



CITY COUNCIL

AGENDA

MONDAY, AUGUST 12, 2024

Where Life is Sweet

COUNCIL CHAMBERS - 180 NE 2ND ST.

*Other ways of viewing or participating in live meetings are available through:
YouTube at: <https://bit.ly/HermistonYoutube>*

*Zoom with Meeting ID: 829 0043 5622 Passcode: 417097 Telephone number to join is: 1 253
215 8782; or submitting comments to meetings@hermiston.gov*

1. CALL COUNCIL/CITY MANAGER WORK SESSION MEETING TO ORDER - 6:00 PM

A. City Council Rules Review

B. Tour New IT Department Area in City Hall

2. ADJOURN WORK SESSION MEETING

3. CALL REGULAR MEETING TO ORDER – 7:00 PM

4. DECLARATION OF QUORUM

5. FLAG SALUTE

6. PRESENTATIONS

A. Presentation- Hermiston School District Updates

7. CITIZEN INPUT ON NON-AGENDA ITEMS

Anyone wishing to bring anything before the council that is not on the agenda is asked to please do the following: 1. Please limit comments to not more than FIVE minutes; 2. State your name and address; 3. Direct your comments to the Chair.

8. CONSENT AGENDA

A. Committee Vacancy Announcements

B. Confirm Appointment of Steve Wallace to the Eastern Oregon Trade & Event Center Advisory Committee: Position #1- Representing the Umatilla County Fair Board, beginning August 13, 2024 through June 30, 2027.

C. Initiate annexation proceedings Zamudio 4N2802BC Tax Lot 1500 - 309 E Theater Lane

D. Minutes of the July 22 City Council Work Session and Regular Meetings

9. ITEMS REMOVED FROM CONSENT AGENDA

10. ORDINANCES AND RESOLUTIONS

A. Resolution No. 2334 - Initiate vacation proceedings for frontage road easement parallel to E Elm Ave

B. Ordinance No. 2360 - Comprehensive Plan Map Amendment - Mayra & Felipe Reyes 4N2812C Tax Lot 308 - 1088 E Newport Ave

C. Ordinance No. 2361 - Annexation Mayra & Felipe Reyes 4N2812C Tax lot 308 - 1088 E Newport Ave

D. Ordinance No. 2362 – Updating requirements for parade permits and right of way closure permits.

11. OTHER

A. Proposed Amendments to Chapter 116 Regulating Mobile Food Vending

12. COMMITTEE REPORTS

A. City Committee and Liaison:

Airport Advisory, Budget, Hispanic Advisory, Library Board, Parks and Recreation, Planning Commission, Recreation Projects Fund, Faith-Based Advisory, Community Accountability, Public Safety, Public Infrastructure, Transit Planning, EOTEC, Stepping Stones Alliance (not a City Committee)

B. Mayor's Report

C. Council Report

D. Manager's Report

13. ADJOURN

**** AMERICANS WITH DISABILITIES ACT NOTICE ****

Please contact Hermiston City Hall, 180 NE 2nd Street, Hermiston, OR 97838 (Phone No. 541-567-5521) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTY and TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900 or 711.

Proposed

Rules of Order and Procedure For the City Council Of The City of Hermiston, Oregon

Adopted June 24, 1991

Revised April 13, 1992

Revised April 27, 1992

Revised February 28, 1994

Revised February 24, 2003

Revised December 23, 2013

Revised March 9, 2015

Revised December 12, 2016

Revised May 29, 2018

Working Document Updates – Revised After the City
Council Meeting of July 22, 2024

I. RULES

1. **AUTHORITY**

The City of Hermiston City Charter, Section 11, provides that the Council shall adopt Council Rules by resolution to govern its meetings and proceedings. The following Council Rules shall be in effect upon their adoption by the Council until they are amended, or new Council Rules are adopted. These Council Rules shall be presented to all Councilmembers prior to participating in their first meeting after taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these Council Rules. The City Recorder shall retain the signature copy. These rules apply to the City Council but also to the Council's role as the governing body of the Hermiston Urban Renewal Agency.

2. **RULES OF ORDER**

Rosenberg's Rules of Order will be used as the guideline for conduct of Council meetings, except for the following specific exceptions:

- A second to all motions is required for an item to have further discussion or action.
- Each agenda item should be discussed prior to any motion being made.

The City Attorney or City Manager, in the absence of the City Attorney, shall act as parliamentarian for the Council.

3. **PUBLIC MEETINGS LAW**

All council, committee, commission or board meetings will be held in accordance with the Oregon Public Meetings Law (pursuant to ORS 192). No final action by the Council shall have legal effect, unless the motion and vote by which it is disposed of take place at a proceeding that is open to the public.

4. **SUSPENSION OF RULES**

Any provision of these rules not governed by the charter or law may be temporarily suspended at any meeting of the council, by a majority vote of the council. The vote on any such suspension shall be taken by YES and NO and entered upon the record. If the motion carries, the rules shall be suspended for that item only.

5. **AMENDMENT OF RULES**

Amendments, deletions, or additions to these Council Rules shall be by Resolution approved by the City Council.

II. MEETINGS

6. **REGULAR COUNCIL MEETINGS**

Pursuant to City Charter, Section 12 the City Council must meet at least once a month at a time and place designated by its rules. The City Council will meet in the council chambers at City Hall, 180 NE 2nd Avenue, or at another place in the City which the Council designates.

The City Council will meet in regular session on the **second and fourth** Mondays of each month, with the exception of designated holidays and/or council cancellations of meetings.

The City Council meeting will generally be held from 7:00-10:00p.m. The express approval of a majority of a quorum of the Council is necessary to extend the regular session past 10:00p.m. Meetings shall be adjourned at 10:00 p.m., if the Council is still in session at 9:30 p.m., the Council will decide whether to continue with the agenda, allowing for one-hour increment extensions upon a majority vote of the council, or move items to a future agenda.

7. **QUORUM**

Pursuant to City Charter, Section 13, Five members of the Council shall constitute a quorum to conduct business. In the event a quorum cannot be obtained, the meeting may be adjourned as provided for in Rule 14, those in attendance will be recorded, and the Presiding Officer or City Recorder will adjourn the meeting.

8. **WORK SESSIONS**

The City Council may hold a work session on the **second Monday or fourth** Monday of each month immediately preceding the Regular scheduled City Council meeting. Unless otherwise specified, all work sessions will be held in the council chambers at city hall and begin at 6:00p.m. Work sessions are to be scheduled by the City Manager. Such sessions allow the Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject, provided that all discussions thereon shall be informal with no vote or formal action taken. The City Manager will invite any relevant staff to attend work sessions.

In case of a joint work session, the Presiding Officer shall call the session to order and turn the session over to the appropriate facilitator. If the group has no facilitator, the Presiding Officer may act as facilitator.

All work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Councilors in attendance.

All work sessions are subject to Oregon's Public Meeting's Law and must be noticed accordingly.

9. **EXECUTIVE SESSIONS**

Executive sessions shall be held in accordance with ORS 192.660. Matters discussed in executive session shall be exempt from public disclosure pursuant to ORS 192.660. Executive session of the City Council may be called by the Mayor, three Council members, the City Attorney, or the City Manager.

Prior to opening an executive session, the Presiding Officer shall:

- Announce the purpose of the executive session and the ORS Statute authorizing the executive session.
- Announce that *“Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.”*
- Announce if the Council intends to return to an open meeting at the conclusion of the executive session.

Executive sessions may be held during regular, special or emergency meetings, so long as appropriate statutory requirements are met.

Pursuant to ORS 192.660(6), no final action or final decision may be taken during an executive session; however, an opinion or consensus of the Council may be gathered. All final actions or final decisions must be made in a public session.

Minutes or a recording of the executive session is required.

Executive sessions shall be closed to all persons except the City Council; the City Manager, unless directed otherwise by the Council; the City Attorney; the City Recorder; City staff persons reporting to Council on the subject of the executive session; news media representatives, unless excluded by the Oregon Public Meetings Law (media representatives may be excluded for discussions regarding labor negotiations or if the media or representative is a party to the litigation being discussed); and other persons authorized by the City Council to attend. The term "news media representative" is interpreted by the Oregon Attorney General to include "news gathering representatives", meaning reporters of news gathering media which ordinarily report activities of the public body (39 Op. Att'y Gen. 600 (1979)).

Recognized Media Organizations

The following entities are recognized as news media organizations eligible to attend executive sessions:

- A general or associate member newspaper of the Oregon Newspaper Publishers Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press; or
- A newspaper that the City uses for publication of public notices and that meets the requirements of ORS 193.020; or
- An entity recognized by the City as being a news source that: Is organized and operated to regularly and continuously publish, broadcast, transmit via the Internet or otherwise disseminate news to the public, and that regularly reports on activities of the City of Hermiston or matters of the nature under consideration by the City of Hermiston; and
- Is a well-established entity that is committed to complying with the requirement that confidential executive session information be undisclosed. In making this determination, the City may consider and weigh any factors that it deems to be relevant, including whether the entity has an available process for correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.

The entity seeking recognition as a News Media Organization has the burden of proof to establish that it meets the standards of this section. A determination that the entity is not recognized shall be based upon written findings addressing the criteria in this section.

In making its determination whether to recognize the person as a representative of the news media organization, the City may require: A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or 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 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.

The City may consider any relevant evidence provided or gathered in making its decision as to whether a person shall be recognized as a representative of a recognized news media organization.

10. SPECIAL MEETINGS

Special meetings may be called by the request of three or more council members, the mayor upon their own motion, or the city manager. The city recorder shall prepare and post notice of the special session stating time, place and subject, and notify each council member, the mayor and the city manager by phone call or otherwise, **with the exception of notifications by text messaging**. Special Meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place pursuant to ORS 192.640(3). Only matters set forth in the notice of the meeting shall be discussed at such meeting.

11. EMERGENCY MEETINGS

An emergency meeting of the Council may be called by the Mayor, three council members or City Manager on less than 24 hours' notice provided that an actual emergency exists. An emergency consists of unforeseen disruptions or threats to the public and/or public facilities and services where prompt attention and action is/may be necessary. The city recorder shall immediately prepare and post notice of the emergency meeting stating time, place, and subject, and notify each council member, the mayor and the city manager immediately, by phone call or otherwise, **with the exception of notifications by text messaging**, before the time of the meeting. The minutes of the meeting must describe the emergency justifying less than 24 hours' notice pursuant to ORS 192.640(3).

12. TELEPHONIC/ELECTRONIC MEETINGS AND ATTENDANCE

Telephonic/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Councilors may participate and vote in Council meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings Law.

13. OTHER MEETINGS

Training, goal setting, or other meetings may be held at the convenience of the Council at a time

when as many members as possible can attend.

Training meetings may be held periodically to offer council members education on their duties and responsibilities as city elected officials.

Goal Setting. The Council will align its goal setting process to coincide with the development of the annual budget. The goal setting process may include any of the following elements but none of them are required: Input from any public engagement efforts conducted by the City; Input from City staff and Council; Reports on the status of key projects; Reports on the financial status of the City; Reports on any changes in State law or regulations affecting city operations; or Reports on the status of prior Council Goals.

14. MEETINGS OPEN TO THE PUBLIC AND SERIAL COMMUNICATIONS

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192. A quorum of the Council is prohibited from meeting in private to make decisions or deliberate on matters of City business that fall within the scope of the Council's jurisdiction. This prohibition includes in-person meetings where a quorum exists as well as serial communications that may occur over e-mail, text message, social media, and through conduits such as staff.

One-on-one or small group (non-quorum) conversations or communications regarding City business are generally permitted as long as the views or thoughts of a quorum of the Council are not shared during those conversations. As a result, Council members should share only their personal views on City business being discussed in one-on-one or non-quorum conversations and not discuss the views or opinions of other Council members who are not involved in the discussion.

At times, council members might be in attendance at various community events where a quorum is present. Council members should not discuss City business in these circumstances.

Council members should avoid "replying all" to informational e-mails sent to the entire Council or a quorum of Council members regarding City business that occur outside of a Council meeting. Although one-way information sharing on administrative items (i.e., agenda topics and meeting availability) is permissible outside of a Council meeting, Council members should avoid back and forth conversations between a quorum of members via e-mail or text message.

Council members should be cognizant that a "serial" meeting can occur through the use of social media if a quorum of the Council engages in discussions regarding City business on a social media platform. As a result, Council members should be careful not to comment or engage in a social media conversation regarding City business that other members of the Council have already participated in.

15. CANCELLATION OF MEETING

Council Meetings may be cancelled in the following ways:

- Upon a majority vote of the Councilors present at any council meeting, a future regular Council meeting may be canceled when deemed appropriate;
- Prior to an upcoming council meeting, if there is no business to transact or a quorum of the Council cannot attend and there is no urgent necessity to have a meeting, the Mayor upon

the recommendation of the City Manager may cancel the meeting.

Notice of cancellation shall be posted on the City's website.

Alternative

Council Meetings may only be cancelled in this way: Upon a majority vote of the Councilors present at any council meeting, a future regular Council meeting may be canceled, when:

- There is no business to transact and no urgent necessity to have a meeting,
- A quorum of the Council cannot attend
- When deemed appropriate.

Notice of cancellation shall be posted on the City's website.

16. NOTICE OF MEETING

The City Recorder shall provide notice of all meetings in accordance with Oregon's public meeting law. Notice of a meeting shall be posted on the City's website and may be distributed to Council members, media representatives, and other interested parties.

17. ATTENDANCE

It is the duty of each Council member to attend all meetings of the Council. (Hemiston City Charter, Section 33(b)(2)) When a Council member cannot attend a meeting, the member shall notify the City Recorder and/or the City Manager, who will notify the Presiding Officer, prior to the meeting. Lack of notification will constitute an unexcused absence.

18. EXCUSAL DURING MEETING

No member shall leave the council chamber during council meetings without the permission of the presiding officer.

19. SEATING ARRANGEMENT

Council members shall occupy seats in the council chambers assigned to them by the mayor, but any two or more members may exchange seats by joining in a written notice to the mayor to that effect.

20. ADJOURNED SESSIONS

Any session of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.

III. MEETING AGENDA

21. COUNCIL MEETING AGENDA

The City Manager, or designee, shall prepare the final Council Meeting Agenda for each meeting, specifying the time, place, and purpose of the meeting and listing the subjects anticipated to be considered at the meeting.

City staff shall furnish a copy of the agenda and related packet to each council member, the mayor, and such other persons as required, at least three (3) calendar days before the council meeting or as far in advance of the meeting as time for preparation will permit. All agenda items filed with the city manager's office for council action shall be arranged according to the order of business and must be accompanied by an explanation sheet in such form as the city manager shall require. Agendas will generally be set to allow meetings to end no later than 10:00p.m.

At any meeting of the Council, the order of the business may be changed, or any part thereof suspended for such meeting upon consensus of the majority of the Councilors present.

A member of Council who wishes to have an item placed on an agenda must bring the matter before the Council at a regular scheduled meeting during the *Council Report* agenda item. The Council member must state the reason(s) they wish to add the item to a future agenda; however, Council discussion of these possible agenda items should be kept to a minimum. Adding a matter to an agenda requires a majority vote of the Council members present at the meeting. The Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council.

22. ORDER OF BUSINESS

The business of all regular meetings of the council shall be transacted in the following order, unless the council by a vote of a majority of the members present, shall suspend the rules and change the order:

CALL MEETING TO ORDER

The Presiding officer shall call the meeting to order

DECLARATION OF QUORUM

The Presiding Officer shall note each Council members attendance or absence in the record and shall declare that a quorum is present to conduct business.

FLAG SALUTE/PLEDGE OF ALLEGIANCE

The Presiding Officer shall lead the Council and audience in the Pledge of Allegiance.

PROCLAMATIONS, PRESENTATIONS, REGOGNITIONS (IF NEEDED)

Proclamations may be read and presented by the Presiding Officer or designee.

CITIZEN INPUT/PUBLIC COMMENT ON NON-AGENDA ITEMS

Items discussed under this section follow the rules stated in Rule 24.

CONSENT AGENDA

Items on the Consent Agenda are considered routine and will be adopted with a single motion, without separate consideration. Items of routine nature, not requiring Council direction, may be included on

the Consent Agenda at the discretion of the City Manager; however, Council members may ask questions or have discussions on any Consent Agenda Items prior to any motion. Items requiring a Public Hearing shall not be included on the Consent Agenda. Consent items may include but are not limited to the following: minutes, liquor licenses, commission/committee appointments, etc. Any Council member may request to remove an item(s) from the Consent Agenda prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda.

ITEMS REMOVED FROM THE CONSENT AGENDA (IF NEEDED)

PUBLIC HEARINGS (IF NEEDED)

RESOLUTIONS AND ORDINANCES (IF NEEDED)

OTHER (CONTRACTS, AGREEMENTS, FINANCIAL REPORT, ETC.)

COMMITTEE/COMMISSION REPORTS

MAYOR'S REPORT

Time provided for the Mayor to present a brief summary of matters of interest to the Council and discussion and decision related to items the Mayor would like to be placed on an agenda.

COUNCILOR REPORT

Time provided for Councilors to present a brief summary of matters of interest to the Council and discussion and decision related to items individual councilors would like to be placed on an agenda.

CITY MANAGER REPORT

Time provided for the City Manager to present a brief summary of matters of interest to the Council.

ADJOURNMENT

Following the completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

23. RECESS

The Presiding Officer may recess any meeting of the Council upon consensus of the majority of the Councilors present. The Presiding Officer shall announce the time in which the meeting will reconvene.

IV. PUBLIC COMMENTS & HEARINGS

24. PUBLIC COMMENT

- A. In-Person Comment- When public comment is allowed, the public must comply with following procedures:
 - A. When time comes for public comments, the presiding officer will ask that any persons wishing to speak identify themselves by making their way to the provided speaking platform and shall be called upon by the Presiding Officer.
 - B. Speakers will identify themselves by their names and their place of residence.
 - C. Comments may be limited to five (5) minutes, unless additional time is granted by the Presiding Officer.
 - D. When any citizen brings a complaint before or makes a suggestion to the Council, other than for items on the current meeting agenda, the Presiding Officer may refer the complaint or suggestion directly to the City Manager for review.
 - E. The Mayor and Council should avoid immediate or protracted response to citizen comments (verbal or written), however, Councilmembers may, after obtaining the floor, ask questions of speakers during public comment. Council members shall use restraint when exercising this option and shall attempt to limit their questioning to no more than two (2) minutes per speaker.
 - F. The public comment period shall not exceed thirty (30) minutes unless a majority of councilmembers present vote to extend the time.
- B. Electronic Comment - Whenever public comment is allowed in person, to the extent reasonably possible, public comment must be taken electronically as well. Electronic public comment must follow the following procedures:
 - A. Electronic meeting information will be provided for anyone wishing to comment.
 - B. The City Recorder or other city staff will mute all speakers.
 - C. As the item the participant wishes to address begins, the participant must utilize the software's raise hand feature and raise their hand, or similar feature, to notify city staff that they wish to speak.
 - D. When time comes for public comments, the presiding officer will ask for public comment, and each hand raised will be given the opportunity to comment. Procedures stated in Rule 24 A, Sections 2-6 will then be followed.
- C. Written Comment- Whenever public comment is allowed in person or electronically, public comment must be taken in writing as well. Written public comment must follow the following procedures:
 - A. Written electronic comments may be made via meeting specific email address or using the software chat feature. Electronic communication must be received within the time frame given for the item under discussion. Sender must provide their names and their place of residence. City Recorder or other staff member will forward

electronic communication to each council member and appropriate city staff, and also verbally notify the City Council that a written comment was submitted. City Recorder or other staff member will also respond/confirm to sender that their electronic comment was received and will be made part of the record. If the electronic comment is not able to be made part of the record, the City Recorder or other staff member will respond to the sender and state the reason(s) why.

B. Written mailed comments may be made but must be received prior to said meeting and include the sender's names and their place of residence to be made part of the record. City Recorder or other staff member will provide each council member and appropriate city staff with a copy of the written mailed comments.

C. Written hand-delivered comments may be made but must include the sender's names and their place of residence to be made part of the record, and be received in the following manner:

- Must be delivered to the City Recorder or designee, during business hours, prior to said meeting
- Be delivered at said meeting, when the presiding officer asks for public comment.

D. Non-Agenda Items - Time provided for anyone wishing to speak to the City Council on an item not on the agenda may be heard at this time. Procedures stated in Rule 24 A, B, & C will then be followed.

A. If a member of the public wishes to speak on an item that is on the current agenda, the speaker shall wait until that agenda item. The procedures outlined for a public hearing will apply if appropriate.

E. Anonymous Communication

Anonymous communications shall not be introduced in council meetings or made part of the record.

25. PUBLIC HEARINGS

Public Hearings shall be held on each matter required by State law or City policy. Quasi-judicial hearing procedures shall be conducted in accordance with ORS 197.797, *Conduct of Local Quasi-judicial Land Use Hearings, Notice Requirements, Hearing Requirements*, unless otherwise provided in the Development Code. The Presiding Officer shall preside over the hearing, announce the purpose and type of hearing. City staff shall summarize the guidelines for the conduct of the hearing.

Ex parte contact/communication is an oral or written communication to a decision maker, or the presiding officer not made in the presence of all parties, concerning a fact in issue in the proceeding.

Public Hearings Generally

A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.

The presiding officer shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.

Each person shall, prior to giving testimony, give their name, shall indicate whether they are a resident of the city and give their address. All remarks shall be addressed to the council as a body

and not to any member thereof.

Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to five (5) minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall follow this order of events:

1. Staff presentation
2. Applicant or affected party. Quasi-judicial hearing only.
3. Appellant, if other than applicant. Quasi-judicial hearing only.
4. Other interested persons.
5. Questions of staff.
6. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing.

Council members may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed their testimony. Questions posed by council members should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Council members shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

Council members may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by council members should be to provide clarification or additional information on testimony provided.

The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the approval of the council, may further limit the time and/or number of speakers at any public hearing, provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and direct the city recorder to note the numbers in the minutes.

At the end of public testimony and questions of staff, the council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.

A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the city recorder at or before the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a council member receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.

Documents submitted to the city as evidence or written testimony during a public hearing are public

records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to their personal safety, and who wishes to exempt their address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder pursuant to ORS 192.368(1).

26. LAND USE HEARINGS

a) General Conduct of Hearings.

- (1) Any party may speak in person, through an attorney, or another representative present the party's case.
- (2) A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes their presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- (3) No person may speak more than once without obtaining permission from the presiding officer.
- (4) Upon being recognized by the presiding officer, any member of the council, the city manager, planning director or the city attorney may question any person who testifies.
- (5) Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- (6) The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

b) Quasi-Judicial Land Use Matters.

1. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record
2. Conflicts of Interest.
A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 - a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
 - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
 - c. Members of the council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.
3. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
 - a. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
 - b. The proponent, any opponents, and/or city staff may submit to the council a set of

written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

4. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
 - a. Land Use Hearing Disclosure Statement. The city manager or staff designee shall read the land use hearing disclosure statement, which shall include:
 - i. A list of the applicable criteria;
 - ii. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - iii. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 - iv. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.
 - v. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.
 - vi. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
 - vii. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
 - viii. Presentation of the Case.
 - a. Proponent's case. Twenty (20) minutes total.
 - b. Persons in favor. Five (5) minutes per person.
 - c. Persons opposed. Five (5) minutes per person.
 - d. Other interested persons. Five (5) minutes per person.
 - e. Rebuttal. Ten (10) minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
 - ix. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
 - x. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
 - xi. Findings and Order. The council may approve or reject the proposal.
 - b. The council shall adopt findings to support its decision.
 - c. The council may incorporate findings proposed by the proponent, the

opponent or staff in its decision.

- xii. Continuances. Only one (1) continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

Legislative Land Use Matters.

1. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:
 - a. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
 - b. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
 - c. Presentation of the Case.
 - i. Proponent's case. Twenty (20) minutes total.
 - ii. Persons in favor. Five (5) minutes per person.
 - iii. Persons opposed. Five (5) minutes per person.
 - iv. Other interested persons. Five (5) minutes per person.
 - d. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
 - e. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
 - f. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

27. ORDINANCES, RESOLUTIONS AND ORDERS

Ordinance

Ordinances -- Pursuant to City Charter, Section 16, Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Hermiston ordains as follows:"

Ordinance Enactment – Pursuant to City Charter, Section 17, ordinances will be adopted as follows:

1. Except as authorized by subsection (b), adoption of an ordinance requires approval by at least five (5) members of the Council at two (2) meetings.
2. The council may adopt an ordinance at a single meeting by the unanimous approval of all councilors present, provided at least five (5) members of the council are present and the proposed ordinance is available in writing to the public at least three (3) business days before the meeting.
3. Any substantive amendment to a proposed ordinance must be read aloud or made available in

- writing to the public before the Council adopts the ordinance at that meeting.
4. After the adoption of an ordinance, the vote of each member must be entered into the Council minutes.
5. After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.

Ordinance Effective Date – Pursuant to City Charter, Section 18, ordinances take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after enactment if the ordinance contains an emergency clause.

Resolution

Resolutions – Pursuant to City Charter, Section 19, Council will exercise its administrative authority by adopting resolutions or motions. The adopting clause for all resolutions may state “The City of Hermiston resolves as follows:”

Resolution Adoption – Pursuant to City Charter, Section 20, resolutions will be enacted as follows:

1. Approval of a resolution or any other Council administrative decision requires approval by the Council at one (1) meeting.
2. Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at that meeting.
3. After approval of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.
4. After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Resolution Effective Date – Pursuant to City Charter, Section 21, resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

Orders (Quasi-Judicial Authority)

Orders – Pursuant to City Charter, Section 22, Council will exercise its quasi-judicial authority by approving orders. The approving clause for all orders may state “The City of Hermiston orders as follows:”

Order Adoption – Pursuant to City Charter, Section 23, orders will be enacted as follows:

1. Approval of an order or any other Council quasi-judicial decision requires approval by the Council at one (1) meeting.
2. Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the Council adopts the order.
3. After approval of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.
4. After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Orders Effective Date – Pursuant to City Charter, Section 24, orders and other quasi-judicial decisions take effect on the date of final adoption, or on a later day provided in the order.

V. MINUTES

28. GENERALLY

All minutes shall be in written form, with an electronic copy of the meeting maintained by the city recorder in accordance with ORS 192.650. All minutes or recordings shall be available to the public within a reasonable time after the meeting, and shall include at least the following information:

1. All members of the governing body present;
2. All motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
3. The results of all votes and if the vote is not unanimous, the vote of each member by name;
4. The substance of any discussion on any matter;
5. and a reference to any document discussed or copies of any documents presented at the meeting.

29. APPROVAL OF MINUTES

The council shall approve all minutes of any meeting. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes. If no objection is made to the minutes of the preceding meeting, the same shall be approved.

VI. PRESIDING OFFICER

30. GENERALLY

The mayor, or in their absence, the president of the council, shall take the chair at the hour appointed for the council to meet, and shall immediately call the members to order. The mayor or the presiding officer shall conduct the council meetings and exercise their authority as to the rules of order and conduct.

31. MAYOR

The Mayor shall preside over and facilitate council meetings, preserve order, enforce council rules, and determine the order of business under Council Rules, Section 22. The Mayor has no veto authority and shall sign all documents passed by the council within ten days after their passage. The Mayor has no vote on council matters unless there is a tie vote, and in the case of a tie vote on any matter before the council, the Mayor shall cast the deciding vote. The Mayor shall be deemed a member of the Council for the purposes of any voting requirements set forth in the Charter whenever the Mayor votes to break a tie on any matter before the Council. The Mayor shall appoint members of the council to commissions, boards and committees that are established by state law, ordinance, council rules, resolution or motion, and with the consent of council, shall appoint non-council members to commissions, boards and committees established by state law, ordinance or resolution. The Mayor serves as the political head of the city government.

32. COUNCIL PRESIDENT

Pursuant to City Charter, Section 10, at the first meeting in each odd numbered year, the Council shall elect a Council President from its membership. The Council President presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties on account of absence, illness, or other cause. The council president retains the right to vote on all matters while presiding over the council but does not have authority to cast an additional vote to break a tie. The council president may move, second and debate from the chair, subject only to limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a council member by reason of acting as the presiding officer.

33. TEMPORARY CHAIR

In case of the absence of the mayor and the president of the council, the city recorder shall call the council to order and take the roll of the members. If a quorum is found to be present, the council shall proceed to elect, by majority vote of those present, a chair of the meeting, to act either until the mayor or the president of the council appears.

VII. ELECTED AND APPOINTED OFFICIALS

34. GENERALLY

All elected (Mayor and Councilors) officials shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Elected officials should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Elected officials should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, social station, or economic position.

All City Officials should strive to carry out their duties based on the ideals expressed in Exhibit A related to Servant-Leadership.

35. MAYOR

The mayor occupies a position of public trust. The mayor acts as spokesman for the council and release for publication all council decisions, information of policy matters, information on controversial matters, and general publicity releases. The mayor, or their delegate, shall take care of all welcoming of distinguished visitors, opening of conventions, laying of corner stones, and other public relations work of that nature. The mayor shall bear in mind at all times that they are the first citizen in the minds of the public and should conduct themselves in such a manner as to bring only credit to themselves and their office.

36. COUNCILORS

Councilors occupy positions of public trust. The basic function of the city council is that of establishing policy for the operation of the city. This means that the council is responsible for determining what is to be done, while the problem of how it is to be done is primarily that of the city manager.

Decisions in the establishing of policy for city government may be derived at by following these four steps:

1. *WHAT IS NEEDED?* Sources of this information may come from the council member's own observations, from individual citizen requests, citizen group requests, or from the recommendations of the city manager.
2. *WHAT IS THE WILL OF THE PEOPLE?* Much of what the public wants may be learned by careful listening to comments of individuals, representatives of interested groups, and from the council members' own reactions.
3. *WHAT CAN BE DONE?* A council member's moral obligation to the public is to render decisions that are practical and economically feasible. The back-ground experience of the city manager, their staff, and technical experts should be considered carefully.
4. *TAKE ACTION.* After determining the best policy, put your decisions to work by adopting, defeating, or modifying ordinances or resolutions.

Policy and its administration cannot always be clearly defined; thus, the council and the city manager must work together as a closely knit team. Inasmuch as the city council selects and hires the city manager, it is their responsibility to see that the manager has a chance to administer policy properly and to evaluate their administrative accomplishments.

A council member shall not give, or cause to be given, any direct order to the city manager or their subordinates. Such directives shall come only from the council as a whole. A council member shall not interfere in the administration of departments or exercise individual authority in any operation under the city manager.

A council member shall not take up the cause for an applicant for an appointive office and shall direct an aspirant

to take their cause directly to the city manager on their own merits and not those of the council member.

A council member, when approached with a complaint or criticism, shall refer said complaint or criticism to the city manager telling the complainant that the city manager is better informed on that subject and can give an answer or solution to the problem. Also, the council member should bring the complaint to the attention of the city manager for follow up.

Council shall listen to criticism with interest and concern for the problem presented.

Council members are urged to educate themselves about local government. To that end, and as funding allows, Council members are urged to attend the League of Oregon Cities functions at City expense. Requests to attend other government related conferences, training seminars, and meetings will be presented to the City Manager for evaluation of the adequacy of budgeted funds.

Councilors occupy positions of public trust. They should make their best efforts to attend all council meetings and when they are unable to attend, they should follow Rule 17.

Councilors have no authority when acting as individuals. Authority to make decisions and/or create policy for the City resides solely with the majority vote of the Council. Council decisions which are not unanimous are still the official policy of the City.

Councilors are encouraged to conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, gender, social station, or economic position.

All Council members are individually responsible for compliance with the Oregon Revised Statutes Chapter 244, governing the ethical conduct of public employees and officials. Violation of these statutes may result in personal liability.

37. ELECTED OFFICIALS' INVOLVEMENT WITH STAFF

- A. All Council members will respect the separation between the Council's role and the City Manager's responsibilities by:
 1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
 2. Working together as a team within a spirit of mutual confidence and support.
 3. Respecting the administrative functions of the City Manager and department heads and refraining from actions that would undermine the authority of the City Manager or department heads. The Council will abide by the City Charter in its dealings with the City Manager.
 4. Limiting individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature will be directed to the City Manager. Questions from individual Council members requiring significant staff time or resources (two hours or more) should normally require approval of the Council, although the City Manager may determine to follow up on requests from individual Council members. Council members should normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by Council members acting in their individual capacity rather than as Council members, nor to questions regarding conflict of interest or similar issues particular to the Council member.
 5. Limiting individual contacts with City officers and employees so as to not influence staff decisions or recommendations, so as to not interfere with staff work performance, and so as to

not undermine the authority of the City Manager, department heads and other managerial and supervisory employees.

6. Council members should never express concerns about the performance of a City employee in public, to the employee directly, or other city employees. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
7. Respecting staff and their roles and responsibilities, even if expressing criticism of an action.
8. Nothing in this section or these rules precludes Council members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager.

B. When any elected officials desire to understand the operations of any city department better, that person should schedule time with the appropriate department head through the City Manager. If the elected official desires to have that time without the City Manager present that needs to be stated when the request is made. Exceptions to this policy are as follows:

1. The elected official visiting a city department location on a matter of personal business with the department, in which case the elected officials shall present themselves at the front counter area and conduct the matter of business in a timely manner with appropriate personnel.
2. The elected official is present conducting business for their employer.
3. The elected official is present for the purpose of the elected official performing a volunteer service for the department, which service shall have the prior written acknowledgment of the City Manager; and,
4. The elected official participating in the police "ride-along" program or similar program in other departments, which participation shall be limited to not more than one time per quarter per member in any calendar year.

38. PROCEDURE FOR FILLING COUNCIL VACANCIES

See Chapter VII-Section 34 Hermiston City Charter

39. CITY MANAGER

The city manager shall attend all meetings of the council, unless excused by the council; shall keep the council fully advised as to the financial condition and needs of the city; may make recommendations to the council and may take part in discussions of all matters concerning the welfare of the city; and shall have a seat but no vote in the meetings of the council. When the city manager is excused from attendance at a council meeting, another staff member shall be designated to act in their place. Most commonly that would be the Assistant City Manager.

40. CITY RECORDER

The city recorder or their designee shall serve as clerk of the council and shall keep minutes of the meetings and perform such other and further duties in the meeting as may be needed for the orderly conduct of meetings.

41. CITY ATTORNEY

The city attorney shall, either in person or by deputy, attend all meetings of the council, unless excused by the city manager. The City Attorney will have the right to take part in Council discussion, and will, upon request, give an opinion, either written or oral, on legal questions. The City Attorney, if requested,

shall act as the Council's parliamentarian, but will have no vote.

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VIII. DECORUM AND ORDER

42. DECORUM AND ORDER

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal to council. All participants in the meeting should act in a way to bring credit upon the City.

Councilors

During council meetings, councilors shall preserve order and decorum and shall neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the council. No member shall address the chair or demand the floor while any vote is being taken. Every councilor desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine remarks to the question under debate and shall avoid all personalities and indecorous language, and refrain from impugning the motives of any other member's argument or vote. Every council member desiring to question the administrative staff shall address questions to the city manager who shall be entitled either to answer the inquiries or designate some staff member to do so. All members shall accord the utmost courtesy to each other and refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. Councilors shall confine their questions to the particular matters before the council and in debate shall confine their remarks to the issue before the council.

Administrative Staff and Employees

City staff and employees shall observe the same rules of procedure and decorum applicable to councilors. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and city employees are concerned, the city manager also shall be responsible for the orderly conduct and decorum of all city employees under their direction and control. The city manager shall take such disciplinary action as may be necessary to ensure that such decorum is always preserved by city employees in council meetings. The city manager or any staff member desiring to address the council or members of the public shall be recognized by the chair, shall state their name for the record, and shall limit remarks to the matter under discussion. All remarks and questions addressed to the council shall be addressed to the council as a whole and not to any individual member thereof. No staff members, other than staff members having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

Public

Public members attending council meetings shall also observe the same rules of propriety, decorum, and good conduct applicable to council members. Any public member desiring to address the council shall be recognized by the chair, shall state their name and address in an audible tone for the record, and shall limit remarks to the question under discussion. All remarks and questions shall be addressed to the presiding officer. No person other than council members and the person having the floor shall enter into any discussion either directly or through a councilor without permission of the presiding officer.

Removal and Adjournment

The Presiding Officer may eject from the meeting any person in attendance, including any Council

member, who becomes disorderly, abusive, or disruptive, or who fails or refuses to obey the rules of decorum and order. The Presiding Officer may summon the assistance of the City Police to assist in maintaining order. If order is unable to be maintained, the presiding officer may adjourn the meeting, by their own authority, by a vote of the Council, or recommendation by the City Manager, City Attorney, or designee.

43. CONFLICT OF INTEREST

All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion. Such officials shall adhere to Oregon Laws on Government Ethics. After the mayor or council member declares a conflict of interest, that official shall leave the council dais and not return during any discussion, debate or vote on any such matter, and will not speak during public comment. After the conclusions of such discussion, debate or vote, the presiding officer shall advise the official with the conflict of interest so that they may return to their seat at the council dais. However, in those cases where all council members would have an equal conflict of interest, for example where the discussion of residential water rates which are set by the city is taking place, after declaring a potential conflict of interest, each of the council members may participate in the discussion, debate or vote on such issue.

Council members and the mayor shall refrain from making use of, or discussing outside the council chambers, any special knowledge or information before it is made available to the general public and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as they may be issued in the normal and lawful discharge of the duties of those officers.

44. OFFICERS AND EMPLOYEES TO ATTEND

The head of any department, or any officer or employee of the city, when requested by the city manager or the council, shall attend any regular, or special meeting and confer with the council on all matters relating to the city.

45. LIMITATION OF DEBATE

No council member shall be allowed to speak more than once upon any one subject until every other council member choosing to speak has spoken. Council members shall limit their remarks on a subject to five (5) minutes unless granted additional time by the Presiding officer or the majority of the Council.

46. CENSURE

The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Council member act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Council member to the extent provided by law, including public reprimand.

The Council has the right to investigate the actions of any member of the Council by appointing a subcommittee of less than a quorum of the council, and with the option of contracting with a neutral third-party investigator to perform the investigation. Referral to the full Council shall be made upon any findings that reasonable grounds exists that a substantial violation has occurred.

The full Council shall investigate the actions in executive session under ORS 192.660(2)(b), unless the Council member requests the matter to be held in an open meeting. If held in an executive session,

neither the full Council nor any member thereof shall have the right to make public any information obtained through such investigation.

Any council member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by counsel.

Upon findings, by a moral certainty, that a substantial violation has occurred, and that such violation(s) affects the Council members ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of Councilors other than the Council member subject to censure proceedings, impose proper sanction(s).

IX. VOTING

47. VOTE REQUIRED

Pursuant to City Charter, Section 14, the express approval of a majority of a quorum of the Council is necessary for any Council decision, except when the Charter or Council Rules requires approval by a majority of the Council.

48. VOTING

Every member present when a question is put forward shall vote, unless the council shall, for special reason, excuse a member from voting. Application to be excused from voting must be made before the votes are called for. The member having briefly stated the reason for the request, the decision thereon shall be made without debate.

49. RECORDING OF VOTE

The roll call vote shall be put by a vocal response FOR the question, and then AGAINST the question. The vote shall be recorded by name unless unanimous.

50. EXPLANATION OF VOTE DURING ROLL CALL

It shall not be in order for members to explain their vote during the roll call.

51. TIE VOTE

In case of a tie vote on any matter before the council, the mayor shall cast the deciding vote.

52. VOTING ON ORDINANCES OR RESOLUTIONS

When an ordinance or resolution is voted upon by the council and does not receive a council majority of YES or NO votes, said resolution or ordinance shall automatically be reconsidered at the following council meeting, and successive meetings, if necessary, until such time as a majority vote of the council is achieved.

X. COMMITTEES

53. GENERALLY

The City Council may create standing citizen advisory boards, committees or commissions to aid the Council in the conduct of public affairs. The City Council may also create ad hoc citizen committees to accomplish a specific task or project. All standing citizen advisory boards, committees and commissions shall be governed by COH Chapter 32, except that if application of a provision of COH Chapter 32 conflicts with an applicable state statute, the state statute shall prevail. This definition does not include committees formed by the City Manager.

54. APPOINTMENT PROCESS

All appointments, unless specifically waived, shall appear on two council agendas, first as a nomination and second as confirmation.

55. APPOINTMENTS/REMOVAL - MUNICIPAL BOARDS AND COMMISSIONS

All appointments to city boards and commissions shall be made in accordance with the ordinances and city charter. Preference for appointees shall be given to city residents. With the consent of the Council, the Mayor may remove a citizen from a City Board, Commission or Committee prior to the expiration of the term of office.

Appointees shall not be full-time employees of the city unless recommended by another organization to represent them, such as the Umatilla County Fair Board recommending appointment of one of their Board Members to their assigned seat on the Eastern Oregon Trade and Event Center Advisory Committee, shall not be elected officials of the city except for the council member appointed to the recreation projects fund advisory committee, shall not be appointed to more than two boards or commissions at a time, and shall not sell to the city or its boards and commissions over which the council has appointive powers and budget control either directly as a prime contractor or supplier, or indirectly as a first-tier subcontractor or supplier. Selling shall be construed to mean sales, services or fees with the City aggregating \$7,500 (revised 02/28/94) or more in any one calendar year.

56. COMMITTEE LIAISONS

The Mayor shall assign a Council member(s) to act as liaison to boards, commissions, committees or other bodies that advise the Council. Council members interested in a particular subject area should inform the Mayor of their interest. The Mayor should take the expression of interest and/or a Councilor's preference into account when making appointment decisions when possible. Liaison appointments are generally made on an annual basis.

Council liaisons should make every effort to attend all meetings of the committees, boards and commissions to which they have been assigned. In the event a Council liaison is unable to attend a meeting of the board, commission or committee, the liaison may ask the city staff assigned to that committee, commission or board to give them a summary of the meeting they missed. If a liaison fails to attend more than three consecutive meetings of the same committee, commission or board, they may be replaced.

When serving as a liaison to a City board, commission or committee as liaison, Council members will:

1. Not attempt to lobby or influence the board, commission or committee on any item under its consideration. It is important for the advisory body to make objective recommendations to the Council on items before them.
2. The liaison's communications shall reflect the majority position held by the Council on matters referred to the board, commission or committee to the extent such a Council position is known and articulated, or Council's expectations in light of Council adopted goals. The liaison's role is limited to explaining that position or Council expectations for the body.
3. Not vote at the body's meeting on any item.
4. This rule does not apply to non-city bodies when the Council member is the representative of the City.

57. TERMS AND VACANCIES

Terms for standing committees shall be defined in their enabling ordinance beginning and terminating on established dates unless otherwise designated by law. Positions shall be staggered so as to provide continuity. All standing committee vacancies will be handled the same with term expiration constituting a vacancy. Members of city advisory boards, committees or commissions may request a leave of absence from their positions of up to nine months.

58. APPLICATION

All applications for standing committees must be in writing, on a form provided by the City, addressed to the mayor and delivered before the expiration date established. A basic volunteer background check will be performed on all potential committee members and results will be delivered to the selection committee. A selection committee composed of the mayor and two councilors will review the applications and make recommendations to the council. The two councilors serving on the committee may be rotated annually. The selection committee will select members for all openings including temporary ones caused by a leave of absence.

59. SPECIAL COMMITTEE APPOINTMENTS

Special committees for particular purposes may be appointed by the presiding officer, subject to confirmation by the council. There shall be at least three members on each special committee, whether composed of council members, public members, or jointly composed. The presiding officer shall designate the member who is to serve as chair of the committee. Vacancies occurring on any committee shall be filled in a like manner.

60. MEETINGS

Special committees shall meet on call of the chair, or any three members, and shall report to the council without unnecessary delay upon matters referred to them. A majority of the members of a committee shall constitute a quorum.

61. MEETING NOTICE

It shall be the duty of the staff member assigned to each special committee to give notice of the time and place of meetings as required by ordinance or state law.

62. REPORTS

When a committee to which a matter has been referred, with instructions to report at a time in the order

of reference, is not ready to report at such time, the matter so referred shall, unless further time be granted, be considered as though reported back without recommendation. In such case, the committee shall forthwith return to the city recorder the documents pertaining to the matter, and the matter shall take its proper place in the Order of Business.

63. REPORTS TO BE IN WRITING

The reports of committees shall be in writing, agreed to in committee assembled. Copies of the report shall be available to each member of such committee, council members, mayor and the city manager. Documents referred to the committee shall be returned with the report. Nothing in this rule shall be construed to prohibit the introduction of minority reports.

64. RELIEVING FROM FURTHER CONSIDERATION

Upon motion, council may by a majority vote relieve a committee of further consideration of a matter referred to it and order the same placed on the calendar.

65. POWERS

No committee shall have the power to employ any person for, or on behalf of, the city, or incur any expense, unless specially authorized by the city manager or designee.

XI. MISCELLANEOUS

66. STATEMENTS TO MEDIA AND OTHER ORGANIZATIONS

Representing City. If a member of the Council, to include the mayor, appears as an authorized representative of the City before another governmental agency, the media, or an organization to give a statement on an issue, the member may only state the official position of the City, as approved by a majority of the Council.

Personal Opinions. If a member of the Council, to include the mayor, appears in their personal capacity (not as an authorized representative of the City) before another governmental agency, the media or an organization 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.

Use of Letterhead. Councilmembers may only use City letterhead for individual letters of thank you, congratulations, and condolences without the express permission of the Council.

67. COMPLAINTS

The procedure for complaints shall be:

All complaints involving municipal policies shall be referred to the city council for appropriate action, and except in the most unusual cases, such action shall be preceded by report and recommendation of the city manager who shall have been given ample time and opportunity in which to investigate and to render a report.

All complaints involving charges of unfair hearings or improper hearings or inadequate hearings before advisory boards and commissions shall be processed in the manner provided by state statute.

All complaints with respect to the management of the city shall be referred to the city manager for the necessary or appropriate action in each individual case. In the case of those complaints involving the management of the city wherein the council desires further information, the city manager, when so requested by a majority of the council, shall be given adequate time in which to make the necessary investigation and report.

Exhibit A -Servant-Leadership

- I will base my decisions on the next generation more than the next election, committed to the ideal that my loyalty must be to the entire community (both now and in the future) and not merely to those who got me elected.
- I will focus on mission, vision, and values as the benchmark for my decisions and recognize that my responsibility is the pursuit of the greatest good for the entire community and not the satisfaction of any particular group's agenda.
- I will make decisions based on fact-based evidence and not allow myself to be manipulated into bad decisions for the future based on the decibel level of critics.
- I will recognize that "it takes a smart leader to know where they are stupid" and have the wisdom to be smart. Accordingly, I will value those who have the courage to tell me what they really think and will listen sincerely to those who disagree with me to truly understand their perspective, recognizing that understanding other perspectives makes me a better leader.
- I will embrace my responsibility to govern rather than to manage, recognizing that if I am doing staff's job I am not doing my job, while also understanding and embracing the appropriately exercised governance role of holding staff accountable.
- I will place a greater emphasis on solutions than on problems, while refusing to offer solutions before I understand the problem.
- I will understand that mutual trust is the foundation for everything and that if I refuse to trust others they will be unable to trust me.
- I will protect the integrity of the process more than the rightness of my position; I will fight hard for my issue but then unify behind the governing body when the decision is made because the decision was made with integrity of process, even if I disagree with the outcome.
- I will understand that my deeply held beliefs, values and positions will be strengthened, not compromised by courteous, respectful and civil discourse. I will not treat someone as the enemy just because we disagree.
- I will treat everyone with dignity and respect because of who I am as a leader... not because of how they treat me or what I think about them.
- I will be a role model for civility. I will not treat my colleagues or staff in any way that I would be embarrassed if my five year old child treated someone the same way.
- I will never forget – it is not about me and it is not about now.

(As quoted from Strategic Government Resources (SGR) Website on December 28, 2021.)

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn't always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert's Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert's Rules of Order* is a dandy and quite useful handbook. On the other hand, if you're running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of "Rosenberg's Rules of Order."

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

"Rosenberg's Rules of Order" are supported by the following four principles:

1. **Rules should establish order.** The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.
3. **Rules should be user-friendly.** That is, the rules must be simple enough that citizens feel they have been able to participate in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then the “nays” is normally sufficient. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days’ notice for all future meetings of this governing body.”

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member’s desired approach with the words: “I move ...” A typical motion might be: “I move that we give 10 days’ notice in the future for all our meetings.”

The chair usually initiates the motion by:

1. Inviting the members to make a motion: “A motion at this time would be in order.”
2. Suggesting a motion to the members: “A motion would be in order that we give 10-days’ notice in the future for all our meetings.”
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

- 3. The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

A motion to fix the time to adjourn.

This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on “hold.” The motion may contain a specific time in which the item can come back to the body: “I move we table this item until our regular meeting in October.” Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: “I move the previous question” or “I move the question” or “I call for the question.” When a member of the body makes such a motion, the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, “I move the previous question,” “I move the question,” “I call for the question” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If you are running the British Parliament, Robert's Rules of Order is a dandy and quite useful handbook.

motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi-

lege relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

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\$5.00

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on recycled paper*



PUBLIC ANNOUNCEMENT

The City is accepting applications for the following Committees:

1) Parks and Recreation Advisory Committee

- Positions 1, 2, & 3: 3-year term ending October 31, 2027 (Advertised as of 07/08/2024)

2) Airport Advisory Committee

- Positions 3 & 4: 3-year term ending October 31, 2027 (Advertised as of 07/08/2024)

3) Library Board

- Position 4: Remaining 4-year term ending June 30, 2026 (Advertised as of 07/08/2024)

Deadline to apply for all Committees: Open Until Filled

Interested persons are asked to submit an application to City Hall, 180 NE 2nd Street, Hermiston, or at lalarcon-strong@hermiston.or.us. Application forms are available at City Hall or on the City's website at <https://hermiston.or.us/volunteer>. If you have questions, please call Lilly Alarcon-Strong at 541-567-5521.

Proposed appointment and confirmation of these positions are made by the City Council. All appointments to city boards and commissions shall be made in accordance with the ordinances and city charter. Appointees shall not be full-time employees of the city, shall not be elected officials of the city, shall not be appointed to more than two boards or commissions at a time, and shall not sell to the city or its boards and commissions over which the council has appointive powers and budget control either directly as a prime contractor or supplier, or indirectly as a first-tier subcontractor or supplier. Sales shall be construed to mean sales, services or fees aggregating \$7,500 or more in any one calendar year. Preference for appointees shall be given to city residents.



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
 For the Meeting of August 12, 2024

Title/Subject

Initiate annexation proceedings Zamudio 4N2802BC Tax Lot 1500 - 309 E Theater Lane

Summary and Background

Melinda Zamudio is proposing to annex 1.5 acres of land located at 309 E Theater Lane.

The property is described as 4N2802BC Tax Lot 1500. The applicant wishes to develop the property residentially and requires annexation to allow connection to city services which are located in E Theater Lane. The property lies within the urban portion of the Urban Growth Boundary and has a Comprehensive Plan Map designation of Medium Density Residential (M) which corresponds to a Medium-High Density Residential (R-3) zoning designation. The applicant has requested annexation with an R-3 zoning designation.

Under ORS 222.120, the city may dispense with an election on annexation except when required to hold an election by charter. The City of Hermiston charter does not require an election on annexation and the city council typically does not submit annexation requests to voters. When an election is not held, the city council must set dates for public hearings on the proposed annexation. By motion, the city council will establish hearing dates before the planning commission on September 11, 2024 and the city council on September 23, 2024.

Tie-In to Council Goals

Annexations are a matter of administration of city ordinances. This annexation provides an opportunity for additional residential development.

Fiscal Information

At the current assessed value of the property, financial impact to the city will be approximately \$165 in property tax revenue. Subsequent development of the property will greatly increase the assessed value of the property.

Alternatives and Recommendation

Alternatives

Initiate annexation proceedings and direct staff to schedule hearings.

Do not initiate annexation proceedings.

Recommended Action/Motion

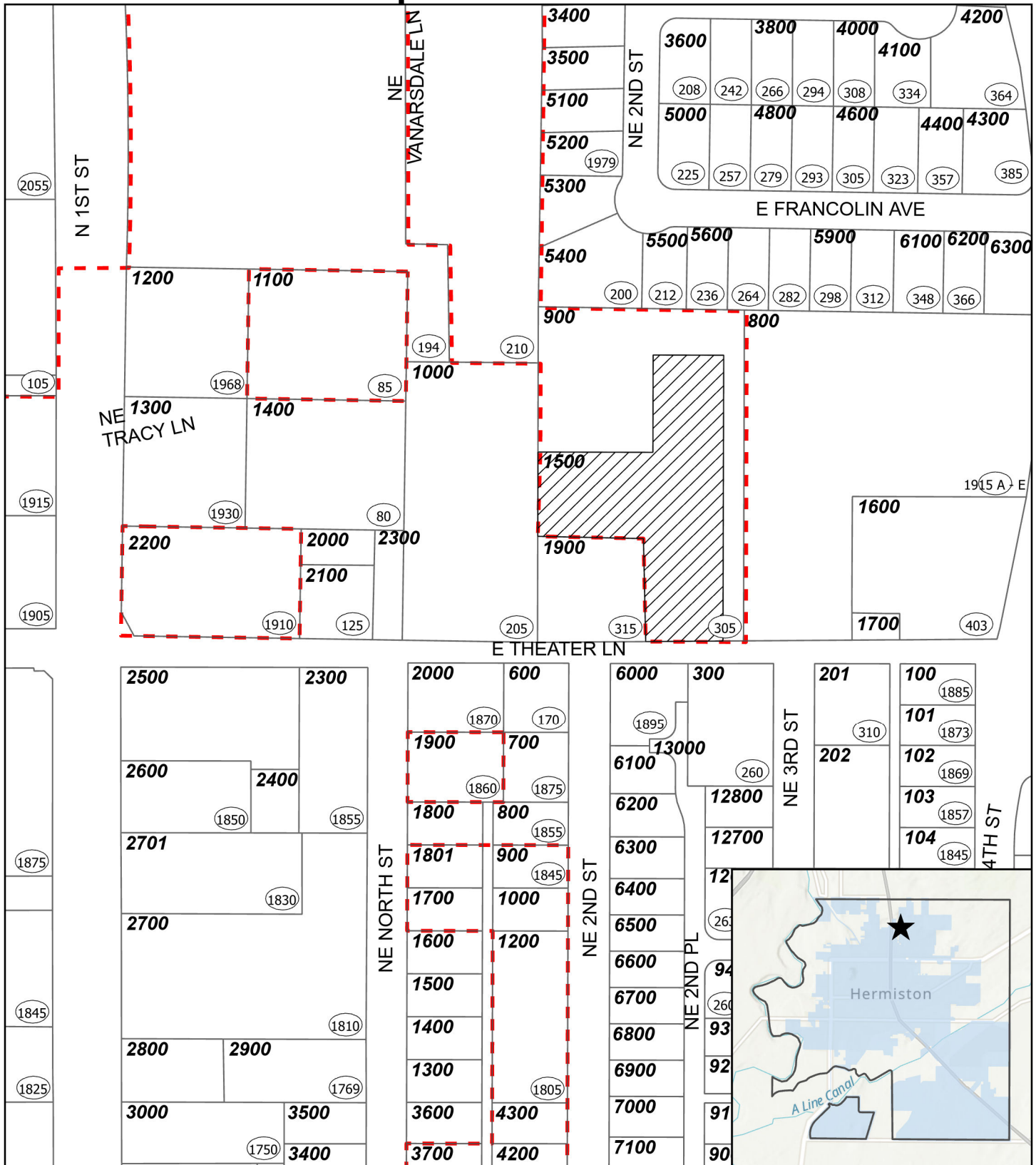
Staff recommends the city council initiate proceedings to annex the property with an R-3 zoning designation.

Motion that the annexation be initiated and direct staff to schedule public hearings. Hearings would be scheduled before the Planning Commission on September 11, 2024 and the City Council on September 23, 2024.





Submitted By:

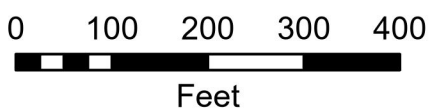
C.F. Spencer, Planning Director

Notice of Proposed Land Use Action







Legend

-  Area of Proposed Annexation
 Property Line
 City Limits
 Urban Growth Boundary

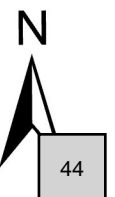




Legend

-  Area of Proposed Annexation
-  Property Line
-  City Limits
-  Urban Growth Boundary

0 100 200 300 400
Feet





CITY COUNCIL

Work Session Meeting Minutes July 22, 2024

Mayor Drotzmann called the regular work session meeting to order at 6:00pm. Present were Councilors McCarthy, Linton, Myers, Hardin, and Duron (arrived at 6:03pm). Councilors Primmer and Peterson were excused. Staff in attendance included City Manager Byron Smith, City Attorney Rich Tovey, Assistant City Manager Mark Morgan, Finance Director Ignacio Palacios, Parks and Recreation Director Brandon Artz, and Assistant City Recorder Heather La Beau.

City Council Rules Review

City Manager Byron Smith reviewed additional proposed revisions to the Council Rules document as presented at the previous work session meetings detailing the proposed revisions and answering council questions.

City Manager Smith and the Council discussed:

- Adding language to include submitting written comments and parameters on when written comments can be received
- Defining ExParte Contact and Conflicts
- Defining who should investigate possible Council misconduct investigations, as well as adding language and procedures
- Adding "or designee" in areas throughout the document to allow another individual to take action when specific individual(s) are unavailable
- Clarifying sections in "Committees", what Council Liaisons roles are and considering updating the amount an individual can receive as a city contractor, while still be permitted to be a committee member
- Changing from Roberts Rules of Order to a simpler and easier to understand Rosenberg's Rules of Order

City Manager Smith completed the review with the Council and stated their comments and suggestions would be considered and added to the City Council Rules working draft and presented to the Council for final review and adoption at a future meeting.

Adjournment

Mayor Drotzmann adjourned the work session meeting at 6:56pm and stated the Council will take a short break and convene for their regular council meeting at 7:00pm.



CITY COUNCIL

Regular Meeting Minutes July 22, 2024

Mayor Drotzmann called the regular meeting to order at 7:00pm. Present were Councilors Barron, Duron, Myers, Hardin, Linton, and McCarthy. Councilors Primmer and Peterson were excused. Also in attendance was: Municipal Court Judge Cameron Bendixsen (arrived at 7:08pm and excused at 8:54pm), as well as City Staff to include: City Manager Byron Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Finance Director Ignacio Palacios, Captain Travis Eynon, Planning Director Clint Spencer, Parks and Recreation Brandon Artz, Court Administrator Jillian Viles, and City Recorder Lilly Alarcon-Strong. The pledge of allegiance was given.

Recognition- Hispanic Advisory Committee Members

Mayor Drotzmann presented recognition certificates to Hispanic Advisory Committee (HAC) Members: Jessica De La Cruz; Alberto Munoz; Jesse Roa; Vice Chair, Mark Gomolski; and Chair, Jose Garcia (who was not present) for the time, effort, and dedication they give volunteering to make the community a better place to live, work, and play, and helping it be more inclusive.

Councilors Barron and Duron, and HAC Vice Chair Mark Gomolski spoke regarding free community events and outreach efforts HAC has and is currently doing in the community, from Cinco de Mayo Celebrations to providing food and other resources to farm workers at their job sites, and more.

(Applause from all in Council Chambers.)

Citizen Input on Non-Agenda Items

Alexis McCarthy and Angela Pursel from the Next Chapter Bookstore invited the Council and Community to their Literacy Café Open House, hosted by the Chamber of Commerce, on Wednesday, July 24th at noon, as well as the Find Waldo Local and National Campaign Party on Saturday, July 27th at 2pm, with pizza from Papa Murphy's, face painting, items from NW Farm Supply, and more. Mrs. McCarthy and Pursel thanked the community for the tremendous support they have received thus far.

Mayor Drotzmann thanked Mrs. McCarthy and Pursel.

Consent Agenda Items

Councilor Duron moved and Councilor McCarthy seconded to approve Consent Agenda items A-D, to include:

- A. Committee Vacancy Announcements
- B. Recommend Appointment of Steve Wallace to the Eastern Oregon Trade & Event Center Advisory Committee: Position #1- Representing the Umatilla County Fair Board, beginning August 13, 2024 through June 30, 2027.
- C. Minutes of the July 8th City Council Regular Meeting 1
- D. Certifying the Mayor and Municipal Judge Primary Election Results

Motion carried unanimously.



CITY COUNCIL

Regular Meeting Minutes
July 22, 2024

Public Hearing- Annexation & Comprehensive Plan Map Amendment - Reyes 4N2812C Tax Lot 308 1088 E Newport Ave.- Mayor Drotzmann declared ex parte contact between he and a City Commissioner and after hearing no conflicts of interest from the Council, Planning Director Clint Spencer read the hearing guidelines and Mayor Drotzmann opened the hearing at 7:22pm.

Planning Director Spencer gave information (PowerPoint Presentation attached) regarding the requested application to amend the comprehensive plan map designation for approximately two acres of land located at 1088 E Newport Ave. The applicants propose to annex the property with Medium-High Density Residential (R-3) zoning. This designation allows single and two-family dwellings, as well as multi-family units, on lots with a minimum lot size of 5,000 square feet and 7,500 square feet for multi-family units.

The Planning Commission held a public hearing on July 10 to review the proposal and recommended that the City Council deny the application for comprehensive plan map amendment and deny the annexation as well. The recommendation was based on testimony received at that hearing from neighboring property owners. The applicants did not attend the hearing.

Public Testimony

Proponents

Applicant, Mayra Reyes (1055 W Linda Ave)- She understands and is sympathetic to the concerns of the neighbors as change can be difficult; however, if approved, this will be a benefit for the City in tax revenue, as the population grows so does housing demands. Neighbors raised concerns regarding busier streets in that area and how unsafe that will be for children, however, streets are not playgrounds and there are parks and schools in the area where children can safely play.

Opponents

Marlena Tessonni (1096 E Juniper Ave), Roger Robinson (1040 E Juniper Ave), Logan Miller (445 SE 9th Drive), Derek Osmin (1079 E Juniper), and Kenna West (690 W. Sandpiper)- gave testimony regarding not wanting their properties to be forced to annex into the city in the future, not wanting multi-housing properties in their back yard, influx of traffic from people and cars that will accompany additional housing in that area, leaving the area undeveloped or only allowing two homes to be developed, and applicants should have spoken to all the neighbors first before submitting an application.

Neutral

None

There were no other persons present who wished to give public testimony and the hearing was closed at 7:48pm.



CITY COUNCIL

Regular Meeting Minutes
July 22, 2024

Planning Director Spencer answered questions from the Council regarding the Urban Growth Boundary, the different zoning options and what those requirements entailed (R-1 and R-2), infrastructure improvements in the area if developed, neighborhood obligations to annex into city limits, if persons interested in purchasing property in Urban Growth Boundaries are informed that those properties will be eventually annexed into the city, and more.

The Council also discussed the city's need for additional housing as this has been and continues to be a top Council Goal, allowing land owners to develop the property they own in the manner they want as long as it is zoned appropriately, yet also listening to people and following the recommendations given by the Planning Commission, and reminding the audience that the State of Oregon has changed their ruling on zoning and have allowed multi-housing in all areas.

The Council spoke in favor of an alternative zoning option, specifically R-2, and asked applicant Mayra Reyes if she would consider this proposed zoning. Mrs. Reyes agreed, and Mayor Drotzmann reopened the public hearing at 8:04pm.

Public Testimony

Proponents

No other proponents wished to speak.

Opponents

Roger Robinson (1040 E Juniper Ave), Derek Osmin (1079 E Juniper), Kenna West (690 W. Sandpiper), and Brandon Thompson (1035 E Tamarack Ave via zoom messaging)- asked why the city has a Planning Commission if it will not listen to their recommendations, and stated the Council should listen to the residents and not allow this rural area to develop, the area has lots of farm animals and allowing additional housing will cause liability issues.

Neutral

Josh Roberts (1709 NE 6th Place)- stated he is sympathetic to those speaking in opposition; however, these residents currently live in the County and can voice their concerns to their County Commissioners. The Council needs to think about the City, and the City needs housing.

There were no other persons present who wished to give public testimony and the hearing was closed for the second time at 8:13pm.

Councilor Barron moved and Duron seconded to adopt a lower density zoning of R-2 and direct staff to prepare the appropriate documents for adoption at the next meeting. Councilors McCarthy, Barron, Myers, Hardin, and Duron voted in favor, Councilor Linton voted against; Motion carried 5-1.



CITY COUNCIL

Regular Meeting Minutes July 22, 2024

Discussion of two conceptual ordinances related to parades and right of way closures

City Manager Smith spoke to the Council regarding two conceptual ordinances regarding allowing and accommodating for parades and right-of-way street closures. City Manager Smith spoke regarding the financial burden and staff resources that go into each parade and street closure, the City's liability in approving these closures and therefore requiring insurance coverage, outlined two parade routes with fixed rates at 75% cost recovery with the option of an alternative route at full price cost recovery, and more. City Manager Smith stated the City does not want to discourage community events, however, there are costs associated with these requests and it does come with a financial burden to the City.

Councilor Linton stated she believes city residents should not be held financial responsible for these events and requesters should be required to pay 100% of the costs.

City Manager Smith stated staff recommends exceptions to these fees and routes for events that have been grandfathered in, to include: The Umatilla County Fair Parade, Hermiston High School Graduation Walk, and Martin Luther King, Jr. March.

The Council spoke regarding barricade rentals, private insurance for these events, and asked that these ordinances be brought before the Council once these items had been considered.

Resolution No. 2333 – Authorizing an Information Technology Services Agreement with the City of Heppner- City Manager Smith stated the City of Heppner is requesting IT services. Their needs are minimal at eight hours a month and staff would be able to accommodate this request while in the area servicing Morrow County needs.

After additional discussion, Councilor McCarthy moved and Councilor Hardin seconded to adopt Resolution No. 2333 and lay upon the record. Motion carried unanimously.

Authorizing to shift form a contracted prosecutor to a full-time employee

City Manager Smith stated, as previously mentioned, it has been difficult to find attorneys interested in the contracted city prosecutor position. Staff is requesting this position be changed from a contracted position to a full-time employee position with benefits to attract potential interested attorneys. Currently, the last contracted city prosecuted resigned in March and City Attorney Rich Tovey has been filling in to keep the Municipal Court operational, but this arrangement cannot be sustained long-term.

Municipal Court Judge Cameron Bendixsen agree, stating the Court needs an attorney to do this work.

After additional discussion, Councilor Myers moved and Councilor Barron seconded to authorize the change from a contracted city prosecutor position to a full-time employee and return in early 2025 to make official budget amendments to implement the financial changes. Motion carried unanimously.



CITY COUNCIL

Regular Meeting Minutes July 22, 2024

(Municipal Court Judge Cameron Bendixsen exited the meeting at 8:54pm)

June 2024 Financial Report

Councilor Duron moved and Councilor Hardin seconded to accept the June Financial Report as presented (PowerPoint Presentation attached) by Finance Director Ignacio Palacios. Motion carried unanimously.

Committee Reports

Parks and Recreation- Councilor Myers stated the Committee toured the Harkenrider Senior Center where renovations are set to be completed in October; 40 trees, donated by Amazon, were planted at EOTEC; Dylan Westfall has been hired as a Parks and Recreation Coordinator, and Diana Picard recently retired.

Public Safety Committee- Councilor Hardin asked that Captain Travis Eynon and Court Administrator Jillian Viles give a brief report of today's meeting.

- Captain Eynon spoke regarding the department being fully staffed, which has not happened since 2020; current recruiting efforts for additional officers for the addition of the Good Shepherd Security staffing; as well as 5-person patrol teams and fewer staff members out on leave.
- Court Administrator Viles spoke regarding case adjudications vs days the cases are open, as well as hiring a full-time city prosecutor to get back on track with A Misdemeanors and the like.

EOTEC Advisory Committee- Councilor Barron spoke regarding updates with the HEROS Project and preparing for the Umatilla County Fair and Farm-City Pro Rodeo.

Hispanic Advisory Committee- Councilor Barron asked Councilor Duron to give an update on this meeting. Councilor Duron stated the Committee heard presentations from Martha's House and Agape House, as she spoke to at a previous City Council meeting.

Mayor's Report

Mayor Drotzmann spoke regarding:

- His attendance at the OMA Conference in Klamath Falls and his honor to present Pendleton Mayor John Turner with the Mayor of the Year Award from OMA
- Umatilla County Fair Parade on Saturday, August 3rd
- Employee Appreciation Picnic
- LOC Annual Conference
- Asked that Code Enforcement reach out to businesses on 395 regarding weeds
- National Night Out on Tuesday, August 6th and the hidden medallion scavenger hunt

Council Reports

Councilor Duron congratulated Umatilla County Dispatch Manager, Captain Karen Primmer, for receiving the 911 Manager of the Year Award from The Oregon Chapter of Association of Public-Safety Communication Officials. Thanked the Parks and Recreation Department for keeping parks and outdoor areas green and clean for our community to enjoy. Thanked all the fire fighters currently responding to all the fires in the State. Thanked the Police Department for having Spanish speaking officers who are able to



Where Life is Sweet

CITY COUNCIL

Regular Meeting Minutes
July 22, 2024

deescalate situations more efficiently and effectively because they can communicate directly with adults and children who need their services, as she recently witnessed first-hand.

Councilor McCarthy spoke regarding the Chambers Summer Mixer stating it was a well-attended event with great vendors, and although it was hot outside there was plenty of shade.

Youth Advisory Report

None Present.

City Manager's Report

City Manager Smith spoke regarding the NLC upcoming conference.

Adjourn

There was no other business and Mayor Drotzmann adjourned the regular City Council meeting at 9:20pm.

SIGNED:

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, CMC, City Recorder

Annexation and Comp Plan Amendment Reyes

Subject Property



Annexation and Comp Plan Amendment Reyes

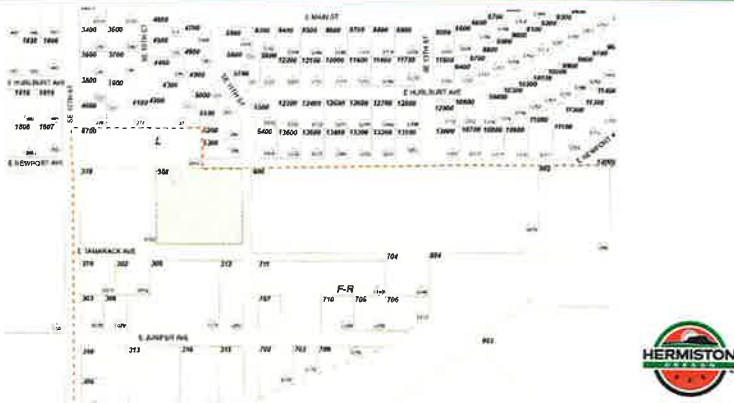
Street View



Annexation and Comp Plan Amendment Reyes

Existing
Comprehensive Plan
and Zoning
Designation

Future Residential
FU-10 Future Urban

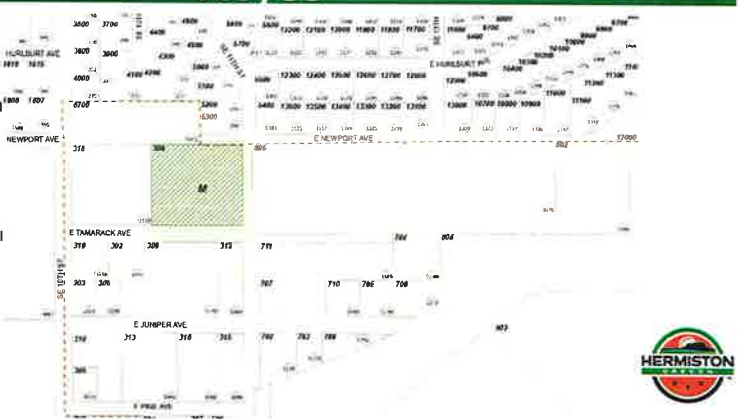


Annexation and Comp Plan Amendment Reyes

Proposed
Comprehensive Plan
and Zoning
Designation

Medium Density Residential

Medium-High Density
Residential (R3)





Hermiston Urban Renewal Agency (HURA)

- North Hermiston Urban Renewal Area – Design on Aspen Drive project started
- 2nd Street Gateway Project – Completed in June



General Fund

- Monthly Revenues are above projections (~\$398,000)
- Annual Revenues are ahead of projections (8.1%)
- Financial Reports include all known expenses thru Month End. Finance is currently accumulating final receivables and costs.



General Fund

- Monthly Expenses above projections by ~\$248,000
 - **New police vehicles and upfitting**
 - **Body Cam Replacements**
- Annual Expenses below projections 4.9%



General Fund

- Appropriations at the Department Level
 - Transportation (Taxi Program) ~\$25k
 - Parks ~\$5k
 - Parks Utility ~\$10k
 - Community & Harkenrider Center ~\$1k each
- Potential audit disclosure



Special Revenue Funds

- EOTEC
 - Ended ~\$141k
 - HVAC System and Water Line break, etc. - ~\$48k
 - First full year of operations as part of city
 - Grant dollars reimbursements ~\$350k



Utility and Street Funds

- Regional Water - ~\$158k under projected revenues – offset by expense (~148k)



Capital Projects

- A number of projects in design
 - Geer/Harper Realignment
 - Well #6 Chlorination
 - Well #4 Controls
- Gladys/Main/Newport – Construction early July



Capital Projects

- Teen Adventure Park – Start July 1st
- Hangar Replacement – Taxilane under construction
- IT Build-out – Scheduled to complete in July
- Harkenrider – Framing/concrete completed
- The Arc – New roof
- Public Safety Center – Phase I Court Renovation



Discussion

Questions?

Where Life is Sweet



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
 For the Meeting of August 12, 2024

Title/Subject

Resolution No. 2334 - Initiate vacation proceedings for frontage road easement parallel to E Elm Ave

Summary and Background

Chapter 271 of the Oregon Revised Statutes governs disposition of public lands and is the city's guiding policy for processing vacations of public right-of-ways. Vacations may be processed by petition or by city council motion. ORS 271.130 establishes that a city council may initiate vacation proceedings without consent of all property owners as required in a standard petition process. Consent of all property owners has been obtained.

Staff approved a site plan in March of 2024 for the expansion of the site to include an additional 2500 square feet of office space and a 28,125 square foot sheet metal shop. A copy of the site plan is attached to this report for the council's reference. The easement spans across six industrial lots and reduces the overall buildable area for each of these lots. Vacation of the easement substantially increases the overall buildable area available for economic development.

The property owner has been working with staff and requests that the city council initiate vacation by motion as opposed to land owner petition.

The roadway easement is 60' in width and is entirely undeveloped. The city originally required dedication of a roadway easement as a condition of annexation for this property in the 1980s. The road was never developed and changes in transportation development no longer make this a feasible development. The easement area includes 150' wide Hermiston drainage ditch at the southeast corner of tax lot 1100. The roadway is not part of the city's transportation plan for the northeast quadrant and the circulation it may provide in the future can be accommodated by E Elm Ave.

Tie-In to Council Goals

The vacation is proposed to facilitate industrial development.

Fiscal Information

There is no fiscal impact to the city from relinquishing the easement. Future street maintenance costs are reduced, and revenue generated from potential development increases. Costs associated with vacation will be passed to the property owners.

Alternatives and Recommendation

Alternatives

The city council may choose to

- Adopt Resolution 2334 initiating vacation proceedings
- Reject Resolution 2334 and not initiate vacation proceedings

Recommended Action/Motion

Staff recommends that the city council adopt Resolution 2334 and schedule a hearing on vacation for September 9, 2024.

Motion to adopt Resolution 2334.

Submitted By:

C.F. Spencer, Planning Director

RESOLUTION NO. 2334**A RESOLUTION ESTABLISHING THE CITY UNDERTAKE VACATION PROCEEDINGS BY ITS OWN MOTION.**

WHEREAS ORS 271.130 establishes that a city may undertake vacation proceedings by its own motion; and

WHEREAS, the city council moved on August 12, 2024, to initiate vacation proceedings of a 60' wide easement described as

An easement for roadway purposes over the North 60 feet of the South 93 feet of the East 2616.87 feet of the Southeast Quarter of Section 2; all being East of the W.M., Umatilla County, Oregon.

WHEREAS ORS 271.130 establishes that a vacation proposed by the city's own shall not be undertaken without a public hearing in accordance with the requirements of ORS 271.080 through 271.110; now therefore

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. A public hearing on the question of vacation of the above described easement is scheduled for September 9, 2024, at or after 7:00PM at City Hall, 180 NE 2nd St. Notice of said hearing will be published in the East Oregonian on August 21 and 28, 2024, and posted at each end of the affected easement on August 21, 2024, in accordance with ORS 271.110.
2. This resolution is effective on passage.

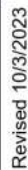
PASSED by the Common Council this 12th day of August 2024.

SIGNED by the Mayor this 12th day of August 2024.

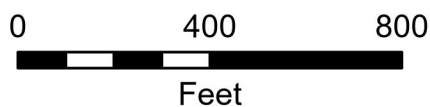
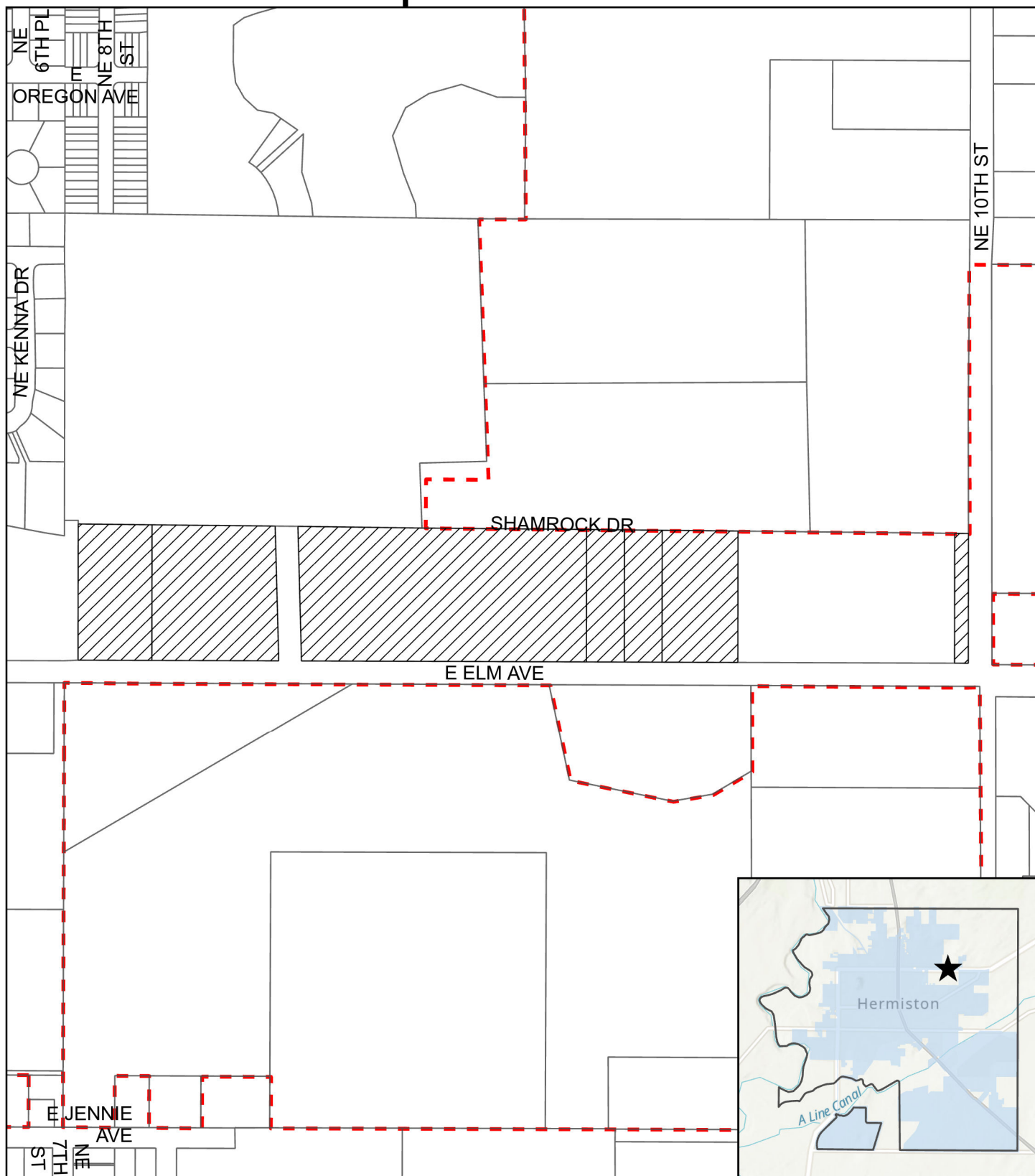
Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER

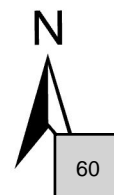


Notice of Proposed Land Use Action

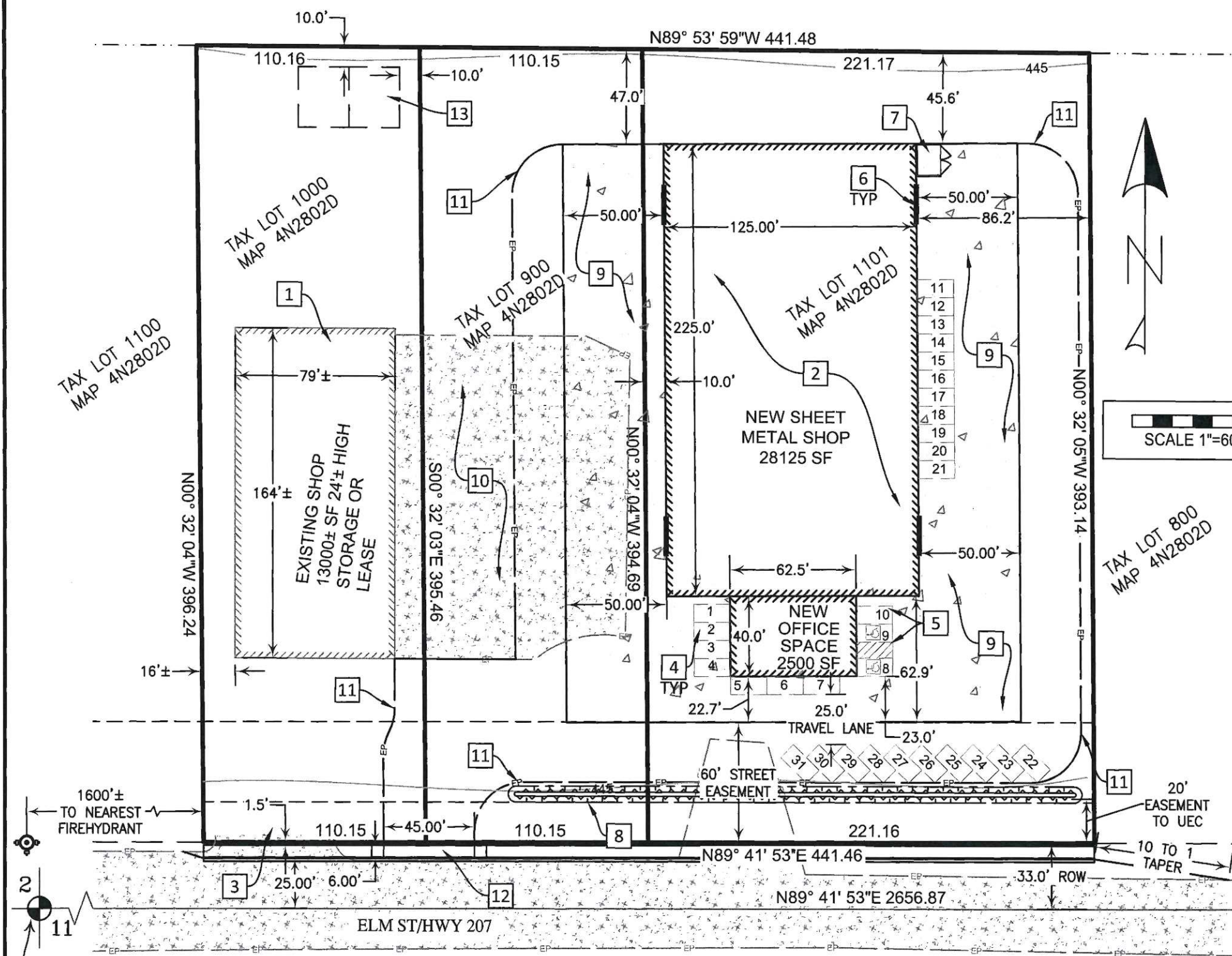


Legend

- Area of Proposed Easement Vacation
- Property Line
- City Limits
- Urban Growth Boundary



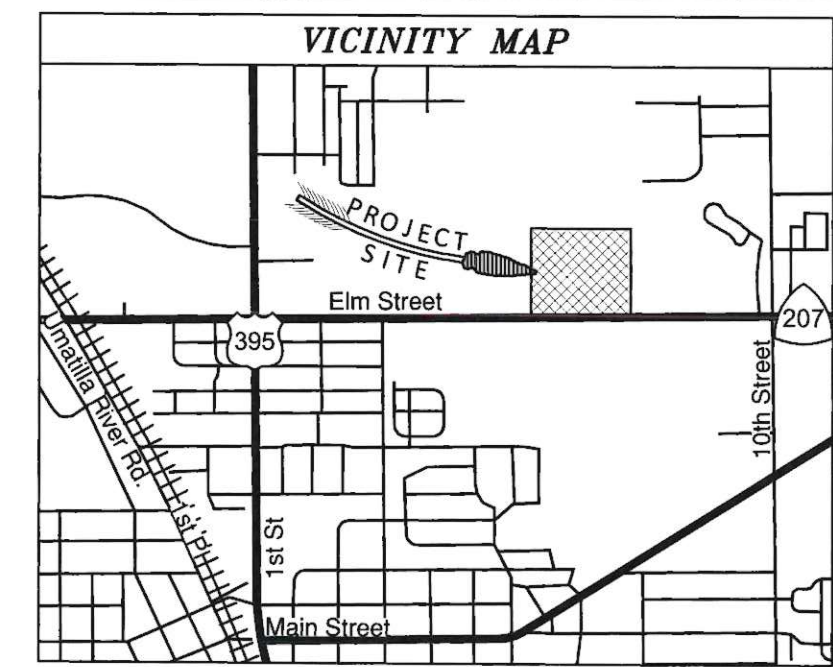
TAX LOT 702 MAP 4N2802D
PARCEL 1 P.P. 2012-09



SITE PLAN FOR NEW BUILDING
SCALE AS SHOWN

LEGEND

- PROPERTY LINE
- SECTION LINE
- EASEMENT
- RIGHT-OF-WAY (ROW)
- TAX LOT LINES
- NEW BUILDING
- EXISTING BUILDING
- EXISTING EDGE OF AC



KEY NOTES

- 1 EXISTING BUILDING, TO REMAIN
- 2 NEW BUILDING
- 3 EXISTING AC ACCESS TO BE RELOCATED TO THE EAST
- 4 NEW PARKING
- 5 ADA PARKING
- 6 SHOP DOOR
- 7 TRASH ENCLOSURE
- 8 NEW SWALE/ LANDSCAPING
- 9 NEW CONCRETE
- 10 EXISTING AC
- 11 NEW EDGE OF PAVING
- 12 RELOCATED ACCESS
- 13 TENTATIVE SEPTIC DRAINFIELD LOCATION

NOTE:
PROPERTY LINES SHOWN
ARE OF RECORD ONLY.

BRASS CAP IN
MON. WELL



EXPIRES 12/31/2024

WATER AND SEPTIC TANK WITH
DRAIN FIELD WILL BE ONSITE.
31 PASSENGER VEHICLE PARKING
STALLS
2 ADA PARKING STALLS

THIS DRAWING, & ALL INFORMATION HEREIN, REMAIN THE PROPERTY OF CK3, LLC. ALL RIGHTS ARE EXPRESSLY RESERVED & IT MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE EXPRESSED WRITTEN CONSENT OF CK3, LLC.

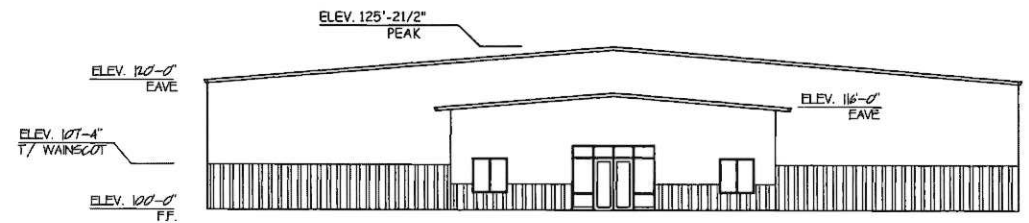
CK3, LLC
368 S.W. 5th Avenue
Ontario, Oregon 97914
Phn: (541) 889-5411
Fax: (541) 889-2074
945 W. Orchard Avenue
Hermiston, Oregon 97838
Phn: (541) 567-2345
Fax: (541) 567-2305

#	DATE	REVISION
1		
2		
3		
4		

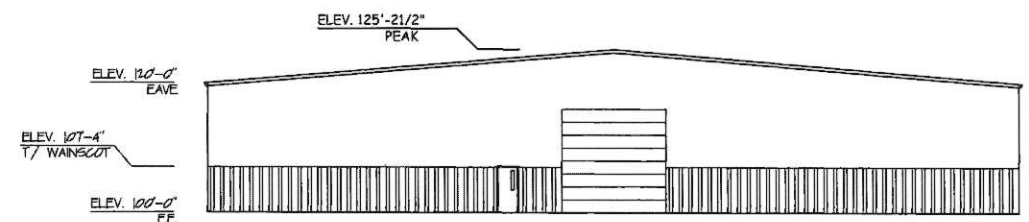
SITE PLAN FOR NEW BUILDING
METAL MAX, LLC
NEW BUILDING
HERMISTON, OREGON
TITLE: METAL MAX, LLC, ATTN: KEVIN BABCOCK
900 CPT. JOE FULGHUM DR.
MURFREESBORO, TN 37129
CLIENT:

CK3, LLC
ENGINEERING, SURVEYING & PLANNING
2/13/2024

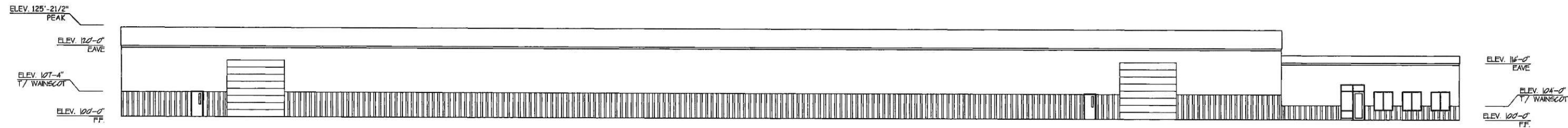
EX-1
SHEET NO. 1 OF 1
NO. C024004.dwg
O. C024004
61



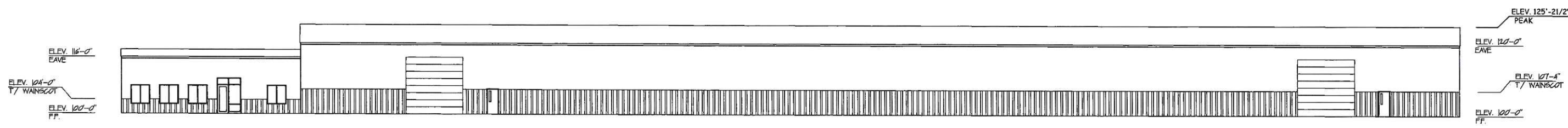
SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION



EAST ELEVATION



Where Life is Sweet

Mayor and Members of the City Council

STAFF REPORT

For the Meeting of August 12, 2024

Title/Subject

Ordinance Nos. 2360 & 2361 – Comprehensive Plan Map Amendment & Annexation - Mayra & Felipe Reyes 4N2812C Tax lot 308-1088 E Newport Ave

Summary and Background

The city council held a public hearing on July 22, 2024 to consider amendments to the comprehensive plan map, zoning map, and annexation. The area under consideration is 2.01 acres of land located at the southwest corner of E Newport Ave and SE 11th Street, addressed as 1088 E Newport Ave, and described as 4N 28 12C Tax Lot 308.

The applicant requested amendment to the maps and annexation to the city with a Medium-High Density (R-3) zoning designation. The hearing before the city council included testimony from the applicant and from neighboring property owners. There was testimony in opposition to the proposal and the city council elected to amend the application from a R-3 zoning designation to R-2, and to continue annexation with the R-2 designation. The council expressed a desire to lower the density on the property to better balance development rights with neighborhood compatibility concerns. Following the conclusion of the public hearing, the council made a motion to annex the property with the R-2 designation and direct staff to prepare the necessary documents for adoption at this meeting.

The public hearing was closed on July 22 and no further discussion is necessary. Before the council at this meeting is a set of findings supporting the amendment of the comprehensive plan map from Future Residential to Low Density Residential and annexing the property with the Medium Density Residential zoning designation, which is an implementation of the Low Density Residential comprehensive plan map designation.

Upon adoption of the findings of fact, the council has two ordinances to consider. Ordinance 2360 amends the comprehensive plan map from Future Residential to Low Density Residential. Ordinance 2361 annexes Tax Lot 308 and the adjacent rights of way to the city with the Medium Density Residential (R-2) zoning designation.

Ordinance 2360 requires co-adoption by the Umatilla County planning commission and board of commissioners. The ordinance will be forwarded to the county for co-adoption upon approval by the council. Ordinance 2361 will take effect upon county co-adoption of Ordinance 2360.

Tie-In to Council Goals

Although not specifically implemented through this application, Goal 1.6: Attract market-rate rental housing developments to increase middle housing inventory is affected through the addition of additional residential land to the city's land bank.

Fiscal Information

There is no fiscal impact resulting from amendments to the comprehensive plan. However, annexation will add the land to the city's property tax base. The property has an assessed value of \$133,480.

Alternatives and Recommendation

Alternatives

The city council may choose to:

- Adopt Ordinances 2360 and 2361 and annex the property to the city as R-2
- Reject Ordinances 2360 and 2361 and direct staff to prepare findings in denial for adoption at the next council meeting

Recommended Action/Motion

- Adopt findings of fact in support of the ordinances as listed in Exhibit A
- Adopt conditions of approval as listed in Exhibit B
- Adopt Ordinance 2360 amending the comprehensive plan map from Future Residential to Low Density Residential
- Adopt Ordinance 2361 annexing the land to the city as R-2

Submitted By:

C.F. Spencer, Planning Director

ORDINANCE NO. 2360

AN ORDINANCE AMENDING THE CITY OF HERMISTON COMPREHENSIVE PLAN MAP TO CONVERT CERTAIN LANDS FROM URBANIZABLE STATUS TO URBAN STATUS LOCATED WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF HERMISTON IN ACCORD WITH THE PROVISIONS OF POLICY 6 IN THE CITY'S COMPREHENSIVE PLAN.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described property shall be changed on the city comprehensive plan map from Future Residential (FR) to Low Density Residential (L) and shall be designated as Medium Density Residential (R-2) on the city zoning map:

East 320 feet of the following described tract of land:

Beginning at the Southwest corner of Section 12, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon; thence North along the West line of said Section 12, a distance of 355.62 feet to a point; thence South 89°34' East a distance of 30 feet to the East line of 10th Street in the City of Hermiston; thence North along the East line of said 10th Street a distance of 675.22 feet to the true point of beginning for this description; thence continuing North along the East line of said 10th Street a distance of 272.63 feet to a point; thence South 89°36' East a distance of 603.28 feet to a point; thence South a distance of 272.63 feet to a point; thence North 89°36' West a distance of 603.30 feet to the point of beginning;

Also including the 30' wide right of way for SE 11th St adjacent to the east boundary of the above-described property.

Also including the 60' wide right of way for E Tamarack Ave adjacent to the south boundary of the above-described property.

All being East of the Willamette Meridian, Umatilla County, Oregon;

SECTION 2. The findings of fact as adopted by the City Council on August 12, 2024, are incorporated herein by reference.

SECTION 3. The effective date of this ordinance shall be the thirty days after co-adoption by the Umatilla County Board of Commissioners.

PASSED by the City Council this 12th day of August 2024.

SIGNED by the Mayor this 12th day of August 2024.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER

Exhibit A
Findings of Fact
Reyes Comprehensive Plan Map Amendment and Annexation
1088 E Newport Ave
August 12, 2024

Findings of Fact on Comprehensive Plan Map Amendment

Goal 1 (Citizen Involvement) and Policy 1 (Citizen Involvement)

1. Notice of the proposed planning commission hearing on annexation and amendment was published in the local newspaper on June 18 and 25, 2024 soliciting comments on the proposed annexation and amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
2. Notice of the proposed city council hearing on annexation and amendment was published in the local newspaper on July 3 and 10, 2024 soliciting comments on the proposed annexation and amendment in conformance with 157.229(A) of the Hermiston Code of Ordinances.
3. Notice of the proposed land use action was physically posted on the property on June 18, 2024, in conformance with 157.229(B) of the Hermiston Code of Ordinances.
4. Notice of the proposed land use action was provided by direct mail to all property owners within 300 feet on June 18, 2024, in conformance with 157.229(C) of the Hermiston Code of Ordinances.
5. Comments received as a result of all required publications are incorporated into the record of proceedings.

Goal 2 (Land Use Planning) and Policies 2 (Planning Process) and 3 (Intergovernmental Coordination)

6. The city is required to review its land use designations and supply adequate amounts of all zoning types.
7. The proposed amendments to the comprehensive plan map and zoning map are quasi-judicial in nature and may be citizen or city initiated.
8. The proposed map amendments are citizen initiated to fulfill perceived market demand rather than city initiated. The city applies all applicable comprehensive plan policies and statewide planning goals to determine the appropriateness of the proposed amendments to land supply.
9. Notice of the proposed amendment was provided to Umatilla County, DLCD, ODOT, the Hermiston Irrigation District, and the Confederated Tribes of the Umatilla Indian Reservation on June 18, 2024.
10. The subject property is within the urban growth area and has the “urbanizable” plan designation and a FR (Future Residential) comprehensive plan designation and FU-10 zoning designation. The owners have evaluated the market demands and analyzed appropriate and compatible uses in the neighborhood surrounding the subject property. Testimony provided before the planning commission and city council indicated that surrounding property owners prefer low density housing. The owners propose duplex or multi-family housing.

11. The city council finds that the proposed R-2 zoning, allowing single and two-family housing by right, is compatible with the surrounding neighborhood. Additionally, multi-family housing is permitted conditionally in the R-2 zone, requiring additional review and public process prior to city approval, thereby guaranteeing the right of due process for multi-family housing and providing additional opportunities for public participation.
12. The proposed R-2 zoning will add 2.01 acres of medium density land adjacent to existing single-family development.

Policies 4 (Orderly Urban Growth), 5 (Annexation), and 6 (Conversion)

13. As land immediately adjacent to the city limits and current terminus of both city roads and city utilities, it provides a logical continuation of urban development into the urban growth boundary. The change will promote compact urban development and ensure efficient utilization of land resources.
14. It will facilitate economic provision of urban facilities and services because it provides reasonable extensions of the existing local street network and utility infrastructure. Section 157.164(E) of the Hermiston Code of Ordinances requires extension of services *"...in a logical fashion to the extent of the development site so as to be readily available for adjacent development."* The property proposed for amendment and annexation has benefitted from prior extensions of streets and utilities within the Highland Summit subdivision directly adjacent to the north, thereby demonstrating orderly urban growth principles and preparing future extensions consistent with this policy.
15. The land was included within the city's acknowledged comprehensive plan and within the urban growth boundary as part of the 1983 adoption and implementation process. The land was designated in 1983 as Future Residential and thereby designated as land for urban level residential development through the appropriate land use procedures in place at the time. The land is planned for residential development and is compatible with existing adjacent property uses. The R-2 zoning provides single and two-family dwellings as outright uses and the city council finds that development at single and two-family density is compatible with the surrounding urban single-family and rural single-family development. Additionally, two-family dwellings are considered equivalent to single-family dwellings under state law in ORS 197A.420 and as codified in the Hermiston Code of Ordinances in §157.025(A).
16. The property is within the urbanizable portion of the UGB and has a county FR (Future Residential) comprehensive plan and an FU-10 zoning designation. The property is adjacent to the city limits and the proposed annexation is consistent with Policy 5. Following amendment of the plan map designation to a mix of low density residential, the property will become part of the urban portion of the UGB.
17. The applicant is proposing annexation and incorporation to the city prior to residential development. Therefore Policy 6 is satisfied.

Goal 3 (Agricultural Lands) and Policy 17 (Agriculture and Agriculture Related Economy)

18. The subject property is vacant and not under cultivation. It is located within the city's acknowledged urban growth boundary and is designated as urbanizable land. The land is not considered high value farmland and is not protected as Goal 3 farmland and therefore an exception to Statewide Planning Goal 3 is not required.

Goal 4 (Forest Lands) and Policy 7 (Natural Resources)

19. There are no forest lands identified within the Hermiston UGB. Goal 4 is not applicable.

Goal 5 (Natural Resources, Scenic and Historic Areas, and Open Spaces) and Policies 8 (Surface and Groundwater Resources), 9 (Mineral and Aggregate Resources), and 10 (Historic Resources)

20. The properties do not have any identified natural resources, scenic and historic areas, open spaces, surface water, mineral or historic resources, therefore an exception to the Statewide Planning Goals 5, 8, 9 and 10 is not required.

Goal 6 (Air, Water and Land Resources Quality and Policies 11 (Air Quality), 12 (Noise), and 13 (Water Quality)

21. The city is required to comply with state and federal regulations regarding air and water quality in all development permitting per 157.004 of the Hermiston Code of Ordinances. Development is required to preserve natural resource quality as part of the development review and construction process.

Goal 7 (Areas Subject to Natural Hazards) and Policy 14 (Natural Hazards and Development Limitations)

22. Figure 12 of the Hermiston Comprehensive Plan indicates this property is subject to potential natural hazards due to a high water table.

23. The city will require compliance with §157.101 of the Hermiston Code of Ordinances. This section requires mitigation measures to protect groundwater resources.

24. In the case of an existing or potential groundwater pollution threat, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.

Goal 8 (Recreational Needs) and Policy 16 (Parks, Recreation and Open Space)

25. The Hermiston comprehensive plan map and parks master plan each identify areas for future park locations and future park upgrades. This portion of the urban growth boundary is not identified in either document as a potential park site.

Goal 9 (Economic Development) and Policies 18 (General Industrial Development), 19 (Commercial Development), and 20 (General Economic Development)

26. Goal 9 requires an adequate supply of employment lands, both commercial and industrial. This land is listed on the Comprehensive Plan as F-R and not meant for economic development. Employment lands are not affected by this amendment to the comprehensive plan. Therefore, Goal 9 and the implementing policies are not applicable.

Goal 10 (Housing) and Policies 21 (Housing Availability and Affordability) and 22 (Neighborhood Quality)

27. Changing the subject property from county F-R to city R-2 Medium Density helps satisfy the city's projected housing need. The 2021 City of Hermiston Housing Capacity Analysis shows the existing housing supply of 8,051 housing units. The forecast from PSU Population Forecast Program (2019) estimates the population will grow at a rate of 1%

between 2020 and 2040. To accommodate the growth in population, the city's projected need within the city's housing needs analysis will require a total of 10,081 housing units, resulting in a need for 2,030 new housing units by 2040.

28. The subject property is currently zoned county FU-10, which allows for one housing unit per 10-acre lot. The proposed change includes 2 acres zoned R-2 Medium Density Residential which the applicant believes will yield 10 single-family or up to 45 multi-family housing units. Figure 6.2 *Summary of Forecasted Future Unit Need (2040)* on the City of Hermiston Housing Capacity Analysis identified 735 new multi-family units are needed by 2040. Thus, the proposed zone change would go further to satisfy this projected need than the current zoning.
29. This residential development is close to public services and schools.
30. The proposed amendment and annexation will provide additional housing opportunities in the southeast quadrant of the city helping to balance growth which is now concentrated in the northeast and southwest quadrants.
31. The city council finds that the proposed R-2 zoning, allowing single and two-family housing by right, is compatible with the surrounding neighborhood. Additional, denser housing types are permitted conditionally through a Type III hearings process.
32. The creation of new housing units, middle housing units, will have a positive impact on housing availability and affordability, in alignment with Policies 21 and 22.

Goal 11 (Public Facilities and Services) and Policies 23 (Provision of Public Services and Facilities), 24 (Water, Sewer, and Storm Drainage), 25 (Solid Waste), 26 (Schools), 27 (Police Protection), 28 (Fire Protection), 29 (Local Government Services and Facilities), and 30 (Private Utilities)

33. Water and sewer are currently adjacent to the property in SE 11th Street.
34. The site is bounded by E Newport Ave, SE 11th Street, and E Tamarack Ave. All streets are classified as local residential streets. Street improvements, compliant with the city's transportation plan and proportional to the impact of development will be required at such time as development occurs.
35. All storm water will be retained within the boundaries of the future development. There is no city-wide storm water retention and disposal system.
36. Future development will utilize Sanitary Disposal for solid waste services as encouraged by the city.
37. Future development will not provide recycling services as the City of Hermiston has already provided recycling collections points in two locations of the city.
38. The Hermiston Police Department provides public safety services to the area under consideration. The police department has adequate capacity to patrol and protect the area with no additional actions required by the developer.
39. Umatilla County Fire District #1 provides fire and life safety services to the area under consideration. The UCFD#1 has adequate capacity to service the area with no additional actions required by the developer.
40. Concurrent with development, applicant will extend power and telecommunications services to the property after adoption of annexation and zone changes.

Goal 12 (Transportation) and Policies 31 (Integrated Transportation System), 32 (Rail/Air Transportation), 33 (Alternative Transportation), and 34 (Transportation System Plan)

41. Applicant has provided a transportation study and transportation impact analysis.
42. The following summary and recommendations have been extracted from the transportation study performed by PBS Engineering and Environmental, Inc.
 - All study intersections are anticipated to operate within agency mobility standards in the 2043 Current and Proposed Zone Designation scenarios. As such, no improvements are specifically necessary to mitigate the Proposed Zone Designation transportation impacts.
 - Development on the site will not change the functional classification of any impacted street.
 - All study intersections have adequate storage available on all approach movements to accommodate vehicle queues.

Goal 13 (Energy Conservation)

43. This goal requires land to be developed in a manner that maximizes energy conservation based upon sound economic principles through efficient use of density and mixing of uses. The proposed zoning of the subject property will promote low-scale density residential development in close proximity to schools, parks, and existing commercial neighborhoods thereby minimizing travel needs.

Goal 15 (Willamette River Greenway), Goal 16 (Estuarine Resources), Goal 17 (Coastal Shorelands), Goal 18 (Beaches and Dunes), and Goal 19 (Ocean Resources)

44. Goals 15, 16, 17, 18, and 19 are geographically based statewide planning goals intended to protect specific, identified natural resources. None of the resources under these goals are within the Hermiston planning area. Goals 15, 16, 17, 18, and 19 are not applicable.

Findings of Fact on Annexation

1. The City has received consent to annexation from the property owners for approximately 2.01 acres of land.
2. Notice of public hearing was published in the local newspaper for two consecutive weeks prior to the planning commission hearing on June 18 and 25, 2024. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
3. Notice of public hearing was physically posted on the property on June 18, 2024.
4. Affected agencies were notified.
5. A public hearing of the planning commission was held on July 10, 2024. Comments received at the hearing are incorporated into the planning commission record.
6. Notice of public hearing of the city council was published in the local newspaper for two consecutive weeks prior to the city council hearing on July 3 and 10, 2024. Notices were also posted in four public places in the city for a like period. Comments or remonstrances received have been incorporated into the record.
7. A public hearing of the city council was held on July 22, 2024. Comments received at the hearing are incorporated into the record.
8. The proposal is consistent with all applicable state annexation requirements in ORS 222.
 - a. The city has received consent from the property owners within the affected area.

- b. An election has been deemed not necessary since consent from more than half the owners has been received.
 - c. The property is contiguous with the existing city limits.
 - d. All statutorily required notices have been published and posted.
- 9. Since the property is contiguous to the existing city limits, the annexation is in accord with Comprehensive Plan Policy 4 which promotes compact urban development within and adjacent to existing urban areas to ensure efficient utilization of land resources and facilitates economic provision of urban facilities and services.
- 10. The annexation is consistent with the requirements of Comprehensive Plan Policy 5 relating to annexation.
- 11. Following adoption of conversion from urbanizable to urban status by the City of Hermiston and Umatilla County, the property will be located within the urban portion of the urban growth boundary (UGB) as identified on the comprehensive plan map.
- 12. Water is currently adjacent to the property in SE 11th Street. A 12" water main is available to service the property and may be extended into the development site. Water sizing will be determined at the time of development.
- 13. Sanitary sewer is currently available adjacent to the property in SE 11th Street. An 8" line is available to service the property and may be extended into the development site. Sewer sizing will be determined at the time of development.
- 14. Applicant is willing to extend both sewer and water to the subject property.

Findings of Fact on Zoning Designation

- 1. Following amendment by the city and adoption by Umatilla County, the comprehensive plan map will designate the area as Low Density Residential. Proposed map designations are attached as a map to this report.
- 2. The proposed Medium Density Residential zoning designation (R-2) appropriately implements the Low Density Residential comprehensive plan map designations adopted for the property.

Exhibit B
Conditions of Approval
Reyes Comprehensive Plan Map Amendment and Annexation
1088 E Newport Ave
August 12, 2024




Subject to the testimony received and deliberations of the planning commission, the following draft findings are proposed:

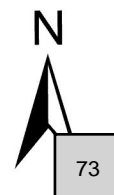
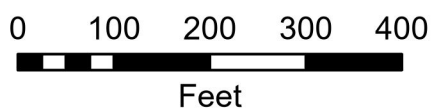
1. Annexation is contingent upon co-adoption of the comprehensive plan map amendment by Umatilla County under the provisions of the Hermiston Planning Area Joint Management Agreement, dated March 2, 2017. In the event that Umatilla County fails to co-adopt the map amendments, annexation shall fail, and a new comprehensive plan map amendment and annexation application shall be submitted.
2. Portions of the property are identified on Figure 12 of the Hermiston Comprehensive Plan as being subject to ground water pollution hazards due to a high water table. In the case of an existing or potential groundwater pollution threat, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
3. Future access to E Tamarack Ave and SE 11th Street will be subject to access permitting by the Umatilla County Road Department.
4. In order to provide for future connectivity of E Newport Ave, the city will require dedication of 10 feet of right of way at the time of development on the site.
5. Improvements for E Tamarack Ave and SE 11th Street shall be determined at the time of development on the site and shall be proportional to the impact of the proposed development.
6. E Newport Ave shall be improved with half-street improvements to local residential standards at the time of development.

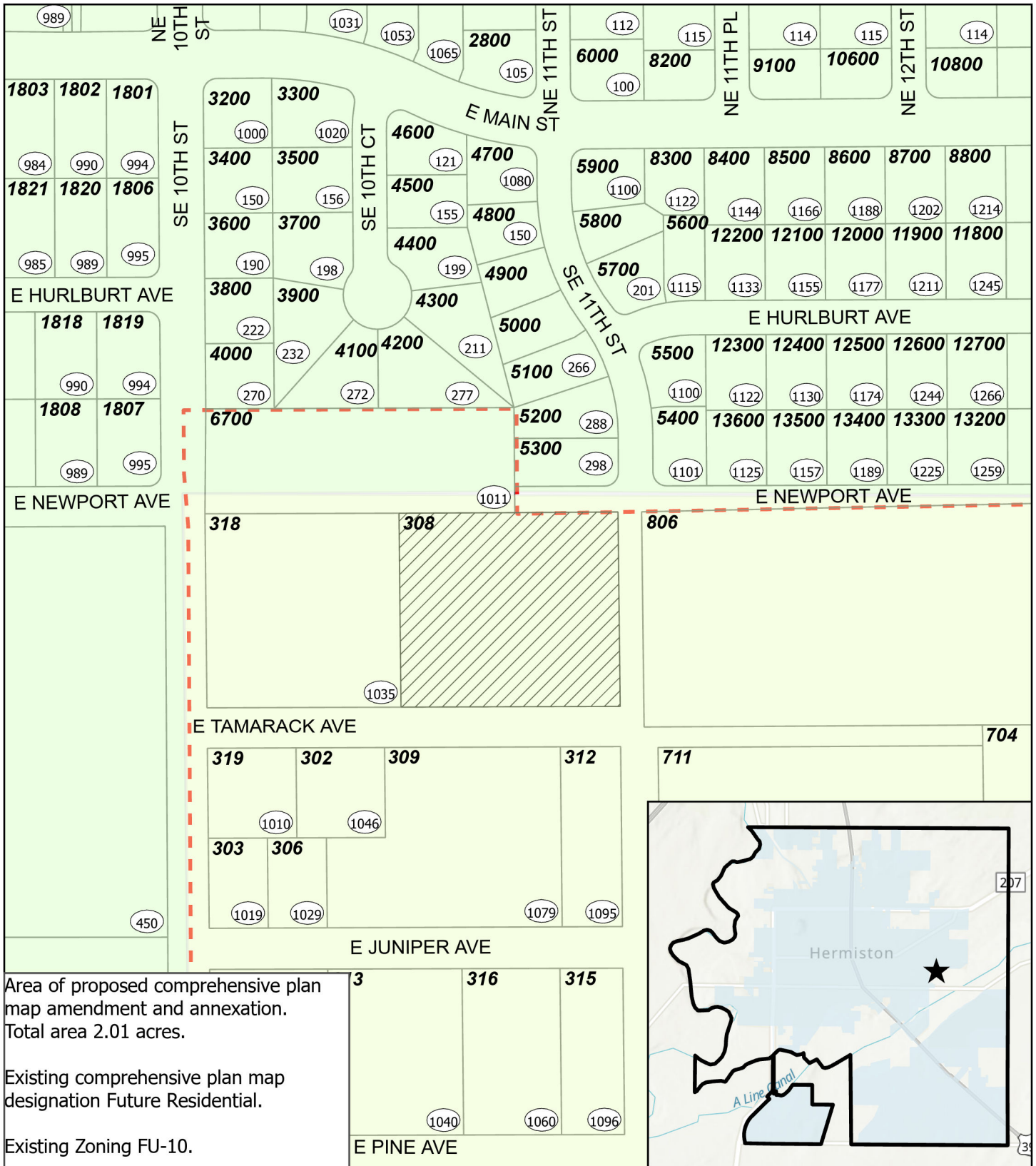


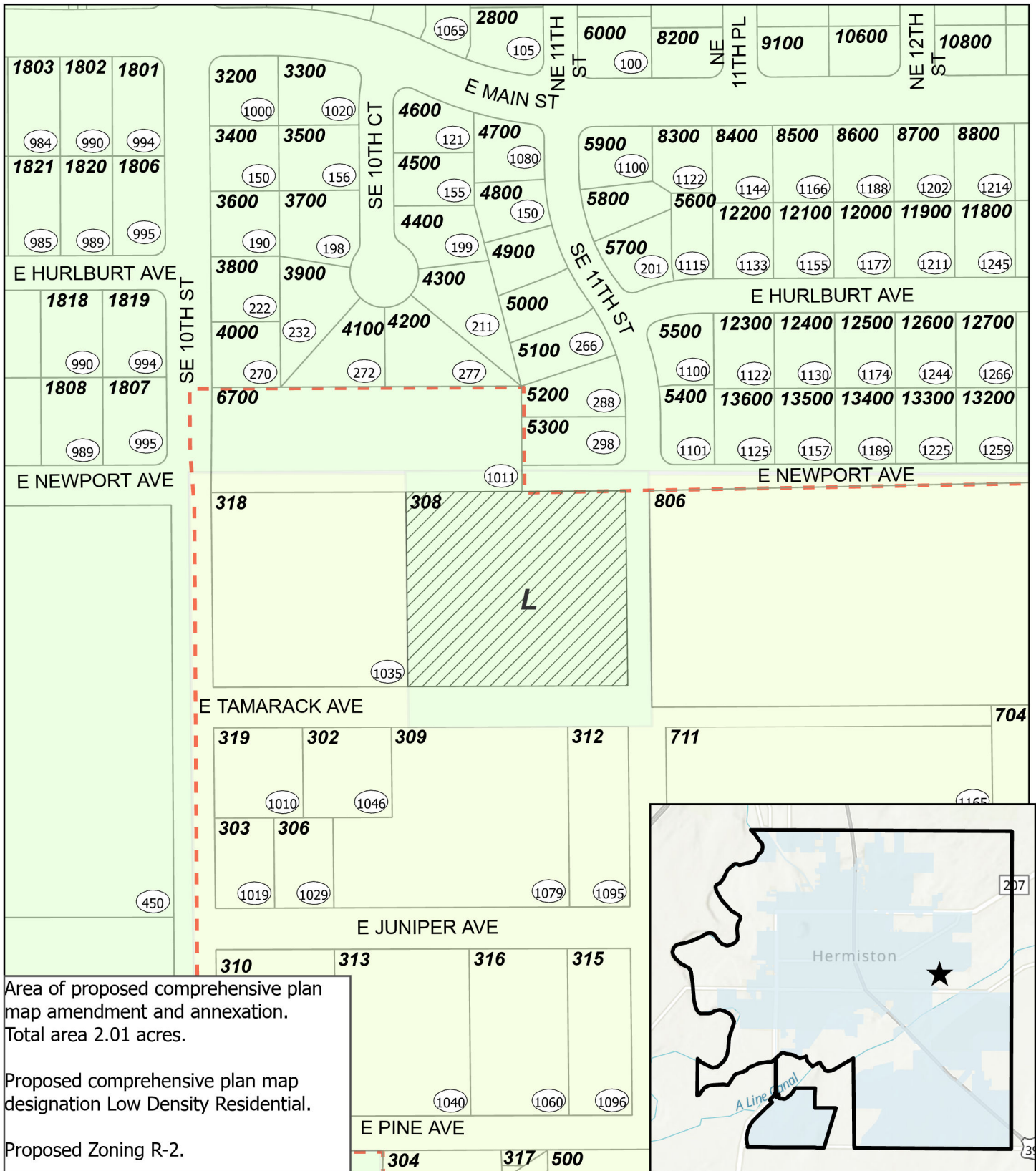
1096 Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team

Legend

-  Property Line
 Urban Growth Boundary
 City Limits



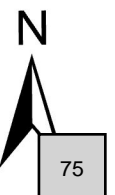




Comprehensive Plan Map Designation

- F-R
- L
- Property Line
- City Limits
- Urban Growth Boundary

0 200 400
Feet



ORDINANCE NO. 2361

AN ORDINANCE ANNEXING CERTAIN REAL PROPERTY ABUTTING E NEWPORT AVE, SE 11th ST & E TAMARACK AVE, DESCRIBING SAID REAL PROPERTY, WITHDRAWING SAID REAL PROPERTY FROM SPECIAL DISTRICTS AND DESIGNATING ZONING.

THE CITY OF HERMISTON DOES ORDAIN AS FOLLOWS:

SECTION 1. The following described property be and the same is annexed to the City of Hermiston, withdrawn from the Umatilla County Library District and the Umatilla County Sheriff's Office Law Enforcement District due to annexation:

East 320 feet of the following described tract of land:

Beginning at the Southwest corner of Section 12, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon; thence North along the West line of said Section 12, a distance of 355.62 feet to a point; thence South 89°34' East a distance of 30 feet to the East line of 10th Street in the City of Hermiston; thence North along the East line of said 10th Street a distance of 675.22 feet to the true point of beginning for this description; thence continuing North along the East line of said 10th Street a distance of 272.63 feet to a point; thence South 89°36' East a distance of 603.28 feet to a point; thence South a distance of 272.63 feet to a point; thence North 89°36' West a distance of 603.30 feet to the point of beginning;

Also including the 30' wide right of way for SE 11th St adjacent to the east boundary of the above-described property.

Also including the 60' wide right of way for E Tamarack Ave adjacent to the south boundary of the above-described property.

All being East of the Willamette Meridian, Umatilla County, Oregon;

SECTION 2. The City Zoning Map shall include the real property described in Section 1 above and shall be designated as Medium Density Residential (R-2) on said map.

SECTION 3. The findings of fact as adopted by the City Council on August 12, 2024, are incorporated herein by reference.

SECTION 4. The city recorder shall promptly transmit a record of annexation proceedings to the Secretary of State and notify the County Assessor of the change in boundary.

SECTION 5. The effective date of this ordinance shall be the thirtieth day after co-adoption of City of Hermiston Ordinance No. 2360 by the Umatilla County Board of Commissioners.

SECTION 6. This annexation shall be complete when all necessary documents have been accepted and filed by the Secretary of State.

PASSED by the Common Council this 12th day of August 2024.

SIGNED by the Mayor this 12th day of August 2024.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER

P R O C L A M A T I O N

IT IS HEREBY PROCLAIMED that at the regular meeting of August 12, 2024, the City Council of the City of Hermiston, Umatilla County, Oregon, did by vote annex the following described property, to-wit:

East 320 feet of the following described tract of land:

Beginning at the Southwest corner of Section 12, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon; thence North along the West line of said Section 12, a distance of 355.62 feet to a point; thence South $89^{\circ}34'$ East a distance of 30 feet to the East line of 10th Street in the City of Hermiston; thence North along the East line of said 10th Street a distance of 675.22 feet to the true point of beginning for this description; thence continuing North along the East line of said 10th Street a distance of 272.63 feet to a point; thence South $89^{\circ}36'$ East a distance of 603.28 feet to a point; thence South a distance of 272.63 feet to a point; thence North $89^{\circ}36'$ West a distance of 603.30 feet to the point of beginning;

Also including the 30' wide right of way for SE 11th St adjacent to the east boundary of the above-described property.

Also including the 60' wide right of way for E Tamarack Ave adjacent to the south boundary of the above-described property.

All being East of the Willamette Meridian, Umatilla County, Oregon;

IT IS FURTHER PROCLAIMED that copies of this Proclamation be posted in four places in the City of Hermiston for two weeks.

DATED AT HERMISTON, OREGON, this 12th day of August 2024.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
 For the Meeting of August 12, 2024

Title/Subject

Ordinance No. 2362 – Updating requirements for parade permits and right of way closure permits.

Summary and Background

On May 28, 2024 and July 22, 2024 the City Council discussed the topic of parade permits and right of way closure permits. Both of these discussions provided feedback and input into the content of the proposed ordinance on the agenda.

Because of the tremendous impact that parades and right of way closures can have on staffing requirements of many city departments, staff had wanted to take a closer look at these topics. The proposed ordinance makes the following changes:

71.01 Permits Required for Parades

- Provides two designated parade routes (exempts Umatilla County Fair Parade and HHS Senior Walk) with a fee to be set by the city council
 - Community Center - North on 3rd Street to Main Street; West on Main Street to 2nd Street; South on 2nd Street to Community Center.
 - Community Center – North on 2nd Street to City Hall
- Allows for choosing a non-designated parade route but instead of a set fee, applicants will be charged 75% of the full costs.
- 30 or 45 day advance application for a permit.
- Police Chief reviews with input from other departments.
- Requires insurance.
- Potential waiver for very small parades with little impact.
- Describes cost recovery
- Establishes an appeal process

71.03 Temporary Street Closures

- Establishes permit process
- Requires 30 days notice
- Can establish conditions
- Requires applicants to provide barricades
- Requires insurance

Tie-In to Council Goals

N/A

Fiscal Information

Both sections of Chapter 71 allow for adoption of associated fees. Due to discussions related to other possible fee resolution changes, we are proposing to adopt the fees at the August 26, 2024 council meeting.

Submitted By:

Byron D. Smith

ORDINANCE NO. 2362**AN ORDINANCE AMENDING TITLE VII OF THE HERMISTON MUNICIPAL CODE BY AMENDING CHAPTER 71 ENTITLED “TRAFFIC RULES” AND BY ADDING SECTIONS 71.01 “PERMITS REQUIRED FOR PARADES” AND 71.03 “TEMPORARY STREET CLOSURES”**

WHEREAS, the staff of the City of Hermiston (City) is conducting a review of the City’s Code of Ordinances (Code); and

WHEREAS, an amendment to Chapter 71 is necessary to allow City staff to effectively manage parade and temporary street closures within the City of Hermiston.

THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

(New language is in red and underlined and repealed language has ~~a line through it.~~)

Section 1. Section 71.01 of the Hermiston Municipal Code is repealed in its entirety and hereby amended to read:

71.01 PERMITS REQUIRED FOR PARADES

The purpose of this chapter is to establish a process for permitting use of city streets and right-of-way; to provide a coordinated process for managing parades to ensure the health and safety of parade participants, City residents, workers, and other visitors; to protect the rights of parade permit holders; to protect the rights of residents and business owners to access their homes and businesses, while establishing reasonable time, place, and manner regulations of these activities; and to create mechanisms for cost recovery and use charges, to the extent authorized by law, while not unduly impacting the viability of parade events.

(A) A “parade” means any march or procession consisting of people, animals, vehicles or combinations thereof, except funeral processions, upon any public street, sidewalk or alley, which affects the ordinary use of said public right(s)-of-way.

(B) “Person” means, as the context requires, natural person, corporation, limited liability company, partnership, co-operative, or any other entity in law or fact.

(C) “Public right-of-way or right-of-way” means the surface of, and the space above and below any street, road, alley, bridge, highway, sidewalk or pathway, that is used or intended to be used by the general public for movement or passage.

(D) Parade Routes. Applicants for a parade have the following options:

1. “Designated Parade Routes” Each of these routes has been approved by City personnel and the fee is set in the city master fee schedule:

- a. Community Center (415 S Highway 395) northward along SE 3rd St to the intersection of 3rd St and E Main St, thence westerly along E Main St to the intersection of Main St and 2nd St. thence southerly along 2nd St to the Community Center.
- b. Community Center (415 S Highway 395) northerly along 2nd St to the Hermiston City Hall (180 NE 2nd St.)
2. “Non-Designated Parade Routes,” an applicant may apply for a non-designated parade route subject to payment of all department cost recovery fees as outlined in subsection (I) and with an understanding that a parade may be delayed until such time that there is sufficient personnel to safely staff the event.
3. The Umatilla County Fair Parade, Martin Luther King, Jr. Walk, and the Hermiston High School Senior Walk are not subject to the designated parade route restrictions.

(E) Permit Requirement. No person shall organize or participate in a parade without first obtaining a parade permit. The parade permit application shall be submitted at least 30 days in advance if using a designated parade route and at least 45 days in advance if requesting a non-designated parade route and includes:

1. The name and address of the person and organization, if any, responsible for the proposed parade.
2. The date of the proposed parade.
3. The desired route including assembling points.
4. The number of persons, vehicles and animals anticipated to be participating in the parade.
5. The proposed starting and ending time.
6. A release, hold harmless and indemnification agreement in favor of the city, its officers, employees, and agents.
7. The signature of the person designated as responsible for the parade.
8. Payment of a permit application fee and other additional fees, as may be adopted pursuant to this chapter.

The Police Chief or designee may grant a written waiver of the 30-day notice and the permit requirement for parades of short duration and anticipated to consist of fewer than 25 persons and

fewer than 10 vehicles if the Police Chief determines that there likely will be minimal risk of endangerment or disruption.

(F) Permit Fees. A parade fee and any other additional fees imposed for the use of public right-of-way or public property pursuant to this chapter shall be established by resolution of the Council.

(G) Within seven (7) business days of receipt of a complete application, the Police Chief or designee shall grant the permit, grant a modified permit, or deny the permit.

1. The Police Chief or designee shall deny the permit only if the Police Chief or designee determines that the parade presents a substantial risk of endangering public safety, creating a significant and unreasonable inconvenience to the public, or there are insufficient public safety resources to facilitate the parade considering such factors as the size, date, duration, and proposed route.
2. The Police Chief or designee shall make reasonable efforts to propose reasonable modifications to the date, route, duration, or other aspects to allow the parade permit to be issued.

(H) Liability insurance- Hold harmless. The permit holder shall procure and maintain in full force and effect during the term of the parade permit, a policy of insurance from a reliable insurance company authorized to do business in the State. Such insurance shall provide coverage of which the combined single limit per occurrence shall be not less than that required under the Oregon Tort Claims Act, ORS 30.270 et seq., or \$2,000,000, whichever is greater. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name the City, its officers, agents, and employees as additional insureds. Such insurance shall further provide that the policy shall not terminate or be canceled prior to the completion of the event without 30 days' written notice to the Police Chief or designee. Proof of insurance shall be submitted to the City prior to issuance of the parade permit, and maintenance of this insurance shall be a continuing condition of the parade permit.

Applicants shall agree to assume the defense of and indemnify and save harmless the City, its council members, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such parade and the activities permitted in connection therewith.

(I) Appeal Procedure. Any person seeking to conduct a parade may appeal a decision by the Police Chief or designee by filing the application, within three (3) business days after denial or modified approved permit, to the City Manager. The City Manager or designee shall conduct an informal review, including any additional information provided by the appellant, and within three (3) business days issue a decision affirming, reversing, or modifying the decision. If

denied, the appellant may appeal the decision to the City Council by filing a written request of appeal, within three (3) business days after denial or modified approved permit, to the City Recorder, who shall set the appeal for hearing at the next regular council meeting. After holding a hearing, the City Council may reserve, affirm, or modify in any respect the determination of the City Manager or designee.

(J) Departmental Cost Recovery.

1. In addition to payment of any required application or other fees, a non-designated parade route permit holder shall pay the City for seventy-five percent (75%) of the following costs, when such costs are directly attributable to an activity or event requiring the City to exceed its usual staffing levels:
 - a. Costs of city personnel, including any overtime pay, required to close public rights-of-way before the community event or activity commences and costs of city personnel, including any overtime pay, required to reopen public rights-of-way after the community event or activity ends, including, but not limited to, the erection of barricades or other obstacles necessary to direct or manage pedestrian or vehicular traffic.
 - b. Costs of city personnel, including any overtime pay, required to direct or manage vehicular or pedestrian traffic.
 - c. Costs of city personnel, including any overtime pay, required to clean up litter and other debris left on the public rights-of-way or other public property following the parade.
2. The City shall provide the permit holder, in advance of the parade, an itemized invoice based on the applied for route of the parade, the duration of the parade, and estimated number of persons participating in or attending the parade.
3. It shall be a condition of granting a parade permit that the permit holder agrees to reimburse the City for all costs described in this section.
4. In addition to any departmental cost recovery required to be paid under this section, if any public right-of-way or public property is damaged or destroyed by reason of the parade, the permit holder shall reimburse the City for the actual repair or replacement cost of the damaged or destroyed public right-of-way or public property.

(K) No person shall block, obstruct, hinder, impede the passage of, or throw objects on or toward the parade or its participants; except that a person may operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade if directed to do so by a police officer.

(L) No person shall deviate from the timing, route, duration or other terms of the parade as approved by the Police Chief or designee unless directed to do so by a police officer.

(M) The Police Chief or designee shall not consider the purpose or intended message of the parade in evaluating a parade, except that if the Police Chief determines that the parade poses a serious and imminent threat to public safety due to the anticipated response of third parties, and that public safety resources are inadequate to address that risk, the Police Chief may temporarily deny the permit for a reasonable time until adequate resources are available or issue a permit with modifications designed to reduce the risk.

(N) The provisions of this section shall not apply to parades officially authorized by the United States Armed Forces or the military forces of the state of Oregon or to an activity or event consisting of vehicles traveling in unison on any public right-of-way if such activity's or event's use of public right-of-way is specifically regulated as such under the Hermiston Municipal Code or the Oregon Vehicle Code, ORS 801 to 826.

(O) Failure to obtain a permit; failure to comply with permit term.

1. It shall be unlawful for any person to engage in an activity or event for which a permit is required under this chapter without first obtaining a permit.
2. It shall be unlawful for any person to violate the terms of a parade permit.
3. It shall be unlawful for any person to provide a false, misleading or fraudulent statement of fact on the application, during the application process, or in connection with a parade permit.

(P) Violation of any provision of this section, shall be a Class B violation.

~~A) A "parade" means any march or procession consisting of people, animals, vehicles or combinations thereof, except funeral processions, upon any public street, sidewalk or alley, which affects the ordinary use of said public right(s) of way.~~

~~(B) Unless waived by the Police Chief as provided in subsection (D) of this section, no person shall organize or participate in a parade without first obtaining a parade permit. The parade permit application shall be submitted at least 30 days in advance and includes:~~

- ~~(1) The name and address of the person and organization, if any, responsible for the proposed parade.~~
- ~~(2) The date of the proposed parade.~~
- ~~(3) The desired route including assembling points.~~
- ~~(4) The number of persons, vehicles and animals anticipated to be participating in the parade.~~
- ~~(5) The proposed starting and ending time.~~

~~(6) — A release, hold harmless and indemnification agreement in favor of the city, its officers, employees and agents.~~

~~(7) — The signature of the person designated as responsible for the parade.~~

~~(C) — Within five business days of receipt of the application, the Police Chief shall grant the permit, grant a modified permit or deny the permit. The Police Chief shall deny the permit only if the Police Chief determines that the parade presents a substantial risk of endangering public safety, creating a significant and unreasonable inconvenience to the public, or there are insufficient public safety resources to facilitate the parade considering such factors as the size, date, duration and proposed route. The Police Chief shall make reasonable efforts to propose reasonable modifications to the date, route, duration or other aspects to allow the parade permit to be issued. The Police Chief may require liability insurance in an amount not less than the current tort claim limits and naming the city, its officers, employees and agents as additional insured if the Police Chief determines that based on the factors listed in this subsection there is a risk of property damage or injury.~~

~~(D) — Notwithstanding the foregoing, the Police Chief may grant a written waiver of the 30-day notice and the permit requirement for parades of short duration and anticipated to consist of fewer than 25 persons and fewer than 10 vehicles if the Police Chief determines that there likely will be minimal risk of endangerment or disruption.~~

~~(E) — No person shall block, obstruct, hinder, impede the passage of, or throw objects on or toward the parade or its participants; except that a person may operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade if directed to do so by a police officer.~~

~~(F) — No person shall deviate from the timing, route, duration or other terms of the parade as approved by the Police Chief unless directed to do so by a police officer.~~

~~(G) — The Police Chief shall not consider the purpose or intended message of the parade in evaluating a parade, except that if the Police Chief determines that the parade poses a serious and imminent threat to public safety due to the anticipated response of third parties, and that public safety resources are inadequate to address that risk, the Police Chief may temporarily deny the permit for a reasonable time until adequate resources are available or issue a permit with modifications designed to reduce the risk.~~

~~(H) — Any person seeking to conduct a parade may appeal a decision by the Police Chief to the City Manager. The City Manager promptly shall conduct an informal review, including any additional information provided by the appellant, and promptly issue a decision affirming, reversing or modifying the decision. If denied, the appellant may appeal the decision to the City Council by filing a written request of appeal to the City Recorder within five days after the denial.~~

~~(I) — The provisions of this section shall not apply to parades officially authorized by the United States Armed Forces or the military forces of the state of Oregon.~~

(J) ~~Violation of any provision of this section, including violation of any terms of a parade permit, shall be a Class B violation.~~

(Ord. [1759](#), passed 3-23-92; Am. Ord. [2329](#), passed 11-8-21)

Section 2. Section 71.03 of the Hermiston Municipal Code is amended to read:

71.03 ~~[RESERVED]~~ TEMPORARY STREET CLOSURES

(A) Purpose. Pursuant to the authority of Vehicle Code Section, the provisions of this chapter shall apply to and control the closing of any street or highway within the City for the purpose of holding a celebration, block party, street dance, local special event, or other purposes when in the opinion of local authorities such closing is necessary for the safety and protection of persons who are to use that portion of the street during the temporary closing.

(B) Permit for temporary street closure. No person shall close any portion of a public street or highway to vehicular or pedestrian traffic for the purpose of conducting a celebration, block party, street dance, local special event, or for other purposes, without first obtaining a permit from the City Manager, or designee, as provided in this chapter. This section shall not apply to those governmental agencies which are otherwise authorized to close streets. No person shall violate any of the terms of a permit for temporary street closure, nor in any manner interfere with the progress or orderly conduct of a temporary street closure.

(C) Application for permit. An application for a permit for temporary street closure shall be made upon a form provided by the City Manager, or designee, and shall contain the following information:

1. The name, physical and mailing address, and phone number of each person and/or organization responsible for sponsoring a temporary street closure.
2. The date(s) of such temporary street closure;
3. The block(s) or intersection(s) at which such closure is requested;
4. The estimated number of persons who will participate;
5. The purpose of the temporary street closure;
6. Whether parking is requested to be restricted or prohibited during such closure;
7. Whether any sound amplification equipment is proposed to be used, and if so, information describing such sound amplification equipment, and time frames sound amplification is requested to be used
8. Whether sales of food, beverages or other merchandise will occur;

9. Whether such temporary street closure will occupy all or only a portion of the street or intersection involved; and
10. Such other information as the City Manager, or designee, deems reasonably necessary in order to carry out duties under this chapter.

(D) Time of filing. The application shall be filed not less than twenty (20) days prior to the scheduled date of such temporary closing. The City Manager, or designee, shall act on an application within five (5) business days of its receipt.

(E) Standards of issuance. The issuance of a permit by the City Manager, or designee, shall be a determination by the City Manager that the temporary street closing is necessary for the safety and protection of persons who are to use that portion of the street during such temporary closing. A permit may be denied or revoked by the City Manager, or designee, when, from a consideration of the application or from such other information as may otherwise be obtained, the City Manager finds that one (1) or more of the following circumstances exist:

1. The applicant has knowingly and with intent to deceive made any false, misleading or fraudulent statements of a material fact in the application for a permit or in any other document required pursuant to this chapter;
2. The application has failed to meet the standards in this chapter, has failed to pay in advance any fee required, or refuses to agree to such conditions as are imposed in the permit;
3. The time, duration, size, and location of the temporary street closure will substantially disrupt the orderly and safe movement of other traffic;
4. The temporary street closure is of a size or nature that will require the diversion of so great a number of police officers of the City to properly police the closed or contiguous areas that it will adversely affect normal police protection to the remainder of the City;
5. The concentration of persons will unduly interfere with proper fire and police protection of, or ambulance service to, areas contiguous to such street closure;
6. The temporary street closure will unduly interfere with the orderly operation of parks, hospitals, churches, schools or other public and quasi-public institutions in the City;
7. The temporary street closure will conflict with or interfere with another temporary street closure for which a permit has been granted.

(F) Permit subject to conditions. The City Manager, or designee, may issue the permit subject to such conditions as the City Manager or designee deems appropriate under the circumstances.

(G) Notice of issuance or denial. Written notice of the issuance or denial of a permit shall be

provided by the City Manager, or designee, to the applicant within five (5) business days of receipt of an application and state the reason(s) for denial.

(H) Appeal procedure. Upon the denial or modified approved permit by the City Manager, or designee, the applicant may appeal the decision to the City Council by filing a written request of appeal, within three (3) business days, to the City Recorder, who shall set the appeal for hearing at the next regular council meeting. After holding a hearing, the City Council may reverse, affirm, or modify in any respect the determination of the City Manager, or designee.

(I) Waiver of time limitations. The City Manager, or designee, may waive the time limitation for filing an application for a permit if it is found that unusual circumstances or good cause exists and no unreasonable burden upon the City or its citizens will be created thereby.

(J) Officials to be notified. Immediately upon granting or revoking a permit, the City Manager, or designee, shall send a copy of such permit (including any conditions or restrictions) or revocation to the Chief of Police.

(K) Barricades - litter collection. Permit recipients shall provide and remove such barricades and warning devices as are deemed necessary by and are acceptable to the City Manager, or designee. Such persons shall also provide for the collection and removal of all trash, garbage, and litter caused by or arising out of such temporary street closure.

(L) Liability Insurance- Hold harmless. The permit holder shall procure and maintain in full force and effect during the term of the permit, a policy of insurance from a reliable insurance company authorized to do business in the State. Such insurance shall provide coverage of which the combined single limit per occurrence shall be not less than that required under the Oregon Tort Claims Act, ORS 30.270 et seq., or \$2,000,000, whichever is greater. Such insurance shall be without prejudice to coverage otherwise existing therein and shall name the City, its officers, agents, and employees as additional insureds. Such insurance shall further provide that the policy shall not terminate or be canceled prior to the completion of the event without 30 days' written notice to the City Manager or designee. Proof of insurance shall be submitted to the City prior to issuance of the temporary closure permit, and maintenance of this insurance shall be a continuing condition of the permit.

Applicants shall agree to assume the defense of and indemnify and save harmless the City, its council members, boards, commissions, officers, employees and agents, from all suits, actions, damages or claims to which the City may be subjected of any kind or nature whatsoever resulting from, caused by, arising out of or as a consequence of such temporary street closure and the activities permitted in connection therewith.

(M) Costs. The applicant(s) shall pay the temporary closure permit fee as set by resolution.

(N) Temporary closure by City. Notwithstanding the provisions of this chapter, the City Manager, or designee, may, on their own initiative, restrict the use of, temporarily close, or

authorize the closure of any street or highway within the limits of the City, when they consider such restriction or temporary closing of such street or highway to be necessary for the protection of the persons or property, during events or activities such as construction, storms, parades, celebrations or other special events.

(O) Other City permits. The issuance of a temporary street closure permit does not relieve the applicant of the responsibility to obtain any other necessary City permits, licenses or approvals, including but not limited to, business licenses, encroachment permits or special event permits.

(P) Failure to obtain a permit; failure to comply with permit term.

1. It shall be unlawful for any person to engage in an activity or event for which a permit is required under this chapter without first obtaining a permit.
2. It shall be unlawful for any person to violate the terms of a temporary closure permit.
3. It shall be unlawful for any person to provide a false, misleading or fraudulent statement of fact on the application, during the application process, or in connection with a temporary closure permit.

(Q) Violation of any provision of this section, shall be a Class B violation.

Section 3. All other provisions of the Hermiston Municipal Code remain unchanged and in full effect.

Section 4. The City Recorder is hereby authorized to correct any scrivener's errors and to conform the revisions to the Hermiston Municipal Code with appropriate numbering.

Section 5. Effective Date. This ordinance shall take effect on the 30th day after its adoption.

ADOPTED by the Common Council this 12th day of August 2024.

SIGNED by the Mayor this 12th day of August 2024.

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, CMC City Recorder



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
 For the Meeting of August 12, 2024

Title/Subject

Draft amendments to Chapter 116 are proposed for council review and discussion.

Summary and Background

The city council received testimony in April of 2024 from potential mobile food vendors requesting that the city review the existing mobile food unit framework and consider code revisions easing entry into the market for new vendors. At the direction of council, staff presented a summary of Chapter 116 of the municipal code in May and asked for direction regarding potential amendments to the code. At that time, the council directed staff to prepare a packet of potential code amendments for future consideration.

Attached to this memo is a draft ordinance with many revisions to Chapter 116. These revisions are based upon requests and concerns raised by existing and potential food vendors in interactions with city staff. They are also based on a survey of food vending regulations in eastern Oregon in general. Eastern Oregon communities generally have a fairly minimal set of regulations and Hermiston's current code is more detailed than any city surveyed. The existing code, however, addresses some issues which the city has had specific complaints about in the past, such as non-mobile vendors creating obstructions, nuisance torn and battered awnings, and other similar items.

The draft amendments before the council here are intended to ease entry into the market and create specific requirements for how vendors are actually operating under the code. The proposed amendments can be summarized as follows:

- Four types of licenses are created and the 90-day license is eliminated. The standard mobile vending license is split into two categories, an annual truck license and a 30-day cart license.
- Food pods are added directly to the code and provision for private food pods is created.
- Trucks are required to move once a week for twelve hours rather than daily.

- The 400-foot spacing requirement is eliminated for trucks and carts. Rather than regulating specific locations, the city retains control over the total number of licenses available.
- The requirement for three parking spaces for a truck is eliminated and is changed to demonstrating that there is sufficient parking available for the existing permitted commercial structure and the truck.
- The requirement that trucks be painted white, or a neutral color is eliminated.

There are other minor alterations to the code as well. The draft ordinance presented here is not intended for adoption at this meeting but is provided to facilitate discussion at the council level and to consider additional revisions. A final version of the ordinance will be prepared for adoption at the next council meeting based on the discussion and direction of the council.

Tie-In to Council Goals

Amendment to the code is being undertaken at the direction of city council. However, no specific goals are impacted by this discussion.

Fiscal Information

N/A

Alternatives and Recommendation

Alternatives

At this meeting staff is seeking feedback on the draft ordinance amendments. Additional comments, revisions, or rejection of revisions is sought.

Recommended Action/Motion

N/A

Submitted By:

Clinton Spencer, Planning Director

ORDINANCE NO. XXXX

AN ORDINANCE AMENDING CHAPTER 116 OF THE HERMISTON CODE OF ORDINANCES RELATING TO MOBILE FOOD VENDORS.

Whereas, the staff of the City of Hermiston is conducting a major review of the City's Code of Ordinances, and now, therefore,

The City of Hermiston ordains as follows:

(New language is in red and repealed language has a line through it.)

Section 1. Section 116.01 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.01 DEFINITIONS.

As used in this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning:

APPROVED LOCATION. A site approved by the city from which a licensee may operate.

CONSENT TO USE AGREEMENT. A fully filled out agreement from a lawful possessor of the property on which the licensee proposes to operate, which specifically states the name, address, telephone number and email of the possessor, the location of the property, how long the licensee may use the property for its operation, any other terms imposed by the possessor of the property consistent with this chapter and states that the proposed licensee is entitled to use the location.

FOOD POD. A designated site containing four or more mobile food units, communal seating, and restroom facilities on public or private property.

LUNCH TRUCK. A mobile food unit consisting of a self-propelled and self-contained van used to prepare or process and sell food primarily to the employees or workers at a construction site, office or industrial building, industrial park or similar site.

MOBILE FOOD UNIT. Any vehicle, trailer or other conveyance that is self-propelled, or can be pulled or pushed down a street or highway. Food may be prepared or processed on this unit, and the unit is used to sell and dispense food to the ultimate consumer.

MOBILE FOOD VENDOR. Any person(s), entity(s) or other parties who sell food from any vehicle, trailer or other conveyance which is self-propelled, or which can be pulled or pushed down a sidewalk, street, or highway and is required to have a Class II, III, or IV mobile food unit license as defined by Oregon statutes and administrative rules and modifications thereof.

TEMPORARY RESTAURANT. Any person(s), entity(s) or other parties who sell food from any tent, stand, or other temporary structure and is required to have a temporary restaurant license from the Oregon Health Authority.

VENDING YEAR for mobile food units, other than lunch trucks, is from April 1 of one calendar year through March 31 of the following calendar year.

Section 2. Section 116.02 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.02 LICENSE REQUIRED.

(A) It shall be unlawful for any person to operate a mobile food unit **or temporary restaurant** in city limits without first procuring a license from the city unless an exemption applies.

(B) The City shall classify mobile food vending licenses as follows:

1. *Type 1 License:* A food vendor operating a temporary restaurant from a tent, pushcart, or similar conveyance of less than 100 square feet. A Type 1 license is valid for 30-days at any one location. The site must be completely vacated between the hours of 10 pm and 6 am each day.
2. *Type 2 License:* A food vendor operating from a self-contained truck or trailer. A Type 2 license is valid for one year and may be renewed for the same location. The site must be completely vacated for 24 hours at least once every seven days.
3. *Type 3 License (Event License):* A license issued to an Oregon Health Authority permitted temporary restaurant or mobile food unit to serve the attendees of a specified temporary non-recurring street fair, festival, carnival, or similar community event. A temporary event is one lasting not more than seven calendar days. No more than one temporary event license shall be issued for the same, or substantially same, event, on or near the same location in each calendar year. An Event license is subject to the requirements of §116.10 of this chapter.
4. *Type 4 License (Lunch Truck License):* A food vendor operating from a self-contained truck or trailer and primarily serving the workers and employees on the site, with only incidental sales to the general public. A lunch truck license is subject to the requirements of §116.11 of this chapter.

(B) The license holder must personally operate the mobile food unit or directly supervise employees or family who work for the license holder. No other person may have any ownership, lease, or other rights to the business of any kind or nature.

(C) No person shall be issued more than one mobile food vendor license. A mobile food vendor may also hold a lunch truck license or obtain a short-term or event license. For purposes of LLCs, corporations, or other entity ownership, no entity shall be issued a license if a principal of the entity holding a license holds a personal license or is a principal or has an ownership interest in another entity holding a license.

Section 3. Section 116.05 of Chapter 116 of the Hermiston Code of Ordinances is amended to

read:

116.05 LIMIT ON AVAILABLE LICENSES.

(A) ~~Except as otherwise provided in this chapter, the maximum number of mobile food unit licenses is six.~~ **The maximum number of licenses shall be as follows:**

- 1) The maximum number of Type 1 licenses shall be three**
- 2) The maximum number of Type 2 licenses shall be six**
- 3) The maximum number of Type 3 licenses shall be unlimited**
- 4) The maximum number of Type 4 licenses shall be two**

(B) Applications for licenses shall be processed in the order received, except that applications for renewal shall take precedence.

(C) A person may by letter request to be placed on a waiting list to submit an application. If the number of licenses drops below the maximum permitted and there are no active license applications or renewals pending, the city will notify the person who is next on the list in writing. The person will have 30 days to file an application.

(D) Nothing in this chapter precludes the City Council, by ordinance, from increasing or decreasing the number of available licenses at any time.

Section 4. Section 116.06 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.06~~[RESERVED]~~ FOOD PODS

(A) **A food pod may be located on any commercially zoned property within the city subject to the following site requirements:**

- 1) All mobile food units shall be located on a hard surface consisting of concrete, asphaltic cement, or similar surface.**
- 2) Parking shall be provided at a ratio of one space per mobile food unit plus parking for any communal seating area as required in §157.176 for eating and drinking establishments.**
- 3) Mobile food vendors shall not create tripping hazards in pedestrian and vehicular circulation areas with items including but not limited to, cords, hoses, pipes, cables, or similar materials.**
- 4) Development of a food pod shall be considered a land use action and subject to all requirements of Chapter 157 of the Hermiston Municipal Code.**
- 5) Mobile food units within a food pod are not subject to the licensing requirements of this chapter and are subject to the business licensing requirements of the City of Hermiston.**
- 6) Mobile food units within a food pod are not required to vacate the premises as required in §116.08 of this chapter.**

Section 5. Section 116.07 of Chapter 116 of the Hermiston Code of Ordinances is amended to

read:

116.07 APPROVED LOCATION.

- (A) A mobile food unit may only operate from an approved location which meets the criteria established in this chapter.
- (B) ~~No new application will be approved that is 400 feet or less from any other mobile food unit as measured from the closest property line of each approved location. Vendors in operation on September 9, 2013, however, may continue to operate, including on renewal, in their existing location regardless of whether the location is 400 feet or less from another vendor existing on September 9, 2013.~~ Type 1, Type 2, and Type 4 vendors shall be located entirely on private property. Type 3 licenses operating in conjunction with an event may be located on public right of way with permission from the City.
- (C) ~~Sufficient paved parking immediately adjacent to the mobile food unit of at least three paved parking spaces specifically designated for the use by the mobile vending unit.~~ A mobile unit shall only operate in an approved parking lot, or other hard surface area, where the off-street parking requirements for all uses or activities served by the off-street parking area are met.
- (D) ~~The mobile food unit and its paved customer parking spaces must be located at least 20 feet from the property line of an adjoining property owner unless the possessor of the adjoining property consents, in writing, to allow the mobile food unit and its paved customer parking to be closer to the adjoining property.~~ The mobile food unit shall be located at least 100 feet from any residential use as measured from the mobile food unit to the nearest residential property line.
- (E) ~~A mobile food unit must be located more than 400 feet from the property line of a business having a restaurant license, except for the existing locations of a licensed mobile food unit operating on January 1, 2019.~~ The mobile food unit shall not be located within any vision clearance area as defined in §157.142 of the Hermiston Code of Ordinances.
- (F) The property, mobile food unit and lunch truck location shall not present a safety risk to pedestrians or vehicles and not adversely affect access and parking for the employees and customers of adjoining property owners.
- (G) If after approving a location, the city determines, in its reasonable discretion, that the approved location, including the location of the unit or lunch truck, presents a safety hazard due to changed conditions, it may withdraw or modify the approved location. Absent exigent circumstances, the licensee shall have a minimum of 60 days to relocate.
- (H) Approved Type 1 and Type 2 mobile food unit locations are limited to any commercial zone of the city; provided, that all requirements within this chapter or the zoning code are met. Type 4 vendors may also locate in any industrial zone to provide lunch service to industrial employment centers. A Type 4 vendor may locate in any residential zone to provide lunch service to active residential construction projects.

Section 6. Section 116.08 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.08 OPERATION AND SITE REQUIREMENTS.

Mobile food vendors must, at all times, comply with the following requirements:

- (A) Awnings attached to the mobile unit are allowed but no poles, supports or guy wires to the ground may be attached to the awning.
- (B) At least one 35-gallon trash receptacle with a tilting lid must be provided for the patrons of the mobile food vendor and must be emptied when three-fourths full.
- (C) The site must be kept free and clear of all trash and debris.
- (D) No tables, tents, shades, chairs or other similar property for use of the mobile food vendor or its patrons is allowed.
- (E) No gas, propane, natural gas, water tanks or other property may be placed on the ground at any time. The mobile food vending unit must be fully self-contained.
- (F) No receptacles for gray water may be placed on the ground or used to collect water. All water produced by the unit must be contained in the unit.
- (G) Condensate from refrigerated air conditioner units or other HVAC units may be allowed to run onto the ground.
- (H) No swamp coolers or units which use water for cooling may be used.
- (I) No water lines or sewer lines may run to or from the unit.
- (J) The area where the unit is sited, its accesses and parking must all be paved.
- (K) The mobile food vendor's restaurant license must be displayed on the unit at all times in a glass window of the unit or as otherwise required by Oregon law so it can be read from outside.
- (L) The mobile food vendor's license must be displayed on the unit at all times in a glass window of the mobile food unit so it easily can be read from the outside.
- (M) The vehicle registration of the mobile food unit must be displayed on the unit at all times in a glass window of the unit so it can be read from the outside. The registration must be current and valid.
- (N) Mobile food units may only be driven or towed by a person possessing a valid driver's license.

(O) ~~Type 2 mobile food units and lunch trucks must~~ **shall** be mobile and ~~must~~ **shall** be moved onto private property more than 400 feet away from their approved location or to another site that is less than 400 feet away if it is parked behind a sight-obscuring fence so it is not visible in any manner from a public street or from the approved location it uses. **Type 2 units shall vacate their approved location for 12 hours at least once every seven days.** ~~Mobile food units must be moved not later than 10:00 p.m. and not return to the approved location earlier than 6:00 a.m. Lunch trucks must be moved when not in use.~~

(P) Type 1 mobile food units shall be mobile and shall be moved onto private property more than 400 feet away from their approved location or to another site that is less than 400 feet away if it is parked behind a sight-obscuring fence, so it is not visible in any manner from a public street or from the approved location it uses. Type 1 units shall vacate their approved location between the hours of 10:00 pm and 6:00 am daily.

~~(P)~~ **(Q)** Except for lunch trucks, no mobile food vendors may be open for business between the hours of 10:00 p.m. and 6:00 a.m.

~~(Q)~~ **(R)** If external electric service is necessary, an underground electrical service outlet providing electricity may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the mobile food unit must not be longer than ~~ten~~ **twenty** feet, must meet all city, state and federal codes and be secured to avoid a trip hazard.

Section 7. Section 116.09 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.09 MOBILE FOOD UNIT REQUIREMENTS.

Mobile food units must, at all times, comply with the following requirements:

~~(A) — All units must be painted white, grey, tan or brown or some other subtle color. No yellow, orange, red, pink or other loud colors are allowed for the base color.~~

~~(B)~~ **(A)** Signage on the unit may only be painted on the unit and may not take up more than 30% of the surface area of each side, back or front of the unit. No lighted signs or attractants of any kind including rotating or flashing lights are allowed at any time on the unit or approved location except one sign placed on or in the unit no larger than 24 inches. Lights that light the ground patrons stand on may be used but no lights may be shined in the direction of traffic to draw attention to the business or onto adjacent properties. No strobe lights are permitted.

~~(C)~~ **(B)** The unit must be of a good and well-kept appearance and may not have any rust, substantial dents, missing lights or bumpers.

Section 8. Section 116.10 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.10 ~~SHORT-TERM MOBILE FOOD LICENSE, EVENT LICENSE.~~

- ~~(A) The city may issue short term licenses, in addition to the six mobile food vendor licenses, available for a maximum of 90 consecutive calendar days.~~
- ~~(B) A maximum of four short term licenses shall be issued concurrently.~~
- ~~(C) A short term license is not eligible for reissuance to the same vendor or for the same location until 90 days from the date of license expiration have elapsed.~~
- ~~(D) The approved location requirements in § 116.07 apply with the following modifications:~~
 - ~~1) The location shall be more than 200 feet from any other mobile food vendor as measured from the closest property line of each approved location.~~
 - ~~2) The location shall have sufficient paved parking immediately adjacent to the mobile food unit of at least two paved parking spaces specifically designated for use by the mobile vending unit.~~
 - ~~3) The location shall be at least five feet from the property line of an adjoining property owner unless the possessor of the adjoining property consents, in writing, to allow the mobile food unit or lunch truck to be closer to the adjoining property.~~
 - ~~4) The location shall be 200 feet or more from the property line of a business having a restaurant license.~~
- ~~(E) The operation and site requirements in § 116.08 apply.~~
- ~~(F) The mobile food unit requirements in § 116.09 apply. A mobile food unit applying for a short term license is not required to be a self propelled van. Push carts, trailers, and self propelled vans shall all be eligible for a short term license.~~
- ~~(G) The City Council shall establish a fee, by resolution, for issuance of a short term license.~~
- ~~(H) All provisions for operating a mobile food unit as specified in this chapter remain in effect except where specifically modified by this section.~~
- ~~(I) Notwithstanding the foregoing,~~ **(A)** The city may issue temporary event licenses to a licensed food unit or licensed lunch truck to serve the attendees of a specified temporary non-recurring street fair, festival, carnival, or similar community event. A temporary event is one lasting not more than seven calendar days. No more than one temporary event license shall be issued for the same, or substantially same, event, on or near the same location in each calendar year.
 - 1) (A)** The location requirements of §§ 116.03 and 116.07 shall not apply but the applicant for a license to operate a temporary event shall provide proof of

authorization from the event organizer and property owner on which the unit or truck will be located. The unit or truck may be located in right-of-way closed for the event with the approval of the city.

- 2) (B) The temporary event license shall be valid the day(s) of the event. It shall be placed on the site no earlier than 6:00 a.m. on the first day and removed no later than 10:00 a.m. on the date following the event with the site left in its prior condition.
 - 3) (C) An application for a temporary event license must be received by the city at least ten days in advance and contain all information required by the city, including any applicable fee.
 - 4) (D) Unless waived in the license by the city based on the particular circumstances of the event, all provisions of §§ [116.08](#) and [116.09](#) (mobile food units) or § [116.11](#) (lunch trucks) apply.
- (E) Events shall be spaced at least 1,000 feet apart as measured from property line to property line.

Section 9. Section 116.12 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.12 EXEMPTIONS.

- (A) This chapter does not apply to mobile food vending on public property or property controlled by a public entity, it being the intent of this chapter that those public entities are entitled to control vending on their properties as they deem appropriate. This includes all local, state and federal government property.
- (B) This chapter does not apply to mobile food vending at private events of brief duration, not to exceed four hours, including banquets, weddings and other catered events, so long as the food is not for sale to persons not attending the event.
- (C) Mobile units within a food pod are not subject to the operation and siting requirements in §116.08(I), §116.08(O) and §116.08(P) of this chapter.

Section 10. The effective date of this ordinance shall be the thirtieth day after enactment.

PASSED by the City Council this XX day of XXX 2024.

SIGNED by the Mayor this XX day of XXX 2024.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER