

**Agenda**  
Shady Cove Regular City Council Meeting  
Thursday, July 16, 2020  
6 PM

This meeting will be held telephonically  
in light of current health conditions.

Attendees will call  
1-844-855-4444  
Access Code 789926#

**I. Call to Order**

- A. Roll Call
- B. Announcements by Presiding Officer
  - 1. This meeting is being digitally recorded.
  - 2. The next regularly scheduled meeting of the City Council will be August 6, 2020, at 6PM, possibly held telephonically.
  - 3. The next regularly scheduled meeting of the Planning Commission is July 23, 2020, at 6 PM, possibly held telephonically.
  - 4. The next meeting of the Parks and Recreation Commission has yet to be determined.
  - 5. Public may comment on agenda items - Public must state name, address and standing to discuss an issue. Issues must have a City-wide impact and not be personal issues. Depending on number of comments and time constraints, Council may limit the amount of time to 3 minutes per speaker.
  - 6. These meeting dates are subject to change by the circumstances related to COVID-19.

**II. Public Hearing**

**III. Public Comment on Agenda Items**

**IV. Consent Agenda**

- A. Regular Meeting Minutes of 6/18/20
- B. Bills Paid Report – 6/11/20 - 6/30/20 - \$134,085.91
- C. Continuation of Declaration of Emergency
- D. Planning Commission Appointments
- E. Fiscal Report End of Year

**V. Items Removed from Consent Agenda**

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Department at (541) 878-2225. Notification 72 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting (28 CFR 35.102-35.104 ADA Title II).

Shady Cove City Council Regular Meeting

July 16, 2020

Page 2 of 2

**VI. Staff Reports**

- A. City Administrator
- B. Jackson County Deputy (CSO)
- C. Fire District 4 Chief

**VII. New Business**

- A. Direction for Contract Reviews of Performance
- B. Ordinance #296 - First Reading - Parking Regulations
- C. New Matching Grant from Business Oregon

**VIII. Old Business**

- A. Draft City Charter

**IX. Written Communication**

None

**X. Public Comment on Non-Agenda Items**

**XI. Council Comments on Non-Agenda Items**

- A. Mayor Richardson – RVCOG
- B. Councilor Mitchell - RVACT & Parks Commission
- C. Councilor McGregor - SOREDI
- D. Councilor Hohenstein - Planning Commission
- E. Councilor Tarvin

**XII. Adjournment**

City of Shady Cove  
**City Council Regular Meeting Minutes**  
Thursday, June 18, 2020  
Meeting was held at the Upper Rogue Community Center

**CALL TO ORDER**

Mayor Richardson called the Regular City Council Meeting to order at 6 PM.

Council Present: Mayor Richardson, Councilor Mitchell, Councilor McGregor, Councilor Tarvin, and Councilor Hohenstein.

Staff Present: Thomas J. Corrigan, City Administrator

**ANNOUNCEMENTS**

The Mayor made the announcements on the agenda.

**PUBLIC HEARING**

Opened at 6:01

Councilor Tarvin questioned the Supplemental Budget Amendment. It was explained that the Budget change will be made by Resolution so the Supplemental Budget rule does not apply. As the City had published the initial Public Hearing notice, we kept the Public Hearing only to hear any comments.

Closed at 6:06

Motion to Approve Resolution 20-07 adjusting the appropriations for the 2019-2020 Budget.

Motion: Councilor Hohenstein                      Second: Councilor Mitchell

Motion carried 4-1, Councilor Tarvin voted nay.

**PUBLIC COMMENT**

None

**CONSENT CALENDAR**

Motion to Accept the Items A and B of the Consent Calendar including Regular Meeting Minutes for June 4, 2020, and Bills Paid report in the amount of \$11,587.78.

Motion: Councilor Hohenstein                      Second: Councilor Tarvin

All Ayes              Motion Carried 5-0

Motion to Accept Item C of the Consent Calendar, Extension of the Emergency Declaration to June 18.

Discussion Ensued Regarding Benefits and Effects of the Declaration.

Motion: Councilor Mitchell                      Second: Councilor Hohenstein

All Ayes              Motion Carried 5-0

**STAFF REPORTS**

Deputy Bilden from Jackson County Sheriff's Office spoke in regard to happenings in Shady Cove.

Fire District 4 Chief Greg Winfrey gave an updated report for the covered area. (Attached)

City Administrator

- Discussed copy of TMDL sent in separate email.
- ODOT initial conversation with sidewalk going south of bridge.
- School Zone light request.
- OLCC permit pending for next meeting.
- Electric Vehicle charging station grant possibility.
- Grant(s) update. Multiple pots- CDBG, Biz OR, SCA, individual water systems
- Music in the Park Saturday
- Also having a chalk art contest during Music.
- Park construction update.
- URCC ice cream social.
- City has requested COVID Relief Funding for expenses.
- Locates done by utility at Schoolhouse off mark

### NEW BUSINESS

- A. Motion to Accept Intergovernmental Agreement with Cities in Valley for Purposes of 2020 COVID Grant for Small Businesses and Microenterprises  
Motion: Councilor Hohenstein                      Second: Councilor Tarvin  
Comments by Councilors relative to procedure and advertising.  
All Ayes    Motion carried 5-0
- B. Motion to Approve the Discontinuation of Intergovernmental Agreement with Jackson County for the Lease of Land for the Library, Parking Lot and Well effective 6/30/20.  
Motion: Councilor McGregor                      Second: Councilor Mitchell  
All Ayes    Motion carried 5-0
- C. Motion to Approve the Intergovernmental Agreement with the Jackson County Library District for the Lease of Land for the Library, Parking Lot and Well effective 07/01/20.  
Motion: Councilor Hohenstein                      Second: Councilor McGregor  
All Ayes    Motion carried 5-0
- D. Information regarding County Park. Discussion only.

### OLD BUSINESS

None

### WRITTEN COMMUNICATIONS

Letters to Governor Brown, Senator Courtney, Representative Kotek

### PUBLIC COMMENT

- Chet Krupa – Weed Abatement concerns, forwarded to CSOs.
- Bruce Wilson – Boat Ramp concerns
- Art Stirling – Jackson County comments

Mary Stirling – Boat Ramp comments  
Bob Bellah – URCC CDBG grant question re: Air Conditioning. City will need to work with URCC in obtaining.

**COUNCIL COMMENTS**

Mayor Richardson –  
NO RVCOG mtg until August. All invited to come out for Music in the Park. Food Truck will be available. List of food trucks for next few events. COVID numbers for SC had been 0, still waiting for updates. No answer back from Census yet.

Councilor Mitchell –  
July possible RVACT mtg. Next Parks mtg is unknown.

Councilor McGregor –  
SORED I – Board meeting via teleconference. Invited deputies to Music.

Councilor Hohenstein – See everyone at Music in the Park. Go Boat Ramp

Councilor Tarvin – Agreed with Councilor Hohenstein’s comments.

**ADJOURNMENT**

There being no further business before the Council, the Mayor adjourned the regular Meeting at 7:42 PM.

Approved:

Attest:

\_\_\_\_\_  
Lena Richardson  
Mayor

\_\_\_\_\_  
Thomas J. Corrigan  
City Administrator

**Council Vote:**

Mayor Richardson \_\_\_\_\_  
Councilor Mitchell \_\_\_\_\_  
Councilor McGregor \_\_\_\_\_  
Councilor Tarvin \_\_\_\_\_  
Councilor Hohenstein \_\_\_\_\_

Check Issue Date	Check	Payee	Description	Amount
06/25/2020	44833	AT&T Mobility	Mobile Phone #287286088814	223.31
06/25/2020	44834	Bill's Glass & Windshields	City Hall Exterior Doors Maintenance	280.00
06/25/2020	44835	Canon Financial Services, Inc.	Copier Lease & Copies 612930	422.78
06/25/2020	44836	Cantel of Medford, Inc.	Hwy 62 & Indian Creek Rd	43.00
06/25/2020	44837	CIS Trust	Life Insurance	42.63
06/25/2020	44837	CIS Trust	Long Term Disability	63.74
06/25/2020	44838	David Christian	Radio Programming, 6 hrs.	90.00
06/25/2020	44838	David Christian	Radio Programming, 6 hrs.	90.00
06/25/2020	44839	Hunter Communications	Phone Services & Internet Charges 698	595.46
06/25/2020	44840	Jackson County Roads	Grading & Earthbind Brophy/Cora/Hall	1,899.30
06/25/2020	44841	Jackson County Sheriff	Law Enforcement Services- Monthly	39,834.00
06/25/2020	44841	Jackson County Sheriff	CSO Services - Monthly	2,632.00
06/25/2020	44841	Jackson County Sheriff	Law Enforcement Services- Monthly	39,834.00
06/25/2020	44841	Jackson County Sheriff	CSO Services - Monthly	2,632.00
06/25/2020	44842	Medford Builders Exchange	Park & ADA Ramp	4.00
06/25/2020	44843	Postmaster	Sewer Billing	347.42
06/25/2020	44844	Project A, Inc.	Development and Hosting	200.00
06/25/2020	44845	Rogue River Watershed Council	Aunt Caroline's Park - Sign Fabrication	2,285.00
06/25/2020	44846	RVCOG	Planning	1,423.04
06/25/2020	44846	RVCOG	Floodplain	266.82
06/25/2020	44846	RVCOG	Computers & Support	650.08
06/25/2020	44847	Shady Cove Customs, LLC	Bucket Truck Maintenance & Repairs	2,558.68
06/25/2020	44848	Wesley & Jerri Ammer	Utility Billing Refund	41.44
06/30/2020	44849	Avista Corporation	Natural Gas 4941620000	24.75
06/30/2020	44850	Celtic Circle, LLC	Shop Rental	865.00
06/30/2020	44851	Crystal Fresh	Bottled Water C82225	34.50
06/30/2020	44852	David Christian	Radio Programming, 6 hrs.	90.00
06/30/2020	44853	Debra McLimans	Utility Billing Refund	136.50
06/30/2020	44854	Justin & Kristen Burton	Utility Billing Refund	130.12
06/30/2020	44855	KAS & Associates, Inc.	Private Project Review - Pass Through	686.76
06/30/2020	44855	KAS & Associates, Inc.	Private Project Review - Pass Through	120.00
06/30/2020	44855	KAS & Associates, Inc.	SCA Grant - Schoolhouse	3,512.02
06/30/2020	44855	KAS & Associates, Inc.	Hwy 62. & Indian Creek Rd.	3,750.92
06/30/2020	44855	KAS & Associates, Inc.	Hwy 62. & Indian Creek Rd.	937.50
06/30/2020	44856	Pacific Power	Aunt Caroline's Park 32847641-005	48.22
06/30/2020	44856	Pacific Power	street Lights 32847641-002	761.09
06/30/2020	44856	Pacific Power	City Hall 32847641-007	244.74
06/30/2020	44856	Pacific Power	Nork Lane 32847641-009	72.18
06/30/2020	44857	Perfection Cleaning	Cleaning Services	300.00
06/30/2020	44858	Southern Oregon Sanitation	Nork lane 088070	40.22
06/30/2020	44858	Southern Oregon Sanitation	City Hall 088054	40.22
06/30/2020	44858	Southern Oregon Sanitation	aunt Caroline's Park 088094	58.50
06/30/2020	44859	Upper Rogue Independent	Credit for Invoice - Billed to City in Error	-65.00
06/30/2020	44859	Upper Rogue Independent	Government Public Notice - Supplemental Budget Notice	117.00
06/30/2020	44860	Visar Construction Co, Inc.	SCA Grant - Schoolhouse	25,721.97
Grand Totals:				134,085.91

**ADMINISTRATIVE ORDER**  
**June 18, 2020**  
**By the Mayor of the City of Shady Cove**

**Declaring a State of Emergency**

The Mayor of the City of Shady Cove finds that:

- a. On March 8, 2020 Governor Kate Brown declared a State of Emergency due to the COVID-19 (Executive Order No. 20-03). Governor Brown also issued guidelines regarding group gatherings and social distancing to alleviate possible impacts of COVID-19 (Executive Order No. 20-5). On March 13, 2020 President Donald Trump declared a National Emergency concerning COVID-19. All such orders have been continued.
- b. COVID-19 requires a significant amount of resources at the local level to keep the public and community informed and as safe as possible.
- c. The unknown duration of the COVID-19 may have a significant financial impact on the community.
- d. The primary focus at the City is to keep the community safe while maintaining the health of our workforce so the City can continue to provide crucial City services, and to alleviate impacts to residents and business owners within the City of Shady Cove.
- e. Pursuant to ORS 401.309(1), the governing body of a City may declare, by ordinance or resolution, that a state of emergency exists within the City.
- f. Pursuant to the City of Shady Cove Emergency Operations Plan adopted by the City Council of Shady Cove in May of 2012, section 3.2.1.1, confirms that power of the Mayor.
- g. Pursuant to the first Declaration of Emergency, and as the Governor has not changed the State's Declaration of Emergency as of yet.

Now, therefore, based on the above findings, the Mayor of the City of Shady Cove declares an emergency and an extension of the current Declaration.

1. This Declaration of Emergency is effective immediately and shall remain in effect until July 2, 2020 but may be extended in two-week increments.
2. To protect the health and safety of City employees, I have and will direct the City Administrator to develop emergency policies and guidance on the use of sick leave, vacation leave, telecommuting, meeting protocol, identification of essential and non-essential staff for ongoing presence at City facilities, and other policies that will be in effect for the duration of the emergency.

**ADMINISTRATIVE ORDER**  
**July 2, 2020**  
**By the Mayor of the City of Shady Cove**

**Declaring a State of Emergency**

The Mayor of the City of Shady Cove finds that:

- a. On March 8, 2020 Governor Kate Brown declared a State of Emergency due to the COVID-19 (Executive Order No. 20-03). Governor Brown also issued guidelines regarding group gatherings and social distancing to alleviate possible impacts of COVID-19 (Executive Order No. 20-5). On March 13, 2020 President Donald Trump declared a National Emergency concerning COVID-19. All such orders have been continued.
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- c. The unknown duration of the COVID-19 may have a significant financial impact on the community.
- d. The primary focus at the City is to keep the community safe while maintaining the health of our workforce so the City can continue to provide crucial City services, and to alleviate impacts to residents and business owners within the City of Shady Cove.
- e. Pursuant to ORS 401.309(1), the governing body of a City may declare, by ordinance or resolution, that a state of emergency exists within the City.
- f. Pursuant to the City of Shady Cove Emergency Operations Plan adopted by the City Council of Shady Cove in May of 2012, section 3.2.1.1, confirms that power of the Mayor.
- g. Pursuant to the first Declaration of Emergency, and as the Governor has not changed the State's Declaration of Emergency as of yet.

Now, therefore, based on the above findings, the Mayor of the City of Shady Cove declares an emergency and an extension of the current Declaration.

1. This Declaration of Emergency is effective immediately and shall remain in effect until August 6, 2020 but may be extended in two-week increments.
2. To protect the health and safety of City employees, I have and will direct the City Administrator to develop emergency policies and guidance on the use of sick leave, vacation leave, telecommuting, meeting protocol, identification of essential and non-essential staff for ongoing presence at City facilities, and other policies that will be in effect for the duration of the emergency.





**CITY OF SHADY COVE**  
 22451 Highway 62 ♦ P.O. Box 1210 ♦ Shady Cove, OR 97539  
 Phone: 541.878.2225 ♦ Fax: 541.878.2226

**APPLICATION FOR COMMISSION OR COMMITTEE**

PLEASE PRINT

DATE: 2-3-2020 POSITION APPLIED FOR: PLANNING COMMISSION

APPLICANT INFORMATION

Name: THOMAS O. BARNES

Physical Address:

City: SHADY COVE State: OR Zip: 97539

Mailing Address:

City: State: Zip:

Home Phone: Cell Phone:

Email Address:

Current Occupation:  
*(If retired or unemployed, state your general or past profession.)* RETIRED

How long have you lived in Shady Cove? 3 yrs

How long have you lived in Jackson County? 3 yrs

Are you available to attend both daytime and evening meetings when necessary? YES

Are you an employee of the City of Shady Cove, an occasional or potential contract employee, or do you have any other real or potential conflict of interest in working or serving in this capacity?  
 Yes  No

If yes, please describe:

QUALIFICATIONS

I believe that I am qualified for and should be considered for the above position(s) for the following reasons  
*(continue on next sheet if necessary):*

SEE ATTACHED

Qualifications continued (if necessary):

Blank lined area for qualifications.

Please use this space to summarize why you are applying for this position:

I've enjoyed work on the planning comm. in both Newberg and Shady Cove. I think citizens should volunteer to help their community

Please use this space to add any additional information you would like to share:

Blank lined area for additional information.

By signing this application, electronically or otherwise, I affirm that all information included is true and accurate to the best of my knowledge. I authorize the City of Shady Cove to publically review and discuss the information provided herein and to assist in responding to any questions asked which are relevant to this position.

Signature of applicant

Thomas O'Brien

Date

2-3-2020

How to Submit:

- By email: admin@shadycove.net
In person: City of Shady Cove, City Hall, 22451 Highway 62. Monday through Friday, 8:00 AM to 5:00 PM
By mail: P.O. Box 1210, Shady Cove, OR 97539
By fax: 541.878.2226

Questions?

Call City Hall at 541.878.2225 or send an email to Bonnie Picket as listed above.

CITY OFFICE USE ONLY

DATE RECEIVED

2-13-20

INITIALS

D.J.

## Attachment to Shady Cove Planning Commission Application

The qualification question on the Application for Appointment asks to provide a statement of why I wish to be considered and qualified for the position of Planning Commissioner. I have served on the Shady Cove Planning Commission for the past two plus years, and prior to my moving to Shady Cove, I spent over 5 years on the Newberg Planning Commission at the pleasure of Mr. Bob Andrews, Mayor of Newberg and the only reason I left is I moved outside the city limits. The entire time on the Newberg Planning Commission I was challenged with difficult issues, and through the team efforts of my fellow eight commissioner's we were able to tackle these challenges and move the community forward. My time on the Shady Cove Planning Commission has also had its challenges, differences of opinion on how to solve problems, all solved with teamwork and that desire to move Shady Cove forward.

While in Newberg, the position of Chair was shared, each January 1, another member of the commission was promoted to the position of Chair. My two terms as chair saw many issues that had the commission split on how to move forward, I was able to pull the commission together with a solution. We have excellent members on the Shady Cove Planning Commission, I wish we could adopt a similar practice, giving every member an opportunity to guide the group.

There have been times (in Newberg) when even though we followed planning guidelines, when we forwarded a recommendation to the City Council, it was overturned. Although their decision didn't follow the planning guidelines, their decision ultimately was better for the community, we were fine with their decision. After all, the City Council must answer to the citizens of Shady Cove.

In my tenure with the Shady Cove Planning Commission, I've only missed two meetings, both instances were due to total knee replacement surgeries. Other than that, I feel I have the energy, training, and experience especially with problem solving and my abilities to help other members get the job done to help the Planning Commission and Shady Cove.



**CITY OF SHADY COVE**  
 22451 Highway 62 • P.O. Box 1210 • Shady Cove, OR 97539  
 Phone: 541.878.2225 • Fax: 541.878.2226

**APPLICATION FOR COMMISSION OR COMMITTEE**

PLEASE PRINT

DATE: 6-25-20 POSITION APPLIED FOR: PLANNING COM.

APPLICANT INFORMATION

Name: CHESTER T. KRUPA

Physical Address:

City: SHADY COVE State: OR. Zip: 97539

Mailing Address:

City: SHADY COVE State: OR. Zip: 97539

Home Phone:

Cell Phone:

Email Address:

Current Occupation:  
*(If retired or unemployed, state your general or past profession.)*

How long have you lived in Shady Cove? 9YR.

How long have you lived in Jackson County? 9YR.

Are you available to attend both daytime and evening meetings when necessary? YES

Are you an employee of the City of Shady Cove, an occasional or potential contract employee, or do you have any other real or potential conflict of interest in working or serving in this capacity?  
 Yes  No

If yes, please describe:

QUALIFICATIONS

I believe that I am qualified for and should be considered for the above position(s) for the following reasons  
*(continue on next sheet if necessary):*

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Qualifications continued (if necessary):

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Please use this space to summarize why you are applying for this position:

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Please use this space to add any additional information you would like to share:

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By signing this application, electronically or otherwise, I affirm that all information included is true and accurate to the best of my knowledge. I authorize the City of Shady Cove to publically review and discuss the information provided herein and to assist in responding to any questions asked which are relevant to this position.

Signature of applicant

Date

**How to Submit:**

By email: [DJermain@shadycove.org](mailto:DJermain@shadycove.org)  
In person: City of Shady Cove, City Hall, 22451 Highway 62. Monday through Friday, 8:00 AM to 5:00 PM  
By mail: P.O. Box 1210, Shady Cove, OR 97539  
By fax: 541.878.2226

**Questions?**

Call City Hall at 541.878.2225 or send an email to the email as listed above.

**CITY OFFICE USE ONLY**

DATE RECEIVED

6/25/2020

INITIALS

DJ

*The City of Shady Cove is an Equal Opportunity Provider.*



**CITY OF SHADY COVE**  
 22451 Highway 62 • P.O. Box 1210 • Shady Cove, OR 97539  
 Phone: 541.878.2225 • Fax: 541.878.2226

**APPLICATION FOR COMMISSION OR COMMITTEE**

PLEASE PRINT

DATE: 10-16-19 POSITION APPLIED FOR: PLANNING COMMISSION

APPLICANT INFORMATION

Name: CHESTER T. KRUPA

Physical Address:

City: SHADY COVE State: OREGON Zip: 97539

Mailing Address: 21 BROPHY WAY # 34

City: SHADY COVE State: OREGON Zip: 97539

Home Phone: ; Cell Phone:

Email Address:

Current Occupation: PART TIME DRIVER  
*(If retired or unemployed, state your general or past profession.)*

How long have you lived in Shady Cove? 9 YRS.

How long have you lived in Jackson County? 9 YRS.

Are you available to attend both daytime and evening meetings when necessary? YES

Are you an employee of the City of Shady Cove, an occasional or potential contract employee, or do you have any other real or potential conflict of interest in working or serving in this capacity?

Yes  No

If yes, please describe:

QUALIFICATIONS

I believe that I am qualified for and should be considered for the above position(s) for the following reasons  
*(continue on next sheet if necessary):*

SERVED ON THE PARKS COMMISSION 7 YRS.

Qualifications continued (if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Please use this space to summarize why you are applying for this position:

I'M APPLYING FOR THIS POSITION BECAUSE I WOULD LIKE TO HELP THE CITY GROW AND BECOME STRONGER.

Please use this space to add any additional information you would like to share:

I'M INVOLVED IN VFW ALSO THE SHADY COVE FIRE DEPARTMENT SUPPORT GROUP

By signing this application, electronically or otherwise, I affirm that all information included is true and accurate to the best of my knowledge. I authorize the City of Shady Cove to publically review and discuss the information provided herein and to assist in responding to any questions asked which are relevant to this position.

Signature of applicant:

Chris T. Ryan

Date

10-16-19

**How to Submit:**

- By email: admin@shadycove.net
- In person: City of Shady Cove, City Hall, 22451 Highway 62. Monday through Friday, 8:00 AM to 5:00 PM
- By mail: P.O. Box 1210, Shady Cove, OR 97539
- By fax: 541.878.2226

**Questions?**

Call City Hall at 541.878.2225 or send an email to Bonnie Picket as listed above.

**CITY OFFICE USE ONLY**

DATE RECEIVED

10/16/19

INITIALS

DJ

The City of Shady Cove is an Equal Opportunity Provider

## ORDINANCE NO. 296

### AN ORDINANCE REGULATING GENERAL TRAFFIC, VEHICLE PARKING, AND VEHICLE STORAGE IN THE CITY OF SHADY COVE, OREGON; PROVIDING PENALTIES AND REPEALING ORDINANCE NOS. 70 and 93.

The people of the City of Shady Cove ordain as follows:

#### § 296.01 SPEED LIMITS

After approval by the State Transportation Commission, where the approval is required by motor vehicle laws of the state, and for the best use of the streets, in the public interest, the City Council may designate by resolution speed limits on various streets, or portions thereof, within the City limits.

#### § 296.02 STATE CRIMINAL CODE ADOPTED.

The provisions of ORS Ch. 161 relating to defenses, burdens of proof, general principles of criminal liability, parties to a crime or offense and general principles of justification and responsibility apply to offenses defined and made punishable by this chapter.

§ 296.03 DEFINITIONS. As used in this ordinance, the following words, except where the context clearly indicates otherwise, mean:

Abandoned vehicle means a vehicle that appears to be inoperable and has any characteristics that include but are not limited to expired license plate, missing rear vehicle license plate, flat tire(s), broken windshield, extensive body damage or rust, wrecked or partially dismantles.

Alley means any public right-of-way for the secondary access of a property not intended for general traffic use.

Commercial vehicle means any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire or a vehicle marked and directly used in association with a licensed business or a truck or tractor/trailer that is 10,000 pounds or more gross weight, and/or 20 feet or more in length, and/or eight feet or more in width.

Electric vehicle means a vehicle which is powered by an electric motor drawing current from rechargeable storage batteries, fuel cells, or other portable sources of electrical current, and which may include a nonelectrical source of power designed to charge batteries and components thereof. Electric vehicle may include a battery electric vehicle, a plug-in hybrid vehicle, a neighborhood electric vehicle, and a medium-speed electric vehicle.

Inoperable vehicle means a vehicle which has been left out of an enclosed structure on private property for more than 30 days; has a broken or missing window, windshield, wheels or tires; lacks an engine or has an inoperable engine; or lacks a transmission or has an inoperable transmission.



Legal owner means the person or entity with a financial interest in the vehicle and whose name is on the title of the vehicle; the person who is entitled to the possession and use of the vehicle under a security agreement including a lease agreement.

Planting strips means that portion of the roadway lying between the constructed curb, or edge of the roadway, and the property line exclusive of the sidewalk area.

Public right-of-way means the area on, below, or above a public roadway, highway, street, bridge, bicycle lane, or public sidewalk in which the municipality has an interest, including other dedicated rights-of-way for travel purposes and utility easements.

Recreational vehicle (RV) means a motorized vehicle designed primarily for recreational camping, travel, or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to motor home, bus, van, truck camper, travel trailer, camping trailer, tent trailer, camper mounted on a vehicle, fifth wheel, and boat on trailer.

Registered owner means the person in whose name title to a vehicle is issued, and who is entitled to possession and use of the vehicle.

Safety zone means the area or space officially set apart within a roadway for the exclusive use of pedestrians and which is protected or is marked or indicated by painted marks, signs, buttons standards or otherwise, so as to be plainly discernible.

Shoulder means that area of the roadway between the traveled portion of the roadway and the planting strip or other area commonly for use by pedestrians, for the accommodation of stopped vehicles and for emergency use.

Standing means halting of a vehicle whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in receiving or discharging passengers.

Storing means the keeping of a vehicle on the public right-of-way in excess of 72 consecutive hours.

Street means the portion of a public right-of-way owned, improved, and maintained by a public entity for vehicular traffic exclusive of the shoulder; also described as a road, roadway or highway.

Vehicle means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway including but not limited to any car, truck, motorcycle, motor home, trailer, towed object, or other motorized automobile.

## § 296.04 PARKING ON PUBLIC STREETS AND RIGHTS-OF-WAY.

- (A) Parking or standing a vehicle shall be permitted in a street parallel with the edge of the roadway, headed in the direction of lawful traffic movement, with curbside wheels within 12 inches of the edge of the curb, except where the street is marked for angle parking.
- (B) Parking is prohibited:
  - 1. Where the street/road surface is less than 20 feet wide.

2. Where a time limitation or parking restriction is marked by traffic markers, yellow or orange strips, or otherwise, so as to be plainly discernible.
3. On the roadway side of any vehicle stopped or parked on the edge or curb of a street.
4. On a sidewalk, planting strip, or bike lane.
5. Within 20 feet of an intersection or crosswalk.
6. Where official signs or barricades are placed prohibiting parking.
7. Upon a bridge or other elevated structure.
8. In the area between roadways of a divided highway.
9. Within a fire zone, a fire exit, or within 15 feet of a fire hydrant or fire station driveway entrance.
10. Within 5 feet of a public or private driveway.
11. Where stopping or parking a vehicle would obstruct traffic or adequate view of an intersection.
12. Where stopping or parking a vehicle cannot be done without compromising safety.

(C) A person commits the offense of unlawful parking in a space reserved for persons with disabilities if the person parks a vehicle in any parking space that is on private or public property and that is marked or signed to provide parking for persons with disabilities and the vehicle does not conspicuously display a disabled person parking permit described in ORS 811.602 or 811.606 or a disabled parking permit issued by another jurisdiction.

(D) No person shall park, store, abandon, or display for sale a vehicle of any kind on a public right-of-way in excess of 72 hours.

(E) No person shall park on any street or public right-of-way:

1. Any vehicle displaying commercial, noncommercial, or political signs.
2. A vehicle for selling merchandise except when authorized by the City of Shady Cove.
3. Trailers of any kind disconnected from a motor vehicle unless they are securely blocked to prevent movement.
4. Campers or canopies of any kind not on a vehicle.
5. Boats not on a trailer designed for transporting boats.
6. More than 4 vehicles at each residential lot.
7. Any abandoned or inoperable vehicle.

(F) Exceptions from prohibitions on parking are:

1. When applicable, school buses and worker transport buses may stop on a roadway to load or unload children or workers, providing flashing school bus safety lights are operating.
2. When applicable, vehicles may stop, stand, or park momentarily to pick up or discharge a passenger.
3. When applicable, vehicles may stop, stand, or park momentarily for the purpose of and while actually engaged in loading or unloading property or passengers.

4. When applicable, publicly-owned vehicles may stop, stand, or park to perform maintenance or repair work on a roadway.
5. When applicable, the driver of an unavoidably disabled vehicle may stop and temporarily leave the vehicle to seek assistance.

#### § 296.05 PARKING AND STORING VEHICLES ON PRIVATE PROPERTY.

The following regulations shall be applicable to vehicles parked, stored, or maintained in an R-1, R-2, R-3, or G-C zone, or any other property utilized for residential purposes.

- (A) Subject to the requirements of subsection B of this section, automobiles, buses, motor homes, motor trucks, vans, campers/camper shells mounted on a vehicle, camp trailers, boats on trailers, and tent trailers may be parked in a front yard, side yard, corner lot rear yard or in a yard clearly visible to a public right-of-way provided that the vehicles are:
1. Fully operable, completely assembled, supported by inflated tires, and not supported by blocks, jacks, or similar supports, except that such vehicles may be safely leveled to maintain the proper flow of propane or other gas to built-in appliances.
  2. Currently registered for operation on public streets.
  3. Owned or leased by residents of the premises.
  4. Owned or leased by guests and for a period not to exceed 30 days.
  5. Maintained in clean and neat condition and not significantly damaged nor continuously under repair.
  6. Not more than one and one-half ton load capacity if a motor truck.
  7. Located entirely on the subject property with no overhang or encroachment permitted into the public right-of-way or adjacent private property.
  8. Parked or stored on an approved residential parking space or on an approved residential driveway.
- (B) Subject to the requirements of subsection A of this section, buses, motor homes, unmounted campers, camper shells mounted on a vehicle, camp trailers, boats on trailers, and tent trailers may be parked in a front or side yard if there is no access to the rear yard and no other approved location can be made available on the property for parking; and:
1. No more than one such vehicle or piece of equipment is located in a front or side yard.
  2. Buses have a maximum capacity of no more than 18 adult persons.
  3. Motor homes have a maximum width of eight feet and a maximum length of 32 feet.
  4. Unmounted campers are placed on dollies with lockable wheels and the lowest portion of such camper does not exceed a height of 12 inches above ground level, and, at such height, cannot be located within the garage due to the limiting height of the garage door.
  5. Any area used for parking or storing vehicles or equipment shall be graveled or paved with concrete or asphalt.

6. Site plan approval is obtained for any area, in excess of the residential driveway, to be used for parking vehicles or equipment.
7. Site plan approval is obtained for any orientation of the vehicles or equipment other than perpendicular to the street that abuts the front lot line.
8. No portion of any vehicle or equipment is located on that part of a corner lot within a front or side yard in a manner that will obstruct clear view of the intersection.

(C) Authorized emergency vehicles or tow trucks, as determined by the Oregon Vehicle Code, Chapter 801, may be parked in a side yard if:

1. The operator or owner of the tow truck possesses a towing permit that has been approved by the City.
2. An overweight vehicle permit has been obtained from the City for vehicles which exceed a maximum gross weight of three tons.
3. The operator or owner of the vehicle possesses a valid contract with the Oregon State Police Department, Jackson County Sheriff Department, or an insurance company to provide emergency service on a 24-hour basis.
4. No location outside of the side yard is available for parking.
5. The vehicle is substantially screened from public view.

#### § 296.06 AGREEMENT WITH STATE OF OREGON AND JACKSON COUNTY.

(A) City Council by its enactment hereby authorizes and endorses the State of Oregon to make such mutually agreeable traffic regulations upon Highway 62 as may be agreed to by the City and the State. Oregon Vehicle Code Chapter 811 defines, establishes and limits parking on State and federal land within Shady Cove.

(B) City Council by its enactment hereby authorizes and endorses Jackson County to make such mutually agreeable traffic regulations upon county-owned roadways and easements as may be agreed to by the City and the County. Jackson County Codified Ordinances Chapter 440 defines, establishes and limits parking on County facilities within Shady Cove.

#### § 296.07 VIOLATION

(A) No person shall cause or permit any vehicle owned or controlled by him/her to be parked in violation of any provision of this chapter; violators will suffer any disability or legal disadvantage based upon conviction thereof.

(B) Parking violations under this chapter may be charged by an unsworn written notice subject to the provisions of ORS 221.333.

(C) Citations or notices charging parking violations may be issued by the Jackson County Sheriff, Deputy Sheriff, or any other officer or employee of the Jackson County Sheriff Department designated by the Shady Cove City Administrator for this purpose.

## § 296.08 PENALTY.

Any person found in violation under this chapter shall be subject to, as applicable, provisions of Jackson County Codified Ordinance 440.99 and state statute.

## § 296.09 VEHICLE TOWING AND IMPOUND REGULATIONS AND PROCEDURES

- (A) A vehicle may be impounded subject to the provisions of ORS 809.725, or successor statutes.
- (B) If a vehicle is parked, abandoned, stored, displayed, or is otherwise in violation of any provision of this chapter, any person authorized to issue citations under this chapter may cause the vehicle to be towed or impounded pursuant to the provisions of ORS 819.110 and ORS 819.120.
- (C) Upon payment of an administrative fee to the City of Shady Cove, (as established by resolution and contained within the city fee resolution), the owner/agent may receive a release from the City.
- (D) After acquiring a release from the City of Shady Cove, the owner/agent may then retrieve his/her vehicle from the tow company upon satisfaction of the accrued towing, impound, and storage fees.
- (E) Any hearings related to towing and impounding of vehicles under this subsection, shall be provided by the Jackson County Sheriff's Department to which the authority is hereby granted to make final disposition of the issues as prescribed by Jackson County Codified Ordinance 440.04.

## § 296.10 SAVING AND SEVERABILITY

- (A) Effect of Repeal of Code Sections and Ordinances. Repeal of a code section or ordinance does not revive a code section a code section or ordinance in force before or at the time the repealed code section or ordinance took effect. The repeal does not affect a punishment or penalty incurred before the repeal took effect, not a suit, prosecution or proceeding pending at the time of the repeal for an offense committed under the repealed code section or ordinance.
- (B) Severability. Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

## § 296.11 REPEAL

- (A) Shady Cove, OR Code of Ordinances Chapter 70: General Traffic and Parking Regulations, is repealed.
- (B) Shady Cove, OR Code of Ordinances Chapter 93: Abandoned Vehicles, enacted is repealed.

§ 296.12 EFFECTIVE DATE

City Charter of Shady Cove, Jackson County, Oregon:

Section 34: A non-emergency ordinance takes effect on the thirtieth day after its adoption or on a later date the ordinance prescribes. An ordinance adopted to meet an emergency may take effect as soon as adopted.

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Announcement The Oregon Legislature, in partnership with the Governor, allocated \$5 million from the State General Fund, which will be combined with \$5 million redirected from existing programs at Oregon, for the purpose of providing financial assistance to small businesses adversely affected by economic conditions associated with the COVID-19 pandemic that have not received federal emergency assistance under the federal CARES Act or other federal program for emergency pandemic funding. Many small businesses in Oregon face cash flow shortfalls due to the economic conditions arising from efforts to reduce the number and severity of COVID-19 infections. Some businesses have been closed by executive emergency orders, while others have voluntarily closed or reduced operations to address health and economic concerns. Many communities throughout Oregon are providing local assistance to small businesses, and this announcement provides up to a 1:1 match to augment these community-level assistance programs.

To fill gaps not reached by other programs, these state funds are directed to adversely affected businesses with 25 or fewer employees, and only those that have been unable to receive federal CARES Act funding, including the Small Business Administration's Paycheck Protection Program, Economic Injury Disaster Loan Emergency Advance program, or other federal programs for emergency pandemic funding to date. Businesses may use the proceeds for any business related operating expenses, particularly to support businesses that were closed as they move into the first phase of statewide reopening. This announcement is for the third of three rounds of funding tied to this program.

This round consists of \$2,500,000, available up to a 1:1 match to funds in community programs to provide emergency economic assistance to local small businesses. Awards will be made to public entities (cities, counties, economic development districts, council of governments) that have or will develop a community business assistance program in response to the COVID-19 crisis and are able to meet the parameters of this program. Program awards made to public entities will be structured as forgivable loans. Forgiveness will be based upon a recipient's ability to meet the program values and priorities outlined below and in contract. Public entities will be required to make sub-awards from this program to eligible individual businesses as grants. Awards for this round of funds will be based on a community program's ability to achieve the parameters, values, and goals of the program.

Program Values • Ensure that historically disadvantaged individuals that own businesses have access to these funds. • Ensure these funds are supporting the small businesses unable to access or apply for federal funds. • Ensure that these funds are reaching every corner of Oregon. • Ensure that these funds are keeping businesses operational. Eligible Applicants Public entities (cities, counties, economic development districts, council of governments) that have or will develop a local business assistance loan or grant fund and are able to meet the parameters of this program as described below. Priority will be given to those public entities that were not allocated direct funding through the CARES Act. If a community was successful in its application from the first round of funding for this program and has additional matching funds remaining, to be considered for this round of funding, submit an email stating the community's request to receive consideration in this round and attach a copy of the previous proposal submitted on or before May 18, 2020. Local Program Funding Priorities Local assistance programs are expected to make one-time-only awards to businesses as follows: • Businesses that have been adversely affected economically in one of the following two categories: o Those for-profit and non-profit (limited to 501(c)(3) corporations) businesses that were prohibited from operation as directed by

Executive Order 20-12. o Those eligible for-profit businesses that can demonstrate a one-month decline in revenue greater than 50% in the month of March 2020 or April 2020 as compared against sales in the month of January 2020 or February 2020. Those non-profit businesses (limited to 501(c)(3) corporations) that can demonstrate a decline in revenue greater than 50% across the months of March 2020 and April 2020 as compared against the same period of time in 2019. • Businesses with 25 or fewer employees. • Businesses that have been unable to access federal CARES Act funds including: o Small Business Administration's Paycheck Protection Program (PPP); o Economic Injury Disaster Loan Emergency Advance program (EIDL); or o Other federal programs to date for emergency pandemic funding. Ineligibility Factors • Passive real estate holding companies and others holding passive investments. • Non-profit entities that do not have federal 501(c)(3) status. • Businesses that are delinquent on federal, state or local taxes that were due before April 1, 2020. • Businesses that do not comply with all federal, state and local laws and regulations. Businesses not headquartered and with principal operations in Oregon. • Businesses not registered to do business in Oregon (Secretary of State Business Registry verification) if such registration is required. Program Design Awards to eligible businesses will be made as a grant. The amount of the grant will be the greater of two.



# Shady Cove City Charter



Prepared for the City of Shady Cove, Oregon  
Shady Cove Charter Revision Committee

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## PREAMBLE

~~We, the voters of \_\_\_\_\_, Oregon exercise our power to the fullest extent possible under the Oregon Constitution and laws of the state, and enact this Home Rule Charter.~~  
We, the people of the City of Shady Cove, Oregon, in order to avail ourselves of self-determination in municipal affairs to the fullest extent now or hereafter possible under the constitutions and laws of the United States and the State of Oregon, enact this charter to confer upon the City the following powers, subject it to the following restrictions, prescribe for it the following procedures and governmental structure, and repeal all previous charter provisions of the City.

## Section I NAMES AND BOUNDARIES

Section 1.1. Titles. This charter may be referred to as the 2020 Shady Cove Charter.

Section 1.2. Names. The City of Shady Cove, Oregon, continues as a municipal corporation with the name City of Shady Cove.

Section 1.3. Boundaries. The City includes all territory within its boundaries as they now exist or are legally modified. The City will maintain as a public record an accurate and current description of the boundaries.

## Section II POWERS

Section 2.1. Powers. The City has all powers that the constitutions, statutes and common law of the United States and Oregon expressly or impliedly grant or allow the City, as fully as though this charter specifically enumerated each of those powers.

Section 2.2. Construction. The charter will be liberally construed so that the City may exercise fully all powers possible under this charter and under United States and Oregon law.

Section 2.3. Distribution. The Oregon Constitution reserves initiative and referendum powers as to all municipal legislation to City voters. This Charter vests all other City powers in the Council except as the charter otherwise provides. The Council has legislative, administrative and quasi-judicial authority. The Council exercises legislative authority by ordinance, administrative authority by resolution, and quasi-judicial authority by order. The Council may not delegate its authority to adopt ordinances.

## Section III COUNCIL

Section 3.1. Council. The Council consists of a Mayor and ~~six~~ four Councilors nominated and elected from the City at large, or in case of one or more vacancies in the Council, members who are still in office shall constitute the Council.

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Section 3.2. Mayor. The Mayor presides over and facilitates Council meetings, preserves order, enforces Council rules, and determines the order of business under Council rules. The Mayor is a voting member of the Council and has no veto authority.

- a) With the consent of Council, the Mayor appoints members of commissions and committees established by ordinance or resolution.
- b) The Mayor must sign all records of Council decisions.
- c) The Mayor serves as the political head of the City government.

Section 3.3. Council President. At its first meeting each year, the Council must elect a president from its membership. The president presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties

Section 3.4. Rules. The Council must by resolution adopt rules to govern its meetings.

Section 3.5. Meetings. The Council must meet at least once a month at a time and place designated by its rules and may meet at other times in accordance with the rules and laws of the state of Oregon. The Mayor upon his/her own motion may, or at the request of three Councilors, or the City Administrator, shall, by giving notice thereto all members of the Council then in the City, call a special meeting of the Council.

Section 3.6. Quorum. A majority of the Council members is a quorum to conduct business. In the event of a vacancy due to resignation or other events, the quorum is reduced accordingly. In the event of an absence, a smaller number may meet and compel attendance of absent members as prescribed by Council rules.

Section 3.7. Vote Required. The express approval of a majority of a quorum of the Council is necessary for any Council decision, except when this charter requires approval by a majority of the Council.

Section 3.8. Record. ~~A record of Council meetings must be kept in a manner prescribed by the Council rules and the~~ A record of Council proceedings shall be kept and authenticated in a manner prescribed by the Council. The yes or no upon any question before the Council shall be taken, and a record of the vote reflected in the record. The same record of votes shall be added to all ordinances and resolutions by individual names of the members and follow the laws of the state of Oregon.

Section 3.9. Proceedings to be Public. No action by the Council shall have legal affect unless the motion for the action and the vote by which it is disposed of takes place at proceedings open to the public, and all within the provision of the Oregon Open Meetings Law.

#### **Section IV LEGISLATIVE AUTHORITY**

Section 4.1. Ordinances. The Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state "The City of Shady Cove ordains as follows:".

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a) In case of adoption or ratification by the voters of the City, the enacting clause of the ordinance must state; “The people of the City of Shady Cove ordain as follows:”.

#### Section 4.2. Ordinance Adoption.

- a) Except as authorized by subsection (b), adoption of an ordinance requires approval by a majority of the Council at two meetings.
- b) The Council may adopt an ordinance at a single meeting by the unanimous approval of at least a quorum of the Council, provided the proposed ordinance is available in writing to the public at least ~~one week~~ 72 hours before the meeting.
- c) Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council adopts the ordinance at that meeting.
- d) After the adoption of an ordinance, the vote of each member must be entered into the Council minutes.
- e) After adoption of an ordinance, the City custodian of records must endorse it with the date of adoption and the custodian’s name and title.

Section 4.3. Effective Date of Ordinances. Ordinances normally take effect on the 30<sup>th</sup> day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after adoption if it contains an emergency clause.

### **Section V ADMINISTRATIVE AUTHORITY**

Section 5.1. Resolutions. The Council will normally exercise its administrative authority by approving resolutions. The approving clause for resolutions may state “The City of Shady Cove resolves as follows:”

#### Section 5.2. Resolution Approval.

- a) Approval of a resolution or any other Council administrative decision requires approval by the Council at one meeting.
  - b) Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at that meeting.
  - c) After approval of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.
  - d) After approval of a resolution, the City custodian of records must endorse it with the date of approval and the custodian’s name and title.
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Section 5.3. Effective Date of Resolutions. Resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

## **Section VI QUASI-JUDICIAL AUTHORITY**

Section 6.1. Orders. The Council will normally exercise its quasi-judicial authority by approving orders. The approving clause for orders may state "The City of Shady Cove orders as follows:"

Section 6.2. Order Approval.

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

Section 6.3. Effective Date of Orders. Orders and other quasi-judicial decisions take effect on the date of final approval, or on a later day provided in the order.

## **Section VII ELECTIONS**

Section 7.1. Councilors. The term of a Councilor in office when this charter is adopted is the term for which the Councilor was elected. At each general election after the adoption, ~~three~~ two Councilors will be elected for four-year terms.

Section 7.2. Mayor. The term of the Mayor in office when this charter is adopted continues until the beginning of the first odd-numbered year after adoption. At every other general election after the adoption, a Mayor will be elected for a four-year term.

*The term of the Mayor elected in the 2020 statewide general election shall be four years. Thereafter, the Mayor shall be elected to a four-year term at every other statewide general election, beginning in the 2024 statewide general election.*

Section 7.3. State Law. City elections must conform to state law except as this charter or ordinances provide otherwise. All elections for City offices must be nonpartisan.

Section 7.4. Qualifications.

- a) The Mayor and each Councilor must be a qualified elector under state law, and reside within the

City for at least one year immediately before election or appointment to office.

- b) No person may be a candidate at a single election for more than one City office.
- c) Neither the Mayor nor a Councilor may be employed by the City.
- d) The Council is the final judge of the election and qualifications of its members.

e) All Council applicants must submit to a background check.

Section 7.5. Nominations. The Council must adopt an ordinance prescribing the manner for a person to be nominated to run for Mayor or a City Councilor position. Nomination shall be by petition specifying the position sought in a form prescribed by the Council. Such petition shall be signed by not fewer than 20 electors. All elections shall conform to applicable state law.

Section 7.6. Terms. The term of an officer elected at a general election begins at the first Council meeting of the year immediately after the election, and continues until the successor qualifies and assumes the office.

Section 7.7. Oath. The Mayor and each Councilor must swear or affirm to faithfully perform the duties of the office and support the constitutions and laws of the United States, and Oregon and City of Shady Cove.

Section 7.8. Vacancies. The Mayor or a Council office becomes vacant:

- a) Upon the incumbent's:
    - 1) Death;
    - 2) Adjudicated incompetence; or
    - 3) Recall from the office.
  - b) Upon declaration by the Council after the incumbent's:
    - 1) Failure to qualify for the office within 10 days of the time the term of office is to begin;
    - 2) Absence from the City for 30 days without Council ~~consent~~ notification, or from all Council meetings within a 60 45-day period;
    - 3) Ceasing to reside in the City;
    - 4) Ceasing to be a qualified elector under state law;
    - 5) Conviction of a misdemeanor or felony crime;
    - 6) Resignation from the office; or
-



7) Removal under Section 8.1(j).

Section 7.9. Filling Vacancies. A Mayor or Councilor vacancy will be filled by appointment by a majority of the remaining Council members. The appointee's term of office runs from appointment until expiration of the term of office of the last person elected to that office. If a disability prevents a Council member from attending Council meetings or a member is absent from the City, a majority of the Council may appoint a Councilor pro tem.

Section 7.10. In the event of a tie vote for candidates for an elective office, the office shall be declared vacant and set for election at the next general election date.

## **Section VIII APPOINTIVE OFFICERS**

### Section 8.1. City ~~Manager~~ Administrator.

- a) The office of City ~~manager~~ Administrator is established as the administrative head of the City government.<sup>51</sup> The City ~~manager~~ Administrator is responsible to the Mayor and Council for the proper administration of all City business. The City ~~manager~~ Administrator will assist the Mayor and Council in the development of City policies, and carry out policies established by ordinances and resolutions.
  - b) A majority of the Council must appoint and may remove the City Administrator. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.
  - c) The ~~manager~~ City Administrator need not reside in the City.
  - d) The ~~manager~~ City Administrator may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the Council. The Council must fill the office by appointment as soon as practicable after the vacancy occurs.
  - e) Upon accepting the appointment, the City Administrator shall furnish the City a bond in an amount and a surety approved by the Council. The City shall pay the bond premium.
  - f) The ~~manager~~ City Administrator must:
    - 1) Attend all Council meetings unless excused by the Mayor or Council;
    - 2) Make reports and recommendations to the Mayor and Council about the needs of the City;
    - 3) Administer and enforce all City ordinances, resolutions, franchises, leases, contracts, permits and other City decisions;
    - 4) Appoint, supervise and remove City employees;
-

- 5) Organize City departments and administrative structure;
  - 6) Prepare and administer the annual City budget;
  - 7) Administer City utilities and property;
  - 8) Encourage and support regional and intergovernmental cooperation;
  - 9) Promote cooperation among the Council, staff and citizens in developing City policies and building a sense of community;
  - 10) Perform other duties as directed by the Council; and
  - 11) Delegate duties, but remain responsible for actions of all subordinates.
- g) The ~~manger~~ City Administrator has no authority over the Council or over the judicial functions of the municipal judge.
  - h) The ~~manger~~ City Administrator and other employees designated by the Council may sit at Council meetings but have no vote. The ~~manger~~ City Administrator may take part in all Council discussions.
  - i) When the ~~manger~~ City Administrator is temporarily disabled from acting as ~~manger~~ City Administrator or when the office of the ~~manger~~ City Administrator becomes vacant, the Council must appoint an ~~manger~~ Administrator pro tem. The ~~manger~~ Administrator pro tem has the authority and duties of ~~manger~~ City Administrator, except that a pro tem ~~manger~~ Administrator may appoint or remove employees only with Council approval.
  - j) No Council member may directly or indirectly attempt to coerce the ~~manger~~ City Administrator or a candidate for the office of ~~manger~~ City Administrator in the appointment or removal of any City employee, or in administrative decisions regarding City property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the Council after a public hearing. In Council meetings, Councilors may discuss or suggest anything with the ~~manger~~ City Administrator relating to City business.

Section 8.2. City Attorney. The office of City attorney is established as the chief legal officer of the City government. A majority of the Council must appoint and may remove the attorney. The attorney may appoint, supervise, and may remove any employees who work in and for the City attorney's office.

Section 8.3. Municipal Court and Judge.

- a) A majority of the Council may appoint and remove a municipal judge. A municipal judge will hold court in the City at such place as the Council directs. The court will be known as the Municipal Court.
  - b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.
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- c) All areas within the City and areas outside the City as permitted by state law are within the territorial jurisdiction of the court.
- d) The municipal court has jurisdiction over every offense created by City ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by City ordinance.
- e) The municipal judge may:
  - 1) Render judgments and impose sanctions on persons and property;
  - 2) Order the arrest of anyone accused of an offense against the City;
  - 3) Commit to jail or admit to bail anyone accused of a City offense;
  - 4) Issue and compel obedience to subpoenas;
  - 5) Compel witnesses to appear and testify and jurors to serve for trials before the court;
  - 6) Penalize contempt of court;
  - 7) Issue processes necessary to enforce judgments and orders of the court;
  - 8) Issue search warrants; and
  - 9) Perform other judicial and quasi-judicial functions assigned by ordinance.
- f) The Council may appoint and may remove municipal judges pro tem.
- g) The Council may transfer some or all of the functions of the municipal court to an appropriate state court.

## **Section IX PERSONNEL**

Section 9.1. Compensation. ~~The Council must authorize the compensation of City officers and employees as part of its approval of the annual City budget.~~ Neither the Mayor nor any Councilor may receive compensation for service in their capacity. The Council shall prescribe the compensation for all City officers. The Council may prescribe a plan for reimbursing City personnel, including Mayor and any Councilor, for expenses that they incur in serving the City.

Section 9.2. Merit Systems. The Council by resolution will determine the rules governing recruitment, selection, promotion, transfer, demotion, suspension, layoff, and dismissal of City employees based on merit and fitness.

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## **Section X PUBLIC IMPROVEMENTS**

Section 10.1. Procedure. ~~The Council may by ordinance provide for procedures governing the making, altering, vacating, or abandoning of a public improvement. A proposed public improvement may be suspended for six months upon remonstrance by owners of the real property to be specially assessed for the improvement. The number of owners necessary to suspend the action will be determined by ordinance. The procedure for making, altering, vacating or abandoning a public improvement shall be governed by general ordinance, or to the extent not so governed, by the applicable general laws of the State of Oregon. Action in any proposed public improvement, except an improvement unanimously declared by the Council to be an emergency, shall be suspended for six months upon a remonstrance by the legal owner. Any action declared as an emergency must state the exact harm to the City if the improvement is not made.~~

Section 10.2. Special Assessments. The procedure for levying, collecting and enforcing special assessments for public improvements or other services charged against real property will be governed by ordinance.

## **Section XI MISCELLANEOUS PROVISIONS**

Section 11.1. Debt. City indebtedness may not exceed debt limits imposed by state law. A charter amendment is not required to authorize City indebtedness. A City officer or employee who creates or officially approved indebtedness in excess of this limitation is jointly and severally liable for the excess.

Section 11.2. Ordinance Continuation. All ordinances consistent with this charter in force when it takes effect remain in effect until amended or repealed.

Section 11.3. Repeal. All charter provisions adopted before this charter takes effect are repealed.

Section 11.4. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Section 11.5. Bidding procedures shall follow the laws of the City of Shady Cove and Oregon State law.

Section 11.56. Time of Effect. This charter takes effect January 1, 2021.

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