



COUNCIL SPECIAL SESSION

Wednesday, February 08, 2023 at 4:30 PM

COUNCIL MEMBERS:

Mayor Rick Scholl
Council President Jessica Chilton
Councilor Patrick Birkle
Councilor Mark Gundersen
Councilor Brandon Sundeen

LOCATION & CONTACT:

HYBRID: Council Chambers & Zoom (details below)
Website | www.sthelensoregon.gov
Email | kpayne@sthelensoregon.gov
Phone | 503-397-6272
Fax | 503-397-4016

AGENDA

CALL SPECIAL SESSION TO ORDER - Council Retreat

VISION

- Provide quality, effective and efficient service to our citizens

MISSION

- Develop and preserve the highest possible quality of life for our residents, businesses, and visitors
- Provide a safe and healthy environment within a sound economic framework
- Provide leadership which is open and responsive to the needs of the community and works for the benefit of all

- [1.](#) Charter

THE ROLE OF CITIES AND WHAT WE DELIVER

OPERATING AS A COUNCIL

- [2.](#) Governing Policy
- [3.](#) Operating Rules and Procedures
- [4.](#) Team Agreements and Mantra
5. Communications Protocols:
 - Who speaks for the City
 - How to represent the City

GOVERNANCE

6. Council Responsibilities
- [7.](#) Boards and Commissions Descriptions
8. Department Liaison Role
9. Commission Big Picture Discussion

ADJOURN

VIRTUAL MEETING DETAILS

Join: <https://us02web.zoom.us/j/87121277772?pwd=OFRWYzBzNWVnNU5rSGk1TEtmVnQ5Zz09>

Meeting ID: 871 2127 7772

Passcode: 067937

Dial: 253-205-0468

The meeting location is accessible to persons with disabilities. A request for an interpreter for the hearing impaired or for other accommodations for persons with disabilities should be made at least 48 hours before the meeting to City Hall at 503-397-6272.

Be a part of the vision and get involved...volunteer for a City Board or Commission! For more information or for an application, go to www.sthelensoregon.gov or call 503-366-8217.

CHARTER

PREAMBLE

We, the voters of the City of St. Helens, Oregon, exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter. (Approved by voters in general election held November 6, 2012)

CHAPTER I

Names and Boundaries

Section 1. Title.

This charter shall be referred to as the 2012 City of St. Helens Charter. (Approved by voters in general election held November 6, 2012)

Section 2. Name.

The City of St. Helens, Oregon, continues as a municipal corporation with the name City of St. Helens. (Approved by voters in general election held November 6, 2012)

Section 3. Boundaries.

The corporate limits of the City shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by a majority of the voters. Unless mandated by State Law, annexation, delayed or otherwise, to the City of St. Helens, may only be approved by a prior majority vote among the electorate. The city custodian of records shall keep in the recorder's office at the city hall at least two copies of this charter in each of which the custodian of records shall maintain an accurate, up-to-date description of the boundaries. The copies and descriptions shall be available for public inspection at any time during regular office hours of the recorder. (Approved by voters in general election held November 6, 2012)

CHAPTER II

Powers

Section 4. Powers.

The city has all powers which the constitutions, statutes, and common laws of the United States and of Oregon expressly or impliedly grant or allow the City, as fully as though this charter specifically enumerated each of those powers. (Approved by voters in general election held November 6, 2012)

Section 5. Construction.

The charter will be liberally construed so that the city may exercise fully all powers possible under this charter and under the United States and Oregon law. (Approved by voters in general election held November 6, 2012)

Section 6. Distribution.

The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to city voters. This charter vests all other city powers in the council except as the charter otherwise provides. The council has legislative, administrative and quasi-judicial authority. The council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The council may not delegate its authority to adopt ordinances. (Approved by voters in general election held November 6, 2012)

CHAPTER III

Form of Government

Section 7. Where Powers Vested.

Except as this charter provides otherwise, all powers of the city shall be vested in the council. (Approved by voters in general election held November 6, 2012)

Section 8. Council.

The council shall be composed of a mayor and four councilors elected from the city at large. (Approved by voters in general election held November 6, 2012)

Section 9. Councilors.

The councilors in office at the time this charter is adopted shall continue in office, each until the end of their term of office as fixed by the charter of the city in effect at the time this charter is adopted. At each biennial general election after this charter takes effect, two councilors shall be elected, each for a term of four years. (Approved by voters in general election held November 6, 2012)

Section 10. Mayor.

The mayor presides over and facilitates council meetings, preserves order, enforces council rules, and determines the order of business under the council rules. The mayor is a voting member of the council and has no veto authority. With the consent of the council, and following the procedures of the council, the mayor appoints members of commissions and committees established by ordinance or resolution. The mayor must sign all records of council decisions. The mayor serves as the political head of the city government.

At each biennial general election, a mayor shall be elected for a term of two years. (Approved by voters in general election held November 6, 2012)

Section 11. Council President.

At its first meeting after this charter takes effect and thereafter at its first meeting of each odd-numbered year, the council by written ballot shall elect a president from its membership. In the mayor's absence from a council meeting, the president shall preside over it. Whenever the mayor is unable to perform the functions of this office, the president shall act as mayor. (Approved by voters in general election held November 6, 2012)

Section 12. Qualification of Officers.

No person shall be eligible for an elective office of the city unless at the time of his election he is a qualified elector within the meaning of the state constitution and has resided in the city during the 12 months immediately preceding the election. The council shall be final judge of the qualifications and election of its own members. (Approved by voters in general election held November 6, 2012)

Section 13. Rules.

The council must by resolution adopt rules to govern its meetings. (Approved by voters in general election held November 6, 2012)

Section 14. Meetings.

The council must meet at least once each month at a time and place designated by its rules, and may meet at other times in accordance with the rules. (Approved by voters in general election held November 6, 2012)

Section 15. Quorum.

A majority of the council members is a quorum to conduct business, but a smaller number may meet and compel attendance of absent members as prescribed by council rules. (Approved by voters in general election held November 6, 2012)

Section 16. Vote Required.

The express approval of a majority of the Council members, present at any meeting requiring a quorum, is necessary for any Council decision, except when this charter requires approval by a majority of the members of the Council. (Approved by voters in general election held November 6, 2012)

Section 17. Record.

A record of council meetings must be kept in a manner prescribed by the council rules. (Approved

by voters in general election held November 6, 2012)

CHAPTER IV Legislative Authority

Section 18. Ordinances.

The council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of St. Helens ordains as follows:”. (Approved by voters in general election held November 6, 2012)

Section 19. Ordinance Adoption.

(a) Except as authorized by subsection (b), adoption of an ordinance requires a reading of the ordinance by title at two meetings at least two weeks apart and approval by a majority of the members of the Council.

(b) The Council may adopt an ordinance after one reading at a single meeting by the unanimous approval of the council, a quorum being present, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

(c) After adoption of an ordinance, the vote of each member must be entered into the council minutes.

(d) 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. (Approved by voters in general election held November 6, 2012)

Section 20. Effective Date of Ordinances.

Ordinances normally 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 adoption if an emergency is declared to exist. (Approved by voters in general election held November 6, 2012)

CHAPTER V Administrative Authority

Section 21. Resolutions.

The council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions shall state “The City of St. Helens resolves as follows:”. (Approved

by voters in general election held November 6, 2012)

Section 22. Resolution Approval.

(a) Approval of a resolution or any other council administrative decision requires approval of the council at one meeting.

(b) 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.

(c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

(d) 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. (Approved by voters in general election held November 6, 2012)

Section 23. Effective Date of Resolutions.

Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution. (Approved by voters in general election held November 6, 2012)

CHAPTER VI Elections

Section 24. Councilors.

The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, two councilors will be elected for four-year terms. (Approved by voters in general election held November 6, 2012)

Section 25. Mayor.

The term of the mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every general election after adoption, a mayor will be elected for a two-year term. (Approved by voters in general election held November 6, 2012)

Section 26. State Law.

City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for city offices must be nonpartisan. (Approved by voters in general election held November 6, 2012)

Section 27. Qualifications.

(a) The mayor and each councilor must be a qualified elector under state law, and reside within the city for at least one year immediately before election or appointment to office.

(b) No person may be a candidate at a single election for more than one city office.

(c) Neither the mayor nor a councilor may be employed by the city.

(d) The council is the final judge of election and qualifications of its members. (Approved by voters in general election held November 6, 2012)

Section 28. Nominations.

The council may adopt an ordinance prescribing the manner for a person to be nominated to run for mayor or a city councilor position. If no ordinance is adopted, state election law applies. (Approved by voters in general election held November 6, 2012)

Section 29. Terms.

The term of an officer elected at a general election begins at the first council meeting of the following year immediately after the election and continues until the successor qualifies and assumes the office. (Approved by voters in general election held November 6, 2012)

Section 30. Oath.

The mayor and each councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States and Oregon. (Approved by voters in general election held November 6, 2012)

Section 31. Vacancies.

The mayor or a council office becomes vacant:

(a) Upon the incumbent's:

i. Death,

ii. Adjudicated incompetence, or

iii. Recall from the office.

(b) Upon declaration by the council after the incumbent's:

- i. Failure to qualify for the office within 10 days of the time the term of office is to begin,
- ii. Absence from the city for 30 days without the mayor or council consent, or from all council meetings within a 60-day period,
- iii. Ceasing to reside in the city,
- iv. Ceasing to be a qualified elector under state law,
- v. Conviction of a public offense punishable by loss of liberty,
- vi. Resignation from the office. (Approved by voters in general election held November 6, 2012)

Section 32. Filling Vacancies.

(a) A vacancy in the position of mayor shall be assumed by the council president until the mayor's term of office expires. Once the council president assumes the position of mayor, the council president's council position shall be deemed vacant and the council shall elect a new council president.

(b) When a vacancy in the position of councilor occurs, the city council, at the next regularly scheduled council meeting, shall begin the process of filling the vacancy as follows:

- i. If two years or more remain on the term of a council position when such position is declared vacant, the council may appoint, by majority vote of the remaining councilors and mayor, a qualified elector to serve until the next scheduled election that is at least sixty days after the appointment is made. Any qualified elector under this charter may make the proper nominating procedures as outlined in Section 28, Nominations, and seek election for the remaining term of the council position that was declared vacant at that scheduled election.
- ii. If there is less than two years remaining in a council position declared vacant, the remaining councilors and mayor shall appoint a qualified elector to serve the remaining term of the vacant council position.
- iii. In either case, if the council appoints a qualified elector to a vacant council position, the council shall hold a public meeting to interview potential candidates. The council may use whatever methods it determines are necessary to obtain qualified electors to serve on the council. (Approved by voters in general election held November 6, 2012)

CHAPTER VII

Appointive Officers

Section 33. Other Officers.

The council has authority to appoint officers as they deem necessary. Each of these officers shall be appointed and may be removed by the mayor with the consent of the council. The council may combine any two or more appointive city offices. The council may designate any appointive officer to supervise any other appointive officer except the municipal judge in the exercise of his judicial functions. (Approved by voters in general election held November 6, 2012)

Section 34. City Attorney.

The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney. The attorney must appoint, supervise and may remove any City Attorney office employees. (Approved by voters in general election held November 6, 2012)

Section 35. Municipal Court and Judge.

(a) Subject to any applicable municipal code, a majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the St. Helens Municipal Court.

(b) All proceedings of this court will conform to the state laws governing municipal courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has original jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction over state laws unless limited by city ordinances.

(e) The municipal judge may:

- i. Render judgments and impose sanctions on persons and property;
- ii. Order the arrest of anyone accused of an offense against the city;
- iii. Commit to jail or admit to bail anyone accused of a city offense;
- iv. Issue and compel obedience to subpoenas;

v. Compel witnesses to appear and testify and jurors to serve for trials before the court;

vi. Penalize contempt of court;

vii. Issue processes necessary to enforce judgments and orders of the court;

viii. Issue search warrants;

ix. Perform other judicial and quasi-judicial functions assigned by ordinances and/or state statutes;

x. When not governed by this charter or city ordinances, all proceedings in the municipal court for the violation of a city ordinance shall be governed by the applicable general laws of the state governing state courts.

xi. The municipal court judge shall have the jurisdiction and authority of a state court judge within the limits of the City of St. Helens, in both civil and criminal matters; and when exercising such jurisdiction and authority, shall be subject to all of the general laws of the state prescribing the duties of a judge and the mode of performing same.

(f) The council may appoint and may remove municipal court judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court. (Approved by voters in general election held November 6, 2012)

CHAPTER VIII Personnel

Section 36. Compensation.

The council must authorize the compensation of city elected and appointed officers and employees as part of its approval of the annual budget. (Approved by voters in general election held November 6, 2012)

Section 37. Merit Systems.

The council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of city employees based on merit and fitness. (Approved by voters in general election held November 6, 2012)

CHAPTER IX

Public Improvements

Section 38. Improvements.

The procedures for making, altering, vacating, or abandoning a public improvement shall be governed by general ordinance or the applicable general laws of the state. Action on any proposed public improvement, except a sidewalk or except an improvement unanimously declared by the council to be needed at once because of an emergency, shall be suspended for six months upon a remonstrance by two-thirds of the owners of real property to be specially assessed. In this section, "owner" shall mean the record holder of legal title, or, where land is being purchased under a land sales contract recorded or verified to the recorder in writing, the contract purchaser shall be deemed the "owner." (Approved by voters in general election held November 6, 2012)

Section 39. Special Assessments.

The procedure for levying, collecting, and enforcing special assessments for public improvements or other services to be charged against real property will be governed by ordinance. (Approved by voters in general election held November 6, 2012)

CHAPTER X Environmental and Health Provisions

Section 40. Garbage Burners.

It is prohibited in the City of St. Helens to construct or operate an incinerator that burns garbage within three miles of a public school, hospital or retirement home. (Approved by voters in general election held November 6, 2012)

CHAPTER XI Miscellaneous Provisions

Section 41. Debt.

City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness. (Approved by voters in general election held November 6, 2012)

Section 42. Ordinance Continuation.

All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed. (Approved by voters in general election held November 6, 2012)

Section 43. Repeal.

All charter provisions adopted before this charter takes effect are hereby repealed. (Approved by voters in general election held November 6, 2012)

Section 44. Severability.

The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter. (Approved by voters in general election held November 6, 2012)

Section 45. Time of Effect.

This charter shall take effect January 1, 2013. (Approved by voters in general election held November 6, 2012)

Section 46. Keeping Groceries Tax Free In St. Helens.

(a) The City of St. Helens or any political subdivision or public corporation created by the City of St. Helens may not adopt, collect, enact, or impose a tax, fee, or other assessment upon the sale of groceries or for the privilege of selling groceries.

DEFINITIONS

(b) As used in this section:

(i) "Groceries" means any raw or processed food or beverage intended for human consumption except alcoholic beverages, marijuana products, and tobacco products.

(ii) "Sale of groceries" means any transaction for the sale or purchase of groceries with any individual or entity that:

(A) Is licensed, registered, or inspected under the Food Safety Modernization Act, U.S. Food and Drug Administration, U.S. Department of Agriculture Federal Grain Inspection Service, or any successor agency or program that provides for the safety of groceries; or

(B) Is licensed and inspected by the State Department of Agriculture's Food Safety Program or Commodity Inspection Program or any successor agency or program that provides for the safety of groceries; or

(C) Operates as a farm stand, farmers market, or food bank.

(D) Is appointed by the Oregon Liquor Control Commission under ORS [471.750](#).

(iii) "Tax, fee, or other assessment" includes, but is not limited to, a sales tax, gross receipt tax, commercial activity tax, value-added tax, excise tax, privilege tax, and any other similar tax on the sale of groceries.

(iv) "Alcoholic beverage" means any liquid or solid containing more than one-half of one percent alcohol by volume and capable of being consumed by a human being.

(v) "Marijuana product" means a product made from any part of the plant Cannabis family Cannabaceae or the seeds of the plant Cannabis family Cannabaceae.

(vi) "Tobacco products" means cigars, cigarettes, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed, and other smoking tobacco, snuff, snuff flour, moist snuff, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco, and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking.

IMPLEMENTATION

(c) The prohibition on the imposition and collection of a tax, fee, or other assessment on the sale of groceries by subsection (a) of this section applies to taxes adopted, approved, collected, or imposed on or after September 1, 2017.

(d) It is the intent of the people that all parts of this amendment are independent and that if any part of this amendment is held unconstitutional, all remaining parts shall remain in force. (Approved by voters in primary election held May 15, 2018)

The St. Helens Municipal Code is current through Ordinance 3287, passed November 2, 2022.

Disclaimer: The city recorder's office has the official version of the St. Helens Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.sthelensoregon.gov/>

City Telephone: (503) 366-8217

[Code Publishing Company](#)

CITY OF ST. HELENS
GOVERNING POLICY

1. **Purpose:** The purpose of this policy is to establish guidelines for collaborative administrative decision-making and a governing structure to be used by City Councilors and staff, and to delegate responsibilities and authority to implement the guidelines.
2. **Governing Structure:** The City Council shall operate based on a combination of forms of government. Subject to the allocation and delegation of authorities herein, the City Council shall act as a commission with each Councilor assigned one or more City departments. The City Administrator shall supervise and coordinate the activities of all departments, and coordinate the collaborative process described below.
3. **Collaborative Decision-Making:** This process applied to administrative decision-making regarding department-level matters. Routine and emergency decisions applying adopted City policies shall be made by Department Heads. Decisions requiring policy interpretation or development shall be made in a collaborative process involving discussion and resolution between the Councilor assigned to the department, the City Administrator, and the Department Head. Issues that cannot be resolved by consensus in the collaborative process shall be referred to the Council.
4. **Personnel Supervision and Discipline:** Subject to the City's adopted personnel rules, supervisory authority shall be as follows:
 - a. Employees of departments shall be supervised by the Department Head, including discipline not involving termination.
 - b. Department Heads shall be supervised by the City Administrator. Hiring and termination of Department Heads and the City Administrator shall be the responsibility of the Council.
 - c. Decisions regarding hiring and termination of department employees shall be made using the collaborative process. Such decisions that lack concurrence of the collaborative group shall be referred to the Council.
5. **Personnel Evaluations:** Subject to the City's adopted personnel rules, responsibility for personnel evaluations shall be as follows:
 - a. Department employees shall be evaluated by their supervisors subject to review and approval by each Department Head.
 - b. Department Heads shall be evaluated by the assigned Councilor and the City Administrator.
 - c. The City Administrator shall be evaluated by the City Council.
 - d. Evaluations shall be written in a form approved by the Council.
 - e. Upon completion, evaluations shall be communicated with the employee and referred to the City Administrator for retention in secured personnel files.

**City of St. Helens
CITY COUNCIL
OPERATING RULES AND PROCEDURES**

SECTION I – AUTHORITY

These operating procedures and policies are adopted under the authority granted in the St. Helens Charter, Chapter III, Section 13.

SECTION II – OFFICERS OF THE CITY COUNCIL

1. **Mayor** – The Mayor shall be chair of the Council and preside over its deliberations. The Mayor shall have a vote on all questions before the Council. The Mayor shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council. With the consent of the Council, and following the procedures of the Council, appoints members of commissions and committees established by ordinance or resolution. The Mayor must sign all records of Council decisions.
2. **Council President**– At its first meeting of each odd-numbered year, the Council by written ballot shall elect a President from its membership. The President of the Council shall perform the duties of the Mayor in the Mayor’s absence.

SECTION III – MEETINGS OF THE CITY COUNCIL

1. Meetings

All meetings of the Council or the boards, committees, and commissions of the City shall be in conformance with Chapter 192, Oregon Revised Statutes, Public Meetings.

A. Regular Meetings

The regular meetings of the Council shall be on the first and third Wednesdays of each month, except when that day falls on a legal holiday in which event the Council shall meet on the next following regular business day. Unless otherwise noticed, regular meetings shall be held on the days appointed at 7:00 p.m.

At its first regular meeting of each new year, the Council shall adopt a resolution stating the dates, times, and locations of its regular meetings for the year.

B. Special Meetings

A special meeting may be called either by the Mayor or two (2) members of the Council. Written notice of the time and place of such special meeting and the subjects to be acted upon shall be delivered in writing to interested persons, the media, and all members of the Council at least 24 hours in advance of the time of said meeting, and the Council may consider and act only upon such matters as contained in the written notice.

C. Work Session Meetings

Regular work sessions of the Council shall be on the first and third Wednesdays of each month, unless otherwise noticed, and shall be held on the days appointed at 2:00 p.m. At such work sessions no final decisions may be made or action taken. Work sessions shall begin with visitor comments to provide the public with an opportunity to address the City Council.

At its first regular meeting of each new year, the Council shall adopt a resolution stating the dates, times, and locations of its work session meetings for the year.

D. Adjourned Meetings

At any regular or adjourned meeting, the meeting may be adjourned to a later date by a majority vote of the Council. In the event any regular meeting is adjourned, the Mayor may call an adjourned meeting at such time as the Mayor may designate upon giving appropriate legal notice and having each councilor notified personally, or in writing, at least 24 hours in advance of the time and place of such adjourned meeting.

E. Public Hearings

The regular public hearings of the Council shall be on the first and third Wednesdays of each month, unless otherwise arranged, and shall be held on the days appointed between 6:00 p.m. and 7:00 p.m. depending on the purpose. Staff may, at its discretion, schedule such time as needed per topic and considering the start of the Council's regular meeting at 7:00 p.m. At public hearings, no final decisions may be made or action taken by the Council.

F. Public Forums

Public forums are to provide the public an opportunity to receive topic specific information and provide input and testimony. Public forums will be held in City Hall or such other locations as may be determined by the Council.

G. Emergency Meetings

Emergency meetings are special meetings called on less than twenty-four (24) hours' notice. The Council will declare the emergency and the minutes of the meeting will describe the emergency justifying less than twenty-four (24) hours' notice. The City will take appropriate steps to notify the media and other interested persons to inform them of the meeting. Notice will be by electronic mail.

H. Executive Sessions

All executive sessions of the Council shall be called and conducted in accordance with the Oregon Public Meetings Law. No executive session may be held for the purpose of taking any final action or making any final decision. Final actions and final decisions must be done in open regular meetings of the Council. Executive session attendance shall be determined by the Mayor (as the presiding officer) or the Council.

2. Meeting Place

All Council meetings shall be held in the City Hall or such other location as may be determined by the Council.

3. Quorum

A majority of members of the Council shall constitute a quorum for its business, but a smaller number may meet and compel the attendance of absent members in a manner provided by ordinance or these rules.

4. Attendance

The Mayor and Councilors are expected to attend all Council meetings and work sessions. The City Charter provides that the position of Mayor or a Council member becomes vacant upon an incumbent's unexcused absence from the City for 30 days without the consent of the Council or upon their absence from meetings of the Council for 60 days without like consent, and upon a declaration by the Council of the vacancy. Excused absences from Council meetings and work sessions may be granted on a case-by-case basis.

A Councilor who is unavailable in person may participate in work sessions, regular meetings, and any other Council meeting by Zoom or conference phone.

5. Ordinances

Every ordinance shall be enacted in accord with Chapter IV of the St. Helens City Charter. The enacting clause of all ordinances shall be “The City of St. Helens ordains as follows:”. Except as the following paragraphs provide to the contrary, every ordinance title shall, before being put upon its final passage, be read fully and distinctly in open Council meeting on two different days.

Except as the following paragraph provides to the contrary, an ordinance may be enacted at a single meeting of the Council by unanimous vote of all Council members present, upon being read first in full and then by title.

Any of the readings may be by title only if no Council member present at the meeting requests to have the ordinance read in full or if a copy of the ordinance is provided for each Council member and a copy is provided for public inspection in the office of the City Recorder not later than one week before the first reading of the ordinance and if notice of their availability is given forthwith upon the filing, by written notice posted at City Hall, on the City’s website, and two other public places in the City or by advertisement in a newspaper of general circulation in the City. An ordinance enacted after being read by title alone may have no legal effect if it differs substantially from its terms as it was thus filed prior to such reading, unless each section incorporating such a difference is read fully and distinctly in an open Council meeting as finally amended prior to being approved by the Council.

Upon final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings.

Upon the enactment of an ordinance the City Recorder shall sign it with the date of its passage and their name and title of office, and within three (3) days thereafter the Mayor shall sign it with the date of their signature, name, and title of office.

An ordinance enacted by the Council shall take effect on the thirtieth (30th) day after its enactment. When the Council deems it advisable, however, an ordinance may provide a later time for it to take effect, and in case of an emergency, it may take effect immediately.

6. Resolutions

Every resolution shall be enacted in accord with Chapter V of the St. Helens City Charter. The enacting clause of all resolutions shall be “The City of St. Helens resolves as follows:”.

A resolution or any other Council administrative decision requires approval of the Council. Any substantive amendment must be read aloud or made available in writing to the public prior to adoption. After approval of a resolution or other administrative decision, the vote of each member must be entered into the council minutes.

A resolution enacted by the Council shall take effect immediately upon enactment unless otherwise noted in the resolution.

7. Procedures

The conduct of all meetings of the Council or of any committee appointed by it shall be governed by the City charter, City code, and these operating rules and procedures.

8. Voting

Except as the Charter otherwise provides, the affirmative vote of a majority of the members of the Council present at a Council meeting shall be necessary to decide any question before the Council. The voting on all ordinances or resolutions shall be by roll call vote and recorded in the minutes showing those members voting for and those voting against.

9. Decorum

The presiding officer of the Council shall be responsible for ensuring that order and decorum are maintained during all meetings of the Council and shall be responsible for assigning to the Sergeant-at-Arms their duties and station. The Chief of Police, or such member of the Police Department as they shall designate, shall be Sergeant-at-Arms of the Council. They shall carry out all orders and instructions given by the presiding officer for the purpose of maintaining order, decorum and to enforce the rules of conduct as directed by the presiding officer.

10. Presiding Officer

Mayor – The Mayor shall preside over Council deliberations and will serve as the political head of the government. They shall have a vote on all questions before the Council. They shall have authority to preserve order, enforce the rules of the Council, and determine the order of business under the rules of the Council. With the consent of the Council, and following the procedures of the Council, the Mayor appoints members of the committees, boards, and commissions established by ordinance or resolution.

Council President – At its first meeting of each odd-numbered year, the Council by written ballot shall elect a president from its membership. In the Mayor's absence from a Council meeting, the President shall preside over it. Whenever the Mayor is unable to perform the functions of their office, the President shall act as Mayor.

In the absence of the Mayor and the President, if a quorum of the Council is present, the senior member of the Council shall preside over the meeting as President Pro-Tem. If there is no one senior member of the Council, Council shall choose, by vote, a President Pro-Tem to preside at that meeting.

The Council President or the Council President Pro-Tem, while serving as presiding officer, may propose motions and debate from the chair, subject only to the limitations of debate as are imposed on all members and shall not be deprived of any of the rights and privileges of a councilor by reason of acting as presiding officer.

11. Record of Proceedings

The Council shall cause a record of its proceedings to be kept. Upon the request of any of its members, the ayes and nays upon any question before it shall be taken and entered in the record.

No action by the Council shall have legal effect unless the motion for the action and the vote by which it is disposed of take place at proceedings open to the public.

12. Order of Business

Matters to be considered by the Council at its meetings shall be placed on an agenda to be prepared by the City Administrator and/or their designee, typically the City Recorder, for the following materials:

- All items considered by the Council from work sessions that require official action of the Council. Work session agenda items will normally be considered at the next regular meeting.
- All items directed by the Mayor or a member of the Council to be listed on the agenda. The Mayor or presiding officer will be notified of agenda items requested by a Council member.
- All items deemed appropriate by the City Administrator.
- All items which are required by law to be presented to the Council.
- The Council may also consider any other item, proposed by the Mayor, a member of the Council, or the City Administrator, not included on the written agenda.
- Items appearing on the Council agenda may be assigned a time limit by the Mayor or presiding officer. The Mayor or Council may extend the time limit until an issue or item is discussed and resolved.
- Correspondence, petitions, or other written material that concerns items that are or may be on the agenda may be submitted to the City Administrator's Office at any time but may only appear on the agenda if received by 12:00 p.m. the Wednesday preceding the intended Council meeting. The City Administrator may hold agenda items to have an appropriate study made of the issue, question, or request. Any material

submitted without the author's name and address will not be put on the Council agenda. Substantive matters arising under "Visitor Comments" will be referred to the City Administrator for study.

13. Agendas and Supportive Material

The City Administrator, typically through the City Recorder, shall provide copies of public records to any person so requesting that material, in compliance with the Oregon Revised Statutes, Public Records Law. A fee for copies may be charged based upon the cost of copying plus a reasonable administrative fee based on actual cost, which fees shall be adopted by Council resolution.

Copies of the supportive agenda material will be available to the media, and upon request, to members of the public at the time distributed to the Council, except for those items exempt from disclosure under the Public Records Law.

14. Appointing Committees

All committees, boards, and commissions shall be created by the Council through the adoption of an ordinance or resolution. After the committees have been formally announced they cannot be changed except at a regular meeting of the Council. Appointments to committees shall be made as an agenda item at a regular meeting of the Council.

15. Council Liaisons

The Mayor, or the presiding officer in the Mayor's absence, will appoint Council members liaison appointments to City departments, programs, or boards and commissions. Liaisons will act as a communication link to the Council and will keep the Council informed of their department's activities.

SECTION IV – CONDUCT AT MEETINGS

1. The Council will be clear and simple in its procedures and consideration of matters coming before it.
2. Any Council member or the Mayor may present main motions on business to come before the Council.
3. It is the policy of the Council to ensure an informed public, aware of the deliberations and decisions of the body and of the information upon which decisions were made. It is the policy of the Council that those decisions be arrived at openly. The Mayor and Council are encouraged to explain their rationale for votes during Council meetings.
4. Public Debate and Testimony:
 - Members of the public have no right to speak or address the Council at a Council meeting unless recognized by the presiding officer.
 - Time for testimony by members of the audience at public hearings or any Council meeting at which the public is invited or allowed to address the Council may be limited for each speaker and for each subject by the presiding officer or by majority vote of the Council.
 - Unless otherwise directed, persons addressing the Council shall limit their remarks to three (3) minutes.
 - A person may request additional time subject to approval of the presiding officer.
 - Questions and discussions by audience members shall be directed to the presiding officer.
 - Directed discussion between members of the audience and Council members or City employees shall be permitted only at the discretion of the presiding officer.
 - Public testimony at regular sessions and work sessions, except at public hearings, shall be under the agenda item, "Visitor Comments" unless specifically permitted by the presiding officer.

- All persons addressing the Council shall do so from the designated location after first having clearly stated their name for the record. When speaking at public hearings, persons shall confine their comments to the issue under consideration.

5. Identification of Fiscal Impact of Policy Decisions

At such time as the Council adopts a new program or policy with significant revenue implications, it shall offer clear direction to City staff and to the Budget Committee as to how the program or policy is to be funded. When the City Council adopts such a new program or policy or significantly modifies an existing program or policy, it shall indicate how it expects that program or policy to be funded; e.g., which existing taxes or fees the Council expects to increase and by how much, or which current City programs or department expenditures the Council expects to reduce to fund the new program or policy. However, if the Council cannot reasonably identify a potential funding source, it shall so indicate.

6. Reconsidering a Vote

A motion to reconsider a vote can be made only once and at the session at which the motion or matter was adopted, or at the next meeting of the Council, provided that no vote to reconsider shall be made after the ordinance, resolution, or act has taken effect.

7. Miscellaneous Provisions

- Members of the Council requesting a legal opinion of the City Attorney may do so directly during a meeting or if the Mayor is aware of the inquiry. A Council member desiring to contact the City Attorney will normally contact the City Administrator to ascertain if the question has previously been posed to the Attorney and/or if staff has researched and can address the issue.
- Authorization is needed from the presiding officer or majority of Council to take a reimbursable trip and incur expenses on City-related business. The following expenditure categories qualify for reimbursement under the above procedure:
 - Reasonable out-of-town travel expenses including mileage, meals, and lodging.
 - Additional cellular phone costs related to calls made regarding City business.

Expense reimbursement forms for expenses incurred for authorized purposes are available through the City Recorder. Receipts or other types of documentation are required for all items. The Mayor will review and approve expense claims submitted by Council members. The Council President will review and approve expenditures made by the Mayor.

- The Mayor or Council member shall also clarify what, if any, official capacity they are representing when speaking to the press.
- Normally, the City Administrator or their designee shall act as the City ombudsman for City business and affairs.



265 Strand Street
 St. Helens, OR 97051
 (503) 397-6272
 www.ci.st-helens.or.us

City Council Team Agreement

ADOPTED April 15, 2020
 RESOLUTION 1881

1. Attendance at Council meetings is first priority; please contact City Recorder if you are unable to attend.
2. Be on time to meetings and read the packet prior to the meeting – be prepared to work.
3. Mayor will take the lead in keeping the meeting and discussion focused.
4. Distribute information in advance of Council discussion.
5. Mayor will recognize Councilors when indicating that they wish to speak.
6. Put a time limit on audience testimony and ask them not to repeat previous speakers.
7. Use formal procedure (point of order, call for question, etc.) to focus the meeting. Formal procedure may be used when necessary for effective discussion. Individuals should use procedure appropriately and courteously.
8. Council meetings are televised live; this requires Council to act professionally by:
 - a. Treating the public and each other with courtesy;
 - b. Speaking in turn and on the issue;
 - c. No interrupting;
 - d. No engaging in side conversations;
 - e. No use of personal electronic devices while conducting business at the dais.
9. Refrain from personal attacks, including to presenters, staff and Council.
10. Agree to be diplomatic about disagreement; leave disagreement at the dais and do not try to polarize other Councilors.
11. Call the City Administrator or designee with questions and requests prior to the meeting.

Individual Council Member Conduct Agreements

Council members agree to:

- Be straightforward about goals and issues.
- Cultivate exchange of views with other Councilors.
- Avoid doing or saying anything that would harm or discredit the City.

Commitments as a Council

Council strives to:

- Continue to improve citizen involvement, awareness and participation.
- Improve follow-up and resolution of citizen concerns or complaints.
- Act as an advocate for the City.

City Council Mantra

Read before each Council meeting...

1. I am on the City Council as an advocate of quality and effective City services. I will do what I can to promote cost sensitive and professional services to City residents and visitors. I will do what I can to promote a safe environment for business and families.
2. It is my responsibility to contribute to a stabilized environment for the City. I am an opponent of uproar, dissension, and conflict. I believe in cooperation.
3. I believe in routine. The greatest gift I can give to City residents is to provide services that are predictable.
4. Every comment I make and every vote I cast will be motivated by the question, "What is good for the city residents and visitors?"
5. What I want for my family is what I want for all patrons of the City.
6. I will "champion" the City. I will compliment and reinforce often. I will suggest and recommend when necessary.
7. I will support a majority position of the Council. I may not agree, but once the vote is taken, I'm with the others.
8. I will never come to a Council meeting having made a promise to an individual or group.
9. At all times, I will remember I am a City official whose purpose is to serve and represent others and to act on their behalf.
10. Courtesy is a rule. I will not break that rule.
11. A Council meeting is a business meeting. It is not entertainment. It is not a social hour. It is not a question and answer session. **It is a business meeting.**
12. I am busy. Other Council members and the Mayor are busy. The City staff and Administrator are busy. Everyone is busy. At this meeting, I will do what I have to do. I will do it as fast as possible. I will respect the time of other people.

Chapter 2.08 PLANNING COMMISSION

Sections:

2.08.010 Establishment.

2.08.020 Membership.

2.08.030 Term of office.

2.08.040 Vacancies and removal.

2.08.050 Presiding members.

2.08.060 Staff services.

2.08.070 Meetings.

2.08.080 Powers and duties.

2.08.010 Establishment.

There is hereby reestablished a city planning commission for the city of St. Helens, Oregon. (Ord. 2197 § 1, 1978)

2.08.020 Membership.

The commission may consist of up to seven members. The councilmember in charge of planning shall be entitled to sit with the commission and take part in its discussions, but shall not have the right to vote. The following regulations shall also apply to the planning commission:

- (1) Planning commission members may be compensated only by resolution from the city council.
- (2) No more than two voting members shall be engaged principally in the buying, selling, or developing of real estate for profit as individuals, or by members of any partnership, or officers or employees of any corporation that is engaged principally in the buying, selling, or developing of real estate for profit. No more than two voting members shall be engaged in the same kind of occupation, business, trade or profession.
- (3) A member of the planning commission shall not participate in any commission proceeding or

action in which any of the following has direct or substantial financial interest: the member or his spouse, brother, sister, child, parent, father-in-law, mother-in-law, any business in which he is then serving or has served within the previous two years, or any business with which he is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken. (Ord. 3079 § 1, 2008; Ord. 2697, 1995; Ord. 2197 § 2, 1978)

2.08.030 Term of office.

Members of the planning commission shall be appointed by the city council for a term of four years from the first calendar day of the year in which their existing appointment to the position expires. The members of the present planning commission are hereby reappointed for the unexpired term of the office they presently hold. (Ord. 2197 § 3, 1978)

2.08.040 Vacancies and removal.

Appointments to fill vacancies shall be for the remainder of the unexpired term. A member may be removed by the city council after a hearing for misconduct or nonperformance of duty. A member who is absent from three consecutive meetings without an excuse as approved by the planning commission is rebuttably presumed to be in nonperformance of duty, and the city council shall declare the position vacant unless finding otherwise following the hearing. (Ord. 2197 § 4, 1978)

2.08.050 Presiding members.

At its first meeting of each calendar year, the commission shall elect a chairman and vice-chairman to serve one-year terms. (Ord. 2197 § 5, 1978)

2.08.060 Staff services.

The city council shall provide a secretary to the commission and such other staff and consultation services as may be appropriate. The secretary shall keep a record of commission proceedings. (Ord. 2197 § 6, 1978)

2.08.070 Meetings.

(1) The commission shall meet at least once a month. Meetings of the commission shall be open to the public. Meetings other than at regularly scheduled times may be announced at a prior meeting and thereby be made a part of the meeting records. Upon the request and concurrence of the majority of the commission, the chairman may call a previously unannounced special meeting of the commission for a time not earlier than 24 hours after the notice is given. Notice of a previously unannounced meeting shall be telephoned to the newspaper, posted at the St. Helens City Hall and, to the extent feasible, provided to interested persons at least 24 hours prior to the meeting.

Notice shall comply with the Development Code, as applicable.

(2) Rules of Operation.

(a) A majority of the members appointed to the planning commission shall constitute a quorum. A vacancy is not considered an appointed position when determining a majority quorum.

(b) The chairman's role is to facilitate discussion. As such, the chairman or the commissioner presiding over the meeting in the chairman's absence only votes in the following circumstances:

(i) To break a tie vote; or

(ii) When there are not enough concurring votes to meet the minimum number required to make a decision per the table below.

(c) When the chairman is absent or must abstain from a meeting's agenda item, the vice chair shall preside over the meeting or the particular agenda item. When neither the chairman or vice chair can participate, the commission shall elect a commissioner to serve as temporary chairman.

(d) The table below shows the number of concurring votes (affirmative or negative) required to pass or reject a motion. Assuming a quorum is present, the number of concurring votes required varies according to the number of members voting.

(e) Unless a commissioner in attendance does not participate in the process for reasons such as conflict of interest or personal bias, they shall vote affirmative or negative. No action can be taken until all commissioners who are present and able to vote do so.

TABLE

Number of appointed commissioners (vacant positions don't count)	Minimum number present needed for a majority quorum	Number of members actually voting/the number of required concurring votes An "X" indicates no action can be taken (insufficient votes).						
		1/X	2/2	3/2				
3	2	1/X	2/2	3/2				
4	3	1/X	2/2	3/2	4/3			

Number of appointed commissioners (vacant positions don't count)	Minimum number present needed for a majority quorum	Number of members actually voting/the number of required concurring votes An "X" indicates no action can be taken (insufficient votes).						
5	3	1/X	2/2	3/2	4/3	5/3		
6	4	1/X	2/X	3/3	4/3	5/3	6/4	
7	4	1/X	2/X	3/3	4/3	5/3	6/4	7/4

(Ord. 3209 § 1, 2016; Ord. 2697, 1995; Ord. 2197 § 7, 1978)

2.08.080 Powers and duties.

The commission shall have the powers and duties, which are now or may hereafter be assigned to it by charter, ordinances or resolutions of this city and general laws of this state. Those duties and powers shall include but shall not be limited to the following:

- (1) Conduct studies appropriate to an understanding of area development and its significance to the public interest.
- (2) Develop and maintain comprehensive plan proposals for recommendation to the city council.
- (3) Develop specific plans for selected areas or functions as indicated by studies and other evidence of community need and recommend plan adoption, if appropriate.
- (4) Investigate and make recommendation regarding the implementation of the comprehensive plan as adopted by the city council.
- (5) Prepare and periodically review land development regulations including but not limited to zoning, subdivision and land partitioning and make recommendations to the city council.
- (6) Consult and advise with public agencies and private citizens on ways to carry out the comprehensive plan.
- (7) The commission shall review and submit recommendations to the council regarding any proposed major (e.g., merger, consolidation or dissolution involving the city) or minor (e.g., annexation or withdrawal of territory to or from the city) boundary changes.
- (8) Review public programs that are referred to it for recommendation, such as property acquisition or disposition, public hearing or other public facility proposals, and transportation or right-of-way plans. Report as to the program's conformity with the comprehensive plan.

(9) Review, conduct hearings on, report on, perform delegated functions with respect to, and make recommendations regarding subdivision, partitioning, public building and new street proposals and approve those meeting city and state standards with such requirements or conditions as are found appropriate under the regulations.

(10) Review and act on land use control ordinance change proposals, contested cases, and discretionary permits as provided by the land use control ordinances.

(11) Approve plats or deeds dedicating land to public use within the city.

(12) Recommend and make suggestion to the city council and to all other public authorities concerning laying out, widening, extending, parking and location of streets, sidewalks, and boulevards, relief of traffic congestion, betterment of housing and sanitation conditions and establishment of zones or districts limiting the use, height, area and bulk of buildings and structures.

(13) Recommend to the city council and all other public authorities plans for regulations of the future growth, development and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds and vacant lots and plans consistent with future growth and development of the city in order to secure to the city and its inhabitants sanitation, proper service of all public utilities, harbor, shipping, and transportation facilities.

(14) Recommend to the city council and all other public authorities plans for promotion, development and regulation of industrial and economic needs of the community in respect to private and public enterprises engaged in industrial pursuits.

(15) Encourage development, advertise opportunities, make economic surveys and study needs with respect to promoting and strengthening industrial growth and employment conditions.

(16) Perform such other functions as the city council may request.

(17) Do and perform all other acts and things necessary or proper to carry out the provisions of this chapter.

(18) Study and propose in general such measures as may be advisable for promotion of the public interest, health, morals, safety, comfort, convenience and welfare of the city and of the area six miles adjacent thereto within the urban growth boundary of the city. (Ord. 2197 § 8, 1978)

The St. Helens Municipal Code is current through Ordinance 3287, passed November 2, 2022.

Disclaimer: The city recorder's office has the official version of the St. Helens Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.sthelensoregon.gov/>

City Telephone: (503) 366-8217

[Code Publishing Company](#)

County and Municipal Financial Administration

ORS 294.414

Budget committee

- (1) Except as provided in ORS 294.423 (Governing body of certain municipal corporations to be budget committee), the governing body of each municipal corporation shall establish a budget committee in accordance with the provisions of this section.
- (2) The budget committee shall consist of the members of the governing body and a number, equal to the number of members of the governing body, of electors of the municipal corporation appointed by the governing body; if there are electors fewer than the number required, the governing body and the electors who are willing to serve shall be the budget committee; and if there are no electors willing to serve, the governing body shall be the budget committee.
- (3) The members of the budget committee shall receive no compensation for their services as members of such committee.
- (4) Appointive members of the budget committee may not be officers, agents or employees of the municipal corporation.
- (5) Appointive members of a budget committee that prepares an annual budget shall be appointed for terms of three years. The terms shall be staggered so that, as near as practicable, one-third of the terms of the appointive members end each year.
- (6) Appointive members of a budget committee that prepares a biennial budget shall be appointed for terms of four years. The terms shall be staggered so that, as near as practicable, one-fourth of the terms of the appointive members end each year.
- (7) If any appointive member is unable to serve the term for which the member was appointed, or an appointive member resigns prior to completion of the term for which the member was appointed, the governing body of the municipal corporation shall fill the vacancy by appointment for the unexpired term.
- (8) If the number of members of the governing body is reduced or increased by law or charter amendment, the governing body of the municipal corporation shall reduce or increase the number of appointive members of the budget committee so that the number thereof shall be equal to but not greater than the number of members of the governing body. To effect a reduction, the governing body of the municipal corporation may remove such number of appointive members as may be necessary. The removals shall be made so that the number remaining will be divided into three, if the terms of the appointive members are governed by subsection (5) of this section, or four, if the terms of the appointive members are governed by subsection (6) of this section, equal or approximately equal groups as to terms. In case of an increase, additional appointive members shall be appointed for such terms so that they, together with the members previously appointed, will be divided into three or four, as appropriate under this section, equal or approximately equal groups as to terms.

- (9) The budget committee shall at its first meeting after its appointment elect a presiding officer from among its members. [Formerly 294.336]

Location: https://oregon.public.law/statutes/ors_294.414

Original Source: *Section 294.414 — Budget committee*, https://www.oregonlegislature.gov/bills_laws/ors/ors294.html (last accessed Jun. 26, 2021).

County and Municipal Financial Administration

ORS 294.426

Budget committee meeting

- **notice**
- **receipt of budget message and document**
- **provision of copies of document**

-
- (1) The budget committee established under ORS 294.414 (Budget committee) shall hold one or more meetings for the following purposes:
- (a) Receiving the budget message prepared under ORS 294.403 (Budget message) and the budget document; and
 - (b) Providing members of the public with an opportunity to ask questions about and comment on the budget document.
- (2) (a) If a budget committee holds more than one meeting under subsection (1) of this section, the budget message and the budget document must be received at the first meeting.
- (b) If the budget committee does not provide members of the public with an opportunity to ask questions about and comment on the budget document at the first meeting, the budget committee must provide the public with the opportunity at a subsequent meeting.
- (3) (a) Except as provided in paragraph (b) of this subsection, the budget officer designated under ORS 294.331 (Budget officer) shall publish prior notice of each meeting of the budget committee held pursuant to subsection (1) of this section. The notice must contain the information described in subsection (4) of this section and must be published by one of the methods described in subsection (5) of this section.
- (b) (A) If the budget committee holds more than one meeting for the purposes described in subsection (1) of this section, the budget officer may publish a combined notice for all the meetings.
- (B) If the budget committee holds more than one meeting for the purpose described in subsection (1)(b) of this section, the budget officer may publish notice of only the first meeting. Notice of subsequent meetings may be given as provided in ORS 294.428 (Budget committee hearings) (2). If notice is published for a meeting under this subparagraph and it is subsequently determined that the meeting is unnecessary, notice of cancellation of the meeting must be published as provided in ORS 294.428 (Budget committee hearings) (2).

- (4)** The notice required under subsection (3) of this section must state:
- (a)** The purpose, time and place of the meeting or meetings and the place where the budget document is available;
 - (b)** That the meeting is a public meeting where deliberations of the budget committee will take place; and
 - (c)** If the meeting described in the notice is a meeting at which the budget committee will receive questions and comments from members of the public, that any person may ask questions about and comment on the budget document at that time.
- (5)** (a) If the notice required under subsection (3) of this section is published only by publication in a newspaper, the notice must be published at least two separate times, not more than 30 days before the meeting date and not less than five days before the meeting date.
- (b)** The notice may be published once in a newspaper, not more than 30 days before the meeting date and not less than five days before the meeting date, and once on the municipal corporation's Internet website, in a prominent manner and maintained on the website for at least 10 days before the meeting date. The newspaper notice must contain the Internet website address at which the notice is posted.
 - (c)** If the notice is published by mailing or hand delivery, the notice must be placed with the United States Postal Service or hand delivered not less than 10 days before the meeting date.
- (6)** (a) At any time before the first meeting required under subsection (1) of this section, the budget officer may provide one copy of the budget document to each member of the budget committee solely for the information and use of the individual members. The budget committee may not deliberate on the budget document as a body before the first meeting.
- (b)** If the budget officer does not provide copies of the budget document to the members of the budget committee under paragraph (a) of this subsection, the budget officer shall provide copies at the first meeting required under subsection (1) of this section.
- (7)** The budget officer shall file a copy of the budget document in the office of the governing body of the municipal corporation immediately following presentation of the budget document to the members of the budget committee under subsection (6) of this section. The copy is a public record of the municipal corporation.
- (8)** The governing body of the municipal corporation must provide to individuals upon request a copy of the budget document or the means of readily obtaining a copy of the budget document. [Formerly 294.401]

Location: https://oregon.public.law/statutes/ors_294.426

Original Source: Section 294.426 — Budget committee meeting; notice; receipt of budget message and document; provision of copies of document, https://www.oregonlegislature.gov/bills_laws/ors/ors294.html (last accessed Jun. 26, 2021).

County and Municipal Financial Administration

ORS 294.428

Budget committee hearings

- **approval of budget document**

- (1) The budget committee shall approve the budget document as submitted by the budget officer or the budget document as revised and prepared by the budget committee. The budget document as approved by the budget committee shall specify the ad valorem property tax amount or rate for all funds.
- (2) In addition to the meetings held under ORS 294.426 (Budget committee meeting) (1), the budget committee may meet from time to time at its discretion. All meetings of the budget committee shall be open to the public. Except for a meeting of the budget committee held under ORS 294.426 (Budget committee meeting) (1), prior notice of each meeting of the budget committee shall be given at the same time as is required for notice of meetings of the governing body of the municipal corporation and may be given in the same manner as notice of meetings of the governing body or by any one or more of the methods described in ORS 294.311 (Definitions for ORS 294.305 to 294.565) (35).
- (3) The budget committee may demand and receive from any officer, employee or department of the municipal corporation any information the committee requires for the revision and preparation of the budget document. The budget committee may compel the attendance of any such officer or employee at its meetings. [Formerly 294.406]

Location: https://oregon.public.law/statutes/ors_294.428

Original Source: Section 294.428 — Budget committee hearings; approval of budget document, https://www.oregonlegislature.gov/bills_laws/ors/ors294.html (last accessed Jun. 26, 2021).

Chapter 2.30

LIBRARY BOARD

Sections:

2.30.010 Library board.

2.30.020 Terms of office.

2.30.030 Vacancies.

2.30.040 Removal/resignation.

2.30.050 Officers.

2.30.060 Meetings.

2.30.070 Responsibilities.

2.30.010 Library board.

The library board shall consist of at least seven members and no more than nine members appointed by the mayor and confirmed by the city council. One of the members shall be the member of the city council designated as the council liaison to the library board by the mayor. The council member shall be an ex officio, nonvoting member of the library board who seeks counsel of and consults with the library board and may take part in their discussions. A majority of members shall be residents of the city. No member of the library board shall have any financial interest, either directly or indirectly, in any contract to which the library is a party, nor shall any such member receive a salary or any payment for material or for any services rendered the board. Board members may be reimbursed for expenses incurred in the performance of their duties. (Ord. 3276 § 2 (Att. A), 2022; Ord. 3212 § 1, 2017; Ord. 2627 § 5, 1991. Formerly 2.28.050)

2.30.020 Terms of office.

Appointments made under this chapter shall be for a term of four years from July 1st in the year of their appointment. Members appointed previously under this chapter shall continue in office until the expiration of their term of office. The terms of office of each library board member shall be for a period of four years with no more than two full-term members being replaced each year. At the expiration of the term of any board member, the mayor shall appoint a new member or may reappoint a member with the confirmation of the city council. No person shall hold appointment as a

member for more than two full consecutive terms, but any person may be appointed again to the board after an interval of one year. (Ord. 3276 § 2 (Att. A), 2022; Ord. 3212 § 2, 2017; Ord. 2627 § 6, 1991. Formerly 2.28.060)

2.30.030 Vacancies.

If a vacancy occurs, the mayor shall appoint a new member to complete the unexpired term with the consent of the city council. (Ord. 3276 § 2 (Att. A), 2022; Ord. 3212 § 2, 2017; Ord. 2627 § 6, 1991. Formerly 2.28.060)

2.30.040 Removal/resignation.

A library board member may be removed from the board, for cause, following a hearing before the city council. A board member may resign in lieu of removal following a hearing. Cause for removal includes but is not limited to misconduct in office or nonperformance of official duties, violation of government standards and practices, conviction of a crime, including the crime of official misconduct, as well as any other actions or conduct by the board member which is detrimental to the reputation and good will of the city of St. Helens. Notwithstanding the above provisions for removal, any board member failing to attend three consecutive board meetings without approval of the board shall be deemed to have resigned their position. In the event of such resignation, the council shall be notified, the position declared vacant and reappointment procedures commenced. Nothing herein prohibits a member who has resigned by operation of this section from being reappointed to the board. (Ord. 3276 § 2 (Att. A), 2022)

2.30.050 Officers.

At the first meeting of each fiscal year, the board shall elect a chair and a vice-chair. The past chair, chair, and vice-chair shall serve for a term of one year. At the end of the fiscal year, the vice-chair will assume the role of chair and the chair will assume the role of past chair for the coming fiscal year. The library director shall designate a library employee to serve as secretary to the board and keep a record of its action. The board shall have authority to make and alter rules, with approval of the city council, for its government and procedure. (Ord. 3276 § 2 (Att. A), 2022; Ord. 2627 § 7, 1991. Formerly 2.28.070)

2.30.060 Meetings.

The library board shall meet as often as deemed appropriate by the board but not less than once every other calendar month or as otherwise directed by the city council. All meetings of the library board shall be open to the public and shall in all respects fully comply with Oregon public meetings law. Special meetings of the board shall require not less than 24 hours' notice to local newspapers and posting of meeting notice in public places reasonably calculated to give notice to interested

parties. The library board shall have the authority to make and alter written rules for the conduct of its business, including rules of procedure for conduct of public meetings and public hearings. The adoption of bylaws is expressly authorized, subject to the consent of the city council. For purposes of conducting business, a quorum shall require the attendance of a majority of the members that are currently appointed to the board at the time of the meeting. Minutes of library board meetings and activities shall be regularly submitted to the city council for review and acceptance. (Ord. 3276 § 2 (Att. A), 2022)

2.30.070 Responsibilities.

The duties of the library board shall include:

- (1) Keeping informed about current trends in library services and administration;
- (2) Studying library growth and needs in the city and its vicinity;
- (3) Developing long-range plans for library service and facilities, consistent with city priorities and with state, regional, and national goals pertinent to libraries;
- (4) Recommending types of library service for the city and its vicinity;
- (5) Recommending policies for the acceptance and use of gifts for library purposes;
- (6) Participation in the annual budgetary process of the city where the process pertains to the library;
- (7) Recommending policies and procedures conducive to efficient and effective operation of the library;
- (8) Reviewing and recommending terms for contracts and working relationships with other public agencies regarding library services;
- (9) Encouraging widespread public support and use of the library;
- (10) Submitting an annual report to the city council;
- (11) Performing other duties as authorized by the city council;
- (12) Serving on ad-hoc committees and work groups as determined necessary, including, but not limited to, a material review panel when a request has been submitted to reconsider library

materials; and

(13) Serving on an appeal panel when an excluded patron requests reinstatement of library privileges. (Ord. 3276 § 2 (Att. A), 2022; Ord. 2627 § 8, 1991. Formerly 2.28.080)

The St. Helens Municipal Code is current through Ordinance 3287, passed November 2, 2022.

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Chapter 2.74 PARKS AND RECREATION COMMISSION

Sections:

- 2.74.010** Creation of commission.
- 2.74.020** Membership.
- 2.74.030** Terms of office.
- 2.74.040** Vacancies.
- 2.74.050** Removal/resignation.
- 2.74.060** Officers.
- 2.74.070** *Repealed.*
- 2.74.080** Meetings.
- 2.74.090** Responsibilities, powers and duties.

2.74.010 Creation of commission.

There is hereby created within the city of St. Helens a parks and recreation commission. (Ord. 3276 § 2 (Att. A), 2022; Ord. 3229 § 1, 2018)

2.74.020 Membership.

The parks and recreation commission shall consist of 10 members, including one council member and nine at-large members. One of the 10 members shall be the member of the city council annually designated as parks and recreation council liaison to the public works (including parks) department by the mayor. The council member shall be an ex officio, nonvoting member of the commission who seeks counsel of and consults with the parks and recreation commission and may take part in their discussions. No less than six of the at-large members shall be residents of the city of St. Helens. At-large members are appointed by the mayor with the consent of the city council. Parks and recreation commission membership is an unpaid voluntary appointed position and members shall receive no compensation for their service except for expenses specifically budgeted and authorized by the city council. (Ord. 3276 § 2 (Att. A), 2022; Ord. 3229 § 1, 2018)

2.74.030 Terms of office.

The terms of office of each at-large parks and recreation commissioner shall be for a period of four years with no more than two full-term commissioners being replaced each year. Appointments are normally made in December with terms of office to commence on January 1st. The provisions of the ordinance amending this section do not alter the terms of office of current commissioners and said positions shall continue in accordance with their terms. (Ord. 3276 § 2 (Att. A), 2022; Ord. 3229 § 1, 2018)

2.74.040 Vacancies.

Any vacancies on the parks and recreation commission shall be filled by appointment of the mayor at any time, with the consent of the council. Said appointment shall be for the remainder of the unexpired term of the vacated commissioner position. (Ord. 3276 § 2 (Att. A), 2022; Ord. 3229 § 1, 2018)

2.74.050 Removal/resignation.

An at-large parks and recreation commissioner may be removed from the commission, for cause, following a hearing before the city council. A commissioner may resign in lieu of removal following a hearing. Cause for removal includes but is not limited to misconduct in office or nonperformance of official duties, violation of government standards and practices, conviction of a crime, including the crime of official misconduct, as well as any other actions or conduct by the commissioner which is detrimental to the reputation and good will of the city of St. Helens. Notwithstanding the above provisions for removal, a parks and recreation commissioner who is absent from three consecutive regular parks and recreation commission meetings without an excused absence as approved by the commission shall be deemed to have resigned his/her position on the commission. In the event of such resignation, the council shall be notified, the position declared vacant and reappointment procedures commenced. Nothing herein prohibits a commissioner who has resigned by operation of this section from being reappointed to the commission. (Ord. 3276 § 2 (Att. A), 2022; Ord. 3229 § 1, 2018)

2.74.060 Officers.

At the first meeting of each calendar year, the parks and recreation commission shall elect a chair and a vice-chair to serve a one-year term.

The city council may provide a secretary to the parks and recreation commission and assign such other staff and consultant services as may be appropriate. In the event that the city staff cannot be provided, the parks and recreation commission may designate one of its members or a volunteer as secretary to keep an accurate record of meetings of the parks and recreation commission. The

designated secretary need not be a member of the commission. (Ord. 3276 § 2 (Att. A), 2022; Ord. 3229 § 1, 2018)

2.74.070 Secretary.

Repealed by Ord. 3276. (Ord. 3229 § 1, 2018)

2.74.080 Meetings.

The parks and recreation commission shall meet as often as deemed appropriate by the commission but not less than once every other calendar month or as otherwise directed by the city council. All meetings of the parks and recreation commission shall be open to the public and shall in all respects fully comply with Oregon public meetings law. Special meetings of the commission shall require not less than 24 hours' notice to local newspapers and posting of meeting notice in public places reasonably calculated to give notice to interested parties. The parks and recreation commission shall have the authority to make and alter written rules for the conduct of its business, including rules of procedure for conduct of public meetings and public hearings. The adoption of bylaws is expressly authorized, subject to the consent of the city council. For purposes of conducting business, a quorum shall require the attendance of a majority of the at-large commissioners that are currently appointed to the parks and recreation commission at the time of the meeting. Minutes of parks and recreation commission meetings and activities shall be regularly submitted to the city council for review and acceptance. (Ord. 3276 § 2 (Att. A), 2022; Ord. 3229 § 1, 2018)

2.74.090 Responsibilities, powers and duties.

The parks and recreation commissioners shall have the responsibilities, obligations and duties of appointed public officers and the parks and recreation commission shall have the responsibilities, obligations and duties of an advisory public body as provided for in laws of the state of Oregon and the laws of the city of St. Helens. The parks and recreation commission shall have the power to act in an advisory capacity to the city council in all matters pertaining to the operation, planning, development, improvement, beautification, equipment and maintenance of public parks, trails, public bicycle and/or pedestrian ways, vacant park properties, public squares, public recreational facilities and publicly accessible buildings and associated grounds. The parks and recreation commission shall have authority:

(1) To review and call to the attention of the city council any deteriorating condition of city public parks, trails, bicycle and/or pedestrian ways, vacant park properties, public squares and publicly accessible buildings and associated grounds, public recreational facilities, and their associated infrastructure improvements including but not limited to access roads, equipment, athletic fields,

gardens, landscape areas, open spaces, natural areas, playgrounds, and parking areas.

(2) To review and call to the attention of the city council the effectiveness, or lack thereof, of parks, trails, public bicycle and/or pedestrian ways, and recreation programs conducted by or for the city of St. Helens.

(3) To review and make recommendations to the city council on the operation, administration, maintenance and equipment needs of the public works department relative to parks, trails, public bicycle and/or pedestrian ways and recreation and the other public facilities identified in this section.

(4) To review and make recommendations to the city council on the annual budget of the public works department relative to parks, trails, public bicycle and/or pedestrian ways, and recreation and the other public facilities identified in this section.

(5) To review and make recommendations to the city council on master plans and capital improvement plans for parks, trails, public bicycle and/or pedestrian ways, and recreation and the other public facilities identified in this section.

(6) To review and make recommendations to the city council on public park, public bicycle and/or pedestrian ways and recreation facility development plans, construction plans, recreation use or development proposals, and such other park-related activities as deemed advisable by the city council.

(7) To make periodic site visits and inspections, in accordance with public meetings law, and with the approval of the city engineering director, of city park and recreation facilities, public bicycle and/or pedestrian ways and other public facilities identified herein, as are necessary for the parks and recreation commission to carry out its assigned duties.

(8) To request that the city council assign or direct staff to prepare reports and compile information necessary for the parks and recreation commission to carry out its assigned duties. (Ord. 3276 § 2 (Att. A), 2022; Ord. 3229 § 1, 2018)

The St. Helens Municipal Code is current through Ordinance 3287, passed November 2, 2022.

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Chapter 2.36 ARTS AND CULTURAL COMMISSION

Sections:

Article I. General Provisions

- 2.36.010 Establishment.**
- 2.36.020 Definition of arts and cultural.**
- 2.36.030 Membership.**
- 2.36.040 Term of office.**
- 2.36.050 Vacancies and removals.**
- 2.36.060 Responsibilities.**

Article II. Review of Public Art Proposals

- 2.36.070 Purpose.**
- 2.36.080 Applicability.**
- 2.36.090 Definitions.**
- 2.36.100 Creation, funding and use of St. Helens public art account.**
- 2.36.110 Review process for public art proposals.**
- 2.36.120 Guidelines for recommendation by the commission.**
- 2.36.130 Standards for the St. Helens public art collection.**
- 2.36.140 Maintenance of the city's public art collection.**
- 2.36.150 Parks and recreation commission.**

Article I. General Provisions

2.36.010 Establishment.

There is created a St. Helens arts and cultural commission whose duties and responsibilities are to:

- (1) Encourage opportunities for recognition of art and culture in the city of St. Helens.
- (2) Provide coordination and communication among groups and individuals engaged in art and cultural activities.
- (3) Identify funding sources and help to secure such funding as necessary to promote art and cultural activities in the city of St. Helens.
- (4) Identify groups and organizations which could bring art and cultural activities and enrichment to the city of St. Helens.
- (5) Provide a liaison and recommendations to the city council and other city commissions and boards regarding projects in the five-year plan and other approved visual art projects.
- (6) Development of a five-year plan for art and cultural activities in the city of St. Helens, subject to approval by the city council. The plan shall include, but not be limited to, proposed capital improvement projects for public art. (Ord. 2956 § 2, 2005; Ord. 2921 § 1, 2004)

2.36.020 Definition of arts and cultural.

“Arts” and “cultural” shall include but not be limited to music, drama, dance, creative writing and poetry, architecture and landscape design, painting, sculpture, photography, graphics, craft and folk art, film and video, and such other endeavors as may be designated by the commission. (Ord. 2921 § 2, 2004)

2.36.030 Membership.

The commission shall consist of seven members appointed by the mayor and approved by the city council. (Ord. 2949 § 1, 2005; Ord. 2921 § 3, 2004)

2.36.040 Term of office.

Initially, two members shall serve for two years and three members shall serve for three years. Appointments thereafter shall be made for three years. The sixth and seventh members appointed shall serve until September 30, 2008, and thereafter, the terms will be for three years. (Ord. 2949 § 1, 2005; Ord. 2921 § 4, 2004)

2.36.050 Vacancies and removals.

Any vacancies shall be filled for the unexpired term by appointment by the mayor and approval by the council. Any member may be removed for cause. A member of the commission who is absent from two consecutive meetings without an excuse approved by the commission is presumed to be in nonperformance of duty and the city council shall declare the position vacant and appoint a new member to fill the unexpired term. (Ord. 2921 § 5, 2004)

2.36.060 Responsibilities.

The commission shall adopt its own rules for appointment of officers and the frequency and conduct of its meetings. All meetings are subject to the requirements of the Oregon Public Meetings Law (ORS [192.610](#) through [192.690](#)). A majority of the members of the commission shall constitute a quorum for the conduct of business and the concurrence of a majority of those members present shall be required to decide any matter. Minutes shall be forwarded to the council after adoption by the commission for acceptance by the city council. (Ord. 2921 § 6, 2004)

Article II. Review of Public Art Proposals

2.36.070 Purpose.

Recommendations from the St. Helens arts and cultural commission regarding the acquisition and placement of public art should be based upon accepted standards and guidelines as opposed to personal opinion. Accordingly, the purpose of this article is to provide assistance to the arts and cultural commission by adoption of standards and guidelines commonly used by other governmental entities when evaluating public art proposals. The arts and cultural commission will commit to making meaningful outreach and public education a part of every public art project. This will ensure that the citizens of St. Helens have full access to the artworks created under this program. (Ord. 2978 § 2, 2006; Ord. 2952 § 1, 2005)

2.36.080 Applicability.

The processes, standards and guidelines of this article concern visual works of art located on real property owned by the city of St. Helens or such other properties made available to the city for public art use by written agreement. For purposes of this article, visual works of art include but are not limited to:

(1) Sculptures and monuments in any combination of materials that are freestanding, wall-supported, or suspended; kinetic; or electronic.

(2) Displays, such as murals, drawings, photographs, prints, calligraphy, or paintings in any combination of materials.

(3) Earthworks, fibers, neon, glass, mosaics; any combination of forms of medias including sound, literary elements, film and video; hybrids of any media and new genres.

(4) Furnishings and outdoor fixtures created by an artist as unique elements or limited editions. Examples include, but are not limited to: gates, railings, streetlights, signage, and seating.

(5) Architecture on new city structures or landscape designs created by an artist that use architecture and landscape as an integral part of their artwork.

(6) Temporary artworks or installations, if such artworks serve the purpose of providing community and educational outreach. (Ord. 3097 § 1, 2008; Ord. 2978 § 3, 2006; Ord. 2952 § 2, 2005)

2.36.090 Definitions.

(1) “Acquisition” means the inclusion of an artwork in the St. Helens public art collection by any means including direct purchase, commission or acceptance of a gift.

(2) “Artwork” means visual works of public art as defined herein.

(3) “Capital improvement program (CIP)” means the city’s program for advance planning of capital improvements.

(4) “City council” means the city of St. Helens city council, the governing body of the city of St. Helens.

(5) “City project” or “project” means any capital improvement project in an amount over \$25,000 paid for wholly or in part by the city of St. Helens to purchase, construct, remodel or reconstruct any public building, decorative or commemorative public structure, or any portion thereof, within the limits of the city of St. Helens. “City project” or “project” does not include property acquisition, earthwork, street, sidewalk, pathway or public utility construction, emergency work, minor alterations, rehabilitation, minor or partial replacement, remodeling or ordinary repair or maintenance necessary to preserve a facility. Notwithstanding the above limitation, the city council or responsible contracting officer may include any new city utility project in an amount over \$25,000 (limited to water, sewer and storm water projects – inclusive of new underground lines or new vertical improvements) as a city project under this article, by either vote of the council or inclusion in the contract solicitation documents prepared by the responsible contracting officer.

(6) “Commission” means the St. Helens arts and cultural commission created by Ordinance 2921, as amended, consisting of seven members appointed by the city council.

(7) “Eligible funds” means a source of funds for projects from which art is not precluded as an object of expenditure.

(8) “Participating department” means the department that is subject to this article by its sponsorship of a city project.

(9) “Percent for art” means the program established by this article to set aside a percentage of the total cost of city projects for public art.

(10) “Public art” means all forms of original works of art accessible to the public and/or public employees, including:

(a) Painting of all media, including both portable and permanently fixed works, such as murals;

(b) Sculpture which may be in the round, bas-relief, high-relief, mobile, fountain, kinetic, electronic and others, in any material or combination of materials;

(c) Artistic or aesthetic elements of overall architecture or landscape design;

(d) Other visual media including, but not limited to, prints, drawings, stained glass, calligraphy, glass works, mosaics, photography, film, clay, fiber/textiles, wood, metals, plastics or other materials or combination of materials, or crafts or artifacts;

(e) Visual works utilizing a wide range of materials, disciplines and media which are of specific duration, including performance events, and which are documented for public accessibility after the life of the piece has ended;

(f) Artworks that possess functional as well as aesthetic qualities, such as unique or limited edition furnishings or fixtures, including but not limited to gates, railings, streetlights, and signage.

(11) “Public art account” means the city of St. Helens public art account in the city budget established by this article into which all moneys donated, appropriated or derived pursuant to the percent for art program shall be deposited. Funds within the public art account shall be utilized for the purposes outlined in this article.

(12) “Removal” means the exclusion of an artwork from the St. Helens public art collection by the removal and disposal through any available means, such as relinquishing title through sale, gift or destruction.

(13) “St. Helens public art collection” means all public art acquired by the city by any means.

(14) “Total cost” means the entire amount of the city’s contribution toward the price for construction of a project. “Total cost” does not include costs for design and engineering, administration, fees and permits, building demolition, relocation of tenants, contingency funds, change order costs, environmental testing or indirect costs, such as interest during construction, advertising and legal fees. (Ord. 3097 § 2, 2008; Ord. 2978 § 4, 2006; Ord. 2952 § 3, 2005)

2.36.100 Creation, funding and use of St. Helens public art account.

(1) Establishment. The city council hereby establishes a separate account entitled the St. Helens public art account to be reflected in the city budget. All funds donated, appropriated or generated for the purpose of public art acquisition and education shall be deposited in this account and used solely for such purposes, in accordance with this article and other applicable law.

(2) Permitted Purposes of Public Art Account. The public art account shall be used solely for the acquisition, placement and removal of artworks for inclusion in the St. Helens public art collection and for art education purposes, such as community outreach presentations and workshops, in accordance with the provisions of this article and other applicable law.

(3) Requirement for Dedication of a Percent for Art. Except as provided in subsection (3)(e) of this section, any city official or employee who authorizes or appropriates expenditures on behalf of a participating department for a city project shall, to the degree that the funds are eligible, include within the budget for the project a monetary contribution for the public art account equal to one and one-half percent of the total cost of the project.

(a) One and one-half percent of the total cost of a qualifying city project shall be dedicated to the public art account. Such funds shall be deposited into the public art account by the city official or employee acting on behalf of the participating department no earlier than the time that budgeted funds are encumbered for construction of the city project and no later than final inspection of the completed city project.

(b) Of the one and one-half percent dedication noted in subsection (3)(a) of this section, one percent of the total cost of city projects shall be used for costs associated with the acquisition of public art including, but not limited to, the design, purchase and siting of public art.

(c) Of the one and one-half percent dedication noted in subsection (3)(a) of this section, no more than one-half percent of the total cost of city projects shall be used for costs associated with administration of public art programs, including, but not limited to, costs of selection,

conservation and maintenance of the collection, community education, removal and registration of public art.

(d) The participating department shall consider the siting of public art as part of the design and engineering phase of any city project. If costs are incurred by the participating department to comply with this article requirement prior to transfer of the one and one-half percent dedication for the city project to the public art account, the participating department may deduct such costs (not to exceed one-half percent) from the one and one-half percent dedication at the time such funds are transferred.

(e) If the city project is a city public utility project, the percent for art shall be one-half percent instead of the normal one and one-half percent established for other projects. Allocations, if any, for administration (subsection (3)(c) of this section) shall be specified in the contract documents or council authorization.

(4) Restricted Funds. If funding for a particular city project is subject to legal restrictions that preclude public art as an object for expenditure, the portion of the city project that is funded with the restricted funds shall be exempt from the dedication requirements of this article.

(5) Phased Projects. As a general rule, where a city project will be constructed in phases, the one and one-half percent dedication shall be applied to the estimated total cost of each phase of the city project at the time that funds for the phase are appropriated and encumbered. However, nothing in this section prevents the city council from deciding to hold or set aside all or part of the entire dedication from the funds of a particular phase, as the council deems appropriate. In determining when to hold or set aside the funds for a phased project, the city will consider an overall public art plan for the project to ensure that art is not located on a piecemeal basis with phase construction.

(6) Monetary contributions for public art shall be deposited in separate accounts within the public art account if separate accounting is deemed appropriate by the city finance officer or is required by law.

(7) Monetary contributions or appropriations made other than through the percent for art program shall be deposited in the public art account and may be dedicated to or earmarked for a specific education program or work of art, subject to acceptance by the city council.

(8) Disbursements from the public art account shall be made only after authorization of the city administrator or the city finance officer, and shall be made according to this article and other

applicable city ordinances, including but not limited to the public contracting ordinance (Chapter [2.04](#) SHMC).

(9) The city council may adopt by resolution case specific waivers or guidelines for administration of the percent for art program, including case-by-case waivers of the required dedication set forth herein based on the availability of public funds, as well as any other matters not specifically addressed herein and appropriate or necessary to the administration of the program. (Ord. 2978 § 5, 2006; Ord. 2952 § 4, 2005)

2.36.110 Review process for public art proposals.

(1) General. Proposals concerning public art may include proposals to acquire or remove art from the St. Helens public art collection. Proposals for acquisition of public art will generally be presented in one of two ways: (a) a work of public art may be offered to the city as a gift or donation; or (b) a work of art will be commissioned or purchased by the city using city funds or donated funds, in accordance with public contracting law. Removal of public art may be by request or owing to some damage or destruction of the artwork.

(2) Presentation of Acquisition Proposals. Regardless of the source of the funding for the proposal for public art, a proposal for acquisition shall be formally presented by the artist to the arts and cultural commission at a public meeting, advertised in accordance with subsection (3) of this section. Proposals shall meet minimum submission requirements as set forth in the standard application form, approved by city council resolution, or as otherwise provided in the public contract solicitation document. Immediately following the presentation of the proposal, or, in the case of multiple competing proposals, after the completion of all presentations, the commission shall conduct a public hearing and shall take public input on the proposal or competing proposals. The commission may make a recommendation without conducting a public hearing only if the project cost, design and construction cost, is less than \$750.00 and the size of the artwork is smaller than two feet in height, two feet in width, and two feet in depth. Presentations shall not be made to city council unless the council specifically makes such request of the artist. Failure of the commission to make a recommendation within 60 days of the formal submission of an artist's proposal, either independently or in response to a city solicitation document (e.g., RFP), shall forfeit the commission's opportunity to submit a recommendation and the matter shall be forwarded to the council for decision.

(3) Published Notice for Acquisition. At least 10 days prior to the presentation of proposals and hearing, notice shall be given by publication in a newspaper of general circulation in the city. The notice shall identify the subject property by address and description reasonably calculated to give

notice of the location of the proposed public art site. The notice shall indicate that a public art proposal or multiple competing proposals will be made at a public meeting immediately prior to the public hearing. The public notice shall include the time, place, and date of the presentation or presentations and subsequent public hearing, as well as a statement that both written and oral testimony by the public is invited.

(4) Mailed Notice for Acquisition. At least 10 days prior to the presentation of proposals and hearing, all property owners of record within 300 feet of the location of the proposed public art site shall be sent written notice by regular mail. The notice shall include substantially the same information as required for the published notice.

(5) Conduct of the Public Hearing Regarding Acquisition. The presentation or presentations by the artists to the commission shall be during an advertised public meeting. Presentations shall be uninterrupted by the public; however, commissioners may ask questions during or following the presentations at the discretion of the chair. Following the presentations the public hearing shall be conducted permitting public comment on the proposal or competing proposals. The artists shall not be personally examined or cross-examined by the public; however, the commission may further question the artists following the public hearing. After the close of the hearing, the commission shall deliberate and vote on a recommendation to the council. The record of proceedings, including the reports, exhibits, minutes of the presentation(s), together with the summary of public comment during the hearing shall be forwarded to the council for consideration and decision.

(6) Removal and Disposal Process. Except as provided in SHMC [2.36.130](#), neither the council nor the commission is bound to follow any particular process for removal and disposal of art in the St. Helens public art collection. (Ord. 3143 § 1, 2011; Ord. 2978 § 6, 2006; Ord. 2952 § 5, 2005)

2.36.120 Guidelines for recommendation by the commission.

(1) Selection Guidelines for Works of Public Art.

(a) Quality. The work of art should be of exceptional quality and enduring value.

(b) Site. The work of art should enhance the existing character of the site by taking into account scale, color, material, texture, content, and the social dynamics of the location.

(c) Initial Cost. The total cost of the artwork including all items related to its installation should be considered.

(d) Maintenance and Durability. The cost to maintain the artwork should be considered and

quantified, particularly if the work is servicing, repainting, repairing or replacement of moving parts.

(e) Media. All forms of visual media shall be considered, subject to any requirements set forth by city ordinance.

(f) History and Nature. Works of art should consider the historical, natural features, and the relationship to the existing architecture of the site.

(g) Public Liability. The works of art should not result in safety hazards, nor cause extraordinary liability to the city.

(h) Diversity. The works of art in the St. Helens public art collection should encourage cultural diversity.

(i) Vision. The works of art shall be supportive of the city's vision.

(2) Guidelines for Site Selection.

(a) Ownership or Control. Public art should be placed on a site owned by the city, or there should be a written agreement for its use.

(b) Visual Accessibility. Public art should be easily visible and accessible to the public.

(c) Visual Enhancement. Public art should visually enhance the overall public environment and pedestrian streetscape.

(d) Pedestrian Accessibility. Public art should experience high levels of pedestrian traffic and be part of the city's circulation paths.

(e) Circulation. Public art should not block windows, entranceways, or obstruct normal pedestrian circulation.

(f) Scale. Public art should not be placed in a site where it is overwhelmed or competing with the scale of the site, adjacent architecture, large signage, billboards, etc. (Ord. 2952 § 6, 2005)

2.36.130 Standards for the St. Helens public art collection.

(1) Acquisitions.

(a) Artworks may be acquired by direct purchase, commission, gift or any other means.

(b) Acquisition, whether by direct purchase, commission, gift, or otherwise, shall occur by a legal instrument of conveyance or other writing transferring title of the artwork to the city and clearly defining the rights and responsibilities of all parties.

(c) All legal rights to artwork shall be acquired by the city without legal or ethical restrictions on the future use of said artworks, except where expressly provided in the contract with the artist as to any other clearly defined residual rights incorporated into the contract.

(d) Complete records shall be created and maintained for all artworks in the St. Helens public art collection.

(2) Removal.

(a) Arts and cultural commission may recommend removal and/or disposal based on one or more of the following conditions. No public hearing is required for a removal recommendation.

(i) The site for an artwork has become inappropriate because the site is no longer accessible to the public or the physical site is to be destroyed or significantly altered.

(ii) The artwork is found to be forged or counterfeit.

(iii) The artwork possesses substantial demonstrated faults of design or workmanship.

(iv) The artwork causes excessive or unreasonable maintenance.

(v) The artwork is damaged irreparably, or so severely that repair is impractical.

(vi) The artwork presents a physical threat to public safety.

(vii) The artwork is rarely displayed.

(viii) A written request for removal has been received from the artist.

(b) Council Removal Process.

(i) Following receipt of a recommendation for the arts and cultural commission the city council may remove and dispose of any artwork previously accepted into the St. Helens public art collection in their sole discretion.

(ii) Acceptance or placement of donated art by the city does not guarantee continuous public display of the artwork regardless of physical integrity, identity, authenticity, or physical condition of the site.

(iii) Removal officially deletes the work from the city of St. Helens public art collection by a relinquishment of title to the artwork; thus, eliminating the city's obligation to maintain and preserve the artwork.

(c) Removal and Disposal.

(i) The city may donate the artwork to another governmental entity or a nonprofit organization.

(ii) A work that is deemed to have retained sufficient monetary value to warrant resale, shall be disposed of through a public sale, auction, or any other means as established in city ordinance.

(iii) Artworks removed from the St. Helens public art collection may be disposed of through any appropriate means, including the city's procedures for the disposition of surplus property.

(3) Borrowing of Artworks.

(a) The arts and cultural commission may also recommend artworks be borrowed.

(b) With the exception of ownership, the eligibility, review criteria, and procedure for borrowed works shall be the same as those established in this article for acquisition.

(c) The borrowing of artworks shall be pursuant to written agreement between the city and the artist.

(d) Nothing herein prohibits the city from securing other works of art or art exhibitions for display inside its facilities. (Ord. 2952 § 7, 2005)

2.36.140 Maintenance of the city's public art collection.

(1) Except where expressly provided in a contract or warranty for public art the city shall be responsible for all maintenance of all artworks acquired into the St. Helens public art collection.

(2) Within the limitation of the city budget the city shall provide necessary and appropriate

maintenance of the St. Helens public art collection, including, but not limited to, regular custodial care and landscape maintenance. Maintenance shall be performed in accordance with any special instructions or procedures necessary for the preservation of the work.

(3) Any evidence of damage, deterioration, vandalism or theft of artworks in the St. Helens public art collection shall be immediately reported to the city and the arts and cultural commission. (Ord. 2952 § 8, 2005)

2.36.150 Parks and recreation commission.

The standards and procedures in this article are in addition to, not in derogation of, the St. Helens parks and recreation commission review responsibilities for projects proposed in city parks or on city trails. Nothing herein exempts public art projects from compliance with all applicable federal, state, and local laws including, but not limited to, land development regulations and building code compliance. (Ord. 3229 § 3, 2018; Ord. 2952 § 9, 2005)

The St. Helens Municipal Code is current through Ordinance 3287, passed November 2, 2022.

Disclaimer: The city recorder's office has the official version of the St. Helens Municipal Code. Users should contact the city recorder's office for ordinances passed subsequent to the ordinance cited above.

City Website: <https://www.sthelensoregon.gov/>

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Chapter 2.70 YOUTH COUNCIL

Sections:

2.70.010 Established.

2.70.020 Membership.

2.70.030 Meetings.

2.70.040 Compensation.

2.70.010 Established.

There is hereby established a St. Helens youth council, hereinafter "SHYC." The purpose of the SHYC is to actively advise the city council with thoughtful recommendations on issues concerning youth and to assist city staff in considering youth perspectives in its planning efforts. The SHYC shall hold periodic meetings with the mayor and/or city council and will attend city council and city board and commission meetings when youth issues are on the agenda. SHYC shall create task forces as needed. (Ord. 3185 § 1, 2015)

2.70.020 Membership.

The SHYC shall be composed of 15 members, and five to 10 alternate members between the grades six through 12, from St. Helens High School, the St. Helens Middle School, St. Helens Alternative School and home schooling programs, with the majority of the members from St. Helens High School. City council shall appoint members to serve one-year terms. The existing members can continue to serve on the SHYC for two years or more if they so desire. The SHYC shall have adult nonvoting advisors. The advisors may be appointed from the city council members, school staff or may be community volunteers. (Ord. 3185 § 2, 2015)

2.70.030 Meetings.

The SHYC shall meet at least one time per month. All members shall serve on at least one task force and cannot miss more than four unexcused meetings in a one-year period. The SHYC shall choose its own officers and shall adopt rules of procedure for the proper conduct of its business. (Ord. 3185 § 3, 2015)

2.70.040 Compensation.

No member of the SHYC shall receive compensation for service, but members of the SHYC may

be reimbursed necessary expenses which are approved in advance by the city council. (Ord. 3 § 4, 2015)

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