



CITY OF MANZANITA

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ci.manzanita.or.us

COUNCIL WORK SESSION

Zoom Video Conference
<https://ci.manzanita.or.us>

AGENDA

September 7, 2022
03:00 PM Pacific Time

Video Meeting: Council will hold this meeting through video conference. The public may watch live on the [City's Website: ci.manzanita.or.us/broadcast](https://ci.manzanita.or.us/broadcast)

or by joining the Zoom webinar:

<https://us02web.zoom.us/j/84636331674>

Call in number:

+1 253 215 8782

Please note that a passcode is not required to enter the webinar.

Note: Agenda item times are estimates and are subject to change.

- 1. CALL TO ORDER (3:00)**
Mike Scott, Mayor
- 2. DRAFT FINDINGS – VIEW GRADING MORATORIUM (3:01)**
Leila Aman, City Manager
- 3. FY 2022 AUDIT UPDATE (4:00)**
Nina Aiello, Accounting Manager
- 4. DRAFT UPDATED CITY MANAGER JOB DESCRIPTION (4:05)**
Linda Kozlowski, Council President
- 5. ADJOURN (4:30)**
Mike Scott, Mayor

Meeting Accessibility Services and Americans with Disabilities Act (ADA) Notice

The city is committed to providing equal access to public meetings. To request listening and mobility assistance services contact the Office of the City Recorder at least 48 hours before the meeting by email at cityhall@ci.manzanita.or.us or phone at 503-368-5343. Staff will do their best to respond in a timely manner and to accommodate requests. Most Council meetings are broadcast live on the [city's youtube channel](#).

CITY OF
MANZANITA



COUNCIL PACKET

PROCEDURAL BACKGROUND

On **[DATE]**, at least 45 days prior to the final public hearing to be held to consider the adoption of the moratorium, the City provided written notice to the Department of Land Conservation and Development.

[Explain notice provided in advance of public hearing]

On **[DATE]** the City held a public hearing.

PROPOSED SCOPE OF THE MORATORIUM

While the Moratorium is in effect, the City shall not consider or approve any permit for view grading as defined in the Manzanita Zoning Ordinance 95-4, Section 3.085.6.

This Moratorium shall continue in effect until expiring on **[DATE]**, unless revoked by the City Council or extended in accordance with ORS 197.520(4).

DEFINITIONS

“Affected geographical area” includes all properties within the beaches and dunes overlay zone. This land is “urban or urbanizable land” within the meaning of ORS 197.520.

PROPOSED FINDINGS IN SUPPORT OF THE MORATORIUM

Pursuant to ORS 197.520, the City of Manzanita finds as follows:

1. The City’s current Foredune Management Plan (“Plan”), reflected in Manzanita Development Code 3.080, is 25 years old, and a number of things have changed since the Plan was adopted. The plan does not reflect the current status of the foredune system or best practices with respect to management. For instance, the amount of sand in the dune system has grown substantially over time. This has made it virtually impossible to grade to the dune profile dimensions specified in the Plan. Additionally, more regulatory agencies have indicated to the City that they need to be more closely involved in grading activities. For example, disposal of excess sand in the intertidal zone may need to be reviewed and modified, and a separate Corps of Engineers permit may need to be obtained. The Plan also does not take into account today’s tidal flooding and erosion conditions, as it is based on flood risk derived from FEMA's 1982 Flood Insurance Rate Map, but the City’s flood maps were updated in 2018. Because the Plan is out of date and does not reflect current conditions, the best available information, or best management practices, allowing view grading under the existing Plan may result in irrevocable public harm as follows:
 - a. Negative impacts to the public enjoyment of the dunes during view grading activities.

- b. Destabilization of the vegetated dunes from unsupported view grading of the dunes which could lead to impacts to both private and public development and infrastructure.
 - c. Unknown impacts on coastal shoreland resources such as razor clam and western snowy plover habitat from sand redistribution.
 - d. Unknown impacts on ocean resources by sand displacement into the intertidal zone from sand redistribution.
 - e. Further establishment of European beach grass (which is allowed under the existing Plan) in the foredune area, rather than promoting native beach grasses or other dune vegetation for stabilization purposes.
 - f. Un-studied impacts on public resources and nearby private properties relating to current and future anticipated seasonal tidal events, flooding and erosion.
2. In addition to these potential public harms, view grading would result in sand being distributed from private property onto the public ocean shore recreation area, or sand being disturbed in the ocean shore recreation area for the benefit of only one or a small number of private landowners, despite there being minimal to no public need, benefit, or justification for view grading and, the overwhelming public opposition to recent applications for view-grading projects.
3. Existing development ordinances, regulations, and other applicable law is inadequate to prevent irrevocable public harm from development in the affected geographical area.
4. The moratorium is sufficiently limited to ensure that a needed supply of housing types, commercial and industrial facilities within or in proximity to the City are not unreasonably restricted by the moratorium. For instance, the delay in view grading pending adoption of a new masterplan does not prohibit remedial dune grading (movement of inundating sand within 30 feet of building foundations) and construction grading on vacant lots for site development purposes.
5. The alternative methods for achieving the objectives of the moratorium are unsatisfactory. View grading requires permits and approvals are issued by agencies other than the City. Those processes require the City to acknowledge that applications for grading in the foredune management area meet the requirements of the Plan. Because the Plan is outdated, the City may be obliged to acknowledge compliance, despite the City's significant concerns about view grading's negative impacts on storm surge protections, flooding and erosion, wildlife, long-term dune management, recreation, and other public harms.
6. Because the moratorium restricts view grading only and does not prohibit construction grading for new development, remedial grading, or sand alteration for public access or public safety:

- a. This moratorium is not anticipated to have adverse effects on other local governments due to shifts in demand for housing or economic development.
- b. This moratorium is not anticipated to have adverse effects on public facilities and services and buildable lands in other jurisdictions.
- c. This moratorium is not anticipated to have adverse effects overall on population distribution.

But even if such impacts existed, the City finds that the public harm that would result from view grading in the foredune would outweigh those concerns. Specifically:

- a. The long-term effects of grading in the foredune area, for view purposes only, according to an outdated plan will have significant adverse effects on the City of Manzanita, its citizens, and its visitors as described in Section 2, while only benefitting a small number of people.
- b. The long-term effects of grading in the foredune according to an outdated plan will have greater adverse effects on other local governments than the moratorium because of the potential unknown impacts on the public beach and coastal resources.

7. Based on the foregoing there is a compelling need for the moratorium.



June 8, 2022

City Council
City of Manzanita
167 South 5th Street
Manzanita, OR 97130

City Council:

We are engaged to audit the financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of City of Manzanita for the year ended June 30, 2022. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

Our Responsibility under U.S. Generally Accepted Auditing Standards and *Government Auditing Standards*

As stated in our engagement letter dated June 6, 2022, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with the modified cash basis of accounting. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of our audit, we will consider the internal control of City of Manzanita. Such considerations are solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

As a part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will also perform tests of Manzanita's compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions is not an objective of our audit.

We have been engaged to report on schedules of revenues, expenditures, and changes in fund balance – budget and actual – general fund and major special revenue funds, if any, combining balance sheet and combining statement of revenues, expenditures, and

changes in fund balances for all nonmajor governmental funds, if any, and schedules of revenues, expenditures, and changes in fund balance - budget and actual - nonmajor special revenue funds, debt service funds, and capital projects funds, if any. Our responsibility for this supplementary information, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole.

We have not been engaged to report on schedule of long-term debt transactions, and schedule of future requirements for retirement of long-term debt, which accompany the financial statements. Our responsibility with respect to this other information in documents containing the audited financial statements and auditor's report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether this other information is properly stated. This other information will not be audited and we will not express an opinion or provide any assurance on it.

Planned Scope, Timing of the Audit, Significant Risks, and Other

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

We have identified the following significant risk(s) of material misstatement as part of our auditing planning:

1. Organizational Structure - The size of the City's accounting and administrative staff precludes certain internal controls that would be preferred if the office staff were large enough to provide optimum segregation of duties. This situation dictates that the City Council remain involved in the financial affairs of the City to provide oversight and independent review functions.

We expect to begin our audit on approximately August 29, 2022, and issue our report on approximately December 31, 2022. Kori Sarrett is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

This information is intended solely for the use of the City Council and management of City of Manzanita and is not intended to be, and should not be, used by anyone other than these specified parties.

If you have any questions, please contact my office at your convenience.

Very truly yours,


Accuity, LLC



August 17, 2022

Dear audit clients,

We are now required to communicate significant risks to your board or council as a part of audit procedures. In order to do this, we are asking for you to please include the attached letter in your next board/council packet. We appreciate your help, and are happy to answer any questions you or your governing body might have.

If you have any questions, please contact my office at your convenience.

Very truly yours,


Accuity, LLC

City of Manzanita, Oregon

Position Description

Job Title: City Manager

FLSA: Exempt

Reports to: City Council

Type: Full-Time

Department: Administration

Date: January 2018, Revised January 2022

GENERAL STATEMENT OF RESPONSIBILITIES

The City Manager acts as the Chief Executive Officer of the City of Manzanita. As Chief Executive Officer, the City Manager plans and directs the activities of all City departments, through subordinate department managers and others in accordance with policies as determined by the City Council. The City Manager performs the various duties outlined in the City of Manzanita's Charter and also acts as the City Budget Officer. The position is appointed by, serves at the pleasure of, and is accountable to the Mayor and City Council.

ESSENTIAL JOB FUNCTIONS

Includes, but is not limited to, the following duties and responsibilities listed in no particular order.

CITY COUNCIL SUPPORT

- Provides professional advice to the City Council by recommending programs and services according to the changing needs of the City;
- Attends all meetings of the City Council unless excused by the Mayor or Council President;
- Develops and operationalizes organizational goals as approved by the City Council;
- Analyzes the need for, and prepares draft ordinances and policies that may be deemed necessary or desirable for the health, welfare, and safety of the City or for the improvement of services and makes appropriate recommendations to the City Council for adoption;
- Keeps the Mayor and the City Council informed of any critical needs and or issues by collecting, analyzing, summarizing and reporting information on the needs or issues;
- Prepares monthly status reports and annual reports regarding key accomplishments for each department of the City;
- Prepares and submits to the City Council recommendations relative to all matters requiring Council action, placing before Council such facts, information and reports as are available to ensure informed decision making;
- Responds to requests and answers questions from the Mayor and City Councilors in a timely manner;
- Enforces all ordinances and sees that all terms or franchises, leases, contracts, permits, and privileges granted by the City are observed.

PERSONNEL MANAGEMENT

- Reviews and provides final approval on hiring, discipline and terminations.
- Promotes and encourages a healthy staff environment by motivating, empowering, supporting, and considering staff input;
- Evaluates those employees for whom the City Manager has responsibility, performs this duty in a timely manner and oversees completion of annual performance evaluations;
- Provides management and supervision over employees and their work and organizes employee location and duties as appropriate in consultation with department heads;
- Organizes and supervises the departments to ensure appropriate staff levels to the end of obtaining the utmost efficiency of the City's resources;
- Oversees and encourages the professional development of employees.

FISCAL MANAGEMENT

- Develops and recommends fiscal policies for City operations to the City Council and prepares and submits the annual budget and budget message to the Budget Committee in a timely manner;
- Oversees and manages the financial affairs of the City in a sound manner, ensuring potential sources of revenue are identified and that the City's expenses are consistent with the City Council's objectives and direction, has direct responsibility for administration, maintenance, repair, and operation of the Water department;
- Reviews and approves departmental needs and estimates and monitors overall expenditures to ensure compliance with approved budget;
- Provides oversight on budget implementation by the Accounting Manager and Department Heads (scheduling expenditures, analyzing variances, anticipating short and long-term issues and initiating corrective actions to control budget management)

COMMUNITY RELATIONS

- Ensures efficiency and effectiveness in delivery of services to all customers;
- Identifies and anticipates community service needs and confers with department heads and other staff to suggest new innovations or methods to improve the standard of service provided by the City;
- Promotes the flow of communication inside and outside the organization;
- Represents the City before the public and maintains, through cooperative leadership, both within and outside the City, a program of publicity and public relations to keep the public informed of the activities, needs and accomplishments of the City;
- Meets with private citizens and interest groups seeking information or bringing complaints and attempts to resolve problems tactfully and fairly;
- Attends meetings of community groups to explain City issues and projects and encourage citizen participation and support;
- Represents the City at the regional, state and federal levels; serves on boards and committees as approved by the Council;
- Attends all meetings of other governmental agencies at which matters pertaining to the City appear to be on the agenda or are expected to be raised, and stays informed of the meeting proceedings;
- Is accessible to the public by maintaining public office hours, or scheduling appointments with the public in a timely manner;
- Acts as liaison between the City Council and various service users, regulatory agencies, the public, media and others

THE ABOVE DESCRIPTION COVERS THE MOST SIGNIFICANT DUTIES PERFORMED BUT DOES NOT INCLUDE OTHER OCCASIONAL WORK.

Employee is expected to follow all safety rules and procedures established for work areas. Employee is subject to the recruitment, hiring, and transfers provisions of the City of Manzanita Personnel Handbook.

JOB QUALIFICATIONS

Includes, but is not limited to, the following skills, which are listed in no particular order of importance.

- Considerable knowledge of modern public administration theory, principles, and practices; working knowledge of municipal finance, land use planning, human resources, public safety, public works, and community development;
- Skill in preparing and administering municipal budgets; skill in planning, directing, and administering municipal programs;
- Ability to prepare and analyze comprehensive reports; ability to maintain effective and efficient municipal systems and procedures; ability to effectively hire, train, evaluate, and supervise staff; ability to establish and maintain effective working relationships with employees and City officials;
- Proven demonstration of a high level of integrity and loyalty;
- Ability to communicate effectively both orally and in writing.

SCREENING CRITERIA

Education and Experience:

- A Bachelor's Degree in public administration, business administration, planning, or related area;
- AND Five years' administrative/management experience, including at least three years of supervisory experience;
- OR any satisfactory equivalent combination of education and experience which ensures the ability to perform the essential functions of the position.
- A Master's Degree in public administration is preferred.

Special Requirements/Licenses: A valid Oregon driver's license and proof of an acceptable driving record may be required.

Knowledge of: Broad knowledge of municipal government organization, powers, and functions. Knowledge of the principles and practices of public administration including finance, budgeting, management, and grant writing. Knowledge of inter- and intragovernmental relationships. General knowledge of public contracting laws and best practices. Knowledge of general office procedures and practices; business English, spelling, and punctuation; and personal computer applications in a Windows environment including spreadsheets, database management, and word processing.

Skills: Computer skills, preferably in Microsoft Office Suite® products. Verbal and written communication skills. Interpersonal skills. Supervisory skills. Excellent customer service skills. Strong organizational Skills. Skill in performing basic mathematical calculations and preparing reports.

Ability to: Ability to establish and maintain effective working relationships with elected officials, consultants, staff, other agencies, and the general public. Ability to understand and carry out oral and written instructions. Ability to prioritize, delegate, and complete objectives with little functional oversight. Ability to maintain a high degree of discretion when dealing with confidential information. Ability to communicate effectively, both orally and in writing, using proper grammar and spelling in the English language. Ability to pass a criminal background check. Ability to meet the physical demands of the position.

This description covers the most significant essential and auxiliary duties performed by the position for illustration purposes, but does not include other occasional work, which may be similar, related to, or a logical assignment for the position. This job description does NOT constitute an employment agreement between the employer and employee, and is subject to change by the employer as the organizational needs and requirements of the job change.

Physical Demands of Position: *The physical demands listed below represent those that must be met by an incumbent to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with qualified disabilities to perform the essential functions.*

While performing the duties of this position, the employee is frequently required to stand, walk, reach, bend, kneel, stoop, twist, crouch, climb, balance, see, talk, hear, and manipulate objects. The position requires mobility including the ability to frequently lift or move materials up to 10 pounds and rarely move material over 25 pounds. Manual dexterity and coordination are required for over half of the daily work period which is spent while operating office equipment such as computers, keyboards, 10-key, telephones and other standard office equipment. This position requires both verbal and written communication abilities.

Working Conditions: *The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.*

While performing the duties of this position, the employee is primarily working indoors in an office environment. The employee is not exposed to hazardous conditions. The noise level in the work environment is usually moderate and lighting is adequate.

SIGNATURES:

This document has been reviewed by the Mayor and the Incumbent. I understand that this document is intended to describe the most significant essential and auxiliary duties performed by the job/position for illustration purposes, but does not include other occasional work, which may be similar, related to, or a logical assignment for the position. This job/position description does NOT constitute an employment agreement between the employer and employee, and is subject to change by the employer as the organizational needs and requirements of the job change.

Incumbent Name

Incumbent Signature

Date

Mayor Name

Mayor Signature

Date

Revised January 2022

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