



CITY OF CANNON BEACH

AGENDA

Meeting: City Council Special Meeting and Work Session
Date: Tuesday, February 20, 2024
Time: 6:00 p.m.
Location: Council Chambers, City Hall

CALL TO ORDER AND APPROVAL OF AGENDA

RESOLUTION

- (1) **Resolution 24-04 For the Purpose of Amending the City Council Rules of Procedure Dated May 2, 2023**

If Council wishes to adopt Resolution 24-04 the appropriate motion is in order

PUBLIC COMMENT

The Presiding Officer will call for statements from citizens regarding issues relating to the City. The Presiding Officer may limit the time permitted for presentations and may request that a spokesperson be selected for a group of persons wishing to speak.

CLOSE SPECIAL MEETING AND OPEN WORK SESSION

DISCUSSIONS

- (2) **Landscape Review of the Rejuvenation of the Cannon Beach Elementary School Project and Ne'Cus Park**
- (3) **Review Committee Request for CBE**
- (4) **Good of the Order**

ADJOURNMENT

To join from your computer, tablet or smartphone

Join Zoom Meeting

<https://zoom.us/j/99261084699?pwd=TkpjbGcxS0pCOGIMOCtSbSsxVWFmZz09>

Meeting ID: 992 6108 4699

Password: 365593

To join from your phone:

Phone: 1.669.900.6833

Meeting ID: 992 6108 4699

Password: 365593

View Our Live Stream: View our [Live Stream](#) on YouTube!

PO Box 368 Cannon Beach, Oregon 97110 • (503) 436-1581 • TTY (503) 436-8097 • FAX (503) 436-2050

www.ci.cannon-beach.or.us • cityhall@ci.cannon-beach.or.us

Public Comment: If you wish to provide public comment via Zoom for this meeting please use the raise your hand Zoom feature. Except for a public hearing agenda item, all Public to be Heard comments will be taken at the beginning of the meeting for both Agenda and Non-Agenda items. If you are requesting to speak during a public hearing agenda item, please indicate the specific agenda item number as your comments will be considered during the public hearing portion of the meeting when the public hearing item is considered by the Council. All written comments received by 3:00 pm the day before the meeting will be distributed to the City Council and the appropriate staff prior to the start of the meeting. These written comments will be included in the record copy of the meeting. Written comments received at the deadline will be forwarded to Council and included in the record but may not be read prior to the meeting or appear on the city's website.

Please note that agenda items may not be considered in the exact order listed. For questions about the agenda, please contact the City of Cannon Beach at (503) 436.8052. The meeting is accessible to the disabled. If you need special accommodations to attend or participate in the meeting per the Americans with Disabilities Act (ADA), please contact the City Manager at (503) 436.8050. TTY (503) 436-8097. This information can be made in alternative format as needed for persons with disabilities.

Posted: 2024.02.16



CANNON BEACH CITY COUNCIL

STAFF REPORT

CONSIDERATION OF RESOLUTION 24-04 FOR THE PURPOSE OF AMENDING THE CITY COUNCIL RULES OF PROCEDURE DATED MAY 2, 2023

Agenda Date: February 20, 2024

Prepared by: Bruce St. Denis, City Manager

BACKGROUND

Council desired to review their standards for Public Comment in their Rules of Procedure.

ANALYSIS/INFORMATION

Council reviewed the Rules of Procedure and made revisions.

RECOMMENDATION

Staff recommends council adopt Resolution 24-04 for the Purpose of Amending the City Council Rules of Procedure Dated May 2, 2023

Recommended motion:

"I move to adopt Resolution 24-04 for the Purpose of Amending the City Council Rules of Procedure Dated May 2, 2023"

List of Attachments

- A. Resolution 24-04
- B. Rules of Procedure Marked up

BEFORE THE CITY OF CANNON BEACH

FOR THE PURPOSE OF AMENDING THE CITY) RESOLUTION NO. 24-04
COUNCIL RULES OF PROCEDURE DATED MAY 2,)
2023)

WHEREAS, Council last amended the Rules of Procedure May 2, 2023;

WHEREAS, Council desires to update its Rules of Procedure.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Cannon Beach that:

1. Cannon Beach City Council Rules of Procedure shall be replaced with “Exhibit A” attached and incorporated herein.
2. This resolution is effective February 20, 2024.

PASSED by the Common Council of the City of Cannon Beach this 20th day of February 2024,
by the following roll call vote:

YEAS:

NAYS:

EXCUSED:

Barb Knop, Mayor

Attest:

Bruce St. Denis, City Manager

CANNON BEACH CITY COUNCIL

RULES OF PROCEDURE

Effective February 20, 2024

1. Authority.

1.1 The Charter of the City of Cannon Beach (Chapter IV, Sec. 13) provides that the “Council shall adopt rules for the governing of its members and proceedings.” The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by these rules. These rules apply equally to the Mayor and Councilors.

2. Meetings.

2.1 **Regular Meetings.** The Council shall meet regularly at a formal meeting on the first Tuesday of every month, beginning at 6:00 p.m. in the City Council Chambers of City Hall, 163 E. Gower Street, Cannon Beach, Oregon. Additional public Council meetings may be scheduled as needed.

2.2 **Public Meetings.** All meetings of the Council or the Boards, Committees, and Commissions of the City shall be open to the public in conformance with Chapter 192, Oregon Revised Statutes, Public Meetings.

2.3 **Quorums.** A majority of the sitting members of the Council, Committee, Commission or Board shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance shall be named and they shall adjourn to a later time, or move to compel attendance of absent members pursuant to the City Charter.

2.3.1 An abstaining or disqualified member of the Council, Committee, Commission or Board may be counted for purposes of forming a quorum. A member of the body who represents personal interests at a hearing may do so only by abstaining from voting on the proposal, **stating the reason for abstaining** by making full disclosure of his or her status and position at the time of addressing the hearing body, and physically joining the audience and temporarily vacating the seat on the hearing body.

2.4. **Presiding Officer.** The Mayor shall be the presiding officer at all meetings of the City Council and shall have a voice in all its proceedings. In the event of the absence of the Mayor, the President of the Council shall be the presiding officer. In the event of the absence of the Mayor and President of the Council, the majority of the quorum shall designate the presiding officer.

2.5 **Council Agenda.** Matters to be considered by the Council at its regular and special meetings shall be placed on an agenda to be prepared by the City Manager from the following material:

2.5.1 Items considered by the Council at its work session or Executive Session which require final action of the Council.

2.5.2 Items directed by the Mayor or any Councilor.

2.5.3 Items deemed appropriate by the City Manager.

2.5.4 Items which are required by law to be presented to the Council.

2.6 **Deadline for Agenda Items.** Communication, petitions or other written materials, other than those pertaining to a public hearing, which concern items that are or may be on the agenda must be submitted to the City Manager's office by 5:00 p.m. of the Monday preceding the Monday preceding the Council meeting for which it is intended. Items not submitted by this deadline may be included by a majority voting to amend the agenda.

2.7 **Order of Business.** Call to Order, Approval of Agenda & Minutes, Public Comment, Public Hearings (Land Use and/ or Legislative) and Consideration (when scheduled), Action Calendar, Information Calendar, Correspondence, Adjournment. Council may take action only on items included in the Action Calendar. No action may be taken under the Information Calendar.

2.8 **Right of the Floor.** During a public hearing or time for public comment, any member of the public desiring to speak may be recognized by the Chair, and shall confine his/her remarks to the subject under consideration or to be considered. For purposes of keeping a complete record of the hearing and for providing an order in which persons wishing to speak are recognized, the Mayor may request that registration cards be distributed to the audience or that a sign-up list be used. Persons wishing to speak will list their name, address and whether they are a proponent or opponent of the agenda item. Persons not wishing to speak may indicate their preference by filling out a card listing their name, address and whether they are a proponent or opponent of the agenda item and provide a brief explanation as to why they take such a stance. The deadline for written public comment for non-hearing items is 3pm the day before the meeting. Written comments received after the deadline will be forwarded to Council and included in the record. Written comments received after the deadline may not be read prior to the meeting and will not be posted on the meeting page of the website.

Public comment during City Council meetings is not an absolute right. Rather, the City Council permits public comment only for the limited purposes of hearing from the public about matters directly related to the business of the City that is within the Council's jurisdiction. The public comment period is a limited public forum and comments are therefore appropriately limited to matters of concern, official action, or deliberation which are or may come before City Council. The City Council is not creating an opportunity for and will not accept public comment on matters that fall outside the scope of the Council's jurisdiction, such as employment issues related to employees and officers who are not appointed or supervised by Council. During public hearings, all public comment must relate to the specific matter under discussion. All public comments must be addressed to the City Council as a body.

Public comment must not unduly interfere with the City Council's ability to conduct business or otherwise disrupt City Council meetings. Comments that substantially interrupt, delay, or disturb the peace and good order of the proceedings of the City Council are not permitted. Examples of

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such types of comments include shouting, use of profanity or vulgarity, or speaking outside of allotted time. In addition, public comment may not be used for belligerent or abusive behavior including true threats, fighting words, or incitements to imminent lawless action. Abusive and harassing comments that could lead to the creation of a hostile work environment for City employees required to attend City Council meetings likewise unduly interferes with the Council's ability to conduct its business and are therefore prohibited. The City Council requests that all public comment is provided in a manner that is respectful to those in attendance at the meeting.

2.8.1 **Time limits for Testimony.** If the presiding officer deems it appropriate, reasonable time limits may be invoked for public testimony. Such time limits will be set in a fair and equitable manner.

2.9 **Decorum.** The presiding officer of the Council shall be responsible for ensuring that order and decorum are maintained during all meetings of the Council, and shall be responsible for assuring every person the right to voice an opinion providing it is within the rules and procedures of the order of business.

In speaking, Councilors must confine discussion to the question under debate, avoid personalities and not impugn the motives of another Council member's vote or argument.

2.10 Types of Meetings.

2.10.2 **Regular Meeting.** This meeting is the regularly scheduled monthly meeting of the Council.

2.10.3 **Special Meeting.** A special meeting may be called by the Mayor or by a majority of the members of the Council. The call for a special meeting shall be filed with the City Manager, except that an announcement of a special meeting during any regular meeting at which all members are present shall be sufficient notice of such a meeting. The call for a special meeting shall be at least 24 hours in advance of the meeting and shall specify the time, date, place and subject(s) to be considered. Only such business as specified in the call for the meeting may be considered. The public and press shall receive notice as provided in ORS 192.640.

2.10.4 **Adjourned Meetings.** Any meeting of the Council may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next regular meeting.

2.10.5 **Study or Work session.** The Council may meet informally in study or work session (open to the public), at the call of the Mayor or of any three members of the Council, to review forthcoming programs of the city, receive progress reports on current programs or projects, or receive other similar information from the City Manager and/or other City Staff, provided that all discussions and conclusions thereon shall be informal. No final decision shall be made at a work session. At the Council's discretion, public comment may be allowed at such Study or Work sessions.

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2.10.6 **Executive Session.** The Council may hold an executive session during any meeting, after the presiding officer first identifies the authorization therefore, pursuant to ORS 192.610-192.690.

No final decision shall be made in an Executive Session.

2.11 **Attendance of Media at Council Meetings.** All official meetings of the City Council and its committees, other than executive sessions, shall be open to the media, freely subject 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. Representatives of the news media shall be allowed to attend executive sessions other than those held under Section 2.10 (d) relating to labor negotiations, but the City Council may require that specified information subject of the executive session be undisclosed.

2.12 **City Manager.** The City Manager shall attend all meetings of the Council unless excused by the Mayor or Council President. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but shall have no vote. The City Manager shall keep, or cause to be kept, the official Minutes of the City Council meetings.

2.13 **City Attorney.** The City Attorney shall attend all regular meetings of the Council unless excused and, upon request, shall attend Council work sessions, executive sessions and special meetings. Members of the Council may ask the City Attorney to give an opinion, either written or oral, on questions of law. If the opinion requires more than one (1) hour of work the requesting member of Council must first either seek approval from the City Manager or consensus from the Council. The City Attorney shall act as the Council's parliamentarian.

2.14 **Officers and Employees.** Department heads of the City shall attend all Council meetings upon request of the City Manager, unless excused.

2.15 Types of Motions.

2.15.1 **Main Motion.** Used to dispose of the business of the Council. For example, the Council can move to approve the minutes, approve a resolution, or set a public hearing by motion. The presiding officer may invite discussion to develop a motion before a motion is on the table. If such discussion to develop the motion is not needed, the presiding officer will ask for a motion and a second motion. The presiding officer, then, shall ask for discussion of the motion on the table. Main motions can only be offered when no other motion is being considered by the Council. Such motion shall only contain one issue, not multiple issues, and be clearly stated by the Councilor making the main motion.

2.15.2 **Presiding Officer, Present and Second Motions.** While it is preferable that the presiding officer not make or second a motion, nothing in these rules, City Code/Charter or State laws prohibits the presiding officer from doing so. The presiding officer has the same authority as the other members of the governing body to present or second a motion.

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2.15.3 **Motion to Rescind and Motion to Reconsider.** Two special main motions are the motion to rescind and the motion to reconsider. A motion to rescind an earlier Council decision has the effect of nullifying the earlier action. A motion to reconsider has the effect of nullifying the vote on the earlier motion. In both cases, these motions shall only be made by a member of Council who previously voted with the majority on this issue.

2.15.4 **Subsidiary Motions.** Subsidiary motions can be used to change or dispose of the main motion. The most common are the motion to amend, postpone, or refer to a committee. There are three kinds of motions to postpone. A motion to postpone indefinitely has the effect of “killing” the main motion without voting directly on the main motion; a motion to postpone causes consideration of the main motion to be delayed to a specific time and place; a motion to postpone temporarily “lays the main motion on the table” and allows the Council to consider it by making a motion to “take it from the table.” Two other subsidiary motions affect the right to deliberate: the Council can limit debate to a certain time or terminate discussion.

2.15.5 **Privileged Motion.** These motions relate to members of Council or to emergency situations. Motions to adjourn or recess fall into this category.

2.15.6 **Incidental Motions.** The division of a question into two or more parts is often moved to allow the Council to vote on different aspects of a matter separately. A point of order can be raised during the consideration of business to call the Council’s attention to a violation of a rule of procedure. If a Council member objects to any of the presiding officer’s rulings on questions or procedures, he or she can appeal the presiding officer’s decision to the Council, who will vote on the question.

2.16 Voting.

2.16.1 **Roll Call.** All votes put to Council will be by roll call with the exception of the vote to approve the meeting agenda and vote to approve minutes from prior meetings which may be voted on by the Council as a group and roll call is not necessary.

2.16.2 **Abstain.** Pursuant to City Charter, it is the duty of every member of the governing body to cast his or her vote. A member of the governing body may abstain from voting if there is a legal reason, but he/she shall first state the reasons for abstaining in detail.

2.16.3 **Telephonic/Video Conference Voting.** A Council member, Commissioner or Committee member may vote by phone or video conference on any matter, both legislative and quasi-judicial, before the public body if that individual has reviewed the materials relating to that matter, and has listened to and has had the opportunity to participate in the meeting/ deliberations via phone or video conference.

2.17 **Rules of Order.** “Roberts Rules of Order Revised” shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules.

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3. Ordinances and Resolutions

3.1 **Definitions.** An ordinance is a local law enacted by a municipal body, such as a city council, and a resolution is an official expression of the opinion or will of a legislative body, such as a city council. Ordinances and resolutions shall be presented to the Council only in printed or typewritten form.

3.2 **Process.** It is the preference of the Council that, when appropriate, a proposed ordinance(s) or change(s) to a current ordinance(s) be discussed, drafted and vetted at the appropriate Committee level. A representative from such Committee shall then present the proposed ordinance(s) to the Council at a Council work session. Upon informal consensus of Council at the work session, such proposed ordinance(s) shall be presented to Council at a Regular Council meeting and the public shall have an opportunity to comment on such proposal. Council shall take one of the following three actions: 1. Vote on the proposed ordinance; 2. Remand the proposed ordinance back to the Committee for changes, 3. Direct staff to make changes to the proposed ordinance.

3.3 **Charter.** Procedures for the enactment of ordinances shall conform to the mode of enactment of the City Charter, Chapter VIII, Sec. 31, and, in the case of an emergency, Chapter VIII, Sec. 32.

3.4 **Funding.** All ordinances authorizing an expenditure of money shall include the source of the funds to be expended.

3.5 **City Attorney to Review.** All ordinances and resolutions shall be “Reviewed” by the City Counselor (Attorney). Such review shall be so indicated by signature on the last page of the ordinance before presentation to Council.

3.6 **City Manager to Attest.** All ordinances and resolutions shall be “Attested” by the City Manager. Such attestation shall be so indicated by signature on the last page of the ordinance before presentation to the Council.

4. Creation of Committees, Boards and Commissions

4.1 **Citizen committees, boards and commissions.** The Council may create committees, boards and commissions to assist in the conduct of the operation of City government with such duties as the Council may specify not inconsistent with the City Charter or Municipal Code.

4.2 **Membership and Selection.** Committee membership and selection of members shall be as provided by the Council if not specified by the City Charter or Municipal Code. Any committee, board or commission so created shall cease to exist upon the accomplishment of the 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 or to the City Manager, except as otherwise specified by the City Charter or Municipal Code.

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4.3 **Governance and Procedure of Boards, Committees and Commissions.** The membership of the boards, committees and commissions by a majority vote may establish their own procedures and governance, provided they are not contrary to the City Charter or City Code.

4.4 **Removal of Members of Boards, Committees or Commissions.** The Council may remove any member of any board, committee or commission which it has created or as created by the City Charter or in the City Code, per the rules set forth in the City Code.

4.5 **Filling Vacancies.** The City Council will advertise vacancies on boards, committees and commissions. Interested persons shall submit application to the City Manager stating their interest and qualifications for serving. The Council will review applications, schedule interviews as it deems necessary and select, at a Regular Council meeting, from among the applicants, a person to fill the vacancy. The deadline to submit an application for a vacancy is the Monday eight days prior to the regular council meeting.

5. Ethics and Conflicts of Interest.

5.1 **Declaring Conflict of Interest.** All elected and appointed officials serving on boards, committees or commissions must state the nature of any potential or actual conflict of interest by publicly announcing it before taking any action on the matter involving such conflict. (ORS 244.120). Public officials shall know and understand the Oregon Government Ethics Law. Information may be provided to public officials by City Staff and/or on the Oregon Government Ethics Commissions website at www.oregon.gov/OGEC/ or by telephone to 503-378-5105.

5.2 **Statements of Economic Interest.** City councilors and members of certain committees and commissions such as the Planning Commission are required to file, with the Oregon Government Ethics Commission, annual verified statements of economic interest, which become matters of public record, in April of each year (ORS 244.160-244.201).

6. **Quasi-Judicial versus Legislative Procedures.** The City Council shall conduct its public hearings in the following manner:

6.1 **Quasi-Judicial Hearings.** A quasi-judicial hearing is one which involves an application for a specific area of privately-owned land.

The Mayor or presiding officer shall:

(1) Open the proceedings and (a) determine if there are any objections to the jurisdiction of the City Council to hear the matter; if any Council member has a conflict of interest or personal bias; and if any Council member has had any ex parte contacts, and if so, request they describe the content of such contact; (b) request the staff report and recommendation; (c) request correspondence; (d) state which criteria shall be used in reviewing the request or application, note that testimony and evidence must be directed toward the criteria, and note that evidence must be

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directed toward the criteria, and note that failure to address a criterion precludes appeal based on that criterion; and (e) note that any party may request, prior to the close of the public hearing, that the record be held open for at least 7 days to permit the submission of additional evidence.

(2) Call for public testimony, requesting presentations (a) from the applicant; (b) from proponents; (c) from opponents; (d) from opponents or proponents who wish to make rebuttal statements; (e) and call for a staff summary and response. Note that the presiding officer may, at his or her discretion, institute fair and equitable time limits for public testimony.

(3) Following public testimony, the hearing shall be closed and the Council shall move to consideration (action) on the request.

6.2 Legislative Hearings. A legislative hearing is one which involves general policies of the City. There are two types: land use related and non-land use related. The procedures for the public hearing related to land use are: to open the proceedings and (a) determine if there are any objections to the jurisdiction of the City Council to hear the matter and if any Council member has a conflict of interest or personal bias; (b) request the staff report and recommendation; (c) request correspondence. The procedure for public hearings on non-land use related legislation is not specific except as it conforms to Section 2 of this document and Roberts' Rules of Order for the conduct of meetings.

7. Councilor-City Staff Communication.

7.1 Communication. Communication between a Councilor and a City employee must be made with recognition of two facts: a) The City employee is responsible to his or her immediate supervisor and cannot take "orders" from a councilor; and b) Each Councilor has authority in administrative matters only to the extent delegated by the Council as a whole. This delegation is often formally expressed through an ordinance or charter provision.

The appropriate method for Councilors to obtain information regarding administrative matters is to request it through the City Manager or to make the request during a regular council meeting.

7.2 Authority of Council. It is the Council's primary responsibility to deal with setting policy. The policy process is a series of steps:

- 1) Identification of problems and needs
- 2) Establishment of community goals
- 3) Determination of objectives
- 4) Development of analyses of alternative means for achieving objectives
- 5) Establishment of priorities
- 6) Development of programs
- 7) Implementation of programs
- 8) Monitoring and evaluation of program

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9) Feedback

8. Miscellaneous City Council Policies and Procedures.

8.1 The Mayor and City Council members shall refrain from excessive use of staff time and incurring unnecessary cost to the City.

8.2 Authorization from the City Manager is needed prior to a Council member taking a trip and incurring expenses on City-related business.

8.3 **Absences.** It shall be the responsibility of each Council member and the Mayor to notify either the Mayor or the City Manager if it is not possible to attend a meeting. It shall also be the responsibility of each Council member to be excused from a meeting if it is necessary to leave prior to its conclusion.

8.4 **Outside Debates.** Oregon Public Meeting law prohibits more than two (2) elected officials at the same time gathering to discuss or deliberate an issue pending before the elected body, such meeting can occur either in person, telephonically, or electronically. The Mayor and/or Council members may participate in a public or private forum to discuss or debate an issue so long as there are not more than two (2) members of the Council present.

9. Amendments and Additions to Operating Procedures and Policies.

9.1 Any part of these operating procedures and policies may be temporarily suspended by a majority vote of those members of the Council present and voting.

9.2 These operating procedures and policies may be permanently amended at any meeting at which prior notice of the proposed change was provided to each member of the Council. A majority vote of those members of the Council present and voting is needed to effect an amendment or an addition to these operating procedures and policies.

CANNON BEACH CITY COUNCIL

RULES OF PROCEDURE

Effective February 20, 2024

1. Authority.

1.1 The Charter of the City of Cannon Beach (Chapter IV, Sec. 13) provides that the “Council shall adopt rules for the governing of its members and proceedings.” The following set of rules shall be in effect upon their adoption by the Council and until such time as they are amended or new rules adopted in the manner provided by these rules. These rules apply equally to the Mayor and Councilors.

2. Meetings.

2.1 **Regular Meetings.** The Council shall meet regularly at a formal meeting on the first Tuesday of every month, beginning at 6:00 p.m. in the City Council Chambers of City Hall, 163 E. Gower Street, Cannon Beach, Oregon. Additional public Council meetings may be scheduled as needed.

2.2 **Public Meetings.** All meetings of the Council or the Boards, Committees, and Commissions of the City shall be open to the public in conformance with Chapter 192, Oregon Revised Statutes, Public Meetings.

2.3 **Quorums.** A majority of the sitting members of the Council, Committee, Commission or Board shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance shall be named and they shall adjourn to a later time, or move to compel attendance of absent members pursuant to the City Charter.

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2.4. **Presiding Officer.** The Mayor shall be the presiding officer at all meetings of the City Council and shall have a voice in all its proceedings. In the event of the absence of the Mayor, the President of the Council shall be the presiding officer. In the event of the absence of the Mayor and President of the Council, the majority of the quorum shall designate the presiding officer.

2.5 **Council Agenda.** Matters to be considered by the Council at its regular and special meetings shall be placed on an agenda to be prepared by the City Manager from the following material:

2.5.1 Items considered by the Council at its work session or Executive Session which require final action of the Council.

2.5.2 Items directed by the Mayor or any Councilor.

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2.5.4 Items which are required by law to be presented to the Council.

2.6 **Deadline for Agenda Items.** Communication, petitions or other written materials, other than those pertaining to a public hearing, which concern items that are or may be on the agenda must be submitted to the City Manager's office by 5:00 p.m. of the Monday preceding the Monday preceding the Council meeting for which it is intended. Items not submitted by this deadline may be included by a majority voting to amend the agenda.

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2.8 **Right of the Floor.** During a public hearing or time for public comment, any member of the public desiring to speak may be recognized by the Chair, and shall confine his/her remarks to the subject under consideration or to be considered. For purposes of keeping a complete record of the hearing and for providing an order in which persons wishing to speak are recognized, the Mayor may request that registration cards be distributed to the audience or that a sign-up list be used. Persons wishing to speak will list their name, address and whether they are a proponent or opponent of the agenda item. Persons not wishing to speak may indicate their preference by filling out a card listing their name, address and whether they are a proponent or opponent of the agenda item and provide a brief explanation as to why they take such a stance. The deadline for written public comment for non-hearing items is 3pm the day before the meeting. Written comments received after the deadline will be forwarded to Council and included in the record. Written comments received after the deadline may not be read prior to the meeting and will not be posted on the meeting page of the website.

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In speaking, Councilors must confine discussion to the question under debate, avoid personalities and not impugn the motives of another Council member's vote or argument.

2.10 Types of Meetings.

2.10.2 **Regular Meeting.** This meeting is the regularly scheduled monthly meeting of the Council.

2.10.3 **Special Meeting.** A special meeting may be called by the Mayor or by a majority of the members of the Council. The call for a special meeting shall be filed with the City Manager, except that an announcement of a special meeting during any regular meeting at which all members are present shall be sufficient notice of such a meeting. The call for a special meeting shall be at least 24 hours in advance of the meeting and shall specify the time, date, place and subject(s) to be considered. Only such business as specified in the call for the meeting may be considered. The public and press shall receive notice as provided in ORS 192.640.

2.10.4 **Adjourned Meetings.** Any meeting of the Council may be adjourned to a later date and time, provided that no adjournment shall be for a longer period than until the next regular meeting.

2.10.5 **Study or Work session.** The Council may meet informally in study or work session (open to the public), at the call of the Mayor or of any three members of the Council, to review forthcoming programs of the city, receive progress reports on current programs or projects, or receive other similar information from the City Manager and/or other City Staff, provided that all discussions and conclusions thereon shall be informal. No final decision shall be made at a work session. At the Council's discretion, public comment may be allowed at such Study or Work sessions.

2.10.6 **Executive Session.** The Council may hold an executive session during any meeting, after the presiding officer first identifies the authorization therefore, pursuant to ORS 192.610-192.690.

No final decision shall be made in an Executive Session.

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2.11 **Attendance of Media at Council Meetings.** All official meetings of the City Council and its committees, other than executive sessions, shall be open to the media, freely subject 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. Representatives of the news media shall be allowed to attend executive sessions other than those held under Section 2.10 (d) relating to labor negotiations, but the City Council may require that specified information subject of the executive session be undisclosed.

2.12 **City Manager.** The City Manager shall attend all meetings of the Council unless excused by the Mayor or Council President. The City Manager may make recommendations to the Council and shall have the right to take part in all discussions of the Council, but shall have no vote. The City Manager shall keep, or cause to be kept, the official Minutes of the City Council meetings.

2.13 **City Attorney.** The City Attorney shall attend all regular meetings of the Council unless excused and, upon request, shall attend Council work sessions, executive sessions and special meetings. Members of the Council may ask the City Attorney to give an opinion, either written or oral, on questions of law. If the opinion requires more than one (1) hour of work the requesting member of Council must first either seek approval from the City Manager or consensus from the Council. The City Attorney shall act as the Council's parliamentarian.

2.14 **Officers and Employees.** Department heads of the City shall attend all Council meetings upon request of the City Manager, unless excused.

2.15 Types of Motions.

2.15.1 **Main Motion.** Used to dispose of the business of the Council. For example, the Council can move to approve the minutes, approve a resolution, or set a public hearing by motion. The presiding officer may invite discussion to develop a motion before a motion is on the table. If such discussion to develop the motion is not needed, the presiding officer will ask for a motion and a second motion. The presiding officer, then, shall ask for discussion of the motion on the table. Main motions can only be offered when no other motion is being considered by the Council. Such motion shall only contain one issue, not multiple issues, and be clearly stated by the Councilor making the main motion.

2.15.2 **Presiding Officer, Present and Second Motions.** While it is preferable that the presiding officer not make or second a motion, nothing in these rules, City Code/Charter or State laws prohibits the presiding officer from doing so. The presiding officer has the same authority as the other members of the governing body to present or second a motion.

2.15.3 **Motion to Rescind and Motion to Reconsider.** Two special main motions are the motion to rescind and the motion to reconsider. A motion to rescind an earlier Council decision has the effect of nullifying the earlier action. A motion to reconsider has the effect of nullifying the vote on the earlier motion. In both cases, these motions shall only be made by a member of Council who previously voted with the majority on this issue.

2.15.4 **Subsidiary Motions.** Subsidiary motions can be used to change or dispose of the main motion. The most common are the motion to amend, postpone, or refer to a committee. There are three kinds of motions to postpone. A motion to postpone indefinitely has the effect of “killing” the main motion without voting directly on the main motion; a motion to postpone causes consideration of the main motion to be delayed to a specific time and place; a motion to postpone temporarily “lays the main motion on the table” and allows the Council to consider it by making a motion to “take it from the table.” Two other subsidiary motions affect the right to deliberate: the Council can limit debate to a certain time or terminate discussion.

2.15.5 **Privileged Motion.** These motions relate to members of Council or to emergency situations. Motions to adjourn or recess fall into this category.

2.15.6 **Incidental Motions.** The division of a question into two or more parts is often moved to allow the Council to vote on different aspects of a matter separately. A point of order can be raised during the consideration of business to call the Council’s attention to a violation of a rule of procedure. If a Council member objects to any of the presiding officer’s rulings on questions or procedures, he or she can appeal the presiding officer’s decision to the Council, who will vote on the question.

2.16 Voting.

2.16.1 **Roll Call.** All votes put to Council will be by roll call with the exception of the vote to approve the meeting agenda and vote to approve minutes from prior meetings which may be voted on by the Council as a group and roll call is not necessary.

2.16.2 **Abstain.** Pursuant to City Charter, it is the duty of every member of the governing body to cast his or her vote. A member of the governing body may abstain from voting if there is a legal reason, but he/she shall first state the reasons for abstaining in detail.

2.16.3 **Telephonic/Video Conference Voting.** A Council member, Commissioner or Committee member may vote by phone or video conference on any matter, both legislative and quasi-judicial, before the public body if that individual has reviewed the materials relating to that matter, and has listened to and has had the opportunity to participate in the meeting/ deliberations via phone or video conference.

2.17 **Rules of Order.** “Roberts Rules of Order Revised” shall govern the proceedings of the Council in all cases, unless they are in conflict with these rules.

3. Ordinances and Resolutions

3.1 **Definitions.** An ordinance is a local law enacted by a municipal body, such as a city council, and a resolution is an official expression of the opinion or will of a legislative body, such as a city council. Ordinances and resolutions shall be presented to the Council only in printed or typewritten form.

3.2 **Process.** It is the preference of the Council that, when appropriate, a proposed ordinance(s) or change(s) to a current ordinance(s) be discussed, drafted and vetted at the appropriate Committee level. A representative from such Committee shall then present the proposed ordinance(s) to the Council at a Council work session. Upon informal consensus of Council at the work session, such proposed ordinance(s) shall be presented to Council at a Regular Council meeting and the public shall have an opportunity to comment on such proposal. Council shall take one of the following three actions: 1. Vote on the proposed ordinance; 2. Remand the proposed ordinance back to the Committee for changes, 3. Direct staff to make changes to the proposed ordinance.

3.3 **Charter.** Procedures for the enactment of ordinances shall conform to the mode of enactment of the City Charter, Chapter VIII, Sec. 31, and, in the case of an emergency, Chapter VIII, Sec. 32.

3.4 **Funding.** All ordinances authorizing an expenditure of money shall include the source of the funds to be expended.

3.5 **City Attorney to Review.** All ordinances and resolutions shall be “Reviewed” by the City Counselor (Attorney). Such review shall be so indicated by signature on the last page of the ordinance before presentation to Council.

3.6 **City Manager to Attest.** All ordinances and resolutions shall be “Attested” by the City Manager. Such attestation shall be so indicated by signature on the last page of the ordinance before presentation to the Council.

4. Creation of Committees, Boards and Commissions

4.1 **Citizen committees, boards and commissions.** The Council may create committees, boards and commissions to assist in the conduct of the operation of City government with such duties as the Council may specify not inconsistent with the City Charter or Municipal Code.

4.2 **Membership and Selection.** Committee membership and selection of members shall be as provided by the Council if not specified by the City Charter or Municipal Code. Any committee, board or commission so created shall cease to exist upon the accomplishment of the 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 or to the City Manager, except as otherwise specified by the City Charter or Municipal Code.

4.3 **Governance and Procedure of Boards, Committees and Commissions.** The membership of the boards, committees and commissions by a majority vote may establish their own procedures and governance, provided they are not contrary to the City Charter or City Code.

4.4 **Removal of Members of Boards, Committees or Commissions.** The Council may remove any member of any board, committee or commission which it has created or as created by the City Charter or in the City Code, per the rules set forth in the City Code.

4.5 **Filling Vacancies.** The City Council will advertise vacancies on boards, committees and commissions. Interested persons shall submit application to the City Manager stating their interest and qualifications for serving. The Council will review applications, schedule interviews as it deems necessary and select, at a Regular Council meeting, from among the applicants, a person to fill the vacancy. The deadline to submit an application for a vacancy is the Monday eight days prior to the regular council meeting.

5. Ethics and Conflicts of Interest.

5.1 **Declaring Conflict of Interest.** All elected and appointed officials serving on boards, committees or commissions must state the nature of any potential or actual conflict of interest by publicly announcing it before taking any action on the matter involving such conflict. (ORS 244.120). Public officials shall know and understand the Oregon Government Ethics Law. Information may be provided to public officials by City Staff and/or on the Oregon Government Ethics Commissions website at www.oregon.gov/OGEC/ or by telephone to 503-378-5105.

5.2 **Statements of Economic Interest.** City councilors and members of certain committees and commissions such as the Planning Commission are required to file, with the Oregon Government Ethics Commission, annual verified statements of economic interest, which become matters of public record, in April of each year (ORS 244.160-244.201).

6. **Quasi-Judicial versus Legislative Procedures.** The City Council shall conduct its public hearings in the following manner:

6.1 **Quasi-Judicial Hearings.** A quasi-judicial hearing is one which involves an application for a specific area of privately-owned land.

The Mayor or presiding officer shall:

(1) Open the proceedings and (a) determine if there are any objections to the jurisdiction of the City Council to hear the matter; if any Council member has a conflict of interest or personal bias; and if any Council member has had any ex parte contacts, and if so, request they describe the content of such contact; (b) request the staff report and recommendation; (c) request correspondence; (d) state which criteria shall be used in reviewing the request or application, note that testimony and evidence must be directed toward the criteria, and note that evidence must be directed toward the criteria, and note that failure to address a criterion precludes appeal based on that criterion; and (e) note that any party may request, prior to the close of the public hearing, that the record be held open for at least 7 days to permit the submission of additional evidence.

(2) Call for public testimony, requesting presentations (a) from the applicant; (b) from proponents; (c) from opponents; (d) from opponents or proponents who wish to make rebuttal statements; (e) and call for a staff summary and response. Note that the presiding officer may, at his or her discretion, institute fair and equitable time limits for public testimony.

(3) Following public testimony, the hearing shall be closed and the Council shall move to consideration (action) on the request.

6.2 Legislative Hearings. A legislative hearing is one which involves general policies of the City. There are two types: land use related and non-land use related. The procedures for the public hearing related to land use are: to open the proceedings and (a) determine if there are any objections to the jurisdiction of the City Council to hear the matter and if any Council member has a conflict of interest or personal bias; (b) request the staff report and recommendation; (c) request correspondence. The procedure for public hearings on non-land use related legislation is not specific except as it conforms to Section 2 of this document and Roberts' Rules of Order for the conduct of meetings.

7. Councilor-City Staff Communication.

7.1 Communication. Communication between a Councilor and a City employee must be made with recognition of two facts: a) The City employee is responsible to his or her immediate supervisor and cannot take "orders" from a councilor; and b) Each Councilor has authority in administrative matters only to the extent delegated by the Council as a whole. This delegation is often formally expressed through an ordinance or charter provision.

The appropriate method for Councilors to obtain information regarding administrative matters is to request it through the City Manager or to make the request during a regular council meeting.

7.2 Authority of Council. It is the Council's primary responsibility to deal with setting policy. The policy process is a series of steps:

- 1) Identification of problems and needs
- 2) Establishment of community goals
- 3) Determination of objectives
- 4) Development of analyses of alternative means for achieving objectives
- 5) Establishment of priorities
- 6) Development of programs
- 7) Implementation of programs
- 8) Monitoring and evaluation of program
- 9) Feedback

8. Miscellaneous City Council Policies and Procedures.

8.1 The Mayor and City Council members shall refrain from excessive use of staff time and incurring unnecessary cost to the City.

8.2 Authorization from the City Manager is needed prior to a Council member taking a trip and incurring expenses on City-related business.

8.3 **Absences.** It shall be the responsibility of each Council member and the Mayor to notify either the Mayor or the City Manager if it is not possible to attend a meeting. It shall also be the responsibility of each Council member to be excused from a meeting if it is necessary to leave prior to its conclusion.

8.4 **Outside Debates.** Oregon Public Meeting law prohibits more than two (2) elected officials at the same time gathering to discuss or deliberate an issue pending before the elected body, such meeting can occur either in person, telephonically, or electronically. The Mayor and/or Council members may participate in a public or private forum to discuss or debate an issue so long as there are not more than two (2) members of the Council present.

9. Amendments and Additions to Operating Procedures and Policies.

9.1 Any part of these operating procedures and policies may be temporarily suspended by a majority vote of those members of the Council present and voting.

9.2 These operating procedures and policies may be permanently amended at any meeting at which prior notice of the proposed change was provided to each member of the Council. A majority vote of those members of the Council present and voting is needed to effect an amendment or an addition to these operating procedures and policies.



CANNON BEACH CITY COUNCIL

STAFF REPORT

LANDSCAPE REVIEW OF THE REJUVENATION OF THE CANNON BEACH ELEMENTARY SCHOOL PROJECT AND NE'CUS PARK

Agenda Date: February 20, 2024

Prepared by: Bruce St. Denis, City Manager

BACKGROUND

At the January 2, 2024 meeting the Council adopted Findings of Fact and Conclusion of Law for APP 23-07. The findings included the following conditions:

1. The applicant shall submit a revised landscaping plan that includes a continuous path connecting the welcoming courtyard, the heritage garden and the story circle in an obvious loop along the riverbank celebrating the overall site heritage. The Council shall approve these modifications, after a public hearing coupled with notice to owners within 100 feet of subject property, prior to building permit issuance.
2. The applicant shall submit a revised landscaping plan showing a simplification of the garden plantings to reflect a more natural arrangement. The Council acknowledges that this may require relocating the Thunderbird to allow for the trail to loop to the creek and on into the Story Circle area. The Council shall approve these modifications, after a public hearing coupled with notice to owners within 100 feet of subject property, prior to building permit issuance.

ANALYSIS/INFORMATION

Attached is the revised landscape package for Council's review prior to going to public hearing.

RECOMMENDATION

Consensus to move forward with a public hearing on March 12th regarding the landscape plan.

List of Attachments

A. Revised Landscape Plans



CAMPUS SITE PLAN

CBE REJUVENATION CANNON BEACH, OREGON

PRELIMINARY DESIGN CONCEPTS DEPICTED - DESIGN IS NOT INTENDED FOR JURISDICTIONAL REVIEW AND/OR CONSTRUCTION. CONCEPT(S) SHOWN TO RELAY DESIGN INTENT ONLY. FINAL DESIGN AND FINISHES MAY VARY FROM WHAT IS SHOWN.

BREMIK
 CONSTRUCTION

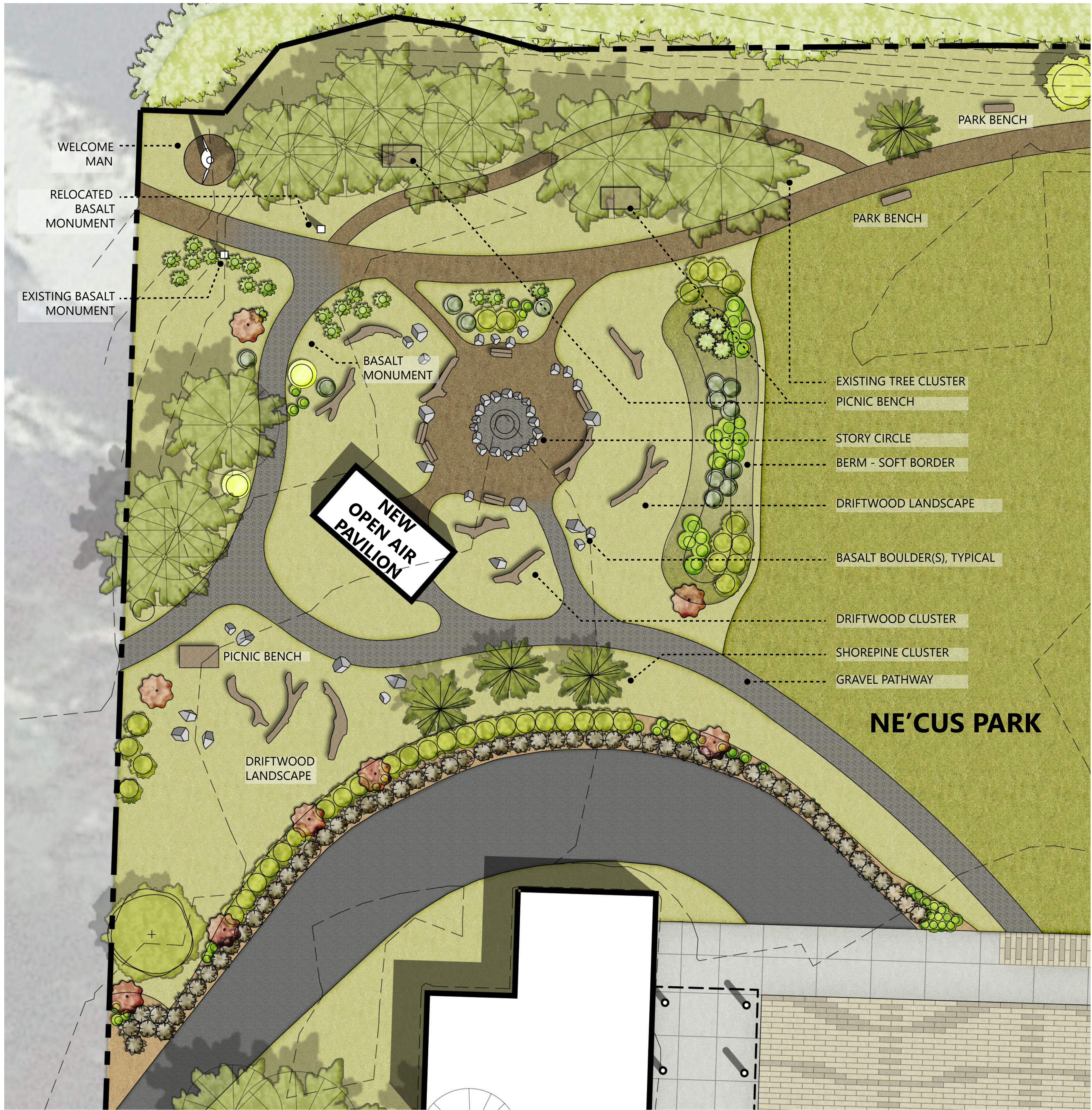


Joyce Jackson, Landscape Architect

RED PLAINS
 PROFESSIONAL INC.
Civil Engineers • GIS • Planning • Construction Management

SÄZÄN
 GROUP





ENLARGED SITE PLAN - STORY CIRCLE



ENLARGED SITE PLAN - SE ENTRY PLAZA

LANDSCAPE LEGEND AND INFORMATION

| TOTAL | | SYMBOL | QUAN | BOTANICAL NAME | COMMON NAME | SIZE |
|--------|--|--------|------|--------------------------------------|---------------------------|----------------|
| | | | | | | |
| | | | 4 | ALNUS RUBRA | RED ALDER (NATIVE) | 2" CAL B&B |
| | | | 4 | PICEA SITCHENSIS | SITKA SPRUCE (NATIVE) | 6' HT B&B |
| | | | 16 | PINUS CONTORTA VAR. CONTORTA | SHORE PINE (NATIVE) | 6' HT B&B |
| | | | 1 | CHAMAECYPARIS NOOTKATENSIS 'PENDULA' | WEeping ALASKAN CEDAR | 6' HT B&B |
| | | | 6 | ACER CIRCINATUM | VINE MAPLE (NATIVE) | 2" CAL B&B |
| SHRUBS | | | | | | |
| | | | 34 | BUXUS MICROPHYLLA VAR. JAPONICA | GREEN BEAUTY JAP. BOXWOOD | 2 GAL |
| | | | 19 | CISTUS DANSEREAU 'DECUMBENS' | DECUMBENS ROCKROSE | 2 GAL |
| | | | 16 | ECALLONIA X COMPACTA | COMPACT EXCALLONIA | 2 GAL |
| | | | 82 | GAULTHERIA SHALLON | SALAL | 2 GAL |
| | | | 9 | HOLODISCUS DISCOLOR | OCEAN SPRAY | 3 GAL |
| | | | 35 | LONICERA INVOLUCRATA | BLACK TWINBERRY | 3 GAL |
| | | | 105 | MAHONIA AQUIFOLIUM | OREGON GRAPE | 2 GAL |
| | | | 73 | MAHONIA NERVOSA | DULL OREGON GRAPE | 2 GAL |
| | | | 12 | PHYSOCARPUS CAPITALUS | PACIFIC NINEBARK | 3 GAL |
| | | | 34 | ROSA NOOTKANA | NUTKANA ROSE | 2 GAL |
| | | | 14 | RUBUS PARVIFLORUS | THIMBLEBERRY | 1 GAL |
| | | | 4 | SALIX HOOKERIANA | HOOKER WILLOW | ½"-1½' 2'-3' C |
| | | | 12 | SAMBUCUS RACEMOSA | RED ELDERBERRY | 3 GAL |
| | | | 66 | VACCINIUM OVATUM | EVERGREEN HUCKLEBERRY | 3 GAL |

GROUNDCOVER, GRASSES AND PERENNIALS

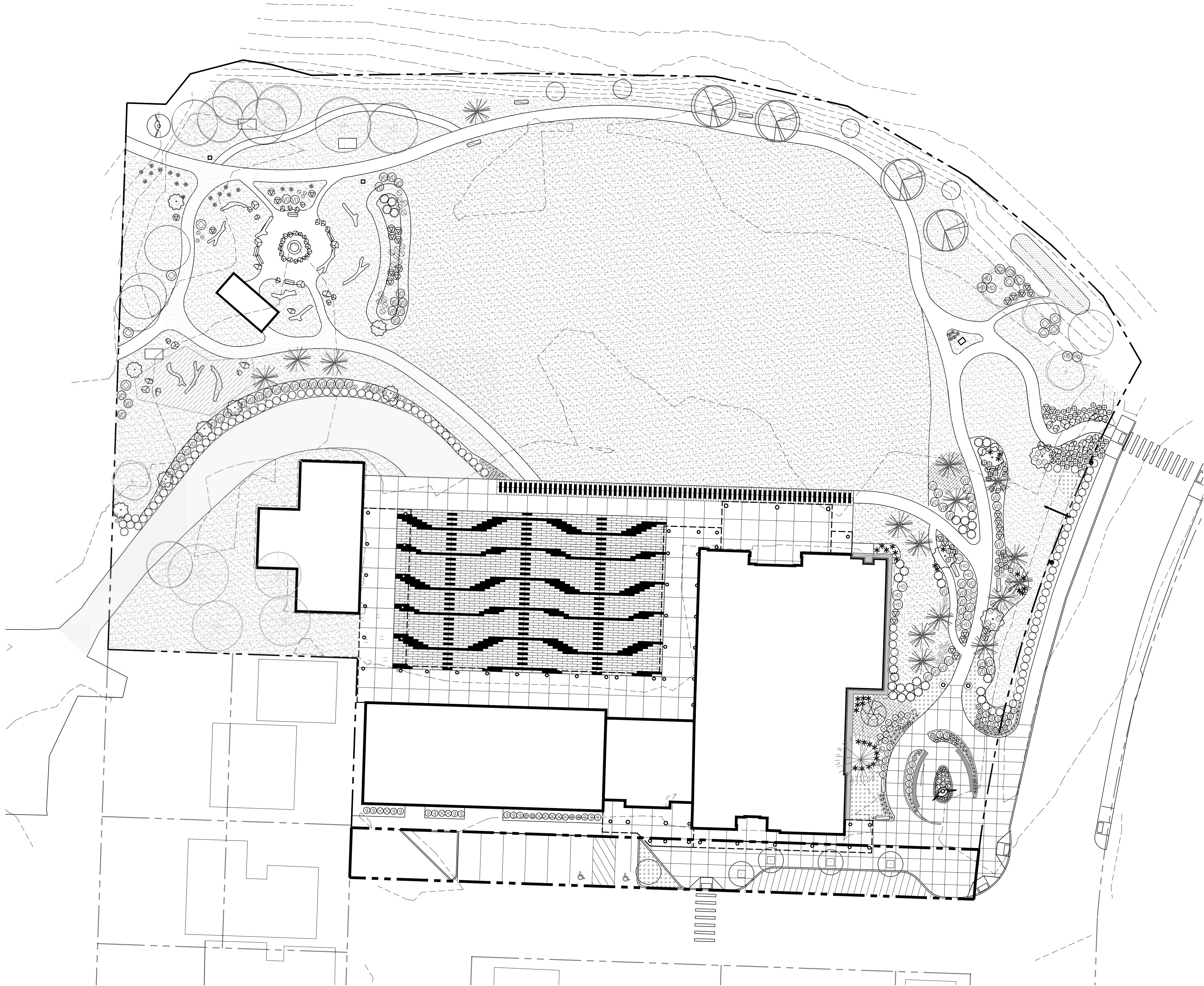
| | | | | |
|--|-----------|------------------------------------|--------------------|----------------|
| | 270 | ARCTOSTAPHYLOS UVA-URSI | KINNIKINICK | 1 GAL 2' 0" C |
| | 190 | FRAGARIA CHLOENSIS | BEACH STRAWBERRY | 4"POTS 18" O. |
| | 31 | ARMENIA MARITIMA | THRIFT, SEA PINK | 1 GAL 18" 0" C |
| | 24 | ELYMUS MOLLIS | DUNE GRASS | 2" PLUGS 3' C |
| | 65 | HELIOTRICHON SEMPERVIRENS | BLUEOAT GRASS | 1 GAL 70 |
| | 33 | POLYSTICHUM MUNITUM | WESTERN SWORD FERN | 1 GAL |
| | 28,663 SF | SUNMARK NORTHWEST SUPREME LAWN MIX | | 9 LBS/1000 S |
| | 21,004 SF | SUNMARK NATIVE SALT TOLERANT MIX | | 2 LBS/1000 S |

RIVER BANK PLANTS

| | | | | |
|--|----|------------------------|-------------------|----------|
| | XX | ARGENTINA ANSERINA | SILVERWEED | 2" PLUGS |
| | XX | CAREX LONGBYEI | LYNGBYE'S SEDGE | 4" POTS |
| | XX | DESCHAMPSIA CESPITOSA | TURFED HAIRGRASS | 4" POTS |
| | XX | SCIRPUS MARITIMUS | SEACOAST BULLRUSH | 4" POTS |
| | xx | TRIFOLIUM WORMSKIOLDII | SPRINGBANK CLOVER | 4" POTS |

LEGEND

| | |
|--|--|
| | 9" OF ENGINEERED WOOD CHIPS ON PREPARED BASE |
| | BASALT MONUMENT STONES |
| | BOULDERS |
| | EXISTING TREE |
| | DRIFTWOOD SEATING AND PLAY LOGS |
| | BENCH |
| | PICNIC TABLE |
| | ADA ACCESSIBLE PATH |



PLANTING PLAN-

CBE REJUVENATION

268 BEAVER ST, CANNON BEACH, OR 97110



CANNON BEACH CITY COUNCIL

STAFF REPORT

REVIEW COMMITTEE REQUEST FOR CBE

Agenda Date: February 20, 2024

Prepared by: Bruce St. Denis, City Manager

BACKGROUND

On February 2, 2024 Council received a letter from Paul Dueber and Patrick Nofield regarding the possibility of the development of an ad hoc committee to further discuss the CBES renovation.

The letter was received after the packet for the February 6th meeting was distributed but was included under correspondence received after the packet was distributed.

ANALYSIS/INFORMATION

The letter is attached to the staff report.

RECOMMENDATION

Council to discuss and provide direction.

List of Attachments

A. Letter from Paul Dueber and Patrick Nofield

2 February, 2024

Mayor Knop, City Councilors,

CBE School Renovation Project

We have had the opportunity to be involved in the discussions of a gathering of residents that have expressed various forms of opposition to the CBE design plans proposed by staff and assorted experts. While it may seem that this group is opposed to the CBE project, that is absolutely not the case. To a person, we believe this project will be this generation's legacy to Cannon Beach and we are in full support of the project vision, if not the details.

While that common goal is readily supported by all, our difference of opinions and desires has resulted in a politically divisive conflict that threatens to derail the entire project, and that would be a terrible shame.

We believe that the opportunity to sit together one last time, to pour some oil on those waters and resolve some of those challenges to our common vision, could help in bringing it all back into a cohesive path forward.

With that dream of creating a "Jewel" in the Cannon Beach historic legacy as our guide, we respectfully request that the City provide an opportunity for staff, architects, and a small representation of this concerned citizen group to form an ad hoc committee with that goal in mind. It seems that, if there is a possibility this vision can be realized with one or two gatherings of that committee, we should all be in support of making the effort.

Thank you for all the work you have done to move this "Legacy" forward! The realization of dreams is often hampered by challenges and we believe, with your assistance, there is a strong possibility those challenges can be resolved.

Respectfully Submitted,

Paul Dueber
PO Box 549
Cannon Beach, OR 97110

Patrick Nofield
PO Box 843
Cannon Beach, OR 97110