



# CITY OF SILETZ

## AGENDA

**Meeting: City Council**  
**Date: Monday, September 11, 2023**  
**Time: 6:00 PM**  
**Location: Council Chambers, City Hall**

1. Pledge of Allegiance
2. Call Meeting to Order and Establish a Quorum
3. Approve Minutes- City Council Special Meeting August 29, 2023, Regular Meeting Minutes August 28, 2023
4. Accounts Payable-Financial Report-
5. Special Orders
  - Rural Continuum of Care- Community Services Consortium -Peggy McGuire
  - United Way – Kevin Manske
6. Reports of Officers, Boards, or Standing Committees  
Parks, Library, Fire Department, County Sheriff's Office (LCSO), Homeless Advisory. Staff Report
7. Public Comments
8. Unfinished Business
  - A. Revisions to Zoning Code | Accessory Dwelling Units (ADUs)- Kevin Cronin-City Planner
  - B. Public Hearing – Accessory Dwelling Units (ADUs)
  - C. Second Reading and Public Hearing - Ordinance 205-23 An Ordinance Adding Camping, and Parking Regulations to the City's Municipal Code
  - D. Request for Proposal – Municipal Court Judge Services
9. New Business
  - A. Introduction and 1<sup>st</sup> Reading - Ordinance 206-23 – An Ordinance Amending Title 17 Zoning Code Section 17.16.050 of the City of Siletz Municipal Code

Siletz City Council  
Regular Meeting  
Monday, August 28, 2023, 6:00 PM  
Siletz City Hall

Present: Mayor Worman, W. Smith, S. Trachsel, J. Whitehead  
Excused: T. Retasket  
Staff: City Recorder B. Chestler, City Attorney Lori Cooper

1. Pledge of Allegiance

Mayor Worman led the Pledge of Allegiance.

2. Call Meeting to Order and Establish a Quorum

Mayor Worman called the meeting to order and established a quorum.

3. Approve Minutes: Regular Meeting Minutes 8-14-23

**Motion 1:** Trachsel moved to approve the minutes of the Regular Meeting on August 14, 2023, as submitted. Whitehead seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. There was none.

Vote: Motion 1 passed.  
Ayes: All were in favor.

4. Accounts Payable- Financial Report August 28, 2023

Trachsel stated that she reviewed the accounts payable and recommended approval.

**Motion 2:** Trachsel moved to approve the accounts payable as presented. Smith seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. There was none.

Vote: Motion 2 passed.  
Ayes: All were in favor.

5. Special Orders

There was none.

6. Reports of Officers, Boards, or Standing Committees

- Parks

Mayor Worman reported that the city had the car show on Friday, and they had a lot more cars and bikes compared to last year. They raised \$2,200 which is approximately \$7,000 raised for the new playground. He also reported that there are a couple other fund raisers planned this year. Discussed was looking into a charitable contribution donation from the Tribe after the city raises \$10,000.

- Library

No report was given.

- Fire Department

No report was given.

- County Sheriff's Office (LCSO)

Officer Vertner reported to the council that there hasn't been much going on around the city in the last few weeks. He reported that Officer Bo is out on vacation but will be back on duty next week. Council requested that the Sherriff on duty watch out for the speeders on James Frank Ave now that school is back in session. Mayor Worman briefly discussed his ride along with the Sheriff's Department.

- Lincoln County Homeless Advisory Committee

No updates.

- Staff Report

City Recorder Chestler reported that the City's CPA were in the office today working on the 2021 Audit. She reported that the city has a new employee starting with Public Works.

Mayor Worman reported that the only thing that is holding up the Water and Sewer Agreement with the Tribe is finding out what percentage financially comes from the Tribe and what is the city's percentage difference.

## 7. Public Comments

No comments.

## 8. Unfinished Business

### A. Municipal Court Options

Mayor Worman explained a year ago the city hired a code enforcement officer to manage city codes in hopes that most people in code violation would comply. He stated that most people have complied with the code enforcement officer but there are a few who haven't, so the city has been working on reinstating municipal court in Siletz. Council discussed how the city charter requires the court to be held in Siletz. Mayor Worman stated that the City Attorney is going to look into the qualifications for a Municipal court judge and after that happens the city will put out an RFP for a judge. Council discussed getting a tracking system for cases in place for future and past cases. Suggested was city send out a mailer to all residents of the changes the city is making so everyone is following the rules.

B. Introduction and 1<sup>st</sup> Reading of Ordinance 205-23- An Ordinance Adding Camping and Parking Regulation to the City's Municipal Code

Councilor Trachsel read Ordinance 205-23- An Ordinance Adding Camping and Parking Regulation to the City's Municipal Code into the record in its entirety.

City Attorney Lori Cooper advised that the Ordinance identifies places where people can't go and does not give places for them to go to camp. The city needs to find an area where someone can pitch a tent to camp. She stated we can let the ordinance stand as it is and take a see what happens approach. Mayor Worman stated that we have no place in the city limits for people to go but we want to be in compliance with the laws regarding this. The question remains, where does the city allow or let someone go to camp or park. Sheriff Landers discussed the warming station that is being put into place in Newport and advised it would serve as a means to get someone where they needed to go to stay warm and dry. The warming station is slated to open in October. The proposed rules for the warming station are they will have certain hours someone will have to arrive by. It will be known that the Sheriff's Office can walk in the shelter to drop people off which will help provide security. Sheriff Landers referenced the Sheriffs Policy 429 from the Lincoln County SO Policy Manual (found online), the city has to have a place to offer shelter to and have or provide transportation to.

**Motion 3:** Trachsel moved Ordinance 205-23- An Ordinance Adding Camping and Parking Regulation to the City's Municipal Code to the second reading and public hearing with the following changes: Add a coma to paragraph 6 line 3 after "city limits", add an additional whereas that adds the Lincoln County Sheriff's Office LEXIPOL policy 429 concerning Homeless Persons, which includes updated procedures on how the Lincoln County Sheriffs Office is to remove individuals from camping sites on public property. Smith seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. There was none.

Vote: Motion 3 passed.

Ayes: All were in favor.

9. New Business

A. Lincoln County Warming Shelter- Donation Request \$5,535.00

Council discussed the many different efforts for raising funds for the Lincoln County Warming Shelter. Suggested was donating \$500 from the donation funds.

**Motion 4:** Trachsel moved to donate \$500 to the Lincoln County Warming Shelter from the donation funds. Smith seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. There was none.

Vote: Motion 4 passed.  
Ayes: All were in favor.

B. Contract for Review and Signing Services of the Net DMR Report for the Wastewater Treatment Plant

Mayor Worman explained that the current signer the city has resigned, leaving no one left to be a signer. Council discussed the cost of a signer and how the city will be paying for it.

**Motion 5:** Trachsel moved to approve to accept the contract for the Net DMR. Smith seconded the motion.

Mayor Worman Declared it was moved and seconded and called for discussion. There was none.

Vote: Motion 5 passed.  
Ayes: All were in favor.

C. Resolution 717-23- A Resolution in Support of Restricting the Sale of Flavored Tobacco Products and Protecting Kids from a Lifetime of Nicotine Addiction

Mayor Worman read Resolution 717-23- A Resolution in Support of Restricting the Sale of Flavored Tobacco Products and Protecting Kids from a Lifetime of Nicotine Addiction into the record in its entirety.

Council briefly discussed how tobacco usage has dropped since the 1990's and how smoking is a miniscule issue compared to drugs like fentanyl.

**Motion 6:** Trachsel moved to adopt Resolution 717-23- A Resolution in Support of Restricting the Sale of Flavored Tobacco Products and Protecting Kids from a Lifetime of Nicotine Addiction. Smith seconded the motion.

Mayor Worman declared it was moved and seconded and called for discussion. There was none.

Vote: Motion 6 passed.  
Ayes: All were in favor.

A. Planning Updates and General Commercial Zoning on Hwy 229/ Gaither Street

City Recorder Chestler gave council an update on planning within the city. Discussed was CTSI's new pharmacy and wellness center. Housing issues regarding general commercial use on Gaither Street were briefly discussed and the issues were turned over to the code enforcement officer.

A citizen came before the council asking about his daughter living in a tiny home on his property or turning his pole barn into a living unit for her. Mayor Worman reported that the city is currently working with the city planner regarding Accessory Dwelling Units to let people build tiny homes, allowing garages to be turned into homes and allowing people to build mother-in-law homes. He reported that there is a Public Hearing on September 11<sup>th</sup> to discuss moving forward with ADU's.

The property owner with prior issues around a non permitted garage apartment and travel trailer dwelling unit on the property addressed the council with questions about ADU's. Habitable living spaces were discussed and violations of the municipal code. Council requested staff to review past discussions regarding this property in the minutes. Council informed the Property owner of the Public Hearing on September 11<sup>th</sup>, 2023, and encouraged him to attend.

#### 10. Correspondence

- Oregon Housing and Community Services – Karen Rockwell

Council was provided with an email from Karen Rockwell regarding Oregon Housing and Community Services.

- Code Enforcement – Citizen Complaint

Mayor Worman explained there has been a problem with speeding on James Frank Ave. He stated that he requested the day shift officer in town to park down the street from the school to deter speeding.

#### 11. Council Comments

Councilor Whitehead expressed how bad speeding has got around town and asked if there was a way to get speedometer signs around town.

Mayor Worman explained that at the last meeting with the Sheriff's office for their budget meeting they reported to have funds to purchase speedometer signs specifically for Siletz. He also reported that the Sheriff's Office potentially will be able to hire someone for OT hours to patrol in Siletz.

Councilor Trachsel: 1.) Reported that the car show was fun and nice to see all of the people there. She said the car show committee did a good job. 2.) Would like for the city to look into establishing some sort of general parameters for new buildings on Gaither Street. Council discussed the need for a Siletz planning committee. 3.) Asked for a summary of the town hall meeting.

Councilor Smith: No comments.

12. Adjournment

Trachsel moved to adjourn the meeting at 7:50 PM.

There being no further business to come before the council, Mayor Worman adjourned the meeting at 7:50 PM.

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Mayor Will Worman

ATTEST:

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Recording Secretary Makenzee Goodell

Siletz City Council  
Work Session  
Monday, August 28, 2023, 5:00 PM  
Siletz City Hall

Present: Mayor Worman, S. Trachsel, J. Whitehead, W. Smith arrived late

Excused: T. Retasket

Staff: City Recorder B. Chestler, City Attorney Lori Cooper

1. Call Meeting to Order and Establish a Quorum

Mayor Worman called the meeting to order and established a quorum.

2. Municipal Court - Attorney Lori Cooper

City Attorney Lori Cooper explained to council that the first thing the city should do to move forward with municipal court would be to get a Request for Proposal (RFP) for a judge and set up a way to track the court cases. Also, to change some wording in the municipal code. Discussed were what qualifications the judge should have. Council discussed the policing in town and how the taxing district works. Circuit court and municipal court and the differences were discussed, and the City Attorney suggested we talk to the officers to see if they would cite into municipal court for the smaller crimes in Siletz. There was some discussion on the city's past court cases and if we could start collecting them, the City attorney said she would do some research on it and get back to us. The City Attorney stated that the next steps for Municipal Court would be to get out an RFP for a judge, make some Ordinances changes and start tracking the court cases. Failure to appear issues were briefly discussed.

3. Adjournment

Trachsel moved to adjourn the meeting at 5:45 PM.

Mayor Worman adjourned the meeting at 5:45 PM.

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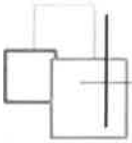
Mayor Will Worman

ATTEST:

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Recording Secretary Makenzee Goodell





# Banking Activity

Reference	Period	Amount	Vendor	Notes
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## 1st Security Bank 7001424544 - Main

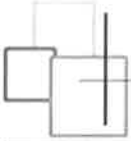
### Check

Reference Number: 17228 <u>Install 2 benches for T-Ball field</u>	2023-2024 - September	\$200.00		
Reference Number: 17229 <u>Invoice - 160676</u>	2023-2024 - September	\$24.37	Coastal Fence and Deck	
Reference Number: 17230 <u>Invoice - API-S-8867</u>	2023-2024 - September	\$80.00	Analytical Labs	
Reference Number: 17231 <u>4000;</u>	2023-2024 - September	\$4,682.55	API	
<u>4002;4003;4005;4006;4007;4008;4009;</u>			Central Lincoln PUD	
<u>4011;4013</u>				
Reference Number: 17232 <u>Account# 503-T41-3615-024B</u>	2023-2024 - September	\$154.65	Century Link/Qwest	
Reference Number: 17233 <u>08/30/23; 08/31/23</u>	2023-2024 - September	\$802.95	Edward Jones	
Reference Number: 17234 <u>Invoice - 13712940; 13714990</u>	2023-2024 - September	\$350.38	Hach Company	
Reference Number: 17235 <u>Reimbursement of travel</u>	2023-2024 - September	\$66.00	Makenzee Goodell	
Reference Number: 17236 <u>Invoice: - 81663</u>	2023-2024 - September	\$76.10	Pioneer Printing	
Reference Number: 17237 <u>Acct 703081</u>	2023-2024 - September	\$47.28	Staples	
Reference Number: 17238 <u>Invoice - 171030</u>	2023-2024 - September	\$495.00	T & L Septic Tank Service	
Reference Number: 17239 <u>Invoice - 243868</u>	2023-2024 - September	\$40.00	TCB Security Services	
Reference Number: 17240 <u>Invoice - 5026458433</u>	2023-2024 - September	\$139.00	Wells Fargo Financial Leasing, Inc	

Reference	Period	Amount	Vendor	Notes
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**1st Security Bank**  
**7001424544 - Main**  
**Check**

<b>Reference Number: 17241</b>	<b>2023-2024 - September</b>	<b>\$3,125.00</b>		
<u>Billing Date: 08/31/23</u>		\$3,125.00	West Coast Cronin Clan Co.	
Total Check		\$10,283.28		
Total 7001424544 - Main		\$10,283.28		
Total 1st Security Bank		\$10,283.28		
<b>Grand Total</b>		<b>\$10,283.28</b>		



# Banking Activity

Reference	Period	Amount	Vendor	Notes
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## 1st Security Bank

### 7001424544 - Main

#### Deposit

<b>Reference Number: Cash Deposit -</b> 9/1/2023 2:41:00 PM	2023-2024 - September	<b>\$2,018.00</b>		
<u>Receipt - 8/31/2023 Siletz River Run Car Show</u>		\$2,018.00	Receipting Deposit Vendor	
<b>Reference Number: Cash Deposit -</b> 9/6/2023 2:44:01 PM	2023-2024 - September	<b>\$194.00</b>		
<u>Utility Billing Summary Transaction - 8/29/2023 3:38:26 PM</u>		\$144.00	Receipting Deposit Vendor	
<u>Receipt - 8/29/2023 Mike Fisher business license</u>		\$50.00	Receipting Deposit Vendor	
<b>Reference Number: CM Deposit -</b> 9/6/2023 2:47:30 PM	2023-2024 - September	<b>\$671.50</b>		
<u>Utility Billing Summary Transaction - 9/6/2023 1:41:01 PM</u>		\$671.50	Receipting Deposit Vendor	
<b>Reference Number: CM Deposit -</b> 9/6/2023 2:48:50 PM	2023-2024 - September	<b>\$3,345.11</b>		
<u>Receipt - 9/6/2023 Wavedivision holdings</u>		\$116.11	Receipting Deposit Vendor	
<u>Utility Billing Summary Transaction - 9/6/2023 11:20:43 AM</u>		\$2,504.00	Receipting Deposit Vendor	
<u>Receipt - 9/6/2023 LOCities refund for BChestlerconference</u>		\$425.00	Receipting Deposit Vendor	
<u>Receipt - 9/6/2023 CNA Surety refund</u>		\$300.00	Receipting Deposit Vendor	
<b>Reference Number: CM Deposit -</b> 9/6/2023 2:49:28 PM	2023-2024 - September	<b>\$2,238.50</b>		
<u>Utility Billing Summary Transaction - 9/5/2023 12:38:29 PM</u>		\$2,163.50	Receipting Deposit Vendor	
<u>Receipt - 9/5/2023 Nelson Worldwide - CTSI Wellness Ctr permit</u>		\$75.00	Receipting Deposit Vendor	
<b>Reference Number: IC - ( Sep 1 2023 9:59PM Visa/MC/EFT/DSC )</b>	2023-2024 - September	<b>\$1,425.00</b>		
<u>Invoice Cloud Summary Transaction - ( Sep 1 2023 9:59PM Visa/MC/EFT/DSC )</u>		\$1,425.00	Receipting Deposit Vendor	

Reference	Period	Amount	Vendor	Notes
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**1st Security Bank**  
**7001424544 - Main**

**Deposit**

Reference Number: IC - ( Sep 2 2023 9:59PM Visa/MC/EFT/DSC )	2023-2024 - September	\$255.00		
Invoice Cloud Summary Transaction - ( Sep 2 2023 9:59PM Visa/MC/EFT/DSC )		\$255.00	Receipting Deposit Vendor	
Reference Number: IC - ( Sep 4 2023 9:59PM Visa/MC/EFT/DSC )	2023-2024 - September	\$345.50		
Invoice Cloud Summary Transaction - ( Sep 4 2023 9:59PM Visa/MC/EFT/DSC )		\$345.50	Receipting Deposit Vendor	
Reference Number: IC - ( Sep 5 2023 9:59PM Visa/MC/EFT/DSC )	2023-2024 - September	\$519.65		
Invoice Cloud Summary Transaction - ( Sep 5 2023 9:59PM Visa/MC/EFT/DSC )		\$519.65	Receipting Deposit Vendor	
Reference Number: IC - ( Sep 6 2023 9:59PM Amex )	2023-2024 - September	\$118.50		
Invoice Cloud Summary Transaction - ( Sep 6 2023 9:59PM Amex )		\$118.50	Receipting Deposit Vendor	
Reference Number: IC - ( Sep 6 2023 9:59PM Visa/MC/EFT/DSC )	2023-2024 - September	\$401.50		
Invoice Cloud Summary Transaction - ( Sep 6 2023 9:59PM Visa/MC/EFT/DSC )		\$401.50	Receipting Deposit Vendor	
Reference Number: IC - ( Sep 7 2023 9:59PM Visa/MC/EFT/DSC )	2023-2024 - September	\$1,116.50		
Invoice Cloud Summary Transaction - ( Sep 7 2023 9:59PM Visa/MC/EFT/DSC )		\$1,116.50	Receipting Deposit Vendor	
Total Deposit		\$12,648.76		
Total 7001424544 - Main		\$12,648.76		
Total 1st Security Bank		\$12,648.76		
<b>Grand Total</b>		<b>\$12,648.76</b>		



# Continuum of Care Basics & Forming a Tri-County Continuum

Pegge McGuire, Executive Director  
Community Services Consortium  
[pmcguire@communityservices.us](mailto:pmcguire@communityservices.us)

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# Why am I here today?

- An opportunity to provide information and answer your questions
- A request for a resolution of support next month

# What is a Continuum of Care and Why Do We Need One ?

Required by HUD beginning in 1994 for:

Awarding and Distribution of competitive funds  
To inform location homeless planning and response

Who makes up the members of a CoC?

- Community Action Agencies
- Public Housing Authorities
- Behavioral Health Providers
- CCOs
- Veteran Service Providers (including county Veteran Service Officers)
- Culturally Specific Service Providers
- Shelter Providers
- Affordable Housing Developers
- Housing and Supportive Services Providers
- Faith Based Organizations



# Continuum of Care Structure

Who provides administration of a CoC?

- Municipalities
- Community Action Agencies (CAAs)
- Non-profit service providers

What is the geographic make-up of a CoC

- City or County
- Multiple counties
- State
- Regional communities

What is a CoC responsible for doing?

- Homeless response systems planning
- Homeless Management Information System oversight/reporting
- Coordinated Entry and Assessment
- Data gathering and analytics
- Annual Point in Time Count of the unhoused
- Coordinating requests and applying for competitive funds from HUD



# How HUD Evaluates the Effectiveness of a CoC



# Current CoC:

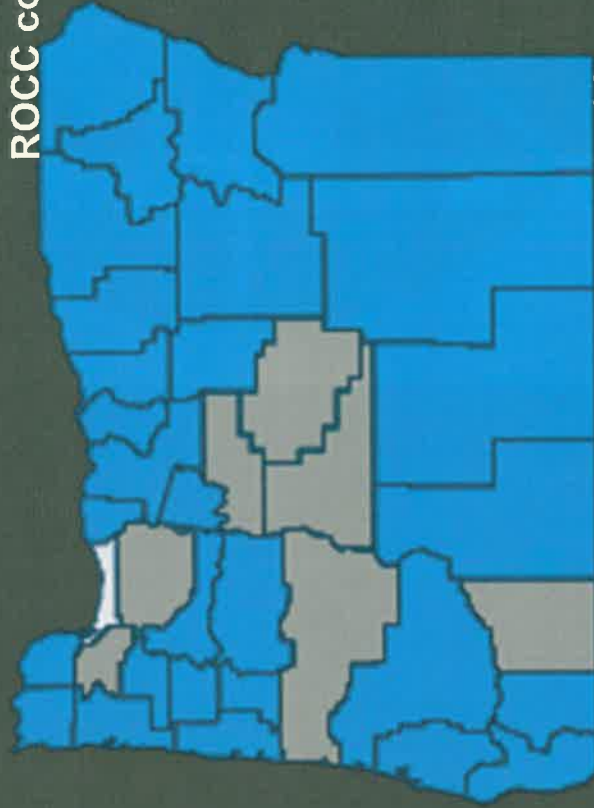
## Rural Oregon Continuum of Care (ROCC)



ROCC= counties in blue

The other areas in grey are distinct CoCs and received direct funding from the Governor in EO-23-02. We received a formulaic share of \$26M for the

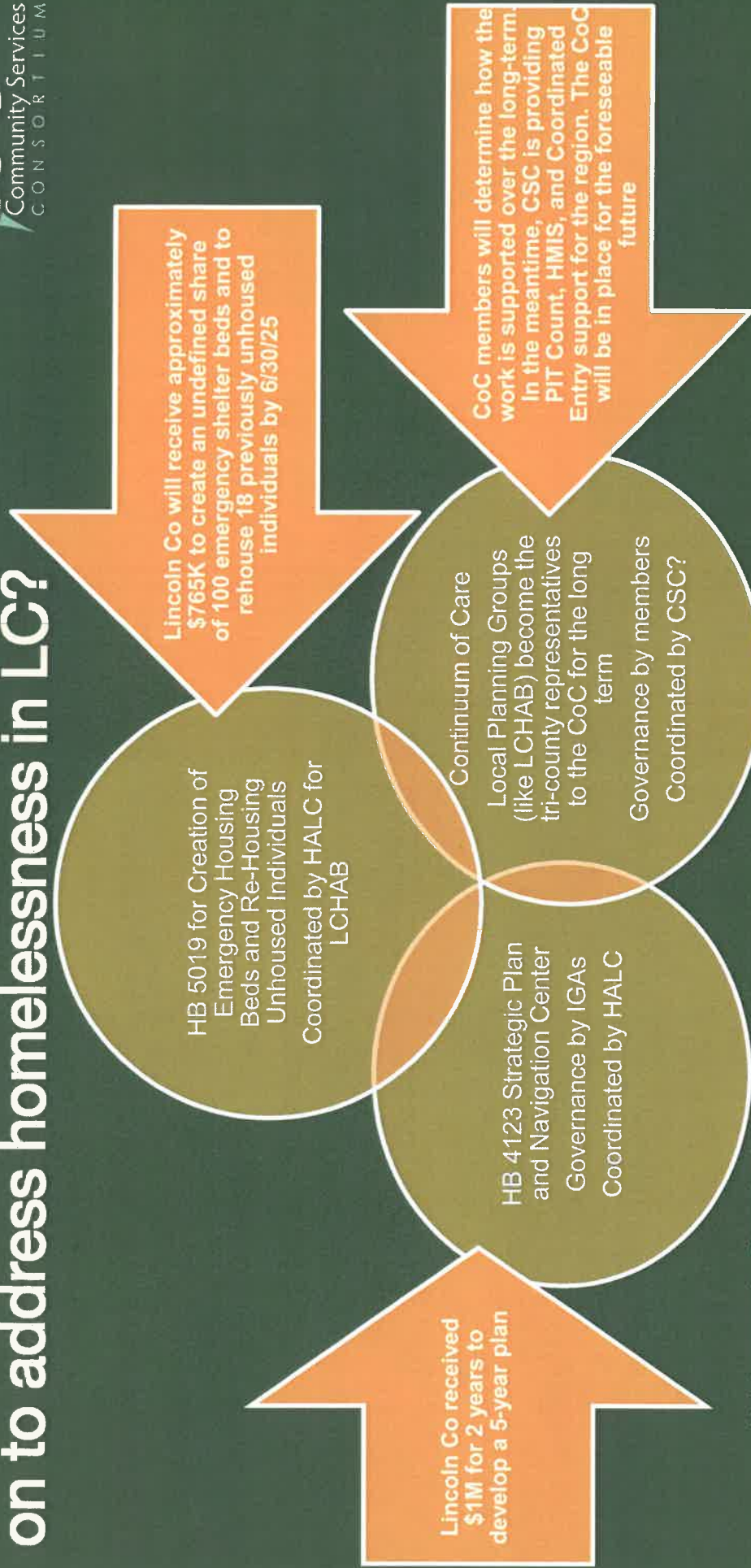
ROCC counties in HB 5019 (\$3.7M for LBL combined\*)



# Rural Oregon Continuum Of Care

\* In comparison, Jackson County received \$8.8M for a smaller population than our tri-county region

# How is this connected to everything else going on to address homelessness in LC?



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# How is this connected to everything else going on regionally?



Community Services  
CONSORTIUM



Lincoln-Benton-Linn Counties will receive approximately \$3.782M to create an undefined share of 100 emergency shelter beds and to rehouse 85 previously unhoused individuals by 6/30/25

HB 5019 work being coordinated by:  
LCHAB  
Benton County Coordinated Office  
Linn Multi-Agency Coordinating (MAC) Group

Lincoln and Benton Counties are two of 8 counties that received \$1M for 2 years to develop a 5-year plan

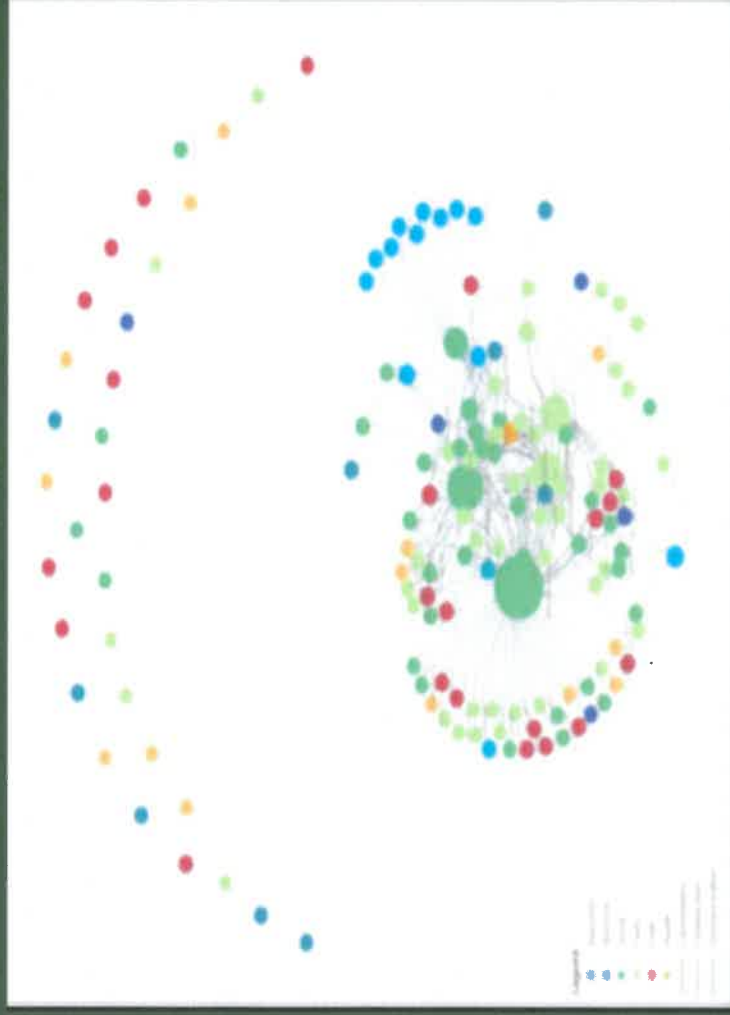
Continuum of Care  
Local Planning Groups (like LCHAB) become the tri-county representatives for the long-term  
Governance by members Coordinated by CSC?

HB 4123  
LCHAB  
Benton County Inter-Governmental Council

CoC members will determine how the work is supported over the long-term. In the meantime, CSC is providing PIT Count, HMIS, and Coordinated Entry support for the region. The CoC will be in place for the foreseeable future.

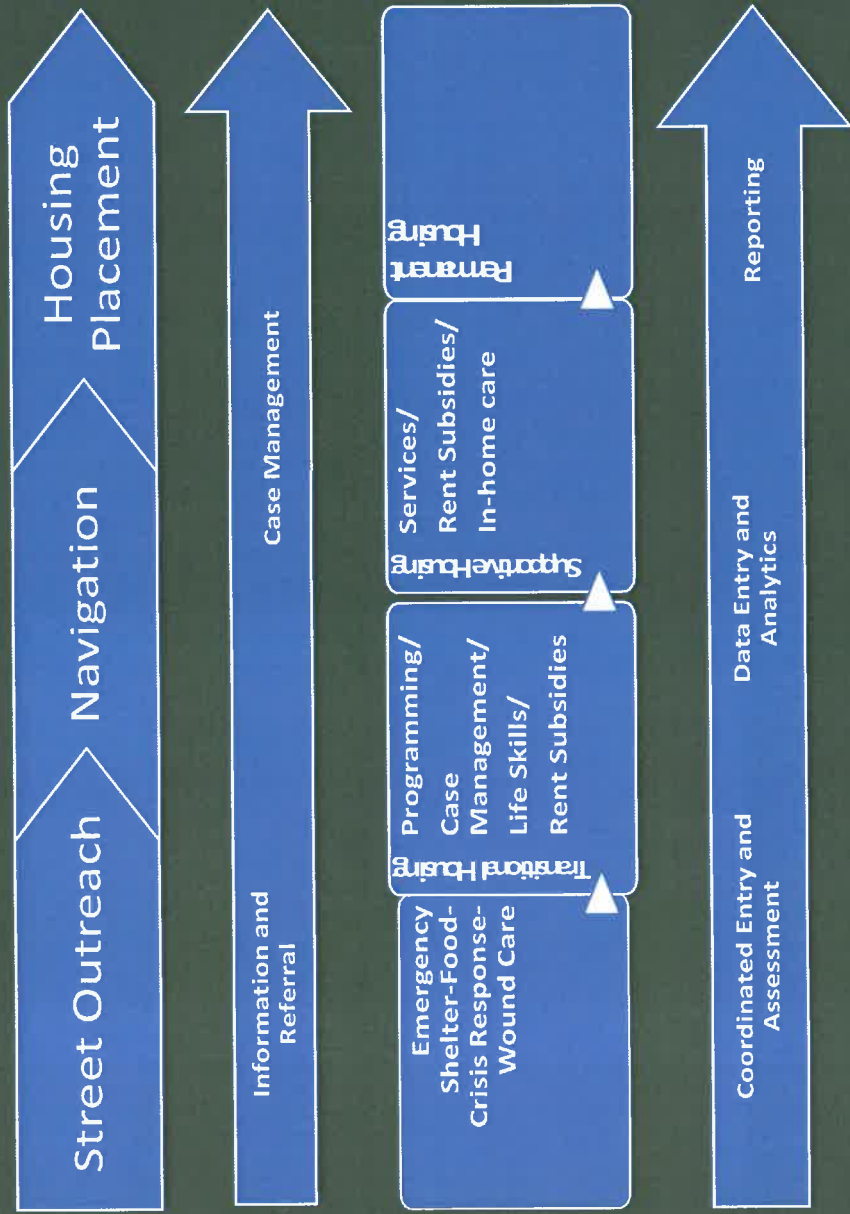
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# Lincoln County Service Delivery Providers



- Lincoln County has over 150 service providers. This number increases to over 200 when health related services are included
- Nonprofits and faith community organizations act as primary service providers
- Most of these service providers are interconnected and many are participating in the LCHAB

# Our partners provide a continuum of services-not to be confused by the formal entity CoC



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## CoC Formation Process Next Steps

Documentation that the stakeholders in the impacted region have voted to form a new CoC:

- Resolutions from participating communities
- Letters of support from partners
- Vote at each LPG – Many members participated in the forum in July
- Vote at Stakeholder Forum – July 20<sup>th</sup>, 2023, Corvallis

## More Next Steps

- Documentation that the new CoC notified the ROCC of its intent to form a new CoC (informal notice already provided to ROCC and CAPO)
- A governance charter that documents the CoC's governance structure is in compliance with the CoC Program Interim Rule
- Evidence of efforts to establish a coordinated entry system
- Documentation that the new CoC has selected a Collaborative Applicant (CSC proposed until the CoC is more firmly established)
- Evidence a compliant HMIS system is being used (Service Point/Wellsky currently required by OHCS)
- Full package of documentation submitted to HUD with a formal notice of request for recognition





# Questions?

Pegge McGuire

[pmcguire@communityservices.us](mailto:pmcguire@communityservices.us)

541-704-7627

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City of Siletz City Council Meeting  
Public Works Report 9/11/2023

- In the process of getting the new Public Works Employee Chase Rilatos trained.
- Picked up the memorial bench for the basketball court as well as two picnic tables that were donated to the city by Siletz Valley School.
- Called Sanitare to find out what the status was for the PLC at the wastewater plant, they said that we should hear something back this week.
- Called WesTech to check on the status of the PLC for the water plant, still waiting to hear back on what kind of lead time we are looking at.
- We lost Public Works Employee Derek Jefferson on 8-30-23, who was our wastewater plant operator and DRC. We are shifting people around to fill in the gaps.
- Ted Lepine came back from his 3-week medical leave on 8-26-23.
- We are interviewing candidates for our utility worker position and hope to have a full crew soon.
- We found an active homeless camp at Old Mill Park and had our Code Enforcement Officer make contact.
- We had to shut off the water at 3 different locations due to major leaks on the customer side. We had to dig up the meter boxes and remove them so repairs could be made. All 3 are fixed and all meter boxes have been reset.
- Benches were installed at the T-Ball field.
- If there are no objections from Council, I would like to send the plans to our engineers on record for the Tribal Wellness Center to make sure we can handle the capacity.

## MEMORANDUM TO COUNCIL

RE: **Public Hearing:** Revisions to Zoning Code | Accessory Dwelling Units (Section 17.16.050)

Fr: Contract Planner, Kevin A. Cronin

Date: September 5, 2023

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**ISSUE:** The City Council requested a public hearing on proposed revisions to the accessory dwelling units (ADUs) section of the zoning code. Staff scheduled a hearing for September 11, 2023 that was properly noticed. The ADU portion of the zoning code is found in Section 17.16.050 of the Municipal Code. Enclosed is Ordinance No. 206-23.

**HISTORY:** The City Council is interested in providing more housing options in the local housing market. ADUs are a popular housing choice in cities and were commonplace prior to WWII. They can be a cost effective housing option for single family homeowners to build and for developers planning larger subdivisions. ADUs can be contained within an existing house (i.e., basement), above an attached garage, or in a detached unit (cottage or above garage).

The City Council held a work session on July 24 to consider the issue and learn about potential changes as part of a code update, which is a legislative amendment that requires a public hearing and approval by the City Council.

**ACTION:** A decision is not required at this time. If there is consensus, the City Council can hold a first reading. Staff recommends opening the public hearing to take testimony. If there are no comments, the Mayor can entertain a motion to close the hearing.

**Recommended Motion:** *I move to close the public hearing. I also move to approve Ordinance #206-23 and hold a first reading.*

**Alternative Motion:** *I move to continue the public hearing to the next regularly scheduled City Council meeting to allow additional testimony.*

**Enclosed:**

- Ordinance #206-23 Revisions to Title 17 Zoning Code
- City of Siletz Municipal Code Section 17.16.050: ADUs

September 5, 2023

The purpose of this memo is to outline a proposed code amendment to the City of Siletz Zoning Code Section 17.16.050. The proposed changes are to facilitate the development of more accessory dwelling units (ADUs). The request before the Council is for a “plan amendment,” which in this case is a development code change. If the Council approves a proposed Ordinance, existing ADUs will be legal and future ADUs can be built without a conditional use permit. Building permits will still be required.

**STAFF REPORT**

**TO:** City of Siletz City Council

**FROM:** Kevin A. Cronin, Contract Planner

**SUBJECT:** Plan Amendment Application: ADU Revisions and Residential Uses

**File #:** PA 23-01

**APPLICANT:** City of Siletz

**EXHIBIT LIST:** A – Ordinance No. 206-23  
B – Cover Memo  
C - Work Session Packet - July 27, 2023

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**Background**

The City Council is interested in providing more housing options in the local housing market. ADUs are a popular housing choice in cities and were commonplace prior to WWII. They can be a cost effective housing option for single family homeowners to build and for developers planning larger subdivisions. ADUs can be contained within an existing house (i.e., basement), above an attached garage, or in a detached unit (cottage or above garage).

The City Council held a work session on July 24 to consider the issue and learn about potential changes as part of a code update, which is a legislative amendment that requires a public hearing and approval by the City Council.

**Procedures & Public Notice**

The City Council has the authority to initiate a plan amendment according to Applicable Siletz Municipal Code criteria in Chapter 17.40 Amendments. Other applicable criteria include the Comprehensive Plan. The City published notice of the public hearing in *Newport News Times* beginning on August 11, 2023 for three consecutive weeks per Municipal Code. No public comments have been received to date.

**FINDINGS**

**Municipal Code 17.40**

**17.40.010 - Authorization to initiate amendments.**

*An amendment to the text of this title or to a zoning map may be initiated by the City Council or by the application of a property owner.*

**Staff Response:** The amendment was initiated by the City of Siletz. Standard is met.

**17.40.020 - Amendment procedure.** The following procedures shall be followed in applying for and acting on an amendment:

*A. The City Council shall conduct a public hearing on an amendment initiated by a property owner to modify or change an existing zone on a zoning map;*

**Staff Response:** As noted above, a public hearing has been properly noticed but this is not a property owner initiated zone change. Standard does not apply.

*D. The Office of the City Recorder shall maintain records of amendments of the text and map of this title in a form convenient for use by the public.*

**Staff Response:** The City Recorder will note the change to the Zoning Code if the Council adopts an Ordinance approving the revisions.

**17.45.060 - Rule 5—Burden and nature of proof.**

- A. *Burden of Proof. The burden of proof is upon the proponent. The more drastic the change or the greater the impact of proposal in the area, the greater is the burden of proof upon the proponent.*
- B. *Proposal Documentation and Support. The requested proposal must be documented and/or supported by proof that:*
1. *It conforms to the comprehensive plan for the City of Siletz, as now or hereafter constituted, and any other special plan for the area involved;*

**Staff Response:** There is no special plan that staff is aware of and findings for the Comprehensive Plan are below.

2. *It conforms to all applicable City Charter and ordinance requirements;*

**Staff Response:** After a review of the City Charter and other applicable ordinances, there appears to be no direct conflict. Standard is met.

3. *There is a public need for the proposal;*

**Staff Response:** The Comprehensive Plan was updated in 2010 to account for residential land inventory and identified additional needed housing types. Accessory dwelling units are a type of affordable market rate housing that is not being built to any significant degree in Siletz. Currently, ADUs are a conditional use and the proposal would change this requirement to an outright permitted use in residential zones to facilitate the development of more units. The Comprehensive Plan promotes ADUs through the following Policy 7 (Page 6-2):

*“The City shall adopt development standards and conditions for accessory dwelling units in residential zones.”*

Moreover, Siletz has not produced new housing to meet demand in the local market. This proposal is needed to create new housing opportunities that are not being met, legalize existing ADUs that are non-conforming uses, and incentivize new units. Standard is met.

4. *The public need will be best served by granting the proposal:*
  - a. *If the proposal is for a zone change, proof must be submitted that the public need will be best served by changing classification of the particular piece of property in question as compared with other available property;*

**Staff Response:** Standard does not apply.

5. *If other areas have been previously designated for a use or development submitted in the proposal, there is a necessity for introducing the proposal into an area not previously contemplated and that the property owners there should bear the burden, if any, of introducing that proposal into their area.*

**Staff Response:** Standard does not apply.

*C. Relevant Criteria and Factors. The following criteria and factors are deemed relevant and material and shall be considered along with other factors deemed relevant by the approving authority in reaching its decision on a proposal:*

1. *Mistake in the original zoning ordinance;*
2. *Change of conditions within the immediate neighborhood in which the use or development is proposed;*
3. *All factors pertinent to the preservation and promotion of the public health, safety and general welfare, including but not limited to the character of the area involved, its peculiar suitability for particular uses, the conversation (sic) of property values and the direction of building development.*

**Staff Response:** The first two criteria are addressed above. The third is a policy question for the Council in terms of the value new ADUs would offer to the community compared to the potential change in neighborhood character. Residential zones are suitable for an urban use, property values would probably increase with a new amenity, while the City would benefit from future residential development to mitigate the local housing crisis. Standard is met.

## **CONCLUSIONS AND RECOMMENDATION**

Based on these findings and conclusions, staff recommends that the City Council hold a public hearing to allow testimony, and either close the hearing or continue to a date certain. The City Council can deliberate a decision at a regularly scheduled Council meeting as well.

## **DECISION ALTERNATIVES**

In summary, the Council can decide to:

- (1) Approve the application adopting the proposed findings of fact of this report and hold a first reading of an Ordinance to implement the approval.
- (2) Approve the application adopting modified findings of fact and/or add conditions of approval and hold a first reading of an Ordinance to implement the approval.
- (3) Request additional information and continue the hearing to a specified date and time.
- (4) Deny the requested code change based on a lack of appropriate findings of fact.
- (5) Take other action as deemed appropriate by the City Council and City Attorney.

**Suggested Motion:** *Based on the findings and conclusions of the September 5, 2023 staff report, I move to approve the plan amendment application, and conduct a first reading of Ordinance No. 206-23.*

**Alternative Motion:** *I move to continue the hearing to a date certain on September 25 to allow additional public testimony and reconsider the application.*



## MEMORANDUM TO COUNCIL

RE: Land Use Notice of Type IV Legislative Public Hearing

Fr: City Recorder

Date: 09/11/2023

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**ISSUE:** A public hearing has been posted in the News-Times regarding the proposed revised standards related to accessory dwelling units.

**HISTORY:** Our City Planner has given a presentation on the proposed changes, now is the time for the public to give their input on those proposed changes.

**ACTION:** Open public hearing. There should be no deliberation by council during the public hearing. This is just to hear from the public. Those wishing to address the council shall be limited to a five minute time frame to present their questions or concerns.

## **Land Use Notice of Type IV Legislative Public Hearing**

The City of Siletz City Council has proposed changes to Title 17 Zoning Code of the Siletz Municipal Code to revise standards related to accessory dwelling units (ADUs).

The application file is available for public review until September 8, 2023, with a public hearing scheduled with the City Council on September 11, 2023, at 6:00 PM. Applicable Siletz Municipal Code criteria include Chapter 17.40 Amendments.

All evidence to be relied upon to make a decision on this application is in the public record and available for review at the City of Siletz, 215 W Buford Ave, Siletz, at no cost. Copies can be made at a reasonable cost.

**HOW TO PARTICIPATE:** All interested persons are invited to submit written comments to Siletz City Hall, PO Box 318, Siletz, OR 97380 by September 8, 2023. Failure to participate in this review in writing or failure to address relevant issues may preclude your ability to appeal this decision.

**FOR FURTHER INFORMATION** City of Siletz at 541-444-2521. Or [recorder@cityofsiletz.org](mailto:recorder@cityofsiletz.org), Monday through Friday, 8:00 a.m. to 4:30 p.m.

Published News-Times

Datte: August 11, 2023

## MEMORANDUM TO COUNCIL

Re: Ordinance 205-23- An Ordinance Adding Camping and Parking Regulations to the City's Municipal Code

Fr: City Recorder

Date: 09/11/2023

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**ISSUE:** This is the 2<sup>nd</sup> Reading and Public Hearing on this Ordinance. The city's attorney has told us :

I have a question about the parking regulations in this ordinance – does your code currently have any parking regulations, or are these the first parking regulations the code will have?

If there are current parking regulations in the code, it will be important to indicate if these new regulations will replace exiting regulations, or be an addition to the existing regulations, and that the existing and new regulations don't conflict.

Also, I don't see anything in the new parking code language that limits how long vehicles can be parked on public streets.

Many cities have code language which limits parking in the same location/block to a certain number of hours (48 or 72 hours, for example).

This would be important if the City wants to be able to regulate people sleeping in vehicles on public streets for extended periods of time.

**HISTORY:** From the Introduction and 1<sup>st</sup> Reading council made changes to this Ordinance. Those have been done. There was one other change made that did not change anything other than readability of the ordinance. That is on page 2 the places you cannot camp were listed as bullet points. Those will not be codified into the municipal code that way, but the company that does our codification, Municode, will place in the code in the appropriate manner. Requested in the motion was the Sheriff's office Policy on Homeless Persons be added to the WHEREAS portion of this ordinance. I have added that, they are on page 1 and in gray and underline.

Regarding the Parking portion of this I suggest we look at that at another time with a different ordinance. Just work this in sections. Prior to having our new attorneys we had discussed doing a vehicle ordinance, but chose to wait until we had attorneys to work with.

**ACTION:** This does not have to be read into the record in its entirety. If you have a room full of public you may want to read it into the record, but you did do that at the introduction and 1<sup>st</sup> reading. The way to do that is a motion is made to have it read by title only, everyone votes, ALL have to be in favor, or you will have to read it into the record in its entirety. Then you can proceed with the public hearing, after the public

hearing, council deliberates and finally a motion to adopt as presented or with changes. I would suggest making another motion to have introduced a parking code. (that keeps the ball rolling on this).

**CITY OF SILETZ  
ORDINANCE 205-23**

**AN ORDINANCE ADDING CAMPING, AND PARKING REGULATIONS TO THE CITY'S  
MUNICIPAL CODE.**

WHEREAS, there is a need for policies to deal with homeless individuals camping, and or parking on public property and the need for humane treatment and removal of those individuals; and

WHEREAS, the city wishes to name designated areas in the policies for no camping or parking to protect the health and safety of its citizenry; and

WHEREAS, the city is striving to come into compliance with ORS 195.500 which requires all municipalities to develop policy that recognizes the social nature of the problem of homeless individuals camping on public property; and

WHEREAS, the policies developed need to ensure the most humane treatment for the removal of homeless individuals from camping sites on public property; and

WHEREAS, it is the intent of the city to focus on public safety, health, and the welfare of all residents of the City; and

WHEREAS, it is the intent of the city council to regulate and not allow camping in the public right-of-way; city public property that is a day-use recreational area; areas that are within 500 feet of the safe school zone; school bus pick-up congregational areas for school children; and, within the city limits, 100 feet of a waterway; and, in no trespassing authorized personnel only designated areas; and

WHEREAS, the city realizes that ideas and solutions for dealing with homelessness and camping will continue to evolve over time, the city will continue to be objectively reasonable, and the city will monitor how things work in practice and will work to make refinements as needed to its regulations as time goes forward; and

WHEREAS, the City of Siletz falls within the Siletz Area Enhanced Law Enforcement Service District, with law enforcement provided by the Lincoln County Sheriff's office, funded by a property tax levy and a contract with the Confederated Tribes of the Siletz Indians; and

WHEREAS, the Lincoln County Sheriff's Office has adopted a LEXIPOL policy concerning Homeless Persons which includes updated procedures (based upon HB 3124) on how the Lincoln County Sheriff's Office is to remove homeless individuals from camping sites on public property; and

WHEREAS, the provisions of this ordinance and Policy 429 of the Lincoln County Sheriff's Office of the Lincoln County SO Policy Manual titled "Homeless Persons" are found to be necessary to preserve the peace, health, and welfare of the citizens of the City of Siletz, this ordinance shall take effect and be in full force immediately upon its adoption by the City Council and approval by the Mayor.

NOW THEREFORE THE CITY OF SILETZ ORDAINS AS FOLLOWS:

(Words italicized and underlined are additions)

Section 1. Add to Title 4, Chapter 4.01 a section numbered 4.01.065 Public Camping, as follows:

A. Camping in the City of Siletz is prohibited :

- 100 feet of any waterway,
- within 500 feet of the safe school zone,
- on any city-owned public property that is designated as a day-use recreational area only,
- Hee Hee Illahee Park, except for that area designated as the park host section of the park,
- Mill Park,
- Log Park,
- Baseball field behind city hall,
- Basketball court,
- Skate Park,
- Little league field and all grounds and parking areas surrounding such,
- Siletz Library and adjacent field used as a recreational day-use area,
- Areas where children congregate for school bus pick-up,
- All city rights-of-way,
- Any right of way within 100 feet of the edge of the pavement of Hwy 229 "Siletz Highway"
- Logsdon Road within city limits,
- Water treatment plant and Sewer treatment plant.

B. No activity associated with camping is allowed to occur that constitutes a nuisance or other threat to the health and safety of the public.

C. Any police officer or city code enforcement officer is authorized to trespass violators and provide to them a list of resources they may access assistance from.

Section 2. Add to Title 12, Chapter 12.16 Park Use Regulations Section 12.16.010 Definitions, as follows:

**Camp or camping means** to pitch a tent, erect, create, use, or occupy camp facilities for the purposes of habitation, as evidenced by the use of camp paraphernalia.

**Camp facilities** include but are not limited to tents, huts, temporary shelters, motor vehicles, or recreational vehicles.

**Camp paraphernalia** includes but is not limited to tarpaulins, cots, beds, sleeping bags, blankets, mattresses, hammocks, and/ or outdoor cooking devices or utensils, and similar equipment.

Section 4. Add to Chapter 12.24 section 12.24.020 Definitions after "Public Place" includes any "City Park" add Public Property designated as a Day Use Recreational Use Area.

Section 5. Add to Title 12 Streets, Sidewalks and Public Places, Chapter 12.18 Parking, as follows:

Chapter 12.18 Parking

12.18.010 Prohibited Parking

12.18.020 Recreational Vehicles And Trailers

12.18.010 Prohibited Parking

It shall be unlawful for any person to park:

- A. Any vehicle at any place prohibited by ORS 811.550;
- B. Any vehicle at any place adjacent to a curb that has been painted yellow or red by the City;
- C. Any vehicle within the landscape strip or within 20 ft of a corner as established by the pavement or traffic control signage;
- D. Any vehicle contrary to any parking control device;
- E. Any vehicle in any public alley, except to load or unload passengers or cargo, and then only for a period of time not to exceed 30 minutes;
- F. Any vehicle in any parking zone when the vehicle is parked for the principal purpose of:
  - 1. Displaying the vehicle for sale;
  - 2. Selling, taking orders for, or attempting to sell or take orders for the present or future delivery of goods or services of any nature, if such sales or orders are made, taken, or attempted from the vehicle;
  - 3. Displaying advertising from the vehicle; or
  - 4. Repairing, constructing, reconstructing, or servicing the vehicle;
- G. Any vehicle, or a combination of vehicles and trailers over 23 feet in overall length or eight feet in overall width:
  - 1. On a street within any zoned residential, except while engaged in the process of loading or unloading passengers or cargo or providing services in the district;
  - 2. On any street which is less than 30 feet in overall paved width;
- H. Any motorized recreational vehicle:
  - 1. On a street within any zoned residential if the motorized recreational vehicle is more than 20 feet in overall length or excess of eight feet in overall width for longer than two (2) hours;
  - 2. On any street which is 30 feet or less in overall paved width;
- I. Any vehicle that is not designed for self-propulsion, or is not connected to a vehicle designed for self-propulsion and is parked on a street or off-street parking facility.
- J. Any motor vehicle meeting the definition of "junk" or "disabled";
- K. Any vehicle within any area that is designated as a fire lane;
- L. Any motor vehicle that has expired registration as described in ORS 803.455(1) and which is in a commercial parking zone, alley, landscape strip on a street, or in an off-street parking facility.

**12.18.020 Recreational Vehicles And Trailers**

- A. A recreational vehicle or utility trailer parked on private property or on a public street shall not obstruct traffic or impair vision for motorists.
  
- B. No trailer, incapable of self-propulsion, shall be parked or left standing in any area of the public right of way, street, or public parking area.

Section 6. This ordinance shall take effect immediately upon its adoption by the City Council and approval by the Mayor.

APPROVED AT THE INTRODUCTION AND 1<sup>ST</sup> READING TO MOVE TO THE 2<sup>ND</sup> READING AND PUBLIC HEARING ON THIS 28th DAY OF August 2023.

APPROVED AND ADOPTED UPON ITS SECOND READING AND PUBLIC HEARING ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

APPROVED AND SIGNED BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

\_\_\_\_\_  
Mayor Will Worman

ATTEST:

\_\_\_\_\_  
City Recorder



# Homeless Persons

## 429.1 PURPOSE AND SCOPE

The purpose of this policy is to ensure that members understand the needs and rights of the homeless and to establish procedures to guide deputies during all contacts with the homeless, whether consensual or for enforcement purposes. The Lincoln County Sheriff's Office recognizes that members of the homeless community are often in need of special protection and services. The Lincoln County Sheriff's Office will address these needs in balance with the overall missions of this office. Deputies will consider the following policy sections when serving the homeless community.

### 429.1.1 POLICY

It is the policy of the Lincoln County Sheriff's Office to provide law enforcement services to all members of the community while protecting the rights, dignity and private property of the homeless. Homelessness is not a crime and members of this office will not use homelessness solely as a basis for detention or law enforcement action.

## 429.2 LIAISON TO THE HOMELESS COMMUNITY

The Sheriff shall designate certain responsibilities to a liaison to the homeless community. The liaison shall be appointed by and directly responsible to the Patrol Division Commander or the authorized designee.

The responsibilities of the liaison include but are not limited to:

- (a) Maintaining and making available to all office members a list of assistance programs and other resources that are available to homeless persons.
- (b) Meeting with social services and representatives of other organizations that render assistance to the homeless community.
- (c) Maintaining a list of the areas within and near the jurisdiction of this office that are used as frequent homeless encampments.
- (d) Remaining abreast of laws dealing with homelessness, including property rights. This includes the following:
  1. Proper posting of notices of trespass and cleanup operations.
  2. Proper retention of property after cleanup, to include procedures for owners to reclaim their property in accordance with the Property and Evidence Policy and other established procedures.
- (e) Being present during any cleanup operation conducted by this office that involves the removal of personal property of the homeless. This is to ensure that the established rights of the homeless are not violated.
- (f) Developing training to assist members in understanding current legal and social issues relating to the homeless.
- (g) Reviewing any county policies regarding homeless individuals camping on public property (ORS 195.500).

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### *Homeless Persons*

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#### **429.3 FIELD CONTACTS**

Deputies are encouraged to contact a homeless person to render aid, offer assistance, or to check the person's welfare. Deputies also will take enforcement action when information supports a reasonable and articulable suspicion of criminal activity. However, such contacts shall not be used for harassment.

When encountering a homeless person who has committed a non-violent misdemeanor and continued freedom is not likely to result in a continuation of the offense or a breach of the peace, deputies are encouraged to consider long-term solutions, such as shelter referrals and counseling, in lieu of physical arrest.

Deputies should provide homeless persons with resource and assistance information whenever it is reasonably apparent such services may be appropriate.

##### **429.3.1 CONSIDERATIONS**

A homeless person will receive the same level and quality of service provided to other members of the community. The fact that a victim, witness, or suspect is homeless can, however, require special considerations for a successful investigation and prosecution. When handling investigations involving victims, witnesses, or suspects who are homeless, deputies should consider:

- (a) Documenting alternate contact information. This may include obtaining addresses and telephone numbers of relatives and friends.
- (b) Documenting locations the person may frequent.
- (c) Providing victim/witness resources, when appropriate.
- (d) Obtaining sufficient statements from all available witnesses in the event that a victim cannot be located and is unavailable for a court appearance.
- (e) Whether the person may be an adult abuse victim and, if so, proceed in accordance with the Adult Abuse Policy.
- (f) Arranging for transportation for investigation-related matters, such as medical exams and court appearances.
- (g) Whether a crime should be reported and submitted for prosecution, even when a victim who is homeless indicates no desire for prosecution.

#### **429.4 PERSONAL PROPERTY**

The personal property of homeless persons must not be treated differently than the property of other members of the public. Deputies should use reasonable care when handling, collecting, and retaining the personal property of homeless persons and should not destroy or discard the personal property of a homeless person.

When a homeless person is arrested, or otherwise removed from a public place, deputies should make reasonable accommodations to permit the person to lawfully secure any personal property. Otherwise, the arrestee's personal property should be collected for safekeeping. If the arrestee has more personal property than can reasonably be collected and transported by the deputy, a

# Lincoln County Sheriff's Office

## Lincoln County SO Policy Manual

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#### *Homeless Persons*

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supervisor should be consulted. The property should be photographed, and measures should be taken to remove or secure the property. It will be the supervisor's responsibility to coordinate the removal and safekeeping.

Deputies should not conduct or assist in clean-up operations of belongings that reasonably appear to be the property of homeless persons without the prior authorization of a supervisor or the office Homeless Liaison Deputy.

Deputies who encounter unattended encampments, bedding, or other personal property in public areas that reasonably appears to belong to a homeless person should not remove or destroy such property and should inform the liaison if such property appears to involve a trespass, is a blight to the community, or is the subject of a complaint. It will be the responsibility of the liaison to address the matter in a timely fashion.

#### **429.4.1 STATE LAW ON UNCLAIMED PERSONAL PROPERTY**

When a homeless individual is removed pursuant to a county policy, any unclaimed personal property stored by this office shall be stored in an orderly fashion, keeping items that belong to an individual together to the extent that ownership can reasonably be determined. Items that have no apparent utility or are in an unsanitary condition may be immediately discarded upon removal of the homeless individual from the camp site (ORS 195.505).

Weapons, controlled substances, and items that appear to be either stolen or evidence of a crime shall be stored pursuant to office protocols and the Property and Evidence Policy.

#### **429.5 MENTAL HEALTH ISSUES**

When mental health issues are evident, deputies should consider referring the person to the appropriate mental health agency or providing the person with contact information for mental health assistance, as appropriate. In these circumstances, deputies may provide transportation to a mental health facility for voluntary evaluation if it is requested or offered and accepted by the person, and approved by a supervisor. Deputies should consider detaining the person under civil commitment when facts and circumstances reasonably indicate such a detention is warranted (see the Civil Commitments Policy).

#### **429.6 ECOLOGICAL ISSUES**

Sometimes homeless encampments can have an impact on the ecology and natural resources of the community and may involve criminal offenses beyond mere littering. Deputies are encouraged to notify other appropriate agencies or County departments when a significant impact to the environment has or is likely to occur. A significant impact to the environment may warrant a crime report, investigation, supporting photographs, and supervisor notification.

#### **429.7 HOMELESS CAMPS ON PUBLIC PROPERTY**

Prior to removing homeless individuals from an established campsite on public property, deputies shall (ORS 195.505):

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- (a) Post the area with required written notice of pending removal at all entrances reasonably identifiable. Notice should be in English and Spanish and include all required information under ORS 195.505 (e.g., location of unclaimed property, required contact information for questions regarding location of property storage).
  - 1. Notice shall be posted at least 72 hours prior to removal except in certain circumstances (e.g., camping at cemeteries).
- (b) Once notice is posted, notify the local agency that delivers social services to homeless individuals as to where the notice has been posted.

The 72-hour warning notice requirement is not necessary if deputies reasonably believe that illegal activity unrelated to the camping is occurring at an established camping site or in the event of an exceptional emergency such as a possible site contamination by hazardous materials, a public health emergency, or other immediate danger to human life or safety (ORS 195.505).

## MEMORANDUM TO COUNCIL

RE: RFP Municipal Court Judge Services

Fr: City Recorder

Date: 09/11/2023

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**ISSUE:** The city needs to put an RFP for a Municipal Judge.

**HISTORY:** Council has worked on this with the city's attorney Lori Cooper. Here is the draft RFP for your review. The dates I have listed are,

**Release Date** September 12, 2023,

**Submissions** open until October 16, 2023.

**Interviews** to occur October 23, 2023.

**Council Hire-** November 13, 2023, and

**Start date** is November 14, 2023.

Number 9 of the proposal, the council will need to decide will this be a joint effort, or do you wish to appoint a review panel of the proposal's received, and do you want a selection committee or just the full council?

Regarding minimum qualifications found in Number 9, the attorney has told us that the applicant has to: Be a member of the Oregon State Bar OR have completed a course on courts of special jurisdiction offered by the National Judicial College or equivalent (as approved by the Oregon Supreme Court) or be willing to complete the course within 12 months after appointment or election to the office of municipal judge.

**ACTION:** A motion to Approve the RFP:

- : with choice of a review board or not (pg. 4)
- : a selection committee or not (pg. 4)
- : dates you wish this to occur (pg.1&3)

## REQUEST FOR PROPOSALS

**CITY OF SILETZ**  
**P.O. Box 318**  
**215 W. Buford Ave.**  
**Siletz, Oregon 9380**  
**Phone (541) 444-2521**

**MUNICIPAL COURT JUDGE SERVICES Proposal Due Date: October 16, 2023, 4:00 PM.**

The City of Siletz invites proposals for contracted judicial services. Proposals are due to the City Recorder's Office by 4:00 p.m. on October 23, 2023. The City seeks the services of a Municipal Court Judge to perform the functions and duties specified in Chapter V Section 20 of the City of Siletz Charter (see below), and to perform such other legally permissible and proper duties and functions as the City Council shall from time to time assign. Although not necessarily required by Public Contracting Rules, the City Council has decided it would be prudent and an exercise of due diligence on the part of the City to solicit proposals for judicial services.

For questions, contact the City Recorder, Barbara Chestler, by phone, (541) 444-2521, or email, [recorder@cityofsiletz.org](mailto:recorder@cityofsiletz.org)

**Delivery:** Proposals may be mailed or hand-delivered to Barbara Chestler, City Recorder at the above address for the City of Siletz.

**Communications:** All communications should be directed to the City Recorder's Office, per the RFP's restrictions on communications and requests for additional information.

### Overview

#### **1. Introduction**

For information about the City of Siletz, visit: [cityofsiletz.org](http://cityofsiletz.org).

The City Council consists of a Mayor and four Council Members elected from the City at-large. The Mayor serves as the political head of the City and serves a two-year term. Council Members serve four-year terms. Additional officers of the City are the City Recorder, and Municipal Judge. The Municipal Judge and the City Recorder are appointed and may be removed by the Mayor, with the consent of the majority of the Council.

The City's municipal court has not been active since approximately 2008. The City is in the process of reactivating its municipal court.

#### **2. Court Staff**

The Court has a Court Clerk. The Court Clerk is assigned to the City Recorder. The City Recorder is responsible for the Court Clerk's evaluation, budget, and day-to-day supervision. The Municipal Judge is responsible for directing the Court Clerk's legal, court responsibilities. The

Court Clerk assists the Municipal Judge with paperwork and necessary orders. The Municipal Judge assists the Court Clerk with keeping apprised of changes in laws and procedures.

### **3. Code Enforcement/Law Enforcement**

The City contracts with the City of Toledo for code enforcement services. The City's law enforcement services (80 hours per month) are provided by the Lincoln County Sheriff's Office with funding from a special law enforcement district levy and a contract with the Confederated Tribe of the Siletz Indians.

### **4. Judicial Duties**

Municipal Court duties are set by City Charter Section 21 (see below), but also include all normal duties of a municipal judge acting in that capacity for a municipal court. These duties include, but are not limited to, arraignments, accepting pleas, and conducting sentences. The judge also issues warrants, such as bench warrants for criminal non-appearances, reviews probation reports and has probation violation hearings. The judge may also review court programs, court fines, court charges and court procedures, and issue court orders establishing the procedure and amount of fees, as needed.

Court meets once per month on a day to be determined.. The Municipal Judge conducts court trials on these regular court days.

### **5. City Charter**

Chapter V Section 21 of the Siletz City Charter provides:

The municipal judge shall be the judicial officer of the city. He shall hold within the city a court known as the municipal court for the city of Siletz, Lincoln County, Oregon. Except on nonjudicial days, the court shall be open for the transaction of judicial business. All areas within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all crimes and offenses defined and made punishable by ordinances of the city and of all actions brought to recover or enforce forfeitures or penalties defined or authorized by an ordinance of the city. He shall have authority to issue process for the arrest of any person accused of an offense against the ordinances of the city, to commit any person to jail or admit him to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trial of any cause before him, to compel obedience to such subpoenas to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of the court. When not governed by ordinances or this Charter, 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 justices of the peace and justice courts. Trials in the municipal court of cases for violation of city ordinances shall be had without juries.

### **6. Agreement Term**

The City anticipates a one -year agreement, with options for three one-year renewals. Renewal of the agreement will require mutual written agreement of both parties and Council reauthorization.

### **7. Schedule**

The following schedule is provided for informational purposes only, as it may be adjusted as needed, at the City's sole discretion. Interviews may be scheduled with one or more proposer during the week of October 23, 2023. The City will not be able to allow much advance notice if interviews are scheduled.

RFP Release Date: September 12, 2023

RFP Submission: No later than October 16, 2023

Interviews (if any): October 23, 2023

Council Consideration: November 13, 2023

Anticipated Start Date: November 14, 2023

## 8. How to Respond

Proposals must include the following items in the order set forth below and any additional information proposers deem relevant:

### A. Information to be included:

1. Provide a brief description of your professional experience and qualifications, including:
  - a) education
  - b) employment
  - c) offices held
  - d) professional organizations
  - e) Oregon State Bar number

Note: a resume may be attached and used to respond to the items listed above in A.1.

2. Identify any experience with municipal law.
3. Include a statement on how you satisfy or will satisfy ORS 221.142(1)(b) which requires municipal judges to have completed a course on courts of special jurisdiction offered by the National Judicial College, or complete the course within 12 months after appointment to the office of municipal judge.
3. Describe your capability in providing services as a Municipal Court Judge.
4. Provide a brief description of your judicial philosophy.
5. Provide a brief description of various projects that you would anticipate initiating for the court.
6. Provide a brief description of your philosophy as to the administration of fines for first and repeat offenders.
7. Provide any other information or comments, which you believe are relevant and will assist the City in making its selection.

Note: Additional questions concerning judicial philosophy, programs, and duties may be asked at the interview, if held. Additional information may be requested in order to conduct a background check.

### B. Letters:

Provide two current letters of recommendation made in specific reference to this



position.

C. **Compensation:**

State the necessary compensation proposer would expect for performance of these services. The City reserves the right to negotiate compensation.

**9. Evaluation and Selection**

Evaluation Process. The following steps are anticipated:

Step 1: Receipt and review (City Council/Council's designee review of minimum qualification)

Step 2: City Committee scoring of qualified written proposals

Step 3: Initial reference and information checks

Step 4: City Council interviews, if any

Proposals will be initially screened to ensure the following minimum qualifications are met:

- Be a member of the Oregon State Bar OR have completed a course on courts of special jurisdiction offered by the National Judicial College or equivalent (as approved by the Oregon Supreme Court) or be willing to complete the course within 12 months after appointment or election to the office of municipal judge.

A Selection Committee consisting of [insert desired Committee Member] will evaluate proposals submitted by proposers meeting the above minimum qualifications on the basis of the criteria set forth in Section 10 of this RFP. City reserves the right to request additional information and clarification of any information submitted. Failure of a proposer to respond to such a request for additional information or clarification could result in rejection of the proposer's proposal.

A Selection Committee consisting of [insert desired Committee Member] will evaluate proposals submitted by proposers meeting the above minimum qualifications on the basis of the criteria set forth in Section 10 of this RFP. The city reserves the right to request additional information and clarification of any information submitted. Failure of a proposer to respond to such a request for additional information or clarification could result in the rejection of the proposer's proposal.

The Selection Committee may recommend to the City Council all, some, or none of the proposers. The Selection Committee may recommend proposers for further interviews by the City. If the Committee or Council elects to conduct interviews, proposers may be interviewed and rescored based upon the same criteria or other criteria to be determined by the Selection Committee and/or City Council.

**10. Evaluation Criteria**

The Selection Committee and/or Council shall consider the following factors when recommending potential interviewees and/or awarding the contract.

- A. Overall Experience, Background, and Qualifications.
- B. The ability to understand the legal requirements (ordinances) of the City of Siletz and State criminal and traffic laws.

- C. The approach to the work outlined in the proposal and extent to which the proposal is thorough, original, comprehensive, and tailored to the needs of the City.
- D. The nature and extent of prior experience in performing legal services for general purpose local governments.
- E. Relevant expertise outside traditional municipal legal functions.
- F. Demonstrated skill in establishing and maintaining effective working relationships with subordinates, public and private officials, and the general public.
- G. Cost. Although a factor, cost may not be the dominant criteria. Cost may be of greater importance when all of the other evaluation criteria are substantially equal.
- H. Innovative approaches.

### **11. Agreement**

Upon announcing a tentative awardee, the City intends to complete any open terms in the agreement attached as Exhibit A (Agreement), and execute an Agreement in that form. Proposers shall identify any and all issues with the terms of this Agreement, if any, and suggest alternative provisions, as appropriate. Failure to raise issues within a submitted proposal evidences the proposer's intent to be bound by all terms of the attached Agreement.

### **12. Authority of City**

The City may request additional information from proposers at any time prior to award. The City reserves the right to select one, or more, or none of the respondents to provide the judicial services. Final approval of the selected respondent is subject to award and Agreement approval by the City Council.

### **13. Reserved Rights**

The City reserves the right to:

- Extend the deadline for proposal submittal;
- Reject any or all proposals not in compliance with all public procedures and requirements;
- Reject any proposal not meeting the specifications set forth herein;
- Waive any or all irregularities in proposals submitted;
- Reject all proposals;
- Negotiate services and cost within the scope of this RFP with the highest ranked Contractor. In the event City is unable to negotiate an agreement with the highest ranked Contractor, to commence agreement negotiations with the next highest ranked Contractor and to continue this process until the Agreement is executed;
- Cancel this RFP at any time, for any reason;
- Award any or all parts of any proposal; and
- Request references and other data to determine responsiveness.

**CITY OF SILETZ**

**ORDINANCE NO. 206-23**

**AN ORDINANCE AMENDING TITLE 17 ZONING CODE SECTION 17.16.050  
OF THE CITY OF SILETZ MUNICIPAL CODE**

**WHEREAS**, The City of Siletz City Council is interested in finding cost effective solutions to add more housing stock in the community;

**WHEREAS**, The City Council held a work session on July 24, 2023 to learn more about the benefits of accessory dwelling units and potential revisions to facilitate the development of more units;

**WHEREAS**, a staff report and proposal for a development code amendment was presented to the Siletz City Council at a public hearing on September 11, 2023 that was properly noticed, accepted testimony, and deliberated a decision to tentatively approve on XXX, 2023.

**WHEREAS**, Siletz City Council adopted findings of fact and conclusions of law in support of the application and thereby approves the code amendment based on the applicable review criteria;

**NOW THEREFORE BE IT RESOLVED THAT THE CITY OF SILETZ ORDAINS  
AS FOLLOWS:**

**WHEREAS**, the Siletz adopts Ordinance No. 206-23 to revise the zoning code Section 17.16.050 and residential zones 17.16.010 and 17.16.020 (Exhibit A: **Bold** is new text and ~~strikethrough~~ is deleted) and will become effective 30 days from adoption.

Approved for its first reading on the 11th day of September, 2023

Approved and Adopted upon its second reading on the \_\_\_\_\_ day of September, 2023 by the following vote:

Yeas:

Nays:

Absent:

Abstain:

Approved and signed by the Mayor on this \_\_\_\_\_ day of September, 2023.

ATTEST:

\_\_\_\_\_  
CITY RECORDER

\_\_\_\_\_  
MAYOR WILL WORMAN

## **17.16.020 - General residential zone (G-R).**

In a G-R zone, the following regulations shall apply:

A. Uses Permitted Outright. In the residential areas of the GR zone, the following uses and their accessory uses are permitted outright subject to the applicable provisions of Sections 17.16.010, 17.16.020 and 17.20.015:

1. One-family dwelling;
2. A manufactured home consisting of two or more frame units having widths of no less than ten feet and meeting all provisions contained in Section 17.20.060 of this title;
3. Two-family dwelling meeting all provisions contained in Chapter 17.16;
4. Multi-family dwelling meeting all provisions contained in Chapter 17.16;
- 5. Accessory dwelling unit meeting all provisions contained in Chapters 17.16 and 17.20;**
6. A travel trailer used during the construction a legal use for a period not to exceed six months;
7. Agricultural use of land provided that no livestock shall be raised or kept on the premises provided further that no commercial structure shall be constructed or maintained on the premises. For purposes of this Section 17.16.020, chickens and ducks are not considered to be livestock. The keeping of chickens and ducks are subject to the provisions of Chapter 17.20, Supplementary Regulations.

B. Conditional Uses Permitted. In a G-R zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Chapters 17.20, 17.24 and 17.28 of this title:

1. A manufactured home consisting of two or more frame units having widths of no less than ten feet and not meeting all provisions contained in Section 17.20.060 of this title;
2. Manufactured home park;
3. Church, non-profit religious or philanthropic institution;
4. Cemetery;
5. Community center;
6. Day nursery, nursery school, kindergarten, or similar facility;

7. Home occupation;
8. Nursing home, retirement home or similar facility;
9. Public park, playground, golf course, swimming pool or similar recreation area;
10. Public utility facility;
11. Radio or television transmitter or tower;
12. Temporary real estate office offering residential property in the immediate vicinity for sale, rental or lease;
13. Livestock, except pigs, swine, hogs or fowl, excluding chickens and ducks;
14. ~~Accessory dwelling unit meeting all provisions contained in Chapters 17.16 and 17.20;~~

### **17.16.010 - Single-family residential zone, S-R.**

In a S-R zone, the following regulations shall apply:

- A. Uses Permitted Outright. In the residential areas of the SR zone, the following uses and their accessory uses are permitted outright subject to the applicable provisions of Sections 17.16.010, 17.16.020 and 17.20.015:
  1. One-family dwelling;
  2. A manufactured home consisting of two or more frame units having widths of no less than ten feet and meeting all provisions contained in Section 17.20.060 of this title;
  3. **Accessory dwelling unit meeting all provisions contained in Chapters 17.16 and 17.20;**
  4. A travel trailer used during the construction a legal use for a period not to exceed six months;
  5. Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further that no commercial structure shall be constructed or maintained on the premises. For purposes of this Section 17.16.010, chickens and ducks are not considered to be livestock. The keeping of chickens and ducks are subject to the provisions of Chapter 17.20, Supplementary Regulations.
  6. Two-family dwelling on a corner lot meeting all provisions contained in Chapter 17.16.

B. Conditional Uses Permitted. In an S-R zone, the following uses and their accessory uses may be permitted subject to the applicable provisions of Chapters 17.20, 17.24 and 17.28 of this title:

1. A manufactured home consisting of two or more frame units having widths of no less than ten feet and not meeting all provisions contained in Section 17.20.060 of this title;
2. Manufactured home park;
3. Cemetery;
4. Church, non-profit religious or philanthropic institution;
5. Community center;
6. Day nursery, nursery school, kindergarten, or similar facility;
7. Home occupation;
8. Nursing home, retirement home or similar facility;
9. Public park, playground, golf course, swimming pool or similar recreation area;
10. Public utility facility;
11. Radio or television transmitter or tower;
12. Temporary real estate office offering residential property in the immediate vicinity for sale, rental or lease;
13. Livestock, except pigs, swine, hogs or fowl, excluding chickens and ducks;
14. ~~Accessory dwelling unit meeting all provisions contained in Chapters 17.16 and 17.20;~~

### **17.16.050 - Special development standards for accessory dwelling units.**

Accessory dwelling units shall conform to all of the following standards:

- A. Floor Area. Accessory dwellings shall not exceed six hundred square feet of floor area, or forty percent of the primary unit. **Existing primary dwellings can become the accessory dwelling subject to all other standards being met.** ~~whichever is smaller.~~ The unit can be a detached cottage, a unit attached to **or above** a garage, or in a portion of an existing house.

- B. Exempt from Density. Accessory dwellings are exempt from the housing density standards of the residential district, due to their small size and low occupancy levels.
- C. Oregon Structural Specialty Code. The structure complies with the Oregon Structural Specialty Code **or Oregon Small Home Specialty Code**.
- ~~D. Owner-Occupied. The primary residence or accessory dwelling shall be owner-occupied.~~
- E. One Unit. A maximum of one accessory dwelling unit is allowed per lot one family dwelling.
- F. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed thirty feet.
- G. Buffering. The approval body may require a landscape hedge or fence be installed on the property line separating a detached accessory dwelling from an abutting single-family dwelling, unless the applicant and the owner of the abutting single-family dwelling agree in writing not to install the hedge or fence.
- H. No additional off street parking is required. Two off street parking spaces are required for the main dwelling and will be verified prior to certificate of occupancy.**



Sunshine Keck

355 SE Egbert • PO Box 397 • Siletz, OR 97380-0397 • Home: 541-444-7424 • sunart@peak.org

September 7, 2023

City of Siletz Council  
PO Box 318  
Siletz, OR 97380

Re: Account # 1774.0

Dear Mayor Worman and Council Members,

I just paid my \$480.00 water bill. I normally use under \$50 in water and about \$50 for sewer. Because we have had so little rain, I had to use 48,960 gallons of water in August to save my fruit trees and berry bushes. I did NOT plant or save any annuals this year. I did not water my grass, wash my car, or use any more water than absolutely necessary. I am grateful that we had the water available to save our perennials.

I don't mind paying for the water in this bill (\$282.00) but I did NOT add any additional gallons to the sewer system. It seems unfair to have to pay four times my normal sewer bill.

I am asking that you consider amending the billing rules so that in the summer, a limit on the sewer charge can be set up. I would think it reasonable to charge up to a 1.5 times average monthly sewer cost (\$75 in my case) for the summer when we have to water our trees or lose them.

If there is a formal process for requesting this change, please let me know what it is.

Sincerely,

Sunshine Keck





**CITY OF SILETZ**  
AFTER HOURS  
CALL 265-4231

PLEASE RETURN THIS  
PORTION WITH PAYMENT

FIRST CLASS  
MAIL  
U.S. POSTAGE  
PAID  
PERMIT No. 1

**SERVICE ADDRESS**

**CITY OF SILETZ**  
P.O. BOX 318 • SILETZ, OR 97380

**Eqbert Ave SE 355**

**BILLS DUE AND PAYABLE ON 1ST OF EACH MONTH. DELINQUENT ON THE 10TH OF MONTH**

METER READINGS		CONSUMPTION	BILLING DATE	DUE DATE
PRESENT	PREVIOUS			
561,720	512,760	48,960	8/28/2023	9/10/2023

	BILLING PERIOD
Water	8/1/2023 to 8/31/2023

Water	\$42.00
Water Use	\$240.00
Sewer	\$195.00
St.light	\$3.00
Total Current Charges	\$480.00
Grand Total	\$480.00

ACCOUNT NUMBER	BALANCE DUE
1774.0	\$480.00

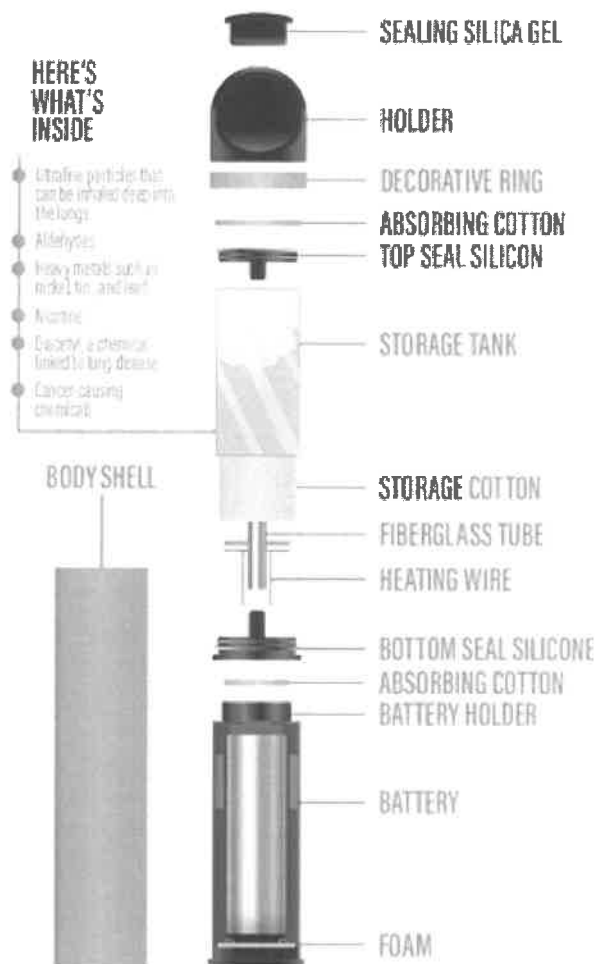
**Due Date: 9/10/2023**  
**Account Number: 1774.0**

**SUNSHINE KECK**  
**P.O. BOX 397**  
**SILETZ OR 97380**

[https://www.thenewsguard.com/news/environment-newport-siletz-councils-urge-state-to-end-sale-of-flavored-tobacco-products/article\\_c98f9f4e-4cd6-11ee-81f8-77651686d17c.html](https://www.thenewsguard.com/news/environment-newport-siletz-councils-urge-state-to-end-sale-of-flavored-tobacco-products/article_c98f9f4e-4cd6-11ee-81f8-77651686d17c.html)

# Environment: Newport, Siletz councils urge state to end sale of flavored tobacco products

The News Guard  
Sep 7, 2023



This graphic from Flavors Hook Oregon Kids illustrates the content of flavored tobacco products. Courtesy from Flavors Hook Oregon Kids

The Siletz and Newport City Councils passed resolutions on Aug. 28 and Sept. 5 respectively, urging the Oregon Legislature to end the sale of flavored tobacco products in the state.

In the 2023 legislative session, HB 3090 advanced before a lawmaker walk-out curtailed much of the state's important business.

The votes were lauded by Flavors Hook Oregon Kids, a statewide coalition of more than 60 diverse organizations focused on protecting the health of Oregon kids by ending the sale of flavored tobacco products, including the Campaign for Tobacco-Free Kids, American Heart Association, American Cancer Society Cancer Action Network (ACS CAN), American Lung Association, Kaiser Permanente and community-based organizations across the state.

"Big Tobacco is ruthless in its attempts to ensnare future generations to its deadly products," ACS CAN Oregon Government Relations Director Jamie Dunphy said. "The tobacco industry knows that flavors - like candy, fruit, and mint - hook kids, which is meant to lure them into a lifetime of addiction. Research shows that more than 80% of youth who have ever used tobacco start with a flavored product."

In Oregon, tobacco use is the leading cause of preventable death and disease, killing more than 8,000 people each year. Polling from earlier this year found that 62% of Oregonians support ending the sale of flavored tobacco products.

### **Statewide concern**

In 2022, Multnomah County Board of Commissioners unanimously approved an ordinance banning the sale of flavored tobacco and nicotine products in Multnomah County, marking a decisive step forward after years of wide-ranging work to address a vaping and smoking crisis among young people.

The ordinance will become effective on Jan. 1, 2024.

According to a Multnomah County release, The Action Communities for Health, Innovation and Environmental Change (ACHIEVE) Coalition and the County's Racial and Ethnic Approaches to Community Health (REACH) program asked the county to ban flavored tobacco products in 2015, identifying them as a major contributor to health disparities, specifically affecting the Black and African American communities.

Health experts say flavored tobacco and nicotine products also disproportionately attract young people.

Free resources on quitting smoking can be found at the [Oregon Tobacco Quit Line](#).



**Campaign for Tobacco Free Kids report ranks Oregon No. 1 in funding prevention**

**Barbara Chestler**

**From:** Oregon Government Ethics Commission - OGEC <OGEC@public.govdelivery.com>  
**Sent:** Friday, September 8, 2023 10:20 AM  
**To:** recorder@cityofsiletz.org  
**Subject:** Ethics Matters: Public Meetings Law

[View as a webpage / Share](#)



# EthicsMatters

Volume 4, Issue 3 - Summer 2023

## Public Meetings Law



### Enforcement of Public Meetings Law

In the most recent session, the Legislative Assembly passed HB 2805, which gives the Oregon Government Ethics Commission (OGEC) the authority to enforce Oregon's Public

Meetings Law (ORS 192.610 to 192.690). Let's explore what these changes mean for public bodies and Oregon citizens.

## **Public Meetings Advice**

Beginning on September 24, 2023, OGEc will be able to provide verbal and written advice on Public Meetings Law, and OGEc will begin accepting complaints and opening cases for alleged Public Meetings Law violations.

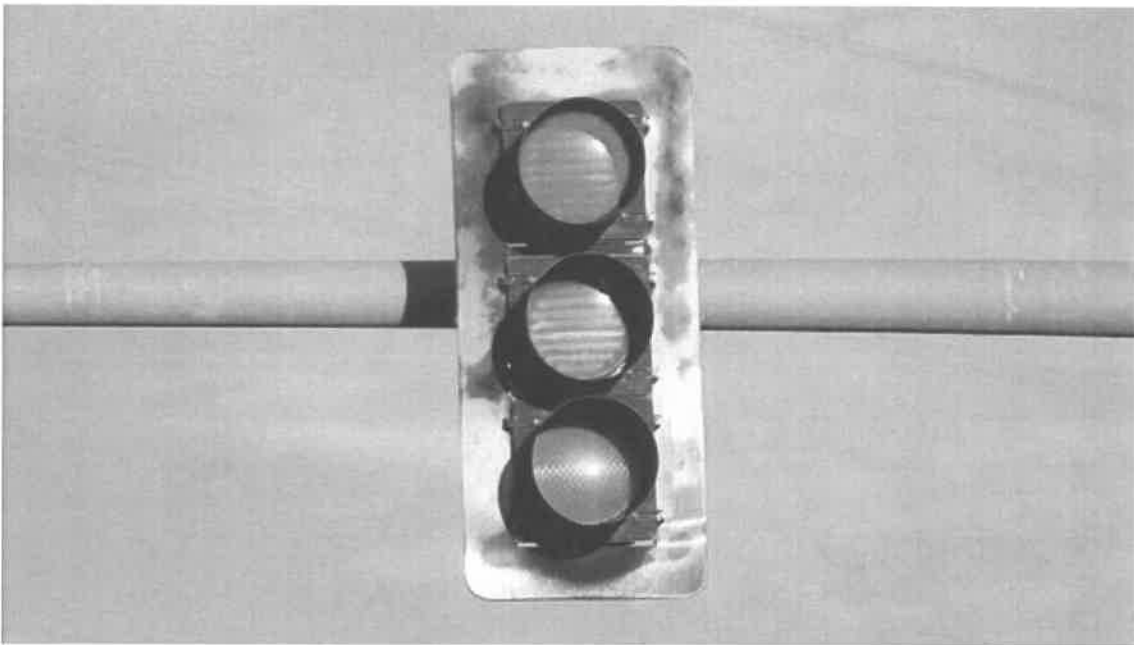
## **Public Meetings Trainings**

In January 2024, OGEc's trainers will begin providing Public Meetings Law trainings and will be coordinating with agencies, other groups, and associations to ensure the availability of Public Meetings Law trainings throughout the state. OGEc will continue to offer trainings and webinars on the Executive Session provisions.

**Public Meetings Law**

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## **Public Meeting Complaints**



## **Required Steps to File Complaints**

HB 2805 creates some mandatory prerequisites for submitting Public Meetings Law complaints to OGEC. These prerequisites will also apply to executive session provision complaints.

If you believe a Public Meetings Law violation has occurred:

1. You must submit a written grievance to the public body at issue, setting forth the facts and circumstances of the alleged violation. **This written grievance must be submitted to the public body within 30 days of the date the alleged violation occurred.**
2. **You must give the public body 21 days to respond to your written grievance.** The public body's written response should acknowledge receipt of the written grievance, and: admit or deny the facts and circumstances alleged in the grievance; admit or deny that those facts and circumstances amount to a violation of the Public Meetings Law; and if a violation is acknowledged, explain the steps the governing body will take to cure the violation.
3. When you submit your complaint to OGEC, **you must include documentation that you satisfied these mandatory prerequisites.** This documentation would include your written grievance and the public body's written response (or affirmation that no response was received within the 21 days).

If you fail to satisfy these mandatory prerequisites before filing your complaint with OGEC, your complaint will be dismissed.

## New Public Body Reporting Duties

HB 2805 creates new reporting duties for public bodies. In particular, when a public body receives a written grievance from a person alleging its governing body may have violated provisions in the Public Meetings Law, the public body must provide a written response to the person within 21 days. That written response should acknowledge receipt of the grievance and may:

- Deny the facts and circumstances alleged in the grievance; then describe the public body's version of the facts and circumstances and explain why they do not violate Public Meetings Law.
- Admit the facts and circumstances alleged in the grievance but deny that those facts and circumstances violate Public Meetings Law.
- Admit the facts and circumstances alleged in the grievance and admit those facts and circumstances violate Public Meetings Law. Then explain the steps the public body will take to cure the violation, such as:
- Rescinding the decision taken by the governing body that violated Public Meetings Law;
- Acknowledging (in a properly noticed and conducted public meeting held within 45 days of the original decision) that:
  - The original decision violated Public Meetings Law;
  - Good cause exists for the governing body not to rescind the decision; and
  - The governing body's practices will be modified to ensure future violations of Public Meetings Law do not occur.

Please note:



- The public body must send OGEC a copy of the written grievance, along with the public body's response, at the same time that it sends the written response to the person.
- These documents should be sent to OGEC via email.

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## Public Meetings Resources



### AG's Manual

The Department of Justice has created the Attorney General's Public Records and Meetings Manual 2019 to be a resource for public bodies on how to apply Public Records and Public Meetings Laws.

[AG's 2019 Manual](#)



### Need Advice

Beginning September 24, 2023, advice on Public Meetings Law can easily be requested on the phone, online, by email, or in person.

[Request Advice](#)

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## 2023 Passed Legislation

During the 2023 Legislative session, several bills were passed by the Legislative Assembly that impact OGEC's jurisdiction.

- [HB 2038](#) Changes to the Statement of Economic Interest filing questions
- [HB 2805](#) Public Meetings Law updates & OGEC jurisdiction
- [HB 2806](#) Executive session provision for cyber-security
- [SB 11](#) Public meetings recordings
- [SB 207](#) OGEC Own motion for executive sessions

LaVonne Griffin-Valade Secretary of State  
Cheryl Myers Deputy Secretary of State, Tribal Liaison  
Kip Memmott Audits Director

August 1, 2023

BOARD OF DIRECTORS  
SILETZ  
PO BOX 318  
SILETZ, OR 97380

The May election is complete and some of you are new to your official positions. Welcome! And many more of you are returning officials who have been serving your local government for quite some time. Thank you.

We are providing this letter to remind you of your responsibilities as a fiduciary of your local government.

As a governing official, you are a trustee of the local government and must exercise due diligence and oversight to ensure the local government is well-managed and its financial situation remains sound. As a trustee, you also carry some responsibility to ensure compliance with certain laws, rules, and grant or loan covenants.

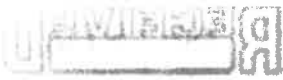
Municipal Audit Law provides instructions for reports local governments are required to submit annually to the Secretary of State. Annual reporting is important for ensuring local governments are transparent and accountable to the public.

Under Municipal Audit Law (ORS 297.405-297.990), financial reports **must be filed each year** with the Oregon Audits Division. These annual filings must be filed either 90 or 180 days after fiscal year end and require a response to any findings reported by the independent auditor within 30 days of filing. Failure to file annual reports could result in dissolution.

Other areas of responsibility include the following:

1. Government Ethics for Public Officials – ORS 244<sup>1</sup>
2. Public meetings and public records law – ORS 192
3. Local budget law – ORS 294
4. Procurement and contracting – ORS Chapters 279A-C
5. Deposit and Investment of public funds - ORS Chapters 294 and 295

<sup>1</sup> ORS – Oregon Revised Statutes



More information and resources to help you understand and comply with these statutes can be found on our website: [sos.oregon.gov/muniofficial](https://sos.oregon.gov/muniofficial)

Please contact our office if you have questions or wish to discuss any of the responsibilities or requirements outlined in this letter or on the linked site. Your role as a government official is an important one to ensure needed services are available and we appreciate your willingness to serve in this capacity.

A handwritten signature in black ink that reads "Amy John".

Amy John, CPA  
Municipal Program Manager  
Oregon Audits Division