

Kattie Riggs

From: James Nicita <james.nicita@gmail.com>
Sent: Wednesday, November 6, 2019 12:09 AM
To: Frank O'Donnell; Rachel Lyles Smith; Rocky Smith, Jr.; Denyse McGriff; Tony Konkol; Bill Kabeiseman; Carrie Richter; Kattie Riggs; Laura Terway; John M. Lewis; Christina Robertson-Gardiner
Subject: Public Comments - Agenda items #6a and #6b, File Nos. PC19-119 and PC 116, City Commission Meeting Wednesday, November 6, 2019

Greetings:

I write to submit comments on items #6a and #6b on the agenda for Wednesday, November 6, 2019; namely PC19-119 and PC 116, respectively, "First Reading of Ordinance No. 19-1014, Adopting the Stormwater Master Plan as an Ancillary to the Comprehensive Plan (GLUA 19-00002: LEG 19-00001)," and "First Reading of Ordinance No. 19-1015, Adopting Public Works Stormwater and Grading Design Standards (GLUA 19-00002: LEG 19-00005)." I respectfully request that these comments be added to the respective hearing records of both agenda items.

I catch flack for my longstanding position that staff plays hide the ball with the City Commission, but regrettably I think I can add this one to my (very) long list.

I hope the Commission will recall that I appeared before the Commission this past summer, on July 17, on another matter, and by mere happenstance noticed that staff was trying to slip the Stormwater and Grading Design Standards by the Commission via a resolution, and, unbelievably, via the consent agenda. I objected strenuously to this, and to the lack of public process:

<https://oregon-city.legistar.com/MeetingDetail.aspx?ID=705555&GUID=178FFED4-1F82-42D7-B1DA-5A998FFCB276&Options=info&Search=>

See min 33:50 where I raise my objection during citizen comment. I was initially greeted with skepticism, including by Commissioner McGriff, but during the break in the meeting the city attorney conferred with staff, and they pulled the item not only from the consent agenda, but from the meeting agenda altogether. At min. 2:03:15 there is mention that the agenda item has been removed.

Now staff presents to the Commission the same Stormwater and Grading Design Standards, with appropriate but belated recognition that they require an ordinance, public process, a public hearing with two readings of the ordinance; and that they can't be approved via the consent agenda.

I have to admit that I am really tired of this constant game of cat and mouse, hide the ball, "its easier to beg for forgiveness than to ask for permission" model of city government.

The buck stops with the Commission, and the Commission really needs to get control of this standard operating procedure, because it is out of control.

I have repeated it before, and I will keep repeating it ad nauseum: the Commission is never going to solve the problem until it takes control of the city attorney, so that the city attorney is the Commission's check-and-balance watchdog over the staff to make sure that staff complies with the laws and the city code.

The storm water plans and regulations apply city-wide, and are integral to our community's stewardship over our rivers and streams, and in particular over the natural patrimony of salmon, steelhead and lamprey that we are privileged to host.

In that regard, this breakdown is, in my opinion, an order of magnitude more serious than cutting down two trees at the municipal pool, and I hope the Commission will treat it as such.

I will be submitting further comments and the substance of the proposed plans and regulations.

James Nicita
Oregon City