



# OFTEN ASKED QUESTIONS

The following is a list of Often Asked Questions (OAQs) received by City Council. We welcome your feedback, input and questions. Please contact the City Council via our team email box at: [citycouncil@ci.manzanita.or.us](mailto:citycouncil@ci.manzanita.or.us)

Latest update: July 8, 2024

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## CITY HALL

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- Q. Were there materials (timbers, fixtures, etc) that were able to be salvaged from the tear-down of the buildings at Underhill Plaza? If so, what types were they, where are they being stored, and what use is envisaged for them?
- A. Yes! Most of the lumber in the building was unsalvageable but we kept what we could. Ill ask Jason to go over this at the town hall meeting tomorrow. We also kept all the light fixtures and will be incorporating them into the new building.
- Q. What provision, if any, has been made in the architectural, structural, and pre-wiring design of the new City Hall to allow for later installation of solar or other renewable energy sources (based on the understanding that solar etc is not part of the phase 1 build)?
- A. The building is “solar ready” and designed to accommodate solar panels. Solar has been in the conversation with the design team throughout our work together.
- Q. How does the final space allocated for the public safety (police) team compare to the current space used by the team (in square footage as well as in specific facilities)?
- A. It provides specific facilities we currently don’t have such as an evidence processing room, a proper armory, ventilated storage etc. I don’t have exact square footage to compare but it will be a much larger contiguous space (the chief’s office is, currently, for example, in a different part of the building from the duty room)



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- Q. Does the approved architectural, structural, and pre-wiring design of the emergency services space (police and EOC) include an installed standby generator?
- A. There will be a wired in place generator that can provide back up to the entire facility, and there will be another separate option for us to plug in a portable as a back up to the back up so we will have access to two generators.

## WATER BILLING STAFF TIME

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- Q. Has the City had a chance to review the shift in water rates and billing to determine whether, as some Manzanitans claim, the change to monthly billing has resulted in more staff time and costs?
- A. It has added some staff time to process, but it is getting more efficient each month, that's for sure and there are additional mailing costs but nothing significant in fact, more people are signing up for e billing.

## ATTORNEY FEES

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- Q. What does the city pay for their attorney?
- A. The hourly amount is dependent on the issue and experience necessary to meet the City's needs. Our attorney's fees run from \$295 to \$405 per hour.

## FOOD TRUCKS

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- Q. I'm curious if there is a reason why Manzanita is a food cart desert. Wheeler has a cart. Rockaway has 4. Garibaldi has a pod with 5 and a single. Tillamook has a pod with 5. Is there some zoning or other reason for this?
- A curious hungry full-timer looking for more dining options
- A. Yes, our code makes it terribly difficult as our ordinance requires a permanent restroom on site among other requirements that make it very challenging, if not impossible to do. Something to sort out through the comp plan process. It's come up before!

I've forwarded your message to the resources that will be working on forming the Comprehensive Plan committee so it can be discussed.



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## FIREWORKS

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Q. Please tell me who to call on the evenings that fireworks on the beach are so loud and frequent that I cannot sleep and my old dog goes into a panic. Cannon Beach has worked with the state parks and Oregon shores as well as other organizations to eliminate fireworks on their beach. Can we please start fining and stopping this nonsense as well?

A. From Police Chief Erik Harth.

The public number to non-emergency dispatch is 503-815-1911. That is the quickest way to get information to an officer. The Police have been in contact with Cannon Beach PD and the State Parks to find out more details on the success they have had with cutting back illegal fireworks in Cannon Beach.

## DARK SKY ORDINANCE

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Q. What's the criteria for acceptable lighting. How will this be communicated?

A. It is defined in the ordinance.

Here's the link to the full ordinance on the city website, accessible to anyone on the web:

[CLICK HERE TO VIEW THE DARK SKY ORDINANCE](#)

Here, the specific criteria about acceptable lighting:

- A. Shielded Lighting- A lighting fixture or fixtures that has a covering or is designed to ensure that direct or indirect light rays emitted from the fixture are projected below a horizontal plane running through the lowest light-emitting point of the fixture, as the term defined in ORS 455.573 (4)
- B. Landscape Lighting- Lighting designed to illuminate walkways, trees, shrubs, ponds and other landscape features.
- C. Light Trespass- Direct light rays that fall beyond the property it is intended to illuminate.
- D. Patio Lighting- Temporary lighting including string lights, lights that may plug in, and solar powered lights.
- E. Seasonal Lighting- Temporary lighting installed and operated in connection with holidays or traditions.

Q. Who is the judge and jury?

A. Ultimately our ordinances are enforced by code enforcement or police.



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- Q. I need lighting to take my dog out at night. Will that violate the ordinance?
- A. No, if it's on a timer or shielded you should be in good shape.
- Q. If new lighting is needed, what steps will the city take to provide available electricians?
- There are very few resources available in our area and I am not going to be successful with DIY safely and within code. I understand that I will bear the cost, but my question is how can you mandate when the services are hard to acquire in our city?
- A. If the light is causing a disturbance, then shutting it off until it can be fixed and using it only when needed is an acceptable solution until it can be fixed by a qualified professional if need be. The hardware stores locally have lists of contractors available for small jobs. In many cases, I've actually contacted an electrician and told them I have a small job and am willing to wait until they're in the area for a bigger job. They are pretty open to swinging by when in the area on another project.
- Q. Are you expecting all of us to be able to rewire and install lights ourselves?
- A. This is up to the homeowner.
- Q. Is the city going to act like a de-facto HOA and restrict and try to control other functions and design of homes?
- A. No.
- Q. Have we thought out all of the collateral impact of this ordinance or is this going to be a law that is being created to solve neighbor disputes or STR issues?
- A. Originally, it was specific to the STR locations, but the new ordinance applies to all residences.

## WATER AGREEMENTS WITH WHEELER

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- Q. I was hoping you could direct me to the text of the Intergovernmental Agreement between Manzanita and Wheeler vis a vis shared water, if it is online?
- A. Attached are two IGAs regarding the water system specific to Wheeler/Manzanita. Additionally, a link to a Manzanita Today article that has a great overview of the local water systems.

[CLICK HERE TO VIEW THE MANZANITA TODAY ISSUE FROM JULY 11, 2022](#)

[CLICK HERE TO VIEW THE INTERGOVERNMENTAL \(IGA\) BETWEEN THE CITY OF WHEELER AND THE CITY OF MANZANITA \(PERSON IN DIRECT-RESPONSIBLE-CHARGE\)](#)

[CLICK HERE TO VIEW THE INTERGOVERNMENTAL COOPERATIVE AGREEMENT BETWEEN THE CITY OF WHEELER AND THE CITY OF MANZANITA \(WELL SYSTEM\)](#)



# OFTEN ASKED QUESTIONS

## RECREATIONAL IMMUNITY

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- Q. I am writing to inquire whether the Manzanita City Council has immediate urgent plans to restore temporary recreational immunity on trails here in Manzanita (as the Rockaway council did) following the Oregon legislative action?
- A. **Dan Weitzel, Public Works Director, worked with his team to remove the signs.**

**The City is moving forward with a resolution related to this that CIS (our insurance carrier) has recommended to cover the city. More to come on that later.**

## SOCIAL MEDIA POSTINGS

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- Q. I have listened to the discussion (city council meeting 5-8-24) regarding social media postings by government staff and employees. My question is regarding the personal capacity right to speech.

Do government staff and employees retain their right to express opinions when made clear their opinion is from their personal capacity and not as a government staff?

Are 'facts' considered neutral and therefore not subject to resolution 20-22?

Who ultimately decides if a violation of speech has occurred? ie not in compliance with resolution 20-22.

Would the violator have an opportunity to defend themselves in the event of a misunderstanding? Who would mediate?

Finally, WHY is this matter requiring such attention?

Is there a concern for lawsuits against the city for speech violations?



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- A. I am the councilor (Tom Campbell) that lead the council on the changes to Rule 9. I'll try to get straight to the meat of your questions.

There really wasn't a particular instance that prompted council towards the modifications for Rule 9. We have noticed some instances, though, where the rhetoric on social media has reached a fevered pitch. Sometimes the words can be hurtful. We looked at three rules; Rules 8, 9 and 10. Rule 8 is specific to committee members, Rule 9 was specific to council and 10 is about sanctions for councilors. When we looked at them, we felt that committee members needed to be drawn into Rule 9. After all, committee members fall within the definition of public officials. That's really all that was intended by those modifications. If you look at the recent Supreme. Court case of Lidke v. Freed it is clear that committee members are included.

Council asked that Resolution 20-22 become a part of the rule and so it is incorporated by reference. It is a policy statement that was adopted in the era of the George Floyd case and the Black Lives Matter movement. I think that all of the council members feel that it reflects the sentiment of our governing body.

We want people coming into positions of city office to know that these policies are in effect and important to us and we will incorporate them into our onboarding process to avoid honest errors.

When you use the term "facts", you give me some cause for concern. Facts are, in my mind, statements of past history that are externally verifiable. One of the problems with facts is that some people will use only some facts and that, when strung together, can lead to unreasonable conclusions if they are stated without other facts pertinent to the discussion.

On the bottom line, we are not trying to act as censors. If you post in social media and it is clear that you are posting in your personal capacity and not using city resources to publish your viewpoint then the Rule 8 & 9 provisions don't apply.

The city council sits as the determining body. Thus far we have not been confronted with a situation that required action. As a result, we have not adopted a specific protocol to confront that. I would hope that such a situation could be handled in a friendly way.



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## PILINGS FOR CITY HALL

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- Q. My question has to do with the pilings missdrilling mistake. Can you tell at what depth they hit bedrock? That might have been addressed, if so I missed it.
- A. The mistake that resulted in the need to redo the piles had nothing to do with hitting bedrock. It was a mistake made because of an error in the survey we described at the last council meeting (April 3, 2024). More pilings were added as the area where the building would be placed was miscalculated.

For your reference, I have attached the geotechnical report. Bedrock is 100+ feet below surface so it's not an issue. More details about the pilings/foundation start on page 12. A table on the following page talks about their depths.

[CLICK HERE FOR A COPY OF THE GEOTECHNICAL ENGINEERING REPORT](#)

## WATER BILLING/ACCOUNTING

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- Q. How does the City's internal accounting process for Water Operating Funds transferred to the General Fund allocate those funds for City Hall staff overhead activity?
- A. There is no absolute answer or correct result when indirect overhead and expenses are allocated to different departments and production units. Generally accepted accounting principles (GAAP) are used in developing a methodology that is fair, reasonable and consistent.
- Q. Would it be an accurate statement to say that Water Operating Fund transfers sent to the General Fund are combined with all other General Fund revenues and can then be expended as any Budgeted General Fund expense? If this is not an accurate statement, explain why.
- A. Your question, "How does the City's internal accounting process for Water Operating funds transferred to the General Fund allocate those funds for City Hall staff overhead activity?" is inaccurate in concept. It is not an accounting process of allocating indirect expenses because we don't record the allocated results in the ledger. The allocated overhead expenses do not directly contribute to some designated purpose or project. The allocation is a form of reimbursement from departments which utilize the services that are provided.



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Your suggested statement, “Water Operating Fund transfers sent to the general Fund are combined with all other General Fund revenues and can be expended as any Budgeted General Fund expense”, is not accurate. The allocated expenses are a form of reimbursement from the Water Operating Fund to the General Fund for the expenses that were paid out from the General Fund in the first place. The allocated expenses were already incurred. You cannot spend the same money again. This is based on GAAP.

The funds are allocated to the General fund and are used to support administrative services as outlined in the attached memorandum “Appendix B FY 2024-2025 Indirect Cost Methodology.pdf”. The building fund also pays indirect costs using the same methodology.

Your questions and statement mischaracterize the process of allocating overhead costs. There is no set way of doing this process that will always satisfy everyone. It’s a system in which you try to do your best and be reasonable.

[CLICK HERE FOR A COPY OF THE MEMO OUTLINING INDIRECT COST METHODOLOGY](#)