



# CITY OF SILETZ

## AGENDA

**Meeting: City Council**  
**Date: Monday, December 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 Regular Meeting November 27, 2023
4. Accounts Payable-Financial Report- December 11, 2023
5. Special Orders
  - Where We Call Home Strategic Plan for Lincoln County Homeless Advisory Board  
CEO Ernest Stephens of Morant McLeod  
**CANCELLED TO GIVE THE COUNCIL MORE TIME TO REVIEW THE 131 Pg. DOCUMENT  
THIS WILL BE ADDED TO THE JANUARY MEETING WITH A POTENTIAL RESOLUTION.**
6. Reports of Officers, Boards, or Standing Committees  
Parks, Library, Fire Department, County Sheriff's Office (LCSO), Homeless Advisory,  
Planning, Staff Report
7. Public Comments
8. Unfinished Business
  - A. 2<sup>nd</sup> Reading and Public Hearing - Ordinance 207-23- An Ordinance Establishing  
Title 7 Traffic Regulations to the City of Siletz Municipal Code
  - B. 2<sup>nd</sup> Reading and Public Hearing- Ordinance 208-23 An Ordinance Amending Title  
2-Administration and Personnel-Chapter 2.16, Procurement Policy of the City  
Municipal Code
9. New Business
  - A. Municipal Court "Clerk of the Court" Appointment Request
  - B. Resolution 721-23 A Resolution Amending the Council Rules
10. Correspondence
11. Council Comments

## 12. Adjournment

*To Participate by Zoom:*

To Join Zoom from Your Computer, Tablet, or Smartphone:

<https://zoom.us/j/97360374848?pwd=d0ZrSlk3eUJQd0huTGJ4ZXBISHgwUT09>

Meeting ID: 973 6037 4848

Passcode: 326699

To Join Zoom from Your Phone: (669)-900-9128

Meeting ID: 973 6037 4848

Passcode: 326699

The meeting is accessible to the disabled. If you need special accommodations to attend or take part in the meeting per the Americans with Disabilities Act (ADA), please contact the City Recorder at (541) 444-2521-48 hrs. in advance of the meeting so the appropriate assistance can be provided. TTY #1-800.735.2900. "This institution is an equal opportunity provider."

# MINUTES

Siletz City Council  
Regular Meeting  
Monday, November 27, 2023, 6:00 PM  
Siletz City Hall

Present: Mayor Worman, W. Smith, S. Trachsel, J. Whitehead  
Absent- Excused: T. Retasket  
Staff: Recording Secretary M. Goodell, Public Works Lead D. Viar

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 November 13, 2023, and Work Session Minutes November 13, 2023

Councilor Trachsel made one correction on the minutes under special orders.

**Motion 1:** Smith moved to approve the Regular Meeting Minutes November 13, 2023, and Work Session Minutes November 13, 2023, with the correction to the regular minutes. Trachsel 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- November 27, 2023

Councilor Whitehead stated that she reviewed the accounts payable and recommended approval.

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

Vote: Motion 2 passed  
Ayes: All were in favor

5. Special Orders

None.

## 6. Reports of Officers, Boards, Or Standing Committees

- Parks

Mayor Worman reported that the Christmas Tree lighting is December 2<sup>nd</sup> and he and Councilor Retasket will be out of town for it. Requested was an agenda for the event.

Council discussed making sure there were no religious undertones during the Christmas tree lighting.

- Library

No report.

- Fire Department

No report.

- County Sheriff's Office (LCSO)

No report.

- Lincoln County Homeless Advisory Board

No report.

- Staff Report

Public Works Lead D. Viar reported that he was called out for low tank levels due to a power outage on Government Hill. He stated that the public works crew is now getting ready for winter.

Discussed was how the tours at the water and sewer plant went well.

Mayor Worman reported that the city of Toledo is putting in a trial incinerator and will make sure council and public works get a tour of it.

## 7. Public Comments

None.

## 8. Unfinished Business

None.

## 9. New Business

- A. Introduction and 1<sup>st</sup> Reading – Ordinance 207-23 - An Ordinance Establishing Title 7 Traffic Regulations to the City of Siletz Municipal Code

**Motion 3:** Trachsel moved to read Ordinance 207-23 - An Ordinance Establishing Title 7 Traffic Regulations to the City of Siletz Municipal Code by title only. 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

Council discussed suggested changes to the ordinance and the ORSs were requested to be reviewed for accuracy. Councilor Trachsel sent a document of the discussed changes to city hall staff.

**Motion 4:** Trachsel moved – Ordinance 207-23 - An Ordinance Establishing Title 7 Traffic Regulations to the City of Siletz Municipal Code to the second reading and public hearing with the suggested changes. Whitehead 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

- A. Introduction and 1<sup>st</sup> Reading – Ordinance 208-23- An Ordinance Amending Title 2- Administration and Personnel – Chapter 2.16, Procurement Policy of the City of Siletz Municipal Code

**Motion 5:** Trachsel moved to read Ordinance 208-23- An Ordinance Amending Title 2- Administration and Personnel – Chapter 2.16, Procurement Policy of the City of Siletz Municipal Code by title only. Whitehead 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

Councilor Trachsel stated that this ordinance looks to have all the necessary components.

**Motion 6:** Trachsel moved Ordinance 208-23- An Ordinance Amending Title 2- Administration and Personnel – Chapter 2.16, Procurement Policy of the City of Siletz Municipal Code to the second reading and public hearing. 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. Resolution 720-23- A Resolution of the City of Siletz Re-Establishing the City of Siletz Municipal Court

Mayor Worman read Resolution 720-23- A Resolution of the City of Siletz Re-Establishing the City of Siletz Municipal Court into the record in its entirety.

**Motion 7:** Trachsel moved to approve Resolution 720-23- A Resolution of the City of Siletz Re-Establishing the City of Siletz Municipal Court. Whitehead seconded the motion.

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

Vote: Motion 7 passed

Ayes: All were in favor

Mayor Worman thanked the council for working on this and stated that he is very happy about this resolution moving forward because it was one of his number one goals.

## 10. Correspondence

- Portland State University Population Estimate November 15, 2023

Council discussed reasons for the lower population within the city, some reasons discussed were; lack of housing, kids going off to college, and people finding work elsewhere.

- Local Government “The Basics” Oregon League of Cities

Mayor Worman would like to set up a time for the League of Cities to come and give the council free training at a work session meeting.

## 11. Council Comments

Smith: No comments.

Whitehead: No comments.

Mayor Worman: Stated that he wanted to make sure that every council member would be able to make it to the new proposed meeting schedule. The proposed meeting schedule is a work session meeting on the 2<sup>nd</sup> Monday of each month and the regular meeting on the 4<sup>th</sup> Monday of each month.

Mayor Worman also reported that he brought up traffic tickets being assigned to the Siletz Municipal Court to the Sheriff’s office, and they don’t think that it will be an issue to do. Mayor Worman stated

that he feels that the Siletz Code Enforcement Officer has been very forthcoming with people in violation of city code and letting them know that municipal court will be available soon.

Trachsel brought in a flyer from Medical Transport Solutions and asked council if this is something that may be offered to staff. Trachsel also brought up the idea of advertising that the city has a municipal court back in place.

Council discussed what committees each council member should be running. Mayor Worman wants to continue to be the liaison of the policing/fire and emergency preparedness, Trachsel would like to do community development and Whitehead would do the planning commission.

Trachsel stated that she would like to start helping with the City Master Plan process in January. She stated that in February she would like to get a group together to draft out the beginning plans. She stated that often to receive grants, cities need to have a master plan in place.

Council discussed needing a theme for the main street in Siletz.

Lastly, Mayor Worman stated that the staff appreciation party will be December 20<sup>th</sup> at 5:00 PM and that everyone can bring a plus one.

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Mayor Will Worman

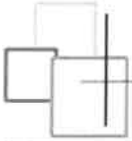
ATTEST:

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Recording Secretary Makenzee Goodell



# Accounts Payable-Financial Report



# Banking Activity

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

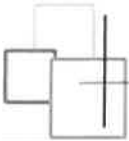
### Check

Reference Number: 17340 Invoice - 745381	2023-2024 - December	\$3,500.00		
Reference Number: 17341 Invoice - 162993	2023-2024 - December	\$67.00	Aldrich CPAs and Advisors LLP	
Reference Number: 17342 ACCT#: 6845 & 5722	2023-2024 - December	\$1,176.19	Analytical Labs	
Reference Number: 17343 Payment for 10 accounts, stubs attached	2023-2024 - December	\$1,176.19	BMO Bank N.A. - Payment	
Reference Number: 17344 Account: 503-T41-3615 024B	2023-2024 - December	\$4,994.51	Central Lincoln PUD	
Reference Number: 17345 Invoice - 05-54491	2023-2024 - December	\$154.65	Century Link/Qwest	
Reference Number: 17346 City Contribution for Employee's IRA for 11/30/23	2023-2024 - December	\$1,466.20	Cummins Sales and Service	
Reference Number: 17347 Invoice - AIE18716	2023-2024 - December	\$908.26	Edward Jones	
Reference Number: 17348 Invoice - 23-00775	2023-2024 - December	\$945.68	Government Ethics Commission	
Reference Number: 17349 Invoice - IN124772	2023-2024 - December	\$918.75	Merina+Co	
Reference Number: 17350 Public Water System ID# 4100821	2023-2024 - December	\$517.50	National Business Solutions	
Reference Number: 17351 Invoice - 3110479	2023-2024 - December	\$75.00	OHA Cashier-	
Reference Number: 17352 Membership Dues	2023-2024 - December	\$3.34	One Call Concepts, Inc	
Reference Number: 17353 Invoice -164301	2023-2024 - December	\$150.00	Oregon Mayors Association	
Reference Number: 17354 Invoice - 244364	2023-2024 - December	\$85.00	T & L Septic Tank Service	
		\$41.65	TCB Security Services	

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

Reference Number: 17355 Reimbursement for Tree Lighting Community Event	2023-2024 - December	\$173.35	Tina Retasket	
Reference Number: 17356 Account number 287261137961	2023-2024 - December	\$86.47	AT & T	
Reference Number: 17357 Invoice - Siletz 2023-0012	2023-2024 - December	\$1,700.00	City of Toledo	
Reference Number: 17358 Invoice - 67982	2023-2024 - December	\$517.00	Local Government Law Group	
Total Check		\$17,480.55		
Total 7001424544 - Main		\$17,480.55		
Total 1st Security Bank		\$17,480.55		
<b>Grand Total</b>		\$17,480.55		



# Banking Activity

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

**Deposit**

Reference Number: CM Deposit - 12/5/2023 4:04:42 PM Utility Billing Summary Transaction - 12/5/2023 9:11:37 AM	2023-2024 - December	\$2,298.50		
Reference Number: CM Deposit - 12/5/2023 4:09:01 PM Utility Billing Summary Transaction - 12/5/2023 9:33:07 AM	2023-2024 - December	\$2,344.50		Receipting Deposit Vendor
Reference Number: IC - ( Dec 1 2023 9:59PM Visa/MC/EFT/DSC ) Invoice Cloud Summary Transaction - ( Dec 1 2023 9:59PM Visa/MC/EFT/DSC )	2023-2024 - December	\$1,062.00		Receipting Deposit Vendor
Reference Number: IC - ( Dec 3 2023 9:59PM Visa/MC/EFT/DSC ) Invoice Cloud Summary Transaction - ( Dec 3 2023 9:59PM Visa/MC/EFT/DSC )	2023-2024 - December	\$231.50		Receipting Deposit Vendor
Reference Number: IC - ( Dec 4 2023 9:59PM Visa/MC/EFT/DSC ) Invoice Cloud Summary Transaction - ( Dec 4 2023 9:59PM Visa/MC/EFT/DSC )	2023-2024 - December	\$552.50		Receipting Deposit Vendor
Reference Number: IC - ( Dec 5 2023 9:59PM Visa/MC/EFT/DSC ) Invoice Cloud Summary Transaction - ( Dec 5 2023 9:59PM Visa/MC/EFT/DSC )	2023-2024 - December	\$1,230.44		Receipting Deposit Vendor
Reference Number: IC - ( Dec 6 2023 9:59PM Visa/MC/EFT/DSC ) Invoice Cloud Summary Transaction - ( Dec 6 2023 9:59PM Visa/MC/EFT/DSC )	2023-2024 - December	\$444.00		Receipting Deposit Vendor

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

**Deposit**

Reference Number: IC - ( Dec 7 2023 2023-2024 - December 9:59PM Visa/MC/EFT/DSC )	\$261.50			
Invoice Cloud Summary Transaction - ( Dec 7 2023 9:59PM Visa/MC/EFT/DSC )	\$261.50	Receipting Deposit Vendor		
Total Deposit	\$8,424.94			
Total 7001424544 - Main	\$8,424.94			
Total 1st Security Bank	\$8,424.94			
<b>Grand Total</b>	<b>\$8,424.94</b>			

# SPECIAL ORDERS

## MEMORANDUM TO COUNCIL

RE: Special Orders Where We Call Home Strategic Plan for Lincoln County

Fr: City Recorder

Date: 12/11/23

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**ISSUE:** The county's contractor Morant McLeod has finished the Strategic Plan Document. The document is now called "Where We Call Home Strategic Plan for Lincoln County".

**HISTORY:** In November, Ernest Stephens of Morant McLeod presented the "Homeless Strategic Plan" to the Council via Zoom. At that time we were told the final draft was incomplete and that the intent was to return once that document was complete. The document is now complete and is 131 pages long. The county wanted this to be on this meeting's agenda and they called to find out how people have reviewed the document. I told them we were not ready. They want full council participation and each member of the council to have reviewed the document. So this is postponed until the January meeting at the end of the month.

**ACTION:** No action is necessary other than taking time to review the document and note that there will be a resolution requested from the council after the presentation. I do hear there is some pushback from other communities on the data presented that they are not in agreement. This will be the city's chance to weigh in on any of the material presented. The document is being sent to your email for your review separate from the agenda packet..

## Reports of Officers, Boards, or Standing Committees

Parks,

Library,

Fire Department,

County Sheriff's Office (LCSO),

Homeless Advisory

Staff Report



# PUBLIC COMMENTS

# OLD BUSINESS

2<sup>nd</sup> Reading and Public Hearing- Ordinance  
207-23- An Ordinance Establishing Title 7  
Traffic Regulations to the City of Siletz  
Municipal Court

## MEMORANDUM TO COUNCIL

RE: Ordinance 207.23- An Ordinance Establishing Title 7-Traffic Regulations to the City of SiletzMunicipal Code

Fr: City Recorder

Date: 12/11/23

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**ISSUE:** The city's municipal code does not have Traffic Regulations. You will find bits and pieces of regulations regarding parking here and there, however, it is not a concise representation of a traffic section in the code. At the November 27<sup>th</sup> meeting the council passed the introduction and 1<sup>st</sup> reading of this ordinance and moved it to the second reading and public hearing. Amendments to the ordinance were made at that meeting. Those changes have been made to this document. Comments were made that the impoundment fee was low. We did further research and found that the fee should not be included in the Ordinance and should be in the master fee schedule for the City. That is a future document we will be working on in the new year. The fee appeared twice in the document it has been removed.

**HISTORY:** With the new No Camping/Parking Ordinance No. 205-23, the council realized we needed more traffic regulations than we currently have. The city's attorney provided assistance on this and she has given us this ordinance. Yes, it is a borrowed ordinance and we are attempting to make fit into a uniform traffic ordinance that applies to Siletz.

**ACTION:** The second reading can be read by title only as this has been out on the city's website and posted on the board at city hall. If the council is passing this by title only there is a motion to be read by title only and all of the council has to agree or it will have to be read in its entirety. Next, the Mayor would read into the record the title. Before deliberations, he will open a public hearing to hear any of the public's concerns or comments, close the public hearing, and then enter into deliberations with the council ending with a final vote of the council.

**CITY OF SILETZ  
ORDINANCE 207-23**

**AN ORDINANCE ESTABLISHING TITLE 7 - TRAFFIC REGULATIONS TO THE CITY OF SILETZ  
MUNICIPAL CODE.**

WHEREAS, the City of Siletz Municipal Code does not contain traffic regulations; and

WHEREAS, the city council is interested in providing to Siletz a Uniform Vehicle Code; and

WHEREAS, the city is desirous of having traffic laws to protect people on the roadway; and

WHEREAS, roadways are dangerous places, and traffic laws can help deter bad behavior behind the wheel; and

WHEREAS, traffic laws remind and teach people what is acceptable behavior and what is not.

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

WHEREAS. Siletz adopts Ordinance No. 207-23 establishing Title 7 - Traffic Regulations and will become effective 30 days from adoption.

Approved for its first reading on the 27<sup>th</sup> day of November, 2023

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

Yeas:

Nays:

Absent:

Abstain:

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

ATTEST:

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

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

TITLE 7 CHAPTER 1 TRAFFIC REGULATIONS SECTION:

7.01.100	Short Title
7.01.200	Definitions
7.01.300	Administration
7.01.310	Standards
7.01.320	Council Powers
7.01.330	City Mayor Powers
7.01.340	Police and Fire Officers' Authority
7.01.350	Traffic Signals
7.01.400	General Driving Regulations
7.01.410	Crossing Private Property
7.01.420	Unlawful Riding
7.01.430	Sleds on Streets
7.01.440	Damaging Sidewalks and Curbs
7.01.450	Removing Accident Debris
7.01.460	Vehicles Prohibited in Public Parks
7.01.470	Use of All Terrain Vehicles
7.01.480	Self-Powered, Electric or Fuel Powered Conveyance on Public Access, City Owned Property, Streets or Thoroughfares
7.01.490	Low-Speed Vehicles
7.01.500	Vehicle Restrictions
7.01.510	Storage on Streets
7.01.520	Unattended Vehicle
7.01.530	Impoundment
7.01.600	Obstructing Streets
7.01.700	Parking Restrictions
7.01.710	Method
7.01.720	Lights Required
7.01.730	Extension, Parking Limit
7.01.740	Prohibited Parking
7.01.750	Bus and Taxicab Parking, Stands
7.01.760	Use of Loading Zone
7.01.770	Exemptions
7.01.780	Unlawful Marking
7.01.790	Parking Citations
7.01.800	Pedestrians
7.01.900	Funeral Processions
7.01.910	Offenses
7.01.920	Civil Penalty

7.01.100 SHORT TITLE: This Title shall be cited as the "City of Siletz Uniform Traffic Ordinance".

7.01.200 DEFINITIONS: In addition to those definitions contained in the Oregon Vehicle Code, the following words or phrases, except where the context clearly indicates a different meaning, shall mean:

**BUS STOP:** A space on the edge of a roadway designated by a sign for use by buses loading or unloading passengers.

**HOLIDAY:** New Year's Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and any other day proclaimed by the Council to be a holiday.

**LOADING ZONE:** A space on the edge of a roadway designated by sign for the purpose of loading or unloading passengers or materials during specified hours or specified days.

**LOW SPEED VEHICLE :**Defined as it is in ORS 801.331, means any 4-wheeled vehicle with top speed of more than 20 miles per hour, but not more than 25 miles per hour. Every vehicle that is self-propelled, including tractors, fork-lift trucks, motorcycles, road building equipment, street cleaning equipment, and any other vehicle capable of moving under its own power, notwithstanding that the vehicle may be exempt from licensing under the motor vehicle laws of Oregon.

**MOTORIZED CONVEYANCE:** Scooters, mopeds, pocket bikes, mini motorcycles, skateboard with a motor of some type, or any similar type wheeled powered device that is operated by the rider and is propelled by electricity or fuel and is not a licensed or registered vehicle as defined by Oregon Statute.

**MOTORIZED WHEELCHAIR:** A motorized vehicle that is electrically powered with three to six wheels and one seat for the operator. This type of conveyance is originally manufactured as a device to provide mobility for a disabled person as defined in ORS 801.387

**PERSON:** A natural person, firm partnership, association, or corporation

**SELF-POWERED CONVEYANCE:** Bicycles, scooters, skateboards, roller or blade skate, coasters or any similar wheeled device that is operated and propelled by the rider, except for a wheelchair.

**STREET:** Highway, road or street as defined in ORS 801.305

**TAXICAB STAND:** A space on the edge of a roadway designated by sign for use by taxicabs.

**TRAFFIC LANE:** That area of the roadway used for the movement of a single line of traffic.

**VEHICLE:** As used in subsequent sections of this Title, this word includes bicycles. As used in this Title, the singular includes the plural, and the masculine includes the feminine.

**7.01.300 ADMINISTRATION:**

**7.01.310 STANDARDS:** The regulations of the City Manager or his designate shall be based upon:

- A. Traffic engineering principles and traffic investigations.
- B. Standards, limitations and rules promulgated by the Oregon Transportation Commission.
- C. Other recognized traffic-control standards.

**7.01.320 COUNCIL POWERS:**

- A. Subject to State laws, the City Council shall exercise all Municipal traffic authority for the City except those powers specifically and expressly delegated herein or by another ordinances.
- B. The powers of the Council shall include, but not be limited to:
  - 1. Designation of through streets.
  - 2. Designation of one-way streets.
  - 3. Designation of truck routes.

4. Designation of parking meter zones.
5. Restriction of the use of certain streets by any class or kind of vehicle to protect the streets from damage.
6. Authorization of greater maximum weights or lengths for vehicles using City streets than specified by State law.
7. Initiation of proceedings to change speed zones.
8. Revision of speed limits in parks.

7.01.330 CITY MAYOR POWERS: The City Mayor or his designate shall exercise the following duties:

A. Implement the ordinances, resolutions and motions of the Council and his own orders by installing, maintaining, removing, and altering traffic-control devices. Such installation shall be based on the standards contained in the Oregon Manual on Uniform Traffic-Control Devices for Streets and Highways.

B. Establish, remove, or alter the following classes of traffic controls:

1. Crosswalks, safety zones, and traffic lanes.
2. Intersection channelization and areas where drivers of vehicles shall not make right, left or U-turns, and the time when the prohibition applies.
3. Parking areas and time limitations, including the form of permissible parking (e.g., parallel or diagonal).
4. Traffic-control signals.
5. Loading zones and stops for vehicles.

C. Issue oversize or overweight vehicle permits.

D. Designate certain streets as bridge paths and prohibit horses and animals on other streets.

E. Temporarily block or close streets.

F. Establish bicycle lanes and paths and traffic controls for such facilities.

G. Install temporary traffic-control devices deemed by him to be necessary under conditions constituting a danger to the public.

7.01.340 POLICE, CODE ENFORCEMENT AND FIRE OFFICERS AUTHORITY:

A. It shall be the duty of a police officer or code enforcement officer to enforce the provisions of this Title.

B. In the event of a fire or other public emergency, City employees and volunteer fire fighters may direct traffic as conditions require, notwithstanding the provisions of this Title.

7.01.350 TRAFFIC SIGNALS:

A. The existence of a traffic sign, signal, device or marking shall be prima facie evidence that such sign, signal, device or marking was lawfully authorized and installed under the terms of this Chapter and the laws of the State.



7.01.400 GENERAL DRIVING REGULATIONS:

7.01.410 CROSSING PRIVATE PROPERTY: No operator of a vehicle shall proceed from one street to an intersecting street by crossing private property. This provision shall not apply to the operator of a vehicle who stops on the property for the purpose of procuring or providing goods or services.

7.01.420 UNLAWFUL RIDING:

A. No operator shall allow a passenger and no passenger shall ride on a vehicle upon a street except on a portion of the vehicle designed or intended for the use of passengers. This provision shall not apply to an employee engaged in the necessary discharge of a duty or to a person riding within a truck body in space intended for merchandise.

B. No person shall board or alight from a vehicle while the vehicle is in motion upon a street.

C. Minors Riding in bed of motor vehicle: No person shall drive a motor vehicle upon a public highway, street or alley in which any person under the age of eighteen (18) is riding in or on the bed of the motor vehicle unless the bed is fully enclosed or the bed is equipped with a seat and a seat belt properly affixed to the bed and which is being used by said minor. This provision does not apply to drivers who are part of a permitted parade.

D. Riding in or on tailgates: No person shall drive a motor vehicle upon a public highway, street, or alley in which any person is riding in or on the tailgate of said vehicle. This provision does not apply to public service and public utility vehicles.

7.01.430: SLEDS ON STREETS: No person shall use the streets for traveling on skis, toboggans, sleds, or similar devices, except where authorized.

7.01.440 DAMAGING SIDEWALKS AND CURBS:

A. The operator of a motor vehicle shall not drive upon a sidewalk or roadside planting strip except to cross at a permanent or temporary driveway.

B. No unauthorized person shall place dirt, wood or other material in the gutter or space next to the curb of a street with the intention of using it as a driveway.

C. No person shall remove a portion of a curb or move a motor vehicle or device moved by a motor vehicle upon a curb or sidewalk without first obtaining authorization and posting bond, if required. A person who causes damage shall be held responsible for the cost of repair.

7.01.450 REMOVING ACCIDENT DEBRIS: A party to a vehicle accident or a person causing broken glass or other debris to be upon a street shall remove the glass and other debris from the street.

7.01.460 VEHICLES PROHIBITED IN PUBLIC PARKS:

A. No person shall drive a vehicle of any kind, in any area of a public park other than areas which have been designated as roadways, parking areas, or bicycles on paved pathways which do not exclude bicycles.

B. No person shall operate a motorized vehicle of any kind in areas marked as bicycle or "bike" paths.

C. The owner of a vehicle found to be operated in violation of subsections A, B or C of this Section shall be liable for any damage to property caused by this violation.

D. This Section does not apply to a City employee engaged in the necessary discharge of his or her duty.

7.01.470 USE OF ALL TERRAIN VEHICLES:

A. As used in this subsection "All Terrain Vehicle" means an all-terrain vehicle of any class as defined in the Oregon Vehicle Code. (ORS 801.190, ORS 801.193, and ORS 801.194).

B. No person shall drive an all-terrain vehicle within the City limits of the City of Siletz or upon any property owned by the City of Siletz, except as permitted under paragraphs C or D of this subsection. This subsection does not apply to all-terrain vehicles that are street legal and licensed for highway use which are being lawfully operated on any public street or highway in the City.

C. No person shall drive an all-terrain vehicle on any private property except with the consent of the owner of the property. This subsection does not apply to a person driving an all terrain vehicle on his or her own property or on other property in the presence of the property owner or with the written permission of the property owner. Any written permission required by this subsection shall be in the possession of the driver when operating the all terrain vehicle and shown upon request of any public employee charged with enforcing this subsection.

D. This subsection does not apply to a public employee, including police officer of code enforcement officer of code enforcement officers, fire department personnel, paramedics, and others providing emergency services engaged in the necessary discharge of his or her official duty.

7.01.480 SELF-POWERED, ELECTRIC OR FUEL POWERED CONVEYANCE ON PUBLIC ACCESS, CITY OWNED PROPERTY, STREETS OR THOROUGHFARES:

A. Areas permitted: Riding or operating a self-propelled, electric or fuel powered motorized conveyance is permitted in the following areas:

1. City owned public access areas to include but not limited to: City parks, areas within City parks, or any City owned property that has been designated by the Public Works Department for the specific use of a self-propelled, electric or fuel propelled motorized conveyance and is duly posted with rules and regulations governing the use of such conveyances.
2. Private property where the owner or person in legal charge of the property has consented.
3. Within the bike lane of any street that is posted 25 mph or less, with the exception of bicycles which may travel on any city street or thoroughfare regardless of posted speed.
4. Motorized scooters can be driven on the side of city roadways with a speed limit of 25 mph or less and may be operated on a city roadway with a speed limit over 25 mph as long as the roadway has a marked bike lane in which the motorized scooter may ride. In

addition motorized scooters must comply with state statutes governing such conveyances and may only be operated by a driver 16 years of age and older who is eligible to possess a valid driver's license. Mopeds can be driven on any city roadway with a posted speed of 25 mph or less. Mopeds must comply with state statutes governing such conveyances and drivers must be licensed and insured according to state law. Motorized mini motorcycles/pocket bikes can be operated on city owned public access property, except city roadways and bike paths, when such property is specifically designated for such use by the Public Works Department.

B. Areas prohibited: Except for persons operating a motorized wheelchair or wheelchair, no person shall ride or operate a self-powered, electric, or fuel propelled motorized conveyance in the following areas:

1. On any City sidewalks in commercial and non-residential areas.
2. On private property open to the public, without the owner's permission.
3. On any City Street where the posted or designated speed is over 25 mph, with the exception of bicycles which may travel on any city street or thoroughfare regardless of posted speed.
4. On City owned public access property including parks, areas within parks or any City owned property when such use is specifically prohibited and duly posted.
5. Mopeds and motorized scooters are prohibited from operating on any city roadway when the posted speed is over 25 mph. Motorized scooters may travel on a roadway where the posted speed is over 25 mph when there is a marked bike lane in which the motorized scooter may travel in.

C. Regulations: The following regulations apply to the general operation of self-powered, electric or fuel powered conveyance within the City.

1. Protective Headgear. Any person under the age of 16 is required to wear protective headgear of a type approved under ORS 815.052, when riding a self-powered, electric or fuel propelled conveyance on City owned property, streets or thoroughfares.
2. Equipment. No self-powered, electric or fuel propelled motorized conveyance shall be operated on any public street or sidewalk between 30 minutes after sunset and 30 minutes before sunrise unless the rider or conveyance is equipped with lighting equipment that meets the following requirements:
  - a. The lighting equipment must show a white light visible from a distance of at least 500 feet to the front of the rider or conveyance.
  - b. The lighting equipment must have a reflector or lighting device or material of such size or characteristic and so mounted as to be visible

from all distances up to 600 feet to the rear when directly in front of lawful lower beams of headlights on a motor vehicle.

3. Traffic Control Devices. Any person operating a self-powered, electric or fuel propelled conveyance shall obey the instructions of official traffic control signals, signs and other control devices applicable to vehicles.

4. Traffic Regulations. The operation of a self-powered, electric or fuel propelled motorized conveyance on any City Street or thoroughfare, shall be subject to all the provisions or laws of the State and laws of the City, including those applicable to the drivers of vehicles, except as to the latter, those provisions that by their very nature have no application.

5. Operation on sidewalks. No person shall operate a self-propelled conveyance (excluding bicycles which are prohibited) on a sidewalk:

- a. So as to suddenly leave a curb or other place of safety and move into the path of a vehicle that is so close as to constitute an immediate hazard.
- b. Without giving an audible warning before overtaking and passing a pedestrian.
- c. At a speed greater than an ordinary walk when approaching or entering a crosswalk, approaching, or crossing a driveway or crossing a curb cut or pedestrian ramp and a vehicle is approaching the crosswalk, driveway, curb cut or pedestrian ramp.

6. Bicycles are prohibited from operating on any pedestrian sidewalk or pathway in the city except paths or trails that are clearly marked for the joint use by both bicycles and pedestrians except as follows:

- a. Bicycles are allowed on sidewalks in residential areas.
- b. Bicycles are allowed on paved pathways in city parks unless posted as prohibited.
- c. Bicycles are permitted on all public bikes and pedestrian paths and trails unless posted as prohibited.

7. Racing. No person operating a self-powered, electric or fuel propelled motorized conveyance shall engage in, or cause others to engage in, a race upon streets, sidewalks, or any other public property. Provided, however, that it shall not be a violation of this subsection, if racing occurs in conformance with rules and regulations within a designated area for such use, as defined by the Public Works Department.

8. Hitching on Vehicles. No person, while operating a self-propelled, electric or fuel propelled conveyance shall in any way attach themselves or the conveyance to any moving motor vehicle.

9. Careless Riding. No person shall operate a self-powered, electric or fuel propelled conveyance in a careless manner. Riding in a careless manner means the person operates the conveyance in a manner that endangers or would be likely to endanger any person or property.

10. Every person operating a bicycle upon a street or bike path shall ride as near to the righthand side of the street or path as is practicable, exercising due care when passing a standing vehicle or one proceeding in the same direction.

11. The operator of a bicycle entered from an alley, driveway, or building shall, upon approaching a sidewalk or the sidewalk area extending across any alley or driveway, yield the right-of-way to all pedestrians approaching on said sidewalk or sidewalk area, and upon entering the roadway shall yield the right-of-way to all vehicles approaching on said roadway.

12. No person operating a bicycle shall carry any package, bundle or article which prevents the rider from keeping at least one hand upon the handlebars and in full control of such bicycle.

13. No person shall leave a bicycle on public property or the public right-of-way except in a bicycle rack. If no rack is provided, the person shall leave the bicycle so as not to obstruct any roadway, sidewalk, driveway or building entrance. A person shall not leave a bicycle in violation of the provisions relating to the parking of motor vehicles.

D. Penalties:

1. First Offense. When any person violates a provision of this chapter, the offender may be issued a written warning citation for the violation and advised that subsequent violations within a 5 year period may result in the offender, (if over the age of 12), being issued a written citation to appear in court for the offense(s). Repeat offenders may have the involved conveyance impounded and be required to pay an impound fee per occurrence and if convicted of the offense(s), and at the direction of the court, the conveyance may be seized and forfeited to the city for disposal.

2. Second and Subsequent Offenses. A person who commits a second or subsequent violation of a provision of this chapter, who is under the age of 12 and has previously been issued a written warning citation, shall have the involved conveyance impounded. The offender's parent or guardian must contact the impounding officer for "offender counseling" within 20 days from the date of impoundment or the conveyance shall be forfeited to the City. Every person over the age of 12, who is convicted of a violation under this chapter within a 5-year period, shall be punished by a fine not less than \$50 or more than \$250. Fifty dollars of the fine shall not be suspended or deferred, but the court may authorize community service in lieu of all or part of this fine. In addition, the City police and the Code Enforcement shall be authorized to

impound the conveyance assess the owner/operator an impound fee. The court may also order forfeiture of the conveyance which was ridden in violation of this chapter, unless it is proven to the court by a preponderance of the evidence that the defendant is not the owner of the conveyance and the owner did not and could not have reasonably known that the conveyance would be ridden in violation of this chapter.

7.01.490 LOW SPEED VEHICLES: In accordance with Oregon Revised Statutes and Federal Low Speed Vehicles standards Low-speed Vehicles may be operated on certain streets/highways within the Siletz City limits. Low speed vehicles may be operated on street/highways where there is a designated speed of 45 miles per hour or less and within the Siletz city limits.

7-01.500 VEHICLE RESTRICTIONS:

7.01-510 STORAGE ON STREETS: No person shall store or permit to be stored on a street or other public property, without permission of the City Council, a motor vehicle or personal property for a period in excess of two (2) hours. Failure to move a motor vehicle or other personal property for a period of seventy two (72) hours shall constitute prima facie evidence of storage of a motor vehicle.

7-01-520 UNATTENDED VEHICLE: Whenever a police officer or code enforcement officer shall find a motor vehicle parked or standing unattended with the ignition key in the vehicle, the officer is authorized to remove the key from the vehicle and deliver the key to the clerk of the court at city hall.

**IMPOUNDMENT:**

A. Whenever a vehicle is placed in a manner or location that constitutes an obstruction to traffic or a hazard to public safety, a police officer or code enforcement officer shall order the owner or operator of the vehicle to remove it. If the vehicle is unattended, the officer may cause the vehicle to be towed and stored at the owner's expense. The owner shall be liable for the costs of towing and storing, notwithstanding that the vehicle was parked by another or that the vehicle was initially parked in a safe manner but subsequently became an obstruction or hazard.

B. The disposition of a vehicle towed and stored under the authority of this Section shall be in accordance with the provisions of the ordinances of the City relating to impoundment and disposition of vehicles abandoned on the City streets.

C. The impoundment of a vehicle will not preclude the issuance of a citation for violation of a provision of this Title.

D. Whenever a police officer or code enforcement officer of code enforcement officer observes a vehicle parked in violation of a provision of this Title or State law, if the vehicle has four (4) or more unpaid parking violations outstanding against it, the officer may, in addition to issuing a citation, cause the vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as is provided in subsection B of this Section.

E. When any motor vehicle is found parked or standing, whether attended or unattended, in any prohibited or restricted area or an area posted "No Vehicular Traffic", an officer may, in addition to issuing a citation, cause that vehicle to be impounded. A vehicle so impounded shall not be released until all outstanding fines and charges have been paid. Vehicles impounded under authority of this subsection shall be disposed of in the same manner as provided in subsection B of this Section.

F. A police officer or code enforcement officer may order a vehicle to be towed and impounded at the expense of the owner or person entitled to possession thereof when:

1. The vehicle has been reported stolen; or
2. The vehicle or its contents is to be used as evidence in a traffic or criminal prosecution; or
3. The vehicle is in the possession of a person taken into custody by a law enforcement agency; or
4. The vehicle was used in committing a violation of ORS 811.175 and 811.182 (DWS); ORS 813.010 (DUII); ORS 807.010 (No operator's license); ORS 806.010 (Driving Uninsured).

G. When ordering a vehicle to be towed under paragraph F hereof, the police officer of code enforcement officer shall provide the notices set forth ORS 819.180.

H. The registered owner or driver of a vehicle impounded under paragraph F-2-3-4 hereof shall pay an administrative fee of not less than \$100.00 to recover the costs incurred by the police department for the impoundment.

**IMPOUND HEARING:**

A. Upon written request of the legal owner, the registered owner, or any other person who reasonably appears to have an interest in the vehicle, delivered to the Municipal Court not more than five days from the mailing date of the impound notice, a hearing shall be held before the municipal judge. The written request shall state the grounds upon which the person requesting the hearing believes that the removal and custody of the vehicle is not justified. The five-day period in this subsection does not include holidays, Saturdays, or Sundays.

B. The hearing shall be set and conducted within two regular Court days of receipt of the request, holidays, Saturdays, and Sundays not included. The hearing can be set for a later date if the owner or person entitled to possession so requests.

C. The City shall have the burden of showing the validity of the taking of the vehicle.

D. At any time prior to the requested hearing, the owner or the person entitled to possession of the vehicle may regain possession of the vehicle by posting with the City security in the form of cash or bond in an amount sufficient to cover costs of removing and storage, together with any fines owed, and a fee in an amount set by resolution of the Council.

E. If the municipal judge finds, after the hearing, that:

1. The action of the City in taking the vehicle into custody was proper, the municipal judge shall enter an order supporting the removal and may assess the costs of the hearing against the person requesting the hearing.

2. The action of the enforcement officer in taking the vehicle into custody was invalid, the judge shall:

(a) Order the immediate release of the vehicle to the owner;

(b) Find that the owner is not liable for any towing or storage charges occasioned by the taking;

(c) Order the City to satisfy the towing and storage lien; and

(d) Order the City to reimburse the owner for any towing and storage charges and City fees paid by the owner for the vehicle. New storage costs on the vehicle will not start to accrue until more than 24 hours after the time the vehicle is officially released to the owner under this subsection 2.

F. If the person requesting the hearing does not appear at the scheduled hearing, the municipal judge may enter an order supporting the removal of the vehicle and the assessment of towing and storage costs and may apply any security posted against such costs. A person who fails to appear at a hearing under this section is not entitled to another hearing unless the person provides reasons satisfactory to the appropriate authority for the person's failure to appear.

G. The municipal judge shall provide a written statement of the results of the hearing held under this section to the person requesting the hearing. The action of the municipal judge pursuant to this section is final.

7.01.600: OBSTRUCTING STREETS:

A. Except as provided by this Title or any other ordinance of the City, no person shall place, park, store, deposit, or leave upon any street or other public way, sidewalk, parkway or curb any article, personal property, or material which in any way prevents, interrupts, or obstructs the free passage of pedestrian or vehicle traffic, or obstructs the driver's view of traffic control signs and signals.

B. Nothing in this Section shall be so construed as to preclude the right of property owners, persons responsible for properties, or builders having a permit therefore to make use of so much of the roadway, not to exceed one-fourth (1/4) the width, as may be necessary for use, erection, or construction, and abutting on any such roadway.

C. Any person who shall make or cause to be made any portion of the street to be dangerous shall erect a good and sufficient barrier which shall protect and warn the public for such time as the danger may continue.

D. No unauthorized person shall deposit any earth, gravel, or debris upon any street, alley, or other public way, parking strip, sidewalk, or curb.



7.01.700 PARKING RESTRICTIONS

7.01.710 METHOD:

A. Where parking space markings are placed on a street, no person shall stand or park a vehicle other than in the indicated direction and, unless the size or shape of the vehicle makes compliance impossible, within a single marked space.

B. The operator who first begins maneuvering a motor vehicle into a vacant parking space on a street shall have priority to park in that space, and no other vehicle operator shall attempt to interfere.

C. Whenever the operator of a vehicle discovers the vehicle is parked close to a building to which the Fire Department has been summoned, the operator shall immediately remove the vehicle from the area, unless otherwise directed by police or fire officers.

7.01.720 LIGHTS REQUIRED: No lights need be displayed upon a vehicle that is parked in accordance with this Title upon a street where there is sufficient light to reveal a person or object at a distance of at least five hundred feet (500') from the vehicle.

7.01.730 EXTENSION, PARKING LIMIT: Where maximum parking time limits are designated by sign, movement of a vehicle within a 600-foot radius shall not extend the time limits for parking.

7.01.740 PROHIBITED PARKING:

A. No person shall stop, stand, store, or park a vehicle, recreational vehicle, trailer, or motorized conveyance:

1. In an alley other than for the expeditious loading or unloading of persons or materials, and in no case for a period in excess of thirty (30) consecutive minutes.
2. On any street or bike path which has a posted restriction to the parking, standing, or operation of motor vehicles.
3. On any street in such a manner that vision at an intersection is obstructed.
4. For more than two (2) hours on any street adjacent to a private driveway in such a manner that vision is obstructed for persons using the driveway.
5. On any street for the purpose of repairing or servicing the vehicle, except repairs necessitated by an emergency.

B. No person shall stop, stand, or park a motor truck on a street between the hours of nine o'clock (9:00) P.M. and seven o'clock (7:00) A.M. of the following day in front of or adjacent to a residence, motel, apartment house, hotel, or other sleeping accommodation.

C. No person shall stop, stand, or park a vehicle on any street for the principal purpose of:

1. Displaying the vehicle for sale.
2. Repairing or servicing the vehicle, except repairs necessitated by an emergency.
3. Displaying advertising from the vehicle.
4. Selling merchandise from the vehicle, except when authorized.

D. Where parking is permitted upon a street, no person shall stop, stand, store, or park a vehicle, recreational vehicle, or trailer for a period in excess of seventy-two (72) hours, or such shorter period as provided by signage. A person stopping, standing, storing, or parking a vehicle, recreational vehicle, or trailer upon a street shall also comply with the following:

1. Unless a shorter period is provided by signage, stopping, standing, storing, and parking is limited to seventy-two (72) hours in one location. In order to avoid violation of this time limit, a vehicle, recreational vehicle, or trailer must be moved outside of a 600-foot radius from the original location, cannot be at the new location for a period in excess of seventy-two (72) hours, and cannot return to the original location for at least fourteen (14) full calendar days.
2. A person may not accumulate, discard, or leave behind garbage, debris, unsanitary or hazardous materials, or other items of no apparent utility in streets, on City property, or on any adjacent public or private property.
3. A person shall not leave an animal unattended outside the vehicle, recreational vehicle, or trailer; animals must be crated or under control on a leash no longer than six feet.
4. A person shall not create or maintain open flames, recreational fires, burning of garbage, or bonfires in, on, or around the vehicle, recreational vehicle, or trailer.
5. A person shall not dump gray water (i.e., wastewater from baths, sinks, and the like) or black water (i.e., sewage) into any facilities or places not intended for gray water or black water disposal.
6. A person shall not store personal property outside the vehicle, recreational vehicle, or trailer other than what is incidental to the active loading or unloading of a vehicle, recreational vehicle, or trailer.
7. The vehicle, recreational vehicle, or trailer must be operational and display valid registration.
8. A person shall not build or erect any structure connected to or attached to the vehicle, recreational vehicle, or trailer.

E. Issuance of a citation for a violation of this section is not an exclusive enforcement remedy. A law enforcement officer may impound a vehicle, recreational vehicle, or trailer for violation of this section. If the City proposes to impound any vehicle parked in violation of this section, the City shall provide notice in a manner set forth under ORS 819.170.

#### 7.01.750 BUS AND TAXICAB PARKING, STANDS:

A. Parking of Buses and Taxicabs: The operator of a bus or taxicab shall not stand or park the vehicle upon a street in a business district at a place other than a bus stop or taxicab stand, respectively, except that this provision shall not prevent the operator of a taxicab from temporarily stopping the taxicab outside a traffic lane while loading or unloading passengers.

B. Restricted Use of Bus and Taxicab Stands: No person shall stand or park a vehicle other than a taxicab in a taxicab stand, or a bus in a bus stop, except that the operator of a passenger vehicle may temporarily stop for the purpose of and while actually engaged in loading or unloading passengers when stopping does not interfere with a bus or taxicab waiting to enter or about to enter the restricted space.

7.01.760 USE OF LOADING ZONE: No person shall stand or park a vehicle for any purpose or length of time, other than for the expeditious loading or unloading of persons or materials, in a place designated as a loading zone when the hours applicable to that loading zone are in effect. In no case, when the hours applicable to the loading zone are in effect, shall the stop for loading and unloading of materials exceed the time limits posted. If no time limits are posted, then the use of the zone shall not exceed thirty (30) minutes.

7.01.770 EXEMPTIONS: The provisions of this Title regulating the parking or standing of vehicles shall not apply to a vehicle of the City, County or State or public utility while necessarily in use for construction or repair work on a street, or a vehicle owned by the United States while in use for the collection, transportation, or delivery of mail.

7.01.780 UNLAWFUL MARKING: Except as provided by this Title, it shall be unlawful for any person to letter, mark, or paint in any manner any letters, marks or signs on any sidewalk, curb or other portion of any street, or to post anything designed or intended to prohibit or restrict parking on any street.

7.01.790 PARKING CITATIONS:

A. Citation on Illegally Parked Vehicle: Whenever a vehicle without an operator is found parked in violation of a restriction imposed by this Title or State law, the officer finding the vehicle shall take its license number and any other information displayed on the vehicle which may identify its owner, and shall conspicuously affix to the vehicle a traffic citation instructing the operator to answer to the charge during the hours and at a place specified in the citation.

B. Failure to Comply with Citation: If the operator does not respond to a traffic citation affixed to a vehicle, the Court clerk may send to the owner of the vehicle to which the traffic citation was affixed a letter informing the owner of the violation and warning him that in the event that the letter is disregarded for a period of fourteen (14) days, the case may be sent to collections.

C. Owner Responsibility: The owner of a vehicle placed in violation of a parking restriction shall be responsible for the offense, except when the use of the vehicle was secured by the operator without the owner's consent.

D. Registered Owner Presumption: In a prosecution of a vehicle owner charging a violation of a restriction on parking, proof that the vehicle at the time of the violation was registered to the defendant shall constitute a presumption that the defendant was then the owner in fact.

7.01.800 PEDESTRIANS:

A. Required Use of Crosswalks: No pedestrian shall cross a street other than within a crosswalk in blocks with marked crosswalks or if within one hundred fifty feet (150') of a marked crosswalk.

B. Right Angles: A pedestrian shall cross a street at a right angle, unless crossing within a crosswalk.

7.01.900 FUNERAL PROCESSIONS:

- A. A funeral procession shall proceed to the place of interment by the most direct route which is both legal and practicable.
- B. The procession shall be accompanied by adequate escort vehicles for traffic-control purposes.
- C. All motor vehicles in the procession shall be operated with their lights turned on.
- D. No person shall unreasonably interfere with a funeral procession.
- E. No person shall operate a vehicle that is not a part of the procession between the vehicles of the funeral procession.

7.02.910 OFFENSES: It shall be unlawful for any person to:

- A. Damage, tamper with, deface, destroy, change, remove, install, paint, or mark any traffic sign, signal or marking, except as provided and authorized in this Chapter.
- B. Violate or fail to comply with any traffic or parking sign, signal, marking, device, or designation provided for by this Chapter or by the laws of the State.
- C. Violate or fail to comply with the directions of a City employee or volunteer fire fighter.
- D. To give or supply false information concerning the identity of the operator of a motor vehicle.
- E. Violate or fail to comply with any provision of this Chapter.

7.02.110 CIVIL PENALTY: Proceedings for violation of subsections or paragraphs 7.1.4.2, 7.1.4.3, 7.1.44:A, 7.1.4.4:B, 7.1.4.5, 7.1.4.7-B, 7.1.4.8, 7.1.5.1, 7.1.5.2, 7.1.7.3, 7.1.7.4, 7.1.7.5, 7.1.7.6, and 7.1-7.7 shall be civil in nature, and violations thereof are punishable by a fine not to exceed \$500.00 with 7.1.7.4 as set by resolution of the City Council.

2<sup>nd</sup> Reading and Public Hearing- Ordinance  
208-23 An Ordinance Amending Title 2-  
Administration and Personnel-Chapter 2.16,  
Procurement Policy of the City Municipal  
Code

## MEMORANDUM TO COUNCIL

RE: Ordinance 208-23 – An Ordinance Amending Title 2-Administration and Personnel Chapter 2.16 Procurement Policy of the City of Siletz Municipal Code.

Fr: City Recorder

Date: 12/11/2023

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**ISSUE:** The procurement code for the city has not been updated since 1992. The city's CPA Merina and Company provided this policy. It follows state law. It will be simple to use and is what other small cities are using. The city wants to ensure that we are following proper procedures for procuring goods and services for the city.

**HISTORY:** At the November 27<sup>th</sup> meeting the council passed the introduction and 1<sup>st</sup> reading of this ordinance to this meeting for 2<sup>nd</sup> reading and public hearing. No amendments were made, this document remains as presented. The ordinance does qualify to be read by title only, it has been duly posted on the city's website, and at city hall on the bulletin board.

**ACTION:** If a motion to read by title is made then, all councilors must agree or it will need to be read in its entirety. The Mayor would read the title into the record and then he would need to open a Public Hearing, once all comments are heard, he will close the public hearing and enter into deliberations with the council. There is a final motion needed to either approve or not approve.

**CITY OF SILETZ  
ORDINANCE 208-23**

**AN ORDINANCE AMENDING TITLE 2-ADMINISTRATION AND PERSONNEL- CHAPTER 2.16,  
PROCUREMENT POLICY OF THE CITY OF SILETZ MUNICIPAL CODE.**

**WHEREAS**, the purpose of procurement is the act of purchasing leasing, renting, or otherwise acquiring products or services; and

**WHEREAS**, there is a procurement policy in place in the City of Siletz Municipal Code, that has not been updated since 1992; and

**WHEREAS**, a procurement policy includes each function and procedure that the city will undertake to enter into, administer, and manage the performance of a contract; and

**WHEREAS**, the purpose of this policy is to define the purchasing authority of the City and the limitations and methods available to procure services, goods, and other acquisitions.

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

**WHEREAS**, the City of Siletz adopts Ordinance No. 208-23 to revise the Administration and Personnel Title 2, Chapter 2.16 Procurement Policy in its entirety 2.16.010 through 2.16.080 (Exhibit A: **Bold** is new text and ~~strikethrough~~ is deleted) and will become effective 30 days from adoption.

Approved for its introduction and first reading on this 27<sup>th</sup> day of November 2023;

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

Yeas:  
Nays:  
Absent:  
Abstain:

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

ATTEST:

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

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

## Chapter 2.16 - PROCUREMENT POLICY

## Sections:

~~2.16.010— Purchases and contracts— Equipment, materials and supplies.~~

~~Purchases and contracts for equipment, materials, and supplies involving no personal services shall be made in the following manner:~~

~~A.1.— The City Recorder, or other qualified individuals so delegated by the City Council, shall make purchases not to exceed two thousand five hundred dollars in the open market using small purchase procedures after such inquiry as necessary to ensure that the price obtained is the most advantageous to the City.2. Petty cash funds are audited by the City's audit firm annually during the City's fiscal audit to eliminate abuse and misuse.~~

~~B.1.— For purchases and contracts involving a single project and a dollar amount from two thousand five hundred dollars to twenty five thousand dollars, the City Recorder and/or his/her delegee shall use competitive quotes and invite offers orally, by telephone, or in writing. A file shall be kept with an abstract of invitations made and offers received.2.No contractor may be awarded in the aggregate within a fiscal year contracts in excess of fifty thousand dollars without competitive bidding.3.To be binding on the City, all contracts over two thousand five hundred dollars shall be in writing and executed either by the City Council and/or the Mayor and City Recorder.~~

~~C.1.— For purchases and contracts in excess of twenty five thousand dollars, the City Council or their delegee shall use formal advertising methods of soliciting sealed bids (unless otherwise justified).2.All bid advertisements shall comply with the statutory requirements prescribed in ORS 279.025.3. All bid advertisements shall contain the phrase "Equal Opportunity Employer."4. The City Council shall, after a recommendation from the Mayor, City Recorder, or delegee, award the contract to the appropriate party or reject all bids.~~

~~D.— The City shall endeavor to enter into intergovernmental agreements, if appropriate, enabling the City to use State and local purchasing contracts and request that the contracting agency note in the applicable contracts that use by the City is authorized.~~

~~E.— All procurement of equipment, materials, and supplies involving no personal services shall be documented.~~

~~{Ord. 140 § A, 1992}~~

~~2.16.020— Purchases and contracts— Construction, maintenance and repair.—~~

~~Purchases and contracts for the construction, maintenance, and repair of City property shall be by a competitive bidding process (as defined by Oregon Statutes, Chapter 279) unless the City Recorder and/or City Council determines that the awarding of the contract without competitive bidding is in the public interest and the following conditions are met:~~

~~A. The amount of the contract does not exceed twenty five thousand dollars and is for a single project.~~



~~B. For purchases or contracts involving a dollar amount not to exceed two thousand five hundred dollars, the City Recorder may use purchase orders or other appropriate small purchase procedures as the City Recorder deems appropriate.~~

~~C. When the amount of the contract is more than two thousand five hundred dollars but less than twenty five thousand dollars, the City Recorder or his/her delegee shall obtain a minimum of three competitive quotes. The City shall keep a written record of the source and the amount of the quotations. If three quotes are not available, a lesser number shall suffice provided that a written record is made of the effort to obtain the quotes.~~

~~{Ord. 140 § B, 1992}~~

~~2.16.030 – Contract amendment. ———~~

~~The City Recorder and/or Mayor is authorized to amend the original contract amount up to but not to exceed ten percent of the original contracting price. However, if the original was awarded through the competitive bidding process and a fixed unit price was established, the City Recorder and/or Mayor may amend the contract amount without regard to the ten percent limit if the originally established unit price is maintained.~~

~~{Ord. 140 § C, 1992}~~

~~2.16.040 – Lack of competitive bidders permitted when.~~

~~A. For purchases specified in Sections 2.16.010 (B) and (C) and 2.16.020 of this chapter, lack of competitive quotes or competitive biddings is permissible only when the City Council declares that an emergency exists which permits no delay because of the possibility of an injury, loss of life or destruction of property, or when only one source of supply is available.~~

~~B. In addition, if an award on any contract over twenty five thousand dollars is made without competitive bidding or competitive quotes, a written report of such award, together with a statement justifying the lack of competition shall be made by the City Recorder and appropriately filed. When there is competitive bidding, the award shall be made to the lowest responsible bidder (qualified under ORS 279.029 and ORS 279.037) who meets the bid package requirements.~~

~~{Ord. 140 § D, 1992}~~

~~2.16.050 – MBE/WBE and small business in rural areas (SBRAS). —~~

~~The City as an equal opportunity employer shall utilize and solicit MBE/WBE and small businesses in rural areas whenever they are potential sources and shall comply with the City's affirmative action policy.~~

~~{Ord. 140 § E, 1992}~~

~~2.16.060 – Preference for State goods and services — Conditions for foreign contractors. —~~

~~A. In all public contracts, the public contracting agency shall prefer goods or services that have been manufactured in this State if price, fitness, availability, and quality are otherwise equal.~~

~~B. Where a public contract is awarded to a foreign contractor and the contract price exceeds ten thousand dollars, the contractor shall promptly report to the Department of Revenue on forms to be provided by the Department of Revenue the total contract price, terms of payment, length of contract and such other information as the Department of Revenue may require before final payment can be received on the public contract. The public contracting agency shall satisfy itself that the requirement of this subsection has been complied with before it issues a final payment on a public contract.~~

~~C. For purposes of this subsection, a foreign contractor is one who is not domiciled in or registered to do business in the State of Oregon.~~

~~{Ord. 140 § F, 1992}~~

~~2.16.070 Enforcement authority. —~~

~~The City Recorder and/or Mayor shall carry out and ensure compliance with this chapter. Citations to ORS statutes regarding State law are not to be construed as a general adoption by the City of State purchasing law. Therefore, the requirements stated in the ORS citations noted in this chapter may be waived by the City Recorder and/or Mayor for a good cause.~~

~~{Ord. 140 § G, 1992}~~

~~2.16.080 Conflict of interest. —~~

~~A. No employees, officer, or agent of the City shall participate in the selection, or the award or administration of a contract supported by federal funds if a conflict of interest, real or apparent, would be involved. Such a conflict would arise when: (1) The employees, officer, or agent; (2) Any member of his immediate family; (3) His or her partner; or (4) An organization that employs, or is about to employ, any of the above, has a financial or other interest in the firm selected for the award.~~

~~B. The City's officers, employees, or agents shall neither solicit nor accept gratuities, favors, or anything of monetary value from contractors, potential contractors, or parties to such sub-agreements.~~

~~{Ord. 140 § H, 1992}~~

**2.16.010 Purpose**

**Procurement is the act of purchasing, leasing, renting, or otherwise acquiring products or services. Procurement includes each function and procedure that the City will undertake to enter into, administer, and manage the performance of a contract. The purpose of this policy is to define the purchasing authority of the City and the limitations and methods available to procure services, goods, and other acquisitions.**

**2.16.020 Policy Statement**

- A. It shall be the responsibility of the City Recorder to ensure that all departments follow all policies and procedures.**
- B. Only the purchasing methods described herein are available for purchasing goods and services on behalf of the City.**

- C. The City's purchasing system is considered decentralized (each department's responsibility) except for those goods, services, and equipment that qualify or are designated for centralized purchasing.
- D. All applicable paperwork should be forwarded to the City Recorder as promptly as possible to expedite processing.
- E. No purchase made by an employee shall bind the City to receive and/or pay for the goods or services procured unless authorized by the methods described herein.
- F. Noncompliance with these policies and procedures may result in the return of improperly authorized or prepared documents, nonpayment of vendor invoices, cancellation of purchasing privileges, or other sanctions as determined necessary after consultation with the City Recorder.
- G. Transactions should *not* be split into smaller parts to circumvent the dollar limitations and requirements of this policy.
- H. The City does not prepay for goods or services or utilize prepaid devices such as gift cards. If a vendor requires prepayment for goods or services, authorization must be obtained from the City Recorder.
- I. Employee reimbursements should be kept to a minimum (i.e. emergencies and travel/training).

#### **2.16.30 Procurements of Goods or Services**

The City may procure goods or services by

- competitive sealed bidding by ORS 279B.055,
- through competitive sealed proposals per ORS 279B.060,
- as small procurements,
- as intermediate procurements, or
- through utilization of the State's cooperative purchasing system.

The City may also take advantage of sole source or emergency procurements in specific situations as described below.

- A. Competitive sealed bidding or competitive sealed proposals are required for all procurements of goods and services greater than \$150,000.
  - a. Competitive bidding
    - i. All bid documents shall receive prior approval from the City Recorder. All amendments to bid specifications shall be made in writing. In the event it is deemed necessary to verbally inform a vendor of a bid specification change, such verbal communications shall be immediately followed up with written confirmation of the change. A notice to bidders may be published in an authorized publication but is not required.
    - ii. The written bid documents will include the time, place, and manner for filing quotations, which may be received in person, by mail, or by

e-mail. A report outlining all bids received, including the vendor names and the amount of the bids shall be submitted. If the bid is being awarded to a vendor other than the low bidder, the report shall also state why the bid is not being awarded to the low bidder. The report shall also include the amount budgeted for this purchase. The City Recorder may award the contract bid, execute the contract, authorize work to proceed under the contract, and/or approve performance and payment bonds. The City Recorder shall solicit Council affirmation of all semi-formal bids, contracts, and purchases at the next regularly scheduled or special meeting.

iii. **Formal bids must be taken using the following steps:**

1. Detailed and written plans and specifications and a detailed cost estimate must be prepared for the project, approved by the City Recorder, and placed on file.
2. A notice to bidders must be published not less than four days and not more than forty-five days before the date for filing bids. Notices must include:
  - Time and place for filing sealed bids
  - Time and place sealed bids will be opened and considered on behalf of the Council acting as the City's Contract Review Council.
  - The general nature of the public improvements on which bids are being requested.
  - In general terms, when the work must be commenced and when it must be completed.
  - Bid security and bid bond requirements
3. A notice of a public hearing on plans, specifications, form of contract, and cost estimate must be published not less than four days and not more than twenty days before the public hearing.
4. A formal opening and announcement of sealed bids on a published date by the City Recorder; review, consideration, and recommendation of bid award by the City Recorder; the City Recorder prepares a report of bids received.
5. A public hearing on plans, specifications, form of contract, and cost estimate on published date by the Council.
6. The Council receives the City Recorder's report of bids received.
7. The Council passes or rejects resolutions to adopt plans, specifications, form of contract, and estimate of cost, to award construction contract, and to approve construction contract and bond with the lowest responsive, responsible bidder who has met all bid security and bid bond requirements following the public hearing.

b. **Competitive proposals**

- i. The City may utilize the RFP process for the purchase of goods and services and for capital project contracts, allowing flexibility in both proposal evaluation and contract negotiation. The RFP shall be prepared in accordance with ORS 279B.060 and these rules.
- ii. All RFP documents shall receive prior approval from the City Recorder. All amendments to the proposal's specifications shall be made in writing. In the event it is deemed necessary to verbally inform a vendor of a specification change, such verbal communications shall be immediately followed up with written confirmation of the change. A notice to proposers may be published in an authorized publication but is not required.
- iii. Factors in addition to price may be considered in the selection process, but only as outlined in the RFP. Proposal evaluation shall be as objective as possible. Evaluation factors need not be precise predictors of future costs and performance, but to the extent possible, such evaluation factors shall:
  1. be reasonable estimates based on information available to the City,
  2. treat all proposals equitably, and
  3. recognize that public policy requires that capital projects be constructed at the least overall cost to the City. [Ref. ORS 279C.305(1)]
- iv. Contract terms may be negotiated to the extent allowed by the RFP and these rules, provided that the general work scope remains the same and that the field of competition does not change as a result of material changes to the requirements stated in the RFP document. Terms that may be negotiated include details of contract performance, methods of construction, timing, assignment of risk in specified areas, fees, and other matters that affect cost or quality.
- v. A request for proposals (RFP) must:
  1. Specify a time and date by which proposals must be received and a place at which the proposals must be submitted. The City may at its discretion receive proposals by electronic means.
  2. Specify the name and title of the person designated to receive proposals and the person the City designates as the contact person for the procurement, if different.
  3. Describe the procurement, including the scope of work, outline of contractor duties and expectations, product specifications, etc. as applicable.
  4. Specify a time, date, and place for prequalification applications if any, to be filed and the classes of work that must be prequalified by ORS 279B.120.
  5. State that the City may cancel the procurement or reject any

or all proposals.

6. Include all contractual terms and conditions applicable to the procurement and consequences for a contractor's failure to perform.
- vi. A request for proposals (RFP) also may:
1. Identify contractual terms or conditions open for negotiation with the proposers.
  2. Request that proposers propose contractual terms and conditions that relate to the subject matter identified in the RFP.
  3. Announce the method the City will use to select the successful proposer which may include negotiating with the highest-ranking proposer, competitive negotiations, or some combination of methods.
  4. Describe how proposals will be evaluated.
- vii. The City shall give notice of the RFP in the same manner as for public notice of invitations to bid.

**B. Small procurements**

- a. The City may procure goods or services in an amount that does not exceed \$10,000 in any manner deemed practical or convenient, including direct award. No competitive process is required.
- b. The City shall not fragment a procurement in order to constitute a small procurement.

**C. Intermediate procurements**

- a. The City may award a procurement of goods or services that exceeds \$10,000 but does not exceed \$150,000 through a process where at least three informally solicited, competitive price quotes or proposals are sought.
- b. The City shall keep a written record of quotes or proposals received. If three quotes or proposals are not reasonably available, the City shall make a written record of the effort made to obtain the quotes or proposals.
- c. The City shall not fragment a procurement in order to constitute an intermediate procurement.
- d. The City shall award the procurement to the vendor whose quote or proposal will best serve the interests of the City taking into consideration price, experience, expertise, suitability for a particular purpose, and contractor responsibility.

**D. Sole Source Procurements**

The City must procure supplies, materials, or equipment by competitive means when the purchase meets or exceeds the City's minimum competitive purchasing limits. However, in unusual circumstances, the competitive purchase process may be waived, allowing sole source purchasing, provided the City can adequately justify its use.

A “sole source” purchase is characterized as meeting one or more of the following standards:

- The city has conducted a screening process whereby it can justify the purchase of a specific product;
- The city requires legitimate specifications to which only one vendor can successfully respond; or
- the product is available only through one manufacturer (or distributor) and the manufacturer so certifies it.

If, after conducting a good faith review of available sources, the City determines that there is only one source of the required materials, supplies, or equipment, a purchase contract may be awarded without complying with established bid requirements. The requesting department will conduct price, terms, and delivery negotiations, as appropriate. In any such case where the purchase meets or exceeds the City’s minimum competitive purchase limits, the vendor shall certify that the City is getting the lowest price it offers. Prior approval of the City Recorder is required using the Sole Source Justification Form. Should the purchase price exceed the City Recorder’s signing authority, the purchase will also require Council approval.

#### **E. Emergency Procurements**

The City may make procurements in the event of an emergency. The City will document the nature of the emergency and describe the method used for the selection of the contractor. If the emergency procurement is for construction services, the City shall ensure competition for a contract for the work that is reasonable and appropriate under the circumstances.

#### **2.16.40 City Approval Levels**

The City has identified internal approval levels for procurements as follows:

- A. Purchase of goods or services up to \$10,000 – Department Head approval required.
- B. Purchases of goods or services greater than \$10,000 and less than \$50,000 – City Recorder approval required.
- C. Purchases of goods or services greater than \$50,000 – Council approval required.

All supporting documentation related to the procurement (i.e., documentation of quotes, RFP and proposals received, invitations to bid and bids received, etc. must be submitted for approval to the appropriate level. Approvals shall be documented with signature and date by the approving party. If Council approval is required, the minutes of the Council meeting shall reflect that approval.

#### **2.16.50 Unauthorized Purchases**

Except as provided in this policy, no City employee shall purchase or contract for any supplies, materials, equipment, or contractual service or make any contract within the purview of this policy other than through the office designated in this chapter and its

staff. Any purchase or contract made contrary to the provisions of this policy shall not be approved by any City officer and the City shall not be bound thereby, except as may be required or provided by law.

Any City employee making a purchase or contract contrary to the provisions of this policy or accepting for delivery to the City any items purchased contrary to the provisions of this policy shall be personally responsible for payment of same. To the extent that the City may be required to pay for same, the City shall be entitled to recover the full amount of such payment from such employee.

#### **2.16.60 Conflicts of Interest**

Public employment is a public trust. Public employees must discharge their duties impartially, to assure fair, competitive access to governmental procurement by responsible contractors. Moreover, they should conduct themselves in such a manner as to foster public confidence in the integrity of the City's procurement practices.

No City employee, officer, agent, or any member of his/her immediate family shall receive any benefit, gratuity, or reward, directly or indirectly, from any City contract. This restriction applies to partners of City employees or to organizations to which they may belong.

No employee, officer, or agent may participate in the selection, award, or administration of a contract if he or she has a real or apparent conflict of interest. Such a conflict of interest would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or an organization that employs or is about to employ any of the parties indicated herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a conflict. The extent of such interest shall be disclosed to the City Recorder or Council and noted in the official minutes. This disclosure shall occur before the formation of the contract. The City Recorder/Council may then ratify the contract in good faith by a vote sufficient to accept the contract. Any Council member who has a remote interest in any contract shall not vote on the ratification of the contract.

If any interested party in a contract attempts to influence any officer or employee of the City, the procurement shall be canceled.

Any contract made in violation of this policy shall be void and cannot, in any way, be the basis of a claim against the City. Any officer or employee violating the provisions of this section shall be liable to the City and may be disciplined, up to and including termination, and possibly subject to other penalties as may otherwise be imposed upon him/her by law.



## Procurement Quick Reference Guide

Procurement Amount	Approval Required	Method Required	Documentation Required
< \$10,000	Department Head	No competitive process required	Request for payment and original invoice
Between \$10,000 and \$50,000	Department Head and City Recorder	Informal quotes or proposals	Written summary of quotes or proposals received
Between \$50,000 and \$150,000	Department Head, City Recorder, and City Council	Informal quotes or proposals	Written summary of quotes or proposals received
> \$150,000	Department Head, City Recorder, and City Council	Formal bids or RFP process	Bid or RFP document, a notice of publication, bids or proposals received, evaluation documents, a notice of intent to award, a notice of award, minutes indicating Council approval

Alternative Procurement	Approval Required	Documentation Required
Sole Source	City Recorder and City Council	Written justification for sole source in accordance with ORS 279B.075
Emergency Procurement	City Recorder and City Council	A written description of the emergency and written justification for emergency procurement in accordance with ORS 279B.080

**DOCUMENTATION FOR INFORMAL QUOTE SELECTION**

This form shall be used to document informal quotes for goods and services from \$10,000 to \$150,000. A minimum of three quotes should be obtained.

Prepared by: \_\_\_\_\_ Title: \_\_\_\_\_

Phone: \_\_\_\_\_

Department: \_\_\_\_\_

Item Description: \_\_\_\_\_

Mandatory Criteria: \_\_\_\_\_

Goods or  Service

	Vendor 1	Vendor 2	Vendor 3
Company Name			
Street Address			
City, St, ZIP			
Person providing Quote			
Phone Number			
Meets Mandatory Criteria	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
Proposed Cost			

If fewer than three quotes are reasonably available, explain why and what steps were taken to ensure the above quotes are reasonable: \_\_\_\_\_

After evaluating the above information, please make your recommendation:

**Recommended Vendor:** \_\_\_\_\_

**Basis for Recommendation**

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

# NEW BUSINESS

Municipal Court "Clerk of Court" Appointment  
Request

## MEMORANDUM TO COUNCIL

RE: Municipal Court "Clerk of the Court" Appointment Request

Fr: City Recorder

Date: 12/11/23

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**ISSUE:** The council has moved forward with the re-establishment of the municipal court. The city has hired a judge and is working on updating its code of ordinances. Now we need a clerk of the court position filled.

**HISTORY:** Please read the attached email regarding my question to the CIS employment attorney and her response. I would like to incorporate the job description into the Administrative Assistant General's job description. As noted by the attorney there should be added pay for the additional job duties. I would like to request to bump this position to Step C (which is one step up or 2%) which amounts to a \$754.80 per year increase. This would be charged to the Municipal Court line item in the budget.

**ACTION:** if in agreement this would need a motion to update the job description of the Administrative Assistant General position and increase the wage scale up one step to accommodate the employee filling this position, with the added job responsibilities.

**From:** Barbara Chestler <Recorder@cityofsiletz.org>  
**Sent:** Wednesday, December 6, 2023, 1:54 PM  
**To:** Sharon Harris <sharris@cisoregon.org>; Pamela Bowles <pbowles@cisoregon.org>  
**Subject:** Municipal Court "Clerk of the Court" Position

Hello,  
The city recently reinstated it's municipal court. We have an appointed judge and are ready to get underway in January. We are only going to have court one day a month for 4 hours. I need a Clerk of the Court and want to appoint my Administrative General Assistant to this position as additional duties. What my brain starts going to, do I have to post this position if I am creating it? Of course, I will do this all through the council but just to decide how to move this forward. I wanted to add it to her job duties, but being it is different than what she does now I felt I needed a position description.

Can you provide me with some guidance as to whether I need to create the position and do I need to post or can I add it to her duties and add an amendment to her job description that just says, the position she currently fills acts as the Clerk of the Court?

**Requirements:**

- High level of Professionalism
- Basic knowledge of accounting principles and understanding of legal terms.
- Must have a valid Oregon driver's License and Clean driving record to drive City Vehicles.
- Strong interpersonal, written and verbal communication skills.
- Ability to maintain confidentiality and exercise discretion and judgment in dealing with sensitive or confidential information.
- Timely and regular attendance is required.
- Ability to pass a background check and/or a criminal history check. Ability to meet LEADS certification requirements.

**Job Duties:**

- Prepares dockets and case files before court as necessary.
- Checks defendants in for case hearings, and processes paperwork during and after court.
- Prepare courtroom and attend court sessions.
- Provide court support to ensure accurate processing of defendant's cases through the court system.
- Prepare and process court files, tickets, show cause papers, failure to appear and other court activity. Enters and clears suspensions and warrants according to court procedures. Ensure accuracy and completeness of all court activity files.
- Enter citations and payments into computerized information system; accurately track all activity associated with each citation. Transfer of information between involved parties and agencies.
- Maintain ledger of bails, bail refunds and forfeitures. Compile monthly overdue violation accounts and report to court's collection agency.

**Schedule:** 1/2 day per month 10:00 AM to 2:00 PM.

*Barbara Chestler  
City Recorder City of Siletz  
541-444-2521*

## Barbara Chestler

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**From:** Sharon Harris <sharris@cisoregon.org>  
**Sent:** Thursday, December 7, 2023 9:36 AM  
**To:** Barbara Chestler  
**Subject:** RE: Municipal Court "Clerk of the Court" Position

**Flag Status:** Flagged

Hi Barb,

Here is my input.

Does the employee you want to give these duties to – does she meet the qualification to do the additional work? Or can she attain the skills to do the work?

We cannot just add duties to someone who we have already hired and expect them to fulfill them correctly if this is not what they applied for. Some of the skill set may be a match with her current duties – but some of these items are specific to court. I would ask her about taking on the added work before you just tell her she will do it. Ask her if she would be able to gain the skills to complete the court work. If she agrees to take on the work – then you would re-write her job description adding in the court duties and changing the title of her job. This also might mean adding a little extra pay for taking on something new. Then to make sure she succeeds – because that will be your job – I would find someone she can train with. Someone who does this job maybe in another entity who can educate her on what to do – or maybe this is the judge you are bringing on. But there needs to be some time allowed for her to be able to learn the new part of the job.

Now next question. Is there any other position besides this one that might make sense- or another person who would be interested in having these duties added to their job? Just something to think about.

So, Because the duties are only 4 hours a month – I think you are fine with combining them to the admin – but you need to speak with this employee and make sure she can take on the work and learning the new tasks.

Let me know if you need to discuss further.

Best  
Sharon



**Sharon Harris** | Senior Consultant - Human Resources & Organizational Development  
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[cisoregon.org](http://cisoregon.org)

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Resolution 721-23 A Resolution Amending the  
Council Rules



**RESOLUTION 721-23**

**A RESOLUTION AMENDING THE SILETZ CITY COUNCIL RULES**

**WHEREAS**, the Siletz City Charter requires the Council to adopt rules for the government of its members and for its proceedings; and

**WHEREAS**, the City Council has the inherent authority to determine its own rules of procedure for meetings; and

**WHEREAS**, the Siletz City Council wishes to update the 2001 Council Rules; and

**WHEREAS**, the amended rules were submitted to the city's attorney for review.

**NOW THEREFORE BE IT RESOLVED**, that the City Council of the City of Siletz, Oregon hereby adopts said Siletz City Council Rules effective as of today.

**APPROVED AND ADOPTED** by the City Council of the City of Siletz, Oregon on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

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

ATTEST:

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

## SILETZ CITY COUNCIL

### COUNCIL RULES

#### 1 AUTHORITY

- 1.1 SILETZ CITY CHARTER: The Siletz City Charter ~~references requires the Council to adopt rules for the government of its members and for its proceedings~~ ~~Council Rules~~ and the City Council has the inherent authority to determine its own rules of procedure for meetings. The following set of rules shall be in effect upon their adoption by the Council and until such time they are amended, or new rules are adopted in the manner provided by these rules. When applicable, these rules apply to any committee of the Council.

#### 2. GENERAL RULES

- 2.1 MEETINGS TO BE PUBLIC: All official meetings of the Council shall be open to the public with the exception of the executive session for certain limited topics, as defined in ~~Section 3-6:state law~~. The Journal of Proceedings shall be maintained by the City Recorder and shall be open to public inspection.
- 2.2 QUORUM: Three members of council shall be in attendance to constitute a quorum. If a quorum is not present, those in attendance will be named and they shall adjourn.
- 2.3 ORDINANCES: No ordinance except an appropriation ordinance, an ordinance adopting or embodying an administrative or governmental code, or an ordinance adopting a code of ordinances, shall relate to more than one subject, which subject shall be clearly stated in the title.
- 2.4 RULES OF FLOOR: Any member desiring to speak shall be recognized by the Chair and shall confine their remarks to one subject under consideration or to be considered.
- 2.5 RULES OF ORDER: Whenever the rulings of the Chair are challenged by a councilor, Robert's Rules of Order, newly revised, shall govern the proceedings of the Council, unless such rules are in conflict with these rules.
- 2.6 CITY RECORDER: Unless excused, the City Recorder or designee shall attend all meetings of the Council and ensure minutes of the meetings are recorded. The City Recorder shall keep the Council fully advised as to the financial condition and needs of the City. The City Recorder may make recommendations to the Council and may take part in

discussion on all matters concerning the welfare of the City; provided, however, that the City Recorder shall not, unless requested by a councilor, participate in deliberations on any motion.

2.7 CITY ATTORNEY: The City Attorney shall attend ~~all scheduled~~ meetings of the Council when requested by the Mayor, the City Recorder, or a majority of the Council. ~~unless excused by the Council. The Council may, at any time during a regular or special meeting of the Council, call upon the City Attorney for an oral or written opinion to decide any question of the law. Any elected official desiring an attorney opinion should request same through the City Recorder. Written or oral opinions must be authorized by the City Recorder or the City Recorder's designee, the Mayor, or a majority of the Council.~~

2.8 OFFICERS AND EMPLOYEES: Department Heads of the City shall attend council or committee meetings when requested by a councilor or a member of the committee.

### 3. TYPES OF MEETINGS

3.1 REGULAR COUNCIL MEETING: The Council's regular meeting shall be scheduled for the fourth Monday of each month with the second Monday of the month being set aside for any workshop or additional meetings needed. The time of the regular meetings will be 5:30 p.m. When the Council meeting falls on a holiday, the regular meeting or workshop date shall be cancelled. The meeting place shall be the commonly used Council Chambers and all regular and special meetings shall be public.

3.2 SPECIAL MEETINGS: Special meetings may be called by the mayor or two or more members of the Council. The City Recorder shall prepare a notice of special session<sup>6</sup>, stating time, place and subject. It shall also be the duty of the City Recorder to make diligent effort to notify each member of the Council in person, by telephone or otherwise, of such special session. Notice of such special session shall be properly publicized by news media as specified by the law. Only matters set forth in the notice of the meeting shall be discussed at such meeting.

~~3.23.3 Emergency Meetings. An Emergency Meeting of the Council may be called with less than 24 hours' notice pursuant to Oregon Public Meeting Laws. The meeting notice and minutes of the meeting must identify the specific emergency that exists. The Council shall only discuss business directly associated with the actual emergency. Only the matters creating a need for the emergency meeting shall be discussed or acted upon during the meeting. No other business of the Council shall be conducted or discussed.~~

~~3.33.4 CANCELLATION OF MEETING.~~ The Mayor may on his own authority cancel any regular, special meeting or workshop for good cause.

**Commented [LC1]:** Many other cities' council rules have a provision for emergency meetings. The council has the authority to call emergency meetings regardless of whether the council rules have this language, so its up to the council as to whether they want to include this.

**Commented [LC2]:** Some cities have language in their council rules allowing a majority of the council to also cancel a meeting. Also, some cities' rules state that 72 hours notice of cancellation is required. Let me know if you would like me to provide language for this.

~~3-43.5~~ ADJOURNED SESSIONS: Any session of the Council may be continued or adjourned, but for no period longer than until the next regularly or special scheduled meeting thereafter.

~~3-53.6~~ WORKSHOPS: WORK SESSIONS: Work sessions of the Council may be held as "information only" meetings, for the Council to hold a general discussion or to receive detailed reports regarding specific topics or projects. Work Sessions are for Council discussion and review only; no public input will be accepted and the Council shall not vote or make any commitment regarding future votes. ~~The Council may meet informally in workshop session (open to the public) at the call of any two or more members of the Council.~~

~~3-63.7~~ EXECUTIVE SESSIONS: Executive Sessions shall be held in accordance with the provisions of Oregon State Public Meeting Laws.

~~3-73.8~~ ATTENDANCE OF MEDIA AT COUNCIL MEETINGS: Other than during executive sessions ~~where the Council deliberates and meets with its labor negotiator,~~ meetings of the City Council and its committees shall be open to the media, ~~freely subj etc. to recording by radio, television and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.~~

**Commented [LC3]:** I don't think it's necessary to have this language. I don't want to confuse things as to executive sessions - the media is not allowed to record or film at executive sessions. And if media recording and/or video interferes with the conduct of a (non-executive session) meeting, the presiding officer already has the authority to manage the meeting and ask that any disruptive activity be stopped.

#### 4. CHAIR AND DUTIES

- 4.1 CHAIR: The Mayor, if present, shall preside as the Chair at all meetings of the Council. In the absence of the Mayor, the Council President shall preside. In the absence of both the Mayor and Council President, the Council shall select a temporary presiding officer.
- 4.2 CALL TO ORDER: The meeting of the Council shall be called to order by the Mayor, or in his absence, by the Council President. In the absence of both the Mayor and Council President the meeting shall be called to order by the City Recorder or designee for the selection of the temporary chair. Roll call shall then be called by the City Recorder or designee, who shall enter in the minutes of the meeting the names of the members present.
- 4.3 PRESERVATION OF ORDER: The Mayor or other presiding officer shall call the meeting to order; announce the order of business as provided in the agenda; state motions, put them to a vote and announce the result of the vote; prevent irrelevant or frivolous debate or discussion; maintain order and decorum; and otherwise enforce the Council's rules and appropriate parliamentary procedures.
- 4.4 POINTS OF ORDER: The Chair shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Chair be sustained?"

4.5 QUESTIONS TO BE STATED: The Chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member, in the manner provided in Section 6.5 of these rules.

4.6 PRESIDING OFFICER - POWERS: The presiding officer may move, second, and debate from the chair, ~~subj-ete-subject~~ only to such limitations of debate as are by these rules imposed on all members.

5. ORDER OF BUSINESS AND AGENDA

5.1 ORDER OF BUSINESS: The business of all regular meeting of the Council will be determined by the City Council and shall be transacted in the following order, unless the Council by a majority vote of the members present, suspends the rules and changes the order: ~~(not all items will necessarily be on every Regular Meeting agenda):~~

~~PUBLIC HEARINGS (including any related Ordinances or Resolutions. Note: Public Hearings shall be taken up on the agenda at the time advertised during the course of the agenda.~~

**Commented [LC4]:** It is confusing to have the "Public Hearings" item at the beginning of the Order of Business. I think Public Hearings should be listed after Public Comments.

**CALL TO ORDER**

**ROLL CALL**

**CHANGES OR ADDITIONS TO THE AGENDA**

**CONSENT AGENDA**

Minutes (dates of minutes)

Accounts Payable and Financial Report

**PUBLIC COMMENTS**

**PUBLIC HEARINGS**

**SPECIAL ORDERS**

**ORDINANCES AND RESOLUTIONS**

**REPORTS OF OFFICERS, BOARDS, OR STANDING COMMITTEES**

Parks, Library, Fire Department, County Sheriff's Office (LCSO), Homeless Advisory, Staff Reports

**PUBLIC COMMENTS**

**UNFINISHED BUSINESS**

**NEW BUSINESS**

**CORRESPONDANCECORRESPONDENCE**

**COUNCIL COMMENTS**

**ADJOURNMENT**

**Commented [LC5]:** What are Special Orders?

**Commented [LC6]:** Most other cities have an Ordinance and Resolutions agenda item.

FINANCIAL REPORT: Financial reports will be presented by the City Recorder and will specifically include, but not be limited to include: all bills for routine outside contract

services; i.e. attorney, engineering, insuring and accounting, and, in addition, any current special contractual services.

5.2 ~~5.2~~ AGENDA: The order of business of ~~each business of~~ each regular meeting shall be as contained in the agenda prepared by the City Recorder. The agenda shall be a listing by topic of subjects to be considered by the Council and shall be made available to the members of the Council by the Friday preceding the regular council meeting and at least 24 hours in advance of a special meeting.

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5.3 READINGS OF MINUTES: Unless a reading of the minutes of a council meeting is requested by a member of the Council, such minutes may be approved without reading if the City Recorder previously furnished each member with a copy thereof.

5.4 ~~ABSTENTION: If a council member has temporarily absented himself/herself from discussion and deliberations during a council meeting, that council member shall abstain from any vote on any action under discussion while the council member was absent, unless a majority of the council members present during the discussion and deliberations consents to such vote by the absent council member.~~

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~~5.3 If a council member has temporarily absented himself/herself from discussion and deliberations during a council meeting, that council member shall abstain from any vote on any action under discussion while the council member was absent, unless a majority of the council members present during the discussion and deliberations consents to such vote by the absent council member.~~

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## 6. ORDINANCES, RESOLUTIONS, AND MOTIONS

6.1 FORM: Ordinances and resolutions shall be presented to the Council only in typewritten form.

6.2 FUNDING: All ordinances and resolutions authorizing any expenditure of money shall include the exact source of the funds to be expended.

6.3 ORDINANCES/RESOLUTIONS INTRODUCTION: All proposed ordinances and resolutions shall be prepared by the City Recorder or City Attorney. All ordinances will be reviewed by the Attorney.

**Commented [LC7]:** I am happy to review all ordinances, but I haven't been doing this. Maybe this should be deleted, and you can just ask me to review the ordinances which you think I need to review?

6.4 RECORDING OF VOTES: The ayes and nays shall be taken upon the passage of all ordinances and resolutions and entered upon the official record of the Council. When any vote is called, each council member shall respond "yes" or "no" or "abstain". Any council

member who responds "abstain" shall state their reason for abstention, being limited to a possible conflict of interest and the abstention shall be accepted or rejected by the Council.

6.5 RESOLUTION: Any reading may be by title only or any council member present may request reading in full.

~~6.6 REQUESTS FOR LEGAL OPINIONS: Any member of the City Council may request a legal opinion, relating to City business from the City Attorney. These requests should be made after exhausting other sources; i.e. Committee Heads, Department Heads.~~

**Commented [LC8]:** This is pretty broad authority for individual Council members to request a legal opinion, and seems to contradict Section 2.7. I suggest deleting this section 6.6.

7. CREATION OF COMMITTEES, BOARDS AND COMMISSIONS

7.1 STANDING COMMITTEES:

A. Committees and their membership will be established by the Council at the first meeting of odd-numbered years. Members of the Council will indicate committee preference in order of priority.

B. Chairs of committees will be determined by the committees at their first meeting.

~~c.~~ C. If during the two (2) year term of the committee, the committee as a whole determines a restructuring is necessary, the issue will be determined internally, and if consensus cannot be reached, the issue may be referred to full council for resolution.

7.2 CITIZENS COMMITTEES, BOARDS AND COMMISSIONS:

A. The Council may create committees, boards and commissions to assist City government with such duties as the Council may specify.

B. Depending on its function, members of any board shall be:

1. Only residents of Siletz, or

2. A majority of residents of Siletz.

Selection will be determined by the Council. Any committee, board or commission so created shall cease to exist upon the accomplishment of the special purpose for which it was created, or when abolished by a majority vote of the Council. No committee so appointed shall have powers other than advisory to the Council.

7.3 REMOVAL OF MEMBERS OF BOARDS AND COMMISSIONS: The Council may remove any member of any board or commission which it has created by a vote of a majority of the Council present and voting.

8. CITIZENS RIGHTS

8.1 MANNER OF ADDRESSING THE COUNCIL - TIME LIMITS: Each person addressing the Council shall step up to the microphone, or designated area of the meeting room, will give his/her name and residence address in an audible tone of voice for the record. The Council may then determine the disposition of the issue, (placed on present agenda, workshop, other agendas, or do not consider).

Commented [LC9]: I suggest a space between these two headings. When I try to do that with "track changes", it messes up the numbering, so you can just do that on your draft . . .

8.2 PERSONAL AND SLANDEROUS REMARKS: Any person making personal, impertinent or slanderous remarks or who shall become boisterous while addressing the Council, may be requested to leave the meeting and may forthwith, by the presiding officer, be barred from further audience before the Council during that council meeting.

8.3 READING OF PROTESTS: Interested persons, or their authorized representatives may address the Council for the reading of protests, petitions or communications relating to any matter over which the Council has control, when the item is under consideration by the Council, if a majority of the Council present agrees to let them be heard.

8.4 CITIZEN COMPLAINTS OF City Recorder: Citizen complaints concerning the City Recorder must be signed and submitted in writing, ~~signed,~~ to the Mayor. The Council shall be fully informed of the complaint.

8.5 CITIZEN COMPLAINTS AGAINST DEPARTMENT HEADS: Citizen complaints concerning department heads of the City must be signed and submitted in writing, ~~signed,~~ to the City Recorder. The Council shall be fully informed of the complaint, and any action taken.

8.6 CITIZEN COMPLAINTS AGAINST CITY EMPLOYEES: Complaints ~~will-must~~ be signed and submitted in writing, ~~signed,~~ to the City Recorder and handled in accordance with the established personnel policy.

8.7 WRITTEN ~~COMMUNICATION~~COMMUNICATION: Interested parties, or their authorized representatives, may address the Council by written communication in regard to any matter concerning the City's business or over which the Council has control at the time by direct mail or by addressing the City Recorder and copies will be distributed to the Council members.

9. SUSPENSIONS AND AMENDMENT OF THESE RULES



- 9.1 SUSPENSION OF THESE RULES: Any provision of these rules not governed by the Siletz City Charter may be temporarily suspended by a vote of a majority of the Council. The vote on any such suspension shall be taken by ayes and nays and entered upon the record.
- 9.2 AMENDMENTS OF THESE RULES: These rules may be amended, or new rules adopted, by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at the prior council meeting.

# Correspondence

## Council Comments

# Adjournment