

January 31, 2011  
9:00 A.M.  
Newport, Oregon

## CITY COUNCIL WORK SESSION

Councilor Members present: McConnell, Bertuleit, Beemer, Brusselback, Allen, Sawyer, and Roumagoux

Staff present: Voetberg, Hawker, McCarthy, Ritzman, Marshall, and Miranda.

Others in attendance: Dave Morgan, Walter Sherman, Woody Ouderkirk, Lee Hardy, Patricia Patrick, Greg Stanton, and Steve Schuster.

McConnell reported that McCarthy had submitted a letter of resignation effective March 15, 2011, and that the replacement of the city attorney will need to be discussed at a work session.

### APPOINT LABOR NEGOTIATOR FOR CITY

McCarthy reported that research into collective bargaining agreement negotiators had resulted in the following:

Akin Blitz, from the firm of Bullard, Smith, Jernstead, and Wilson - \$300 hour/\$30 discount potential; 20 years in public employment law; worked successfully with Garrettson, Gallagher law firm.

Bruce Zagar, from the firm of Garrett, Hermann, Robertson - \$190 hour, but will match LGPI rate (\$150 hour); most of work in school districts; no experience with Garrettson negotiator.

LGPI - \$150 per hour; municipal experience; worked successfully with Garrettson firm.

She recommended the city use LGPI for collective bargaining negotiations. She noted that Frank, from LGPI, would be the city's negotiator. She suggested not having LGPI at the table during IAFF negotiations since IAFF does not plan to retain a negotiator.

Allen asked when the agreements would be signed, and McCarthy noted that the city would agree to use LGPI, and LGPI would bill the city. Allen suggested having a written agreement so there is no miscommunication. It was noted that Council had passed a motion to move forward with LGPI unless additional information indicates otherwise.

McConnell reported that a solicitation letter had been received from Ray Taylor Consulting Services.

McCarthy reported that February 15 is the deadline to begin negotiation with the Newport Employees Association.

A discussion ensued regarding staggering the contracts so that they do not expire at once. Allen stated that if the city moves forward with LGPI, he would like to have something in writing, and the name and background of the proposed negotiator. McConnell noted that there is general agreement to move forward with LGPI, and that the relationship could be formalized at the next meeting. MOTION was made by Roumagoux, seconded by Allen, to move forward with LGPI, and formalize the relationship at the regular meeting of February 7, 2011. The motion carried unanimously in a voice vote. Allen stated that he has questions that he would like to raise, and that the meeting of February 7 might be appropriate. McCarthy suggested that some of these discussions occur in executive session. It was asked that an executive session on this matter be scheduled for February 7, 2011.

### **DISCUSS BUDGET COMMITTEE SELECTION PROCESS**

It was reported that five or six applications had been received for the Budget Committee vacancy. It was the consensus of Council to interview all applicants.

### **DISCUSS A POLICY REGARDING FUEL TAX**

Voetberg displayed slides showing street conditions throughout the community. He noted that in some cases, if something is not done soon, a total street replacement may be necessary. Marshall distributed a handout regarding financing. It was noted that the city should be spending approximately \$470,000 annually on road repair to keep the streets in good condition. Voetberg recommended going through the budget process to see how the fuel tax revenue works with the street fund. He noted that he would be nervous recommending a repeal of the fuel tax at this time. McConnell noted that an issue is a desire to reply to the request Council received regarding repeal of the local fuel tax. It was noted that the letter writer is aware of the budget process. Voetberg noted that the answer will be the adopted budget.

### **DISCUSS EVENT CENTER MONIES, BUSINESS LICENSES, AND ROOM TAX REWRITES**

McConnell noted that the Greater Newport Restaurant and Lodging Association has requested Council consider what to do with the event center monies that are set aside in the budget. The group has also requested that Council form a task force to work on the business licensing and transient room tax ordinances.

McConnell suggested developing criteria on how to use the event center monies. Allen distributed a handout showing upcoming proposed transient room tax legislation. McConnell asked for volunteers interested in working on this issue. Brusselback asked how the money was being budgeted, and Marshall noted that it was unappropriated last year. It was suggested that in the proposed budget, these monies be placed in

contingency so they could be used next fiscal year. Roumagoux asked how the event center is defined, and it was noted that it is a tourism facility. Bertuleit suggested placing \$100,000 in a fund every year, and developing guidelines for use. Bertuleit volunteered to work on this issue. Bertuleit and McConnell will determine how to move forward and return to the full Council for formalization.

A discussion ensued regarding the request to form a task force to work on the business licensing and room tax ordinance revisions. It was agreed to establish the task force by, or at, the meeting of February 22. Patrick noted that it would be beneficial to include Marshall in these discussions. McConnell suggested that the business licensing ordinance be discussed first, followed by the transient room tax ordinance. Ouderkirk noted that both ordinances dovetail in the zoning ordinance. It was noted that the Planning Commission is setting up an ad hoc group to review the vacation rental code. McConnell suggested establishing work groups before moving to a more formal group such as a task force.

### **REVIEW COUNCIL RULES**

McConnell noted that the discussion on Council Rules could be the most important discussion this year, and that it emphasizes how Council works together and wants to work together. He added that if Council cannot discuss and abide by the rules, it cannot do a good job for the city. Roumagoux stressed that to build a level of trust, individual Councilors need to be able to say what they really think, in the context of being heard, and in a respectful manner. Allen agreed noting that it is healthy when people are not afraid to express opinions.

Allen noted that if an interpretation of a Council Rule is needed, it should be the Council, in consultation with city staff that provides the interpretation.

It was agreed to remove the times of meetings from the Council Rules.

Voetberg reported that if anyone suggests an agenda item to him, he will bring it to the City Council as a whole. It was requested that an item approving the agenda, and allowing additions and deletions, be included at the beginning of each agenda.

Morgan suggested including on the agenda a brief informational piece on each agenda item. It was suggested that the verbiage from the "issue before Council" from the staff report could be used for this purpose.

No changes were recommended to the sections on "Broadcasting of City Council Meetings," "Cell Phones and Pagers,"

It was agreed to change all references in the section entitled "Consent Agenda," to "Consent Calendar." It was agreed to remove the second sentence of B., under the "Agenda" section.

No changes were suggested to the following sections: “Decorum,” “Exhibits,” “Meeting Procedure,” “Meeting Staffing,” and “Minutes”.

It was agreed to remove the second sentence of B. under the “Motions” section.

It was agreed that the reference to “business sessions” should be changed to “regular meetings.”

It was agreed that staff should categorize the sections of the Council Rules.

A discussion ensued regarding special meetings, and it was suggested to include “and/or telephonically,” as a method of notice, and to add that notice can be made to the Councilor’s place of business as well as residence. It was suggested that the last sentence of each paragraph under “special meetings” should be moved to another section as they are not specifically related to special meetings.

It was suggested that the first four words of the first sentence of the section entitled “Business Sessions and Work Sessions,” be deleted.

There was no change suggested to the section entitled “Order.”

The section entitled “Order of Business” was discussed, and it was suggested that after roll call, a section be added on additions and deletions to the agenda. It was further suggested that the last sentence in the verbiage after “Public Comment” be deleted. It was noted that the “Officer’s Reports” would consist of reports from the Mayor, City Manager, and City Attorney.

Roumagoux asked whether it is standard procedure for committee liaisons to present verbal reports rather than written reports.

There were no suggested changes to the section on “Ordinances and Resolutions.”

Allen suggested that regular meeting minutes show the times the Council left the regular meeting and entered executive session and then returned to the regular meeting.

It was requested that A. of the “News Media” section be amended to add electronic media.

Staff will streamline the section on Planning Commission testimony.

It was asked whether the Mayor asks the Council President to run the meetings to provide experience. A discussion ensued regarding the possibility of utilizing a volunteer “greeter” to let citizens know how to sign up for public comment, or generally, what to expect procedurally.

It was suggested that if there are multiple people who wish to express a mutual opinion on an item, that a recess be taken so the group could select spokespersons. A

discussion ensued regarding having the public comment rules stapled to the public comment sign-up forms.

After a brief discussion, it was the consensus of Council to remove all sections on land use, legislative, and quasi-judicial hearings from the Council Rules.

No change was recommended to the sections on "Public Hearings and Participation," "Quorum," Reconsideration of Actions Taken," "Suspension of Rules," and "Voting." A discussion ensued regarding abstentions and whether public testimony can be taken from a Councilor who has abstained.

It was agreed to add "Task Force" to the section entitled "Annual Report of Boards, Commissions, and Committees."

A discussion ensued regarding evaluation of the Council-appointed positions. It was noted that a meeting needs to be arranged with the Municipal Judge.

No change was recommended to the section entitled, "Attendance and Presence in the City."

A discussion ensued regarding the section entitled "Communication with Staff." Roumagoux noted that having been in both a staff and board position, there is no worse experience than to have someone on the board checking on an employee. Allen stated that if he has questions of staff, he usually likes to let everyone know what he's thinking to allow time to check into a matter. McConnell noted that the City Charter clearly states that all personnel, other than the City Manager, City Attorney, and Municipal Judge, are the responsibility of the City Manager. It was suggested that one or two Councilors could be asked to work with the executive team. It was noted that it is important to have a forum to be heard and a cloak of confidentiality. It was also noted that if an issue is with the City Manager or City Attorney, this could allow a comfortable exchange.

McConnell noted that expressing criticisms of staff actions should not occur in a public forum. A brief discussion ensued regarding the workshop given by Caryn Tilton. McConnell will share the code of conduct distributed at that workshop, and the conversation can then continue.

Voetberg noted that being elected to the City Council is similar in ways to being promoted as an employee to a supervisory position. He noted that "you are no longer part of the gang." He added that once a Councilor is elected, the group they previously worked with must be separated, as once elected, there is a new role. He added that part of the responsibility is to gracefully listen, but advise that there is a process and urge the person to follow the process. He noted that he speaks individually with each department head on a regular basis. He added that he prefers to share information with all Councilors rather than individually, but noted that it is good to have a sounding board.

McConnell noted that when there is a contentious issue, and he has expressed his opinion, he supports the final Council decision. It was agreed to continue this discussion

to the first part of the February 7 work session. He added that once this discussion concludes, a benefits discussion could begin with a discussion on the retirement policy.

McCarthy noted that a discussion needs to continue regarding telephonic and electronic meetings. She noted that there is also nothing about the responsibilities of Council liaisons to non-city committees, and this matter needs to be discussed.

### **ADJOURNMENT**

At 12:05 P.M., Council adjourned to a road trip to view the flooding sites in Nye Beach.