



AGENDA & Notice of Work Session for City Council

The City Council of the City of Newport will hold a work session on Tuesday, January 19, 2016, at 12 P.M. The work session will be held in Conference Room A at City Hall, located at 169 S.W. Coast Highway, Newport, Oregon 97365. A copy of the agenda follows.

The meeting location 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 to Peggy Hawker, City Recorder at 541.574.0613.

The City Council reserves the right to add or delete items as needed, change the order of the agenda, and discuss any other business deemed necessary at the time of the meeting.

CITY COUNCIL WORK SESSION Tuesday, January 19, 2016 - 12 P.M. Conference Room A

- A. Call to Order
- B. Discussion on Fluoridation of City Water System
- C. Active Shooter Preparedness - FBI Video
- D. Adjournment

CITY MANAGER'S REPORT AND RECOMMENDATIONS



Agenda#VI.B.
MeetingDate: 1/19/2016

Agenda Item:

Public Hearing and Possible Adoption of Ordinance No. 2088 - An Ordinance which Directs and Authorizes the City of Newport Staff Under the Direction of the City Manager, to Resume Fluoridation of the Water Supply of the City of Newport with the Ordinance Being Referred to Voters.

Background:

At the October 19, 2015, City Council meeting the Council approved the following motion:

Motion was made by Allen, seconded by Swanson, to direct the City Attorney and city staff to develop an ordinance to resume the addition of Fluoride to the city's drinking water in accordance with Resolution No. 1165-A, which is a current, standing directive approved by the City Council on June 25, 1962, and to bring the ordinance back to the City Council for consideration and eventual adoption and referral to the citizens of Newport for public vote at the May 17, 2016 election.

On November 2, 2015, the City Council approved Resolution No. 3729 which suspended Resolution No. 1165-A (which is the current standing directive to add fluoride to the water) until an election is held on May 17, 2016. It also laid out the schedule of actions that will need to be taken in order to place this matter on the ballot for the May election.

City Recorder Peggy Hawker researched the election schedule for the May 17, 2016 election. Please note that this issue will be considered at the same time as the Presidential Primary Election which may ensure more voter turnout than an off cycle election would. Furthermore, the city would not be responsible for the cost of the election since this is a scheduled election. The State of Oregon has specific windows of time in which various actions need to be taken in order to be timely for this election date. Actions must be taken within certain time periods in order to qualify for this ballot.

On January 4, 2016, The Council reviewed drafts of a resolution, ordinance, and ballot language and suggested certain revisions. At this meeting, representatives of Clean Water Newport and Gary Lahman provided comments to the Council on certain modifications to the draft documents. Clean Water Newport also met with me and several Council members. Also Councilor Allen and Mayor Roumagoux have forwarded suggested modifications to City Attorney Steve Rich. In consideration of all of these suggestions, Peggy Hawker, Tim Gross, Steve Rich and I met to try to address the various comments and suggestions made in order to be as accurate as possible regarding the language. We have attempted to use the same terms throughout the documents in a consistent manner.

Clean Water Newport took exception to using the term "fluoride" and suggested using the term "fluoride chemicals" to describe how water would be fluoridated. We agreed that "fluoride" is not a good term. Since the actual fluoride compound to be used for this purpose will not be known until the City proceeds with a design for this effect, we have replaced the term of

“fluoride” with “Fluoridation” throughout the document to address this issue.

Furthermore, both Gary Lahman and Clean Water Newport took exception to the references of various organizations named in the ordinance, resolution, and ballot language. We have replaced most of those references with the term “state and local government”

In addition, Gary Lahman indicated that the term “resume” fluoridation should be used. That has been incorporated as well. Mr. Lahman also requested that the Council delay the election until November 2016. While this would not create any operational issues for the City, I do believe we should maintain the schedule that has been included in previous resolutions.

We have incorporated the preliminary cost estimated for implementing fluoride and initial estimates operation cost for fluoridation of water into the documents.

Any final adjustments to the documents can be made following the work session at noon on Tuesday, January 19, 2016.

City Attorney Steve Rich, City Recorder Peggy Hawker, and I developed a proposed schedule for implementing this action as follows:

On January 19, 2016 - The Council will hold a work session at noon in Conference Room A to finalize the draft language for the ordinance, resolution, and ballot language for the fluoridation of city water.

January 19, 2016 - The Council will consider adoption of a fluoridation ordinance that will be referred to the voters. A draft copy of this ordinance is attached for your review. Please note that this is subject to review at the noon work session.

February 1, 2016 - The Council would adopt a resolution to place a question on the ballot for the May 17, 2016 election. A draft copy of the resolution is attached for your review.

May 17, 2016 - Election day. If voters approve the ordinance then Resolution No. 1165-A will be superseded by the ordinance requiring fluoridation of the city’s water. In the event that voters do not approve the ordinance then Resolution No. 1165-A will be rescinded.

Recommended Action:

I recommend that the Mayor conduct a public hearing on Ordinance No. 2088, an ordinance which directs and authorizes the city of Newport staff under the direction of the City Manager, to resume fluoridation of the water supply of the City of Newport with the ordinance being referred to voters.

Following the public hearing, I recommend the City Council consider the following motion:

I move to adopt Ordinance No. 2088, an ordinance which directs and authorizes the City of Newport staff under the direction of the City Manager, to resume fluoridation of the water supply of the City of Newport with the ordinance being referred to voters.

The Mayor will then ask for a voice vote on whether or not to read the ordinance by title only and placed for final passage.

If the motion is approved, the City Recorder will read the title of the ordinance.

A roll call vote on the final passage of the ordinance will then be requested by the Mayor, and taken by the City Recorder.

Fiscal Effects:

None by referring this issue to the voters. If approved by the voters, the city would need to invest an estimated \$300,000 in implementation costs and \$18,000 per year in initial operation costs which would be supported by water rates.

Alternatives:

None recommended.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "S. R. Nebel".

Spencer R. Nebel City
Manager

ORDINANCE NO. 2088

AN ORDINANCE AMENDING TITLE V OF THE NEWPORT MUNICIPAL CODE BY THE ADDITION OF SECTION 5.10.015 WHICH DIRECTS AND AUTHORIZES THE CITY OF NEWPORT STAFF, UNDER THE DIRECTION OF THE CITY MANAGER, TO RESUME FLUORIDATION OF THE WATER SUPPLY OF THE CITY OF NEWPORT

A. Findings: The Newport City Council finds:

1. That on August 23, 1960, the Council adopted Resolution No. 1154 calling for the submission to voters of the City of Newport the question of introducing fluoride into the city water supply; and
2. That on November 8, 1960, the electors of the City of Newport voted on the following ballot question: FLUORIDATION OF NEWPORT'S WATER SUPPLY. Shall the Common Council of the City of Newport add fluorine to the public water supply, under the supervision of the Oregon State Board of Health. The measure passed with a vote of 1,070 yes; 1,049 no; and
3. That on December 5, 1960, the Council adopted Resolution No. 1165 providing for the fluoride supplementation of the city water supply; and
4. That on May 18, 1962, the electors of the City of Newport voted on the following ballot question: "Shall the Charter of the City of Newport be amended to prohibit fluoridation of the City's public water supply by adding fluorine or fluoride compound thereto?" The question failed by a vote of 704 - yes; and 789 - no; and
5. That on June 25, 1962, the Council readopted Resolution No. 1165 calling the readopted resolution, Resolution No. 1165-A providing for fluoride supplementation of the city water supply ; and
6. That during the week of August 26 - 31, 2005, fluoridation was suspended due to the overflow of the recycle pond into Big Creek. Thereafter, because of physical limitations of the chemical room, staff suspended fluoridation of the city water supply until such time as appropriate changes could be made to the chemical room. When the new water treatment plant was designed, and budgetary constraints were encountered, the fluoridation equipment was eliminated without any specific action being taken by Council; and
7. That on January 28, 2015, members of the Lincoln County Public Health Advisory Committee met with members of the city staff regarding concerns about the city water supply not being fluoridated as provided for by Resolution No. 1165-A. By resolution of the Lincoln County Public Health Advisory

Committee adopted on July 7, 2015, the Committee urged the City Council to resume fluoridation of the city water supply; and

8. That the City Council determined to solicit public comment concerning the possible resumption of fluoridation of the city water supply; and
9. That on September 8, 2015, the City Council held a public hearing on the issue of fluoridation of the city water supply, and at the October 19, 2015 City Council meeting the Council received a report from the City Manager, and additional documentation was received from interested parties; and
10. That after receipt of public testimony and written comments, the City Council finds that it is in the best interests of the City of Newport and its electors that the resumption of fluoridation of the city water supply be directed by Ordinance and that such Ordinance be referred to the electors of the City of Newport at the election of May 17, 2016.

The City of Newport ordains as follows:

- A. **Amendment.** The Newport Municipal Code shall be amended to include the addition of the following:

5.10.015 Fluoridation of City Water Supply

- A. City staff shall keep an accurate record of the type and amount of fluoride introduced into the city water supply, and the quantities of water treated. City staff shall conduct and keep records of tests of the fluoride compound in the water in accordance with state and federal regulations. City staff shall document and monitor the costs for implementing fluoridation of the city water supply.
- B. Funds necessary for fluoridation of the city water supply shall be paid as provided in the city budget and consistent with local budget law.
- C. Fluoridation statistics shall be included in the annual Water Quality Report in accordance with state and federal requirements

B. Implementation Provisions.

1. **Date.** The City Council shall establish, by resolution, a date to resume fluoridation of the city water supply.
2. **Design.** City staff is directed and authorized to design and implement a program to fluoridate the city water supply to the optimal levels to reduce tooth decay and promote good oral health as recommended by state and federal authorities. Any fluoride compound used for this purpose shall be certified by the National Science Foundation

3. **Report.** City staff shall prepare a report and recommendation to the City Council prior to the resumption of fluoridation of the city water supply. The report and recommendation shall include a general outline of a fluoridation program; a preliminary estimate of the financial resources required to design and implement the fluoridation program; and a recommended date to resume fluoridation of the city water supply.

C. **Effective Date.** This ordinance shall be effective immediately upon certification of the election results if approved by the electors of the City of Newport at the election of May 17, 2016.

Adopted by the Newport City Council on January 19, 2016.

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

APPROVED AS TO FORM:

Steven Rich, City Attorney

Draft of 01/06/16



CITY OF NEWPORT
RESOLUTION NO. 3734

**A Resolution Calling for an Election
to Refer to the Voters of the City of Newport, Oregon,
A Measure That Would Resume Fluoridation of the City Water Supply**

Finding

On January 19, 2016, the City Council adopted Ordinance No. 2088 directing the resumption of fluoridation of the city water supply, and referring Ordinance No. 2088 to the electors of the City of Newport at the election of May 17, 2016.

Based upon this finding:

THE CITY OF NEWPORT RESOLVES AS FOLLOWS:

Section 1. An election is called in and for the City of Newport for the purpose of submitting to the legal voters of the city the ballot title, Attachment A, with the following question:

Shall the City of Newport resume fluoridation of the city water supply?

Section 2. The explanatory statement for this ballot measure is included as Attachment B.

Section 3. Tuesday, May 17, 2016, is designated as the date for holding the election on the question stated in Section 1 above.

Section 4. The election will be conducted by the Lincoln County Clerk's Office.

Section 5. The precincts for the election shall include all territory within the corporate limits of the City of Newport and no other territory.

Section 6. If the ballot measure is approved by the voters of the City of Newport, the Newport Municipal Code shall be amended as provided in Attachment C.

Adopted by the Newport City Council on February 1, 2016

CITY OF NEWPORT

Sandra N. Roumagoux, Mayor

ATTEST:

Margaret M. Hawker, City Recorder

ATTACHMENT A
TO
CITY OF NEWPORT RESOLUTION NO. 3734

BALLOT TITLE

CAPTION [9 words; 10 max.]

Resumption of Fluoridation of City of Newport Water Supply

QUESTION [12 words; 20 max.]

Shall the City of Newport resume fluoridation of the city water supply?

SUMMARY [163 words; 175 max.]

The City of Newport supplies water to city residents and businesses. In the past the City of Newport fluoridated the city water supply. Currently, the city water supply is not being fluoridated.

This measure requires the City of Newport to resume fluoridation of the water system. The measure requires fluoridation at state or federal recommended levels. The measure is a referral of Ordinance No. 2088, adopted by the City Council on January 19, 2016. The date for resumption of fluoridation of the city water supply will be established by resolution of the City Council. The fluoridation of the city water supply must meet National Science Foundation standards. The measure requires recordkeeping and testing of the city water supply in accordance with state and federal standards. The measure also requires the city to conduct tests for fluoridation levels in city water supply in accordance with the state and federal recommendations. Preliminary costs estimates are \$300,000 for implementation. Initial estimates for operations are \$18,000 annually.

**ATTACHMENT B
TO
CITY OF NEWPORT RESOLUTION NO. 3734**

EXPLANATORY STATEMENT
[365 words; max. 500]

On June 25, 1962, the City of Newport adopted Resolution No. 1165-A which authorized and directed the fluoridation of the city water supply.

Resolution No. 1165-A was adopted following a vote on November 8, 1960, by the electors on a ballot measure containing the following question: "Shall the Common Council of the City of Newport add fluorine to the public water supply, under the supervision of the Oregon State Board of Health." The measure passed.

After the election of November 8, 1960, a citizen's measure was placed on the ballot for May 18, 1962, with the following question: "Shall the Charter of the City of Newport be amended to prohibit fluoridation of the city's public water supply by adding fluorine or fluoride compound thereto." The measure failed.

During the week of August 26 - 31, 2005, fluoridation was suspended due to the overflow of the recycle pond into Big Creek. Thereafter, because of physical limitations of the chemical room, staff suspended fluoridation of the city water supply until such time as appropriate changes could be made to the chemical room. When the new water treatment plant was designed, and budgetary constraints were encountered, the fluoridation equipment was eliminated without any specific action being taken by Council.

In January 2015, members of the Lincoln County Public Health Advisory Committee met with members of the city staff regarding resumption of fluoridation of the city water supply.

Following the initiation of these discussions, the City Council held a series of public meetings and public hearings on the topic of fluoridation of the city water supply. The City Council determined that it is in the best interests of the city and its residents to refer to the electors the question of whether an ordinance directing the resumption of fluoridation of the city water supply should be approved.

Preliminary cost estimates to resume the fluoridation of the city water supply are approximately \$300,000 for implementation. Initial estimates for operations are \$18,000 annually.

Ordinance No. 2088 will become effective, if passed by the vote of the electors, upon certification of the election by the Lincoln County Clerk.

The full text of the ordinance can be obtained at City Hall or at www.newportoregon.gov.

Draft of 1/06/16

DRAFT