurs and that 3% increases occur each year. Other utility charges include adjustments based on currently established Commission resolutions or inflation of generally 2% to 3%.

Charges for services also include fees charged to users of various city services, such as parks, library services and cemetery. Other charges for services not controlled by Commission action are calculated based on a six year average with conservative adjustments as requested by departments.

Revenues are based on projected users derived from previous trend analysis for the past six years assuming a 1% annual growth or other adjustments as requested by departments.

Further, services are provided between City departments daily. Each department providing a service is reimbursed a "charge for service" which is then recorded as an expense in the department receiving that service. The City calculates these charges based on the approximate time spent and other associated fees. It is important that each City function recover its cost of service, even internally, so that funds entrusted by the public are used for intended purposes and in accordance with applicable laws and regulations. Various departments in the General Fund charge user fees associated with providing goods and services to external customers as well. Services provided by these departments are charged directly when the benefit is for specific customers rather than the entire community. A breakdown of Charges for Services is shown below.

Type of Charge	2010-11 Actual	2011-12 Actual	2013 Amended Budget	2014 Adopted Budget	2015 Adopted Budget	2013-15 Adopted Biennium
Wastewater	\$ 4,923,974	\$ 5,520,067	\$ 5,631,000	\$ 6,500,150	\$ 6,799,600	\$ 13,299,750
Water	5,437,860	5,463,990	5,392,622	5,840,419	5,999,349	11,839,768
Stormwater	1,804,394	2,062,977	2,012,657	2,247,500	2,314,535	4,562,035
Streets & Pavement Maintenance	1,364,602	1,613,264	1,825,500	1,856,850	1,911,431	3,768,281
System Development Charges	1,172,810	2,476,280	1,200,000	1,633,000	1,783,000	3,416,000
Excise Taxes and Other Pass-Throughs	302,992	616,660	347,500	730,970	738,090	1,469,060
Parks & Recreation User Fees	406,119	424,972	385,200	403,450	416,728	820,178
Planning & Review Fees	281,875	307,079	242,574	288,500	318,950	607,450
Parking	239,430	280,352	330,150	290,250	280,100	570,350
Cemetery Fees	319,953	230,920	294,775	267,550	267,550	535,100
Reimbursement from Other Funds	166,604	229,363	230,218	234,365	240,728	475,093
Fleet	243,735	249,463	133,500	146,500	150,000	296,500
Police Department Fees	43,763	56,227	62,900	61,400	61,400	122,800
Library Services	42,026	41,919	48,000	40,050	40,050	80,100
Rental Fees	21,485	36,403	34,200	35,500	35,500	71,000
Finance and Other	45,712	29,591	34,900	33,650	33,650	67,300
Court Fees	61,089	47,595	14,650	14,150	14,150	28,300
Total Charges for Services	\$ 16,878,423	\$ 19,687,122	\$ 18,220,346	\$ 20,624,254	\$ 21,404,811	\$ 42,029,065

Intergovernmental Revenues (9%)

In the biennial budget, State Shared Revenues make up the majority of total intergovernmental revenues. State revenues are distributed to cities per Oregon Statutes; revenues are calculated using a formula based on population and income for the individual city. State shared revenues include general revenues, cigarette taxes, liquor taxes, and gas taxes. Revenues are forecasted based on data provided by the League of Oregon Cities.

The Oregon City Library is a member of the Clackamas County Library Tax District and as such receives an annual tax allotment based on population according to District estimates.

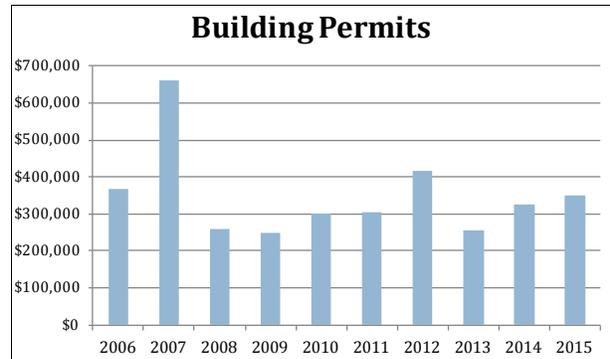
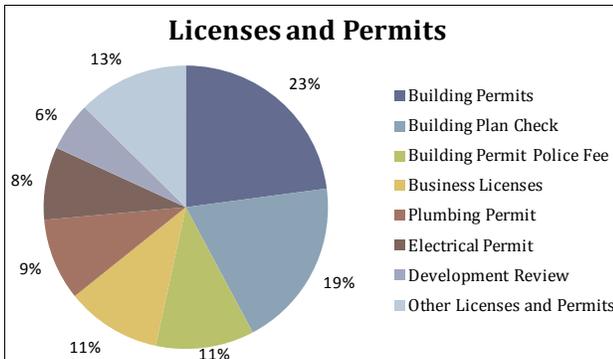
Grants and governmental assistance programs are awarded for operations (such as the Police Department's Crime Prevention grant) and capital programs (such as funding received for highway reconstruction). These are estimated based on approved grants and projected annual eligible grant spending. Other intergovernmental revenues include charges to governmental agencies for goods or services provided.

Source	2010-11 Actual	2011-12 Actual	2013 Amended Budget	2014 Adopted Budget	2015 Adopted Budget	2013-15 Adopted Biennium
State Shared Revenues	\$ 2,333,884	\$ 2,629,817	\$ 2,563,694	\$ 2,768,609	\$ 2,858,443	\$ 5,627,052
Library District Tax Distribution	1,747,745	1,798,798	1,727,935	1,777,916	1,777,916	3,555,832
Operating Grants & Assistance Programs	648,175	909,112	911,621	1,130,100	455,100	1,585,200
Capital Grants & Assistance Programs	2,782,697	11,314,274	8,870,000	660,000	110,000	770,000
Other Government Charges	135,030	104,336	108,972	100,723	103,856	204,579
Legal Fees Reimbursement	15,091	22,887	-	10,000	5,000	15,000
Total Intergovernmental Revenues	\$ 7,662,622	\$ 16,779,224	\$ 14,182,222	\$ 6,447,348	\$ 5,310,315	\$ 11,757,663

Licenses and Permits (3%)

The charts below show the various types of Licenses and Permits. Building Permits make up the largest share of all permitting activity at 36%. The subsequent chart compares Building Permit Revenues over 10 years (inclusive of the biennium.) While there is a slight uptick in Building Department activity, revenues are not projected to be at the level they were before the recession. Permit estimates are based on historical information including number of permits issued and projected building activity based on number of building and engineering plans and land use applications submitted.

Source	2010-11 Actual	2011-12 Actual	2013 Amended Budget	2014 Adopted Budget	2015 Adopted Budget	2013-15 Adopted Biennium
Building Permits	\$ 304,641	\$ 415,985	\$ 255,000	\$ 325,000	\$ 350,000	\$ 675,000
Building Plan Check	241,058	318,323	210,000	280,000	290,000	570,000
Building Permit Police Fee	56,000	178,500	150,000	160,000	170,000	330,000
Business Licenses	133,340	126,502	146,000	158,900	160,400	319,300
Plumbing Permit	119,166	232,066	130,000	135,000	140,000	275,000
Electrical Permit	105,870	166,150	115,000	120,000	125,000	245,000
Development Review	183,970	116,681	72,000	78,000	85,000	163,000
Erosion Control	26,344	57,656	40,000	50,000	51,500	101,500
Mechanical Permits	43,346	47,224	42,000	40,000	41,200	81,200
ROW Permits	20,066	40,436	27,720	33,000	38,000	71,000
Other Licenses and Permits	44,445	48,972	52,550	57,550	60,125	117,675
Total Intergovernmental Revenues	\$ 1,278,246	\$ 1,748,495	\$ 1,240,270	\$ 1,437,450	\$ 1,511,225	\$ 2,948,675



Fines and Penalties (2%)

In the biennial budget, Fines and Penalties account for 2% of all resources. This source of revenue includes traffic and civil infraction citations, which are processed by the Municipal Court. Fine collections are directly related to the number of citations issued. Revenues are estimated based on trend analysis of numbers of citations issued over the past five-years in comparison to revenues collected and any legislative issues. The current biennium shows an increase in City court fines due to anticipating implementation of electronic ticketing. The chart below breaks out these revenues.

Fines and Penalties	2010-11 Actual	2011-12 Actual	2013 Amended Budget	2014 Adopted Budget	2015 Adopted Budget	2013-15 Adopted Biennium
Court Fines - City	\$ 569,986	\$ 721,109	\$ 400,000	\$ 570,000	\$ 600,000	\$ 1,170,000
Parking Fines	125,207	156,564	200,000	170,000	175,000	345,000
Other City Court Penalties	85,686	119,611	30,000	50,000	50,000	100,000
Court Fines - State	30,371	42,255	20,000	30,000	40,000	70,000
Police Towing Fees	40,220	29,700	35,000	35,000	35,000	70,000
Other Fines	13,365	9,001	10,000	10,000	10,000	20,000
Total Fines and Penalties	\$ 864,835	\$ 1,078,240	\$ 695,000	\$ 865,000	\$ 910,000	\$ 1,775,000

