

**PUBLIC TESTIMONY  
SUBMITTED FOR  
SEPTEMBER 11, 2024  
CITY COUNCIL MEETING**

City Council must DENY approval of Nedonna WAVE development

September 2, 2024

To: Rockaway Beach City Council

From: Gary and Renee Corbin

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Rockaway Beach, OR. 97136

On July 27, 2024, the Rockaway Beach Planning Commission voted to approve a modification to PUD 24-01, the “Nedonna Wave” application for development. Our understanding is that the next step in this process is consideration for approval by the Rockaway Beach City Council.

We strongly urge the City Council to deny any further development, including issuing of permits for excavation, construction, and development, of Nedonna Wave. The proposed development fails to comply with at least three legal requirements, at least one of which cannot be satisfied in any form. Those three requirements are:

1. Failure to complete the proposed development within the development window of the original application
2. Failure to comply with federal regulations governing development in coastal flooding areas
3. Failure to address critical safety requirements for tsunami evacuation and fire and emergency response

**1. Failure to complete the development within the required 10-year time frame**

ORS 92.040 (3) stipulates:

*A local government may establish a time period during which decisions on land use applications under subsection (2) of this section apply. However, **in no event shall the time period exceed 10 years**, whether or not a time period is established by the local government. [Emphasis added]*

Nedonna Wave has argued that a PUD is not a subdivision. However, the language of the statute clearly disagrees. ORS 92.010 (17) stipulates:

*“Subdivision” means either an act of subdividing land or an area or a tract of land subdivided.*

ORS 92.010 (9) further states:

*“Partitioning land” means dividing land to create not more than three parcels of land within a calendar year...*

The statute makes no exceptions for PUDs.

Since the 10-year window has long since closed, the City must require the Applicant to file a new application if they wish to reinstate site development.

**2. FEMA wetland rules**

The Federal Emergency Management Agency issued “Updates to Floodplain Management and Protection of Wetlands Regulations To Implement the Federal Flood Risk Management Standard” (44 CFR Part 9) in July, 2024. This rule update, effective September 9 2024, limits construction activities in floodplain areas – which specifically include low-lying coastal areas such as Nedonna Beach – and requires a formal, public, documented 8-step review process, summarized below:

- (1) Determine whether the proposed action is located in a wetland or floodplain and its potential to affect or be affected by a wetland or floodplain;

- (2) Notify the public of the intent to carry out the proposed action within or affecting a wetland or floodplain, and involve the affected and interested public in the decision-making process;
- (3) Identify and evaluate practicable alternatives to locating the proposed action in a floodplain or wetland, including alternative sites, actions, and the “no action” option;
- (4) Identify the potential direct and indirect impacts associated with the occupancy or modification of floodplains and wetlands and the potential direct and indirect support of floodplain and wetland development that could result from the proposed action;
- (5) Minimize the proposed action's potential adverse impacts and support to or within the floodplains and wetlands identified under Step 4;
- (6) Re-evaluate the proposed action and other practicable alternatives identified in step 3 based on new information gained in steps 4 and 5;
- (7) Inform the public of any final decision that the floodplain or wetland is the only practicable alternative; and *[assuming confirmation of all of the above steps]*
- (8) Implement the action.

The rule explicitly includes development of new housing as an “action” regulated by this process.

There is no evidence that the City of Rockaway, nor Nedonna Wave Development, have conducted any part of this process. No development in the flood zone may proceed without such review.

### **3. Evacuation route and Fire Safety Access**

Rockway Beach Zoning Ordinance 3.142 requires the applicant to develop evacuation measures and improvements in compliance with the ordinance. The proposed application does not address evacuation route improvements.

Moreover, the Nedonna Beach area is already out of compliance with the Oregon Fire Code. Appendix D, Section D107.1, mandates that developments with more than 30 single-family dwellings must have two separate and approved fire apparatus access roads. Nedonna Beach, which already has over 400 housing units, has only one approved access road.

Allowing this development to continue escalates the safety risk – already unacceptable and out of legal compliance – for Nedonna Beach residents and visitors and places the city at risk for litigation and millions of dollars in potential liability in the event of a tsunami or fire emergency.

The City of Rockaway must deny the applicant’s plans to proceed with this development and require them to resubmit a new plan which addresses these concerns, as well as the several others raised at Planning Commission and City Council meetings in the past.

Sincerely,

Gary and Renee Corbin

Good evening,

My name is Delta Holderness. I live at [REDACTED], Nedonna Beach area of Rockaway.

At the July 18<sup>th</sup>, 2024 Planning Commission meeting, a planning commission council person asked what the definition of a PUD is vs a subdivision.

Mary Johnson answered the question by stating and I quote, "a PUD is basically an overlay to a subdivision application. It allows a developer to build denser housing." Unquote. Mary did go on to state that this is done so that the developer doesn't build into wetlands or other protected areas, also it allows reduction in the amount of street frontage. If you would like to hear her precise words that I did not quote, you can hear the question and answer starting at 43 minutes and 7 seconds during that July meeting.

Therefore, no one can state that a PUD doesn't meet the definition of a subdivision and therefore, ORS 92.040 must apply to this 2008 PUD application.

As a reminder:

ORS 92.040(3) provides that all subsequent stages of subdivision development must be reviewed for compliance with current local regulations when more than 10 years has passed since the initial land use decision.

The Oregon Court of Appeals explained the operation of this ordinance, as it allows applicants who request approval to develop a subdivision lot and any subsequent construction on the lot can follow the local government laws in effect at the time that the subdivision application was made . . . .

However, the protection provided to developers by subsection (2) may not exceed a period of 10 years."

The ordinance with its ten-year time limit makes it so that any further development after 10 years must be approved under a new application, based on contemporary standards and regulations.

**From:** Debby Hunn <[REDACTED]>  
**Sent:** Monday, September 9, 2024 1:50 PM  
**To:** Melissa Thompson  
**Cc:** City Manager; Charles McNeilly  
**Subject:** Electronic documents  
**Attachments:** CC Meeting Minutes 2012-03-14\_opt.pdf; TRT-SummaryDocument-Rev.pdf; CORB-TRT-NonMediaExpendituresRevised.pdf; Hunn-9-11-2024MeetingHandout.pdf; CityofRB-ElectionHistory-Rev9-4-2024.pdf; WebVideos&Timestamps.pdf

Dear Melissa,

Thank you for explaining the process for citizens to submit electronic documents. Although in my 3 minutes of public comment I may not be able to address all the issues, I am providing the attached documentation for distribution.

In my view the discussion of a pending legal matter outside of executive session is not only unusual it is basically unheard of.

Unfortunately this isn't the first time this occurred. Attached are the documents that I will speak to during public comment. I have just obtained access to the audio files from the recent legal matter and might be preparing an additional document if time permits.

Thank you again for your time in explaining the process for providing documents for council meetings. I have sent you by separate email information regarding my public records request this morning.

Debby Hunn, CPA - Retired  
[REDACTED]  
Rockaway Beach, OR 97136

REGULAR CITY COUNCIL MEETING

MARCH 14, 2012

**CALL TO ORDER** Mayor Boggs called the meeting to order at 6:02 p.m. There were sixteen (16) guests present.

**ROLL CALL** Present: Danell Boggs, Rich Riley, Tom Martine, Mardi Wing, Jack McClave and Les Pallett. Also present: City Manager Lars Gare, City Attorney John Putman, Public Works Supervisor Mark Gunter, Finance Officer Paul Laprevote and Police Chief Ed Wortman.

**CONSENT CALENDAR** Mayor Boggs asked if the Council had received the minutes and the check register. City Attorney John Putman noted in the minutes for the joint workshop there had been a question regarding why the City Attorney hadn't given staff the authority to enforce the ordinance and pointed out that it would be the Council that gave the authority not the city attorney. Mayor Boggs said she had noticed another miss statement in the same set of minutes where Bill Browne had referred to himself as a Planning Commission liaison to the Chamber of Commerce and she didn't believe there was a liaison between the Planning Commission and the Chamber. Riley agreed. Mayor Boggs asked if members had gotten their questions answered with regard to the check register. They all had. City manager Lars Gare pointed out the memo to the Council regarding the one mistake on the check register. Councilor McClave noted the check to the engineer for services on Water Treatment Plant and asked if the issues would get resolved. Public Works Director Mark Gunter explained the ARRA funding conditions and that this project had to be paid for in a 2 year window and that window was up, therefore the engineer and WesTech had to be paid by the end of February or the City would have had to pay for it out its coffers. He said the City is still working with WesTech and trying to get the technology to work for the City as it was promised it would. He explained that there were two sides; the computer side and then there is the filtration side of it and that they've been working to get the bugs out of them. Councilor Pallett asked if from now on the expense would be paid from City funds. Gunter agreed that expense would be paid from City funds. McClave made a motion, seconded by Martine, to accept the February 2012 check register as corrected and the minutes of the February 22, 2012, City Council & Planning Commission Workshop and regular City Council meeting as corrected; McClave, Martine, Riley, Wing and Pallett voted in favor; motion carried.

**PRESENTATIONS, GUESTS & ANOU** Cody Sampson, 122 S. Lagoon St., presented his senior project to the City Council. He explained how the project worked and that his project was called "Spread the Word to End the Word" which, he explained, is a project to get people to stop using the word "retard" and to get people to stop using derogatory words in general. He described how he went about tackling his project and the successes he had with it. He thanked the

Council for giving him this opportunity to address them and asked for any questions. Riley told Sampson this was a great project.

**CITIZEN INPUT**

Laurie DeKlyen, Park & Recreation Director, thanked everyone who helped with the Spaghetti Dinner and Silent Auction noting that they had made over \$3,200.00 this year. She announced the upcoming Easter Egg Hunt at noon on April 7.

**APPROVE  
BUDGET  
CALENDAR**

Mayor Boggs asked if the Council had a chance to review the budget calendar. They had. Gare explained that all the dates were in place and it was flexible with plenty of time for recommendation to adopt. Councilor Wing made a motion, seconded by Martine, to approve the budget calendar for fiscal year 2012-2013 as presented; Wing, Martine, Riley, McClave and Pallett voted in favor; motion carried.

**APPOINT BC  
MEMBERS**

Mayor Boggs announced the City had received four applications for the vacancies on the Budget Committee. Councilor Martine stated he would like to see Debbie Hunn removed from the Budget Committee. Martine made a motion, seconded by Wing, to remove Debbie Hunn from the Budget Committee. Pallett asked for Martine's reasons. Martine stated that there were many, but that Hunn had found many faults through the process last year, had made false accusations, and he doesn't believe she has the City's best interests at heart. Wing added that Hunn had trouble following *state guidelines and conduct toward staff and committee members was not in keeping with a good atmosphere.* Roll call vote; Martine – yes, Riley - yes, Wing – yes, McClave – no and Pallett – no; motion carried. Mayor Boggs announced that there were now three vacancies on the committee. Gare passed out the ballots. Gare and Putman tallied the ballots. Mayor Boggs announced the outcome of the vote; 5 votes for Bonnie Sedgemore, 5 votes for Laura Owens and 4 votes for Linda Olson. *Patrick McIntire received 2 votes.* Riley made a motion, seconded by Martine to appoint Bonnie Sedgemore, Laura Owens and Linda Olson to the Budget Committee vacancies; Wing, Martine, Riley, McClave and Pallett voted in favor; motion carried.

**ADOPTION OF  
RES. NO. 12-603**

Mayor Boggs stated that Council had received in their packets a resolution to increase the liability insurance to \$2,000,000.00 when groups or persons rent the Civic Facility and other City owned properties. She explained staff was advised by CCIS that the current coverage was low in comparison to other municipalities with similar rental properties. She stated after discussion Council should adopt by motion. She asked if members had had a chance to review the resolution. Riley noted that it was quite a jump. McClave explained that the increase in premium was probably fairly insignificant and he recommends the increase. Wing made a motion, seconded by McClave, to adopt Resolution No. 12-603, concerning adoption of a new City of Rockaway Beach general liability insurance requirement for use of City facilities; Wing, Martine, Riley, McClave and Pallett voted in favor; motion carried.

**DISCUSS COMM.  
STRUCTURE**

Mayor Boggs reported she had been reviewing the ordinances surrounding committees. She stated the City has a lot of committees when in actuality it should really only have three; Administration & Planning, Public Safety and Public Works committees. She pointed out that the other committees were all ad hoc committees and they need to be set up in a specific manner. Mayor Boggs expressed her concern that the City is not forming committees in the manner that it should. Riley stated he had reviewed the ordinance and there are three committees that have Councilors on them as appointed by the Mayor. He listed those committees noting that they report to the Council. Mayor Boggs shared the information she had on committees. She noted there are the three committees with two Councilors on each and one Planning Commission member. She asked about some of the other committees noting that it was confusing. Riley pointed out that the Nature Preserve committee had not always included water ways. Mayor Boggs stated she wanted as much history as she could get on committees. She explained that she had been unable to get to committee meetings and so didn't know how the attendance was. Martine pointed out that in 1997 there was an ordinance adopted dissolving the TRT Committee. Mayor Boggs agreed adding that after knowing more about the TRT she doesn't know why there would be a committee. Judy Taylor, 530 Kesterson Court, stated she was on TRT committee and 4 – 5 of them meet and they discuss promoting the City, the 2% TRT that is given to the Chamber, ways to enhance the City in the media, and talk about upcoming events and how to promote the City with reasonable costs. Martine read from the 1997 ordinance where the TRT committee was abolished. Riley reiterated that there were only three committees required to report to the City Council. McClave stated that he is at the committee as a Councilor not a committee member. Discussion continued regarding the dynamics of the committees. Mayor Boggs asked if Pallett had a backup for the Public Works liaison committee and Martine agreed to be the backup. McClave stated he was on the Administration & Planning liaison committee and his backup was Pallett and the Public Safety liaison committee was Martine with Wing as backup.

**CORRES.**

Council received in their packets a letter from Richard D. Perdue, Koontz & Purdue, P.C., explaining the circumstances surrounding the recent separation between Koontz & Purdue and former employee Glen Kearns. Gare stated Kearns had told staff he was leaving Koontz & Purdue and gave the City the opportunity to go with him and this is the firm letting the City know of the separation. Martine asked if Kearns was the one doing the audit noting that he thought there was problem with getting the audit done, so he doesn't think the City should go with Kearns. Gare explained how with Koontz & Purdue being new and then not being able to get the information from the previous auditor it was difficult for Kearns, but if Kearns splits off it will not be Koontz & Purdue doing the work any longer. McClave stated that the Council should visit this at another time once the audit is done because Council doesn't know what the audit will



look like. Gare commented that this is mainly a point of information for the City Council.

Included in packets was the OCZMA request for payment of membership dues for fiscal year 2012-2013. The request is made prior to the City's budgeting process so that it may be considered in funding for the upcoming fiscal year. Gare noted the dues are \$500.00 per year and that OCZMA was a lobbying agency. Council asked Terri Michel, Administrative Assistant, what she knew about the agency. Michel explained that this agency is mostly interested in the fishing aspects of the communities and Port related issues, but that the City had always paid the membership dues in the past. She stated the request is done strictly for budgeting purposes so that they are not forgotten through that process. She noted the agency could be invited to send a representative to a Council meeting to explain how OCZMA benefits the City. Council discussed the issue and thought it would be a good idea to have OCZMA at a future meeting.

#### **STAFF REPORTS**

Chief Wortman reported that his Department had once again received a Pedestrian Safety grant from Bicycle Transportation Alliance in Portland. He stated the Department has been invited to reapply for a COPS personnel grant which, if awarded, would cover a portion of one new officer salary for the next three years. He reported that they had completed the Uniform Crime Reports for 2011. He mentioned that the first quarter of calls or contacts was up from last year noting that most were routine business of a police department.

Gunter reported that the Hwy. 101 waterline project had been completed and it was done within budget and the time allotted. He stated the job was done well and it will serve the City well. He explained that it was done because of the number of breaks that continued to occur in that line. He reported that Public Works had started and will soon complete the spring waterline flushing. Gunter noted there are many dead end lines in the City, so water sits which does cause turbidity so people should be sure to let their water run. He reported his crew had been working on ditches and had been trying to catch up with downed trees from the multiple storms. Riley stated the Council had approved a device to keep the pH level good in the water and asked how it was working out. Gunter explained that the water in the creek was about a 7.8 as there has been an increase in rain and that the water doesn't get acidic until the creek is low in the summer then there is a drop in the pH.

Gare stated he had the privilege of dishing up spaghetti sauce at the Park & Recreation Spaghetti Dinner and Silent Auction and was blown away by the number of people there were. He stated it was a very positive atmosphere and the City needs more of those types of events. He said the bottom-line was that the net profit was in excess of \$2,500.00 thanks to all the volunteer efforts. Gare stated that he was impressed by the effort and thanked everyone for including him. He reported that he was working on

the personnel handbook, but that he wouldn't finish it until the City negotiates the Union contract. He announced that the first Union negotiation meeting would be March 20 at 1:00 p.m. He noted that at the appropriate time he would report to the Council in executive session. He gave kudos to Public Works for the waterline replacement that went without a hitch and had been paved with minimal disruptions. He stated he believed it was on schedule and on cost and paid for.

**CC CONCERNS**

Riley relayed a message from the owner of Rick's Road House about the health condition of local business owner Pat Creech and which hospital he was in.

**MAYOR'S REPORT**

Mayor Boggs stated she had enjoyed the train ride on Sunday with the Tourism Symposium and local historian Don Best had provided good information. She stated she then enjoyed the symposium on Monday with lots of good information and it was very interesting. She noted that it was well attended. Mayor Boggs added that she was sad that she had to miss the Spaghetti Feed, but she had another commitment.

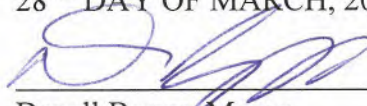
**ATTORNEY COMMENTS**

None.

**ADJOURN**

Riley made a motion, seconded by McClave, to adjourn; Wing, Martine, Riley, McClave and Pallett voted in favor; motion carried. Mayor Boggs adjourned the meeting at 7:06 p.m.

MINUTES APPROVED *WITH CHANGES* THIS  
28<sup>TH</sup> DAY OF MARCH, 2012.

  
\_\_\_\_\_  
Danell Boggs, Mayor

\_\_\_\_\_  
Lars Gare, City Manager

## Transient Room Tax Fund - Component Analysis

### Components:

- **Bucket A – 5% Grandfathered assessment**
  - Fire and rescue equipment, police services and equipment, promotion and tourism, street and parking improvements, parks and recreation services and equipment, land acquisition and capital improvements, and/or city beautification and urban renewal
- **Bucket B – 2 % Grandfathered assessment**
  - Its entirety to media advertising to promote tourism, economic development and a positive business environment in Rockaway Beach. (City has improperly used for promotion and facilities).
- **Bucket C – 2% assessed under ORS rules**
  - 70% Fund tourism promotion or tourism-related facilities
  - 30% Fund city or county services
- **Bucket D - 1% assessed under ORS rules**
  - 70% Fund tourism promotion or tourism-related facilities
  - 30% Fund city or county services

### Assumptions:

1. 2013 fund balance allocated 5/7 and 2/7ths (now known to be incorrect)
2. Delinquent taxes allocated in proportion to buckets of prior years
3. Interest earned allocated in ration of each buckets share of the fund
4. Assumed all advertising expenditure are media advertising.

### Results of Component Analysis (rounded to the nearest thousand)

	2% Bucket B portion	Combined A,C,D Portion	Total TRT Fund Balance
FY 21	\$ 742,000	\$ 635,000	\$ 1,377,000
FY22	\$ 962,000	\$ 628,000	\$ 1,590,000
FY23	\$ 1,237,000	\$ 384,000	\$ 1,621,000
FY24*	\$ 1,553,000\$	\$ (530,000)	\$ 1,023 000

### Difference from Budget documents:

	Budget Document	Analysis (rounded)	Difference (rounded)
FY 21	\$4,200	\$710,000	\$705,000
FY 22	\$119,056	\$930,000	\$810,000
FY 23	\$222,279	\$1,200,00	\$980,000
FY 24*	\$345,535	\$1,520,000	\$1,175,000

1. Work with city staff to review detailed analysis to determine actual (best estimate) of the amount of the advertising bucket fund balance component.
2. Supplemental budget may be needed to correct over transfer of funds.

\*Unaudited financial information

## City of Rockaway Beach Incorrect budgeting and spending from the 2% Media - Grandfathered portion of the tax

	Rockway Lions		Fireworks 4th of July		Tourism & Promo Facilities		Total spent in violation of 2% Media potion of tax
	Budget	Expended	Budget	Expended	Budget	Expended	
FY 6-30-2018	3,000	1,218	35,000	30,638	4,000	975	32,831
FY 6-30-2019	1,500	1,218	35,000	31,538	10,000	-	32,756
FY 6-30-2020	2,000	1,218	45,000	24,398	15,000	-	25,616
FY 6-30-2021	1,620	-	45,000	45,000	12,150	7,810	52,810
FY 6-30-2022	2,000	-	65,000	64,951	30,000	12,027	76,978
FY 6-30-2023	2,000	1,218	75,000	43,000	85,000	2,131	46,349
FY 6-30-2024	2,000	1,218	75,000	106,448	85,000	28,421	136,087
Sub - Total - Expended		6,090		345,973		51,364	403,427
FY 6/30/2025	2,000		75,000		333,535		

Financial information not available for expenditures through 8-31-2025.

### How did this happen?

The City passed an additional 2% tax that was subject to the new ORS rules. 70% for tourism 30% for City services

The City correctly budgeted the 70% of the new 2% Tax 2016-2017 Budget document (Lions, Fireworks, Tourism)

The City INCORRECTLY moved the items in to the grandfathered 2% Media Tax

Correct from budget document 2016-2017

REQUIREMENTS			
MATERIALS & SERVICES			
Tourism Promotion:			
2% Portion			
60,000	6533.80	Advertising - media	71,700
25,000	6535.80	Advertising/Tourism	25,000
10,000	6534.80	Advertising - websites and apps	10,000
25,000	6634.80	Advertising - other	38,000
10,000	6998.00	Bad Debt - 2% portion	14,000
70% of 2% CTY Portion			
1,200	6536.80	Rockaway Lions - July 4th Event	1,500
19,500	6537.80	Fireworks - July 4th Event	25,000
4,000	6538.80	Tourism Promo and Facilities	4,000
5% Portion			

Incorrect budget document 2017-2018

Tourism Promotion:			
2% Portion			
71,700	6533.80	Advertising - media	70,000
25,000	6535.80	Advertising/Tourism	33,000
10,000	6534.80	Advertising - websites and apps	10,000
38,000	6634.80	Advertising - other	20,000
14,000	6998.00	Bad Debt - 2% portion	15,000
1,500	6536.80	Rockaway Lions - July 4th Event	3,000
25,000	6537.80	Fireworks - July 4th Event	35,000
4,000	6538.80	Tourism Promo and Facilities	4,000
5% Portion			
10,500	6998.00	Bad Debt Expense	10,000
<b>199,700</b>		<b>Total Materials &amp; Services</b>	<b>200,000</b>
TRANSFER OUT - 70% of 2% CTY			
200,850	8008.00	Project & Equip Reserve Fund - PW	140,232

The CORB adopted charter by vote in 1996 effective January 1997. This charter contained the following provision as it relates to Councilors & Mayor

Section 8. **Councilors.** The term of office of each Councilor in office when this charter is adopted is the term of office for which the Councilor has been elected or appointed before adoption of the charter. At the general election in 1998 and thereafter, each four years, three Councilors shall be elected, each for a four year term. At each general election beginning in 2000 and thereafter each four years, two Councilors shall be elected, each for a four year term.

Section 9. **Mayor.** The term of office of the Mayor in office when this Charter is adopted continues until the beginning of the first odd numbered year after that time. At each general election subsequent to this Charter, a Mayor shall be elected for a two year term.

The CORB passed Resolution No. 541 on 8-25-2008 to replace the current City Charter. The following excerpt from that resolution:

The new charter is based on the 2004 League of Oregon Cities Model Charter. It contains charter provisions unique and important to Rockaway Beach. The proposed charter retains the current form of government with a Mayor and five councilors elected at large to govern the community. The new charter more clearly defines the legal authority of the City Council, defines the roles and responsibilities of the mayor and lists the duties of the city manager. The new charter is consistent with state law.

The new charter contains the following sections as it pertains to councilors & Mayor:

**Section6. Council.** The council consists of a mayor plus five voting councilors nominated and elected from the city at large.

**Section7. Mayor.** The Mayor shall preside over all meetings and deliberations of the City Council and be privileged to all City business. The Mayor shall nominate for appointment by a majority of the Council, Liaison Councilors, members of all

**Section24. Councilors.** The term of a councilor in office when this charter is adopted is the term for which the councilor was elected. At each general election after the adoption, three councilors will be elected for four- year terms.

**Section25. Mayor.** The term of the mayor in office when this charter is adopted continues until the next general election. At every other general election after the adoption, a mayor will be elected for a two (2) year term.

Note: These provisions are not consistent with the League of Oregon Cities Model Charter. The 2018 Model Charter calls for 6 Councilors and a Mayor, all elected for 4-year terms. The 2004 the Model charter is not available for comparison. Although Sections 6 & 7 were modified to reflect the current voting pattern, Section 24 was not modified to maintain the 3/2 alternating council elections. One cannot simply elect three councilors every two years, when there are only 5 councilors.

The 2010 general election happened to be the three-councilor cycle in the alternating method from prior years. Therefore the 2010 ballot was in conformance with the charter.

The CORB election of 2012 was not in compliance with the new charter when four councilors were elected for 4-year terms.

The CORB compounded the problem in 2014 by numbering the council seats, with only one 4-year term on the ballot. As all candidates ran unopposed there was no effect on the outcome of the election.

The 2016 election ballot contained numbered positions and one uncontested position. The effect of the numbering of the positions and not having a true at-large councilor election became apparent when the loser of Position 2 received more votes than the winner of Position 3.

Note: The CORB has posted online a charter that differs from a paper copy located in Planning Commission binders from that era. The differences do not impact on this matter.

## 2008 Rockaway Beach Election

Mayor – vote for 1 – 2 year term  
 Council – vote for 2 - 4 year terms

<b>CITY OF ROCKAWAY BEACH</b>		
	# of Votes	% of Total
<b>MAYOR (2 YEAR TERM, VOTE FOR 1)</b>		
RAY MCFARLANE	451	
WRITE-INS		
<b>CITY OF ROCKAWAY BEACH</b>		
	# of Votes	% of Total
<b>CITY COUNCIL (4 YEAR TERM, VOTE FOR 2)</b>		
DIXIE L SEXTON	121	
JOHN A KNIPE	130	
RICH RILEY	276	
SUSAN (SUE) WILSON	248	
RUTH DAUGHERTY	334	
WRITE-INS		
<b><u>MEASURE 29-119</u></b>		
<b><u>CITY OF ROCKAWAY BEACH. MEASURE ADOPTING REVISED CHARTER FOR ROCKAWAY BEACH</u></b>		
	# of Votes	% of Total
Yes	444	

Google Search Terms: Tillamook County 2008 election results

Direct URL: [2008 election Results](#)

## 2010 Rockaway Beach Election

Mayor – vote for 1 - 2 year term  
 Council – vote for 3 – 4 year terms  
 as at large positions

<b>CITY OF ROCKAWAY BEACH</b>	<b># of Votes</b>	<b>% of Total</b>
<b>MAYOR (2 YEAR TERM, VOTE FOR 1)</b>		
TERRY A WALHOOD	269	
DENNIS L PORTER	340	
WRITE-INS	5	
<b>CITY OF ROCKAWAY BEACH</b>	<b># of Votes</b>	<b>% of Total</b>
<b>CITY COUNCIL (4 YEAR TERM, VOTE FOR 3)</b>		
RODNEY BREAZILE	293	
WILLIAM (BILL) BROWNE	187	
SUSAN (SUE) WILSON	269	
JACK P MCCLAVE	322	
DAVID MAY	238	
PENELOPE (PENNY) CHEEK	171	
JON ORLOFF	274	
WRITE-INS	39	

Google Search Terms: Tillamook County 2010 election results

Direct URL: [2010 election Results](#)

## 2012 Rockaway Beach Election

Mayor – Vote for 1 – 2 year term

Council Vote for 4 – All were seated into 4 year terms

Invalid Ballot as the charter calls for 3 counselors every election. This was the 2 year cycle under the old system (which citizens were expecting to continue).

[TOP OF PAGE](#)

<b>CITY OF ROCKAWAY BEACH</b>	<b># of Votes</b>	<b>% of Total</b>
<b>MAYOR (2 YEAR TERM, VOTE FOR 1)</b>		
DANELL MARIT BOGGS	396	
WRITE-INS	71	
<b>CITY OF ROCKAWAY BEACH</b>	<b># of Votes</b>	<b>% of Total</b>
<b>CITY COUNCIL (VOTE FOR 4)</b>		
BONNIE SEDGEMORE	308	
SUSAN (SUE) WILSON	375	
DAVE MAY	243	
TOM MARTINE	404	
RICH RILEY	373	
WRITE-INS	146	

[TOP OF PAGE](#)

Google Search Terms: Tillamook County 2012 election results

Direct URL: [2012 election Results](#)



# 2014 Ballot results

Major – Vote for 1 2 year term

Council position numbers added, 2 – 2 year numbered positions due to vacancies, one 4 year numbered position.

This would have been the 3 position year cycle under the old system (which citizens were expecting to continue). Because The 2012 election was improper, only one – 4-year position and two – 2 year unexpired numbered position on this ballot

<b>CITY OF ROCKAWAY BEACH</b>	<b># of Votes</b>	<b>% of Total</b>
<b>MAYOR (2 YEAR TERM, VOTE FOR 1)</b>		
JOANNE D AAGAARD	339	
WRITE-INS	33	

<b>CITY OF ROCKAWAY BEACH</b>	<b># of Votes</b>	<b>% of Total</b>
<b>COUNCILOR, POSITION 1 (2 YEAR UNEXPIRED TERM, VOTE FOR 1)</b>		
MARDI WING	329	
WRITE-INS	21	

<b>CITY OF ROCKAWAY BEACH</b>	<b># of Votes</b>	<b>% of Total</b>
<b>COUNCILOR, POSITION 4 (4 YEAR TERM, VOTE FOR 1)</b>		
TERRY A WALHOOD	335	
WRITE-INS	19	

<b>CITY OF ROCKAWAY BEACH</b>	<b># of Votes</b>	<b>% of Total</b>
<b>COUNCILOR, POSITION 5 (2 YEAR UNEXPIRED TERM, VOTE FOR 1)</b>		
JAMES DOYLE	311	
WRITE-INS	22	

Google Search Terms: Tillamook County 2014 election results

Direct URL: [2014 election Results](#)

# 2016 Ballot results

Mayor 2 year term

4 council numbered positions, all awarded 4 year terms

<b>CITY OF ROCKAWAY BEACH</b>	# of Votes	% of Total
<b>MAYOR (2 YEAR TERM, VOTE FOR 1)</b>		
JOANNE D AAGAARD	508	
<b>CITY OF ROCKAWAY BEACH</b>	# of Votes	% of Total
<b>CITY COUNCIL POSITION 1</b>		
NATHAN R BEEMAN	491	
<b>CITY OF ROCKAWAY BEACH</b>	# of Votes	% of Total
<b>CITY COUNCIL POSITION 2</b>		
SUSAN (SUE) WILSON	332	
EMMA POULSEN	227	
<b>CITY OF ROCKAWAY BEACH</b>	# of Votes	% of Total
<b>CITY COUNCIL POSITION 3</b>		
KRISTINE HAYES	197	
GEOFFREY GRACE	176	
PENELOPE (PENNY) CHEEK	141	
PATRICK MCINTIRE	108	
R DAVID JEFFERS	37	
<b>CITY OF ROCKAWAY BEACH</b>	# of Votes	% of Total
<b>CITY COUNCIL POSITION 5</b>		
JAMES DOYLE	365	
BRIAN POULSEN	187	

Google Search Terms: Tillamook County 2016 election results

Direct URL: [2016 election Results](#)

2018 Ballot results  
 Mayor 2 year term  
 1 numbered council position – 4 year term

~~SECRET~~

<b>CITY OF ROCKAWAY BEACH</b>	<b># of Votes</b>	<b>% of Total</b>
<b>MAYOR (2 YEAR TERM, VOTE FOR 1)</b>		
Joanne D Aagaard	448	
WRITE-INS	62	
<b>CITY OF ROCKAWAY BEACH</b>	<b># of Votes</b>	<b>% of Total</b>
<b>COUNCILOR, POSITION 4 (4 YEAR TERM, VOTE FOR 1)</b>		
Terry A Walhood	457	
WRITE-INS	33	

Google Search Terms: Tillamook County 2018 election results

Direct URL: [2018 election Results](#)

2020 Ballot results

Mayor 2 year term

4 council numbered positions, 4 year terms

<b>CITY OF ROCKAWAY BEACH</b>	# of Votes	% of Total
<b>MAYOR (2 YEAR TERM, VOTE FOR 1)</b>		
Susan (Sue) Wilson	673	
<b>CITY OF ROCKAWAY BEACH</b>	# of Votes	% of Total
<b>CITY COUNCIL POSITION 1 (4 YEAR TERM, VOTE FOR 1)</b>		
Nathan R. Beeman	388	
Keith Cantrell	403	
<b>CITY OF ROCKAWAY BEACH</b>	# of Votes	% of Total
<b>CITY COUNCIL POSITION 2 (4 YEAR TERM, VOTE FOR 1)</b>		
Tom Martine	685	
<b>CITY OF ROCKAWAY BEACH</b>	# of Votes	% of Total
<b>CITY COUNCIL POSITION 3 (4 YEAR TERM, VOTE FOR 1)</b>		
Kristine Hayes	507	
Geoffrey Grace	393	
<b>CITY OF ROCKAWAY BEACH</b>	# of Votes	% of Total
<b>CITY COUNCIL POSITION 5 (4 YEAR TERM, VOTE FOR 1)</b>		
Zandra Umholtz	318	
Penelope (Penny) Cheek	511	

Google Search Terms: Tillamook County 2020 election results

Direct URL: [2020 election Results](#)

2022 Ballot results

Mayor 2 year term

1 numbered position – 2 year term, 1 numbered position – 4 year term

CITY OF ROCKAWAY BEACH	# of Votes	% of Total
------------------------	------------	------------

**MAYOR (2 YEAR TERM, VOTE FOR 1)**

Charles McNeilly 530

Susan J Wilson (Sue) 305

CITY OF ROCKAWAY BEACH	# of Votes	% of Total
------------------------	------------	------------

**COUNCILOR, POSITION 1  
(2 YEAR TERM, VOTE FOR 1)**

Mary McGinnis 573

CITY OF ROCKAWAY BEACH	# of Votes	% of Total
------------------------	------------	------------

**COUNCILOR, POSITION 4  
(4 YEAR TERM, VOTE FOR 1)**

Cindy Kay Gregory 462

Terry A Walhood 340

Google Search Terms: Tillamook County 2022 election results

Direct URL: [2022 election Results](#)

Video/Audio Links and time stamps

2-14-2024 City of Rockaway Beach Workshop link

<https://m.youtube.com/watch?v=5zrjAiiEtEY&feature=youtu.be>

Time stamp of quote on Page 3 Lines 16-18 begins at 43:01

Time stamp of quote on Page 3 Lines 20-24 begins at 43:34

Time Stamp of quote on Page 7 lines 18-23 at 50:06

Time stamp of quote on Page7 Lines 25-26 continuing to page at 51:05

February 14, 2024 City of Rockaway Beach Council Meeting

<https://www.youtube.com/watch?v=mpkqnuRRZXU>

Page 7 – Lines 9-11 Not exact quote. 41:20

1-10-2024 City of Rockaway Beach Workshop good audio

<https://youtu.be/jkpGFh9cA1E>

1-10-2024 City of Rockaway Beach Workshop – Bad audio

<https://youtu.be/1qEmK3ndoK0>

8-14-2024 City of Rockaway Beach Meeting

<https://www.youtube.com/watch?v=gA8VQIOL3Lo>

Penny Cheek begins time stamp 2:27:00

Mary McGinnis begins time stamp 2:26:18

Charles McNeilly beings time stamp 2:42:27, begins display of legal filings at 2:42:42 singling out Relators, displays filing with Councilwomen Hayes name at 2:44:34

**From:** Daniel Howlett <[REDACTED]>  
**Sent:** Sunday, September 8, 2024 2:04 PM  
**To:** Melissa Thompson; City Manager  
**Cc:** Mary McGinnis; Charles McNeilly; Alesia Franken; Kristine Hayes; Penny Cheek; Tom Martine; [REDACTED]@yahoo.com; headlighteditor@countrymedia.net; rbvolunteers1@gmail.com; newsroom@oregonian.com  
**Subject:** Rockaway Beach September Public Testimony in response to city lawsuit  
**Attachments:** 2.pdf; 1.pdf; 5.pdf; 7.pdf; 6.pdf; 8.pdf; 4.pdf; 3.pdf; 9.pdf; 11.pdf; 12.pdf; 10.pdf; 13.pdf; 14.pdf

Hi Melissa,

To bring transparency to the issue of removing the position numbers off the council seats, please submit the following 14 attachments for the September council meeting. Also, I've included a link below to the muted audio version of the January Council workshop, not corrected for almost a month. This missing audio portion is during the first 4 critical minutes when Ms Nyseth, Tillamook County Elections Clerk, was speaking about the correct process.

Here is the link to the January meeting (ORIGINAL BAD AUDIO) Skip to 46 minutes, 18 seconds for the beginning of the meeting. The audio starts at 49 minutes, 49 seconds.

<https://youtu.be/1qEmK3ndoK0>

Here is the link to watch the January workshop meeting, (CORRECTED VERSION) at the 1 minute mark, <https://youtu.be/jkpGFh9cA1E>

Here is the link to watch the February workshop meeting, at the 50 minute mark, where the council discusses the nomination ordinance 2024-02. While Judge Hill cited this ordinance as approval of the numbered positions in this ruling, you can clearly hear that this was not the councils' intention:

The city manager said, "This ordinance is a completely different topic to what we're talking about here, unrelated to position numbers." The mayor said, "down the road when we have more time, we can workshop the position numbers separately from tonight. Yeah, it's not a topic for tonight." Councilor McGinnis said, "So positions aren't even on the topic tonight. The city manager replied, not for downstairs.

<https://youtu.be/5zrjAiiEtEY>

Cheers,

Daniel





Daniel Howlett &lt;[REDACTED]&gt;

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## My research on Rockaway election history

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

Mon, Aug 14, 2023 at 1:20 PM

I shared a google doc with the research I did on Rockaway's election history going back to 2006.

None of it is private information. It all came from the Oregon Secretary of State's office, Tillamook County Clerk's office, and from the Tillamook Headlight Herald news articles.

As a 45 year government/civics teacher. I needed to understand the political landscape in order to see a future path. **My primary goal in researching all this was to find when city council positions were added to the ballot.** I found when, but I did not find legal paperwork associated with the change.

A few surprises for me: 1) The 2014 election was the first time city council positions appeared on the ballot. (A side note- I have not been able to trace paperwork on why that happened.) 2) There were two back to back recall elections. The first (2010) appears to be initiated by the Rockaway Chamber. We don't hear as much about this one. A second recall (2011) was initiated by city employees and community members. 3. Kristine Hayes previously told me that in 2008 the mayor and the city manager ( and maybe a councilor) met at city hall and changed the Charter concerning the Council appointing the city recorder. I found that did not happen. I traced the Charter change ballot measure filing with the Oregon Secretary of State and the election where Rockaway voters voted and approved the change. All very legal and transparent.

If the doc doesn't open, let me know.

I don't know how this can help with your interest in the next Rockaway elections concerning positions on the ballot, but use it as you need to.

--

**Mary McGinnis**  
**Rockaway Beach City Councilor**  
**Rockaway Beach, Oregon 97136**  
**Cell- [REDACTED]**  
**"Working together to get results"**



Daniel Howlett <[REDACTED]>

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## My research on Rockaway election history

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

Tue, Aug 15, 2023 at 2:11 PM

To: Daniel Howlett <[REDACTED]>

I asked Luke, and he said he is not aware of any paperwork. I would have to try and find the transcripts of all the city council meetings in 2014.

The Charter mentions city councilor elections in two places, other than mentioning the term is four years:

1. City Charter - Chapter III

**COUNCIL**

Section 6. Council. The council consists of a mayor plus five voting councilors nominated and elected from the city at large.

*(My Note: this means that we don't have Wards for city councilors to represent).*

2. Section 26. .... The Council shall be final judge of the qualifications and election of its own members.

I am going to ask Luke to request the city attorney to give me an interpretation as to how much leeway this gives the city council to put positions on or take positions off councilor elections.

Mary

[Quoted text hidden]

## 7. PUBLIC HEARING

### a. Resolution 23-1010 Approving Public Records Request Fees

Start time: [06:25:48 PM \(00:25:25\)](#)

McNeilly opened the public hearing at 6:25 p.m.

Daniel Howlett commented on records requests that he has placed. He explained that he had reviewed the log of requests made in 2023 and suggested that journalists and other locals make more requests. He commented that the City Recorder was a good hire and expressed appreciation for assistance with requests. Howlett recommended digitization of all files and minute notes.

There being no further comments, McNeilly closed the public hearing at 6:30 p.m.

## 8. CITIZEN INPUT ON NON-AGENDA ITEMS

Start time: [06:30:46 PM \(00:30:23\)](#)

Chris O'Brien spoke regarding her concerns about issues with the memorial bricks at the Wayside, commenting that she had been communicating with City Hall for the past three years, and that the installer did not do a very good job. She expressed that if the City can't get the issues resolved in a timely manner, the Council should consider refunding money. O'Brien shared images with the Council from a memorial wall in Depoe Bay.

Twyla Atkinson spoke regarding her concerns about the memorial brick she purchased for her husband. She shared that it was a special memory and memorial.

Michael Weissenfluh requested that the Council put a pause on short-term rentals (STRs) in order to consider imposing a cap, density limits, denying transferability of permits, and reviewing to ensure that current licenses are being used properly. He acknowledged the need for housing for tourists and the importance of tourism for merchants, but expressed concerns about STRs impact on livability. Weissenfluh emphasized the need for balance.

Daniel Howlett commented that he was advocating for voters, saying that four Council seats would be up at the next election cycle and the implications are huge. He commented on the process of casting ballots in past elections and said the process changed in 2014 when position numbers were assigned. He suggested a records request be filed regarding the change in 2014. Howlett commented that candidates should have to compete for their seat. Howlett requested that the Council fix the voting process by removing position assignments for seats so that the community gets the best leaders possible.

## 9. OLD BUSINESS – None Scheduled

[Position #1 - Mary McGinnis: Approve](#)

[Position #5 - Penelope Cheek: Approve](#)

[Position #2 - Tom Martine: Approve](#)

## **11. ITEMS REMOVED FROM CONSENT AGENDA – None Removed**

## **12. COUNCIL CONCERNS**

Start time: [06:45:22 PM \(00:45:00\)](#)

Cheek commented that the City was progressing and getting things done. She said that the Council had a really good workshop and discussed putting things in process that the City has needed for a long time.

Franken thanked the City Manager and staff, noting that there was a lot going on and it was well organized and well presented. She thanked Hesse and Emerson and their teams for their work.

Hayes addressed the public comments regarding the memorial bricks. She said that she believed that there was a plan to address the bricks included in the Wayside improvements. Hayes shared that there were middle and high school students coming from Valley Catholic to do work on various projects in the community. She shared that the Chamber is planning Halloween Town events. Hayes requested that the Council revisit the policy of closing the Wayside on holidays.

Martine commented that last month's City Council meeting was the first that he had ever missed, noting how much transpired at the meeting, and expressing appreciation for how much the Council does.

McGinnis commented on the Fire Department open house. She acknowledged and thanked all of the volunteers throughout the city. McGinnis reported on presentations she made to social studies classes, noting that the students expressed interest in viewing Council meetings. She thanked community members and businesses that were participating in the watershed group, commenting that their engagement and the city's participation would make a difference. McGinnis shared that addressing STRs was next on her priority list, and that the city needed a healthy balance between STRs and full-time residences. She addressed the public comments regarding the election ballot process, noting that the purpose of the document she drafted regarding the history of elections that was shared by Howlett was to provide transparency. She commented that Council position numbers could be added or removed by Council action. She explained that the City's election history was normal and typical of cities on the coast. She indicated that she was being transparent, and there would be an honest conversation about it. McGinnis reported that she received a scholarship to attend the League of Oregon Cities in Eugene.

## **13. MAYOR'S REPORT**

Start time: [06:57:36 PM \(00:57:14\)](#)

**CITIZEN TESTIMONY  
SUBMITTED FOR  
OCTOBER 11, 2023  
CITY COUNCIL MEETING**

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**From:** Jason Maxfield <[REDACTED]>  
**Sent:** Tuesday, September 26, 2023 11:09 AM  
**To:** City Planner <[cityplanner@corb.us](mailto:cityplanner@corb.us)>  
**Subject:** Comments on playground design

Hello,

My name is Jason and my family lives in Rockaway. My kids, 10 and 6, are enthusiastic park users and are excited about the Anchor Street project. When they were stuck home sick last week I asked them to write up comments on the proposals. I'm copying what they wrote below, but the original version was typed up by my daughter.

Thanks for your work on this,

-Jason Maxfield

Submitted comments on park:

Dear Mary Johnson and Rockaway City Planning Commission,

Hi, my name is Scarlet and I'm 10 years old. My little brother Oscar, who is 6 years old and I probably go to a Rockaway park 5 days a week especially in the summer. That's why we are pretty pumped that there will be a new park in town.

We looked at the pictures and this is what we came up with. Our favorite is Park c, the pirate themed one it looks super fun to play on, especially the warped wall which will be fun for older kids. So we like park c in these colors:

- HDPE plastic panels in olive/black or orange/black
- Powder coat paint in Navy or mint
- Platforms in blue
- Rotomold plastic in purple
- Aqua shade canopies

P.S. our second choice is park A in red white and blue.

Sincerely,

Scarlet and Oscar Maxfield

## Melissa Thompson

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**From:** Daniel Howlett <[REDACTED]>  
**Sent:** Monday, October 9, 2023 9:50 AM  
**To:** Melissa Thompson  
**Subject:** Public Testimony for Oct 11th Council Meeting "Rockaway political history "

Hi Melissa,

Please include the attached Google Document created by Mary McGinnis along with all the corresponding links. Also, would you please confirm when this public testimony will be uploaded to the city website?

Cheers,

Daniel

Daniel Howlett  
Earth Advantage Broker  
Premiere Property Group, LLC  
Vintage Home Realty LLC  
[www.vintagehomerealty.com](http://www.vintagehomerealty.com)  
[REDACTED]

----- Forwarded message -----

**From:** Mary McGinnis (via Google Docs) <[drive-shares-dm-noreply@google.com](mailto:drive-shares-dm-noreply@google.com)>  
**Date:** Mon, Aug 14, 2023 at 12:59 PM  
**Subject:** Document shared with you: "Rockaway political hisotry "  
**To:** <[REDACTED]>

## Mary McGinnis shared a document



Mary McGinnis ([marymcginniscitycouncil@gmail.com](mailto:marymcginniscitycouncil@gmail.com)) has invited you to **edit** the following document:

Attached is the Rockaway election history I have researched.



 Rockaway political hisotry

[Open](#)

If you don't want to receive files from this person, [block the sender](#) from Drive

Google LLC, 1600 Amphitheatre Parkway, Mountain View, CA 94043, USA  
You have received this email because [marymcginniscitycouncil@gmail.com](mailto:marymcginniscitycouncil@gmail.com) shared a document with you from Google Docs.



# Rockaway Political History

From the current Charter:

**Chapter III, Section 6. Council.** The council consists of a mayor plus five voting councilors nominated and elected from the city at large.

**Chapter VII, Section 26 (d):** The council is the final judge of the election and qualifications of its members.

---

## HISTORICAL ELECTION RESULTS

1. **Charter revised by voters in 2008 November general election.** The revision removed the city recorder and the city treasurer from appointed positions to positions hired and under the control of the manager.

**Section 6. Council.** The council consists of a mayor plus five voting councilors nominated and elected from the city at large.

<https://www.co.tillamook.or.us/sites/default/files/client/Elections/29-119rockaway11408.pdf>

<https://www2.co.tillamook.or.us/gov/clerk/Elections%202008/2008GeneralEleResults.htm>

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2. 2006 November general - **Council positions not listed on ballot, vote for top 3**, mayor no opposition, 4 candidates for 3 positions- Lisa Phipps elected mayor- Dave May, Ray McFarlane, and Luann Swanson won.

<https://www2.co.tillamook.or.us/gov/clerk/Elections%202006/2006GeneralResults.pdf>

[https://www.tillamookheadlightherald.com/news/rockaway-mayor-unopposed-4-vie-for-city-council/article\\_e98dc246-0c1d-5097-8931-c8d2207b1b37.html](https://www.tillamookheadlightherald.com/news/rockaway-mayor-unopposed-4-vie-for-city-council/article_e98dc246-0c1d-5097-8931-c8d2207b1b37.html)

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3. 2008 November general - **Council positions not listed on ballot, vote for top 2**- Rich Riley and Ruth Daughtery won in a field of 5, including Sue Wilson losing

<https://www2.co.tillamook.or.us/gov/clerk/Elections%202008/2008GeneralEleResults.htm>

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4. **Special Election Recall 8/9/2010 (August) of Dave May and Daughtery** - The Headlight Herald news from that time said the Rockaway Chamber initiated this recall.

<https://www.co.tillamook.or.us/sites/default/files/client/Elections/RBRecallEleResults.html>

<https://www2.co.tillamook.or.us/gov/clerk/Elections%202010/RBRecallEleResults.htm>

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5. 2010 November general - **Council positions not listed on ballot, vote for top 3** - Dennis Porter beats Terry Walhood for mayor, 7 council candidates- Jack McClave, Rodney Breazile, and Job Orloff win. Sue Wilson and Penny Cheek lost.

<https://www.co.tillamook.or.us/sites/default/files/client/Elections/2010GeneralEleResults.html>

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6. **Special Election Recall 9/6/2011 (September) of Porter and Breazile** - (Union and local news sources said the employees union and community members were behind this recall.)

<https://www2.co.tillamook.or.us/gov/clerk/Elections%202011/RBRecallEleResults.2011.htm>

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7. 2012 November general - **Council positions not listed on ballot, vote for top 4** - Danell Boggs (daughter of previous mayor) won mayor with no opposition -Sue Wilson, Tom Martine, Rich Riley, and Bonnie Sedgemore won council

[https://www.co.tillamook.or.us/sites/default/files/fileattachments/clerk039s\\_office/page/69486/2012generaleleleResults.pdf](https://www.co.tillamook.or.us/sites/default/files/fileattachments/clerk039s_office/page/69486/2012generaleleleResults.pdf)

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8. 2014 November general- Joanne Aagaard wins mayor, no opposition, (takes over for her daughter who was previous mayor) - **This is the first election position numbers appear on ballot with position # 1, 4, 5 - on ballot.** Mardi Wing, Terry Walhood, and Jim Doyle won with no opposition in any of the positions.

<https://www.co.tillamook.or.us/sites/default/files/client/Elections/2014GeneralEleResults.html>

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9. 2016- November general election - Joanne Asgaard wins mayor no opposition - **Council positions remain on ballot - # 1, 2, 3 5 on ballot.** Nathan Beeman won no opposition, Sue Wilson with opponent, Kristine Hayes won with 5 opposition candidates, including Penny Cheek, Jim Doyle won with opponent.

<https://www.co.tillamook.or.us/sites/default/files/client/Elections/2016GeneralEleResults.html>



# Rockaway POLITICAL NEWS ARTICLES-

## 2nd Recall Election — 2011 Recall of the 2010 Election

**1. Recall Rodney Brazille and Dennis Porter after the 2010 Election- Led by AFSME employees union and community members (Sue Wilson filed the recall petitions and Tom Martine was treasurer of the recall committee)**

[https://docs.google.com/document/d/13yw\\_I13ZHoTxFUUIZtLD-5xNV4bb7HADxIHqEm378fM/e/dit?pli=1](https://docs.google.com/document/d/13yw_I13ZHoTxFUUIZtLD-5xNV4bb7HADxIHqEm378fM/e/dit?pli=1)

Tillamook Headlight Herald

Recall Petition Filed in Rockaway Beach

By Samantha Swindler Jul 20, 2011 Updated Jul 20, 2011

ROCKAWAY BEACH - Six months from the day they were sworn into office, recall petitions were filed to remove Mayor Dennis Porter and Councilor Rodney Breazile from the Rockaway City Council.

**Both petitions were filed July 12 by Sue Wilson, herself a former councilor who lost her re-election bid in November.**

Porter and Breazile were both elected in November and sworn into office in January.

The petitions allege that the pair should be removed from office for "failure to uphold the overall goals of the Comprehensive Plan designed to govern city staff, failure to uphold the City Charter, more specifically, 'No council member may directly or indirectly attempt to coerce the manager... in the appointment or removal of any city employee...' (Section 33i); subverting citizen input at public meetings; creating a hostile work environment for both managers and represented employees; and campaign violations during the 2010 election."

Petitions with about 140 signatures each were turned in to the Tillamook County Clerk's office on July 19. According to County Clerk Tassi O'Neil, each petition must contain at least 99 signatures of registered city voters in order to be placed on the ballot. That figure represents 15 percent of city residents who voted in the last gubernatorial election.

O'Neil has 10 days to verify the petition signatures. If they contain at least 99 valid signatures, Breazile and Porter will then have five days to either resign or submit a "Statement of Justification" of up to 200 words.

If they do not resign after the five days, O'Neil has 35 days to hold an election. Voters will then determine whether Breazile and Porter will retain their elected positions.

**This is the second recall election in as many years in Rockaway Beach. In July 2010, voters recalled councilors Dave May and Ruth Daugherty.**

**The cost of the election is absorbed by the City of Rockaway Beach**, O-Neil said. Last year's recall cost taxpayers approximately \$2,900.

2. In 2010 the Chamber was behind a recall of two city councilors. This was the year ?? that the Comprehensive Plan was updated to say that the City will work with the Chamber on TRT taxes and tourism.

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## 2. Results of the recall election

Tillamook Headlight Herald

Recalls of Mayor Porter, Councilor Breazile appear to be successful

Sep 7, 2011 Updated Sep 7, 2011

ROCKAWAY BEACH – With 69.77 percent of registered voters casting a ballot, it appeared the Sept. 6 recalls of both Mayor Dennis Portland and Councilman Rodney Breazile would be successful. In the recall of Porter, so far, 295 votes were counted in favor of removing him from office; 273 against. In the recall of Breazile, 291 votes were counted in favor of removing him from office; 275 voted against.

Both Breazile and Porter were elected to office last November. A recall petition was filed six months to the day they were sworn into office.

## 3. 2011 City Manager resigns as a result of conflict with Chamber (After 2010 election when Rodney Breazille and Dennis Porter were elected)

[https://docs.google.com/document/d/13yw\\_I13ZHoTxFUUIZtLD-5xNV4bb7HADxIHqEm378fM/e/dit?pli=1](https://docs.google.com/document/d/13yw_I13ZHoTxFUUIZtLD-5xNV4bb7HADxIHqEm378fM/e/dit?pli=1)

Tillamook Headlight Herald

By Samantha Swindler May 31, 2011 Updated Dec 21, 2019

ROCKAWAY BEACH - Despite a unanimous vote of support from the city council and the support of a vocal majority of audience members, Rockaway Beach City Manager David Wiegan refused to withdraw his resignation or meet with a mediator to try to work out differences with the council.

When asked by an audience member at the May 31 special council meeting what it would take for.....

(Luke is in the this picture. He shared Wiegan's resignation letter with me after I was appointed to City Council in 2021)



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**1st Recall Election ---- 2010 RECALL OF THE 2008 ELECTION**

**1. Recall Dave May and Ruth Daugherty from the 2008 Election - Led by Chamber of Commerce and community members**

[https://docs.google.com/document/d/13yw\\_l13ZHoTxFUUIZtLD-5xNV4bb7HADxIHqEm378fM/e\\_dit?pli=1](https://docs.google.com/document/d/13yw_l13ZHoTxFUUIZtLD-5xNV4bb7HADxIHqEm378fM/e_dit?pli=1)

Tillamook Headlight Herald

Rockaway recall means new faces at City Hall  
LeeAnn Neal Aug 3, 2010 Updated Aug 4, 2010 1

ROCKAWAY BEACH - Following the recall of two of its members, the City Council plans to appoint two new members during its next meeting, Aug. 25.

“Things can change, but that’s the plan right now,” **said City Manager Cliff Jensen.**

**The new councilors will replace Dave May and Ruth Daugherty, ousted by Rockaway Beach voters – 299 to 213, and 292 to 228, respectively – during a July 27 special election.**

“We’re obviously very happy that the recall effort was successful,” said Maureen Taylor, a member of Concerned Citizens and Volunteers of Rockaway Beach, which spearheaded the recall effort.

“I am cautiously optimistic about the fact that we can move forward.”

Members of Concerned Citizens began soliciting signatures for Daugherty's and May's recall petitions in March 2010. The group gathered 189 signatures to remove May and 185 to remove Daugherty. They needed 110 signatures each.

**The group cited ethics issues among its reasons for the recall.**

**Daugherty and May have maintained they have not violated any ethics policies and that the true motivation for the recall vote was the city's decision to hand over transient room tax funds to an outside agency rather than the Rockaway Beach Chamber of Commerce, which they insist is behind the group.**

"Of course I am disappointed," Daugherty said July 30. "I'm very disappointed."

She opted not to attend the July 28 scheduled City Council meeting, one of the few she has missed in a decade in office. "It was strange to be home when everyone else was down there," she acknowledged.

Daugherty said she accepts the will of the voters. "Clearly, it was meant to be," she said.

May said he hadn't known what to expect before the recall votes were tallied. "I really couldn't get a feel for it," he said. "I think they (the Concerned Citizens) put more time and effort into it than we did."

May and Daugherty attended a potluck in their honor July 31 at the Rockaway Senior Center. "About 50 or 60 people were there," said May. "It was a nice feeling."

Now that he won't be involved in governing the city, May said, "I'm just going to sit back and see what happens."

"I have a feeling (the Concerned Citizens) have a bigger agenda than the recall. That concerns me greatly. I wish they'd just bury the hatchet, so we can get on with business, but I don't have a lot of confidence in that."

Recall proponent Taylor agreed that the last few months have been tense in Rockaway Beach. "It's such a small town," she said. "It's been very traumatic for those of us who were trying to facilitate change in local government."

"I know the City Council probably feels battered by it, but it's an opportunity to change."

Jensen emphasized that, "Ruth and Dave are still city councilors until election results are certified."

Once he receives word from Tillamook County Clerk Tassi O'Neil that the recall results have been certified, "I'll call (May and Daugherty) as a courtesy and send them a letter so that it's official," Jensen said.



O’Neil said she hopes to certify the recall election results by Aug. 6, but that by Oregon law she has 20 days following the election to do so.

May’s and Daugherty’s appointed replacements will serve through the end of this year, then may run for re-election in November, said O’Neil.

May’s position, which would have expired at the end of this year, will be for a four-year term, while Daugherty’s will be for a two-year-term, she added.

“The City Council and mayor are charged with selecting two replacements,” said Jensen. “If they had two people in mind they wanted to select right now, they could.”

During a City Council meeting July 28, Mayor Terry Walhood said the city would give those interested in the appointments to notify City Hall prior to the council’s scheduled meeting Aug. 25.

Council members Sue Wilson and Louann Swanson have said they do not plan to seek re-election when their terms expire in November.

Walhood has not announced her intentions concerning the mayor’s position, which will also be up for re-election in November.

Councilor Rich Riley may or may not run, depending on whether he is selected in his bid for the city’s municipal court judge position. (See related story.)

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## 2. Recall election successful

Rockaway Beach recall effort in full swing  
Apr 21, 2010

ROCKAWAY BEACH - Far from winding down, a furor over how the City has awarded funds for marketing the community to tourists is gaining momentum.

Evidence of that furor is a recent attempt to recall two members of the Rockaway Beach City Council.....

XX

## OTHER ROCKAWAY POLITICAL NEWS In Addition to Recalls

### 1. Sue Wilson appointed mayor in 2019

[https://www.tillamookheadlightherald.com/news\\_paid/rockaway-s-newly-appointed-mayor-talks-future-plans-events-and-goals/article\\_cedbf1a0-b3b0-11e9-8883-6b75f406ec33.html](https://www.tillamookheadlightherald.com/news_paid/rockaway-s-newly-appointed-mayor-talks-future-plans-events-and-goals/article_cedbf1a0-b3b0-11e9-8883-6b75f406ec33.html)

Hilary Dorsey

Jul 31, 2019 Updated Aug 13, 2019

**Mayor Sue Wilson was appointed mayor of Rockaway Beach at the May 8** city council meeting by a vote of the council. Mayor Wilson has plans for the small town, which include keeping the feel of a small town. Since she was appointed mayor, she has learned a lot and plans to do more as her time as mayor.

Wilson moved to Rockaway Beach in 2005. In 2007, she entered politics. She was elected to the council and ultimately ran for reelection four years later for the next term. She was subsequently voted president of the council, which is the person who steps up to lead the meeting when the mayor is absent. This helped Wilson step into the role of mayor.

“There is a learning curve,” said Wilson. “I’m learning more and more every day.”

There are always two sides to everyone’s story, says Wilson. She likes to look for the reasoning behind people’s opinions and decisions. If a council member abstains from voting, she always asks them why.

Wilson says that she acts as a referee at times. She can’t use her personal opinions to make decisions. She has to make decisions for the people. She has to remain neutral. The only time the mayor is allowed to vote is if there is a tie. Wilson hasn’t had to do a swing vote yet.

The mayor position will be up for reelection in November 2020. The prior mayor finished about half of her term before Wilson took over.

Wilson mentions some events coming up in the town. There will be the kite festival at Rockaway Beach Wayside in August. It is a chamber of commerce sponsored event and the city will be 100 percent behind it.

One of the city official’s major concerns is the Wayside’s parking. People park RV’s and trailers and think it is an appropriate place to park. Wilson says they are going to be dealing with this issue with signage in the near future.

There is a concern of children dashing out into the street and parking in general. Parking in Rockaway Beach is limited. The town has one parking lot which can’t be accessed by vehicles coming from the south. Wilson’s hope for the parking lot, is for people to be able to park for an hour or so, enjoy the beach, and leave so others can find a parking space. The city isn’t able to manufacture any more parking because the space for it isn’t available.

“We think we manage our resources well. There is always room for improvement no matter where you live or what you do,” said Wilson.

The council passed an ordinance in 2016, indicating that no one would be able to request usage of the Wayside three weekends of the year. These holidays are Labor Day, Memorial Day, and the Fourth of July.





Daniel Howlett <[REDACTED]>

---

## January Workshop Audio Problems and Conflict of Interest Question

---

Daniel Howlett <[REDACTED]>

Sun, Feb 4, 2024 at 9:44 AM

To: 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>, Charles McNeilly <charlesforrockawaybeachmayor@gmail.com>, Luke Shepard <Lukeshepard@corb.us>

Hello city counselors, mayor, and city manager,

I just watched the January council workshop video, and the first 4 minutes of the meeting did not have any audio, so the public was not able to hear the full discussion about the numbers on the council seats. The Tillamook representative Christy was talking, but I wasn't able to hear her. Is there an audio recording that can be made available to the public on the city website? Also, there were also a few other short moments throughout the meeting where the audio cut out. There have been other video and audio quality issues in the past. Is there any way that the city could prioritize improving the quality of meeting videos by increased staff training, since many people count on these videos to stay informed with important community topics. Please let me know.

Thanks you,

Daniel Howlett  
Admin at Rockaway Meetings and Civics Group on Facebook



Daniel Howlett &gt;

---

## January Workshop Audio Problems and Conflict of Interest Question

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

Tue, Feb 6, 2024 at 4:55 PM

Daniel,

We are using the old OWL system for the Workshop. I will check to see if we can get more microphones. Jane Scott doesn't film the Workshop because she is busy setting up for the City Council meeting.

I didn't see a question included about Conflict of Interest in your email (It was in the subject line), but I will give a general description. The state law about Conflict of Interest specifically prohibits a councilor or the mayor from discussing or voting on any issue on which they stand to personally make or lose money from the decision in any council meeting of any kind.

This law is pretty common in all the US states as it is intended to keep elected officials from putting their own interests ahead of the city's interest.

The only person who declared a Conflict of Interest in Rockaway lately is Kristine Hayes. She stands to either make or lose several \$100,000 dollars, depending on the STR vote. I respect her decision to recuse herself.

Mary

[Quoted text hidden]

--

**Mary McGinnis**  
**Rockaway Beach City Councilor**  
**Rockaway Beach, Oregon 97136**  
**Cell- [REDACTED]**  
**"Working together to grow the community"**



Daniel Howlett &lt;[REDACTED]&gt;

---

## January Workshop Audio Problems and Conflict of Interest Question

---

Daniel Howlett &lt;danielhowlett@gmail.com&gt;

Wed, Feb 7, 2024 at 10:11 AM

To: Mary McGinnis &lt;[REDACTED]&gt;

Hi Mary,

Thanks for the reply. I don't think the audio problems in this case have anything to do with the Owl system. If you watch the video at the link below, you will see that the meeting doesn't start until 46 minutes in. Unfortunately, the audio is muted until the 50 minute mark. Therefore, I wasn't able to hear the first 4 minutes. Normally, I wouldn't care, but the 4 minutes included the representative from Tillamook speaking, which may have been important. Is there any way that the city would correct the video or provide a separate audio version of the meeting? It would be very helpful to the public if the city staff were competent with the audio/video equipment. Many people, including myself, rely on these videos to stay informed. I've complained about the audio/video quality issues before, but nothing is improving. Perhaps some regular training could help. Would you please look into this for the sake of the public who count on these videos?

I copied Luke on my email, but I have not gotten a response yet.

<https://youtu.be/1qEmK3ndoK0>

Regarding the conflict of interest, sorry, I deleted my paragraph, but forgot to change the subject line. My concern was, in the beginning of the meeting, regarding the councilor compensation discussion, Mr Shepard coached each councilor to simply declare their conflict of interest up front and then said that they were able to speak freely about the issue. However, later in the meeting during the conversation about STRs, counselor Hayse declared her conflict of interest, and said, therefore, that she would not participate in the discussion. My question was about consistency. I spoke to Kristine, and it seems that she is risk averse and did not want to risk discussing it at all. My question is: legally is she able to contribute to the conversation after declaring her conflict of interest, if she so chooses. As someone who owns an STR, I would think that her input, after disclosing her conflict of interest, would be helpful given her perspective. I'm wondering if this is applied equally or not. Please let me know.

Lastly, is there any way we can bring the city attorney back to the meetings? It would really improve the quality if legal advice could be freely sought and given. The city attorney used to attend meetings, but a few years ago someone changed this policy. Do you know who changed this or why?

Cheers,

Daniel

[Quoted text hidden]

1:12



**New iMessage** **Cancel**

To: **Mary McGinnis**

Wed, May 1 at 9:01 PM

I do think open seats are more democratic. Outside you, me, and a couple of other people I don't see much concern from voters.

Yes more democracy. It's not fair to the voters to limit their voting choices. Check Facebook I just posted about this



iMessage





Daniel Howlett <[REDACTED]>

---

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

4 messages

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

Tue, Apr 16, 2024 at 8:16 AM

Hi Christy,

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

Cheers,

Daniel

[Quoted text hidden]

---

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

Thu, Apr 4, 2024 at 8:02 AM

Mr. Howlett,

This is to acknowledge I received your email.

Respectfully,  
Mayor McNeilly

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

On Apr 3, 2024, at 11:07 PM, Daniel Howlett <[REDACTED]> wrote:

Hi Charles,

I've submitted a public records request for proof of what the city manager said in the February workshop. Would you please help the community get clear on the issue of the council seat numbers? Can we get something in writing from the city attorney please?

Cheers,

Daniel

Daniel Howlett  
Earth Advantage Broker  
Premiere Property Group  
[1201 NE Lloyd, Suite 115](https://www.earthadvantage.com)  
[Portland, OR 97232](https://www.earthadvantage.com)  
[503\) 545-1968](https://www.earthadvantage.com)

Begin forwarded message:



**From:** Christy Nyseth <[Christy.Nyseth@tillamookcounty.gov](mailto:Christy.Nyseth@tillamookcounty.gov)>  
**Date:** April 4, 2024 at 1:45:08 AM GMT+2  
**To:** Daniel Howlett <[REDACTED]>  
**Subject:** RE: EXTERNAL: Re: Rockaway Beach numbers on the council positions

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

<image001.jpg>

**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**

---

**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.]

[Quoted text hidden]

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

Wed, Apr 3, 2024 at 11:07 PM

To: Charles McNeilly <[charlesforrockawaybeachmayor@gmail.com](mailto:charlesforrockawaybeachmayor@gmail.com)>

Cc: Penny Cheek <[pennycheek@live.com](mailto:pennycheek@live.com)>, Mary McGinnis <[marymcginniscitycouncil@gmail.com](mailto:marymcginniscitycouncil@gmail.com)>, Alesia Franken <[alesiafrankenrbcitycouncil@gmail.com](mailto:alesiafrankenrbcitycouncil@gmail.com)>, Kristine Hayes <[kristineforrockaway@gmail.com](mailto:kristineforrockaway@gmail.com)>

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Daniel

Daniel Howlett  
Earth Advantage Broker  
Premiere Property Group  
1201 NE Lloyd, Suite 115  
Portland, OR 97232  
[\(503\) 545-1968](tel:5035451968)

Begin forwarded message:

**From:** Christy Nyseth <[Christy.Nyseth@tillamookcounty.gov](mailto:Christy.Nyseth@tillamookcounty.gov)>  
**Date:** April 4, 2024 at 1:45:08 AM GMT+2  
**To:** Daniel Howlett <[REDACTED]>  
**Subject:** RE: EXTERNAL: Re: Rockaway Beach numbers on the council positions

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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**

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

[Quoted text hidden]

<image001.jpg>

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**PLEASE NOTE EMAIL CHANGE**

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<image001.jpg>

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**PLEASE NOTE EMAIL CHANGE**

[Quoted text hidden]

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

Wed, Apr 3, 2024 at 4:45 PM

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.

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More to come...

Christy



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

**PLEASE NOTE NAME and EMAIL CHANGE**

---

**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

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

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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 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

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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



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

---

**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

**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



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 waivered 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

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

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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

---

**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]

---

**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]

---

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

Thu, May 2, 2024 at 11:56 AM

To: danielhowlett@gmail.com

[Quoted text hidden]

---

**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- [REDACTED]**  
**"Working together to grow the community"**

---

**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

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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**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

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[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

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Phone (503) 842-3402

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

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

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Phone (503) 842-3402

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

**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

[Quoted text hidden]



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)



---

**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  
[REDACTED]

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

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Wed, May 8, 2024 at 12:43 PM

**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]



Daniel Howlett <[redacted]>

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

12 messages

Kri [redacted]

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**Daniel Howlett** <danielhowlett@gmail.com> Sat, Aug 17, 2024 at 10:30 AM  
To: Tim Volpert <tim@timvolpertlaw.com>  
Cc: Kristine Hayes <kristineforrockaway@gmail.com>, Justin McMahan <justinforrockaway@gmail.com>

Here is an email exchange including the Tillamook county election clerk.  
[Quoted text hidden]

**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  
[Quoted text hidden]

**Charles McNeilly** <charlesforrockawaybeachmayor@gmail.com> Fri, May 3, 2024 at 8:48 AM  
To: Daniel Howlett <[redacted]>  
Cc: Luke Shepard <citymanager@corb.us>

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  
[redacted]

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

**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)

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**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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**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)

**PLEASE NOTE EMAIL CHANGE**

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**Daniel Howlett** <danielhowlett@gmail.com>  
To: Mary McGinnis <marymcginniscitycouncil@gmail.com>

Thu, May 2, 2024 at 1:41 PM

Hi Mary,

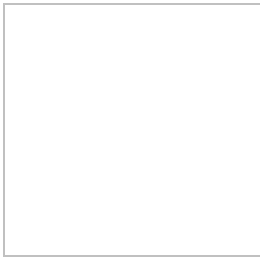
From Christy at Tillamook County:

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

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

Thu, May 2, 2024 at 12:56 PM

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- [REDACTED]**  
**"Working together to grow the community"**

**Kristine Hayes** <kristineforrockaway@gmail.com>  
To: d [REDACTED]

Thu, May 2, 2024 at 11:56 AM

[Quoted text hidden]

**Daniel Howlett** <danielhowlett@gmail.com> 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]

**Kristine Hayes** <kristineforrockaway@gmail.com>  
To: [REDACTED]

Tue, Apr 16, 2024 at 1:23 PM

**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]>

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]

**Daniel Howlett** <[REDACTED]>

Tue, Apr 16, 2024 at 12:56 PM

To: Christy Nyseth <Christy.Nyseth@tillamookcounty.gov>

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]

**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 <d[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 <d[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

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

**PLEASE NOTE EMAIL CHANGE**

This e-mail is a public record of Tillamook County and is subject to the State of Oregon Retention Schedule and may be subject to public disclosure under the Oregon Public Records Law. This e-mail, including any attachments, is for the sole use of the intended recipient(s) and may contain confidential and privileged information. Any unauthorized review, use, disclosure, or distribution is prohibited. If you are not the intended recipient, please send a reply e-mail to let the sender know of the error and destroy all copies of the original message.

**From:** Daniel Howlett <d[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 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)

**PLEASE NOTE EMAIL CHANGE**

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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



Daniel Howlett <danielhowlett@gmail.com>

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**RE: EXTERNAL: Re: City Attorney advice on elections positions**

1 message

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

Fri, May 17, 2024 at 12:47 PM

Excellent! Thank you very much!



**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 <d[REDACTED]>  
**Sent:** Friday, May 17, 2024 12:30 PM  
**To:** Christy Nyseth <[Christy.Nyseth@tillamookcounty.gov](mailto:Christy.Nyseth@tillamookcounty.gov)>  
**Subject:** EXTERNAL: Re: City Attorney advice on elections 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,

The Rockaway Beach city attorney is:

Ross Williamson

(541) 485-5151

[ross@localgovt-law.com](mailto:ross@localgovt-law.com)



Cheers,

Daniel

On Fri, May 17, 2024 at 10:01 AM Daniel Howlett <[danielhowlett@gmail.com](mailto:danielhowlett@gmail.com)> wrote:

----- Forwarded message -----

From: **Daniel Howlett** <[REDACTED]>  
Date: Sun, May 12, 2024 at 2:29 PM  
Subject: Re: City Attorney advice on elections positions  
To: Mary McGinnis <[marymcginniscitycouncil@gmail.com](mailto:marymcginniscitycouncil@gmail.com)>

Hi Mary,

This email below is very confusing. It is unclear what information is coming from the city attorney and what information is coming from the city manager. For example, when he says, "Our Elections Official will follow the recommendation of the City Attorney and will not seek modifications to the City's elections through the certification of the November 2024 ballot." Is the city manager referring to himself when he says "Election official"?

"After consultations with our City Attorney, the decision has been made to maintain the status quo until such time as the City Council either issues a clarification of its interpretation of the Charter or, seeks a Charter amendment to clarify the issue. Maintaining the status quo of holding separately contested races for the November 2024 elections is a fair and reasonable conclusion given all the various factors in play."

Does that mean that the city manager and the city attorney just made the decision on their own? I don't think they have the authority to make that decision. Doesn't it seem more appropriate for the council to vote on this important decision? When he says, "the city council issues a clarification of its interpretation of the charter", can we get a definition from the city attorney? I assume it means a 3 majority council vote any time, but can we confirm? When he says, "status quo" shouldn't no numbers on the seats be the status quo since there has never been a recorded vote to add the numbers to the seats in the first place? How exactly can the attorney and manager interpret the current charter to mean numbers on the seats when there is no mention of numbered seats at all in the charter?

Also, I'm confused why the city manager is pushing the decision to November 2025 when he says, "I implore the City Council to explore a Charter Amendment to be scheduled for the November 2025 ballot." Is there any specific reason for the delay?

While I agree that the city charter for many reasons needs to be updated, the Tillamook county elections clerk Christy Nyseth consulted the Secretary of State and concluded that the numbers can be removed at any time with a simple council vote. The voters are not required to change the charter to remove the numbered seats. The numbered seats could get removed at the next council meeting and the charter could get an update at the November 2024 election, not 2025. Is there any special reason why the voters should wait?

Knee-jerk reactions, political wrangling, and last-minute changes to upcoming election will not create any long-lasting solutions. So if I'm following this logic correctly, continuing to vote by numbered council seats, added illegally 10 years ago without a council vote or charter change, is more of a lasting solution?

Would it be possible to get a written statement directly from the city attorney?

Please let me know.

Cheers,

Daniel

On Sat, May 11, 2024 at 6:21 PM Mary McGinnis <[marymcginniscitycouncil@gmail.com](mailto:marymcginniscitycouncil@gmail.com)> wrote:

From Luke, quoting the City Attorney.

On Sat, May 11, 2024 at 6:17 PM Daniel Howlett <d[REDACTED]> wrote:

Thanks, is this email from Luke or the city attorney?

Cheers,

Daniel

Daniel Howlett

Earth Advantage Broker

Premiere Property Group

[1201 NE Lloyd, Suite 115](#)  
Portland, OR 97232  
[\(503\) 545-1968](tel:(503)545-1968)

On May 11, 2024, at 5:52 PM, Mary McGinnis <[marymcginniscitycouncil@gmail.com](mailto:marymcginniscitycouncil@gmail.com)> wrote:

The statement below the black line at the end of this email is the communication the City of Rockaway Beach received from the City Attorney.

**Here is my position on this issue:**

**I want to do whichever- positions, open block voting, neighborhood wards - the majority of residents/voters in Rockaway feel best meets their voting needs.**

The only place City election laws are codified is in the City Charter. City Councilors by state law do not, and cannot legally, amend/change anything in the City Charter, in any way. Only Rockaway residents/voters can amend the City Charter by voting on a Charter ballot measure at the regular election.

Just as it is not clear what government agency placed the numbers on the seats, it is also not clear if the City Council has the power to take them off. Or, does that have to be done by residents/voters on the ballot since it is part of the City Charter.

As I mentioned, maybe the Rockaway residents/voters would prefer having a third choice such as several North Coast Oregon cities do - Councilors representing their immediate community in a neighborhood ward.

The City Charter is ambiguous on City elections and contradictory in places. For instance, it says all Councilors are elected for four years. Immediately after that it says that doesn't apply in some situations. There are several other provisions similar to this that need updating. Cities in Oregon have a narrow path on City elections because we have to follow all state and federal election laws.

**I propose forming a Rockaway Beach citizens committee who after consulting with both the City Attorney and an elections attorney and also surveying and receiving feedback from a majority of Rockaway residents make a legally updated City Charter law on elections.**

Mary McGinnis

Copy of email communication from the City Attorney May 9, 2024:

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Mayor and City Council,

The question has been raised as to whether the city should make changes to how it conducts the upcoming November 2024 City Council elections. Specifically, the issue revolves around what the ballot should look like, block voting or individually contested positions. Reasonable arguments could be made about either's validity but, the city Charter is not conclusive on this. However, the decision faced by our City Elections Official is not about choosing one or the other. The question for staff is whether our Charter offers enough guidance on the matter to drive a change given the city has been operating under the current elections process for the last ten years. When viewed from this perspective, is it clear that the threshold needed for change is greater than that to maintain the current practice.

After consultations with our City Attorney, the decision has been made to maintain the status quo until such time as the City Council either issues a clarification of its interpretation of the Charter or, seeks a Charter amendment to clarify the issue. Maintaining the status quo of holding separately contested races for the November 2024 elections is a fair and reasonable conclusion given all the various factors in play. Our Elections Official will follow the recommendation of the City Attorney and will not seek modifications to the City's elections through the certification of the November 2024 ballot.

It should be noted that an additional, unrelated discrepancy was discovered during research on the topic above. As many of you are aware, all six of our governing body offices are slated to be on the November 2024 ballot. On the surface, this year's heavy ballot appears to be the sum of scheduled expired terms and those required to fill previously appointed positions. However, on a deeper inspection we find that a contributing cause can be traced to two errors on the 2014 ballot. These errors have carried through each election since and have led to a cyclically imbalanced ballot. If it is not resolved, we can expect a light ballot in 2026 and another heavy ballot in 2028.

None of the above was caused by any direct action of current members of our City Council or staff, but we are in a great position to deliver a solution. The Charter Amendment process offers the City Council and the Citizens of Rockaway Beach the opportunity to work together to explore and develop an election process that works best for our community. *Knee-jerk* reactions, political wrangling, and last-minute changes to upcoming election will not create any long-lasting solutions. I implore the City Council to explore a Charter Amendment to be scheduled for the November 2025 ballot. These questions on the City's elections are best answered by the voters of Rockaway Beach. Please give them an opportunity to exercise their right do so.

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**Mary McGinnis**

**Rockaway Beach City Councilor**

**Rockaway Beach, Oregon 97136**

**Cell- [REDACTED]**

**"Working together to grow the community"**

--

**Mary McGinnis**

**Rockaway Beach City Councilor**

**Rockaway Beach, Oregon 97136**

**Cell- [REDACTED]**

**"Working together to grow the community"**



Daniel Howlett &gt;

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**Fwd: City Attorney advice on elections positions**

1 message

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**Kristine Hayes** <saidesign@hotmail.com>  
To: Daniel Howlett <[REDACTED]>

Tue, Jun 4, 2024 at 4:08 PM

Forward, I just received this.

Begin forwarded message:

**From:** City Manager <citymanager@corb.us>  
**Subject:** RE: City Attorney advice on elections positions  
**Date:** June 4, 2024 at 3:56:56 PM PDT  
**To:** Kristine Hayes <kristineforrockaway@gmail.com>, Melissa Thompson <cityrecorder@corb.us>

Councilor Hayes,

After reading the exchange below, I think Councilor McGinnis may have made a mistake. Although she credits the city attorney, I wrote the email councilor McGinnis referenced and shows below. I sent it out the City Council on May 9.

Respectfully,

-Luke Shepard

Bcc: Mayor and City Council

**Luke Shepard***City Manager***City of Rockaway Beach**

p: 503-374-1752

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

w: [www.corb.us](http://www.corb.us) | e: [citymanager@corb.us](mailto:citymanager@corb.us)

*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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**From:** Kristine Hayes <kristineforrockaway@gmail.com>  
**Sent:** Monday, June 3, 2024 9:13 AM  
**To:** City Manager <citymanager@corb.us>; Melissa Thompson <cityrecorder@corb.us>  
**Subject:** Fwd: City Attorney advice on elections positions

I would like a complete copy today of the correspondence from our attorney that Mary is quoting in her email below.

On Sat, May 11, 2024 at 6:21 PM Mary McGinnis  
<[marymcginniscitycouncil@gmail.com](mailto:marymcginniscitycouncil@gmail.com)> wrote:

From Luke, quoting the City Attorney.

On Sat, May 11, 2024 at 6:17 PM Daniel Howlett  
<[d](mailto:)> wrote:

Thanks, is this email from Luke or the city attorney?

Cheers,

Daniel

Daniel Howlett

Earth Advantage Broker

Premiere Property Group

[1201 NE Lloyd, Suite 115](#)

Portland, OR 97232

[\(503\) 545-1968](tel:5035451968)

On May 11, 2024, at 5:52 PM, Mary McGinnis  
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done by residents/voters on the ballot since it is part of the City Charter.

As I mentioned, maybe the Rockaway residents/voters would prefer having a third choice such as several North Coast Oregon cities do - Councilors representing their immediate community in a neighborhood ward.

The City Charter is ambiguous on City elections and contradictory in places. For instance, it says all Councilors are elected for four years. Immediately after that it says that doesn't apply in some situations. There are several other provisions similar to this that need updating. Cities in Oregon have a narrow path on City elections because we have to follow all state and federal election laws.

**I propose forming a Rockaway Beach citizens committee who after consulting with both the City Attorney and an elections attorney and also surveying and receiving feedback from a majority of Rockaway residents make a legally updated City Charter law on elections.**

Mary McGinnis

Copy of email communication from the City Attorney May 9, 2024: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
Mayor and City Council,

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and reasonable conclusion given all the various factors in play. Our Elections Official will follow the recommendation of the City Attorney and will not seek modifications to the City's elections through the certification of the November 2024 ballot.

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None of the above was caused by any direct action of current members of our City Council or staff, but we are in a great position to deliver a solution. The Charter Amendment process offers the City Council and the Citizens of Rockaway Beach the opportunity to work together to explore and develop an election process that works best for our community. *Knee-jerk* reactions, political wrangling, and last-minute changes to upcoming election will not create any long-lasting solutions. I implore the City Council to explore a Charter Amendment to be scheduled for the November 2025 ballot. These questions on the City's elections are best answered by the voters of Rockaway Beach. Please give them an opportunity to exercise their right do so.

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

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**Mary McGinnis**  
**Rockaway Beach City Councilor**  
**Rockaway Beach, Oregon 97136**  
**Cell- 5 [REDACTED]**  
**"Working together to grow the community"**

--  
**Mary McGinnis**  
**Rockaway Beach City Councilor**  
**Rockaway Beach, Oregon 97136**  
**Cell- [REDACTED]**  
**"Working together to grow the community"**





Daniel Howlett &lt;[REDACTED]&gt;

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**Citizen Testimony**

4 messages

**Daniel Howlett** <[REDACTED]>

Wed, May 8, 2024 at 12:43 PM

To: Charles McNeilly &lt;charlesforrockawaybeachmayor@gmail.com&gt;

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]

**Charles McNeilly** <charlesforrockawaybeachmayor@gmail.com>

Wed, May 8, 2024 at 12:32 PM

To: Daniel Howlett &lt;[REDACTED]&gt;

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  
[REDACTED]

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

[Quoted text hidden]

**Daniel Howlett** <[REDACTED]>

Wed, May 8, 2024 at 10:28 AM

To: Charles McNeilly &lt;charlesforrockawaybeachmayor@gmail.com&gt;

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]

**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  
[REDACTED]

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