



City Council

Thursday, October 9, 2025 at 4:00 pm

Attendees: Mayor Heide Lambert, Council President Greg Dunn, Councilor Susan Woodruff, Councilor Jayme Morris, Councilor Rick Booth, Councilor Michelle Severson, Councilor Jerry Townsend

MEETING NOTICE AND AGENDA

The Waldport City Council will meet at 4:00 p.m. on Thursday, October 9th, 2025 at the Waldport Community Center, 265 NW Alsea Hwy to take up the following agenda:

- 1. Call to Order w/ Roll Call**
- 2. Consent Agenda**
Minutes, departmental and committee reports, external entity reports, etc
 - a. City Council Meeting Minutes of September 11th, 2025**
- 3. Public Comments**
(limit 3 minutes please)
- 4. Discussion/Action Items**
 - a. Extending Background Check policy change to Employee manual**
 - b. Review of Ordinance regarding Title 5 updates**
 - c. Review of Ordinance regarding Title 12 updates**
 - d. Changes to Council Rules regarding Attorney**
 - e. Changes to Council Rules regarding Complaints**
 - f. Municipal Court Judge RFP**
- 5. City Manager's Report**
- 6. Council Comments and Concerns**
- 7. Executive Session: The City of Waldport Council will meet in executive session pursuant to ORS 192.660(2)(f) to consider records conditionally exempt by law from public inspection, and ORS 192.660(2)(h) to meet with the city legal counsel to confer regarding legal rights and duties related to potential litigation.**
- 8. Actions, if Any from, Executive Session**
- 9. Good of the Order/Adjournment**

they see fit, to mail written testimony to the City. Comments may be mailed to PO Box 1120, Waldport, OR 97394, and must be received no later than 1:30 p.m. on the day of the meeting in order to be considered.

Notice given this 2nd day of October, 2025
Dann Cutter, City Manager

Contact: Megan Torres (recorder@waldport.org 541-563-3561) | Agenda published on 10/02/2025 at 5:33 PM

1 **WALDPORT CITY COUNCIL**

2 **SEPTEMBER 11TH, 2025**

3 **MEETING MINUTES**

4 **1. CALL TO ORDER AND ROLL CALL:** Council President Greg Dunn called the meeting to order at
5 4:00 pm. Prior to Roll Call, Council President Dunn called for a moment of silence in honor of 9/11.
6 Council President Greg Dunn, and Councilors Rick Booth, Jayme Morris, Susan Woodruff, Michelle
7 Severson, and Jerry Townsend answered the roll. Mayor Heide Lambert was absent. A quorum was
8 present.

9 **2. CONSENT AGENDA:** The Council considered the following meeting minutes and event reports:

- 10 a. **City Council Meeting Minutes of July 10th, 2025.**
11 b. **County Notice of Hauling Trash and Towing.**
12 c. **Old Tire Collection Day, September 13th, 2025, Flyer.**
13 d. **Regional Solid Waste Advisory Committee meeting Minutes for August 2025.**

14 **Councilor Booth moved to approve the Consent agenda. Councilor Townsend seconded the**
15 **motion. The motion passed unanimously.**

16 **3. PUBLIC COMMENTS:**

- 17 • **Todd Swift** provided public comment on the approved workshop with Township 13, noting that
18 he had provided easement documents in good faith to avoid legal fees.
- 19 • **AJ Stromberg** provided public comment regarding the mayor's request for an executive session
20 to address the City Manager. **Councilor Woodruff** noted that it would be discussed later in the
21 meeting. **AJ** then questioned the Council's stance on anonymous public record requests.
- 22 • **Melodie (Last Name?)** provided public comment questioning the ongoing city audit.
23 **Council President Dunn** noted that it would be discussed later in the meeting.
- 24 • **Todd Holt** provided public comment addressing his concerns with the city's fire district,
25 asking if the fire district has made a payment yet. **City Manager Dann Cutter** replied that
26 they have made a payment. **Mr. Holt** then suggested that the city foreclose on the fire
27 hall and sever ties with the district.
- 28 • **Mike Sedouy** provided public comment suggesting that city staff swear an oath of office.

- 1 • **Signe Miller** provided public comment asking when and if the Council voted to pay for
2 legal fees covering the City Manager in a case against him. **Councilor Woodruff** stated
3 that legal fees are included under the employment contract.
- 4 • **Shay Virtue** provided public comment requesting the Mayor and Council to make a
5 proclamation for the week of October 5th through the 11th, as Mental Health Awareness
6 week, specifically October 10th as Mental Health Awareness Day. **Councilor Morris**
7 requested approval of the proclamation to be discussed during the Council comments
8 and concerns period of the meeting.
- 9 • **Kärun Olson** provided public comment regarding the City Manager and the Council's oversight
10 of their managerial duties, requesting the involvement of an outside mediator to facilitate
11 communication between the City and the community, and for the City Manager to complete
12 training in leadership. Further requesting that the city release all email communications from all
13 auditors since 2019, and that Council President Dunn step down from his position and be
14 replaced by Councilor Woodruff.

15 4. DISCUSSION/ACTION ITEMS:

- 16 a. **Resolution Modifying Public Works Standards Adoption: Councilor Townsend moved to**
17 **adopt Resolution No. 3124, Allowing the Administrative Adoption of Annual Public Works**
18 **Standards. Councilor Severson seconded the motion. The motion passed unanimously.**
- 19 b. **Resolution Setting the Minutes Style: Councilor Booth moved to approve Resolution No.**
20 **1325. Adopting the 'Summary Style' of Public Meeting Minutes Format as the Required Style**
21 **of the City of Waldport. Councilor Woodruff seconded the motion. The motion passed**
22 **unanimously.**
- 23 c. **Motion Regarding Sidewalk Change Order Extending Sidewalk Project: Councilor Woodruff**
24 asked about the cost difference between extending the sidewalk to Masters Street versus Ball
25 Street. **City Manager Dann Cutter** explained that extending to Ball Street was more feasible due
26 to higher student foot traffic and better alignment with urban renewal financial requirements. The
27 city has a grant extension deadline of December 28, 2025; any work past that date would be at the
28 contractor's expense. **Councilor Morris** inquired about the curb installation timeline between the

school and Range Drive. **City Manager Cutter** stated it would begin on September 16th. Once completed, fencing will be installed along the sections adjacent to the ravine. **Councilor Woodruff moved to concur with the approval of the change orders to fulfill the grant requirement approved by a previous council. Councilor Morris seconded the motion. The motion passed unanimously.**

d. Ordinance Review Changing the WMC Title 5 Regarding Non-Profits: The Waldport City Council reviewed possible updates to Title 5 of the Municipal Code, which covers nonprofits and itinerant merchants. **City Manager Cutter** stated that the proposed changes have not yet been reviewed by legal counsel and may be revised based on legal feedback. Noting that one aspect is to require nonprofits conducting charitable sales to register locally, though registration would remain free. The goal is to ensure due diligence and accountability. Another key issue is whether vendors at events held on third-party property need business licenses; currently, they do, unless the event is City-sponsored, such as the Wednesday Market. The City is also considering insurance requirements for vendors, with other cities reporting typical costs under \$9 per event. **Council came to a consensus to submit to the city attorney for review and to bring it back to the October City Council Meeting.**

e. Ordinance Review Changing the WMC Title 12.32 Regarding Special Events: The City Council discussed updates to the special events ordinance, focusing on simplifying documentation for event organizers. City Manager Cutter outlined plans to replace lengthy checklists with simpler forms and develop a more structured system based on best practices from other cities. While small private events may not need permits, larger events using public spaces will still require permits and an indemnity clause. For parades, permits are required, but street closure permits may not always be necessary. The Council and City Manager also discussed a plan for a review process for permit denials. The revised ordinance will be sent to legal counsel for further review. **The council reached a consensus to submit the document to the city attorney and create a shorter, more concise version.**

f. Motion Creating a Trails Committee and Calling for Interest: **City Manager Cutter** corrected his statement at the July City Council meeting regarding the mayor creating committees, clarifying

1 that the mayor can only create a committee with the Council's approval, requiring a formal
2 motion. The Council then discussed the proposed Trails Committee, agreeing it should consist of
3 two Waldport citizens, two Council members, and one at-large member, possibly a staff member.
4 The committee's effectiveness will be reviewed in two years. **Councilor Morris** noted Mayor
5 Lambert's interest in the committee and suggested reserving a spot for her. **Councilor Townsend**
6 **moved to form a Trails Committee consisting of 2-3 Waldport Citizens, 2 Council members,**
7 **and 1 at-large member or an interested staff member, and to call for interested individuals.**
8 **Councilor Severson seconded the motion. The motion passed unanimously.**

9 **g. Motion Declaring a Vacancy on the Planning Commission and Calling for Interest: City**

10 **Manager Cutter** stated that Planning Commissioner Jamey Buck has resigned, and there is now a
11 vacancy on the Planning Commission. The Council will need to accept the resignation and make a
12 motion to advertise the open position. **Councilor Woodruff moved to announce a vacancy on**
13 **the Planning Commission and to call for interest. Councilor Morris seconded the motion. The**
14 **motion passed unanimously.**

15 **h. Park Budget, Expenditures, and To Do List Discussion: City Manager Cutter** presented a

16 detailed breakdown of expenditures, projected costs, current income, the remaining budget, and
17 outstanding tasks. He noted that the project is currently under budget, thanks in part to grant
18 funding received from Travel Oregon. The project includes paved access and ADA-compliant
19 parking. Mr. Cutter also shared that the next planned project is the walking track surrounding the
20 softball and football fields, with the goal of having it paved this year. Once the walking path is
21 complete, the city can begin pursuing grant opportunities for outdoor exercise equipment to
22 further enhance the area. **Council President Dunn** questioned whether the project was over
23 budget, as rumors had been circulating around town. **City Manager Cutter** replied that, so far, it
24 has been funded entirely through grants. He stated that it was worth noting that any grant received
25 is audited by the State before it is signed off to the city.

26 **i. Ordinance No. 813, Annexing the Moore Property Located on Corona Street:** Council President
27 Dunn read Ordinance No. 813 in its entirety twice. **Councilor Townsend moved to accept an**
28 **Ordinance pursuant to ORS 222.125, declaring the annexation of land contiguous to the**

present city limits of the city of Waldport, said land identified on Lincoln County Assessor's map 13-12-25-AB as Tax Lot #05200. Councilor Booth seconded the motion. The motion passed as follows: Council President Dunn Aye, Councilor Booth Aye, Councilor Morris Aye, Councilor Woodruff Aye, Councilor Severson Aye, and Councilor Townsend Aye. The motion passed unanimously.

5. CITY MANAGERS REPORT: City Manager Cutter provided updates on several city projects and initiatives. These included the ongoing sidewalk improvements on Crestline, the extension of sewer service to the industrial park and animal shelter, and progress on the wastewater project. At Southworth Park, the dog park now features a designated area for small dogs, and shade structures have been ordered. He also reported that a new paving tool has been ordered to assist with street repairs. The City's new website is currently in development. The updated site will feature enhancements to promote civic engagement. The Interpretive Center is scheduled to have a new roof treatment installed next week. Regarding the water issue on Cedar Street, it was determined to be caused by a natural stream. However, the city is engineering a solution to address the problem before winter. Lastly, Cutter noted that the City will release audit documents as soon as they are received from the auditor. A third-party financial auditor is actively working on the process, gathering all necessary documentation and conducting a thorough review. With weekly or monthly updates from the auditor, a letter will be provided stating that there is no evidence of misappropriation or malfeasance on the part of the city.

6. COUNCIL COMMENTS AND CONCERNS: Councilor Severson stated that she heard an inquiry about a mural by the dog park. City Manager Cutter replied that yes, there is funding, and a bid will go out. Councilor Woodruff reminded the public to visit the Beach Bike and Blues event happening over the weekend. Councilor Morris moved to approve the Mental Health Awareness Week Proclamation. Councilor Booth seconded the motion. The motion passed unanimously. Councilor Booth stated that he has been a member of the Lincoln County Housing Advisory Committee since 2021. Presently, the advisory committee has undergone a change, and he believes that his presence on that committee will not be beneficial to South County, due to scheduling conflicts. He requested to step down from that committee, noting that the mayor serves as the alternate for this committee. Adding that he will remain a representative on the

public safety committee. Councilor Booth gave remembrance for 9/11, thanked our first responders, and asked that we all 'Remember'. **Council President Dunn** stated that, as Council members, they are also taxpayers and want the audits just as badly as the community; the auditors are the controlling factor, and we are essentially on their timeline. **Councilor Woodruff** noted that the mayor had asked for a meeting with the council to discuss the complaint from the tribe. **City Manager Cutter** replied that, because it involves a complaint against staff, it will most likely need to be addressed in an executive session, and the attorney informed. He noted that he would reach out to CIS to determine the correct protocol, and pending the advice from CIS, he will add it to the October agenda. **Councilor Morris** stated that the County's Teacher Contract has changed, and they are now required to be on campus until 4 pm on Thursdays, which means she will be roughly 15 minutes late to meetings moving forward. **Council President Dunn** reminded the public to verify rumors they might hear and to reach out to ask for accurate information.

7. GOOD OF THE ORDER/ADJOURNMENT: There being no further business to come before the Council, Mayor Lambert adjourned the City Council Meeting at 5:38 pm.

Respectfully submitted,
Megan Torres, Municipal Clerk

APPROVED by the Waldport City Council this _____ day of _____, 2025.

SIGNED by the Mayor this _____ day of _____, 2025.

X

Heide Lambert, Mayor



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Extending background check requirements for city service

FOR MEETING DATE: October 9th, 2025

SUMMARY OF ISSUE:

The City of Waldport requires a background check when apply for and serving as a city employee. This check has historically been a 'level 1' type check (see below). Recently, an agreement with the Lincoln County School District will require an updated version of this check (lvl 2) to meet their requirements of servicing or visiting school property unaccompanied.

Given the role of some our boards, committees and volunteers, it has been discussed that we should extend this requirement to those members as well, allowing for confidence that any activities are covered under our insurance and in compliance with all organizational guidelines. This discussion is why we have held off advertising positions for the new Trail committee, and the Library and Planning Boards as we feel that those applicants should understand this requirement.

It is important to note that Background checks CANNOT be required of elected officials. All other personnel would be required to undergo the check.

(Background: There are generally 5 common levels of background checks.

- 1) Level 1 - standard, basic screening process that we typically refer to as a background check. This typically includes reviewing local or state criminal records and sex offender registries.
- 2) Level 2 - more thorough and includes a national fingerprint-based check, extensive criminal history, and detailed employment verification. One key component of a Level 2 background check is fingerprinting.
- 3) Level 3 - screening goes beyond Levels 1 and 2, often including financial history checks, credit reports, and a deeper investigation into personal and professional history. This level is typically reserved for high-level positions, such as executive roles or jobs requiring top security clearance.
- 4) Level 4 & 5 – In depth investigations not appropriate at this level. Requires extensive investigation and verification usually at a federal or international level.)

STAFF RECOMMENDATION or ACTION REQUESTED:

A motion stating 'the city shall adopt the requirement of a level 2 background check for all employees, appointed commission positions, and committee members'.



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Title 5 Ordinance

FOR MEETING DATE: October 9th, 2025

SUMMARY OF ISSUE:

The city council has reviewed the proposed changes, and had provided an ordinance reflecting these changes as reviewed by the attorney.

STAFF RECOMMENDATION or ACTION REQUESTED:

A motion to approve the ordinance is appropriate.

ORDINANCE NO. _814_

AN ORDINANCE AMENDING CHAPTER 5.04 OF THE WALDPOR MUNICIPAL CODE REGULATING BUSINESS LICENSING WITHIN THE CITY OF WALDPOR AND DECLARING AN EMERGENCY;

THE CITY OF WALDPOR ORDAINS AS FOLLOWS: *(Changes are indicated by Bold and/or strikethrough)*

The following changes are made to Waldport Municipal Code Title 5.04:

1. 5.04.010(B): "Business". A lawful enterprise, establishment, store, shop, activity, profession or undertaking of any nature conducted, either directly or indirectly, for private profit or benefit. The term "business" shall include the ownership, management or operation of an apartment house. **“; or to conduct operations for charitable purposes if the organization is approved by the Internal Revenue Service for that purpose.”**
2. 5.04.060
 - A. The provisions of this chapter shall not be deemed to require a license for each separate business, trade, occupation, calling or profession when that business, trade, occupation, calling or profession is conducted incidental to and as a part of any different business, trade, occupation, calling or profession for which a license has been issued hereunder.
 - B. **Itinerate merchants operating under an event permit approved by the city are NOT required to have business licenses for the period of the event.**
 - C. **The city owned Waldport Wednesday Market, and any operations of this event by the city or it's contractors, all merchants shall be exempt from license requirements at and during the market periods.**
 - D. **Independent events or sales on third party property not requiring a city event permit shall require licensing of all itinerate merchants operating at the event if they are exterior to the property structures.**
3. 5.04.080

The provisions of this chapter shall not be deemed or construed to require the payment of a license **fee** ~~tax~~ to conduct, manage or carry on any business, occupation or activity from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes, or from which profit is not derived, either directly or indirectly; provided, however, that nothing in this section shall be deemed to exempt any such organization or association from complying with any provisions of law requiring a permit from the City to conduct, manage or carry on any profession, trade, calling or occupation.

For the purposes of this chapter, the operation, rental, maintenance or management of any apartments or other housing facility owned by a housing authority or any other unit or agency of the United States of America, the State of Oregon, Lincoln County, the City of Waldport or any other unit of government or agency thereof shall be deemed an activity carried on for the benefit of charitable purposes and from

which profit is not derived, and the same shall be exempt from licensure pursuant to the provisions of this chapter.

4. 5.04.100

A business license shall not be required to conduct judicial sales by executors, administrators or trustees under court order, nor to sales being held solely for charitable purposes **associated with a registered entity within the city of Waldport.**

ADOPTED by the Common Council of the City of Waldport this 9th day of October 2025 by the following vote:

_____ Mayor Heide Lambert
_____ Council President Dunn
_____ Councilor Booth
_____ Councilor Townsend
_____ Councilor Morris
_____ Councilor Severson
_____ Councilor Woodruff

SIGNED by the Council President this 9th day of October 2025.

Heide Lambert, Mayor

ATTEST:

Megan Torres, Municipal Clerk



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Title 12 Ordinance

FOR MEETING DATE: October 9th, 2025

SUMMARY OF ISSUE:

The city council has reviewed the proposed changes, and had provided an ordinance reflecting these changes as reviewed by the attorney.

STAFF RECOMMENDATION or ACTION REQUESTED:

A motion to approve the ordinance is appropriate.

ORDINANCE NO. _815_

AN ORDINANCE REPLACING CHAPTER 12.32 OF THE WALDPOR MUNICIPAL CODE REGULATING EVENTS
WITHIN THE CITY OF WALDPOR AND DECLARING AN EMERGENCY;
THE CITY OF WALDPOR ORDAINS AS FOLLOWS: *(Changes are indicated by Bold and/or strikethrough)*

The following amendments are made to Waldport Municipal Code Title 12.32

- 1) WMC 12.32.010 “Operator means **Organizer** or the individual **or organization** listed...”

And add WMC 12.32.010:

Public Forum – A physical place, like a park or street, that has a long-standing tradition or government action dedicating it to public speech and assembly, affording it the highest level of First Amendment protection against content-based restrictions.

Limited Public Forum - a government-owned or controlled space that has been intentionally opened by the government for use by particular groups, rather than for all expression.

- 2) WMC 12.32.020(A): No person or organization shall sponsor ~~or~~ organize ~~or participate in~~ a special event as defined in WMC 12.32.010 without first obtaining a permit from the City Manager or designee and paying any fees required therefor. Special Event permit application forms are available on the city’s website at www.waldport.org www.waldportoregon.gov and must be submitted at least 45 days prior to the start of the event, **or by special permission if sooner**. Special Event permit applications shall be reviewed and approved or denied administratively by the City Manager following the procedures and standards of this chapter.
- 3) WMC 12.32.020(B): Applications will be deemed incomplete ~~and will be denied and will be returned for~~ **clarification** if details about the Special Event are insufficient for staff to properly analyze and determine the impacts on City services, ~~or may be denied~~ if submitted with insufficient time to allow for City staff to evaluate the impacts and coordinate any City services required to allow the event to proceed. **City staff shall make themselves available to meet with the petitioner to review the requirements in detail.**
- 4) WMC 12.32.020(C): “Each application shall include the following information **in the format required by the Event, and Parade Forms:**”
- 5) WMC 12.32.020(C)(5): “A ~~scale drawing overhead map~~ showing adequate parking facilities for the number and types of vehicles anticipated, ingress and egress to the event, and **a description of** the method by which traffic control will be accomplished.
- 6) WMC 12.32.020(C)(7): “**A detailed list of any additional required permits, and documentation of compliance** ~~Evidence of compliance with any required permits~~ from other governmental agencies (e.g. health department, liquor license, parade permit, etc.) as may be required for the event. **And any event involving the outdoor service of alcohol must be submitted for approval to the Waldport City Council.**”
- 7) WMC 12.32.020(C)(9): “For special events which will require the use or closure of streets, sidewalks or other public rights-of-way, ~~or for any parade~~ a separate ~~right-of-way use~~ permit will be required **available with the event permit**. This completed and approved permit must accompany the special event application **at the time of submittal. Permits for street right-of-way closures must include the signed owner’s approval of all**

addresses along the street, with both a legible signer's name and contact phone provided.

Street closures and parades will require signatures from the local law enforcement and the local fire district."

- 8) WMC 12.32.020(D): "Upon receipt of a completed application, the City Manager will:
1. **Place a registration of the event on the city website.**
 2. Distribute copies of the application to City departments and other entities (Sheriff's Department, Fire District, etc.) that may be affected by the proposed event.
 3. **If** upon review of the application, these entities **may** will describe any conditions or requirements that should be placed on the permit considering the anticipated demand on services and potential costs of meeting that demand. **If any demands upon the event organizer are communicated, the requirements will need to be shown to be met before issuance of a permit.** Any objections to granting the permit, including concerns regarding additional impact from the special event on public streets or public health and safety shall also be stated.
 4. **The city manager will provide a timeline for review on the website.**
- 9) Add to WMC 12.32.040(A)(1): **"For organizers wishing to use third party properties by permission of the property owner, the property owner shall provide a letter to the city giving the permit organizer permission to use the property and an indemnity statement holding the city harmless from any and all activity related to the permit. The city will not grant a permit utilizing a third party's property without this clearance.**
- And to WMC 12.32.040(A)(4): **"This is not meant to restrict any activities which would historically be covered in areas considered public forums (parks/streets) under the freedom of right to assemble and freedom of expression, but apply to limited public forums (government buildings, lots and structures). "**
- 10) Add 12.32.040(C): **"No permit shall be issued to an organizer which in a previous event committed acts which violated Waldport Municipal Code, or which has committed offenses upon the City by which the City is seeking legal review, or which the City is in the process of reviewing and determining current complaints by which to inform additional requirements under WMC 12.32.020(11) at a future event. Denials shall be considered under (B) of this section."**
- 11) Add 12.32.050(D): **"Commits any act, or engages in any behavior which violates Waldport Municipal Code, or jeopardizes any city resources or property."**

ADOPTED by the Common Council of the City of Waldport this 9th day of October 2025 by the following vote:

_____ Mayor Heide Lambert

_____ Councilor Morris

_____ Council President Dunn

_____ Councilor Severson

_____ Councilor Booth

_____ Councilor Townsend

_____ Councilor Woodruff

SIGNED by the Council President this 9th day of October 2025.

Heide Lambert, Mayor

ATTEST:

Megan Torres, Municipal Clerk



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Proposal to amend the Council rules regarding the attorney

FOR MEETING DATE: October 9th, 2025

SUMMARY OF ISSUE:

Council rule 9.2 states: "AMENDMENTS OF THESE RULES: These rules may be amended, or new rules adopted, by a majority vote of all members of the Council, provided that the proposed amendments or new rules shall have been introduced into the record at the prior council meeting."

As has been requested by several council members, it is clear we need clarity when communicating with or speaking with the city attorney.

Current Council 6.6: 6 REQUESTS FOR LEGAL OPINIONS: Any member of the City Council may request a legal opinion, relating to City business from the City Attorney. These requests should be made after exhausting other sources; i.e. Committee Heads, Department Heads and should be made if possible through the CM and at the regularly scheduled Council meeting.

This has left some ambiguity in this process. A proposed change is:

Council Rule 6.6: Request for Legal Opinions or Review

- a) The City Attorney is not a resource to be used casually. An individual Councilor may send a request to the City Manager for response, and if the City Manager in his professional judgement feels it necessary, refer it to the attorney. He may also provide written response from City County Insurance or other profession organization such as the League of Oregon Cities or Attorney General's office which best answers the question.
- b) If the answer is not satisfactory, or if the manager fails to take action, the City Council may request, upon majority vote at a regular or special meeting, ask for a written legal opinion related to city business from the city attorney, or act within Council rule 2.7 as they see fit. If, at the request of the Council, they wish someone besides the City Manager to speak directly to the attorney, that shall be decided by the Council at the same or subsequent meetings on this specific item or question. All answers in this regard shall be summarized by the attorney and provided to the council and City Manager as a whole.
- c) Requests for legal consideration from an appointed official (planning commissioner etc), shall follow the process from CR 6.6(a). Additional inquiries must be by directed letter to the City Council for further consideration.
- d) Communication from any individual elected official without this permission, or which fails to follow this process, will not be considered communication from the city, and the attorney is

directed to simply respond that they are unable to speak without Council direction.

- e) Communication with a third-party attorney hired by the city (City County Insurance for example) shall not occur without the concurrence of Council as above.

STAFF RECOMMENDATION or ACTION REQUESTED:

A motion directing staff to bring back for consideration a resolution so amending the council rules as presented or amended would be appropriate.



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Proposal to revise written complaints within the council rules

FOR MEETING DATE: October 9th, 2025

SUMMARY OF ISSUE:

Recently, we have seen a swath of complaints regarding city staff and councilmembers. Unfortunately, there is some vagary in the council rules around these complaints. As before, CR 9.2 allows amendment upon previous proposal of the Council Rules.

Currently the rules around complaints are:

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

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

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

The city is proposing amending to rules as such.

8.4 Complaints regarding personnel (in general)

- a. All complaints must include the language "I make this complaint freely, and declare the enclosed to be true and correct. I make this unsworn declaration understanding that it is being provided under the penalty of perjury."

(Note: it is the intent of this requirement to ensure that complaints, which have a cost associated with them, are not submitted frivolously nor with false information. These are not complaints about the city's actions, but specific to a person and thus require the protections of law for all involved – both in whistleblower protections, and considering human resource liability.)

- b. Complaints shall not be anonymous. All complaint must have the petitioners' clearly legible name, date and signature of those making the complaint.

(Note: This is the same policy as the Oregon Government Ethics Commission and the Oregon State Bar. From the OSB's website:

Key reasons for the non-anonymous policy

- **Due process for the attorney.** *The bar's disciplinary process must provide the accused attorney with an opportunity to respond to the allegations. Without a named complainant, the attorney has no way to properly defend themselves against a faceless accusation. Providing the attorney with a copy of the complaint, including the accuser's name, is a fundamental part of the legal process.*
- **Need for a witness.** *Disciplinary proceedings are quasi-judicial, and for an investigation to move forward, the bar needs to have a witness who can verify the allegations. An anonymous complaint is difficult, if not impossible, to verify and prove.*
- **Public records requirements.** *The Oregon Public Records Act requires the OSB to disclose information submitted to it upon request, with limited exceptions. This law inherently makes the complaint process non-confidential.*
- **Discouraging malicious and unsubstantiated claims.** *By requiring individuals to identify themselves, the OSB deters frivolous, bad-faith, and retaliatory complaints. The requirement of accountability for one's own statements helps ensure that complaints are filed in earnest.*

Similar logic applies here.)

- c. No third party complaints. Complaints must be due to direct knowledge, and not made on another's behalf. If contacted, it is the expectation that the petitioner can provide evidence.

(Note: As above, a third party complaint precludes a full and vigorous defense by the accused. To allow a third party complaint would preclude due process for the accused and open the city to liability for any actions taken).

- d. All complaints shall be mailed, or hand delivered to city hall addressed as specified below. Electronic complaints will not be accepted.

(Note: Without a full and complete process for verification, complaint spoofing would be very easy to create, allowing for abuse of the complaint system. Our city does not have the resources in which to verify submissions. This has been a problem in the past, wherein complaints have been submitted sequentially by multiple different people via email with scanned signatures, but all originating from the same IP address)

- e. The Council will review all complaints and the evidence presented by both parties, and take action within the legally allowed parameters of city code, state law and human resource guidance. Receipt of the complaint does not mean the action requested will be taken. A response with the actions taken will be provided to all complainants.

(Note: This is in response to lack of clarity on the actions taken on complaints)

- f. Complaints previously addressed or not following the above will be involuntarily dismissed.
(Note: this is in response to complaints being resubmitted when outcome was not as desired)

8.5 Complaints against a City elected official, manager or appointed officer (judge, recorder etc)

- a. Complaints shall comply with CR 8.4 above
- b. Shall be addressed to the City Council and delivered to city hall and will be scanned and provided to all council members, and the person about which the complaint has been filed.
- c. That person shall be provided an opportunity to provide a written and signed statement in opposition or agreement with the filed complaint. Or, those under the complaint can wait until the process below takes place.
- d. Under ORS 192.355 the written complaint shall be deemed exempt from public disclosure until the full investigation is complete, and actions taken or dismissed.

(Note: This is supported by case law regarding items under active investigation, as the intent that all material will be public record at the conclusion. This also preserves the right of the accused to properly defend themselves.)

- e. The Council shall consider the complaint in executive session at the next regular meeting within 60 days. Actions allowed are:
 - 1. Dismiss
 - 2. Ask for more information without a formal investigation
 - 3. Order an investigation (by a designee or third party counsel)
 - 4. Order a hearing to be held

(Note: A complaint against an elected official must allege a specific act in violation of State statutes or city ordinance which would be the jurisdiction of the Council and not the state.)

8.6 Complaints against a city employee

- a. Shall comply with CR 8.4 above.
- b. Shall be addressed to the City Manager.
- c. Shall be handled in accordance with established employee and HR policy.
- d. No information shall be provided to the petitioner on the actions taken unless the employee specifically provides permission to do so as employee records are protected under the Oregon Public Records acts as exempt.

STAFF RECOMMENDATION or ACTION REQUESTED:

A motion to bring back a resolution for adoptions is appropriate.



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Municipal Judge RFP

FOR MEETING DATE: October 9th, 2025

SUMMARY OF ISSUE:

In 2008 the city contracted with our current Municipal Judge, Bruce McCrum, and backed up recently by Corey Blake.

In review, with the cessation of our traffic court, this arrangement has created a number of concerns. First, Judge McCrum is related to a city employee. Second, Judge Blake is also the City Attorney. Effectively, this creates a significant number of potential conflicts of interest.

Both judges have done an admirable job, but the city has contracted (per a required legal agreement in a recently lawsuit settlement) with a firm who will be handling code enforcement legal actions going forward, and given the potential conflicts, has suggested the wisest course of action is to seek service by an out of county Judge or legal service to act as our municipal judge.

City staff agree. We are asking to release an RFP for a Municipal Judge or a firm to provide us this service. Results would be brought to council for approval.

STAFF RECOMMENDATION or ACTION REQUESTED:

A motion directing the city to release an RFP for a Municipal Judge would be appropriate.

City Manager's Report for October 2025

1. **Major Project – Sidewalks on Crestline**

They have begun work putting in the storm drain lines for the new sidewalk extension. This will bring quite a change soon along Crestline Drive.

2. **Major Project – Sewer to Industrial Park and Animal Shelter**

The sewer line construction is already past the Animal Shelter location and should be nearly completed and awaiting testing by the meeting. This may mean the Animal Shelter is also close to completion, as the timelines were pretty close.

3. **Major Project – Wastewater project**

The Wastewater project is scheduled for a final next early summer, when water flows will be minimized to ensure we can handle the changeover.

4. **Major Project – Southworth Park**

We have had significant interest in the concrete work, and bathrooms. We have also finished the installation of the accessibility parking near the playground and now are working on the pathways necessary to complete the project. We will focus on lighting and conduit/drainage in the next few weeks.



5. **Cedar Repair**

City public works staff have attempted some minor repair on Cedar, while we see if the drainage improvements hold.

6. **Web Changes and transparency**

We have received the initial migration inquiry form the company on the website changes. They are dragging their feet a bit on getting this setup, but we are pushing for it as quickly as possible. Expect this to take place in sometime in early November.

The example of a generic site is provided here: <https://cp-centralstandard3.civicplus.com>

7. **Roof Coverage**

The contractor has completed a 50 year coverage spray sealant on the existing lifetime roof. It is the same color, and looks very similar to the existing profile.

8. **Corvallis Flower Basket program**

I would like to extend an invitation to the Corvallis Flower Basket program volunteers to present to the Council this winter on the program, how it is run, and how a similar program might work in Waldport.

