

**CITY OF NEWPORT
EMERGENCY ORDER NO. 2020-25**

ENACTING A COVID-19 VIRTUAL MEETING POLICY

WHEREAS, the Governor of the State of Oregon declared a state of emergency for the state on March 8, 2020, finding that COVID-19 created a threat to the public health and safety and constituted a statewide emergency; and

WHEREAS, the City of Newport declared an emergency on March 13, 2020, which was ratified by the City Council at its March 16, 2020 meeting; and

WHEREAS, the President of the United States signed a proclamation declaring a national emergency concerning COVID-19 on March 13, 2020; and

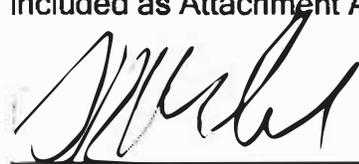
WHEREAS, local, state, and national public health agencies have instituted guidelines, recommendations, and actions to curb the spread of the disease in an attempt to “flatten the curve” of the disease’s progression in the United States. Many of those recommendations have been adopted by states and local governments across the country. In Oregon, the Governor has issued Executive Orders 20-03 through 20-20, and 20-22, 20-24, 20-25, 20-27, 20-28, and 20-30 to address COVID-19 closures and reopening of certain facilities, limiting public gatherings, higher education restrictions, and other needs and requirements related to the COVID-19 pandemic; and

WHEREAS, the Governor has directed Oregonians to “stay at home to stay healthy” through physical and social distancing guidelines and the elimination of non-essential travel; and

WHEREAS, the City Council, Planning Commission, and the city’s standing committees must be able to hold virtual for the continuation of city business.

I, Spencer R. Nebel, City Manager for the City of Newport, hereby order:

August 13, 2020 Approved a Virtual Meeting Policy for the City Council, Planning Commission, and standing committees of the City of Newport. A copy of the policy is included as Attachment A.



Spencer R. Nebel, City Manager

VIRTUAL MEETING POLICY

Why Virtual Meetings

Due to COVID-19, the City of Newport has been holding all its public meetings virtually. This includes City Council, Planning Commission, and all of the city's standing advisory committees. Zoom is the virtual meeting platform that is utilized by the city. It is expected that virtual meetings will continue when the city enters Phase Two of its reopening plan.

Access to Watch a Virtual City Council or Committee Meeting

All public meetings of the City of Newport are livestreamed and televised on Charter Channel 190. To access the livestream, visit the City of Newport website at www.newportoregon.gov. Once there, click on "City Government;" then click on "City Council" or "Committees (depending on the meeting of interest); click on the name of the committee; then an "in progress" note will appear if the meeting is underway; click on the "in progress" link to watch the livestream. It is not possible to get into a meeting that will be livestreamed before the meeting starts.

Public Comment during a Virtual Meeting

1. Written Comment.

To submit a written public comment for any City of Newport meeting, send the written comment to publiccomment@newportoregon.gov. For City Council and Planning Commission meetings, the e-mail must be received by noon on the scheduled date of the City Council, Planning Commission meeting. For standing committee meetings, the public comment must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. if a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day.

Written comments received by the above noted deadlines will be included in the meeting materials, i.e. agenda packet. These comments will be acknowledged by the Mayor or committee chair at the appropriate time. These comments will not be read aloud during the meetings.

2. Virtual Meeting - Committee Guidelines.

All members of City of Newport Council and committees should refrain from speaking prior to the start of the meeting. The reason for this is that it takes several minutes to ensure all the "moving parts," i.e., various electronic devices, are ready at once. This will ensure that personal chat, prior to the start of a meeting, is not being broadcast

either through the livestream or on Charter Channel 190. The Mayor or committee chair will begin talking when the meeting goes “live.”

As a reminder, members of the City Council, Planning Commission, or any standing committee, should not be exchanging e-mails, texts, or communicating privately during the meeting in any way. This also applies to the chat feature of Zoom. The goal of this reminder is to prohibit side conversations which could violate public meetings law and/or trigger public records law related to retention and access/disclosure.

3. Virtual Comments during a Meeting.

If you wish to make a “real time” comment during a meeting, a request to speak must be made by 2:00 P.M. on the scheduled date of a City Council or Planning Commission meeting. The request to speak should include the agenda item on which the requestor wishes to speak. If the comments are not related to a particular agenda item, the request to speak should include a notation that the request is for general public comment, and the general topic. The request should be e-mailed to publiccomment@newportoregon.gov. For standing committee meetings, the request to speak must be received four hours prior to a scheduled meeting. For example, if a meeting is to be held at 3:00 P.M., the deadline to submit written comment is 11:00 A.M. if a meeting is scheduled to occur before noon, the written comment must be submitted by 5:00 P.M. the previous day. Once a request to speak has been received, staff will send the requestor the Zoom meeting link. This link will allow a requestor to participate via video or telephone.

4. Public Hearings.

Individuals wishing to offer testimony during public hearings should utilize the process in Sections 1. And 3. above.

5. Script for Use at Quasi-Judicial or Legislative Land Use Hearings.

The script for use at quasi-judicial or legislative land use hearings before the Planning Commission/City Council is attached as Attachment A.

6. General Virtual Meeting Participation Guidelines.

All public participants attending virtual meetings will be muted until it is their turn to speak. The participant will be muted at the conclusion of their comments. Public meeting participants are encouraged to remain on the Zoom meeting in the event the public body has follow-up questions. In that situation, the participant will be unmuted for the follow-up response.

**SCRIPT FOR QUASI-JUDICIAL OR LEGISLATIVE LAND USE HEARINGS
USING THE ZOOM VIDEO-CONFERENCING PLATFORM**

1. Call Public Hearing to Order (Mayor or Chair)

This public hearing is being conducted utilizing the Zoom video-conferencing platform. Before we get started, I would like to provide staff a moment to identify individuals that are participating virtually. I would also like to cover a few ground rules:

A. Individuals wishing to speak should use the raise hand feature, which can be found by clicking on the "Participants" button on the bottom of a computer screen, the "Raise Hand" button on the bottom of a smartphone, or by dialing *9 on a landline. I will call out the order of testimony in cases where multiple hands are raised.

B. Please keep your microphone muted unless you are speaking. Press *6 to mute and unmute a landline.

C. Persons may participate by video or phone, and we can make the shared screen feature available for anyone wishing to make a presentation. Information shared with the City Council/Planning Commission in this manner is part of the record, and a copy of the materials will need to be provided to staff.

2. Quasi-Judicial and Legislative Land Use Public Hearings (Briefly describe the public hearing items to be heard, as summarized in the staff report or hearing notice, then read the statement below VERBATIM.)

"This statement applies to quasi-judicial and legislative land use hearings that are on the agenda. All testimony and evidence presented toward the request(s) being heard must be directed toward the relevant criteria in the Newport Comprehensive Plan, Newport Municipal Code, or other land use regulations or standards which the speaker believes to apply to the decision.

The failure of anyone to raise an issue accompanied by statements or evidence sufficient to afford the City Council/Planning Commission and the parties an opportunity to respond to the issue will preclude appeal to the Land Use Board of Appeals (LUBA) based on that issue. An issue which may be the basis for an appeal to LUBA shall be raised not later than the close of the record at, or following, this evidentiary hearing. Such issues shall be raised and accompanied by statements or evidence sufficient to afford the city decision makers and the parties an adequate opportunity to respond to each issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the city to respond to the issue precludes an action for damages in circuit court.

Prior to the conclusion of a hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. If such a request is made then the hearing will be continued to a date certain and schedule set for submittal of additional testimony, a period for parties to respond to the new testimony, and a period whereby the applicant can provide final argument.”

At this time, I would ask City Councilors or Planning Commission members to disclose any actual or potential conflicts of interest, bias, ex-parte contacts, or site visits? *(If there is an actual conflict of interest the member must abstain, but counts toward the quorum. Potential conflicts of interest need only be disclosed.)*

If anyone present has an objection to the participation of any City Councilor/Planning Commissioner, or the City Council or Planning Commission as a whole, please raise that objection now. *(If an objection is made, the Councilor(s)/Commissioner(s) to whom it is directed will need to respond and then decide as to whether or not they should recuse themselves.)*

The City Council/Planning Commission may, at the request of a participant or on its own accord, continue the hearing to a date certain to provide an opportunity for persons to present and rebut new evidence, arguments, or testimony related to the approval criteria.

The hearing will proceed in the following order:

- Staff report
- Applicant's testimony
- Persons in favor
- Persons opposed
- Applicant's rebuttal
- Record closes for public testimony
- Council/Commission deliberation, questions, and verbal decision
- A final order and findings will be prepared for consideration at the next meeting

(Optional: Staff and the applicant will be allocated up to 15 minutes each for presentations. The applicant will also receive up to 5 minutes for final rebuttal. All others wishing to testify will be given three minutes each.)

3. **Adjourn** (Note the time for the record)