

**CITIZEN TESTIMONY  
SUBMITTED FOR  
MAY 8, 2024  
CITY COUNCIL MEETING**

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**From:** Newton Development <contact@newtondevco.com>  
**Sent:** Monday, April 22, 2024 12:57 PM  
**To:** Melissa Thompson  
**Subject:** Duplex Development 52 East Washington.

Hi There,

As a community member and local property owner I want to submit the following testimonial to the city for consideration in an upcoming STR permit amendment decision.

My name is Saul Newton, I was born and raised in Oregon and have spent summers in Rockaway Beach for the past 20 years ever since my family purchased a home in the Nedonna beach neighborhood. We love the city and want the community and local businesses to thrive.

To help with that goal and as an investment we decided in January of 2023 to purchase an empty lot just south of the city center at 52 East Washington street and to develop new housing. We began by contacting the city planner at that time Jenny Ketner and were in contact with her weekly as the project progressed. As you know there are many steps in building a new development starting with the architectural designs, engineering and permitting phases. We made our intentions clear to the city planner and were given valuable information along the way. One detail that we discussed was that Rockaway did not have a cap on short term rentals and did not plan on enacting one. We therefore continued with the project diligently checking off steps and moving forward.

By November 2023 we had full plans and engineering back along with surveying to divide the lot into two plots. Around this time we discovered that Mary was now replying from the city planner email address and had taken over that role. We were now ready to move into the permitting process which had to begin with county engineering to assess and permit driveways to each unit, followed by zoning permits and then building permits. Again this whole time we had been emailing back and forth with the city planner to confirm details and order of operation. We got the driveway permits approved on 2/28/24 and were ready to move to zoning permits. On this same day a family friend sent me a screen shot from a Facebook page associated with the Rockaway community that spoke of an upcoming vote on capping STR permits. At this point we had put more than a year of work along with nearly \$300k of investment into this project with the assurance from the city that no STR cap was in place or being considered. No one from the city ever reached out to us with a warning to adjust time frames or reconsider the project. Instead upon seeing the Facebook post we were forced to reach out and did confirm with the city planner that this cap could be coming. At this point we had less than two months from the deadline to submit and get approval for both Zoning and Building permits. Mary the new city planner tried her best to get the zoning permits back quickly and even emailed the county to help expedite the building permits which we did finally get back on April 9<sup>th</sup>, just 9 days after the established deadline.

If we had been given reasonable notice in writing by the city that this STR permit cap was to be enacted we could have possibly adjusted and sped things up. As it happened, we were given no notice and therefore could not adjust in time. This newly imposed restriction on our developments ability to generated income from short term rentals will cause extensive material damage to our projects profitability and if known earlier would have caused us to not move forward with the investment.

The city had our building plans in hand and zoning permits approved prior to the March 31<sup>st</sup> deadline. Based on all the details above we are asking that an exception to the newly imposed cap be granted for our project and that we are allowed to apply for and receive short term rental permits for all 4 units of our project. We want this community to thrive and would love to help add additional tax revenue and employment for local contractors. We appreciate your time.

Saul Newton



☎ (503)516-7359

✉ [CONTACT@NEWTONDEVCO.COM](mailto:CONTACT@NEWTONDEVCO.COM)

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**From:** Daniel Howlett <[REDACTED]>  
**Sent:** Monday, May 6, 2024 1:35 PM  
**To:** Melissa Thompson  
**Subject:** Public Testimony for the May 8th council meeting  
**Attachments:** Gmail - RE\_EXTERNAL\_Re\_EXTERNAL\_Re\_Rockaway Beach numbers on the council positions.pdf; Gmail - Response to Public Records Request PRR-2024-04-01b.pdf

Hi Melissa,

Please include my public testimony here as well as the 2 attachments. Thank you in advance.

Cheers,

Daniel

On May 2nd, I posted the following on the Facebook Civics and Meetings group page, which reached 974 people:

**These four city council seats are up for election in November: Council Position 2 Tom Martine. Council Position 3 Kristine Hayes. Council Position 4 Alesia Franken. Council Position 5 Penny Cheek.**

**So anyone thinking about running for council has to pick which seat to run against. In your opinion, is this fair? Or should the top four vote-getters win?**

Here are the responses:

Top four - no picking seats causes animosity and divides!

Yes I think that works better all the way around, it eliminates so many post election armchair quarterbacks from showing up...?

If the positions are all the same then it shouldn't matter.

of course, it does. It means a person with 50 votes could win a seat over three others who could have 150, 200, and 300 votes or more. It also sets the stage for a single candidate to be explicitly targeted by a political group.

Yes, it's time for a change. Existing Council position numbers must go. May the best qualified top vote getters win. If Rockaway Beach wants to grow and prosper, then small town political maneuvering needs to leave on the next train outta Dodge. Some folks are honest and transparent...some others not so much. Thank you to those that have scruples and are willing to show it publicly.

What is the process for getting this changed? It has been discussed through several elections...would be great to have it changed before another one.

I believe the question of adding them by a vote is still open. There are no numbers in our charter, nor have I ever seen an ordinance passed and signed that shows they were added.

I agree. Let's get this change/addendum/revocation/referendum, or whatever anyone wants to call it up for a city council vote of three or more votes to make it pass. Let's see what happens... or doesn't happen! The proof is in the pudding.

Top four. Nobody should have to run against a specific person!

It's crazy. The fact one position can run unopposed and another have 4 or more candidates is nuts. Not good for voters who don't get a choice on one seat and have to choose on a other. IMO if there is a vacant seat people will line up to file to run at the very last second so they can try and run unopposed. Silly but it makes sense. I met with Luke (city manager) a couple weeks ago to discuss exactly this topic. He said adding the seat numbers was required by the county and was not done by the city. I have yet to track down from the county why the would prescribe that for a city to change their process.

Christy Nyseth, the Tillamook county clerk confirmed that 1. There is no record of the seat numbers ever being added, but they started in 2014. 2. The city council could easily remove the seats at will. Why would the city manager say that?

good question. He also said the council can't make those changes because it would be the council deciding how they get elected, although sounds like that is the case based on County's feedback. I agree that they aren't in the charter, seems like they would have to have made a change to the charter to add the numbers in the first place. Or at the very least an ordinance passed by the council....

please see below and share it widely. The numbers should be removed and it can be done.

It's actually illegal for there to be numbers on the seats if it's not in our charter. Also usually when there are numbers they represent something. They mean nothing here. Completely arbitrary.

There was no paper trail, but somehow the numbers got added to the seats starting in 2014.

I think I need to find a way to contest it but not sure what the right process is. Records request of when it was added first maybe???

Tillamook commissioners positions are the same way, numbered and by reading Dane's comment I would def be questioning the county and why they have any say over City elections and positions. I also think it should be top 4.

Also have a question for the Mayor: 1 of your promises to many of us that have a Rockaway street address but live outside of city limits, was to push for us to be able to vote in RB elections. Did you bring it up? Did you ask the council to extend the voting area to those of us residents that live here just on the wrong side of the line? We pay for the water therefore that alone should give us a right to vote.

This is actually something that is being worked on which is also tied to the position numbers to be able to add urban growth districts. Example: position 1 through 5 city limits. 6 would be Twin Rocks, 7 would be Nedonna. The concept was to start the process of adding urban growth areas which is barview to Brighton. Unfortunately, there has always been an issue with Tillamook County Elections. We haven't

even got to the Secretary of State office! It's not a fast or easy process. Especially when you are trying to get info from the county. It's easier to pull a tooth from a rabid badger!

thank you so much for that info.

I have been asking, trying to follow up but never received any answers.

I contacted the county election officials and they confirmed that the Rockaway city council makes the call to remove the numbers.

yes but they can't do it until after this next election. This was discussed at council meeting

Not true, I spoke with the election official in Tillamook. The numbers can be removed by the council before the election. The city manager misrepresented the facts on this matter.

or whoever he talked to misrepresented information. As someone that has had to deal with the county for decades it happens a lot. So, i wouldn't be so quick to judge what is true.

I posted her email, but here it is again, this comes from Christy Nyseth, C.R.A, C.E.A | County Clerk  
TILLAMOOK COUNTY | Clerk  
Office Phone (503) 842-3402 / Direct (503) 354-1807  
[christy.nyseth@tillamookcounty.gov](mailto:christy.nyseth@tillamookcounty.gov)

hmmmm

but it sounds like they are there for districts (not sure what it is called)? But why in such a small city where only people who reside within actual city limits can vote?

This has to be public info as to how it came to be and what the point of it was.

Again this is a very small city, so for me it just seems to complicate things. In a large city I would understand as what may be good for one side of that city may not work for the other side but that's not the case here; interests would be the same.

There is no reason to have numbers on the seats, since the numbers do not correspond to anything. There is no paper trail to find out how the numbers were added.

the Secretary of State and the Tillamook county council was consulted. If there is further doubt, feel free to contact them directly to verify. 503.354.1807

Btw... this is of the top of my head. My home office is blocked with huge plants as I am working on my flooring. When I'm done and can get to my computer I will post accurate information.

It should be top 4

I would also like to know how it is written in the city charter we have time BEFORE November to clarify the answer. Representation is our basic right, we need to know the written process so we know if it needs to be changed and voted on let me know what I can do to help!

The Tillamook county elections official Christy Nyseth said that to remove the numbers off the seats, the city council has to direct the county by minutes or an order stating that they wish for them to be removed. It does not require a vote of the people, just a majority of the council to decide.

How do we get this topic on the agenda for City Council and public testimonials/imput?

a few months ago in a workshop the city manager said, "there is a fairly clear consensus that there's no desire to make any changes to the council numbers on the seats." [REDACTED]



Daniel Howlett <[REDACTED]>

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**RE: EXTERNAL: Re: EXTERNAL: Re: Rockaway Beach numbers on the council positions**

10 messages

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**Christy Nyseth** <Christy.Nyseth@tillamookcounty.gov>  
To: Daniel Howlett <[REDACTED]>

Tue, Apr 16, 2024 at 8:33 AM

Good Morning,

I was just getting ready to email you! I spent quite a bit of time at the end of last week looking into this and asking some questions to the Secretary of State as well as our county counsel.

I stand behind my statement that the position numbers (regardless of how they were put on) can be removed from the board positions. The manner in which I can do that is by minutes or an order from the Board stating that they wish for them to be removed. I have never waived from that.

It is also alarming to me that they are stating it has to go before a vote of the people to remove them. That is not true. It is a simple act of the board.

Please let me know if you have other questions. You are also welcome to call me if that is easier.

Thank you,

Christy



**Christy Nyseth, C.R.A, C.E.A** | County Clerk

**TILLAMOOK COUNTY** | Clerk

201 Laurel Avenue

Tillamook, OR 97141

Office Phone (503) 842-3402 / Direct (503) 354-1807



[christy.nyseth@tillamookcounty.gov](mailto:christy.nyseth@tillamookcounty.gov)

PLEASE NOTE NAME and EMAIL CHANGE

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**From:** Daniel Howlett <[REDACTED]>  
**Sent:** Tuesday, April 16, 2024 8:17 AM  
**To:** Christy Nyseth <[Christy.Nyseth@tillamookcounty.gov](mailto:Christy.Nyseth@tillamookcounty.gov)>  
**Subject:** EXTERNAL: Re: EXTERNAL: Re: Rockaway Beach numbers on the council positions

[**NOTICE:** This message originated outside of Tillamook County -- **DO NOT CLICK** on **links** or open **attachments** unless you are sure the content is safe.]

Hi Christy,

Just following up. Have you had a chance to look into this yet?

Cheers,

Daniel

On Thu, Apr 4, 2024 at 1:45 AM Christy Nyseth <[Christy.Nyseth@tillamookcounty.gov](mailto:Christy.Nyseth@tillamookcounty.gov)> wrote:

Hi Daniel,

The City of Rockaway Beach is responsible for letting me know if they want the numbers removed from the council positions. I have never waived from that when speaking with the City. It is surprising to hear that the narrative changed. I'll have to take some time later this week to listen to the meeting. We are in the middle of getting our Military/Overseas ballots ready to mail Friday, so it might take me until later Friday to watch the meeting.

I have posed your question to some of the other Clerks in our association for input and possible suggestions, if they have experienced this before. Please know I am actively trying to seek an answer for you.

More to come...

Christy



Christy Nyseth, C.R.A, C.E.A | County Clerk

TILLAMOOK COUNTY | Clerk

201 Laurel Avenue

Tillamook, OR 97141

Phone (503) 842-3402

[christy.nyseth@tillamookcounty.gov](mailto:christy.nyseth@tillamookcounty.gov)

**PLEASE NOTE NAME and EMAIL CHANGE**

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**From:** Daniel Howlett <[REDACTED]>  
**Sent:** Monday, April 1, 2024 11:52 PM  
**To:** Christy Nyseth <[christy.biggs@tillamookcounty.gov](mailto:christy.biggs@tillamookcounty.gov)>  
**Subject:** EXTERNAL: Re: Rockaway Beach numbers on the council positions

**[NOTICE: This message originated outside of Tillamook County -- DO NOT CLICK on links or open attachments unless you are sure the content is safe.]**

Hi Christy,

I wanted to follow up with you regarding the Rockaway Beach city adding numbers to the council seats. I watched your presentation at the January 2024 council workshop where you said that you were unable to locate any documentation related to the change from positions to numbered positions from 2014. This is what you told me back in October.

In the February council workshop, the city manager said, "the determination to put numbers on the council seats is a county elections official duty or responsibility. It's not a decision the council makes, or a decision the city staff makes."

Here is the link to watch the meeting, <https://www.youtube.com/watch?v=jkpGFh9cA1E&t=782s>

This to me seems to conflict with what was said in January that adding the numbers to the seats requires a council vote and a public hearing.

I know that you cannot give legal advice, but I want to better understand the process. Would you please clarify who is responsible for adding numbers to the council seats? If the city wanted to remove the numbers from the seats, what is the process?

Out of curiosity, is there any way to keep the numbers on the seats, and at the same time allow all candidates to run equally against each other instead of forcing council candidates to pick who to run against? Voters, for example, are forced to choose between multiple candidates for one council position, while other candidates run unopposed. For example, in the 2022 election, Mary McGinnis did not have to compete for her council seat while Terry Walhood was required to compete against Cindy Kay Gregory. This unfairness has created a lot of friction in the community.

Thank you in advance,

Daniel Howlett

Rockaway Beach

On Thu, Oct 26, 2023 at 11:04 PM Christy Biggs <[christy.biggs@tillamookcounty.gov](mailto:christy.biggs@tillamookcounty.gov)> wrote:

Unfortunately, I do not. It would be a great idea to access a grant for that purpose.

Digitizing records is on my list to accomplish in the coming years. It is a big task for sure!



**Christy Biggs, C.R.A, C.E.A** | County Clerk

**TILLAMOOK COUNTY** | Clerk

201 Laurel Avenue

Tillamook, OR 97141

Phone (503) 842-3402

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**From:** Daniel Howlett <[REDACTED]>  
**Sent:** Thursday, October 26, 2023 2:02 PM  
**To:** Christy Biggs <[christy.biggs@tillamookcounty.gov](mailto:christy.biggs@tillamookcounty.gov)>  
**Subject:** Re: Rockaway records records request

Hi Christy,

Thank you for looking into this for me. I will circle back to the city of Rockaway Beach to inquire again.

On a separate note, do you happen to know about any grant or county/state/federal funding opportunities for municipalities to update/digitize their records? I was told that Rockaway has 169 boxes of stuff to sort through, that's why it's so difficult to get older records.

Thanks again for your help.

Cheers,

Daniel Howlett

On Thu, Oct 26, 2023 at 1:42 PM Christy Biggs <[christy.biggs@tillamookcounty.gov](mailto:christy.biggs@tillamookcounty.gov)> wrote:

Hi Daniel,

I was unable to locate anything related to the change from positions to numbered positions.

It is unfortunate that the City does not have records of this as it would have been something that had to be voted on in a meeting.

It would be my hope that the City could provide you with some direction as they are responsible for maintaining their records.

Sorry I could not be of more help.

Kind regards,

Christy



**Christy Biggs, C.R.A, C.E.A** | County Clerk

**TILLAMOOK COUNTY** | Clerk

201 Laurel Avenue

Tillamook, OR 97141

Phone (503) 842-3402

[christy.biggs@tillamookcounty.gov](mailto:christy.biggs@tillamookcounty.gov)

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**From:** Daniel Howlett <[REDACTED]>  
**Sent:** Wednesday, October 25, 2023 5:07 PM  
**To:** Christy Biggs <[christy.biggs@tillamookcounty.gov](mailto:christy.biggs@tillamookcounty.gov)>  
**Subject:** Rockaway records records request

Hi Christy,

Thanks for your help. I'm looking for documentation from 2013 or 2014 showing the city council positions added to the seats for the 2014 election cycle. Thank you in advance.

Cheers,

Daniel Howlett

Rockaway Beach

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**Daniel Howlett** <[REDACTED]>  
To: Christy Nyseth <[Christy.Nyseth@tillamookcounty.gov](mailto:Christy.Nyseth@tillamookcounty.gov)>

Tue, Apr 16, 2024 at 12:56 PM

Thanks Christy, I'll take this up with the Rockaway council and see what they say. It seems like there has been some confusion or misinformation about this. Thanks for your help.

Cheers,

Daniel

[Quoted text hidden]

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**Daniel Howlett** <[REDACTED]>

Tue, Apr 16, 2024 at 1:23 PM

To: Charles McNeilly <charlesforrockawaybeachmayor@gmail.com>, Mary McGinnis <marymcginniscitycouncil@gmail.com>, Kristine Hayes <kristineforrockaway@gmail.com>, Tom Martine <tmartine13719@gmail.com>, Alesia Franken <alesiafrankenrbcitycouncil@gmail.com>, Penny Cheek <pennycheek@live.com>, City Manager <citymanager@corb.us>

Hello Rockaway Beach leadership team,

I heard back from Christy Nyseth, the Tillamook council election official. See below for her response. There has been some confusion and misinformation about the correct process to add or remove numbers to the council seats.

She says, "The manner in which I can do that is by minutes or an order from the Board stating that they wish for them to be removed." This is in contrast to what the city manager said in the February council workshop, "the determination to put numbers on the council seats is a county elections official duty or responsibility. It's not a decision the council makes, or a decision the city staff makes."

It sounds like the numbers can be removed quite easily, before the November election, if you chose to do so. If the correct process is still in doubt, perhaps the city attorney could provide a written statement to clarify the correct procedure.

For the good of the community, I respectfully ask that the numbers be removed from the seats so that voters have an opportunity to choose the best possible candidates. The current numbered seat approach forces some candidates to compete for their seats, while other candidates potentially run unopposed, which is not fair. This is what happened in the 2022 election. Removing the numbers would also lessen the conflict between council candidates and encourage more citizens to participate because no one likes to be in the uncomfortable position to pick who to run against. A straight forward system that rewards the top vote getters is the most fair and democratic solution.

Cheers,

Daniel

[Quoted text hidden]

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**Kristine Hayes** <kristineforrockaway@gmail.com>

Tue, Apr 16, 2024 at 1:23 PM

To: [REDACTED]

**Acknowledging that this is an initial auto-reply, I hope you find the information below helpful as I review and respond to your email.**

As a Rockaway Beach city councilor, connecting with your voices and viewpoints is crucial for me to continue serving our beautiful community. Input from engaged residents like yourself helps me better understand and respond to your needs, using my voice the best I can to represent you. To try and assist you as quickly as possible, here are some general resources relating to Rockaway Beach.

**Sign up for the City emailing list:** [Click here](#) to visit the City's new website. Scroll down to the bottom of the home landing page, enter your email, and hit subscribe. You'll receive emails several times monthly with City agendas, minutes, and other relevant city government information.

**Community Development and Economy:** If you have any questions about newly adopted ordinances and resolutions, our comprehensive plan, or zoning information, please [click here](#).

**Emergency Contacts and Relevant Information:** Rockaway Beach Volunteer Fire Department's Non-Emergency line is (503)374-1752 *messages only*. [Click here](#) for

information regarding Rockaway Beach Emergency Preparedness and valuable resources.

**Tourism and Community Engagement:** [Click here](#) to visit the Rockaway Beach Chamber of Commerce website for information about our area and events. You can also submit events to the community calendar [here](#).

Please note this is an auto-reply to thank you for your correspondence and acknowledge its receipt until I am able to review and respond to your email if appropriate.

To contact me regarding a different role, [click here](#).

---

**Daniel Howlett** <[REDACTED]>

Thu, May 2, 2024 at 11:56 AM

To: Charles McNeilly <charlesforrockawaybeachmayor@gmail.com>, Mary McGinnis <marymcginniscitycouncil@gmail.com>, Kristine Hayes <kristineforrockaway@gmail.com>, Tom Martine <tmartine13719@gmail.com>, Alesia Franken <alesiafrankenrbcitycouncil@gmail.com>, Penny Cheek <pennycheek@live.com>, City Manager <citymanager@corb.us>

Hello,

I am following up on my April 16th email. It's been over 2 weeks and I haven't heard back from any of you. Would you please do your duty as public servants and respond to citizen emails?

Would it be possible to receive a written statement from the city attorney regarding the process of removing the numbers from the council seats? It seems that Mr Shepard misrepresented the facts, and gave false information. For example, here is one comment online:

"It's crazy. The fact one position can run unopposed and another has 4 or more candidates is nuts. Not good for voters who don't get a choice on one seat and have to choose on another. IMO if there is a vacant seat people will line up to file to run at the very last second so they can try and run unopposed. Silly but it makes sense. I met with Luke (city manager) a couple weeks ago to discuss exactly this topic. He said adding the seat numbers was required by the county and was not done by the city. I have yet to track down from the county why they would prescribe that for a city to change their process."

Cheers,

Daniel

[Quoted text hidden]

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**Kristine Hayes** <kristineforrockaway@gmail.com>

Thu, May 2, 2024 at 11:56 AM

To: danielhowlett@gmail.com

[Quoted text hidden]

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**Mary McGinnis** <marymcginniscitycouncil@gmail.com>

Thu, May 2, 2024 at 12:56 PM

To: Daniel Howlett <[REDACTED]>

Daniel,

I talked and texted with you many times about this. I sent you all the information I gathered on Rockaway voting.

Since City Council elections are covered in the City's Charter, and only citizens of Rockaway can change the Charter as a ballot measure at an election, **I recommend we send this issue to the ballot for citizens to vote on.**

It seems that the placing of positions on the seats was done without a citizen's vote in 2014, and there is no paper trail of the placing of positions on the seats.

A ballot measure vote will give the citizens a voice in their voting procedure. It will also leave a permanent paper trail as ballot measures are filed with the Oregon Secretary of State.

It would take effect at the next City Council election in 2026.

Mary

[Quoted text hidden]

--

**Mary McGinnis**  
**Rockaway Beach City Councilor**  
**Rockaway Beach, Oregon 97136**  
**Cell- 573-280-2160**  
**"Working together to grow the community"**

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**Daniel Howlett** <[REDACTED]>  
To: Mary McGinnis <marymcginniscitycouncil@gmail.com>

Thu, May 2, 2024 at 1:41 PM

Hi Mary,

From Christy at Tillamook County:

It is also alarming to me that they are stating it has to go before a vote of the people to remove them. That is not true. It is a simple act of the board.

Please let me know if you have other questions. You are also welcome to call me if that is easier.

Thank you,

Christy



**Christy Nyseth, C.R.A, C.E.A** | County Clerk

**TILLAMOOK COUNTY** | Clerk

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Office Phone (503) 842-3402 / Direct (503) 354-1807

[christy.nyseth@tillamookcounty.gov](mailto:christy.nyseth@tillamookcounty.gov)

**PLEASE NOTE NAME and EMAIL CHANGE**

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**Charles McNeilly** <charlesforrockawaybeachmayor@gmail.com>  
To: Daniel Howlett <[REDACTED]>  
Cc: Luke Shepard <citymanager@corb.us>

Fri, May 3, 2024 at 8:48 AM

Mr. Howlett,

I suggest that the city has the relationship with their attorney. You do not!

As such I do not support fulfilling your request.

Respectfully,  
Mayor McNeilly

Charles McNeilly  
Mayor  
City of Rockaway Beach  
small town, big beach  
503-641-8437  
[charlesforrockawaybeachmayor@gmail.com](mailto:charlesforrockawaybeachmayor@gmail.com)

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**Christy**

Christy Nyseth, C.R.A, C.E.A | County Clerk

TILLAMOOK COUNTY | Clerk

201 Laurel Avenue

Tillamook, OR 97141

Office Phone (503) 842-3402 / Direct (503)  
354-1807

[christy.nyseth@tillamookcounty.gov](mailto:christy.nyseth@tillamookcounty.gov)

PLEASE NOTE NAME and EMAIL CHANGE



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**From:** Daniel Howlett <[REDACTED]>  
**Sent:** Tuesday, April 16, 2024 8:17 AM  
**To:** Christy Nyseth <[Christy.Nyseth@tillamookcounty.gov](mailto:Christy.Nyseth@tillamookcounty.gov)>  
**Subject:** EXTERNAL: Re: EXTERNAL: Re: Rockaway Beach numbers on the council positions

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The City of Rockaway Beach is responsible for letting me know if they want the numbers removed from the council positions. I have never waived from that when speaking with the City. It is surprising to hear

that the narrative changed. I'll have to take some time later this week to listen to the meeting. We are in the middle of getting our Military/Overseas ballots ready to mail Friday, so it might take me until later Friday to watch the meeting.

I have posed your question to some of the other Clerks in our association for input and possible suggestions, if they have experienced this before. Please know I am actively trying to seek an answer for you.

More to come...

Christy



**Christy Nyseth, C.R.A, C.E.A** | County Clerk

**TILLAMOOK COUNTY** | Clerk

201 Laurel Avenue

Tillamook, OR 97141

Phone (503) 842-3402

[christy.nyseth@tillamookcounty.gov](mailto:christy.nyseth@tillamookcounty.gov)

**PLEASE NOTE NAME and EMAIL CHANGE**

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**PLEASE NOTE EMAIL CHANGE**

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**Mary McGinnis** <marymcginniscitycouncil@gmail.com>

Fri, May 3, 2024 at 5:35 PM

To: Daniel Howlett <[REDACTED]>

I did not say it has to go to the voters. I am saying that I think letting citizens vote on it is the most fair and equitable way to get citizen input. I further believe that including it in the City Charter is an OPTION that would make it more sustainable for the future, so that voters would not have to worry about a Council changing the voting position rules every 2-4 years as a new Council is seated.

Mary

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Daniel Howlett <[REDACTED]>

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## Response to Public Records Request PRR-2024-04-01b

5 messages

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**Melissa Thompson** <cityrecorder@corb.us>  
To: Daniel Howlett <[REDACTED]>

Mon, Apr 8, 2024 at 4:19 PM

Daniel Howlett,

In accordance with ORS 192.324, this is to acknowledge receipt and respond to your public records request dated 04/01/2024 for the following:

1. "All legal documents that reference added numbers to the city council seats. Signed document by the mayor that authorized the addition of numbers to the council seats."

Having reviewed your request, I can provide the following response:

I have interpreted your request for "legal documents" to mean City Code, ordinances or resolutions. The City holds no records responsive to your request.

2. "Documentation to substantiate the City Manager's claim in the February 8th, 2024 council workshop that adding numbers to the council seats is a county election official duty and responsibility, and not a decision hat the city council

or city staff's duty makes."

Having reviewed your request, I can provide the following response:

Please remember that "Public Records Law does not require public bodies to create new public records. Nor does it require public bodies to disclose the reasoning behind their actions; answer questions about their records; analyze their records; or perform legal research in order to identify records that are responsive to a request. "

This request is deemed complete.



**Melissa Thompson, CMC**

*City Recorder*

**City of Rockaway Beach**

p: 503-374-1752 | Direct: 503-374-0459

a: 276 S Hwy 101 | PO Box 5 | Rockaway Beach, OR 97136

*PUBLIC RECORDS LAW DISCLOSURE: Emails are generally public records and therefore subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. Emails can be sent inadvertently to unintended recipients and contain confidential or privileged information. If you are not the intended recipient (or authorized to receive for the recipient), please advise by return email and delete immediately without reading or forwarding to others.*

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**Daniel Howlett** <[REDACTED]>  
To: Melissa Thompson <[cityrecorder@corb.us](mailto:cityrecorder@corb.us)>

Tue, Apr 16, 2024 at 1:01 AM

Hi Melissa,

I'm following up on my previous email, number 2. The city manager said that the city attorney called out "that adding numbers to the council seats was legal, and that it is a county election official duty and responsibility, and not a decision that the city council or city staff's duty makes." Does the city have any emails, letters, or any other written documentation from the city attorney to the city manager to substantiate this statement?

Cheers,

Daniel  
[Quoted text hidden]

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**Daniel Howlett** <[REDACTED]>  
To: Melissa Thompson <[cityrecorder@corb.us](mailto:cityrecorder@corb.us)>

Thu, Apr 25, 2024 at 10:46 AM

Hi Melissa,

Did you get my email from 9 days ago requesting clarification on my public records request? Please advise.

Cheers,

Daniel  
[Quoted text hidden]

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**Melissa Thompson** <[cityrecorder@corb.us](mailto:cityrecorder@corb.us)>  
To: Daniel Howlett <[REDACTED]>

Thu, Apr 25, 2024 at 2:42 PM

Daniel Howlett,

The public records request referenced below was deemed complete. If you wish to submit a new request for emails, letters, or any other written documentation from the city attorney to the city manager related to a specific subject matter with specific search terms, you are welcome to do so.

For all requests, please use the current form, attached.

[Quoted text hidden]

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 **Public\_Records\_Request\_Form\_2024.pdf**  
195K

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**Daniel Howlett** <[danielhowlett@gmail.com](mailto:danielhowlett@gmail.com)>

Thu, Apr 25, 2024 at 3:03 PM

To: Melissa Thompson <cityrecorder@corb.us>

Hi Melissa,

I've asked for follow up clarification since you were not able to provide any information, so I don't perceive my request as "deemed complete". My original request was, "Documentation to substantiate the City Manager's claim in the February 8th, 2024 council workshop that adding numbers to the council seats is a county election official duty and responsibility, and not a decision that the city council or city staff's duty makes."

Your response to this request was not a yes or no regarding the existence of any such documentation, but instead, "Please remember that "Public Records Law does not require public bodies to create new public records. Nor does it require public bodies to disclose the reasoning behind their actions; answer questions about their records; analyze their records; or perform legal research in order to identify records that are responsive to a request. "

My follow up was to request any and all documentation between the city manager and the city attorney's office regarding the numbers on the council seats, including email, letters, or any other written documentation. I'm confused about the need to submit a new request since this is essentially what I already requested, "documentation". The city manager said that he communicated with the city attorney who called out his opinion regarding the numbers on the council seats. I'd like proof in writing of that opinion, which is what I originally asked for. If there is no such documentation, please say so. If there is, please provide it.

Cheers,

Daniel

[Quoted text hidden]



Daniel Howlett &lt;[REDACTED]&gt;

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## Citizen Testimony

4 messages

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**Charles McNeilly** <charlesforrockawaybeachmayor@gmail.com>  
To: Daniel Howlett <[REDACTED]>

Tue, May 7, 2024 at 8:57 PM

Mr. Howlett,

I read with interest your Facebook survey results regarding Council Seat Position numbers.

I share the following with you as someone who spent years doing marketing research; both quantitative and qualitative.

**Your approach is what is known in research as a convenience sample. Convenience sampling is a type of non-probability sampling that involves the sample being drawn from that part of the population that is close at hand; in your case Facebook. Convenience sampling is not recommended by official statistical agencies for research due to the possibility of sampling error and lack of representation of the population. Your findings cannot be generalized to the voters of the City of Rockaway Beach.**

I offer for your edification comments from some Mayors around Oregon whose cities have position numbers:

We have 4 positions, all of which are open to the whole town. They just have to declare which seat they are running for.

Mayor Smith

**City of Gearhart**

Drain has position numbers! We have the Mayor (2 yr term) and 4 council positions (4 yr terms). The council positions alternate 2 seats every 2 yrs on the ballot. Our "position" numbers don't mean anything beside that particular seat so it is easier to keep track and know which one is being filled. Mayor/council: we only allow inside city limits.

Erin Sparhawk

Mayor

**City of Drain**

Albany's Council is using the **same structure as Drain** and many other municipalities with a "Strong City Manager-Weak Mayor" structured government.

Alexander D. Johnson II

Mayor

**City of Albany, Oregon**

**Keizer** is all at large with position numbers to help alternate election terms. This year are positions 1,2 and 3. In 2026, 4,5 and 6 will be up. We discussed and declined to make a change to wards when we did our charter update in 2020.

Cathy Clark

Mayor

Keizer

As I mentioned to you before, it is not uncommon to have councilor position numbers; and, councilor position numbers result in a better functioning City Council than block voting. Local municipalities with block voting are Wheeler and Garibaldi. Both cities have suffered from factionalism and in fighting on their Council due to the fact the Councilors continue to campaign rather than focus on governing.

Respectfully,  
Mayor McNeilly

Charles McNeilly

Mayor

City of Rockaway Beach

small town, big beach

503-641-8437

[charlesforrockawaybeachmayor@gmail.com](mailto:charlesforrockawaybeachmayor@gmail.com)



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**Daniel Howlett** <[REDACTED]>  
To: Charles McNeilly <charlesforrockawaybeachmayor@gmail.com>

Wed, May 8, 2024 at 10:28 AM

Hi Charles,

Thanks for the reply. I did not present the Facebook comments as scientific fact, but rather an example of how some in the community feel about this topic. With over 30 responses, not one comment was in favor of the numbers on the seats. Your response, citing 4 towns and your own personal opinion, is not based on any public outreach or any facts. Therefore, your findings cannot be generalized to the voters either. None of the towns you referenced provided any reason for the numbered seats other than to keep track of which needs to be filled. Did you ask the mayors of their towns which ones had their numbers added illegally without a council vote? Would you please find out and report back?

Your opinion that numbered seats helps avoid factionalism and in fighting on the Council due to the fact the Councilors continue to campaign rather than focus on governing is ridiculous, presumptuous, and insulting. Candidates are not children, and you are making a huge assumption that you cannot support with facts. Garibaldi and Wheeler have their problems, but it has nothing to do with block voting.

Christy Nyseth, the Tillamook County elections clerk, said that adding or removing the numbered seats requires a council vote, that's it. However, the city manager contradicted this statement. It is shocking and disappointing that you don't see any problem with this contradiction. This is exactly the type of transparency and accountability that the public needs and is not getting.

Cheers,

Daniel

[Quoted text hidden]

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**Charles McNeilly** <charlesforrockawaybeachmayor@gmail.com>  
To: Daniel Howlett <[REDACTED]>

Wed, May 8, 2024 at 12:32 PM

Mr. Howlett,

It isn't surprising that people disagree, like you and I, on position numbers vs block voting. We see that in the fact that cities throughout Oregon aren't all the same.

I strongly believe the voters should make the decision.

What I want is a comprehensive review (long overdue) of our City Charter next year including establishing rules around voting for Council with the revised City Charter going to the voters in November 2025.

With that the voters will decide; position numbers or block voting will be settled for the foreseeable future.

Respectfully,  
Mayor McNeilly

Charles McNeilly  
Mayor  
City of Rockaway Beach  
small town, big beach  
503-641-8437  
[charlesforrockawaybeachmayor@gmail.com](mailto:charlesforrockawaybeachmayor@gmail.com)

[Quoted text hidden]

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**Daniel Howlett** <[REDACTED]>

To: Charles McNeilly <charlesforrockawaybeachmayor@gmail.com>

Since the numbers were added to the seats without a council vote or any record, I contend that the default process should be No Numbered Seats, since it was done illegally in the first place.

No doubt that the charter needs to be updated, but 2025 is waiting too long to correct this injustice. This should be addressed now before the November election.

Cheers,

Daniel

[Quoted text hidden]