

**PUBLIC TESTIMONY
SUBMITTED FOR
August 14, 2024
CITY COUNCIL MEETING**

From: diane johnson <[REDACTED]>
Sent: Friday, August 9, 2024 5:59 AM
To: City Hall <cityhall@corb.us>
Subject: Fwd: Creating Wetland Ordinance

Sent from my iPhone

Begin forwarded message:

From: diane johnson <[REDACTED]>
Date: July 30, 2024 at 10:40:19 AM PDT
To: Mary McGinnis <marymcginniscitycouncil@gmail.com>, Tom Martine <tmartine13719@gmail.com>, Penny Cheek <pennycheek@live.com>, Alesia Franken <alesiafrankenbcitycouncil@gmail.com>, Kristine Hayes <kristineforrockaway@gmail.com>
Subject: Creating Wetland Ordinance

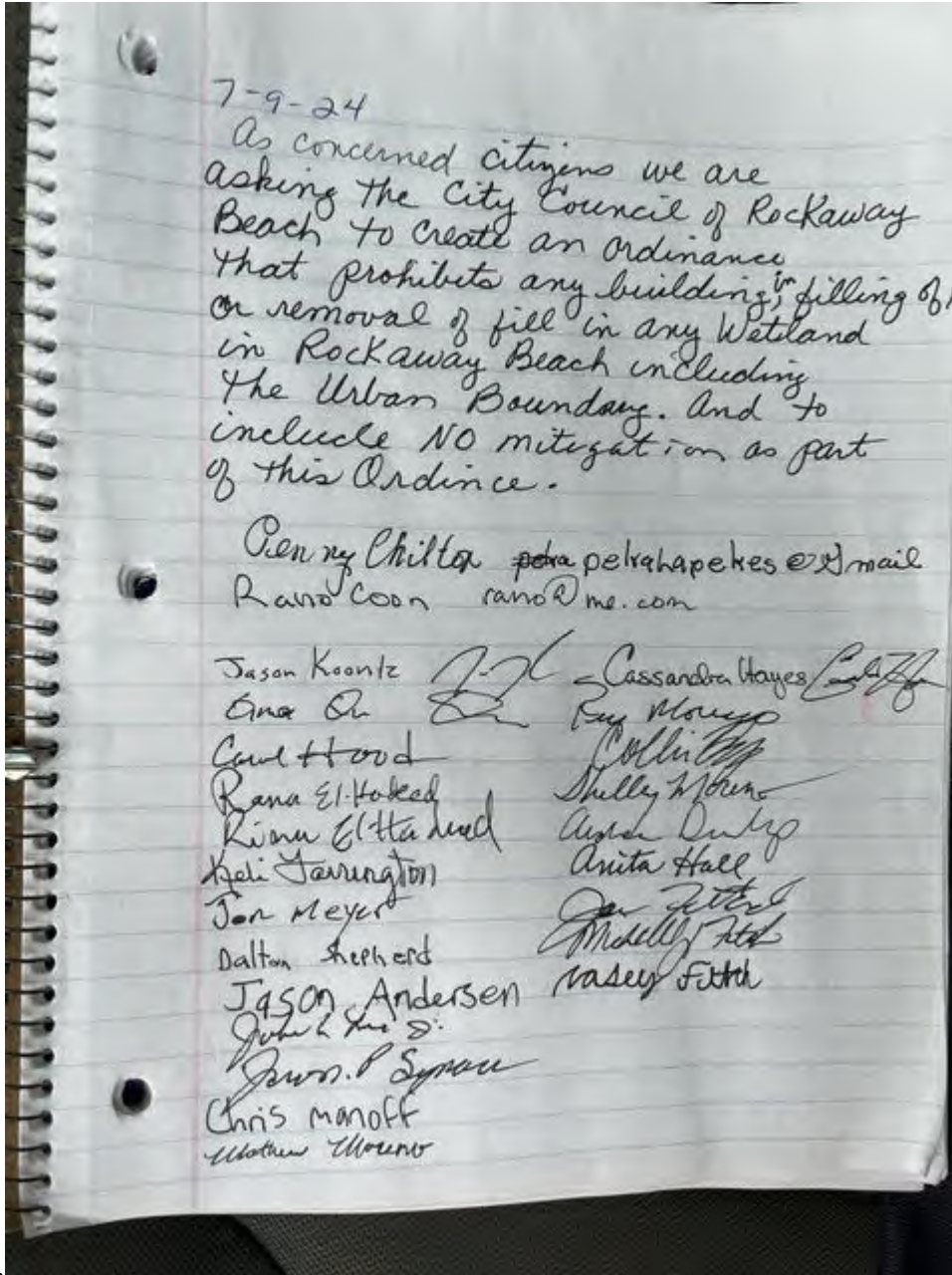
Hi, my name is Diane Johnson, and I am writing to you in the hopes that you will create and implement an ordinance that will prohibit any building in , any development of, in any wetland in Rockaway Beach, including the urban boundary. This would include any filling of, any mitigation of, any removal of fill, and any building.

FEMA has implemented the biologic zoning code. Known as "The Plan"., effective immediately. This was announced by the city planner at the July 18th meeting. This will prohibit any floodplain development. There were three different scenarios to take. My goal is for the city council to implement the one that doesn't allow development in the flood plane in Rockaway Beach and the urban boundary. What the city planner said, was that it would just get more expensive to work around FEMA's rules.

I am sending along two pages of signatures from citizens that live in Rockaway Beach, and visitors Of Rockaway Beach. Everybody was happy to sign my initiative after reading it. The more houses that are built in Rockaway Beach, the less water we will have. Rockaway is already trying to buy its water shed, so that we will have a good source of water for the future. But the more the City builds, the less there will be.

It is my opinion , that we need to preserve our wetlands. We have a very special Sphagnum bog, between sixth Street and the Rockaway Beach city Park. It is one of only

two in the state of Oregon. It should never be developed. We have many other wetlands here which fill with floodwater every winter, which keeps our houses from flooding. I think it's very important to keep our Wetlands for us and as



habitat.

7-9-24
 As concerned citizens we are asking the City Council of Rockaway Beach to create an ordinance that prohibits any building in, or filling of, any wetlands in Rockaway Beach ~~at the~~ ^{including} the Urban Boundary

Judy Coleman judy02207@yahoo.com 97131
 Pam Birmingham pambewindrivers.com 97138
 Shaon Smith shaonseaguella@gmail.com 9713
 Suzanne Thompson sthompson@pomona.edu 97136
 Seth Thompson 836stanislaus@gmail.com 77136
 ROBERT LARSON NANCYWEBSTERBOBLARSON@gmail.com
 Ron Byers rontrasky+rsc@gmail.com 9714.com
 Nancy Webster NANCYWEBSTERBOBLARSON@gmail.com

Anna Kaufman Anna Kaufman 97103
 Richard Foley Richard Foley 97131
 Jamie Anderson Jamie Ell. ell. 97118
 Anne andersonjockjane@gmail.com
 MARLENE JYDOW mjupia9@gmail.com
 Ellen Boggs eboggs2@gmail.com 97136
 Gloria Tarnaske gtarnaske@msa.com 97136
 Marilyn Romine marilyn.romine@gmail.com 97136
 Terry Bowman bow64man@hotmail.com 97136

Thank you for your consideration. I have attached the two pages of signatures.
 My phone number is [REDACTED].
 Address: [REDACTED].
 Diane Johnson

As concerned citizens, we are asking the Rockaway Beach City Council to create and implement an ordinance that would prohibit any building in, any filling of, ~~any~~ ^{any} growth boundary, and Amend the Comprehensive Plan

Robert Kelly 97131
 Jennifer.Bertrand@gmail.com
 Jennifer 81647
 RENOIR AVENUE
 Route
 Gregory Seery 97107
 GREGORY@14800.COM
 Dr. Steven
 Peter Carlson
 Sydney Johnson
 David Havel davehavel@gmail.com
 Sharon Steer 94338
 Joe Hovener 85205
 Amy Bauer 97317
 Anna ~~97136~~ See 97136
 Julie Bell 97136
 Scott Fisher 97136
 Kelly Dickinson 97136
 Joseph Johnson 97135

Sent from my iPhone

August 11, 2024

To: The City Council of Rockaway Beach, OR


I attended my first City Council meeting last month and would like to address some of the information presented in the staff reports. Additionally, I believe it would be beneficial if the public attending these meetings were given the opportunity to comment immediately after the staff reports. This approach would allow for timely responses to public concerns, either directly during the meeting or by the following month if further research is required. This would prevent the need for attendees to wait an extended period to have their comments recorded or to receive answers to their questions.

Below are my comments and questions for the Staff:

1. **Fire Department Presence on July 4th:** Chief Hesse mentioned that the fire department patrolled the city during the July 4th holiday. However, I am concerned that the department may not have covered Nedonna Beach. After speaking with nearly all of my neighbors who were present before, during, and after the holiday, none reported seeing the fire department in our area. If the fire department did not patrol Nedonna Beach, I would like to understand the reason for this and request that they do so next year. There appeared to be an increase in fireworks on the days preceding the holiday, the day of, and several days after in our neighborhood this year, with some continuing until 2:00 a.m.
2. **Electronic Signage for Fireworks:** The electronic signs provided by Tillamook County in Rockaway were a good start, but I noticed that other cities, such as Cannon Beach and Seaside, had more explicit messaging. While our signs only stated "Fireworks Prohibited," the signs in those cities were more specific, stating "Fireworks are illegal in the City of Cannon Beach" or Seaside. I recommend that if we use electronic signs again, the messaging should be more detailed and include a statement such as "Fines start at [specific amount]" to discourage fireworks usage, particularly since enforcement appears to be lacking.
3. **Golf Carts on Public Roads:** Although this issue is unrelated to last month's staff reports, it remains a significant safety concern for me and my neighbors. Our neighborhood has at least three or four different golf carts frequently traveling on the city and county roads in Nedonna Beach. I have spoken with Sean, one of the Rockaway Beach Sheriffs, who advised me and several neighbors to inform the drivers that golf carts are illegal on Rockaway Beach streets. I have attempted to do this, but it has not been well-received. One individual claimed that they were told (though they couldn't specify by whom) that they could drive on the streets if they placed a reflective triangle on the back of the golf cart. Many of the drivers appear to be underage or younger than 18, sometimes with a parent and other times with kids their own age. During our annual meeting of the Nedonna Beach Neighborhood Association, it was suggested that we call 911 if the driver appears underage, as we are aware that using the non-emergency line often results in delayed responses. I am hoping that if I can provide the addresses of homes known to have golf carts, the Sheriff's Department might be willing to send a letter to the owners, reminding them that golf carts are not permitted on the streets.

Thank you for your attention to these matters.

Delta Holderness


Nedonna Beach

From: Daniel Howlett <[REDACTED]>
Sent: Monday, August 12, 2024 4:24 PM
To: Melissa Thompson
Cc: Mary McGinnis; City Manager; Charles McNeilly; Alesia Franken; Penny Cheek; Tom Martine; Kristine Hayes; RockawayBeach@strategic-plan.org
Subject: Public Testimony: Rockaway Beach hiring and recruiting
Attachments: No recruitment policy.pdf; No resume Luke.pdf; Positions advertised or not.pdf; City Charter chapter 8.pdf

Hi Melissa,

Please add this email and the 4 attachments to the public testimony for the August council meeting:

To the voters and city counselors of Rockaway Beach,

It may be surprising to some to learn that the Rockaway Beach city council has yet to create any policies or procedures for hiring city staff. Generally, public sector jobs, including municipalities like Rockaway Beach, are often subject to specific hiring procedures to ensure transparency, fairness, and equal opportunity. Many cities have internal policies that mandate advertising job openings to ensure that all qualified candidates have a chance to apply. However, the city of Rockaway Beach currently doesn't follow any recruitment process because the council has not yet established a hiring policy. See attached public records request.

Recent Rockaway Beach city hires for the finance director and city planner positions were not advertised publicly. When the city manager was hired in 2020 and rehired in 2022, the position was not advertised publicly either. See attached public records request. Without any rules, the city manager is free to go so far as to hire his unqualified friends, family, and those with previous connections to the city. As a community, we find this practice of not advertising open positions unacceptable.

Shockingly, the current city manager did not even submit a resume to get the job. This is a violation of the city charter, which requires that the appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management. See attached city charter, chapter 8. Astonishingly, the city council more than doubled the Mr. Shepard's salary over the last 4 years.

The League of Oregon Cities provides a 35 page guide to recruitment to help municipalities navigate the hiring process. The guide says, "Regardless of who is appointed as city manager, it should be clear to the city organization that the person appointed to the interim role does not have an inside track to the new city manager position. **They are going to undertake a comprehensive recruitment to find the best candidate. If the interim manager is ultimately selected, it will only be because that person proves to be the best in relation to other applicants.**"

Municipal jobs are extremely desirable and offer excellent pay and benefits. By not requiring the city to advertise open positions, the city council has shown that it has no interest in reaching a broad and

diverse spectrum of qualified candidates who might be interested in applying. This robs the community of a transparent and fair process. It also erodes trust in local government.

In this toxic environment, even citizen volunteer recruitment has become politicized. The current rules for citizen committees do not require the mayor to advertise open positions. There is no mention of choosing committee volunteers based on merit, qualifications, education, or experience. The resolution says that before proceeding with recruitment, the mayor may first consider reappointment of an incumbent volunteer. This opens the door to abuse of power. For example, Dave May, a former mayor who was sanctioned by the ethics commission, ended his term on the budget committee this year but was reappointed without public notice, despite having a history of falling asleep in meetings and missing meetings altogether. On the other hand, Nancy Webster, president of the North Coast Communities for Watershed Protection, was passed over for the watershed protection committee, despite the fact that she has dedicated the last 13 years of her life to Rockaway Beach watershed protection. She was by far the most qualified applicant, but was not chosen for political reasons. Additionally, when recruiting for volunteer positions, there is currently no requirement for how long the position must be advertised. The mayor may, for example, advertise an open position for 1 hour, choose unqualified applicants, and there is nothing currently in the law to prevent this type of corruption.

Hiring city staff is making an investment in our community. The community deserves the best and most qualified staff, as well as volunteers. If they are selected, it should be because they are the best in relation to other applicants. As a community, we deserve and expect a fair and transparent recruitment process.

I would like to request that the city council please pass a resolution to create a formal policy for city recruitment. This resolution should require that all open city positions, employee and volunteer, be advertised publicly for a minimum of 30 days, establish fair and transparent screening and interviewing guidelines, and commit to hiring the best talent possible.

Advertising open positions is important for several key reasons:

1. Promotes Fairness and Equal Opportunity:

Access for All: Advertising ensures that all potential candidates, regardless of background or connection to the organization, have an equal chance to apply. This helps to promote fairness in the hiring process.

2. Transparency:

Accountability: In public sector roles, transparency is crucial to maintaining public trust. Advertising open positions publicly allows the process to be scrutinized and ensures that hiring decisions are made based on merit rather than favoritism or nepotism.

3. Attracts the Best Talent:

Wider Reach: Advertising positions allows organizations to reach a broader audience, increasing the chances of finding highly qualified candidates who might not otherwise have known about the opportunity. A competitive hiring process often leads to better outcomes, as it encourages more candidates to apply, giving the employer a larger pool of talent from which to choose.

In summary, advertising open positions is vital for ensuring a fair, transparent, and effective hiring process, attracting top talent, and maintaining legal and ethical standards. For these reasons, I ask the city council to pass a resolution now to establish fair hiring policies and procedures.

Daniel Howlett
Rockaway Beach



Daniel Howlett <danielhowlett@gmail.com>

Response to Public Records Request PRR 2024-04-16

1 message

Melissa Thompson <cityrecorder@corb.us>

Tue, May 7, 2024 at 4:01 PM

To: Daniel Howlett <[REDACTED]>

Daniel Howlett,

In accordance with ORS 192.324, this is to provide further response to your public records request received April 16, 2024 for the following:

- Policies, procedures, or other documents that permit or discuss Rockaway Beach employee recruitment.

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

- On April 25, 2024, you were provided the Personnel Policy and Employee Handbook at no cost. The City does not hold any other adopted policy or procedures specific to employee recruitment.
- The City holds a Union Contract, Fire Department standard operating procedure, job descriptions and job announcements that may be utilized in recruitment. If you are interested in receiving these records, the estimated fee to locate, retrieve and produce these records is \$20.33 (.167 hours @ \$69.12/hr and .167 hours @ \$52.65/hr). If you wish to proceed with receiving these records, pre-payment of half the estimated fee is required (\$10.17).

**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

w: www.corb.us | e: cityrecorder@corb.us

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Daniel Howlett <[REDACTED]>

Response to Public Records Request PRR-2024-05-10a

1 message

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

Thu, May 23, 2024 at 10:59 AM

Daniel Howlett,

The City is in receipt of full payment in the amount of \$47.72 for Public Records Request PRR-2024-05-10a.

Attached are resumes submitted to the City by Marni Johnston and Mary Johnson. Personal contact information has been redacted.

No responsive records exist for your request for resumes submitted to the City from Luke Shepard.

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

w: www.corb.us | **e:** cityrecorder@corb.us

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From: Melissa Thompson
Sent: Thursday, May 16, 2024 3:10 PM
To: Daniel Howlett <[REDACTED]>
Subject: Acknowledgment of Public Records Request PRR-2024-05-10a



Daniel Howlett <[REDACTED]>

Response & Request for Clarification - Public Records Request PRR-2024-04-25

1 message

Melissa Thompson <cityrecorder@corb.us>

Thu, May 2, 2024 at 4:19 PM

To: Daniel Howlett <[REDACTED]>

Daniel Howlett,

In accordance with ORS 192.324, this is to acknowledge receipt and respond to your public records request received on April 25, 2024 for the following:

- For all city employees hired after June 1, 2020, employment applications, employment application forms including the veterans preference form proving that the position was advertised publicly, all resumes submitted, and employment contracts.

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

- The City is the custodian of records responsive to your request. The readily-available Job Application and Job Announcements attached to this email and the information below is being provided at no cost.

Name	Position	Most Recent Date of Hire	Advertised/Not Advertised
Caleb Smith	Plant Operator	03/15/2021	Advertised
Luke Shepard	City Manager	11/28/2022	Not advertised
Marni Johnston	Finance Director	04/01/2024	Not advertised
Mary Johnson	City Planner	06/01/2023	Not advertised
Melissa Thompson	City Recorder	06/01/2023	Advertised
Mikael Hesse	Admin Asst II	02/28/2022	Advertised
Todd Hesse	Fire Chief	03/26/2020	Advertised
Ryan Boos	Firefighter	08/01/2022	Advertised
Mitchell Leipzig	Plant Operator 2	05/30/2023	Advertised

Chapter VIII

APPOINTIVE OFFICERS

Section 32. City Manager.

- (a) The office of city manager is established as the administrative head of the city government. The city manager is responsible to the mayor and council for the proper administration of all city business. The city manager will assist the mayor and council in the development of city policies, and carry out policies established by ordinances and resolutions.
- (b) A majority of the council must appoint and may remove the manager. The appointment must be made without regard to political considerations and solely on the basis of education and experience in competencies and practices of local government management.
- (c) The manager need not reside in the city.
- (d) The manager may be appointed for a definite or an indefinite term, and may be removed at any time by a majority of the council. The council must fill the office by appointment as soon as practicable after the vacancy occurs.
- (e) The manager must:
- (1) Attend all council meetings unless excused by the mayor or council;
 - (2) Make reports and recommendations to the mayor and council about the needs of the city;
 - (3) Administer and enforce all city ordinances, resolutions, franchises, leases, contracts, permits, and other city decisions;
 - (4) Appoint, supervise and remove city employees;
 - (5) Organize city departments and administrative structure;
 - (6) Prepare and administer the annual city budget;
 - (7) Administer city utilities and property;
 - (8) Encourage and support regional and intergovernmental cooperation;
 - (9) Promote cooperation among the council, staff and citizens in developing city policies, and building a sense of community;
 - (10) Perform other duties as directed by the council;
 - (11) Delegate duties, but remain responsible for acts of all subordinates.
- (f) The manager has no authority over the council or over the judicial functions of the municipal judge.
- (g) The manager and other employees designated by the council may sit at council meetings but have no vote. The manager may take part in all council discussions.
- (h) When the manager is temporarily disabled from acting as manager or when the office of manager becomes vacant, the council must appoint a manager pro tem. The manager pro tem has the

authority and duties of manager, except that a pro tem manager may appoint or remove employees only with council approval.

(i) No council member may directly or indirectly attempt to coerce the manager or a candidate for the office of manager in the appointment or removal of any city employee, or in administrative decisions regarding city property or contracts. Violation of this prohibition is grounds for removal from office by a majority of the council after a public hearing. In council meetings, councilors may discuss or suggest anything with the manager relating to city business.

Section 33. Appointed Officers. The duties required of persons appointed to fill offices established by the Council shall be as prescribed in the applicable ordinance, resolution, job/position description, contract or service agreement adopted by the Council when appointing persons to those offices.

Section 34. City Attorney. The office of city attorney is established as the chief legal officer of the city government. A majority of the council must appoint and may remove the attorney.

Section 35. Municipal Court and Judge.

(a) A majority of the council may appoint and remove a municipal judge and any judge pro tempore. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.

Judicial Qualifications.

(a) A majority of the council may appoint and remove a municipal judge. A municipal judge will hold court in the city at such place as the council directs. The court will be known as the Municipal Court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(b) All proceedings of this court will conform to state laws governing justices of the peace and justice courts.

(c) All areas within the city and areas outside the city as permitted by state law are within the territorial jurisdiction of the court.

(d) The municipal court has jurisdiction over every offense created by city ordinance. The court may enforce forfeitures and other penalties created by such ordinances. The court also has jurisdiction under state law unless limited by city ordinance.

(e) The municipal judge may:

- (1) Render judgments and impose sanctions on persons and property;
- (2) Order the arrest of anyone accused of an offense against the city;
- (3) Issue and compel obedience to subpoenas;
- (4) Compel witnesses to appear and testify; (6) Penalize contempt of court;
- (5) Issue processes necessary to enforce judgments and orders of the court;
- (6) Perform other judicial and quasi-judicial functions assigned by ordinance.

(f) The council may appoint and may remove municipal judges pro tem.

(g) The council may transfer some or all of the functions of the municipal court to an appropriate state court.

August 14, 2024

To: The City of Rockaway Beach City Council

Re: Public Comments on Street Safety in Nedonna Beach

Dear Members of the City Council

I recently had the opportunity to discuss some of my concerns regarding traffic and speed management with Fire Chief Todd Hesse on August 14th, 2024. Chief Hesse advised me that the Planning Commission is the appropriate venue to address these issues. However, the city planner e-mailed me back and suggested these concerns are better to be brought forth to the City Council.

In June, I brought some of these concerns to the Planning Commission in a different context. However, I remain committed to seeing the following items discussed and implemented as soon as possible:

1. Pavement Markings and Signage

The current infrastructure in Nedonna Beach is lacking in essential pedestrian safety features such as sidewalks and crosswalks. As a result, residents are often forced to walk directly on the roads, which presents significant safety risks. According to the public sidewalk definition, when no public sidewalks exist, the 6-foot right-of-way on either side of the street should be considered a sidewalk. Unfortunately, there are no posted signs to inform drivers of this rule. I strongly recommend the installation of pavement markings and signage to convey this information to drivers. A significant number of drivers fail to slow down or yield to pedestrians, a problem I have personally experienced on multiple occasions.



2. Traffic and Speed Management

The current traffic management in Nedonna Beach does not adequately address the needs of our community. There is an urgent need for speed bumps/humps and lower speed limits, particularly to protect older adults and children, who may not be able to quickly move out of the way of oncoming vehicles. Lower speeds are also critical in allowing drivers to stop more quickly to avoid pedestrians, bicyclists, children, and wildlife that may suddenly enter the road.

Given that Nedonna Beach is a highly walkable area, with most homes located within a short walking distance to the beach, I propose the installation of speed bumps or humps on city streets, spaced appropriately based on the length of the road. Additionally, there are currently no posted speed limit signs or warning signs for pedestrians, bicyclists, children, or wildlife in Nedonna Beach. While some drivers may still exceed the speed limit, I believe that posting a 20 mph speed limit—5 mph lower than the county limit—would contribute to a safer environment for all.

Please advise on the necessary steps to have these concerns added to the Planning Commission's or City Council's agenda.

Thank you for your time and consideration.

Delta Holderness

██████████.

Rockaway Beach, OR 97136

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