



City of Florence
A City in Motion

**City of Florence
2022 & 2023 Council
Regular Sessions**

Florence City Hall
250 Hwy 101
Florence, OR 97439
541-997-3437
www.ci.florence.or.us

- Meeting materials including information on each agenda item are published at least 24 hours prior to the meeting, and can be found of the City of Florence website at www.ci.florence.or.us/council.
- Items distributed during the meeting, meeting minutes, and a link to the meeting video are posted to the City's website at www.ci.florence.or.us/council as soon as practicable after the meeting.
- To be notified of City Council meetings via email, please visit the City's website at <http://www.ci.florence.or.us/newsletter/subscriptions>.

January 3, 2023

**RETIRING COUNCIL
AGENDA**

5:30 p.m.

Councilors:

Joe Henry, Mayor

Woody Woodbury, Council President Sally Wantz, Council Vice-President
Bill Meyer, Councilor Rob Ward, Councilor

With 48 hour prior notice, an interpreter and/or TTY: 541-997-3437, can be provided for the hearing impaired.
Meeting is wheelchair accessible.
Proceedings will be recorded for rebroadcast on Cable Channel 191 and the City of Florence Vimeo Site.

The Florence City Council meeting will be held in person at Florence City Hall.

In addition, members of the public can listen and view the meeting through the 'GoToWebinar' platform at the following link: <https://attendee.gotowebinar.com/register/311414006902295637>

Meetings are also shown live on Cable Channel 191 and online at <https://www.ci.florence.or.us/citymanager/public-meetings-live>.

Citizens wishing to express their views may submit comments in writing or verbally. For more information, please see the end of this agenda or visit the [City of Florence website](http://www.ci.florence.or.us).

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

5:30 p.m.

ACTION ITEMS

1. FLORENCE CITY CODE TITLE 4 CHAPTER 1 BUILDING CODE UPDATES

Note: First Reading held at the December 12, 2022 City Council Meeting

Consider approval of **Ordinance No. 13, Series 2022**, an ordinance amending Title 4 Chapter 1 of the Florence City Code regarding Building Codes, Implementing SB 866 and Oregon Building Codes Division Rule Changes.

Wendy FarleyCampbell
Planning Director

2. APPROVAL OF MINUTES

Consider approval of the November 7, 2022 City Council Regular Session, December 5, 2022 City Council and Planning Commission Joint Work Session, and December 12, 2022 City Council Regular Session meeting minutes.

Lindsey White
City Recorder

3. CLOSING COMMENTS FROM CITY COUNCIL

RECEPTION – FOLLOWING ADJOURNMENT

Please join the City in a short reception, thanking our outgoing council for their dedicated service to our community and welcoming our incoming council to the new year. Refreshments will be served.

INCOMING COUNCIL AGENDA

Councilors:

Rob Ward, Mayor

Sally Wantz, Councilor
Jo Beaudreau, Councilor

Bill Meyer, Councilor
Robert Carp, Councilor

1. OATH OF OFFICES

- Mayor Rob Ward
- Councilor Jo Beaudreau
- Councilor Robert Carp

Lindsey White
City Recorder

CALL TO ORDER – ROLL CALL – PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENTS – *Items Not on the Agenda*

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. Persons wishing to address the Council should complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speakers cards are due at least five (5) minutes before the meeting. Comments will be limited to three (3) minutes per person, with a maximum time of 15 minutes for all items. Speakers may not yield their time to others.

ACTION ITEMS

The public will have an opportunity to offer comments on action items after staff has given their report. Persons wishing to address the Council must complete a Speaker's Card available online at <http://www.ci.florence.or.us/council/request-address-city-council-speakers-card>, or at the meeting. Speakers cards are due at least five (5) minutes before the meeting. Comments will be limited to three (3) minutes per person. Speakers may not yield their time to others.

3. ELECTION OF COUNCIL POSITIONS

Election of a President and Vice-President to the Florence City Council.

City Council

4. RULES OF PROCEDURE

Consider approval of Resolution No. 1, Series 2023, a resolution amending the Council Rules of Procedure including change of Work Session start time to 8:30 a.m.

City Council

5. 2023 CITY COUNCIL MEETING CALENDAR

Review and consider approval of the 2023 City Council meeting calendar.

Lindsey White
City Recorder

REPORT & DISCUSSION ITEMS

6. CITY COUNCIL COMMITMENTS & SIGN-UPS

Consider updates to the City Council Commitments including Municipal Court Judge Supervision, City Committee Ex-Officio Assignments, etc. with the intent to adopt amendments at a future Council meeting.

City Council

7. DEPARTMENT DIRECTOR UPDATES

Management
Team

8. CITY MANAGER REPORTS & DISCUSSION ITEMS

Erin Reynolds
City Manager

9. CITY COUNCIL REPORTS & DISCUSSION ITEMS

Rob Ward
Mayor

COUNCIL CALENDAR

All meetings are held in person with a virtual option unless otherwise indicated

Date	Time	Description
January 5, 2023	8:30 a.m.	City Council Work Session
January 12, 2023	8:30 a.m.	City Council Work Session
January 23, 2023	8:30 a.m.	City Council Work Session (FEC)
January 23, 2023	5:30 p.m.	City Council Meeting

UPDATED PUBLIC MEETINGS PROCEDURES

The January 3, 2023 City Council meeting will be held in person, with the option to view / listen to the meeting virtually through the GotoWebinar platform.

Expressing Views to the City Council: Citizens wishing to express their views to the City Council may do so in both written and verbal formats.

1. **Written Testimony:** Citizens wishing to express their views to the City Council are encouraged to submit written testimony in one of the following ways:
 - a. Submit written comments via email to City Recorder at cityrecorder@ci.florence.or.us;
 - b. Mail written comments to Florence City Hall, Attn: City Council, 250 Hwy 101, Florence, OR 97439
 - c. Drop off written comments at Florence City Hall (250 Hwy 101) during regular office hours (Monday through Friday 8 a.m. – Noon and 1:00 p.m. – 4 p.m.) or at the City of Florence drop box located at Florence City Hall to the right of the main entrance.
- ** **Note:** Written comments received at least 2 hours prior to the meeting (January 3, 2023 at 3:30 p.m.) will be distributed to the City Council, posted to the City of Florence website, and made part of the record.
2. **Verbal Testimony:** Citizens wishing to express their views to the City Council may participate in the meeting at the Florence Events Center or via GoToWebinar. To do so, please complete a speaker's card online at www.ci.florence.or.us/council/request-address-city-council-speakers-card at least 1 hour prior to the meeting (January 3, 2023 at 4:30 p.m.). City staff will then contact the speaker to let them know the process to participate in the meeting.
 - a. **Public Comments on items not on the agenda:** General public comments (on items not on the City Council agenda) will be allowed at each City Council meeting during the public comment agenda item. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all items. In practicality, this means no more than five individuals will be allowed to comment verbally. There is no limit on written public comments.
 - b. **Public Hearing Testimony:** Testimony on public hearing items will be allowed when a public hearing is held. Verbal comments will be allowed on public hearing items after staff has given their report and have allowed time for initial Council questions. In general (with some exceptions for Land Use hearings), comments are limited to five minutes per person with no limit on the number of speakers.
 - c. **Public Comments on Action Items:** Public Comments will be allowed on each action item on the City Council agenda. Verbal comments will be allowed on action items after staff has given their report and have allowed time for initial Council questions. Comments will be limited to three (3) minutes per person, with a maximum of 15 minutes for all comments on each action item. In practicality, this means no more than five (5) individuals will be allowed to comment verbally. There is no limit on written public comments.

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 1
Meeting Date: Jan 3, 2023
Department: Comm Dev. Dept.

ITEM TITLE: Florence City Code Title 4 Chapter 1 Building Code Updates

DISCUSSION/ISSUE:

The City Council considered the proposal to revise Title 4 Chapter 1 Building Regulations at their meeting of December 12, 2022. Due to a staff amendment to the proposed code change made after public notice the Council carried the item to their next meeting. They wanted more time to review the proposed additional language related to civil penalties. The Council held the first reading of the ordinance December 12, 2022 and moved the second reading to their next meeting of January 3, 2023.

Exhibit A is the same presented December 12th and consists of a rewrite of the current Title 4 Chapter 1. The existing code FCC 4-1 is intended to be completely struck.

FISCAL IMPACT: There are no direct fiscal impacts associated with this proposal. The City will receive permit revenue through the permitting process for the items listed within the code as permitted under ORS 455.020(2).

RELEVANCE TO ADOPTED CITY WORK PLAN:

This proposal is partially discussed under "Internal City Processes & Procedures". Since the city has chosen to keep the program in-house updates to the code are required.

ALTERNATIVES:

- Adopt Ordinance No. 13, Series 2022, as presented.
- Adopt Ordinance No. 13, Series 2022, as amended by Council.
- Do not adopt Ordinance No. 13, 2022 and provide direction to staff.

RECOMMENDATION:

Adopt Ordinance No.13, Series 2022 as presented and with the edits discussed to add the title name and Civil Administrative Penalties section.

AIS PREPARED BY: Wendy FarleyCampbell, Community Development Director

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments: *ER Reynolds*

ITEM'S ATTACHED:

Attachment 1 – Ordinance No. 13, Series 2022

- Exhibit A – Title 4 Chapter 1 Building Regulations

For reference and comparison to existing code:

https://www.ci.florence.or.us/sites/default/files/fileattachments/mayor_and_council/page/818/title_4_chapter_1_building_regulations.pdf

Attachment 1

CITY OF FLORENCE ORDINANCE NO. 13, SERIES 2022

AN ORDINANCE AMENDING TITLE 4 CHAPTER 1 OF THE FLORENCE CITY CODE REGARDING BUILDING CODES, IMPLEMENTING SB 866 AND OREGON BUILDING CODES DIVISION RULE CHANGES

RECITALS:

1. Senate Bill 866 (2021) provided direction for municipalities that contract for building services resulting in a need for changes in the Florence City Code.
2. The state under ORS 455.020 provides the authority for a municipality to enact regulations to address local administration items beyond the scope and authority of the State's specialty codes such as stop work orders, abatement of dangerous buildings.
3. The City performed a code audit to comply with the applicable ORS and OAR requirements
4. The City wishes to bring its Code into compliance with these new statutory and administrative requirements.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE ORDAINS AS FOLLOWS:

1. FCC 4-1 is hereby amended as shown in Exhibit A
2. In accordance with the Florence Charter, this ordinance takes effect 30 days after adoption.
3. The City Recorder is authorized to administratively correct any reference errors contained herein or in other provisions of the Florence City Code to the provisions added, amended, or repealed herein.

ADOPTION:

First Reading on 12th day of December, 2022.

Second Reading on ___ day of January, 2023.

This Ordinance is passed and adopted on the ___ day of January, 2023.

AYES —
NAYS —
ABSTAIN —
ABSENT —

Joe Henry, Mayor

Attest:

Lindsey White, City Recorder

Exhibit A

TITLE 4 CHAPTER 1

BUILDING REGULATIONS

4-1-1: Administration

- 4-1-1-1: Title
- 4-1-1-2: Severability
- 4-1-1-3: Purpose
- 4-1-1-4: Scope
- 4-1-1-5: Conflicting provisions
- 4-1-1-6: Codes
- 4-1-1-7: Definitions
- 4-1-1-8: Alternate materials and methods
- 4-1-1-9: Modifications
- 4-1-1-10: Tests

4-1-2: Permits

- 4-1-2-1: Permits – Generally
- 4-1-2-2: Application for a building permit
- 4-1-2-3: Submittal documents.
- 4-1-2-4: Permit issuance.
- 4-1-2-5: Deferred submittals and phased construction.
- 4-1-2-6: Retention of plans, permits and documentation.
- 4-1-2-7: Validity of permit.
- 4-1-2-8: Expiration of plan review application.
- 4-1-2-9: Permit expiration.
- 4-1-2-10: Investigation.
- 4-1-2-11: Not transferable.
- 4-1-2-12: Suspension/revocation

4-1-3: Inspections

- 4-1-3-1: Inspections – Generally
- 4-1-3-2: Inspection requests
- 4-1-3-3: Inspections required
- 4-1-3-4: Re-inspections
- 4-1-3-5: Inspection record card
- 4-1-3-6: Other inspections
- 4-1-3-7: Special inspections
- 4-1-3-8: Approval required
- 4-1-3-9: Certificate of occupancy
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4-1-4: Compliance and Enforcement

- 4-1-4-1: Creation of enforcement program
- 4-1-4-2: Designated authority
- 4-1-4-3: Powers and duties of Building Official
- 4-1-4-4: Deputies
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- 4-1-4-8: Authority to disconnect utilities
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- 4-1-4-14: Form of notices and orders
- 4-1-4-15: Method of service
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- 4-1-4-18: Recording notice of substandard or nonconforming condition(s)
- 4-1-4-19: Transfer of ownership
- 4-1-4-20: Penalties
- 4-1-5: Fees and cost recovery**
- 4-1-5-1: Fees – General
- 4-1-5-2: Fee refunds
- 4-1-6: Appeals**
- 4-1-6-1: State Building Code appeal process
- 4-1-6-2: Appeal to the state
- 4-1-6-3: Appeal and Procedure of a Discretionary Decision of a Contract Building Official
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- 4-1-6-6: Appeal procedure.
- 4-1-6-7: Staying of order under appeal
- 4-1-7: Demolition**
- 4-1-7-1: Demolition – Permit – Required
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- 4-1-7-4: Demolition – Notification of utilities
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- 4-1-8: Securing Loose, Open or Raw Sand**

4-1-1-1: Title

This title shall be known as the “building code,” and may be so cited and pleaded and is referred to herein as “this title”.

4-1-1-2: Severability

If any section, paragraph, subdivision, clause, sentence, or provision of this title shall be adjudged by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate, or nullify the remainder of this title or this code, but the effect thereof shall be confined to the section, paragraph, subdivision, clause, sentence or provision immediately involved in the controversy in which such judgment or decree shall be rendered, it being the intent of the governing body to enact the remainder of this title notwithstanding the parts to be declared unconstitutional and invalid.

4-1-1-3: Purpose

The purpose of this title is, consistent with available resources, to establish uniform performance, minimal standards, enforcement procedures, and administrative standards in order to provide reasonable safeguards for the health, safety, welfare, comfort and security of

the residents of this jurisdiction, and to provide for the use of modern methods, devices, materials, techniques, practicable maximum energy conservation standards, and fire and life safety features in the construction and use of structures.

4-1-1-4 Scope

This title shall apply to new and existing construction and premises, and construction-related activities including, but not limited to, installation of: electrical, plumbing, mechanical, energy, grading, accessibility (disability access), alteration, moving, demolition, repair, maintenance, fire and life safety, and work associated with any building, structure, premises, property, or license regulated by this title, mandated under any of the Oregon Specialty Codes, rules, or statutes, and/or regulated by various other codes of the City of Florence, including zoning or land use regulations. The City of Florence enforces the State Building Code as per ORS Chapter 455 and the rules adopted thereunder.

Pursuant to ORS 455.020(4) and adopted by local ordinance, the scope of the State Building Code has been amended to include the following items which shall require permits, plan review and inspections pursuant to this title and the State Building Code.

Additional Local Authority

Pursuant to ORS 455.020, the City of Florence has the authority to regulate additional items as listed in the Oregon Residential Specialty Code and the Oregon Structural Specialty Code including requiring permits per Section x.005, plan review and inspections. The construction standards of the respective building code shall be applicable.

In addition to the requirements of the State Building Code, the City of Florence shall hereby regulate the following items:

A. Structures and items relative to the scope of, and identified in Section R101.2.2 of, the Oregon Residential Specialty Code:

1. Fences constructed of wood, wire mesh or chain link that are more than 7 feet (2134 mm) in height and fences constructed of materials other than wood, wire mesh or chain link that are over 6 feet (1828 mm) in height.
2. Retaining walls that;
 - a. Are over 4 feet (1219 mm) in height, when measured from the bottom of the footing to the top of the wall; or,
 - b. Where the retaining wall supports ascending slopes exceeding 3:1; or,
 - c. Where the retaining wall supports a non-soil surcharge.
3. Freestanding radio television and other telecommunication antennae and towers, not attached to or supported by a regulated building.
4. Ground-mounted photovoltaic systems.
Exception. A permit is not required where these structures are 10 feet (3048) or less in height measured to the highest point of the installation and no public access is permitted beneath the structures.
5. Tanks that are located exterior to and not attached to or supported by a regulated building.

Exception: Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.

6. The design and construction of in-ground swimming pools accessory to detached one- and two-family dwellings, and individual townhouse dwelling units.
7. Abatement of nuisances and dangerous buildings in accordance with this title.

B. Structures and items relative to the scope of, and identified in Section 101.2 of, the Oregon Structural Specialty Code:

1. Cellular phone, radio, television and other telecommunication and broadcast towers that are not attached to or supported by a regulated building
2. Signs not attached to or supported by a regulated building
3. Abatement of nuisances and dangerous buildings in accordance with this title.
4. Demolition.
5. Retaining walls that;
 - a. Are over four (4) feet in height measured from the bottom of the footing to the top of the wall; or,
 - b. That support a surcharge or impound Class I, II or IIIA liquids.
6. Fences constructed of wood, wire mesh or chain link that are more than 7 feet (2134 mm) in height and fences constructed of materials other than wood, wire mesh or chain link that are over 6 feet (1828 mm) in height.
7. Tanks.

Exception: Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1

8. Cellular phone, radio, television and other telecommunication and broadcast towers, in compliance with federal law.
9. Flagpoles, antennae and similar items that exceed 25 feet in height.
10. Structural aspects of signs not attached to or supported by a regulated building

4-1-1-5: Conflicting provisions

Where, in any specific case, different sections of this title specify different materials, methods of construction or other requirements, the most restrictive shall govern, except in cases where the minimum/maximum provisions of the State Building Code apply. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

4-1-1-6: Codes

- A. State Building Code. The provisions of the State of Oregon Building Code, as provided in ORS 455.010, are hereby adopted by reference. The State Building Code is on file in the Community Development Department of the City of Florence.

B. Dangerous Building Code. Except as modified in subsection (1) of this section, the city of Florence adopts, administers, and enforces the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, by the International Conference of Building Officials (UCADB), a copy of which is on file and available for reference with the city building official.

1. Local Amendments to the UCADB.

- a) The following supplementary definitions are added:
 - Board of Appeals. Board of appeals established by this title.
 - Clerk. The city recorder of the city of Florence.
 - Director of Public Works. Includes contract city engineers for the city of Florence.
 - Health Official. The County sanitarian or other designee.
- b) UCADB, Chapter 4, Section 403, Section 1.3 is not an available remedial option for a building declared to be dangerous under this code, except that any repair order (Section 1.1) or demolition order (Section 1.2) of the building official may require a premises to be secured and maintained against entry during the period when repair is authorized or prior to scheduled demolition.
- c) All references in the UCADB to the "Building Code" shall mean the applicable Oregon State Building Code in effect, including all currently enforced specialty codes or, when the context requires, the applicable predecessor code.
- d) Notwithstanding Section 401.2.5 of the Uniform Code for the Abatement of Dangerous Buildings as adopted by subsection (A) of this section, the time period for appeals from notices, orders, or actions of the building official shall be 10 days.

2. Unsafe Buildings.

- a) All buildings or structures regulated by this code which are unsafe under the terms of the Uniform Code for the Abatement of Dangerous Buildings are hereby designated as unsafe buildings, structures, or appendages.
- b) All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in this chapter and the Uniform Code for the Abatement of Dangerous Buildings or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or another employee or official of this jurisdiction as designated by the governing body, may institute any other appropriate action to prevent, restrain, secure, correct or abate the violation.
- c) Appeals of dangerous building determinations/declarations, or determinations/declarations of a nuisance in subsection (C)(2) of this section, shall be appealed to the board of appeals as specified in this chapter.

C. Said volumes and all subsequent editions of these codes, including all amendments, are hereby incorporated in this title by reference.

4-1-1-7: Definitions

In addition to definitions provided in the applicable building codes, for the purpose of this title, the following definitions shall apply:

- (1) "Approved" means approved by the Building Official.

- (2) "Building Official" shall mean the Florence Contract Building Official or Deputy thereof, with powers granted by ORS 455.153.
- (3) "Building service equipment" means all support systems/equipment such as piping, ducts, vents, and other components of systems other than portable appliances that are permanently in place to serve the building.
- (4) "Certificate of occupancy" means a certificate of approval issued by the Building Official, as required by the applicable code, after all provisions of the building code, laws, codes and conditions of approval enforced by the Building Official are met for a building intended for occupancy.
- (5) "Enforcement action" means an action in which an order to correct has been issued, or which seeks or results in a civil penalty.
- (6) "Imminent danger" or "imminent hazard" means a condition which could cause serious or life-threatening injury or death at any time.
- (7) "Nonconforming" means any building, premises, or structure which lawfully existed prior to the effective date of the ordinance codified in this code, but which, due to the requirements adopted herein, no longer complies with one or more provisions of this code.
- (8) "Operating plan" means a state-mandated document, as required by OAR 918-020-0080, created and maintained by the Building Official, that outlines policies, procedures, rules, timelines, hours of operation and general administrative procedures describing the operation of the building division.
- (9) "Public way" means any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.
- (10) "State Building Code" means all of the combined specialty codes together, including the electrical, plumbing and mechanical codes, as provided in ORS 455.010(8).

4-1-1-8: Alternate materials and methods

- A. The provisions of this title are not intended to prevent the use of any alternate material, design or method of construction not specifically prescribed by this title, provided such alternate material, design, or method has been approved and its use authorized by the Building Official.
- B. The Building Official may approve any such alternate material, design or method, provided the Building Official finds that the proposed material, design or method complies with the provisions and intent of this title and that it is, for the purpose intended, at least the equivalent of that prescribed in this title in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.
- C. The Building Official may require that evidence or proof be submitted to substantiate any claims that may be made regarding the use of such alternate material, design, or method. The details of any approval of any alternate material, design, or method shall be recorded and entered in the files of the City.

4-1-1-9: Modifications

When there are practical difficulties in carrying out the provisions of the technical codes or this title, the Building Official may grant modifications for individual cases, provided the Building Official finds that the modification is in conformance with the intent and purpose of the technical codes or this title and that said modification does not lessen any health, life safety, or fire-protection requirements, nor any degree of structural integrity.

4-1-1-10: Tests

A. Whenever there is insufficient evidence of compliance with the provisions of this title or the technical codes, or that any material, method or design does not conform to the requirements of this title or the technical codes, the Building Official may require tests or engineering reports as proof of compliance to be made at no expense to this jurisdiction.

B. Test methods shall be as specified by this title, the technical codes, or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the Building Official shall determine test procedures.

C. All tests shall be made by a testing agency approved by the Building Official. The Building Official shall retain reports of such tests for the period required for the retention of public records.

4-1-1-11: Authority to Impose Civil Administrative Penalty.

A. Upon a determination by the building official that any person, firm, corporation or other entity however organized has violated a provision of this chapter or a rule adopted thereunder, the building official may issue a notice of civil violation and impose upon the violator and/or any other responsible person an administrative civil penalty as provided by these subsections (A) through (M) of this section. For purposes of this subsection, a “responsible person” includes the violator, and if the violator is not the owner of the building or property at which the violation occurs, may include the owner.

B. Prior to issuing an order to correct a violation under this section, the building official may pursue reasonable attempts to secure voluntary correction.

C. Prior to issuing a notice of civil violation and imposing an administrative civil penalty under this section, the building official shall issue an order to correct a violation to one or more of the responsible persons. Except where the building official determines that the violation poses an immediate threat to health, safety, environment, or public welfare, the time provided for correction shall be not less than five calendar days.

D. Following the date or time by which the correction must be completed as required by an order to correct a violation, the building official shall determine whether such correction has been satisfactorily completed. If the required correction has not been completed by the date or time specified in the order, the building official may issue a notice of civil violation and impose an administrative civil penalty to each responsible person to whom an order to correct was issued.

E. Notwithstanding subsections (B) and (C) of this section, the building official may issue a notice of civil violation and impose an administrative civil penalty without having issued an order to correct violation or made attempts to secure voluntary correction where the building official determines that the violation was knowing or intentional, or a repeat of a similar violation.

F. In imposing an administrative civil penalty authorized by this section, the building official shall consider:

- a. The person’s past history in taking all feasible steps or procedures necessary or appropriate to correct the violation;
- b. Any prior violations of statutes, rules, orders, and permits;
- c. The gravity and magnitude of the violation;

- d. Whether the violation was repeated or continuous;
- e. Whether the cause of the violation was an unavoidable accident, negligence, or an intentional act;
- f. The violator's cooperativeness and efforts to correct the violation; and
- g. Any relevant rule of the building official.

G. A notice of a civil violation that imposes an administrative civil penalty under this section shall be served by personal service, or sent by registered or certified mail and by first class mail. A notice served by mail shall be deemed received three days after the date mailed if to an address within this state, and seven days after the date mailed if to an address outside this state. Every notice shall include:

- a. Reference to the particular code provision, ordinance number, or rule involved;
- b. A short and plain statement of the matters asserted or charged;
- c. A statement of the amount of the penalty or penalties imposed; The date on which the order to correct was issued and time by which correction was to be made, or if the penalty is imposed pursuant to subsection (A)(E) of this section, a short and plain statement of the basis for concluding that the violation was knowing, intentional, or repeated; and
- d. A statement of the party's right to appeal the civil penalty to the building board of appeals, or if the building board of appeals lacks sufficient members to constitute a quorum, to the city manager or the city manager's designee; a description of the process the party may use to appeal the civil penalty; and the deadline by which such an appeal must be filed.

H. Any person, firm, corporation, or other entity however organized that is issued a notice of civil penalty may appeal the penalty to the building board of appeals, or if the building board of appeals lacks sufficient members to constitute a quorum, the city manager or the city manager's designee.

I. A civil penalty imposed under this section shall become final upon expiration of the time for filing an appeal, unless the responsible person appeals the penalty to the building board of appeals, or if the building board of appeals lacks sufficient members to constitute a quorum, to the city manager or the city manager's designee pursuant to, and within the 15-day time limit established by appeals procedures.

J. Each day the violator fails to remedy the code violation shall constitute a separate violation.

K. Failure to pay a penalty imposed hereunder within 10 days after the penalty becomes final (i.e., upon expiration of the time to appeal) shall constitute a violation of this code. Each day the penalty is not paid shall constitute a separate violation. The building official also is authorized to collect the penalty by any administrative or judicial action or proceeding authorized by this chapter or other provisions of this code, or state statutes. The civil administrative penalty authorized by this section shall be in addition to:

- a. Assessments or fees for any costs incurred by the city in remediation, cleanup, or abatement; and
- b. Any other actions authorized by law; provided, that the city may not issue a citation to municipal court for a violation of this chapter.

L. If an administrative civil penalty is imposed on a responsible person because of a violation of any provision of this code resulting from prohibited use or activity on real property,

and the penalty remains unpaid 30 days after such penalty become final, the building official shall assess the property the full amount of the unpaid fine and shall enter such an assessment as a lien in the municipal lien docket. At the time such an assessment is made, the building official shall notify the responsible person that the penalty has been assessed against the real property upon which the violation occurred and has been entered in the municipal lien docket. The lien shall be enforced in the same manner as liens established by city council pursuant to this chapter. The interest shall commence from the date of entry of the lien in the lien docket.

M. In addition to enforcement mechanisms authorized elsewhere in this code, failure to pay an administrative civil penalty imposed pursuant to this code shall be grounds for withholding issuance of requested permits or licenses, issuance of a stop work order, if applicable, or revocation or suspension of any issued permits or certificates of occupancy.

4-1-2: Permits

4-1-2-1 Permits – Generally

It is unlawful for any person, firm or corporation to engage in any work, conduct, or activity for which a permit, certificate, label, or other formal authorization is required by this title or other regulation without first obtaining such permit, certificate, label, or other formal authorization. Permits are required for any work that is regulated under the State Building Code as per ORS Chapter 455 and the rules adopted thereunder, as well as any work, activity, use, or review required by any code, policy, or procedure within this jurisdiction that is enforced by the Building Official, which may include occupancy reclassifications, grading, signs, demolition, new parking lots, regrading and parking lot resurfacing/stripping, or land use activity regulated by the Florence Municipal Code or development code.

4-1-2-2: Application for a building permit

A. To obtain a permit, the applicant shall first apply to the City of Florence Building Division. Every such application shall:

- (1) Identify and describe the work to be covered by the permit for which application is made;
- (2) Describe the land on which the proposed work is to be done by legal description, street address, or similar description that will readily identify and definitely locate the proposed building or work;
- (3) Indicate the use or occupancy for which the proposed work is intended;
- (4) Be accompanied by plans, diagrams, computations and specifications, and other data as required in this chapter;
- (5) State the valuation of any new building or structure, or any addition, remodeling, or alteration to an existing building;
- (6) Be signed by the owner, or the owner's authorized agent;
- (7) Provide plans showing all rights-of-way, setbacks, easements, covenants, and other such interests in the land that may be impacted by construction; and
- (8) Give such other data and information as may be required by the Building Official.

4-1-2-3 Submittal documents

A. Plans, specifications, engineering calculations, diagrams, soil investigation reports, special inspection and structural observation programs, and other data shall constitute the submittal documents and shall be submitted in one or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the Building Official may require the applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require

plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law.

B. The Building Official may waive the submission of plans, calculations, construction inspection requirements, and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this title.

4-1-2-4 Permit issuance

A. The application, plans, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Building Official or his/her designee. Such plans may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this title and the technical codes and other pertinent laws and ordinances, and that the applicable fees have been paid, the Building Official shall issue a permit therefor to the applicant.

B. When the Building Official issues a permit where plans are required, the Building Official shall endorse in writing or stamp the plans and specifications "REVIEWED" Such plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work regulated by this title shall be done in accordance with the approved plans.

4-1-2-5 Deferred submittals and phased construction

A. Deferred submittal of plans and phased construction may be permitted, subject to the approval of the Building Official, when the deferred submittals or phasing of construction is not likely to result in mistakes, faulty construction, or violation of any local or state codes or laws. Requests for deferred submittals must be in writing, noted on the construction documents and noted on the deferred submittal form. Construction associated with phased, partial, or deferred submittals and permits shall be done at the permit holder's risk.

B. The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this title. If the holder of a partial permit elects to proceed, he/she shall do so without assurance that the permit for the entire building or structure will be granted.

C. Additional costs for partial permits and/or deferred submittals shall be in accordance with the fee schedule and charged to the permit applicant at the time of initial permit issuance.

4-1-2-6 Retention of plans, permits and documentation

One set of approved plans, specifications, computations, and permits shall be retained by the Building Official and shall be stored and retained as required by the State Archivist. One set of approved plans and specifications shall be returned to the applicant, and said set shall be kept in good order and in clean, legible condition on the site of the building or work at all times, and available to the inspector, during which the work authorized thereby is in progress. If the applicant needs additional copies of approved plans, the Building Official may review and approve additional copies, charging the applicant the review cost plus overhead charges for providing the additional plan copies.

4-1-2-7 Validity of permit

A. The issuance of a permit or approval of plans, specifications, and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this title

or of any other code of the jurisdiction, or any other federal, state, or local law, statute, rule, regulation, or code. Permits presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid.

B. The issuance of a permit based on plans, specifications, and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications, and other data, requiring additional engineering data, or from preventing building operations being carried on thereunder when in violation of this title or of any other codes of this jurisdiction.

4-1-2-8 Expiration of plan review application

Applications for which no permit is issued within 180 days following the date of the application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or discarded by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once, unless expressly authorized by the Building Official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee. When an applicant applies for concurrent plan review, the applicant assumes the responsibility and risk of obtaining all approvals required by other departments within the 180-day period.

4-1-2-9 Permit expiration

A. Every permit issued by the Building Official, under the provisions of this title and the technical codes, shall expire by limitation and become null and void 180 days from the date of such permit issuance if the building or work authorized by such permit is not commenced, or pursuant to any time limits designated by conditions of approval, or after the building or work authorized by such permit is suspended or abandoned for 180 consecutive days at any time after the work is commenced. The work shall not be considered suspended or abandoned where the permittee has pursued activities deemed by the Building Official to indicate the intent to start and complete the project. The Building Official may require the permittee to document these activities.

B. Any permittee holding an unexpired permit may apply to the Building Official for an extension of the time within which work is to be completed under that permit when the permittee is unable to complete work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented work from being completed. No permit shall be extended more than once, unless expressly authorized by the Building Official.

C. Where a permit has expired, the permit may be reinstated and the work authorized by the original permit can be recommenced, provided the original permit expired less than one year from the request to reinstate.

D. The fee for a reinstated permit shall be one-half the amount required for a new permit plus any costs incurred as a result of investigations. Where the request for reinstatement does not comply with the preceding criteria, a new permit, at full permit fees and review, shall be required.

4-1-2-10 Investigation

A. Whenever any work for which a permit is required by this title or the technical codes has been commenced without first obtaining said permit, an investigation shall be made before a

permit may be issued for such work. This investigation is subject to the fees described below, and may or may not result in a penalty.

B. The Building Official may require an investigation in order to ascertain whether a party is in possession of a state license, and/or is in compliance with other state-mandated requirements.

C. Unless waived by the Building Official, an investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The amount of the investigation fee shall be in accordance with the fee schedule.

4-1-2-11 Not transferable

A permit issued to one person or firm is not transferable and shall not permit any other person or firm to perform any work thereunder unless specifically requested by the owner, in writing, and approved by the Building Official. Electrical permits are not transferable.

4-1-2-12 Suspension/revocation

The Building Official may, in writing, suspend or revoke a permit issued under the provisions of this title and the technical codes whenever the permit is issued in error on the basis of incorrect information supplied, or if its issuance, or activity thereunder, is in violation of any state or local statute, code, or regulation, or if the permittee violates any term or condition of the permit or this title.

4-1-3: Inspections

4-1-3-1 Inspections – Generally

A. Construction or work for which a permit is required shall be subject to inspection by the Building Official and the construction or work shall remain accessible and exposed for inspection purposes until approved by the Building Official. In addition, certain types of construction shall have special or continuous inspection as specified in the State Building Code.

B. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this title or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this title or of other ordinances of the jurisdiction shall not be valid.

C. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes and shall ensure that the reviewed construction documents are on site and available for the inspector. Neither the Building Official nor this jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

D. A survey of the lot may be required by the Building Official to verify that the structure is located in accordance with the approved plans.

4-1-3-2 Inspection requests

A. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection, and to make provision for access during normal business hours. Inspection requests shall be requested at least one working day before such inspection is desired and in accordance with the specific times described in the Operating Plan.

B. It shall be the duty of the person requesting any inspections required by this title to provide safe access to and means for inspection of such work, including any and all required special equipment, tools, ladders, belts, clothes, or other protective equipment or devices.

C. It shall be the duty of the permit holder or authorized agent to request all inspections that may be necessary, or otherwise required, in a timely manner, to provide access to the site, and to provide all equipment as may be deemed necessary or appropriate by the Building Official. The permit holder shall not proceed with construction activity until authorized to do so by the Building Official.

D. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card, if required, such as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained at the worksite in good order and in clean, legible condition by the permit holder until final approval has been granted by the Building Official.

4-1-3-3 Inspections required

A. All construction or work for which a permit is required shall be subject to inspection by the Building Official and all such construction or work shall remain accessible and exposed for inspection and test purposes until approved by the Building Official. The address must be posted. No work shall be covered until approved and signed off for that stage of the project or work.

B. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes including providing any necessary ladders, walkways, lighting, carpet runners for protection of carpet or other equipment necessary for safe access and inspection. Neither the Building Official, deputies nor the jurisdiction shall be liable for expense entailed in the removal, cleaning or replacement of any equipment or material required to allow inspection.

C. Inspection and approval by the Building Official is not to be construed as relieving the permit holder of his/her responsibility to correct any deficiencies that are later discovered, even though they may have existed at the time of the original inspection and approval.

D. Unless waived by the Building Official, a survey of the lot and the placing of, or revealing of, property pins shall be required to verify that the structure is located in accordance with the approved plans.

4-1-3-4 Re-inspections

A. A re-inspection fee, in accordance with the fee schedule, may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

B. A re-inspection fee may be assessed when the inspection record card is not posted or is otherwise unavailable on the work site, when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, when the address for the site is not posted, or for deviating from plans requiring the approval of the Building Official.

C. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid, unless authorized by the Building Official.

4-1-3-5 Inspection record card

It is the responsibility of the permit holder to post or otherwise make available an inspection record card, such as to allow the Building Official to conveniently make the required entries thereon regarding inspection results of the work at the time of the inspection. It is the

responsibility of the permit holder to refer to this card for the status of the inspections. This card shall be maintained at the worksite in good order and in clean, legible condition by the permit holder until final approval has been granted by the Building Official.

4-1-3-6 Other inspections

In addition to the called inspections specified above, the Building Official may make or require other inspections of any construction work to ascertain compliance with the provisions of this title and other laws which are enforced by the City.

4-1-3-7 Special inspections and Structural Observations

Special inspections and Structural Observations shall be conducted as required by the State Building Code. Additional special inspections and/or structural observations may be determined necessary and required by the Building Official. Special inspectors are required to be approved by the Building Official prior to any inspections. All special inspections shall be conducted prior to the regular and corresponding city inspection. It shall be the responsibility of the permit holder to ensure that the results of the special inspection are made available to the Building Official and the city inspector at the job site prior to, and at the time of, the city inspection.

4-1-3-8 Approval required

A. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed, or shall notify the permit holder, or an agent of the permit holder, wherein the same fails to comply with this title. Any portions which do not comply shall be corrected and such portion(s) shall not be covered or concealed until authorized by the Building Official.

B. Unless an alternate method of notification is approved by the Building Official, the form of notification shall be a minimum of a written notice left at the job site. Any work that does not comply with this title and/or the technical codes shall be corrected and such work shall not be covered or concealed until authorized by the Building Official.

C. Prior to occupancy, there shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

4-1-3-9 Certificate of occupancy

A. Except for work exempt from permits and residential accessory buildings, no building or structure shall be used or occupied, and no change in the existing character, use, or occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy.

B. The certificate of occupancy for buildings other than single-family dwellings and U occupancies shall be posted in a conspicuous place and shall not be removed except by the Building Official.

C. In cases where there are outstanding corrections and/or deficiencies that do not present a hazard or immediate public concern, or where no outstanding corrections exist, the building official may grant a partial and/or temporary certificate of occupancy upon request. When granting a temporary certificate of occupancy, the Building Official shall provide the permit holder with conditions and time restrictions for compliance and final approval. The fee for partial and/or temporary certificate of occupancy shall be in accordance with the fee schedule.

D. Upon failure to obtain final approval and a certificate of occupancy, when applicable, and/or upon the expiration of the permit, the Building Official, in addition to other remedies, may file a

notice of noncompliance with the County Recorder. To remove the notice, proof of compliance must be provided and all enforcement costs, recording costs, and filing costs determined by the Building Official must be paid by the permit holder.

E. Changes in the character or use of a building shall not be made except as specified in the Building Code.

F. Issuance of a certificate of occupancy shall not be construed as an approval of a violation to the provisions of this code or of other City ordinances. The Building Official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this title when the certificate is issued in error, or on the basis of incorrect information, or when it is determined that the building or structure, or portion thereof, is in violation of an ordinance, regulation, or the provisions of this title.

4-1-3-10 Proceeding without inspection or approval

Work performed without approval shall be required to be exposed for inspection, and any costs due to damage, such as the repair to sheetrock, masonry, concrete, siding, and any investigation or penalties shall be the responsibility of the permittee and/or owner.

4-1-4 Compliance and Enforcement

4-1-4-1 Creation of enforcement program

As required by ORS 455.150(3), there is hereby established in this jurisdiction a code enforcement program which shall be under the administrative and operational control of the Building Official.

4-1-4-2 Designated authority

Whenever the term or title “administrative authority,” “responsible official,” “Building Official,” “Chief Inspector,” or other similar designation is used herein or in any of the technical codes, it shall be construed to mean the Building Official designated by the appointing authority of this jurisdiction, as per ORS 455.150(3).

4-1-4-3 Powers and duties of Building Official

A. The Building Official is authorized and directed to enforce all provisions of this title and the referenced technical codes. For such purposes, the Building Official shall have the powers of a law enforcement officer, including the power to issue citations for violations of this title and/or the State Building Code as permitted under ORS 455.153, to grant modifications, and to secure property based upon probable cause even though the violation is not committed in the Building Official's presence.

B. Per ORS 455.148(3), the Building Official shall have the authority to render written and oral interpretations of this title and the referenced technical codes, and to adopt and enforce administrative procedures in order to clarify the application of its provisions. Such modifications, interpretations, rules, and regulations shall be in conformance with the intent and purpose of this title and the State Building Code.

C. For purposes of the State Building Code and the Florence development code, in furtherance of public health, safety, and welfare, the Building Official shall have the authority to abate conditions which are contrary to, or in violation of, this title or the referenced technical codes, or which otherwise make the building or premises substandard, unsafe, dangerous, uninhabitable, or hazardous.

4-1-4-4 Deputies

In accordance with prescribed procedures and with the approval of the appointing authority, the Building Official may appoint technical officers and inspectors, other employees, and contractors to carry out the functions of the enforcement of this title and the referenced technical codes.

4-1-4-5 Right of entry

A. When necessary to make an inspection to enforce the provisions of this title or the referenced technical codes, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to, or in violation of, this title, or which otherwise makes the building or premises substandard, unsafe, dangerous or hazardous, the Building Official may enter said building or premises at reasonable times to inspect or to perform the duties imposed by this title.

B. The Building Official may request entry of said building or premises when there are reasonable grounds to believe the property is substandard, unsafe, dangerous, hazardous, or when there are reasonable grounds to believe that there has been work done that would otherwise require a permit. If such building or premises be occupied, credentials shall first be presented to the occupant and entry requested. If such building or premises are unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry.

C. If entry is refused or the owner cannot be located, the Building Official or any duly appointed representative of the City may appear before any judge empowered to issue warrants, including the Municipal Judge of the City of Florence, and request such judge to issue an inspection warrant, directing it to any peace officer, as defined in ORS 161.015, to enter the described property to remove any person or obstacle and assist the Building Inspector or representative of the department inspecting the property in any way necessary to complete the inspection.

4-1-4-6 Stop work orders

When work is being done contrary to the provisions of this title, the State Building Code, or other pertinent laws or ordinances, including the Florence development code, implemented through the enforcement of this title, the Building Official may order the work stopped by notice, in writing, served on persons engaged in the doing or causing such work to be done, and such persons shall forthwith stop the work until authorized by the Building Official to proceed with the work.

4-1-4-7 Occupancy violations

When a building, structure, premises, or building service equipment therein is being used contrary to the provisions of this title, the State Building Code, or the certificate of occupancy, the Building Official may order such use discontinued, and the structure or premises vacated, by written notice served on any person causing such use to be continued. Such person shall discontinue the use within the time prescribed by the Building Official after receipt of notice to make the structure, premises, or portion thereof comply with the requirements of this title, the referenced codes, and the certificate of occupancy.

4-1-4-8 Authority to disconnect utilities

A. Where necessary to eliminate an immediate hazard to life or property, or enforce this title, the State Building Code, or the Florence development code, the Building Official or the Building Official's authorized representative shall have the authority to order the disconnection of a utility service supplied to a building, structure, premises, or building service equipment therein which is regulated by this title, the State Building Code, or the Florence development code, or when necessary to eliminate a danger to public health, safety, or welfare.

B. The Building Official shall, whenever possible, notify the owner and/or the occupant(s) of the building, structure, premises, or building service equipment of the decision to disconnect prior to taking such action, and shall notify such owner and/or occupant of the building, structure, premises, or building service equipment, in writing, of such disconnection within a reasonable time thereafter.

4-1-4-9 Authority to condemn building service equipment

A. When the Building Official ascertains that building service equipment, or any portion thereof, regulated by this title or the technical codes, has become hazardous to life, health, or property, or has become unsanitary, the Building Official may order, in writing, that such equipment either be removed or restored to a safe or sanitary condition, as deemed appropriate by the Building Official. If it is determined that the equipment presents an immediate hazard to health, safety, or welfare, the Building Official may order it disconnected immediately. The written notice itself shall fix a time limit for compliance with such order. The use of such defective building service equipment shall not be maintained after receiving such notice.

B. When such equipment or installation is to be disconnected, a written notice of such disconnection and the causes therefor shall be given within a reasonable time thereafter to the owner and/or the occupant of such building, structure, or premises.

C. When any building service equipment is maintained in violation of this title, the technical codes, or a notice issued pursuant to the provisions of this section, the Building Official may institute appropriate action to prevent, restrain, correct, or abate the violation.

4-1-4-10 Connection after order to disconnect

Persons shall not make connections from an energy, water, fuel, or power supply, nor supply energy or fuel to building service equipment regulated by this title or the referenced codes which has been disconnected or ordered to be disconnected by the Building Official, or the use of which has been ordered to be discontinued by the Building Official, until the Building Official authorizes the reconnection and use of such equipment.

4-1-4-11 Liability

A. The Building Official or his/her deputies charged with the enforcement of this title and the technical codes, acting in good faith and without malice in the discharge of his/her duties, shall not thereby be rendered personally liable for damage that may accrue to persons or property as a result of an act or omission in the discharge of the assigned duties. A suit brought against the Building Official or deputy because of such act or omission performed by the Building Official or deputy in the enforcement of the provisions of such codes or other pertinent laws or codes implemented through the enforcement of this title or enforced by the Code Enforcement Agency shall be defended by the City of Florence until final termination of such proceedings, and any judgment resulting therefrom shall be assumed by the City of Florence.

B. This title shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling a building, structure, or building service equipment therein for damages to persons or property caused by defects, nor shall the City of Florence be held as assuming such liability by reason of the inspections authorized by this title or permits or certificates issued under this title.

4-1-4-12 Unlawful acts

A. It shall be unlawful for a person, firm, or corporation to be in conflict with, or in violation of, any of the provisions of this title.

B. Nothing contained in this title shall impose any duty upon the City of Florence, or any agent, official, or employee thereof, to abate, enjoin, prevent, or correct any defect, violation, or condition regulated or prohibited by this chapter. The City shall exercise discretion to determine whether any particular circumstance warrants or requires an official response. In making such determinations, the appropriate employees and officials shall consider all known facts and circumstances including, but not limited to, the likelihood of injury, the seriousness of the violation, the availability of City resources, both staff and financial, to address the concern, and direction from the City Council.

4-1-4-13 Notice of violation

A. Whenever the Building Official determines that there has been a violation of the State Building Code, this title, or any provisions of the Florence development code, or has grounds to believe that a violation has occurred, the Building Official may serve a correction notice in accordance with the State Building Code, or a stop work order in accordance with this title.

B. In instances of continued noncompliance regarding substandard or nonconforming conditions relating to buildings, premises, or structures, or in instances of dangerous buildings, premises, or structures, notice of violation and order shall be served in accordance with this title.

4-1-4-14 Form of notices and orders

A. Such notices and orders prescribed in this title shall be in accordance with all of the following:

- (1) Be in writing;
- (2) Include a description of the real estate sufficient for identification;
- (3) Include a statement of the violation(s), a brief and concise description of the conditions found, and why the notice and/or order is being issued;
- (4) Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the structure or premises into compliance with the provisions of this code;
- (5) Include a statement advising that if any required repair or demolition work is not commenced within the time specified, the Building Official will order the building vacated and posted to prevent further occupancy until the work is completed, and may proceed to cause the work to be done and charge the costs thereof against the property or its owner;
- (6) Include a statement of the City's right to file a lien, in accordance with this title or a notice of substandard or nonconforming conditions, in accordance with this title; and
- (7) Inform the property owner(s) or responsible party of the right to appeal and the appeal process.

4-1-4-15 Method of service

A. Such notices and orders shall be deemed to be properly served if a copy thereof is:

- (1) Delivered personally;
- (2) Sent by certified or first-class mail addressed to the last known address of the property owner(s) or responsible party;
- (3) Sent by certified or first-class mail addressed to the listed address of the property owners(s) or responsible party as shown by the records of the Oregon Department of Motor Vehicles, United States Post Office, county tax records, or other similar governmental source; or
- (4) If notice and/or order is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice and/or order.

4-1-4-16 Enforcing compliance

A. To enforce any of the requirements of this title, the State Building Code, or the Florence development code, the Building Official may gain compliance by:

- (1) Instituting an action as set out in this chapter below;
- (2) Causing appropriate action to be instituted in a court of competent jurisdiction; or
- (3) Taking other action as the Building Official, in the exercise of the Building Official's discretion, deems appropriate.

4-1-4-17 Prosecution of violation

Any person failing to comply with a notice of violation or order, served in accordance with Section x.015.150, shall be deemed guilty of a misdemeanor, unless the City requests that the violation be treated as an infraction, and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the Building Official may institute the appropriate proceeding at law or in equity to restrain, correct, or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto. Any abatement costs, including overhead, staff time, and other administrative costs incurred by the City, shall be charged against the real estate upon which the structure is located, and shall be a lien upon such real estate, as described in Section x.020.030.

4-1-4-18 Recording notice of substandard or nonconforming condition(s)

In instances of continued noncompliance with any provisions of this title, and after notice has been given by the Building Official regarding deficient, substandard, noncomplying or nonconforming condition(s) relating to the property, premises, or structures, the Building Official may, in addition to other remedies, record upon the title of the property a notice of substandard or nonconforming condition(s). Any such notice shall include a detailed description of the substandard or nonconforming condition(s) and may only be removed once the substandard or nonconforming condition(s) is/are abated. Enforcement costs shall be paid prior to any removal of liens or notices resulting from enforcement action.

4-1-4-19 Transfer of ownership

It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

4-1-4-20 Penalties

A. Any person or business entity which violates any term or provision of this title shall be subject to any or all of the following penalties:

- (1) Investigative Fee.
 - (a) In case of work performed without permits, as required in this title and the State Building Code, such work shall be subject to the investigation fee(s) adopted on the City Fee Schedule, unless waived by the Building Official.
- (2) Civil Penalties.
 - (a) In the case of a violation of this title or the State Building Code, each violation shall be subject to the following civil penalties:

(i) First Offense. Where one or multiple violations are committed by a person, business, or corporation, a civil penalty up to \$1,000 per violation shall be assessed. If the violation is corrected within the date(s) specified in the citation, a maximum of \$750 of the civil penalty may be stayed. The stayed amount shall become due if additional violations occur within three calendar years from the date of the citation.

(ii) Second Offense. Where subsequent violation(s) by a person, business, or corporation occurs within three years of their first offense, a civil penalty of \$2,500 per violation shall be assessed. If the violation is corrected within the date(s) specified in the citation, a maximum of \$1,250 of the civil penalty may be stayed. The stayed amount shall become due if additional violations occur within three calendar years from the date of the citation.

(iii) Subsequent Offenses. Where subsequent violation(s) by a person, business, or corporation occurs within three years of their second offense, a civil penalty of \$5,000 per violation shall be assessed. If the violation is corrected within the date(s) specified in the citation, a maximum of \$2,500 of the civil penalty may be stayed. The stayed amount shall become due if additional violations occur within three calendar years from the date of the citation.

(iv) Continued Violations. Violations not corrected by the date specified in the notice of violation or the citation may be subject to an additional penalty of \$1,000 per day, per offense.

(v) Civil penalties for offenses under subsections (2)(a)(ii) and (iii) of this section are intended for new violation(s) of this title that occur after resolution of the preceding offense.

(b) Violations Which Present an Imminent Life Safety Hazard.

(i) In those cases where the Building Official determines that the violation presents an imminent risk of serious physical injury or death to any person, civil penalties shall be doubled. The civil penalty shall not exceed \$5,000 per offense.

(ii) The civil penalty amount shall not be stayed.

(c) In the case of a violation of Title 4 Chapter 5 Abatement of Dangerous Buildings or the City of Florence' development code:

(i) A civil penalty of \$500 per violation shall be assessed. If the violation has been corrected within 10 working days of the issuance of the citation, the civil penalty may be reduced to \$250 per violation.

(ii) Repeat Violations. In the case of subsequent violations of this title by the same person, business, or corporation within 12 consecutive months, the civil penalty for each subsequent violation shall be doubled. The doubled penalty amount will remain due even if correction is achieved within 10 working days.

(3) Hearings.

(a) Civil penalties related to this title and the State Building Code shall be subject to the noticing and hearings requirements of ORS Chapter 183. For the purpose of this section, "Hearings Officer" shall mean the City Manager, or their delegate; and the "Court of Appeal" shall mean the City of Florence Municipal Court.

(b) In the case of a violation of Title 4 Chapter 5 or the City of Florence development code, the violation procedures of this Chapter will apply.

(4) Application of Collected Cost Recovery and Penalties.

(a) When abatement of a violation is resolved without issuing a citation, all funds collected by the City pursuant to this section will be paid to such accounts as the City may maintain for the support of the City Building Division.

(b) When abatement of a violation is achieved by issuing a citation, 30 percent of the funds collected by the City pursuant to this section will be paid to the court for overhead costs, and the remaining 70 percent will be paid to Building Division accounts.

(5) The penalties provided herein are in addition to any other remedies available. The imposition of the penalties herein shall not preclude the Building Official from instituting

appropriate action to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises, or to stop an illegal act, conduct, business, or utilization of the building, structure, or premises.

(6) Every day, or portion thereof, during which any violation of any provision of this title is committed, continued or permitted, may be a separate offense.

4-1-5 FEES AND COST RECOVERY

4-1-5-1 Fees – General.

A. Fees charged under this title shall be as adopted by resolution.

B. Permit and plan review fees shall be as adopted, except as otherwise limited by statute. On buildings, structures and mechanical systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established under authority of ORS 455.020 and 455.210.

C. As applicable, the fee schedule shall comply with OAR 918-050-0100, Statewide Fee Methodologies for Residential and Commercial Permits.

D. The Building Official shall make the determination of value or valuation under any provisions of this title. The value to be used in computing the building permit and plan review fees shall be the total value of all construction work and may include all finish work, parking lots, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. Plan review and inspection fees shall be based on valuation, but the minimum fee shall be no less than the actual costs plus overhead of the plan review and the actual costs plus overhead of the inspections.

E. Each activity, enforcement action, or program shall be provided with its own funding source and one program shall not support another, as required by ORS 455.770 and 455.210(3)(c).

4-1-5-2 Fee refunds.

A. The Building Official may authorize the refunding of any fee, or a portion of a fee, paid hereunder which was erroneously paid or collected.

B. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this title.

C. The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any plan review effort has been expended.

D. The Building Official may not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment, unless written application is otherwise waived by the Building Official.

4-1-6 Appeals

4-1-6-1 State Building Code appeal process.

In accordance with OAR 918-020-0090(1)(c), a person aggrieved by the Building Official's technical and scientific determination regarding any provision of the State Building Code may appeal to either the local jurisdiction's appeals board or the state specialty code chief. The appeals process selected may not change once initiated.

4-1-6-2 Appeal to the state.

A. A person aggrieved by a decision made by the Building Official relating to the State Building Code shall first appeal to the appropriate state specialty code chief inspector of the Oregon Department of Consumer and Business Services, as required in ORS 455.475. The decision of the Department Chief Inspector may be appealed to the appropriate state advisory board. The decision of the advisory board may only be appealed to the Director of the Department of Consumer and Business Services if state-mandated codes, in addition to the applicable specialty code, are at issue.

B. Citations or penalties issued by the State Building Codes Division are entitled to judicial review in accordance with ORS 183.482. A person aggrieved by such a citation or penalty may request a judicial review by filing a petition with the Court of Appeals in Salem, Oregon, within 60 days from the date of the order. Such citations and penalties are not appealable through this section.

4-1-6-3 Appeal and Procedure of a Discretionary Decisions of a Contract Building Official.

A. In accordance with OAR 918-020-0230(2)(b), 918-020-0250 and 918-020-0260, a person aggrieved by a Discretionary Decision made by the Contract Building Official may appeal to the City of Florence Board of Appeals as set forth in this title.

The following terms shall, for the purposes of this section, have the following definitions:

(1) Per OAR 918-020-0015(2), A Contract Building Official means an owner, manager or employee of a person that the director has licensed to perform specialty code inspections and plan reviews under ORS 455.457 and that engages in the business of providing the services described in ORS 455.148(3) and 455.150(3) to one or more municipalities to which the director has delegated a building inspection program.

(2) Per OAR 918-020-0015(4), A Discretionary Decision means a decision on whether to waive a plan review, an inspection or a provision of the state building code; or to allow an alternative material, design or method of construction.

(3) Per OAR 918-020-0015(7), A Qualified Employee is an individual that the municipality employs and has been designated to ratify or disapprove a contract building official's discretionary decisions.

Before exercising oversight over a contract building official, the Qualified Employee is required to complete the basic training and obtain applicable certification or other evidence of completion, as defined by Oregon Building Codes Division.

Within 180 days after being designated as the Qualified Employee, the employee is required to complete the advanced training and obtain applicable certification or other evidence of completion, as defined by Oregon Building Codes Division.

In accordance with OAR 918-020 230(2), within five (5) business days from making a discretionary decision, the Contract Building Official must:

- Notify a Qualified employee in writing of the discretionary decision; and,
- Notify the permit applicant in writing of the discretionary decision that relates to the

permit application. This notice must list and describe available opportunities for a hearing and appeal of the decision.

The Qualified Employee must review and ratify or disapprove a contract building official's discretionary decision, in writing, to the contract building official and the permit applicant/aggrieved person within thirty (30) days after receiving notice of the decision. The notification shall also inform the permit applicant/aggrieved person that the decision of the building official can be appealed in accordance with ORS 455.475.

For appeals of a Discretionary Decision made by the Contract Building Official, the Board of Appeals shall comply with the requirements of OAR 918-020-0250 and 918-020-0260 as outlined in x.025.030(2).

4-1-6-4 Appeal to Local Board of Appeals.

A person aggrieved by a decision made by the Building Official relating to any law, code, or regulation, other than a provision of the State Building Code, may appeal to the City of Florence Building Board of Appeals as set forth in this title. This shall serve as the appeal procedure for all decisions made by the Building Official pursuant to the dangerous buildings and the property maintenance chapters herein.

4-1-6-5 Creation of Local Board of Appeals.

- A. In order to hear and decide appeals of orders, non-discretionary decisions, or determinations made by the Building Official relative to the application, enforcement, and interpretation of provisions of this title which are not governed by the State Building Code, and to review appeals of technical and scientific determinations regarding any provision of the specialty codes regulated by the municipality, there shall be and hereby is created a Board of Appeals consisting of five members who are qualified by experience and training to pass on matters pertaining to building construction. The Building Official shall be an ex officio member of and shall act as secretary to said board, but shall have no vote on any matter before the Board. The Board of Appeals shall be appointed by the City Council of the City of Florence and shall hold office at the Council's pleasure. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.
- B. In order to hear and decide appeals of Discretionary Decisions of a Contract Building Official there shall be and hereby is created a Board of Appeals consisting of five members who are qualified by experience and training to pass on matters pertaining to building construction. The Board of Appeals shall be appointed by the City Council of the City of Florence and shall hold office at the Council's pleasure. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.
 - 1) In accordance with OAR 918-020-0250, the Board of Appeals hearing an appeal of a Contract Building Official's Discretionary Decision will;
 - a) Include as a member, the building official of the county within which the city is located or the building official of an adjacent county.
 - b) Include as a member, an individual who engages in the business of building design or construction may be a member of the local board, but may not hear an appeal of a contract building official's discretionary decision concerning a project that involves a business, or competitor of a business that;

- I. The individual owns or manages or for which the individual provides services as an employee, agent or contractor; or
 - II. A family member or a member of the individual's householder owns or manages or for which the family member or member of the household provides services as an employee, agent or contractor.
- c) Not include any contract building official.
 - d) Not include an owner, manager, director, officer or employee of a person, other than an employee of the municipality, that performs building inspections.
- 2) In accordance with OAR 918-020-0260, for an appeal of a Contract Building Official's Discretionary Decision;
- a) After receiving notice of the building official's discretionary decision, a permit applicant has 30 days to submit an appeal to the local board.
 - b) In an appeal before the local board, the permit applicant has the burden of establishing by a preponderance of the evidence that overturning the discretionary decision of the contract building official will not create a dangerous or unsafe condition or decrease the minimum fire and life safety standards set forth in the relevant code.
 - c) Upon receipt of a notice of appeal, the local board has 30 days to review the appeal and issue a determination.
 - d) The appeal rights to which a permit applicant is entitled before a local board is in addition to, and not in lieu of, any other rights of appeal the permit applicant may have.

C. The Board of Appeals makes determinations on a case-by-case basis, and shall have no authority relative to interpretation of the administrative provisions of this title, nor shall the board be empowered to waive requirements of this title. For example, the Board of Appeals may review the Building Official's discretionary determination that a structure is dangerous, but not the ensuing remedy.

4-1-6-6: Appeal procedure.

A. An appeal shall be in writing, shall describe the basis for the appeal, and shall first be filed with the Building Official. Notwithstanding x.025.030(2)(b)(i), no appeal shall be timely unless it is received at the office of the Building Official within 14 days of the Building Official's determination which is the subject of the appeal.

B. Following receipt of such an appeal, the Board of Appeals shall convene and an opportunity for hearing shall be granted both to the appellant and to the Building Official or designee. The Building Board of Appeals shall notify all parties of the hearing date and time at least 10 days prior thereto. The Building Board of Appeals shall operate under such rules of procedure as it may, from time to time, promulgate.

C. The decision of the Building Board of Appeals for an appeal of a Contract Building Official's Discretionary Decision shall be rendered within 30 days of receipt of the appeal. The decision of the Building Board of Appeals on other appeals shall be rendered within 60 days of the Building Official's receipt of the appeal, unless both parties stipulate to an extension of time. The Building Board of Appeals' decision shall be in writing and shall be final upon receipt. All notices given by the Board shall be given to the appellant by first-class mail at the address indicated by the appellant on the notice of appeal and shall be deemed received three days after mailing.

D. An appeal of the Building Board of Appeals' decision relative to the application, enforcement, and interpretation of provisions of this title which are not governed by the State Building Code, shall be made in writing to the City of Florence City Council within 14 days of the Board's notice of said decision. An appeal of the Building Board of Appeal's decision relating to technical and scientific determinations regarding any provision of the state specialty codes regulated by the municipality shall be appealed to the appropriate advisory board within 30 days of the Board of Appeals' decision per OAR 918-080-0120(6).

E. All work which is the subject of a permit, interpretation, or other matter under appeal shall be suspended pending resolution of the appeal.

4-1-6-7 Staying of order under appeal.

Except for vacation orders made pursuant to Section x.045.060, enforcement of any notice and order of the Building Official issued under this title shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.

4-1-7 DEMOLITION

4-1-7-1 Demolition – Permit – Required

Unless waived by the Building Official, any demolition of any structure requires a permit. The cost of the permit shall be determined by the Building Official and shall be based on factors such as the number of inspections required and the value of the work.

4-1-7-2 Demolition – Permit – Expiration

Every demolition permit issued by the Building Official under the provisions of this title shall expire by limitation and become null and void if the demolition work is not commenced within 180 days from the date of such permit, or if the work authorized by such demolition permit is not completed within the time limit established by the Building Official. The Building Official may grant an extension of time limit if it is apparent that the permit holder has made every effort to meet the time limit and will be unable to do so because of unusual or difficult conditions.

4-1-7-3 Demolition – Permit – Suspension or revocation

The Building Official may, in writing, suspend or revoke a demolition permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any code or regulation or any of the provisions of this chapter.

4-1-7-4 Demolition – Notification of utilities

All utility companies, such as telephone, power, water, sewer, and gas, shall be notified by the applicant to disconnect all of such services from the main lines to the building. Water and sewer lines on-site shall be capped by the permit holder.

4-1-7-5 Demolition – Cleanup

All debris, stumps, broken concrete, brick and other material shall be completely removed from the premises. All ground surfaces shall be raked clean and graded evenly within 30 days of completion of demolition. All ground surfaces shall be covered so no bare sand is allowed to leave the property.

4-1-8: Securing Loose, Open or Raw Sand

A. Prior to taking any of the following actions, any person, firm, corporation, or public agency (city, special district, county, state or federal) shall contact the Community Development Department staff to determine if such actions are likely to cause off-site movement or displacement of loose sand in ways that would damage adjacent properties or create unsafe traffic conditions:

1. Excavation
2. Removal of any natural or planted ground cover, trees, shrubs, grass
3. Alteration or removal of any existing building or structure

If determination is made that there is a real possibility that movement of sand would cause damage to adjacent properties or create unsafe traffic conditions, then a Sand Management Plan will be required.

B. The Sand Management Plan shall set out the means by which the applicant will ensure that its actions will not result in the off-site movement or displacement of loose, open or raw sand onto any public way, or public or private property by action of wind or water erosion. If the Community Development Department determines that the Plan includes measures (vegetative, mechanical, and/or other means of sand management) to reasonably ensure that the proposed action's movement or displacement of sand will not result in damage to adjacent properties or unsafe traffic conditions, then the Sand Management Plan will be approved. The best management practices from the following shall be incorporated into the Sand Management Plan as applicable to the project—City of Florence' adopted version of Portland's "Erosion and Sediment Control Manual" and the City of Florence' "Erosion Prevention and Sediment Control Practices for Single Family Residences and Small Projects".

Amended by Ord. No. 2 Series 1990

Amended by Ord. No. 5 Series 1994 Effective July 1, 1994

Amended by Ord. No. 6 Series 1997 Effective April 21, 1997

Amended by Ord. No. 7 Series 2000

Amended by Ord. No. 8, Series 2003

Amended by Ord. No. 2, Series 2010

Amended by Ord. No. 1 Series 2022

Amended by Ord. No. 12 Series 2022

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 2
Meeting Date: January 3, 2023
Department: City Council

ITEM TITLE: City Council Meeting Minutes

DISCUSSION/ISSUE:

Consider approval of the draft minutes listed below.
Materials distributed during City Council meetings can be found on the City of Florence's website at www.ci.florence.or.us under the calendar date for each particular meeting. In addition, all items pertaining to the meeting including the meeting agenda, materials and items distributed, as well as electronic audio/video recordings of the meeting, are referenced at the top of each set of approved minutes, and can be referenced either on the City's website or upon request of the City Recorder.

FISCAL IMPACT:

Minutes incur staff time for compilation / retention and have no other fiscal impacts.

RELEVANCE TO ADOPTED COUNCIL GOALS:

Goal 1: Deliver efficient and cost-effective city services.

ALTERNATIVES:

1. Approve the minutes as presented
2. Review and approve the minutes with modifications

RECOMMENDATION: Approve the minutes as presented

AIS PREPARED BY: Lindsey White, City Recorder

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments:

ER Reynolds

ITEM'S ATTACHED: **Attachment 1** – Draft 11.7.22 Regular Session Minutes
Attachment 2 – Draft 12.5.22 Joint Work Session Minutes
Attachment 3 – Draft 12.12.22 Regular Session Minutes

This document is supplemented by agenda packet materials, meeting materials distributed and electronic audio / video recordings of the meeting and may be reviewed upon request to the City Recorder.

**City of Florence
City Council Regular Session
Florence City Hall
250 Hwy 101, Florence, Oregon
Final Action Minutes
November 7, 2022**

Councilors Present: Mayor Joe Henry, Councilors Woody Woodbury, Sally Wantz, Bill Meyer, and Rob Ward.

Councilors Absent: None.

Staff Present: City Manager Erin Reynolds, City Recorder Lindsey White, Assistant Planner Clare Kurth, Administrative Services Director Anne Baker, Assistant City Manager Megan Messmer, Public Works Director Mike Miller, Police Chief John Pitcher, Planning Director Wendy FarleyCampbell, and Administrative Assistant Peighton Allen.
(In person)

Guests Present: City of Florence Public Arts Committee Representative Jo Beaudreau.
(In Person & Videoconference)

Handout: 11.7.22.22 City Council Meeting Base Presentation

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:30 p.m.

PRESENTATIONS & ANNOUNCEMENTS

- 52nd Anniversary of the Exploding Whale Proclamation
Start Time: 5:30 p.m.

1. PUBLIC COMMENTS

This is an opportunity for members of the public to bring to the Council's attention any item not otherwise listed on the agenda.

Start Time: 5:36 p.m.

Commenter 1: Mr. Michael Allen – Florence, OR

Handout: Speaker's Card and Written Comments

Discussion: Mr. Allen discussed...

- Climate petition with 1,421 signatories requesting City Council produce a resolution that pledges to join forces with community, county, state, and federal entities to address climate crisis and City Council designate a commission to develop a comprehensive Climate Action Plan for the City of Florence.

PUBLIC HEARING AND ACTION ITEMS

2. WILCOX MURAL

A. PUBLIC HEARING

Hear and consider written and oral testimony regarding the application from Linda Wilcox for a permit for a mural 424 square feet in size on storefront of 1856-2 37th Street located at the southeast intersection on Highway 101 and 37th Street.

Start Time: Opened at 5:40 p.m.

Process Reading: CR White read the Public Hearing Script and officiated the procedures.

Handouts: Public Hearing Script
Staff Presentation

Declarations: The City Council declared...

- Councilor Ward
 - No conflicts of interest were declared.
 - No biases were declared
- Councilor Meyer
 - No conflicts of interest were declared.
 - No biases were declared.
- Councilor Wantz
 - No conflicts of interest were declared.
 - No biases were declared.
- Councilor Woodbury
 - No conflicts of interest were declared.
 - No biases were declared.
- Mayor Henry
 - No conflicts of interest were declared.
 - No biases were declared.

Public Challenge: No challenges were presented.

Public Hearing: Opened at 5:46 p.m.

B. MURAL APPLICATION DECISION

Consider approval **Resolution No. 35, Series 2022**, a Resolution for a permit to install a 424 square foot mural on the west wall/storefront of 1856-2 37th Street as applied for by Linda Wilcox.

- Start Time: 5:46 p.m.
- Discussion: Assistant Planner Clare Kurth presented the staff presentation.
- Handouts: Staff Presentation
- Discussion: The City Council discussed...
- No discussion.
- Applicant: Ms. Wilcox discussed...
- Reason for mural is, for one, her father and brother, who have both passed, served in the Army and wanting to honor our veterans.
- Discussion: The City Council discussed...
- Reconsider using image of rifle in mural and use different image.
- Comments: Councilor Wantz
- Public Hearing: Closed at 6:04 p.m.
- Discussion: The City Council discussed...
- Not comfortable with rifle image as proposed.
 - Comfortable with portrayal of soldier with image as proposed.
- Comments: Councilors Wantz and Meyer.
- Action: Amend Resolution allowing applicant flexibility to change image on mural.
- Motion: Councilor Wantz
- Second: None. Amendment dies for lack of second.
- Discussion: Staff discussed...
- Condition as proposed provides opportunity to applicant to adjust image if she chooses to.
 - Provide opportunity to applicant to provide a revised clip-art image to be approved at next meeting.
 - Proceed and approve with Conditions of Approval.
- Comments: Planning Director Wendy FarleyCampbell
- Action: Approve **Resolution No. 35, Series 2022** as presented.
- Motion: Councilor Meyer

Second: Councilor Ward
Roll Call Vote: Councilor Ward, 'Aye'
Councilor Wantz, 'Nay'
Councilor Meyer, 'Aye'
Councilor Woodbury, 'Aye'
Mayor Henry, 'Aye'
Motion passes 4-1

3. PLANNING COMMISSION RECRUITMENT

Provide notice to the public on the positions to be filled, qualifications, the time and manner in which application may be submitted.

Start Time: 6:14 p.m.

Discussion: CR Lindsey White presented the staff presentation.
Handouts: Staff Presentation
Discussion: The City Council discussed...

- Planning Commission is second most important committee after the City Council. Would like opportunity to interview applicants.
- Council members give feedback to the Mayor on applicants.

Comments: Councilors Ward and Woodbury.

Action: Amend process to permit City Counsel to interview applicants.

Motion: Councilor Ward

Second: None. Amendment dies for lack of second.

Action: Direct the City Manager to begin the recruitment process for the Planning Commission vacant positions.

Motion: Councilor Woodbury

Second: Councilor Meyer

Roll Call Vote: Councilor Meyer, 'Aye'

Councilor Ward, 'Nay'

Councilor Wantz, 'Aye'

Councilor Woodbury, 'Aye'

Mayor Henry, 'Aye'

Motion passes 'Unanimously'

CONSENT AGENDA

4. TOURISM MARKETING, VISITOR INFORMATION CENTER, AND EVENTS MANAGEMENT SERVICES AGREEMENT

Consider authorizing the City Manager to enter into a fourth renewal of the existing agreement for a two-year period with the Florence Area Chamber of

Commerce for tourism marketing, visitor information center management, and events management services.

5. CITY COUNCIL MEETING MINUTES

Consider approval of the meeting minutes for the October 17, 2022 City Council Regular Session.

Start Time: 6:26 p.m.

Discussion: The City Council discussed...

- No discussion.

Action: Approve the consent agenda as presented.

Motion: Councilor Ward
Second: Councilor Meyer
Roll Call Vote: Councilor Ward, 'Aye'
Councilor Wantz, 'Aye'
Councilor Meyer, 'Aye'
Councilor Woodbury, 'Aye'
Mayor Henry, 'Aye'
Motion unanimously

REPORT & DISCUSSION ITEMS

6. DEPARTMENT DIRECTOR UPDATES

Start Time: 6:27 p.m.

Discussion: The Department Directors discussed...

- Gratitude to Elks for First Responder's Day.
- Police response to pipe bomb incident with assistance from Eugene Police Department and Lane County Sheriff's Department.
- October rainfall and driving safety during winter conditions.
- Winterizing irrigation systems.
- Deadline for input on Transportation System Update.
- Upcoming Stakeholder Advisory Committee meeting and second open house for the Florence Housing Implementation Plan project.
- Business license renewals.
- Upcoming events at the Florence Events Center.
- Upcoming vaccination clinics during November.

- Gratitude to Florence Events Center staff for maintaining grounds and cleanup during winter storms.

Comments: Police Chief John Pitcher, PW Director Mike Miller, Planning Director Wendy FarleyCampbell, AS Director Anne Baker, and ACM Megan Messmer.

7. CITY MANAGER REPORT & DISCUSSION ITEMS

Start Time: 6:39 p.m.

Discussion: The City Council discussed...

- Upcoming City Meetings and Events.
- Senior Center and LCOG's 'Meals on Wheels' seeking volunteers.
- Senior Center will be changing name from 'Senior Center' to 'Senior and Activity Center.'
- Gratitude to PW Director Miller for his assistance with a series of unfortunate efforts with filing insurance claims and normal housekeeping to keep organization running.
- Upcoming holiday celebration and tree lighting ceremony on December 3, 2022.
- Upcoming election and where to find election results.

9. CITY COUNCIL REPORT & DISCUSSION ITEMS

Start Time: 6:46 p.m.

Discussion: The City Council discussed...

- Attending Transportation System Plan Update.
- Gratitude to City Council members who attended 1st Responder's Day activities.
- Coast Radio spots sponsored by EMAC on recycling.
- Citizen's request to not allow dogs in pocket parks.
- Awareness of homeless along Spruce Street.
- Be aware of wildlife in residential neighborhoods.
- Encouraging citizens to vote.
- Attending volunteers' recognition event at the Florence Events Center
- Attending Mayor's conference and supporting Oregon Mayor's Association (OMA) Taskforce on Homelessness.

Action: City of Florence's Support of the Oregon Mayor's Association (OMA) Taskforce on Homelessness.

Motion: Councilor Meyer

Second: Councilor Wantz
Roll Call Vote: Councilor Ward, 'Aye'
Councilor Wantz, 'Aye'
Councilor Meyer, 'Aye'
Councilor Woodbury, 'Aye'
Mayor Henry, 'Aye'
Motion unanimously

- Year-end 2022 and January-February 2023 calendar discussion.

Comments: All Councilors present

Meeting adjourned at 7:01 p.m.

ATTEST:

Joe Henry, Mayor

Lindsey White, City Recorder

This document is supplemented by meeting agenda, materials and items distributed as well as electronic audio / video recordings of the meeting and which may be reviewed upon request to the City

**City of Florence
City Council & Planning Commission
Joint Work Session
Florence Events Center
715 Quince Street, Florence, Oregon
Final Action Minutes
December 5, 2022**

CALL TO ORDER - ROLL CALL

City Council Work Session called to order at 5:31 p.m.

Planning Commission Work Session called to order at 5:31 p.m.

Councilors Present: Councilors Woody Woodbury, Sally Wantz, Bill Meyer,
(In Person & Videoconference) Rob Ward, Mayor Joe Henry.

Councilors Absent: None

Commissioners Present: Commissioners Sandi Young, Andrew Miller, Ron
(In Person & Videoconference) Miller, Eric Hauptman, John Murphey, and Kevin.
Harris.

Commissioners Absent: Commissioner Phil Tarvin

Florence Staff Present: City Manager Erin Reynolds, Planning Director Wendy
FarleyCampbell, and City Recorder Lindsey White.

Guests Present: Councilors-elect Jo Beaudreau and Robert Carp;
(In Person & Videoconference) Consultant Darci Rudzinski, MIG/APG; Consultant
Brendan Buckley, Johnson Economics.

1. WORK SESSION DISCUSSION TOPICS

- **Housing Implementation Plan Project:** Receive a consultation presentation and discuss the project, proposed work products and public outreach.
 - Housing Implementation Plan: Review and prioritize the list of potential housing strategies.

- Housing Florence City Code Amendments: Review and discuss potential development code changes related to compliance with state statutes and rules.
- Short Term Rental Policy: Review and discuss Sub-Committee recommendations.
- Transitional Housing Policy: Review and discuss Sub-Committee recommendations.

Start Time: 5:39 p.m.

Discussion: Consultants Darci Rudzinski, MIG/APG and Brendan Buckley, Johnson Economics presented the consultant presentation.

Handouts: Consultant Presentation

Discussion: The City Council and Planning Commission reviewed a PowerPoint presentation and discussed...

- Question about rezoning existing properties within City of Florence and how it affects inventory.
- Tax Increment Financing.
- Examples of subsidized affordable housing.

The City Council and Planning Commission took a break from 6:32-6:47.

Discussion: The City Council and Planning Commission continued to review a PowerPoint presentation and discussed...

- Who pays for transitional housing? Who are the providers of transitional housing – public entities or private developers?
- Propose introducing a ‘Code Enforcement Auxiliary’ similar to Police Department Auxiliary to assist Code Enforcement Department.
- Number of short-term rentals within the City of Florence?
- Need for licensing short term rentals and ability to track licensing.
- Benefits of licensing which will provide contact information for emergency personnel if needed.
- Do any changes have to go through Oregon Development of Land Conservation and Development?
- Changing color graphics on key.

Florence City Council meeting adjourned at 7:27 p.m.

Joe Henry, Mayor

ATTEST:

Lindsey White
City Recorder

DRAFT

This document is supplemented by agenda packet materials, meeting materials distributed and electronic audio / video recordings of the meeting and may be reviewed upon request to the City Recorder.

**City of Florence
City Council Regular Session
Florence City Hall
250 Hwy 101, Florence, Oregon
Final Action Minutes
December 12, 2022**

Councilors Present: Mayor Joe Henry, Councilors Woody Woodbury, Sally Wantz, Bill Meyer, and Rob Ward.

Councilors Absent: None.

Staff Present: City Manager Erin Reynolds, City Recorder Lindsey White, Administrative Services Director Anne Baker, Assistant City Manager Megan Messmer, Public Works Director Mike Miller, Police Chief John Pitcher, Planning Director Wendy FarleyCampbell, and Management Analyst Peighton Allen.
(In person)

Guests Present: None.
(In Person)

Handout: 12.12.22 City Council Meeting Base Presentation

CALL TO ORDER - ROLL CALL - PLEDGE OF ALLEGIANCE

Meeting called to order at 5:30 p.m.

PRESENTATIONS & ANNOUNCEMENTS

- 2022 Planning Commission Appointments
Mayor Henry appointed...
 - John Raleigh
 - Laurie Green
- Transportation System Plan (TSP) Update Project (STAC) Committee Appointments
Mayor Henry appointed...
 - Active transportation advocate
 - Bicycle Representative – Bon and Sam Akins
 - Pedestrian Representative – Susy Lacer

- ODOT Transit – Jennifer Boardman

Start Time: 5:30 p.m.

1. PUBLIC COMMENTS

This is an opportunity for members of the public to bring to the Council’s attention any item not otherwise listed on the agenda.

Start Time: 5:33 p.m.

Commenter 1: Mr. Michael Allen – Florence, OR

Handout: Speaker’s Card and Written Comments

Discussion: Mr. Allen discussed...

- Climate petition update and need for Climate Resilience Planning.

PUBLIC HEARING

2. SMOKE ANNEXATION AND ZONE Assignment - **Postponed**

A. PUBLIC HEARING

Hear and consider written and oral testimony regarding the annexation and zone assignment for approximately 2.6 acres of property located at 88265 Rhododendron Drive.

B. SMOKE ANNEXATION REQUEST

Consider approval **Ordinance No. 10, Series 2022**, an Ordinance establishing a medium density residential district to 2.6 acres, Assessor’s map reference 18-12-04-44, Tax Lot 04101, 88265 Rhododendron Drive, as part of a proposed annexation of same.

C. SMOKE ZONE ASSIGNMENT REQUEST

Consider approval **Ordinance No. 11, Series 2022**, an Ordinance establishing a service industrial zoning district to 3.5 acres, Assessor’s map reference 18-12-11-33, Tax Lot 00800, 87675 Highway 101, as part of a proposed annexation of same.

ACTION ITEMS

3. CONFIRMED CODES CHANGES TO FCC TITLE 10 CHAPTER 2 DEFINITIONS

Consider approval of **Ordinance No. 12, Series 2022**, an Ordinance confirming City Council adopted code changes made in ordinance No. 12, Series 2015 regarding definitions related to Marijuana Business Use Types in Title 10 Chapter 2 of the Florence City Code.

Start Time: 5:35 p.m.

Discussion: Planning Director Wendy FarleyCampbell presented the staff presentation.

Handouts: Staff Presentation

Discussion: The City Council discussed...

- What is involved in naming convention?

Comments: Councilor Meyer.

Discussion: Staff discussed...

- This is defining certain words, terms and phrases within the Marijuana code.
- Definition section inadvertently removed from FCC; this is re-inserting definition section to Table of Contents.

Comments: PD FarleyCampbell and CM Reynolds.

Action: First Reading of Ordinance No. 12, Series 2022

Vote: Unanimous

Action: Second reading of Ordinance No. 12, Series 2022

Motion: Mayor Henry

Second: Councilor Woodbury

Roll Call Vote: Councilor Ward, 'Aye'

Councilor Wantz, 'Aye'

Councilor Meyer, 'Aye'

Councilor Woodbury, 'Aye'

Mayor Henry, 'Aye'

Motion passes Unanimously

4. **FLORENCE CITY CODE TITLE 4 CHAPTER 1 BULDING CODE UPDATES**

Consider approval of **Ordinance No. 13, Series 2022**, an ordinance amending Title 4 Chapter 1 of the Florence City Code regarding Building Codes, Implementing SB 866 and Oregon Building Codes Division Rule Changes.

Start Time: 5:49 p.m.

Discussion: Planning Director Wendy FarleyCampbell presented the staff presentation.

Handouts: Staff Presentation

Discussion: The City Council discussed...

- Administering civil penalty currently in code?

Comments: Mayor Henry.

Discussion: Staff discussed...

- This is adding a tiered approach to imposing civil penalty.

- Penalty amount is addressed in the fees section.

Comments: PD FarleyCampbell and CM Reynolds.

Action: First Reading of Ordinance No. 13, Series 2022

Motion: Councilor Ward

Second: Councilor Wantz

Roll Call Vote: Councilor Meyer, 'Aye'
 Councilor Ward, 'Aye'
 Councilor Woodbury, 'Aye'
 Councilor Wantz, 'Aye'
 Mayor Henry, 'Aye'
 Motion passes Unanimously

Action: Move second reading of Ordinance No. 13, Series 2022 to January 3, 2023 meeting.

Motion: Councilor Wantz

Second: Councilor Meyer

Roll Call Vote: Councilor Ward, 'Aye'
 Councilor Wantz, 'Aye'
 Councilor Meyer, 'Aye'
 Councilor Woodbury, 'Aye'
 Mayor Henry, 'Aye'
 Motion passes Unanimously

5. BUILDING FEES SCHEDULE

Consider approving **Resolution No. 36, Series 2022**, a resolution revising building permit fees and establishment of new fees, rescinding Resolution No. 6, Series 2007.

Start Time: 6:11 p.m.

Discussion: Planning Director Wendy FarleyCampbell presented the staff presentation.

Handouts: Staff Presentation

Discussion: The City Council discussed...

- Anticipating additional fees for renewable energy such as solar, etc.
- Fee increase based on 2007 rates?
- How has department remained above water if no fee increases since 2005 and has department been running at a deficit?
- If passed, is there anything in conflict with Housing Implementation Plan?

Comments: Councilors Ward and Wantz, and Mayor Henry.

Discussion: Staff discussed...

- Fee increase is 20% based on 2005 fees.
- Building Division has been supplemented by general fund.
- Policy decisions not to change building department fees have been made to encourage building.
- More focus on System Development Charges than building permit fees.

Comments: PD Farley Campbell and CM Reynolds

Action: Approve **Resolution No. 36, Series 2022** as presented.
Motion: Councilor Meyer
Second: Councilor Ward
Roll Call Vote: Councilor Meyer, 'Aye'
Councilor Woodbury, 'Aye'
Councilor Ward, 'Aye'
Councilor Wantz, 'Aye'
Mayor Henry, 'Nay'
Motion passes 4-1

6. **GENERAL OBLIGATION BOND TAX TRANSFER CLOSE OUT**

Consider approving **Resolution No. 37, Series 2022**, a resolution transferring excess general obligation bond taxes to close out and make appropriations.

Start Time: 6:38 p.m.

Discussion: Administrative Services Director Anne Baker presented the staff presentation.

Handouts: Staff Presentation

Discussion: The City Council discussed...

- No discussion.

Action: Approve **Resolution No. 37, Series 2022** as presented.
Motion: Councilor Meyer
Second: Councilor Woodbury
Roll Call Vote: Councilor Ward, 'Aye'
Councilor Wantz, 'Aye'
Councilor Woodbury, 'Aye'
Councilor Meyer, 'Aye'
Mayor Henry, 'Aye'
Motion passes Unanimously

7. CITY MANAGER EVALUATION

Consider approval of the annual evaluation for City Manager Erin Reynolds and consider salary adjustments beginning January 1, 2023.

Start Time: 6:43 p.m.

Discussion: City Recorder Lindsey White presented the staff presentation.

Handout: Staff Presentation

Discussion: The City Council discussed...

- Overview of the process for the evaluation and the results.
- Appreciation for the work, leadership, and length of service of CM Reynolds.
- Annual salary review and analysis.

Comments: All Councilors present

Action: Approve the 2022 City Manager Evaluation, including the City Manager Amendments

Motion: Councilor Meyer

Second: Councilor Ward

Roll Call Vote: Councilor Ward, 'Aye'

Councilor Wantz, 'Aye'

Councilor Woodbury, 'Aye'

Councilor Meyer, 'Aye'

Mayor Henry, 'Aye'

Motion passes unanimously

8. LANE COUNTY PUBLIC HEALTH GRANT ACCEPTANCE FOR MILLER PARK

A. Consider approval of **Resolution No. 38, Series 2022**, a resolution accepting the Lane County Public Health grant for Miller Park in the amount of \$80,000.00

Start Time: 6:49 p.m.

Discussion: Public Works Director Mike Miller presented the staff presentation.

Handouts: Staff Presentation

Discussion: The City Council discussed...

- Imposing fine for not following policy.
- Policy required to obtain grant funds.
- Supportive of both resolutions.

Comments: Councilors Ward, Wantz, and Mayor Henry.

Discussion: Staff discussed...

- Not imposing fee at this time.
- Resources such as staff for enforcing policy not available.
- Looking to use signage to educate.
- Peer pressure can be used to enforce policy.

Comments: PWD Miller

Action: Approve **Resolution No. 38, Series 2022** as presented.

Motion: Councilor Woodbury

Second: Councilor Meyer

Roll Call Vote: Councilor Meyer, 'Aye'

Councilor Woodbury, 'Aye'

Councilor Wantz, 'Aye'

Councilor Ward, 'Aye'

Mayor Henry, 'Aye'

Motion passes Unanimously

B. Consider approval of **Resolution No. 39, Series 2022**, a resolution establishing a smoke and tobacco free policy for Miller Park, Munsel Road Park, Pepperoaks Park, Singing Pines Park, and 18th Street Pocket Park.

Start Time: 7:05 p.m.

Discussion: The City Council discussed...

- No discussion.

Action: Approve **Resolution No. 39, Series 2022** as presented.

Motion: Councilor Meyer

Second: Councilor Ward

Roll Call Vote: Councilor Ward, 'Aye'

Councilor Wantz, 'Aye'

Councilor Woodbury, 'Aye'

Councilor Meyer, 'Aye'

Mayor Henry, 'Aye'

Motion passes Unanimously

CONSENT AGENDA

9. CERTIFICATION OF ELECTION

Consider approval of **Resolution No. 40, Series 2022**, a resolution certifying the results of the 2022 General Election.

10. GASTRO POD LIQUOR LICENSE

Consider recommendation of approval to the Oregon Liquor Control Commission (OLCC) for a liquor license for Gastro Pod located at 2686 Oregon Coast Highway.

Start Time: 7:06 p.m.

Discussion: The City Council discussed...

- No discussion.

Action: Approve the consent agenda as presented.

Motion: Councilor Meyer

Second: Councilor Wantz

Roll Call Vote: Councilor Meyer, 'Aye'
Councilor Woodbury, 'Aye'
Councilor Wantz, 'Aye'
Councilor Ward, 'Aye'
Mayor Henry, 'Aye'
Motion unanimously

REPORT & DISCUSSION ITEMS

11. GENERAL REPORTS

- November Committee, Commission and Volunteer Reports.

Start Time: 7:09 p.m.

12. DEPARTMENT DIRECTOR UPDATES

Start Time: 7:09 p.m.

Discussion: The Department Directors discussed...

- Three Rivers Casino and Greentrees community are participating in Toy Drive program.
- New Aquatech combination sewer cleaner has arrived and has been placed in service.
- New 2022 Ford hybrid Police Interceptor has been delivered. Currently being 'upfitted' with police equipment in Salem.
- Delivery dates for two new Ford Maverick hybrid trucks estimated to be end of December or first of January 2023.
- Recently hired GIS Analyst started with the City Monday of Thanksgiving week.
- Public Works staff outdid themselves this year with the installation of holiday lights.
- Upcoming events at the Florence Events Center.
- Upcoming vaccine clinic.
- New Year's Eve party at the Florence Events Center.

Comments: Police Chief John Pitcher, PW Director Mike Miller, and ACM Megan Messmer.

13. CITY MANAGER REPORT & DISCUSSION ITEMS

Start Time: 7:21 p.m.

Discussion: The City Council discussed...

- Upcoming City Meetings and Events.
- Sale of Spruce Street property.
- City offices will be closed on December 26th and January 2nd for observation of holidays.
- Gratitude to Mayor Henry and Councilor Woodbury.
- Has been an honor working with the City Council.

14. CITY COUNCIL REPORT & DISCUSSION ITEMS

Start Time: 7:28 p.m.

Discussion: The City Council discussed...

- Pleasure working with Council members.
- Attending ‘Ladies of Oregon’ conference in Coos Bay.
- EMAC meeting with Planning Commission on sanitation code updates.
- Attending last court session and PACT meeting as Councilor.
- Gratitude to Public Works staff for installation of holidays. It always looks great.
- Team effort between Port of Siuslaw, Florence Police Department, Oregon Department of Fish and Wildlife, and STEP group to cleanup island on the Siuslaw River.
- Enjoyment of Christmas Tree lighting.
- Mayor’s Letters of Support on Public Transit.

Comments: All Councilors present

Meeting adjourned at 7:35 p.m.

ATTEST:

Joe Henry, Mayor

Lindsey White, City Recorder

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 3
Meeting Date: January 3, 2023
Department: City Council

ITEM TITLE: Closing Comments from City Council

January 3, 2023

**INCOMING COUNCIL
AGENDA ITEMS 1-8**

Approx.
6:00 p.m.

Councilors:

Rob Ward, Mayor

Sally Wantz, Councilor

Bill Meyer, Councilor

Jo Beaudreau, Councilor

Robert Carp, Councilor

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 1
Meeting Date: January 3, 2023
Department: City Council

ITEM TITLE: Oath of Offices

- Mayor Rob Ward
- Councilor Jo Beaudreau
- Councilor Robert Carp

City of Florence



OATH OF OFFICE

I, Robert B. Ward Jr., do solemnly swear that I will uphold and defend the constitution of the United States of America, the Constitution and Laws of the State of Oregon, and the Charter and Codes of the City of Florence, and that I will faithfully perform the duties of Mayor to the best of my ability, so long as I am in office.

Robert B. Ward Jr.

Subscribed and sworn before me this 3rd day of January, 2023

Lindsey White

City of Florence



OATH OF OFFICE

I, Jo Beaudreau, do solemnly swear that I will uphold and defend the constitution of the United States of America, the Constitution and Laws of the State of Oregon, and the Charter and Codes of the City of Florence, and that I will faithfully perform the duties of Councilor to the best of my ability, so long as I am in office.

Jo Beaudreau

Subscribed and sworn before me this 3rd day of January, 2023

Lindsey White

City of Florence



OATH OF OFFICE

I, Robert Carp, do solemnly swear that I will uphold and defend the constitution of the United States of America, the Constitution and Laws of the State of Oregon, and the Charter and Codes of the City of Florence, and that I will faithfully perform the duties of Councilor to the best of my ability, so long as I am in office.

Robert Carp

Subscribed and sworn before me this 3rd day of January, 2023

Lindsey White

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 2
Meeting Date: January 3, 2023
Department: Mayor & Council

ITEM TITLE: Public Comments– *Items Not on the Agenda*

DISCUSSION/ISSUE:

This is an opportunity for members of the audience to bring to the Council's attention any item not otherwise listed on the Agenda. *Please see end of the agenda for methods to provide comments on items not on the City Council agenda.*

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 3
Meeting Date: January 3, 2023
Department: City Council

ITEM TITLE: Election of Council Positions

- Election of a President and Vice-President to the Florence City Council

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 4
Meeting Date: January 3, 2023
Department: City Council

ITEM TITLE: Rules of Procedure

DISCUSSION/ISSUE:

The City Council will review and consider approval of the proposed Council rules and procedures as required by Section 15 of the Florence Charter. In addition, Council will consider the possibility of amending the start time for City Council work sessions to allow for them to be held on Thursdays of the same weeks as regular scheduled Council meeting beginning at 8:30 a.m. rather than 10:30 a.m. as shown on page 7 of 22 of Attachment 2.

FISCAL IMPACT:

Rules of Procedure updates incur staff time for compilation / retention and have no other fiscal impacts.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: City Service Delivery

- ALTERNATIVES:**
1. Review and approve Resolution No. 1, Series 2023 as proposed
 2. Review and recommend changes to Resolution No. 1, Series 2023 and approve as amended
 3. Postpone approval of Resolution No. 1, Series 2023 to a later Council meeting date.
-

RECOMMENDATION:

Review and approve Resolution No. 1, Series 2023 as proposed

AIS PREPARED BY: Lindsey White, City Recorder

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments:

ER Reynolds

ITEM'S ATTACHED: **Attachment 1** – Resolution No. 1, Series 2023
Attachment 2 - Council Rules of Procedure (with Track Changes)

**CITY OF FLORENCE
RESOLUTION NO. 1, SERIES 2023**

**A RESOLUTION AMENDING THE COUNCIL RULES OF PROCEDURE AND
AMENDING RESOLUTION NO. 11, SERIES 2022.**

RECITALS:

1. The Council Rules of Procedure are required per Florence City Charter Section 15 and are the standard processes for the City Council to ensure regularity in enforcement of City Council protocol when it comes to meetings, receiving public correspondence and other actions of the City Council.
2. The City Council has determined that these rules of procedure should be updated to meet the current needs of the City.

Based on these findings,

THE CITY COUNCIL OF THE CITY OF FLORENCE RESOLVES AS FOLLOWS:

1. The City of Florence amends Resolution No. 11, Series 2022 – Exhibit A - Council Rules of Procedure, Chapter 2 – Meeting Time, Location and Frequency, Section 2 – Work Sessions, as follows:
 - b. Meeting Date. The Council shall schedule a work session, to be held as necessary, on the ~~Monday~~–Thursday of the same week of a regularly scheduled Council meeting per Chapter 2 Section 1 of these rules.
 - c. Meeting Time. Work sessions shall generally begin at ~~10:30~~ 8:30 a.m., unless otherwise amended per Section 2(e) of this section.
2. This Resolution shall become effective immediately upon adoption.

ADOPTION:

This Resolution is passed and adopted on the 3rd day of January, 2023.

Rob Ward, Mayor

Attest:

Lindsey White, City Recorder



Florence City Council Rules of Procedure

Adopted Jan __, 2023
Resolution No. 1, Series 2023
Exhibit A

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Chapter 1 – General Governance

1. **Rules of Procedure.** The Florence City Council establishes the following rules for the governance of its members and proceedings.
 - a. Robert's Rules. Unless otherwise provided by charter, ordinance or these rules, the procedure for council meetings, shall be guided by Robert's Rules of Order, 11th Edition.
 - i. Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the Council and confuse members of the public.
 - ii. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.
 - b. Rule of Order Question. The Council shall resolve any question involving a rule of order by taking a vote of the Council members present at the meeting.
 - c. Manner of Meetings to be Held. The Council will hold all meetings in a manner that provides an opportunity to access and attend the meeting by virtual means in compliance with House Bill 2560 effective January 1, 2022.

2. **Quorum:** A quorum is required to conduct official city business.
 - a. Definition. The members of the Council are the City Councilors and Mayor. Three Members of the Council shall constitute a quorum. In the event a quorum is not present, the members of the Council present shall adjourn the meeting.
 - b. Compelling Attendance. The Council may adjourn a meeting to compel the attendance of absent members.

3. **Presiding Officer.**
 - a. Appointment of President and Vice-President. At the first meeting of each odd numbered year, the Council shall elect a President and Vice-President from its membership.
 - b. Mayor. The Mayor shall preside over all meetings, unless excused. The Mayor shall retain all rights and privileges of the office of the Mayor as set out in the city charter when acting in this capacity.
 - c. Council President. In the Mayor's absence the President of the Council shall preside over the meeting. The President of the Council shall retain all rights and privileges of the office of the Mayor as set out in the city charter when acting in this capacity.
 - d. Council Vice-President. If both the Mayor and the President of the Council are absent from the meeting, the Vice-President of the Council shall preside over the meeting. The Vice-President of the

Council shall retain all rights and privileges of the office of the Mayor as set out in the city charter when acting in this capacity.

- e. Presiding Officer Debate. The Presiding Officer may take part in any debate and may make or second a motion. The Presiding Officer shall vote on all questions before the Council except in the cases of conflict of interest.
- f. Preservation of Order. The Presiding Officer has the authority to preserve order at all meetings of the Council, to cause the removal of any person from any meeting for creating an actual disruption of the meeting, and to enforce the rules of the council.

4. Agendas. The City Manager in consultation with the Presiding Officer, shall prepare an agenda and determine the manner in which the meeting will be held for every Council meeting.

- a. Agenda Availability. Agendas and informational material for meetings shall be distributed to the Council at least three (3) days preceding the meeting. Copies of the agenda shall be made available on/to:
 - i. The City of Florence website,
 - ii. Interested parties email distribution list, and
 - iii. One copy shall be posted on a bulletin board at City Hall or other appropriate public location.
- b. Agenda Approval. No Council approval shall be required for an agenda of any meeting.
- c. Agenda Creation.
 - i. The City Manager may place routine items, items referred by staff, or items approved for action in the City work plan, on the agenda without Council approval or action.
 - ii. The City Manager may remove or amend any items on the agenda at any time prior to the time the meeting is convened. The Presiding Officer shall announce such removal at the beginning of the meeting.
- d. Council Agenda Item Request. A member of the Council who wishes to have an item placed on the agenda for discussion shall advise the Presiding Officer and City Manager at least one week prior to the meeting. Requests outside the purview of the City Council, municipal policies and procedures, or that do not in general move the City toward its established goals are to be discouraged.
- e. Location and Manner of Meeting to be Held. The City Manager, in consultation with the Mayor or presiding officer, will determine whether or not the public meeting for which the Agenda is being set will be performed in-person in addition to virtually via video and/or teleconference.
 - i. This determination shall be based upon review of the current operating situation taking into consideration guidance and rules in place at the time of the meeting and as set by the

Oregon Health Authority, Lane County Public Health, or any other guiding Public Health Agency.

- ii. The manner of the meeting to be held will be communicated to the public as set forth in item a. above.

5. Order of Business. The order of business for all regular meetings may be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by the Presiding Officer.

- a. Call to Order, Roll Call, Pledge of Allegiance
- b. Presentations & Announcements
- c. Public Comment on Items not on the agenda
- d. Items removed from the consent agenda
- e. Public Hearings and Related Action Items
- f. Action Items
- g. Consent agenda
- h. Report Items

6. Call to Order, Roll Call, Pledge of Allegiance.

- a. Call to Order. The Presiding Officer shall call all meetings of the Council to order.
- b. Roll Call. The Presiding Officer shall note the attendance of the Council to determine which members of the Council are present and which are absent.
 - i. If roll call determines that a quorum is not present, the meeting shall be adjourned.
- c. Pledge of Allegiance. The Presiding Officer shall lead the Council and audience in the pledge of allegiance.

7. Announcements & Presentations. Announcements are intended to be procedural in nature, such as an item being removed from the agenda. Presentations are intended to be ceremonial or informational in nature and include *(not necessarily in this order)*:

- a. Proclamations as approved by the Presiding Officer,
- b. Reports from outside entities or interested parties as approved by the Presiding Officer,
- c. Reports from boards, commissions or committees,
- d. Awards or recognitions of individuals by the Council or City Manager.
- e. When appropriate, announcements / presentations to the Council should include written materials provided to the Council concurrent with the meeting materials.
- f. Announcements / presentation items should generally not exceed 15 minutes in length for each item.
- g. The Council may ask questions of the presenter upon conclusion of the announcement / presentation.

8. Public Comment, on Items Not on the Agenda. See Chapter 3

9. Public Hearings and Related Action Items. See Chapters 5 and 6

10. Action Items. Action items are items that are up for a vote by the City Council. Types of Council actions include:

- a. Ordinances. Ordinances are actions by the Council used to establish a long-term rule, policy or procedure and are generally used to add, amend, or repeal sections of the City's Code.
- b. Resolutions. Resolutions are actions by the Council used to establish special or temporary rule, policy or procedure and are generally used to implement requirements of City ordinances and state statutes.
- c. Motions. Motions are actions by the Council that are less formal than ordinances and resolutions and are the vehicle for calling for a vote on any matter before the City Council, including ordinances and resolutions. Motions can be used to express an opinion, adopt a policy, or direct further action. For the rules for motions and debate, see Chapter 7.

11. Consent Agenda. In order to expedite the Council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.

- a. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.
- b. Any item on the consent agenda may be removed for separate consideration by any member of the Council.
- c. For the purposes of this rule, separate consideration means:
 - i. Any proposal to adopt a different course of action than that recommended in the staff report,
 - ii. A determination that debate on a proposed course of action is deemed desirable,
 - iii. Any questions to staff on an item, and
 - iv. Any item where a member of Council must declare a conflict of interest.

12. Report & Discussion Items. Report and discussion items are intended to be internal City related reports, announcements and general internal discussions. These items are an opportunity for the City Council and Manager to maintain open communications on topics of interest to any party, topics requested for future agenda item, topics of relevance to City functions or topics of overall interest to the community, and include (*not necessarily in this order*):

- a. Financial Reports
- b. Progress Reports on City work plan items
- c. Reports on City administration items

- d. Preliminary reports on items to come before the Council for decision at a later date
- e. Committee, Commission, and Volunteer Reports
- f. Department Director Updates
- g. City Manager Reports and Discussion Items
- h. City Council Reports and Discussion Items
 - i. City Council reports are a time allocated for the following:
 - 1. Council reports on activities relating to Council business, City interest and other community announcements.
 - 2. The Mayor or any Council member may bring before the Council any business that he/she feels should be deliberated upon by the Council. These matters need not be specifically listed on the agenda. These matters shall not be acted upon by the City Council until a subsequent meeting, unless there is a compelling reason. This excludes direction to the City Manager.
- i. City Council calendar updates

Chapter 2 – Meeting Time, Location, Manner, and Frequency

- 1. Regular Meetings.** Regular meetings are recurrently scheduled meetings of the City Council set aside for Council action and communication.
 - a. Charter Provision. Per Florence Charter, the Council shall hold a regular meeting at least once per month.
 - b. Meeting Date. The Council shall meet every first and third Monday of each month, with exceptions as shown in Chapter 2 (6) of these rules.
 - c. Meeting Time. Meetings shall generally begin at 5:30 p.m., unless otherwise amended per Section 1 (e) of this section.
 - d. Meeting Duration. Meetings are generally intended to last no more than two hours.
 - e. Scheduling. A change of any regular meeting shall be made by the City Manager after consultation with the City Council.

- 2. Work Sessions.** Work sessions are used to present information to the Council so that the Council is prepared for regular or special meetings. They are a primary tool for the Council to discuss upcoming agenda items in their preliminary state to ensure Council direction is included throughout the process.
 - a. Purpose. Work sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a work session.

- b. Meeting Date. The Council shall schedule a work session, to be held as necessary, on the ~~Monday of a regularly scheduled Council meeting~~ Thursday of the same week of a regularly scheduled Council meeting per Chapter 2 Section 1 of these rules. These work sessions shall be scheduled pending exceptions as shown in Chapter 2 (6) of these rules.
 - c. Meeting Time. Work sessions shall generally begin at ~~10:30 a.m.~~ 8:30 a.m., unless otherwise amended per Section 2 (e) of this section.
 - d. Meeting Duration. Work sessions are generally intended to last no more than one- and one-half hours.
 - e. Scheduling. Work sessions are to be scheduled by the City Manager in consultation with the City Council.
- 3. Executive Sessions.** Executive Sessions are those meetings allowed by limited and specifically identified circumstances in State Statute to be held in a confidential setting.
- a. Scheduling. Executive sessions may be called by the Presiding Officer, by the request of two members of Council, by the City Manager or by the City Attorney. The City Manager shall schedule an executive session in consultation with the City Council.
 - b. Attendance. Only members of the Council, the City Manager, City Attorney, City Recorder and persons specifically invited by the City Manager or the City Council shall be allowed to attend executive sessions.
 - c. News Media. Representatives of the news media may attend executive sessions per the City's Executive Session News Media Attendance Policy.
- 4. Special Meetings.** Special meetings are those meetings, either general or work sessions, of the City Council that do not occur during the regular standard meetings times.
- a. Scheduling. Special meetings may be called by the Presiding Officer, by a request of two members of the Council, or by the City Manager. The City Manager shall schedule a Special meeting in consultation with the City Council.
- 5. Emergency Meetings.** Emergency meetings are those meetings called with less than 24 hours' notice for specific emergency situations.
- a. Scheduling. Emergency meetings may be called by the Presiding Officer, by a request of two members of the Council, or by the City Manager. The City Manager shall schedule an Emergency meeting in consultation with the City Council.
 - b. Reason for Emergency. The Presiding Officer shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.

- c. Minutes. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

6. Goal Setting Session. Goal setting sessions are a special type of work session of the City Council used to discuss the City Council goals, review progress on the City work plan, and discuss potential additions / amendments to the work plan. These sessions may also include City Council training and, as appropriate, guest speakers.

- a. Role of Council Goals & Work Plan. The Council goals and work plan are used to direct City activities and spending over the planning period including staff and volunteer time allocations. The goals and work plan are used as a guideline for the budget.
- b. Scheduling.
 - i. Goal setting sessions may be called by the Presiding Officer, by a request of two members of the Council, or by the City Manager.
 - ii. Goal Setting Sessions shall occur in conjunction with the City Council election cycle, at either and/or both:
 - 1. The end of each even numbered year
 - 2. The beginning of each odd numbered calendar year.
 - iii. In addition, Goal Setting Sessions may occur as needed to discuss amendments to the Council goals and/or work plan.
 - iv. The City Manager shall schedule a Goal setting session in consultation with the City Council.
- c. Meeting Duration. Goal setting sessions are longer work sessions of the City Council which may have a duration between two to eight hours.

7. Annual Council Meeting Calendar Scheduling. Prior to the beginning of each calendar year, the City Council shall schedule their regular and work sessions for the upcoming year. Such scheduling shall take into consideration the following:

- a. Charter Requirements. Florence City Charter requires the Council meet in a regular session at least one time per month. Any recess of the Council shall be in compliance with the regulations within the City Charter.
- b. Holidays. In the event a regular meeting or work session occurs on a holiday recognized by the City, the regular meeting for that week may be:
 - i. Rescheduled to the following Monday,
 - ii. Rescheduled to the following Monday as a tentative meeting date, to occur if necessary
 - iii. Canceled,

- c. Council Recess. If possible, the Council shall be in a recess during the following dates each calendar year.
 - i. Half of at least one month during the summer (June, July, August).
 - ii. The week prior to the Christmas Holiday, and the week between the Christmas Holiday and the New Year's Day holiday.
- d. Other Scheduling Concerns. The City Council may elect to amend their standard meeting schedule to meet the needs of the Council and/or City Manager. The City Manager may make such amendments in consultation with the City Council.

8. Location and Manner

- a. Primary Location and Manner. City Council meetings shall be generally held at City Hall in-person and providing a virtual platform in accordance with House Bill 2560 effective January 1, 2022. Depending on the current operating situation at the time of the meeting, the meeting may be held in a virtual only manner as determined by the City Manager and Presiding Officer as outlined in Chapter 1, Section 4.
- b. Alternate Location and Manner. In the event City Hall is not available for a meeting, or has been determined to be inappropriate for the meeting as determined by the City Manager, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the City. In the event in-person attendance is not recommended or prohibited by Public Health Authorities, the City Manager and Presiding Officer will communicate the decision to have the public meeting in a virtual only format as outlined in Chapter 1, Section 4.
- c. Training Sessions. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.
- d. Interjurisdictional Meetings. Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.
- e. Location Qualifications. No Council meeting shall be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.

- 9. Notice.** The City Recorder shall ensure that notice to all meetings is provided in accordance with Oregon's public meeting law.

10. Attendance. As soon as practicable, members of the Council shall notify the City Manager and/or City Recorder if they will be unable to attend any meetings.

Chapter 3 – Public Comment, on Items Not on the Agenda

- 1. Open Meetings.** Oregon Public Meeting Law guarantees the public a right to monitor the meetings of public bodies. It does not grant the public the right to interact with the public bodies during those meetings. Nevertheless, the Presiding Officer shall generally allow citizen comment within the orderly conduct of Council meetings, but the Presiding Officer has the right to deny it.
- 2. Time Limitation.**
 - a. Total Time Limitation. The public comment period shall not exceed a maximum of 15 minutes, unless a majority of Councilors present vote to extend the time.
 - b. Speaker Time Limitation. Speakers are limited to three minutes, unless a majority of Councilors present vote to extend the time.
- 3. Speaker's Card.** Persons wishing to speak during public comment must complete a 'Speaker's Card' online at least one hour prior to the Meeting time. The Speaker's Card may be submitted online or physically at City Hall to the attention of the City Recorder, to ensure their wish to comment is documented and to provide adequate time to communicate to the person's wishing to speak during the public comment time how the virtual option to participate in the meeting works.
- 4. Speaker Order.** Generally, the speakers will be called upon in the order in which they have turned in their Speaker's Card. Should there be more speakers than can be heard for three minutes each during the 15-minute public comment period, the Presiding Officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
- 5. Speaking Topics.** Members of the public may speak about any topic, except as provided below.
 - a. Items on the Agenda. If a member of the public wishes to speak on an item that is scheduled for a public hearing or on the agenda, the speaker shall wait until that agenda item.
 - b. Other Exceptions. Public comment shall not be used to testify about a quasi-judicial land use matter, to testify on an item that is not a public matter, to testify on a matter which has been or is scheduled

to be heard by a hearing's official, or to gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.

- 6. Additional Speakers.** In special circumstances, the Presiding Officer may allow additional persons to speak that have not completed a Speaker's Card, if sufficient time is left in the public comment period.
- 7. Questions of Speakers.** Dialogue between Council and speakers is discouraged. Standard practice shall call for limited interaction with Council and speakers during public comment periods. However, after a speaker has addressed the Council, Councilors may ask clarifying questions of speakers during public comment. Councilors shall use restraint when exercising this option and shall attempt to limit questioning to no more than three minutes. The Presiding Officer may intervene if a Councilor is violating the spirit of this guideline.
- 8. Questions of Staff.** After a speaker has addressed the Council, the Presiding Officer may ask staff to answer any question or correct misinformation. If staff does not have the answer readily available they will inform the Council of the need to research the issue and will follow up with the speaker and the Council with an answer.
- 9. Written Communications.**
 - a. Written Communication Submitted During a Meeting. Should a speaker wish to distribute written materials, the speaker should provide a copy for each member of the Council and the City Recorder, who will place the item in the record. In the event a speaker has not provided enough copies, the Council may review the item during the public comment period, and then give the copy to the City Recorder to place into the meeting's record.
 - b. Written Communication Outside of Meeting. Interested parties or their authorized representatives may address the Council by written communication in regard to any matter concerning the City's business over which the Council has control at any time by direct mail, email, or by addressing the City Manager and requesting that copies be distributed to the City Council.
 - c. Confidentiality. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to

his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure, must submit a written request for non-disclosure to the City Recorder pursuant to ORS 192.455(1).

- d. Written Communication Received in Advance. Written comments received at least 2 hours prior to the meeting will be distributed electronically to the City Council in advance of the meeting and made a part of the record.

Chapter 4 – Public Comment, On Action Items

1. **Generally.** The public shall be entitled to comment on all action items before the Council.
2. **Order of Proceedings.** Public comment shall occur after the action item has been presented by City staff and before the Council takes any formal action on the matter.
3. **Time Limitation.**
 - a. Total Time Limitation. The public comment period on action items shall not exceed a maximum of 15 minutes, unless a majority of Councilors present vote to extend the time.
 - b. Speaker Time Limitation. Speakers are limited to three minutes, unless a majority of Councilors present vote to extend the time.
10. **Speaker's Card.** Persons wishing to speak during public comment must complete a 'Speaker's Card' online at least one hour prior to the Meeting time. The Speaker's Card may be submitted online or physically at City Hall to the attention of the City Recorder, to ensure their wish to comment is documented and to provide adequate time to communicate to the person's wishing to speak during the public comment time how the virtual option to participate in the meeting works.
4. **Speaker Order.** Generally, the speakers will be called upon in the order in which they have turned in their Speaker's Card. Should there be more speakers than can be heard for three minutes each during the 15-minute public comment period, the Presiding Officer may sort the requests to speak in order to afford the greatest opportunity for each topic to be heard.
5. **Additional Speakers.** In special circumstances, the Presiding Officer may allow additional persons to speak that have not completed a Speaker's Card.

6. **Questions of Speakers.** After a speaker has addressed the Council, Councilors may ask questions of speakers. Councilors shall use restraint when exercising this option and shall attempt to limit questioning to no more than three minutes. The Presiding Officer may intervene if a Councilor is violating the spirit of this guideline.
7. **Questions of Staff.** After a speaker has addressed the Council, the Presiding Officer may ask staff to answer any question or correct misinformation. If staff does not have the answer readily available they will inform the Council of the need to research the issue and will follow up with the speaker and the Council with an answer.
8. **Written Communications.**
 - a. Written Communication Submitted During a Meeting. Should a speaker wish to distribute written materials, the speaker should provide a copy for each member of the Council and the City Recorder, who will place the item in the record. In the event a speaker has not provided enough copies, the Council may review the item during the public comment period, and then give the copy to the City Recorder to place into the meeting's record.
 - b. Written Communication Received Prior to the Meeting. Interested parties or their authorized representatives may address the Council by written communication prior to a Council meeting, by submitting comments via email, direct mail, or by addressing the City Manager and requesting that copies be distributed to the City Council.
 - i. All written comments received prior to Council meeting material distribution will be included in those materials prior to the meeting.
 - ii. All written communications received after the Council meeting material distribution will be provided to the Council at the Council meeting.
 - c. Confidentiality. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure, must submit a written request for non-disclosure to the City Recorder pursuant to ORS 192.455(1).

- d. Written Communication Received in Advance. Written comments received at least 2 hours prior to the meeting will be distributed electronically to the City Council in advance of the meeting and made a part of the record.

Chapter 5 – Public Hearings, Non-Land Use

1. **Purpose of Hearing.** A public hearing may be held on any matter upon majority vote of the Council.
2. **Speaker's Card.** Persons wishing to speak during the public hearing must complete a 'Speaker's Card' online at least one hour prior to the Meeting time. The Speaker's Card may be submitted online or physically at City Hall to the attention of the City Recorder, to ensure their wish to comment is documented and to provide adequate time to communicate to the person's wishing to speak during the public hearing time how the virtual option to participate in the meeting works.
3. **Public Hearing Announcement.** The Presiding Officer or City Recorder shall announce the commencement of any public hearing, the subject of the hearing as set forth on the agenda, shall declare the hearing open and state the time of public hearing opening.
4. **Addressing Council.** All remarks shall be addressed the Council as a body, and not to any specific member of the Council or to the audience.
5. **Speaker Time Limits, Non-Land Use Hearings.** Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to 5 minutes.
6. **Council Follow Up Questions of Public.** Councilors may, after recognition by the Presiding Officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony.
 - a. Purpose of Questions. Questions posed by Councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of an individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the Council when exercising this option.
 - b. Role of Presiding Officer. The Presiding Officer may intervene if a Councilor is violating the spirit of this guideline.

7. **Council Follow Up Questions of Staff.** Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff.
 - a. Purpose of Questions. Questions posed by City Councilors should be to provide clarification or additional information on testimony provided.

8. **Role of the Presiding Officer.**
 - a. Exclusions / Limitations upon Speakers. The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial matters and may request speakers conclude their remarks if necessary.

 - b. Order of Testimony. The Presiding Officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition.
 - i. In the event of large numbers of interested persons appearing to testify, the Presiding Officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and note the numbers to the public for inclusion in the minutes.

9. **Council Options After Public Hearing.** At the end of public testimony and questions of staff, the Council may choose to:
 - a. Initiate deliberations on the matter
 - b. Continue the hearing
 - c. Leave the record open for additional written testimony.

10. **Written Testimony.** A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the City Recorder.
 - a. Written Communication Submitted During a Meeting. Should a speaker wish to distribute written materials, the speaker should provide a copy for each member of the Council and the City Recorder, who will place the item in the record. In the event a speaker has not provided enough copies, the Council may review the item during the public comment period, and then give the copy to the City Recorder to place into the meeting's record.

 - b. Written Communication Received Prior to the Meeting. Interested parties or their authorized representatives may address the Council by written communication prior to a Council meeting, by submitting comments via email, direct mail, or by addressing the City Manager and requesting that copies be distributed to the City Council.
 - i. All written comments received prior to Council meeting material distribution will be included in those materials prior to the meeting.

- ii. All written communications received after the Council meeting material distribution will be provided to the Council at the Council meeting.
- c. Confidentiality. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure, must submit a written request for non-disclosure to the City Recorder pursuant to ORS 192.455(1).
- d. Written Communication Received in Advance. Written comments received at least 2 hours prior to the meeting will be distributed electronically to the City Council in advance of the meeting and made a part of the record.

Chapter 6 – Land Use Hearings

1. **Speaker’s Card**. Persons wishing to speak during a land use hearing must complete a ‘Speaker’s Card’ online at least one hour prior to the Meeting time. The Speaker’s Card may be submitted online or physically at City Hall to the attention of the City Recorder, to ensure their wish to comment is documented and to provide adequate time to communicate to the person’s wishing to speak during the land use hearing time how the virtual option to participate in the meeting works.
2. **Addressing Council**. All remarks shall be addressed the Council as a body, and not to any specific member of the Council or to the audience.
3. **Who may speak**. Any party may speak in person or through an attorney.
4. **Subject of Testimony**. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the Council.
5. **Speaking More than Once**. No person may speak more than once without obtaining permission from the Presiding Officer.

6. **Questions of Party.** Upon being recognized by the Presiding Officer, any member of Council, the City Manager, applicable Staff, or the City Attorney may question any person who testifies.
7. **Role of Presiding Officer.** The Presiding Officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite the hearings, the Presiding Officer may call for those in favor and those in opposition to rise, and note the numbers of such persons for the public and to record in the minutes.
8. **Written Testimony.** A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the City Recorder either before or during the public hearing. If the testimony or evidence is not submitted to the City Recorder, it shall not be included in the record for the proceeding.
 - a. Written Communication Submitted During a Meeting. Should a speaker wish to distribute written materials, the speaker should provide a copy for each member of the Council and the City Recorder, who will place the item in the record. In the event a speaker has not provided enough copies, the Council may review the item during the public comment period, and then give the copy to the City Recorder to place into the meeting's record.
 - b. Written Communication Received Prior to the Meeting. Interested parties or their authorized representatives may address the Council by written communication prior to a Council meeting, by submitting comments via email, direct mail, or by addressing the City Recorder and requesting that copies be distributed to the City Council.
 - i. All written comments received prior to Council meeting material distribution will be included in those materials prior to the meeting.
 - ii. All written communications received after the Council meeting material distribution will be provided to the Council at the Council meeting.
 - c. Confidentiality. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure, must submit a written request for non-disclosure to the City Recorder pursuant to ORS 192.455(1).

- d. Written Communication Received in Advance. Written comments received at least 2 hours prior to the meeting will be distributed electronically to the City Council in advance of the meeting and made a part of the record.

9. Speaker Time Limits, Land Use Hearings. There shall be no limitations on speaking time at land use hearings, for applicants / appellants. All other speakers shall be limited to five minutes per speaker.

10. Quasi-Judicial Land Use Matters.

- a. Limits on Council Participation. A member of the Council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 - i. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the City Charter.
 - ii. The member was not present during the public hearing; provided however, the member may participate if they have reviewed the evidence including recordings of the hearing, and declared such fact for the record.
- b. Ex-Parte Contact Disclosure. Members of the Council shall reveal any ex-parte contacts with regard to the proceedings at the commencement of any quasi-judicial land use proceeding. If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.
- c. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
 - i. Land Use Hearing Disclosure Statement. The City Recorder shall read the land use hearing disclosure statement following state law guidelines.
 - ii. Call for Ex-Parte Contacts. The City Recorder shall inquire whether any member of the Council has had any ex-parte contacts. Any member of the Council announcing an ex-parte contact shall state for the record the nature and content of the contact.
 - iii. Staff Summary. Planning Staff shall present a summary and recommendation concerning the proposal. The summary shall include a list of the applicable criteria.
 - iv. Presentation of the Case.
 - 1. Proponent's Case. (no time limit)
 - 2. Persons in favor. (5 minutes per party)
 - 3. Persons opposed. (5 minutes per party)
 - 4. Other interested persons (5 minutes per party)
 - 5. Staff Response. (no time limit)
 - 6. Proponent Rebuttal. The scope of the rebuttal is limited to matters which were introduced during the hearing. (no time limit)

- v. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff.
- vi. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
- vii. Findings and Order. The Council may approve or reject the proposal.
 - 1. The Council shall adopt findings to support its decision.
 - 2. The Council may incorporate findings proposed by the proponent, the opponent, or staff in its decision.

11. Legislative Land Use Matters.

- a. Hearings Procedures. The order of procedures on legislative land use matters shall be:
 - i. Land Use Hearing Disclosure Statement. The City Recorder shall read the land use hearing disclosure statement following state law guidelines.
 - ii. Staff Summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
 - iii. Presentation of the Case.
 - 1. Proponent's Case. (no time limit)
 - 2. Persons in favor. (5 minutes per party)
 - 3. Persons opposed. (5 minutes per party)
 - 4. Other interested persons. (5 minutes per party)
 - iv. Close of Hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
 - v. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
 - vi. Reopening Hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence and argument. The same notice requirements shall be met for the reopening hearing as were required for the original hearing.

Chapter 7 – Motions & Debate

1. **Motions.** All motions shall be distinctly worded. The following rules shall apply to motions:
 - a. No Second. If a motion does not receive a second, it dies.
 - b. Discussion of Motion. The Council will be allotted the opportunity to discuss a motion after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
 - c. Motion in Writing. Any motion shall be reduced to writing if requested by a member of the Council.
 - d. Amending a Motion. A motion to amend can be made to a motion on the floor and has been seconded.
 - e. Tie Votes. Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.
 - f. Role of Presiding Officer. Should debate on a motion ensue, the Presiding Officer shall repeat the motion prior to a vote.

2. **Debate.** The following rules shall govern the debate of any item being discussed by Council:
 - a. Addressing Presiding Officer. Every Council member desiring to speak shall address the Presiding Officer, and, upon recognition by the Presiding Officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
 - b. Interruptions. A Council member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

Chapter 8 – Ethics, Decorum, Outside Statements

1. **Ethics.** All members of the Council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the Council shall refrain from:
 - a. Disclosing confidential information.
 - b. Taking action which benefits special interest groups or persons at the expense of the City as a whole.
 - c. Expressing an opinion contrary to the official position of the Council without so saying.
 - d. Conducting themselves in a manner so as to bring discredit upon the government of the City.

2. Decorum.

- a. Role of Presiding Officer. The Presiding Officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal to the Council.
- b. Responsibilities of Council. Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules.
- c. Responsibilities of Staff and Attendees. Members of the City staff and all other persons attending meetings shall observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.

3. Statements to the Media or Other Organizations.

- a. Representing City. If a member of the Council, to include the Mayor, appears as a representative of the City before another governmental agency, the media or an organization to give a statement on an issue, the member may only state the official position of the City, as approved by a majority of the Council.
- b. Personal Opinions. If a member of the Council, to include the Mayor, appears in their personal capacity before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the City before giving their statement.

Chapter 9 – Interactions with Staff

- 1. Staff Interactions.** All members of the Council, to include the Mayor, shall respect the separation between the Council's role and the City Manager's responsibility by:
 - a. Interference. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
 - b. Authority of Staff. Refraining from actions that would undermine the authority of the City Manager or a department head.
 - c. Requests of Staff. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions or a more complex nature shall be directed to the City Manager.

- i. Questions to the City Manager from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.
- ii. Members of Council shall normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.

Chapter 10 – Censure and Removal

1. **Council Rules Enforcement.** The Council may enforce these rules and ensure compliance with city ordinances, charter, and state law applicable to governing bodies. If a member of Council violates these rules, City ordinances, the City Charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the City charter.
2. **Investigations.** The Council may investigate the action of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 5
Meeting Date: January 3, 2023
Department: Mayor & Council

ITEM TITLE: 2023 Council Meeting Calendar

DISCUSSION/ISSUE:

Attachment 1 is staff's proposal concerning the City Council calendar for the 2023 calendar year. Calendar dates are proposed based on the provisions in Chapter 2 Section 7 of the Council Rules of Procedure.

City Council is asked to please bring your calendars including any proposed vacations and / or times away, to the January 3, 2023 City Council meeting, in order to review the calendar as a group to determine best dates for the upcoming months. Proposed changes are encouraged during the Council meeting.

Other Potential Changes: In addition to the proposed changes listed in attachment 1, other changes to the Council calendar may occur throughout the year in order to accommodate professional development opportunities, Council vacation / work schedules, and other unforeseen circumstances. Should changes occur, they will be determined by consensus of the City Council and updated on the City of Florence website at www.ci.florence.or.us, as well as the Council Calendar at the bottom of City Council meeting agendas. For the latest and greatest City Council schedule, please visit the City of Florence website or contact City Recorder Lindsey White at Lindsey.white@ci.florence.or.us.

FISCAL IMPACT:

City Council meetings incur staff time for preparation, attendance as well as Ordinance / Resolution / Staff Report and Minutes compilation and retention.

RELEVANCE TO ADOPTED CITY WORK PLAN:

Goal 1: Deliver efficient and cost-effective city services.

ALTERNATIVES:

1. Approve the proposed 2023 Council Meeting Calendar as proposed
 2. Review and recommend changes to the proposed 2023 Council meeting calendar and approve as amended
-

RECOMMENDATION:

Approve 2023 Council Meeting Calendar as proposed.

AIS PREPARED BY: Lindsey White, City Recorder

CITY MANAGER'S RECOMMENDATION: Approve Disapprove Other

Comments: *ER Reynolds*

ITEM'S ATTACHED: **Attachment 1-** 2023 City Council Meeting Calendar

Proposed Calendar for Discussion Purposes City Council Calendar Planning

January 2023

M	Tu	W	Th	F	Sa/Su
2 New Years Holiday Observed	3 Outgoing & Incoming Council Meetings 5:30 pm	4	5 Work session City Departments 8:30 am	6	7 & 8
9	10 Planning Commission 5:30pm	11	12 Work session Legal Counsel 8:30 am	13	14 & 15
16 Martin Luther King Jr. Day Holiday	17 EMAC Meeting 6:00pm	18 FURA Board Meeting 5:30	19	20	21 & 22
23 Tour- 8:30am; Work Session City Departments 9:00 am @FEC Council Meeting 5:30pm	24 Planning Commission 5:30pm	25 LOC City Day at the Capitol	26 Work session City Departments 8:30am @JC	27	28 & 29

February 2023

M	Tu	W	Th	F	Sa/Su
30-Jan Work session City Departments 9:00am @PW PAC Meeting 5:30pm	31-Jan	1	2 Work session PC & FURA 8:30am Housing Meeting 3:00pm	3	4 & 5
6 Work session PAC & EMAC 9:00am Council Meeting 5:30pm	7	8 TSP Meeting 3:00pm; Open House 5:30pm	9 City Council Retreat 1:00pm- 7:00pm	10 City Council Retreat 7:00am- 1:00pm	11 & 12
13 Work session Work Plan Draft Review 9:00am	14 Planning Commission 5:30pm	15 LOC Presidents Message @ Small Cities Meeting	16	17	18 & 19
20 President's Day Holiday	21 EMAC Meeting 6:00pm	22 FURA Board Meeting 5:30pm	23 State of the City	24	24 & 26
27 Council Meeting 5:30pm	28 Planning Commission 5:30pm				

March

M	Tu	W	Th	F	Sa/Su
		1	2	3	4 & 5
6	7	8	9 Council Work Session - 8:30am	10	11 & 12
Council Meeting 5:30pm	13	14	15	16	17
18 & 19	20	21	22	23 Council Work Session - 8:30am	24
25 & 26	27	28	29	30	31
NW Regional City Manager Conference					

April

M	Tu	W	Th	F	Sa/Su
3	4	5	6 Council Work Session - 8:30am	7	8 & 9
Council Meeting 5:30pm	10	11	12	13	14
OAMR Mid- Year Conference					15 & 16
17	18	19	20 Council Work Session - 8:30am	21	22 & 23
Council Meeting 5:30pm	24	25	26	27	28
LOC Spring Conference					29 & 30
30					

May

M	Tu	W	Th	F	Sa/Su
1 Council Meeting 5:30pm	2	4	5 Council Work Session - 8:30am	6	7 & 8
9	10	11	12	13	14 & 15
16 Council Meeting 5:30pm	17	18	19 Council Work Session - 8:30am Rhody Fest	20 Rhody Fest	21 & 22 Rhody Fest
23	24	25	26	27	28 & 29
30 Memorial Day Holiday	31				

June

M	Tu	W	Th	F	Sa/Su
			1	2	3 & 4
5 Council Meeting 5:30pm	6	7	8 Council Work Session - 8:30am	9	10 & 11
Professional Development Academy IIMC					
12	13	14	15	16	17 & 18
19 Council Meeting 5:30pm	20	21	22 Council Work Session - 8:30am	23	24 & 25
26	27	28	29	30	

July

M	Tu	W	Th	F	Sa/Su
					1 & 2
3 Independence Day Holiday Council Meeting - Canceled	4	5	6 Council Work Session - Canceled	7	8 & 9
10	11	12	13	14 Block Party	15 & 16
17 Council Meeting 5:30pm	18	19	20 Council Work Session - 8:30am	21	22 & 23 OCCMA Summer Conference
24	25	26	27	28	29 & 30

August

M	Tu	W	Th	F	Sa/Su
	1 National Night Out	2	3	4	5 & 6
7 Council Meeting 5:30pm	8	9	10 Council Work Session - 8:30am	11	12 & 13 OMA Conference
14	15	16	17	18	19 & 20
21 Council Meeting 5:30pm	22	23	24 Council Work Session - 8:30am	25	26 & 27
28	29	30	31		

September

M	Tu	W	Th	F	Sa/Su
				1	2 & 3
4 Labor Day Holiday Council Meeting - Rescheduled	5	6	7 Council Work Session - Rescheduled	8	9 & 10
11 Council Meeting 5:30pm	12	13	14 Council Work Session - 8:30am	15	16 & 17
18 Council Meeting - Canceled	19	20	21 Council Work Session - Canceled	22	23 & 24
25 Council Meeting - Tentative	26	27	28 Council Work Session - Tentative	29	30 & Oct. 1

October

M	Tu	W	Th	F	Sa/Su
2 Council Meeting - Canceled	3	4	5 Council Work Session - Canceled	6	7 & 8
ICMA Conference					
9	10	11	12	13	14 & 15
			LOC Conference		
16 Council Meeting 5:30pm	17	18	19 Council Work Session - 8:30am	20	21 & 22
23	24	25	26	27	28 & 29
30	31				

November

M	Tu	W	Th	F	Sa/Su
		1	2	3	4 & 5
6	7	8	9 Council Work Session - 8:30am	10 Veteran's Day Holiday	11 & 12
Council Meeting 5:30pm					
13	14	15	16	17	18 & 19
20	21	22	23 Thanksgiving Holiday	24	25 & 26
Council Meeting 5:30pm					
27	28	29	30		

December

M	Tu	W	Th	F	Sa/Su
				1	2 & 3
4	5	6	7 Council Work Session - 8:30am	8	9 & 10
Council Meeting 5:30pm					
11	12	13	14	15	16 & 17
18	19	20	21 Council Work Session - Canceled	22	23 & 24
Council Meeting - Canceled					
25 Christmas Day Holiday	26	27	28	29	30 & 31

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 6
Meeting Date: January 3, 2023
Department: City Council

ITEM TITLE: 2023 City Council Sign-Up and Commitments

DISCUSSION/ISSUE:

As part of meeting the City Council's goals to promote Communication & Trust, the Council developed ways to increase the City Council's community involvement efforts by actively engaging the community. One of the ways being the creation of a report which seeks to provide a tool to the Council for understanding the commitments that have been assigned to each of the City Councilors.

There is an opportunity to discuss this involvement at the end of every agenda in the City Council Reports item section.

In order to keep communication lines open and maintain awareness, at the beginning of each month, the City Recorder sends an email reminder to the City Council letting them know their recurring commitments for the upcoming month(s). In turn, on an annual basis or whenever deemed necessary by the City Council, the document is reviewed to determine if it is still meeting the City Council's needs. Items included within attachment 1.

1. City of Florence Committees, Commissions, and Boards Sign-Ups

- Many of the City of Florence's Committees, Commissions, and Boards allow for the Council to assign a representative to serve as an ex-officio member. Council Ex-Officio appointments are not mandatory, but provide an essential tool for the Council to maintain communication between the City Committees and the Council.
- The role of this ex-officio member is to provide a direct line of communication between the committee and the Council. The Council ex-officio member and the chair of the committee have a joint obligation to keep the Council and the committee informed of relevant City or committee information. The Council Ex-Officio member serves as an appointed member of the committee and sits with the committee and participates in all discussions, but does not vote on decisions. The Council Ex-Officio member utilizes their voice within discussions to encourage two-way communication between the Council and the Committee. However, the Council Ex-Officio member may not speak for the Council on any item the Council has not made a formal determination upon.

2. Monthly Sign-Ups for Florence Municipal Court Visits

- The Florence City Charter gives responsibility to the City Council to manage and oversee the Florence Municipal Court Judge. The City Council's current practice for supervision of the Florence Municipal Court Judge Position is to assign one Councilor per month to attend at least one court date and report back to the Council as a whole on their findings.

3. **City Council Representation on Local Area Government Boards & Committees**
 - Asked as elected officials for the City of Florence on other local area government boards and committees. These are typically voting member positions representing the interest of the Florence area residents on these outside agency boards.

4. **Local, Regional, State, National Government & Non-Profit Boards & Committees of Interest**
 - In order to encourage communication & trust within the community, the Council has elected to assign individual Councilors to various local government, non-profit entities to track their agendas, decisions and attend meetings as necessary to ensure communication between the City of Florence and other government agencies. The Councilor's are then entrusted to report back to the Council as a whole on their findings and needs as they relate to the City's efforts. The list of agencies is not comprehensive, but rather represents agencies that the Council has indicated an effort to ensure communication with.
 - Participation by the City Council in this fashion is not mandatory and only represents a past practice for the Council to maintain open communication. The Council may elect to reach this objective in other ways including but not limited to reaching out to area boards to hold joint meetings, and / or assigning staff to serve as representatives.

At the January 3rd City Council meeting, the Council will begin to review and consider updates to the City Council Commitments sheet and make assignments for the 2023 calendar year. Points to consider include:

- Potential Assignments to the City Council Ex-Officio seats on City Committees.
- Potential Assignments and Availability for Council tracking & participation in local & regional government / non-profit boards & agencies.

FISCAL IMPACT:

Regular monthly notifications to the City Council incur staff time. Approval of the Florence City Council Sign Up and Commitments Sheet will incur no other fiscal impacts.

RELEVANCE TO ADOPTED CITY WORK PLAN: Goal 4: Communication & Trust

ALTERNATIVES:

1. Review and consider updates to the City Council Commitments sheet and make assignments for the 2023 calendar year.
2. Postpone review and discussion of City Council Sign-Up sheet until a future work session
3. Discuss other methods for community involvement efforts.

RECOMMENDATION:

Staff recommends that the City Council make updates to the City Council Commitments sheet and make assignments for the 2023 calendar year.

AIS PREPARED BY:

Lindsey White, City Recorder, on behalf of the Florence City Council

**CITY MANAGER'S
RECOMMENDATION:**



Approve

Disapprove

Other

Comments:

ER Reynolds

ITEM'S ATTACHED:

Attachment 1 – Florence City Council Master Sign-Up and Commitments Sheet

Items Available for Reference:

- City of Florence Charter - <https://www.ci.florence.or.us/citymanager/city-charter>
 - Florence City Code Title 2 – Boards & Commissions - <https://www.ci.florence.or.us/council/title-2-boards-commissions>
 - Florence Committee & Commission Policy Manual - <https://www.ci.florence.or.us/boardsandcommissions/committee-and-commission-policy-manual>
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FLORENCE CITY COUNCIL 2023 SIGN-UP AND COMMITMENTS SHEET

General Protocol:

- **Overview:** The listings below represent the City Council's tasks concerning the City Council's goal to be more involved in efforts throughout the community.
- **Notifications:** Prior to the beginning of each month, the City Recorder will send an email reminder to the City Council letting them know their recurring commitments for the upcoming month(s), along with this document for reference.
- **Review:** This document will be reviewed annually, or whenever deemed necessary by the City Council, to determine if it is still meeting the City Council's community involvement goals.

City Council Representation on City of Florence Committees & Commissions

Committee, Commission, and Board	Council Member Name	Notes	General Meeting Dates / Times
Planning Commission	None	No ex-officio membership. Staff does not recommend the City Council participate in discussions	The Planning Commission meets on the second and fourth Tuesdays of every month.
Budget Committee	All Councilors and Mayor	All Councilors are required to participate in Budget Committee.	Meets approximately 2-4 times during Budget process in Spring
Housing Implementation Plan Project (HIP) Stakeholder Advisory Committee (STAC)	Councilor Wantz Councilor Meyer Representing FURA	1 Council Member	Varies
Transportation Systems Plan (TSP) Project Stakeholder Advisory Committee (STAC)	Councilor Wantz Councilor Meyer Representing FURA	1 Council Member	Varies
Community & Economic Development Committee (CEDC)- On Hiatus		1 Council Ex-Officio Member	CEDC generally meets the third Thursday of the month at 4:00pm
Environmental Management Advisory Committee (EMAC)	Councilor Wantz	1 Council Ex-Officio Member	EMAC generally meets the third Tuesday at 6pm
Transportation Committee (TC)- On Hiatus		1 Council Ex-Officio Member	TC generally meets the second Thursday at 2:30pm

Audit Ad-Hoc Committee	Mayor Ward	Mayor is member of three person committee.	Meets During audit review process
Florence Urban Renewal Agency (FURA)	Mayor Ward, Councilor Meyer	Calls for 2 City Councilors and the Mayor to serve as voting members	FURA generally meets on the fourth Wednesday of the month at 5:30 p.m.

Florence Municipal Court Visits

MONTHLY RECURRENCE

Month	Name(s)
January	Mayor Ward
February	Councilor Wantz
March	Councilor Meyer
April	Councilor Beaudreau
May	Councilor Carp
June	Mayor Ward
July	Councilor Wantz
August	Councilor Meyer
September	Councilor Beaudreau
October	Councilor Carp
November	Mayor Ward
December	Councilor Wantz

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**City Council Representation on Local Area Government
Boards & Committees**

Board / Committee	Council Member Name	General Meeting Dates / Times
Soil and Water Conservation District		First Monday of each month at 6pm
Lane Area Commission on Transportation	Councilor Meyer	Second Wednesday of each month at 5:30pm
Lane Council of Governments (LCOG) Board of Directors	Councilor Ward	Generally, fourth Thursday
Lane Workforce Partnership Council		Generally, the third Thursday at 11:30am
Oregon Coastal Zone Management Association		Coastal government collaboration organization including DLCD, ODFW, ODOT, and Cities / Counties. Typically meets twice annually, once in the fall and once in the Spring. City Staff Rep attend
St. Vincent de Paul Regional Housing Rehabilitation	Councilor Wantz	Varies Staff Rep- Economic Development

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**Local, Regional, State, National
Government & Non-Profit Boards & Committees of Interest**

Agency Name	General Meeting Dates / Times
Lane County Board of Commissioners	Nearly every Tuesday and Wednesday at 9am (all day)
Dunes Restoration Committee	Varies
Florence Area Chamber of Commerce & Beautification For Florence Committee (BFF)	Chamber Board Meetings generally held on the 2 nd Friday at noon DRT / Uptown Meetings Various Assignment Completed By City Staff
Florence Area Community Coalition (FACC)	1 st Wednesday at 9:00 a.m. at Siuslaw Public Library Bromley Room
Siuslaw Vision	Unknown
Siuslaw Outreach Services	Unknown
Siuslaw Watershed Council	Second Monday at 3:00 p.m. Assignment Completed By City Staff
Lane County Poverty & Homelessness Board	Board generally meets on the third Thursday of each month at 12pm
League of Oregon Cities Board of Directors	Unknown
Oregon Mayor's Association	Varies
Central Lincoln PUD	Third Monday of each month at 10am
Confederated Tribes	Varies
Heceta Water PUD	Board generally meets on the third Tuesday of each month at 4pm
Port of Siuslaw	Port Commission generally meets on the 3 rd Wednesday at 7pm
Siuslaw Library District	The Board generally meets on the 3 rd Wednesday at 1 pm
Siuslaw School District	School board meetings generally occur on the 2 nd Wednesday of each month at 6:30 p.m.
Siuslaw Valley Fire and Rescue, West Lane Fire & EMS, and Western Lane Ambulance District	Board meets on the 4 th Thursday at 6pm

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 7
Meeting Date: January 3, 2023
Department: City Manager

ITEM TITLE: Department Director Updates

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 8
Meeting Date: January 3, 2023
Department: City Manager

ITEM TITLE: City Manager Report & Discussion Items

AGENDA ITEM SUMMARY
FLORENCE CITY COUNCIL

ITEM NO: 9
Meeting Date: January 3, 2023
Department: City Council

ITEM TITLE: City Council Reports & Discussion Items
