



City Hall Council Chambers
206 N. Main St.
Toledo, Oregon 97391
6:00 p.m.

TOLEDO CITY COUNCIL
Meeting Type – Via Zoom Meeting Platform
September 16, 2020

Virtual Meeting: Due to the governor’s “Stay Home, Stay Healthy” order, the City Council will hold the meeting through the Zoom video meeting platform. The public is invited to attend the meeting electronically. E-mail lisa.figueroa@cityoftoledo.org to receive the meeting login information.

Public Comments: The City Council may take limited verbal comments during the meeting. Written comments may be submitted by email to lisa.figueroa@cityoftoledo.org 3:00 p.m. the day of the meeting to be included in the record. Comments received will be shared with the City Council and included in the record.

1. Call to Order and roll call

2. Presentations

- Presentation – Mid-Coast Conservation Consortium Report
- Presentation – Police Department

3. Visitors/Public Comment

(The public comment period provides the public with an opportunity to address the City Council regarding items not on the agenda. Please limit your comments to three (3) minutes).

4. Consent Agenda

Minutes from the Work Session held August 26, 2020.

5. Discussion Items

- Review City Council Rules
- **Committee updates**

6. Decision Items

There are no items for consideration.

7. Reports and Comments

8. Adjournment

Comments submitted in advance are preferable. Comments may be submitted by phone at 541-336-2247 extension 2060 or by e-mail at lisa.figueroa@cityoftoledo.org. The meeting is accessible to persons with disabilities. A request for an interpreter for the hearing impaired, or for other accommodations for persons with disabilities, should be made at least 48 hours in advance of the meeting by calling city offices at (541) 336-2247.

Page 1



June 9, 2020

Adam Denlinger
General Manager
Seal Rock Water District
PO Box 190
Seal Rock, OR 97376

Mid-Coast Conservation Consortium Year 1 – Scope of Work and Fee Estimate

From April 2019 through early 2020, GSI Water Solutions, Inc. (GSI) researched and developed a framework for a Mid-Coast water conservation consortium on behalf of Seal Rock Water District and the cities of Lincoln City, Newport, Yachats and Waldport. This effort ultimately resulted in a work plan and budget for the first year of operation of the Mid-Coast water conservation consortium that expressed the desired activities of the water providers involved. GSI has prepared this scope of work to implement and operate the Mid-Coast water conservation consortium in accordance with that work plan and budget.

As we discussed when we pursued initial development of the Mid-Coast water conservation consortium, this type of organization would be an effective vehicle for leveraging the resources of similar-situated water providers to accomplish the following:

- Increase water conservation awareness and activities on the Mid-Coast, particularly during the summer
- Increase resiliency during droughts and emergencies by better aligning mitigation and response actions
- Increase coordination among water providers, including:
 - Communications and knowledge sharing,
 - Pooling of resources to accomplish more water conservation activities than what could be accomplished individually, and
 - Creating more consistent water conservation and drought response messages for customers.
 - Meet Water Management and Conservation Plan benchmarks, as applicable.

Scope of Work

The overall goal of this project is to implement and operate the Mid-Coast water conservation consortium with the objective of building an organization that will grow in membership and activities over time. Tasks identified in the above-mentioned annual work plan and budget aim to achieve that goal. These tasks are outlined below.

Task 1 – Mid-Coast Water Conservation Consortium: Year 1

Specific tasks are likely to include, but are not limited to:

1. **Establish a logo and brand.** Establish a logo, brand, and branding guidelines for the Consortium.
2. **Consortium Website Development.** Develop a website that is mobile phone friendly and easy for the Consortium to manage; develop text and links to other relevant conservation sites and obtain photos for the website.

3. **Strategic Planning.** Develop a Strategic Plan, which includes: a mission statement; Strengths, Weaknesses, Opportunities, and Threats (SWOT) analysis; guiding principles/values; focus areas and strategic initiatives, implementation and evaluation strategies. Includes time for one longer meeting.
4. **Annual Work Plan and Budget.** Develop a document identifying activities for Fiscal Year 2021-2022 and the associated budget.
5. **Water Conservation Outreach to Customers.** Develop content for Annual Water Quality Reports (i.e., Consumer Confidence Reports); develop two newsletter articles.
6. **Water Provider Outreach: Recruitment Document and Mutual Aid Document.** Develop a document about resources that water providers can access, such as for leaks; develop a one-page front and back flyer describing the Consortium and inviting water providers to participate; communications with interested water providers.
7. **Project Management and Meetings.** Project Management; Hold up to eight 2-hour meetings with participating water providers.

Task 1 Deliverables

1. A Mid-Coast Water Conservation Consortium logo, brand, and branding guidelines.
2. A Mid-Coast Water Conservation Consortium website.
3. A Strategic Plan.
4. An annual work plan and budget.
5. Content for annual Water Quality Reports and two newsletter articles
6. A document describing resources available to water providers
7. A one-page front and back flyer describing the Consortium and inviting water providers to participate.

Fee Estimate

Our team’s proposed fee to complete the tasks on a time-and-materials basis is **\$40,000**. Exhibit 1 presents the estimated budget by task. This budget will not be exceeded without prior authorization from SRWD. GSI’s 2020 labor rates are attached. Our understanding is that SRWD will pay invoices provided by GSI, but will be reimbursed by the cities of Lincoln City and Newport and that the cost share for the three entities is - - City of Newport \$15,000 (37.5%); City of Lincoln City \$15,000 (37.5%); SRWD \$10,000 (25%).

Task	Estimated Budget
Establish logo/brand	\$ 7,350
Consortium Website Development	\$ 15,135
Strategic Planning	\$ 5,920
Annual Work Plan and Budget	\$ 1,505
Water Conservation Outreach to Customers	\$ 1,335
Water Provider Outreach: Recruitment Document and Mutual Aid Document	\$ 2,045
Project Management and Meetings	\$ 6,710
Total	\$ 40,000

Our understanding is that SRWD will pay invoices provided by GSI, but will be reimbursed by the cities of Lincoln City and Newport and that the cost share for the three entities is - - City of Newport \$15,000 (37.5%); City of Lincoln City \$15,000 (37.5%); SRWD \$10,000 (25%).

Schedule

We are prepared to begin work upon receiving authorization to proceed. Implementation of the tasks outlined above will occur over the course of one year from the authorization to proceed.

We look forward to hearing back from you and getting started. Our standard Professional Services Agreement is attached for your review and approval as your notice to proceed. Please let us know if you have any questions or would like to discuss further.

Sincerely,
GSI Water Solutions, Inc.



Adam Sussman
Principal Water Resources Consultant



Suzanne de Szoeke
Water Resources Consultant

Enclosure: Professional Services Agreement
GSI 2020 Labor Rates

**GSI Water Solutions, Inc.
55 SW Yamhill, Suite 400
Portland, Oregon 97204**

PROFESSIONAL SERVICES AGREEMENT

Client:

Adam Denlinger
General Manager
Seal Rock Water District
PO Box 190
Seal Rock, OR 97376

Name of Project: Mid-Coast Water Conservation Consortium Year 1

Seal Rock Water District (CLIENT) authorizes Groundwater Solutions, Inc, dba GSI Water Solutions, Inc. (GSI) to perform the following water rights consulting services.

Scope of Services

- The attached proposal letter dated June 9, 2020 to Adam Denlinger presents the scope of work for this project.

Compensation

- The scope of work outlined in the proposal letter dated June 9, 2020 will be completed on a time and materials basis, billed as provided herein. GSI has provided you with a good faith estimate that the work should not exceed \$40,000. GSI reserves the right to adjust this amount in the event of encountering unforeseen issues relating to the project, which may arise during the time of the contract. In the event GSI must adjust price, it will contact the client at its earliest convenience to discuss adjustment of the total cost of the project. The total cost will then be subject to mutual Agreement of the parties.

Schedule

- GSI will proceed with the work in a professional and expeditious manner, unless delayed by the unforeseen unavailability of necessary labor, restricted access to the work site, discovery in handling of toxic materials, delays in communications with the client, insufficient or unworkable drawings or specifications, changes in the work, or any other causes beyond GSI's control. While GSI shall, at all times, conscientiously proceed with the work, the estimated time to complete this project as outlined in the letter dated June 9, 2020 is only for the benefit of the client's general planning. The actual completion time is subject to factors listed above. GSI will not be responsible for any financing costs or other consequential damages or costs incurred by the client due to delays in the completion of the project.

Terms:

Services covered by this Agreement will be performed in accordance with the attached provisions and schedules. This Agreement supersedes all prior Agreements and understandings and may only be changed by written amendment executed by both parties.

GSI WATER SOLUTIONS, INC.

SEAL ROCK WATER DISTRICT

Signature:

Signature:

Name (printed):

Name (printed):

Title:

Title:

Date:

Date:

Provisions

Authorization to Proceed

Execution of this Agreement by the CLIENT will be authorization for Groundwater Solutions, Inc. (GSI) to proceed with the services, unless otherwise provided for in this Agreement.

Compensation Rates

Compensation for services provided under this agreement will be on a time and materials basis in accordance with the rates contained in the Attached fee schedule. The hourly labor rates shown in Attachment are subject to annual adjustments effective each anniversary of the contract signing date.

Subcontracts and Direct Expenses

When services are performed on a cost reimbursement basis, a markup of 10 percent will be applied to subcontracts and outside services and a markup of 10 percent will be applied to Direct Expenses. For purposes of this Agreement, Direct Expenses are defined to include those necessary costs and charges incurred for the project including, but not limited to the direct costs of transportation, meals, lodging, mail, shipping, equipment, supplies, laboratory test and analysis, printing and reproduction services, and certain field equipment.

All sales, use, value added, business transfer, gross receipts, or other similar taxes will be added to GSI compensation when invoicing CLIENT.

Ownership of Documents

GSI agrees that all original documents produced by GSI in accordance with this agreement, are work made for hire and shall become the property of CLIENT. CLIENT agrees to waive any claim against Consultant and to indemnify, defend and hold harmless Consultant for any and all claims arising out of any use, not authorized in writing by GSI, of these documents by third parties not related to this agreement.

Cost Opinions

Any cost opinions or project economic evaluations provided by GSI will be on a basis of experience and judgment, but, since GSI has no control over market conditions or bidding procedures, GSI cannot warrant that bids, ultimate construction cost, or project economics will not vary from these opinions.

Payment to GSI

Monthly invoices will be issued by GSI for all services performed under this Agreement. CLIENT shall pay each invoice within 30 days.

In the event of a disputed billing, only that disputed portion will be withheld from payment, and the undisputed portion will be paid. CLIENT will exercise reasonableness in disputing any bill or portion thereof.

Insurance

GSI will maintain throughout this Agreement the following insurance:

- (a) Worker's compensation insurance in the statutory amount of not less than \$1,000,000 for all employees engaged in the work. Owners of GSI who are exempt from worker's compensation requirements shall maintain equivalent disability insurance.
- (b) Comprehensive automobile and vehicle liability insurance covering claims for injuries to members of the public and/or damages to property of others arising from use of motor vehicles, including onsite and offsite operations, and owned, non-owned, or hired vehicles, with \$1,000,000 combined single limits.
- (c) Commercial general liability insurance covering claims for injuries to members of the public or damage to property of others arising out of any covered negligent act or omission of GSI or of any of its employees, agents, or subcontractors, with \$2,000,000 per occurrence and \$2,000,000 in the aggregate.
- (d) Professional liability insurance of \$1,000,000 per occurrence and \$2,000,000 in the aggregate.

Insurance coverage in (b) and (c) above will name CLIENT and OWNER as additional insureds. Such insurance will be the primary coverage to GSI and CLIENT.

Before commencing work under this contract, GSI will furnish CLIENT with certificates of insurance verifying coverages and additional insureds. Certificates also will state that the insurance carrier will give CLIENT thirty (30) days notice of any insurance cancellation or material alteration.

Standard of Care

GSI will complete its services with the standard of care and degree of skill and diligence normally employed by professionals performing the same or similar services in the locality in which the services are performed.

Indemnification

GSI agrees, to the fullest extent permitted by law, to indemnify and hold harmless CLIENT from damages, liabilities, and costs to the extent such liabilities, and costs are caused by GSI's negligent acts, errors, or omissions in the performance of professional services under this agreement, or anyone for whom GSI is legally liable.

CLIENT agrees, to the fullest extent permitted by law, to indemnify and hold harmless GSI from damages, liabilities, and costs to the extent such liabilities, and costs are caused by Client's acts, errors, or omissions, or anyone for whom the CLIENT is legally liable.

In the event that damages, liabilities and costs are caused by the joint or concurrent negligence of CLIENT and GSI, they shall be borne by each party in proportion to its own negligence. This provision is intended to indemnify and hold harmless each other and each other's clients specifically in any situation in which employees, agents, and representatives commence a third party action for injuries or death otherwise covered by applicable workmen's compensation laws.

Limitation of Liability

GSI's liability will, in the aggregate, not exceed \$100,000. This Provision takes precedence over any conflicting Provision of this Agreement or any document incorporated into it or referenced by it.

This limitation of liability will apply whether GSI's liability arises under breach of contract or warranty; tort, including negligence; strict liability; statutory liability; or any other cause of action, and shall include GSI's officers, employees, and subcontractors.

Severability and Survival

If any of the provisions contained in this Agreement are held illegal, invalid or unenforceable, the other provisions shall remain in full effect. Limitations of liability shall survive termination of this Agreement for any cause.

No Third Party Beneficiaries

This Agreement gives no rights or benefits to anyone other than CLIENT and GSI and has no third party beneficiaries except as provided in ***Limitation of Liability***.

Materials and Samples

Any items, substances, materials, or samples removed from the project site for testing, analysis, or other evaluation will be returned to the project site unless agreed to otherwise. CLIENT recognizes and agrees that GSI at no time assumes title to said items, substances, materials, or samples. CLIENT recognizes that GSI assumes no risk and/or liability for a waste or hazardous waste site originated by other than GSI.

Assignments

Neither party shall have the power to or will assign any of the duties or rights or any claim arising out of or related to this Agreement, whether arising in tort, contract or otherwise, without the written consent of the other party. Any unauthorized assignment is void and unenforceable.

Integration

This Agreement incorporates all previous communications and negotiations and constitutes the entire Agreement of the parties. If CLIENT issues a Purchase Order in conjunction with performance of the services, general or standard terms and conditions on the Purchase Order do not apply to this Agreement.

Force Majeure

If performance of the services is affected by causes beyond GSI's reasonable control, project schedule and compensation shall be equitably adjusted.

Changes

CLIENT may make or approve changes within the general Scope of Services in this Agreement, subject to GSI approval and with appropriate adjustment for costs and time for performance. If such changes affect GSI's cost of or time required for performance of the services, an equitable adjustment will be made through an amendment to this Agreement.

Termination

This Agreement may be terminated for convenience on 30 days' written notice or if either party fails substantially to perform through no fault of the other and does not commence

correction of such nonperformance within 5 days of written notice and diligently complete the correction thereafter. The preceding sentence does not apply to a non-payment for services rendered, at which time, the client shall be deemed to be in default and GSI may suspend services. On termination, GSI will be paid for all authorized work performed up to the termination date plus termination expenses, such as, but not limited to, reassignment of personnel, subcontract termination costs, and related closeout costs.

Attorney's Fees

In case this Agreement is referred to an attorney for collection, suit, or action, including arbitration, by any of the parties to enforce any provision of this Agreement, the prevailing party shall be entitled to, in addition to any award of costs or disbursements provided by statute, such additional sums as the court may adjudge reasonable as attorney's fees and costs to be allowed in such suit or action, including sums allowed as reasonable attorney's fees and costs on any appeal of such suit or action.

Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon and venue of any action shall be in Multnomah County, Oregon.



2020 GSI Fee Schedule

Labor Category	Hourly Rate
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Technical Professionals

Principal	\$180 – \$245
Supervising	\$150 – \$185
Managing	\$140 – \$155
Consulting	\$125 – \$145
Project	\$105 – \$130
Staff	\$85 – \$115

Other Services

GIS/Graphics/Database	\$100 – \$160
Editor/Documents	\$110 – \$135
Administration	\$65 – \$105

The hourly rate for trial preparation and expert witness testimony is 1.5 times the standard billing rate shown above.

Expenses

- **Mileage:** IRS authorized rate/mile plus 10 percent markup
- **Direct expenses and outside services:** Cost plus 10 percent markup

MID-COAST WATER PLANNING PARTNERSHIP



NEWSLETTER
August 2020

Three MCWPP Work Groups Describe Key Issues for Partnership to Address

In August, the three Partnership work groups – Municipal-District Water Providers, Self-Supplied Industrial, Commercial, and Domestic Water Users, and Instream/Ecological Water Needs – each met remotely to review a summary of the 17 key issues for which each of the work groups achieved consensus. Each work group had an opportunity to review the 17 statements, and edit/modify the statements. At the conclusion of all three work group meetings, a survey was sent to all work group members to review the initial statements, review the suggested changes to the statements, and then review and affirm the proposed final statements. These statements will be shared with the partnership during the upcoming Mid-Coast Water Planning Partnership webinar September 29, 2020. The statements will be used to begin discussing and developing potential strategies for the Mid-Coast Water Planning Partnership Management and Implementation Plan.

All Hands-on-Deck Partnership Webinar 29 September 2020, 9am-10am

There will be a webinar Tuesday, September 29, 2020 from 9am-10am to discuss the outcomes of work group meetings and chart next steps for the Partnership to develop its management and implementation plan. We'll be sharing the key issues the work groups achieved consensus on, and introduce some new online tools that will allow everyone to participate in and track progress in plan development. To register for the webinar, click on [this link](#). Anyone is welcome to participate in the webinar. **Please share the link!**



"All the water that will ever be is, right now."
~National Geographic

Integrated Water Management Plan Development Team

Co-facilitators

Lisa DeBruyckere* (Creative Resource Strategies) and Lisa Gaines (Institute for Natural Resources)

Oregon Explorer Development Team

Janine Salwasser, Myrica McCune, and Tyson Schoepflin (Institute for Natural Resources), Marc Rempel (OSU Libraries and Press)

Technical Writing

Jeff Behan (Institute for Natural Resources)

Facilitation Support and Technical Assistance For Plan Development

Sam Chan, Oregon Sea Grant
Derek Godwin, OSU Extension

*Point of contact (lisad@createstrat.com)



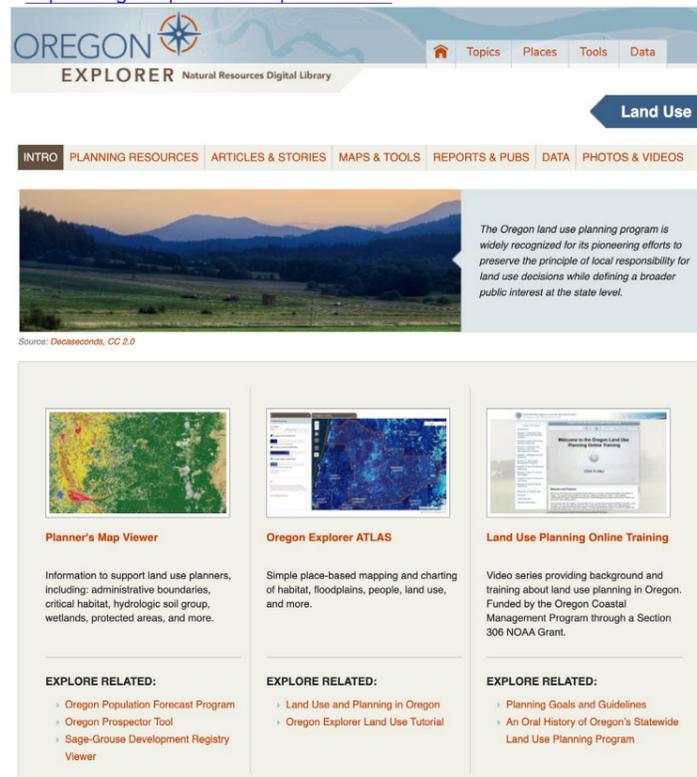


Mining for Data Actions Underway to Incorporate Datasets and Data Layers into Oregon Explorer

Datasets are being acquired and incorporated into the Mid-Coast Water Planning Map Viewer (beta version). The boundary of the Mid-Coast region and associated watersheds (8th digit Hydrologic Unit Codes) has been added. The

Oregon Explorer team met with the GIS and planning staff from Oregon Water Resources Department and have already received all data layers requested. The project team met with Dr. John Bolte at Oregon State University and learned of datasets and analyses from the Oregon Coastal Futures Project that could also be a valuable contribution to a Mid-Coast water strategy. New data layers will be added to the Mid-Coast Water Planning Map Viewer as they are identified as supportive to the water management plan and scenarios.

Copy of Land Use landing page on the Oregon Explorer:
<https://oregonexplorer.info/topics/land-use>



Accessed 8/7/20

Our consulting team is developing 3 tools that will be used to help communicate issues associated with Mid-Coast water:

- The image to the left is a mock-up of the Mid-Coast Water Planning Partnership Landing Page on Oregon Explorer.
- The Landing Page will have links to an **Oregon Explorer Mid-Coast Water Planning Map Viewer**, which will display key datasets integral to understanding water issues in the Mid-Coast.
- A **website** is being created that condenses and illustrates technical reports and information re: water quality and quantity, built systems, and ecology in the Mid-Coast region as well guides stakeholders through the entirety of the planning process, describing strategies, targets, metrics, budget needs, and other info. Stay tuned for the upcoming beta launches of these online tools!

COMING IN SEPTEMBER . . .



- Affirm key issues from partnership work groups.
- Begin process to affirm goals and identify implementable actions to address key Mid-Coast water issues.
- Host partnership webinar 29 September 2020 at 9:00am.
- Meet and request relevant agency datasets to inform strategy development.
- Load additional datasets into Mid-Coast Water Planning Map Viewer beta version.
- Review Oregon Explorer Mid-Coast Water landing page mock-up.
- Launch new Mid-Coast Water Planning Partnership website.

New Mid-Coast Water Planning Partnership Website Will Feature Step 2 Technical Reports Condensed and Illustrated

The reports that were created for Step 2 of the planning process described in detail issues associated with water quality, water quantity, built systems, and ecology in the Mid-Coast region. The lengthy reports contain a great deal of information integral to understanding potential water management issues. The partnership is launching a new website in September that distills and illustrates the information from these reports. The new website will have links to datasets and graphics and illustrations that help convey important information, such as perspectives stakeholders shared via a survey in 2019, the difference between point and non-point source pollution, and major river drainages in the Mid-Coast.



Stay tuned for the launch of the new website the end of September! The website will be used to engage with stakeholders as we develop strategies, describe funding needs, and create an implementation plan to achieve the goals of the partnership and realize your vision for a unified water implementation plan for the Mid-Coast.

2019 Stakeholder Survey Results at a Glance

The 2019 stakeholder survey results share unique insights into the perspectives and values of Mid-Coast citizens. A snapshot of those survey results (see graphic below) is important to keep front and center as the partnership navigates the development of strategies, targets, and metrics to evaluate success implementing an integrated water management plan for the Mid-Coast.

When it comes to water, the majority of participants think about:
 Most: Health
 43%: Water
 41%: The environment, or ecology.
**All other issues lagged behind these three. Most participants receive their water from either a city or water district.*

How People Use Water
 95% personal or home use
 78% enjoy water "in a scenic way;"
 73% use it to grow food or plants.
 13% use water for business or industrial use.

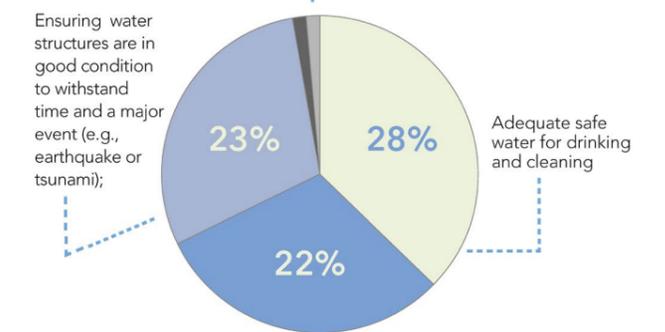
Water Costs
 57% find costs are "about right"
 26% believe it costs too much
 7% believe it costs too much

Consideration of Water
 40% think about water use most of the time
 17% think about it all of the time
 Less than 10% think about it rarely, or never

If 100 gallons of water was available for various uses, participants would give:
 32.6 gallons to residential water supply for year-round residents
 23.7 gallons for fish and wildlife
 7.6 gallons for tourist lodging and tourist attractions

When asked about their concerns regarding adequate water for people, business, and nature, the primary concerns are:

1% Enough water to support business and industry:
 1% Safe water for recreation.



Enough water to support fish and wildlife.

When asked to evaluate ways to help ensure there is adequate water for all needs, participants assigned points to various solutions:

19.8 points: Watershed restoration
 18.3 points: Water storage system
 17.2 points: Sharing water among communities
 16 points: Conservation

**TOLEDO CITY COUNCIL
WORK SESSION
August 26, 2020
6:00 p.m.**

1. CALL TO ORDER

Mayor Rod Cross called the meeting to order at 6:02 p.m.

Present	Absent	
<u>X</u>	<u> </u>	<u>Mayor Rod Cross</u>
<u>X</u>	<u> </u>	<u>Council President Joshua Smith</u>
<u>X</u>	<u> </u>	<u>Councilor Jackie Kauffman</u>
<u> </u>	<u>X</u>	<u>Councilor Heather Jukich</u>
<u>X</u>	<u> </u>	<u>Councilor Bill Dalbey</u>
<u>X</u>	<u> </u>	<u>Councilor Stu Strom</u>
<u>X</u>	<u> </u>	<u>Councilor Betty Kamikawa</u>

Staff present: City Manager (CM) Judy Richter, City Recorder (CR) Lisa Figueroa, Police Chief (PC) Michael Pace, Public Works Director (PWD) Bill Zuspan, Fire Chief (FC) Larry Robeson, City Attorney (CA) David Robinson, Library Director (LD) Deborah Trusty

Visitors present: Craig Lash, Terri Neimann, June O’Conner, Bill Kucha, Martin Desmond, C.J. Drake, Wayne Belmont

2. PRESENTATIONS

Climate Change Presentation

Martin Desmond, Bill Kucha and June O’Conner provided a presentation in regards to climate change. Mr. Desmond indicated they approached Lincoln City, Newport and Lincoln County to invest and develop in a Climate Action Plan that would reduce carbon emissions by 2035. He referenced their executive summary, which includes data from the Department of Environmental Quality. Ms. O’Conner indicated there will be a five-foot tidal rise in Waldport in the next 15 years. Mr. Kucha commended the City for its Tree City designation and the installation of community gardens. He commented on the need to declare a climate emergency similar to the City of Milwaukie. The Council requested a copy of the Executive Summary be sent to CM Richter to share with the Council for consideration.

3. VISITORS/PUBLIC COMMENT

There were no comments.

4. CONSENT AGENDA

Consider approval of Minutes from the Work Session held July 22, 2020 and the Regular Meeting held August 5, 2020

Motion – It was moved and seconded (Strom/Smith) to approve the Consent Agenda as presented and the motion carried unanimously.

1 **5. DISCUSSION AND DECISION ITEMS**

2 **Strategic Investment Plan Agreement presentation**

3 Lincoln County Attorney Wayne Belmont addressed the Council and indicated the Council voted
4 to accept final terms of the agreement several months ago. He said there was an issue when it was
5 presented to the Business Oregon Commission with the way the agreement was drafted. He stated
6 two fees were proposed in the agreement; the Community Service Fee (CSF) and the Community
7 Impact Fee (CIF) in lieu of paying taxes. He said Georgia-Pacific (GP) did not want to pay the
8 CIF but preferred to increase the CSF to 35%. He said Lincoln County agreed to the term and
9 presented it to Business Oregon, who indicated it could be accomplished by adding a separate term
10 in the agreement denominating the CIF as a percentage as long as it is not included in the CSF and
11 be distributed amongst the taxing districts evenly. He said the agreement was modified to include
12 the separate term as noted and it was reviewed by Business Oregon but needs the Council to
13 approve the amended agreement. CA Robinson noted since the City of Toledo is impacted by GP,
14 he believes the City should receive 100% of the CIF. Mr. Belmont indicated the current agreement
15 accomplishes the same outcome as the previous agreement that all taxing districts would
16 proportionately receive funds from the CIF. There was discussion and it was noted the County and
17 City could enter into a separate agreement in regards to the distribution of the CIF. Mr. Belmont
18 indicated he is willing to setup a Zoom meeting with the taxing districts.

19
20 **Motion** – It was moved and seconded to approve the Strategic Investment Program (SIP)
21 Agreement dated August 17, 2020 and approve the Intergovernmental Agreement (IGA) as
22 presented.

23
24 Mr. Belmont suggested [based on the discussion], the Council may want to approve the SIP
25 Agreement today but reserve approval of the IGA until after further discussions between the
26 districts.

27
28 **Motion** – CP Smith amended the motion to only approve the Strategic Investment Program (SIP)
29 Agreement dated August 17, 2020 as presented, at this time. Councilor Kauffman seconded the
30 amended motion and it carried four to two with Councilors Dalbey and Kamikawa opposed.

31
32 **Review final draft of Water and Wastewater Study**

33 CM Richter provided the Council report and said there have not been any changes to the document
34 from its last presentation. Civil West Engineering North Coast Regional Manager Keven Shreeve
35 reviewed the proposed rate increases and answered clarification questions. He noted the report
36 included information on incrementally raising consumer rates rather than having one huge
37 increase. Mr. Shreeve referred to page 29 and indicated there are fixed costs to maintain the system.
38 He implied system maintenance costs may not be covered if the base rate is based more on
39 consumption rather than a flat base rate, because consumers will want to save money. Several
40 Council members expressed concern for consumers on a fixed income and how they would be
41 considered. CM Richter noted the current rate structure included in the packet shows an effective
42 date of May, 2019 but noted Council did adopt a 3% to those rates in May of 2020.

43
44 **Motion** – It was moved and seconded (Kauffman/Kamikawa) to accept the final draft
45 recommendations and recognize the work of Civil West Engineering and the motion carried
46 unanimously.

1 **Liquor License Application request**

2 CR Figueroa provided the Council report and noted the floor plan is included in the packet.

3
4 **Motion** – It was moved and seconded (Strom/Smith) to recommend approval of the Liquor License
5 application for Rizza Pizza and the motion carried unanimously.

6
7 **Approve expenditure of \$40,000 from City Council Strategic Reserve for Small Business**
8 **Grants**

9 CM Richter summarized the Council report she noted the documents have been updated and CR
10 Figueroa is creating a page on the City website dedicated to the Small Business Grants. Council
11 asked clarification questions in regards to the points system and amended the points to 15 for
12 businesses existing five years or more. The Council amended the criteria to include home based
13 business however the money would not be applied to a house payment or rent. They also omitted
14 points for the type of business category. There was discussion as to whether the Council or
15 Contribution Committee would have authority to award the grants and it was noted the
16 Contribution Committee would but a report on the awards would be provided to the Council.

17
18 **Motion** – It was moved and seconded (Smith/Dalbey) to approve expenditure of \$40,000 from
19 City Council Strategic Reserve for Small Business Grants and submit for reimbursement from
20 Coronavirus Relief Fund from State of Oregon.

21
22 **6. REPORTS AND COMMENTS**

23 CP Smith noted he is back to work and asked Councilor Dalbey if he can attend the Cascades West
24 Area Commission on Transportation meeting tomorrow as the alternate. Councilor Dalbey said he
25 could.

26
27 Mayor Cross reported on the Arts Revitalization Toledo Project and said they hope to have their
28 first meeting in September. He said they will work with the National Endowment for the Arts and
29 want to include the Siletz Tribe to include Native American Art.

30
31 PWD Zuspan provided a Department report which included updates on the Spruce/Arcadia Streets
32 project and a water main break on 10th Street earlier that day.

33
34 Chief Pace said the Department has received more school supplies for the giveaway. He updated
35 the Council on information distributed from the Oregon Chiefs of Police Association in regards to
36 safety compliance. He commented on the Crosswalk Enforcement Grant project and said it was
37 successful.

38
39 CM Richter said she will start preparing a letter outlining the Council's requirements for the Seal
40 Rock Water District contract negotiation.

41
42 CP Smith left the meeting at 7:57 p.m.

43
44 Councilor Kamikawa commented and appreciated an art piece from a citizen located on the corner
45 of NW 10th Street. She said the improvements look good at Rock Park but believes the City is
46 responsible for the stairway on the left-hand side. She said it does not have a hand rail. There was

1 discussion about two benches that would be donated to the Toledo History Center that could be
2 installed at Rock Park.

3

4 **7. ADJOURNMENT**

5 The meeting adjourned at 8:09 p.m.

6

7 ATTEST:

APPROVE:

8

9

10

11

City Recorder Lisa Figueroa

Mayor Rod Cross

DRAFT

**CITY OF TOLEDO
REQUEST FOR COUNCIL ACTION**

	Meeting Date:	Agenda Topic:
	September 16, 2020	Review City Council rules
Council Goal:	Agenda Type:	
Not Applicable	Discussion and Information	
Prepared by:	Reviewed by:	Approved by:
City Recorder L. Figueroa	City Manager Judy Richter	City Manager Judy Richter

Recommendation:

No motion is required at this time.

Background:

The City Council began reviewing City Council rules in 2019 to update them but did not finalize them.

The rules are before Council for review and to suggest amendments before final consideration.

Fiscal Impact:	Fiscal Year:	GL Number:
N/A	2019-2020	N/A

Attachment:

1. City Council rules
2. News Media Policy

PREFACE

In Oregon, many city charters require a city council to establish rules of procedure for how council meetings will be governed, how appointments will be made, and how council members interact with one another, city employees, and the public. Toledo Charter section 13 requires the Council to “adopt rules for the government of its members and proceedings.” Like many other cities’ charters, it does not provide substance or guidance on how to do so. Some rules for elected officials are found in the city charter. Some are found in city code and state law. These Council Rules expand upon the law to guide conduct and procedure specific to the City of Toledo. Once adopted they are enforceable by their own terms.

Establishing rules of procedure for council meetings and councilor conduct has several benefits. First, it allows for meetings to be run in an efficient and consistent manner. Second, it allows for the council to receive information from the public about matters of public concern in a courteous and respectful manner. Third, rules provide guidance to council members on how they are to interact and engage with city employees, other members of council, and members of the public. Fourth, rules of procedure ensure continuity and stability during transition years when new members of the council are elected to office.

The Toledo City Council believes that effective municipal governance requires that individual council members adhere to a general set of principles when dealing with each other and the general public. Furthermore, the Toledo City Council desires to conduct its meetings in a manner that is courteous, effective and efficient while fostering an environment that is fair, open and responsive to the needs of the community.

All questions regarding these rules will be resolved by majority vote of the council.

These rules cite to applicable law and use the following abbreviations: Toledo Municipal Code (TMC), Toledo Charter (TC), Oregon Revised Statutes (ORS), Oregon Administrative Rules (OAR). References to the City Manager also include designee(s) of the City Manager.

CHAPTER 1 – General Governance

1.1. Rules of Procedure.

A. The current edition of Robert's Rules of Order Revised shall be used as a guideline for conduct of Council meetings, except in those cases where specific provisions contrary to Robert's rules shall be necessary and approved by the Council.

B. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the Council and confuse members of the public.

C. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

1.2. Quorum. Except to adjourn, a quorum is required to conduct official City business at any meeting of City Council.

A. A quorum is defined as a majority of incumbent ("currently holding office") members of the Council. (TC 14)

B. In the event a quorum is not present the members of Council may meet in order to compel the attendance of absent members and for no other purpose.

C. Members of City Council are permitted to congregate socially, in civic organizations, and in any other non-official City engagement regardless of quorum, provided that Council Members do not deliberate on official City business. No public notice is required.

1.3. Presiding Officer.

A. The Mayor is the presiding officer and shall preside over council deliberations and shall have a vote on all questions before the Council. The Mayor shall preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council. (TC 16)

B. The Council shall elect a Council President from its membership at its first meeting of each odd-numbered year. (TC 17)

C. In the Mayor's absence the Council President is presiding officer. The Council President shall retain all rights and privileges of the office of the Mayor. (TC 17)

D. If both the Mayor and the Council President are absent from the meeting, the following procedure shall be utilized to appoint the presiding officer:

1. The City Manager shall call the Council to order and call the roll of the members.

2. Those members of Council present shall elect, by majority vote, a temporary presiding officer for the meeting.

3. Should either the Mayor or the Council President arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

4. The presiding officer shall retain all rights and privileges of a member of Council when acting in this capacity.

5. The presiding officer does not have any rights of the Mayor outside of meetings.

6. A presiding officer shall be reappointed at each meeting under this subsection D as long as the Mayor and Council President remain absent.

1.4. Appointed Officers

A. Mandatory Appointment. City Manager. The City Manager is required to attend all Council meetings and is permitted to participate in any discussion; however, the City Manager has no authority to cast a vote in any decision rendered by the Council. The powers and duties of the City Manager are set forth in TC 20.

B. Optional Appointments.

1. City Attorney. The City Attorney may attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal matters. (TC 10)

2. Municipal Court Judge. (TC 10, 21)

3. Any other Officers that the Council considers necessary. (TC 10-12)

CHAPTER 2 – Meetings

2.1 Statement of Purpose. Limited Public Forum. The meetings of the council, including regular meetings, special meetings, work sessions and emergency meetings are open to the public in accordance with the Oregon Public Meetings Law. The meetings are considered a limited public forum at which council business is conducted in accordance with the agenda and rules of the council. The mayor, as the presiding officer, along with the council has the authority to require discussion at the meetings be addressed to the matters that are appropriate to be considered, to limit the time for discussion, and to restrict input concerning the matters to be discussed. The council has the right to require persons attending the meeting, addressing the council or participating in the meeting to conform to the rules of the council and directions of the mayor or the presiding officer.

2.2. Types of Meetings

A. Regular meetings.

1. Council shall hold a regular meeting at least twice a month in the City at a time and place that it designates (TC 13).

2. No Council meeting will be held at a venue where discrimination on the basis of an individual's race, religion, color, gender, gender identity, national origin,

ethnicity, marital status, familial status, age, sexual orientation, source of income, disability, or any other status as defined by state law is practiced.

3. In the event City Hall is not available for a meeting, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the City. Otherwise, the venue shall be as close to the Toledo's jurisdictional boundary as practicable.

4. The Council shall direct city staff to 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.

B. Special meetings. Special meetings are meetings that are nonemergent and not a regularly scheduled meeting or a work session

1. Special meetings may be called by the Mayor, or in the Mayor's absence, the Council President, or the City Manager.

2. Special meetings require at least 24 hours' notice to the general public, any news media who have requested notice, and the members of the governing body. (ORS 192.640)

3. No business other than that for which a special meeting is called can be transacted at a special meeting.

C. Emergency meetings. Emergency meetings are special meetings when circumstances present an emergency whereby it is not possible to give 24 hours' notice to the public of the meeting. Emergency meetings may be called by the Mayor, or in the Mayor's absence, the Council President, or by the City Manager. In addition to other public record keeping requirements, minutes for such a meeting must describe the emergency that justifies less than 24 hours' notice. (ORS 192.640)

D. Work Session. Work sessions are authorized by these rules. The purpose of work session meeting is to present information to the Council so that the Council is prepared for regular or special meetings. The meeting date and time shall be regularly scheduled however the Council, in its sole discretion may reschedule or cancel work sessions.

1. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.

2. Work sessions are intended to allow for preliminary discussions. The Council is permitted to take formal or final action on matters at a work session.

E. Executive Sessions. The City Council may hold an executive session during a regular, special, or emergency meeting pursuant to ORS 192 and OAR Chapter 199 Division 40.

1. Executive sessions may be called by the Mayor, presiding officer, the City Attorney, or the City Manager.
2. The Council may exclude any person(s) which it is authorized by law to exclude from an executive session.
3. Representatives of the news media shall be allowed to attend executive sessions consistent with state law and in accordance with the Toledo Media Policy. The Presiding Officer shall instruct any media representatives present not to disclose the substance of any discussion during executive session. The media policy may be amended with advice and consent of the Council.
4. No decision or formal action shall be made in an executive session. If the Council in executive session provides direction or consensus to staff on proposed terms and conditions for any type of negotiation whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

2.3. Authority to Reschedule. The City Council may cancel or reschedule any meeting so long as the City Council holds two regular meetings within the month in accordance with City Charter Section 13.

2.4. Travel and Training Sessions. The City Council may attend training sessions outside of the City's jurisdictional limits provided no deliberations toward a decision are made. No public notice is required.

2.5. Agendas. The City Manager shall prepare an agenda for every regular meeting and work session. Agendas for special meetings, emergency meetings, and executive sessions shall be prepared by the individual(s) calling the meeting

A. Agendas shall 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.

B. Agendas shall be posted in at least one location at City hall.

C. The Mayor, or in the Mayor's absence, the Presiding Officer, or City Manager may place routine items and items referred by staff on the agenda without Council approval or action ("Consent Agenda").

D. The City Manager may remove any items on the agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The presiding officer shall announce such removal at the beginning of the meeting.

E. A member of the Council who wishes to have an item placed on the agenda may:

1. Submit a request to the Mayor with a copy to the City Manager at least one week prior to the meeting.
2. Bring up the item during Council comments for consideration and the Council may vote to add the item to a future meeting agenda.

2.6. Order of Business. The order of business for all regular meetings shall be as follows.

A. Call to order and roll call

B. Public comment - Public comment will be reserved for every regular meeting of the Council. Persons wishing to speak during public comment must sign the “speaker’s roster” with the person’s name and address and the topic upon which the person wishes to speak. The public comment period shall not exceed a maximum of 30 minutes, unless a majority of the Councilors present vote to extend the time.

C. Community Service Reports and/or presentations to the Council.

D. Consent Agenda - In order to expedite the Council’s business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.

1. All items on the consent agenda shall be approved by a single motion, unless an item is removed for further consideration.
2. Any item on the consent agenda may be removed for separate consideration by any member of the Council.
3. Ordinances, resolutions, and orders will not be placed on the consent calendar.

E. Discussion and Information Items

F. Decision Items

G. Reports and Comments - When necessary, reports can be given to the Council by boards, commissions, committees, elected officials, and/or City employees.

H. Adjournment

2.7. Attendance. Attendance is mandatory. Members of the Council shall advise the City Manager within one hour prior to the meeting if they will be unable to attend any meetings. Attendance issues may be dealt with by public censure pursuant to Chapter 3, Section IV

2.8. Public Hearings Generally

A. A public hearing may be legislative or quasi-judicial, the formalities of which are governed by law. The public hearing procedure template is set forth in Appendix A. This template may be amended by staff with advice and consent of the Council.

B. The Presiding Officer may limit the time and number of speakers at each public hearing; however, no such limitation shall obstruct the presentation of evidence relevant to determine the facts, apply the law, or give a ruling, order, or determination. In such event, the Presiding Officer shall announce such restriction prior to the beginning of the hearing.

C. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the City, and state their address for the record. All remarks shall be addressed to the Council as a body and not to any member thereof.

2.9. Conflicts of Interest and Abstentions

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

B. All other decision items. A Council Member may abstain from any vote based on their perceived conflict of interest and shall provide a reason for the abstention.

2.10. Motions.

A. The following rules shall apply to motions:

1. All motions shall be distinctly worded.
2. If a motion does not receive a second, the motion fails and no vote may be taken on the motion.
3. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. A motion to amend can be made to a motion that is on the floor and has been seconded.
5. A motion may be withdrawn by the mover at any time without the consent of the Council.
6. Amendments are voted on first, then the main motion is voted on as amended.
7. Debate on the main subject resumes if the motion fails.

8. A motion that receives a tie vote fails.

9. The motion may be repeated prior to a vote.

B. Motion to Reconsider.

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

2. A Council member may move for reconsideration on an action at the same meeting prior to the adjournment of the meeting or the next regular meeting, provided that reconsideration of the action has been added to the agenda and noticed accordingly.

3. Once a matter has been reconsidered, no motion for further reconsideration shall be made.

2.11. Debate. The following rules shall govern the debate of any item being discussed by the Council:

A. Every council member desiring to speak shall address the presiding officer and, upon recognition by the presiding officer shall confine themselves to the question under debate, at all times acting and speaking in a respectful manner.

B. A council member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

2.12. Public Comment. The public may be allowed to comment on matters before the Council that require a vote at discretion of the presiding officer.

A. The presiding officer may open the matter for public comment after the staff report and council discussion but before any action is taken.

B. Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receives answers from the Council or City staff.

C. Each person desiring to comment shall provide the Council with their name and address prior to giving comment to ensure the minutes of the meeting properly reflect those persons who provided public comment.

2.13. Voting. The vote on every motion shall be taken by a show of hands or roll call and entered in the meeting minutes. Every Council member shall vote, unless they have declared a conflict of interest or an abstention.

2.14. Minutes

A. Minutes.

1. All minutes should be in written form with an audio recording of the meeting maintained by the City Recorder in accordance with the appropriate record retention schedule and in accordance with Oregon Public Records Law. Neither a full transcript nor a full recording of the meeting is required, except as otherwise prescribed 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.

2. Contents of Minutes. Meeting minutes shall contain the following information:

- a. The date, time and place of meeting
- b. All members of the governing body present
- c. All motions, proposals, resolutions, orders, ordinances and measures proposed and the disposition
- d. The results of all votes and the vote of each member
- e. The substance of any discussion and a reference to any document discussed

3. Executive Session minutes shall be kept in written form, in accordance with subsection 1 and 2 of this section. An audio recording of an executive session may be kept consistent with state law and in accordance with the City's record retention schedule, and it need not be transcribed unless otherwise provided by law. If a Council Member wishes to review material from the executive session or if a council member is absent from an executive session and wishes to review materials from the executive session, they must submit a request to the Council. Council may approve or deny the request. Council may approve review of executive session materials by any of the following: listen to the full audio, review written minutes, or get a briefing from the City Manager or City Attorney.

CHAPTER 3– Ethics, Decorum, Outside Statements

3.1. Ethics. All members of the Council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the Council shall refrain from:

- A. Disclosing confidential information.
- B. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
- C. Expressing an opinion contrary to the official position of the Council without so saying.
- D. Conducting themselves in a manner so as to bring disrepute upon the government of the City.

3.2. Decorum.

A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the Council.

B. Members of the City Council will:

1. Be respectful towards fellow Council members, staff, guests, and members of the public.
2. Be well informed and participate in the decisions of the Council.
3. Attend all Council meetings and Council sub-committees assigned.
4. Make staff, guests, and members of the public comfortable by fostering a welcoming milieu and educating meeting attendees about the meeting process.
5. Maintain a tone of voice that is friendly, sincere and communicate clearly to ensure they are heard.
6. Preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings, or refuse to obey the orders of the presiding officer or these rules.

C. If significant changes are suggested to a proposed ordinance or resolution, the Council may direct staff to make the necessary amendments to the proposed ordinance or resolution and reintroduce the proposed document for additional review.

D. Members of the City staff and all other persons attending meetings shall observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.

E. Council members, staff, guests and members of the public shall not obstruct the meeting in a manner that prohibits the Council from conducting its business.

F. Picture Taking and Filming is allowed provided it does not disrupt the meeting of the Council as determined by the Presiding officer or Sergeant at Arms.

G. A law enforcement officer of the City may be designated as Sergeant-at-Arms of the Council meetings and shall carry out all orders and instructions given by the Presiding Officer for the purposes of maintaining order and decorum at the Council meeting consistent with state law.

1. Individual(s) may be removed from a meeting if their actions interfere with the order and decorum of the meeting.
2. Vacating Council Chambers. If a meeting is disrupted by members the Council, City staff, guests, or the public, the Presiding Officer or a majority of the Councilors present may order the Council Chambers or other meeting place to be cleared or adjourn the meeting

H. Seating Capacity and Occupancy.

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

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

I. Unless authorized by the Presiding Officer, no flags, posters, placards, or signs, are allowed inside Council Chambers or inside any place where a public meeting or public hearing is being held.

3.3. Statements to the Media and Other Organizations

A. Representing City. If the Mayor or Council member appears as a representative of the City, they may only state the official position of the City, as approved by a majority of the Council.

B. Personal Opinions. If the Mayor or Council member appears in their personal capacity to give a statement on an issue, the member must state they are expressing their own opinion and not that of the City before giving their statement.

C. The presiding officer may direct the City Manager, City Attorney, Municipal Court Judge, or other appointed officer to represent the City and if so directed, that individual shall give only the official position of the City, as approved by a majority of the Council.

3.4. Censure.

A. The Council may make and enforce its own rules and ensure compliance with city and state laws applicable to governing bodies. If a Council member substantially violates these rules or state law, by words, action, or nonperformance of duties, the Council may take action to protect Council integrity and discipline the Council member with a public reprimand or removal from office (TC 20.8, TC 28.2)

B. A censure shall be brought by motion and seconded. A majority vote in favor of censure is required to censure a Council member.

C. It is the expectation of the Council that all Council Members adhere to the Council rules of decorum outside of meetings as well as inside meetings and recognize that as elected officials their conduct and speech reflects on the entire City and their fellow elected officials.

D. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter, or state laws

applicable to governing bodies have occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

CHAPTER 4 – Communication with Staff and Staff Administrative Support

4.1. Communication with Staff.

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

1. Collaborating with the staff as a team in a spirit of mutual confidence and support.
2. Not attempting to influence or coerce the City Manager or department head concerning personnel, purchasing, awarding of contracts, selection of consultants, processing of development applications or the granting of City licenses and permits.
3. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
4. Respecting roles and responsibilities of staff if expressing criticism in a public meeting, private conversations, or through public electronic mail messages. Staff shall have the same respect for the roles and responsibilities of Council members. All written informational material requested by individual Councilors will be submitted by staff to the entire Council with a notation indicating which Councilor requested the information.
5. Addressing all formal inquiries and requests for information from staff to the City Manager and allowing sufficient time for response. All written information given by the City Manager to one Councilor shall be distributed to all Councilors.

B. Nothing in this section shall limit an individual Council Member from soliciting services and information from City Staff as it relates to the Council Member's private interests. However, the Council Member acting on their own private interests should limit requests from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature shall be directed to the City Manager.

C. Requests to the City Attorney for advice requiring legal research shall not be made by a Councilor except with the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Manager to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Manager. Exceptions to this rule are issues related to the conduct of the City Manager, conduct of a Council Member, or private matters.

4.2. Administrative Support. The City Manager’s office shall provide administrative support to the Council, which may include correspondence, clerical support, and other administrative duties as needed.

A. Clerical support

1. The City Manager’s office will coordinate all City correspondence to and from the Council. Under direction from the Mayor, all correspondence will reflect the position of the full Council, not individual Council member’s positions.
2. All Council member correspondence using City resources will be copied to the full Council and maintained by the City Recorder.
3. Letters addressed to the Mayor and/or City Council that require a response shall be prepared by staff for the Council to review and the Mayor’s signature.
4. All correspondence from the full Council shall be maintained at City hall in accordance with Oregon’s Public Record Law.

B. Travel and Training

1. Councilors shall follow the employee personnel travel and training procedures as established by City policy.
2. Councilor expenditures other than routine reimbursable expenses, (e.g., conference registration, travel, etc.) may require advance Council approval according to the purchasing rules which apply Citywide.
3. Travel and training accommodations for Councilors shall be made by City staff.
4. The City does not reimburse Councilors for expenses incurred by their spouses.

CHAPTER 5 – City Council, Committee, Commission, and board appointments; Filling Vacancies

5.1. Commissions, Committees, and Boards

A. Planning Commission. The rules for selecting Planning Commissioners and filling vacancies on the Planning Commission are set forth in TMC 2.04. The planning commission shall consist of seven members appointed to staggered, four-year terms by the Mayor of Toledo and of which not more than two members shall be nonresidents of the city of Toledo. Any vacancy on the commission shall be filled by the council for the unexpired portion of the term

B. Public Utility Commission. The rule for selecting Public Utility Commissioners and filling vacancies on the Public Utility Commission are set forth in TMC 2.08 The commission shall consist of the mayor, the city attorney and the city manager as ex officio, non-voting, members, and of five other members to be appointed by the mayor.

All of the appointed members of the commission shall be residents of the city of Toledo. The term of office of the appointed members shall be five years or until their successors are appointed and qualify, and their terms shall be staggered so that the term of office of not more than two will expire in the same year. Any vacancy in the commission shall be filled by appointment made by the mayor for the unexpired portion of the vacated term.

C. Transient Lodgings Tax Review Committee. The rule for selecting Transient Lodgings Tax Review Committee Members and filling vacancies on the Transient Lodgings Tax Review Committee are set forth in TMC 3.08. Transient lodgings tax review committee is a committee composed of an accountant, an attorney and three other persons appointed by the mayor and approved by the council of the city of Toledo and may be owners or operators of a "hotel" as defined in this chapter.

D. Budget Committee. The Council shall appoint Budget Committee Members and fill vacancies on the Budget Committee pursuant to ORS 294.414. The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body; if there are electors fewer than the number required, the governing body and the electors who are willing to serve shall be the budget committee; and if there are no electors willing to serve, the governing body shall be the budget committee.

E. Other Boards and Committees. The Mayor, in the Mayor's sole discretion or with consent of Council, may appoint other Council Committees and define the purpose, duration, and membership of Council Committees. (TC 19)

5.1.1. Filling vacancies on committees, boards, and commissions. With advice and consent of the Mayor and Council, the City Manager shall open recruitment to fill a vacancy. Qualified candidates shall file an application form supplied by the City. The Council may establish a closing date when applications must be filed with the City Recorder. The filing of an application from any person eligible for Council shall be considered as placing that person in nomination. With advice and consent of the Council, the City Manager will set a date for the Council to review applications. When the Council is satisfied that it has concluded the process of reviewing the qualifications of nominees, the presiding officer shall declare the nominations closed. Interviews shall take place with all eligible candidates.

5.2. City Council. (TC 28-29)

A. Elections occur every two years. Council members serve four-year terms. The Mayor serves a two-year term. To be eligible for an elective city office, a person at the time of election must be a qualified elector and have resided in the City during the twelve months immediately preceding the election.

B. If a Council position or Mayor's position becomes vacant mid-term, the City Manager shall open recruitment. City Council candidate shall be required to fill out a City application form and file a resume setting forth their background and a statement of reasons why they desire to be considered for appointment to fill the vacancy. The Council

shall establish a date when all applications must be filed with the City Recorder. The filing of an application from any person eligible for Council shall be considered as placing that person in nomination. With advice and consent of the Council, the City Manager will set a date for the Council to review applications.

When the Council is satisfied that it has concluded the process of reviewing the qualifications of nominees, the presiding officer shall declare the nominations closed. Interviews shall take place with all eligible candidates and selection shall be determined by a process in which each Councilor votes for one person from the nominees. Vacant elective city offices shall be filled by appointment by a majority vote of the remaining members of the council. The majority of votes cast will select the candidate to fill the office. In the event that no candidate receives a majority of votes cast, the voting will continue until there is a majority.

APPENDIX M – Model Media Policy

City of Toledo Executive Session News Media Attendance Policy

WHEREAS, Oregon public meetings law provides that representatives of the news media shall be allowed to attend certain executive sessions of public bodies, but may be required to not disclose specified information (ORS 192.660(4)); and

WHEREAS, because at the time state law relating to media attendance at executive session was adopted, “news media” consisted of entities that were institutionalized and structured to support compliance with the requirements of ORS 192.660(4), the law includes no express mechanism for enforcing those requirements; and

WHEREAS, technological advances since the time the public meetings law was initially adopted have resulted in development of communication mechanisms allowing virtually any individual or entity to disseminate information widely; and

WHEREAS, the city council finds that in that absence of a statutory definition of “news media” as that term is used in ORS 192.660(4) it is necessary to adopt a policy that implements the intent of the public meetings law relating to executive session attendance without precluding attendance by internet-based or other “non-traditional” information disseminators that are institutionalized and committed to compliance with ORS 192.660(4); and

WHEREAS, the city council recognizes that this policy is solely for determining eligibility to attend executive sessions, which requires non-disclosure of specified information from executive sessions, and is not intended to otherwise define “news media” or to determine eligibility to report on the city’s activities or to limit access to other city meetings by any person;

The city council hereby adopts the following policy:

1. Recognized News Media Organizations. The following entities are recognized as news media organizations eligible to attend executive sessions:
 - (A) Daily newspapers, non-daily, and small-market newspapers/publications, as well as those publications that are released as digital and multiplatform products; or
 - (B) A newspaper or publication that the city uses for publication of public notices and that meets the requirements of ORS 193.020; or
 - (C) An entity that is organized and operated to regularly and continuously publish, broadcast, transmit via television, radio or the internet or otherwise disseminate news to the public, and that regularly reports on activities of public concern.

2. Attendance at Executive Sessions. Representatives of news media organizations recognized pursuant to Section 1 of this policy shall be allowed to attend executive sessions, except as described in ORS 192.660(4) and 192.660(5), pursuant to the following process:
 - (A) The representative must provide substantial evidence persuading the city that he or she is a news reporter for the recognized news media organization. In making its determination whether to recognize the person as a representative of the news media organization, the city shall require:
 - (a) A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or
 - (b) A recently published news article in the recognized news media organization publication or broadcast, with the person's byline, or a masthead showing the person's name as a member of the news gathering staff of the news media organization, plus proof of identity; or
 - (c) A letter on letterhead from an editor of the 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.
 - (B) Representatives of the news media are not permitted to attend executive sessions involving deliberations with persons designated to carry on labor negotiations. ORS 192.660(4).
 - (C) If the executive session is being held to confer with counsel about current litigation or litigation likely to be filed, the city shall exclude any member of the news media from attending if the member is a party to the litigation to be discussed or is an employee, agent or contractor of a news media organization that is a party to the litigation. ORS 192.660(5).
3. Recording Devices Prohibited. Cameras, tape recorders and other recording devices shall not be used in executive sessions, except for the official executive session tapes made by city staff.
4. Application to Boards and Commissions. These policies and procedures shall apply to the city council and all of its boards and commissions.