



Council Meeting

Tuesday – September 17th, 2019
7:00 p.m. in Council Chambers

Table of Contents

1	Agenda
3	<i>Minutes:</i> July 23 rd , 2019
7	Administrator
16	Public Works
18	Planning
19	Sheriff
20	Court
21	Library
22	Ordinance 780: McKinney Annexation (<i>Second Reading</i>)
28	Ordinance 781: Public Records Requests (<i>First Reading</i>)
29	Resolution 2019.17: Public Records Process & Fees
33	Arbor Day Proclamation
34	Council Values
37	2019 Council Goals
40	Planning Commission Candidates
42	PAST Resolution 2017.19 (<i>EPC</i>)
43	LCSO Memorandum
44	Officials Handbook
61	Danielle Myers Letter
62	Heaven Bound Riders Letter
63	RAIN Information
65	LOC Legislative Outcomes
71	Financials



Council Meeting

Tuesday, September 17th, 2019

Location: City Hall in Council Chambers

AGENDA

Regular Session

7:00 p.m.

- 1) CALL TO ORDER
- 2) ROLL CALL
- 3) PLEDGE OF ALLEGIANCE
- 4) ADDITIONS OR DELETIONS TO AGENDA
- 5) MINUTES: July 23rd, 2019
August Recess
- 6) PUBLIC HEARINGS OR PRESENTATIONS:
 - A. Calapooia Riverbank – Charlene Shipley
 - B. Central Linn Community EPC Website Review
 - C. City Website Public Documents
- 7) DEPARTMENT REPORTS:
 - A. Sheriff
 - B. Public Works
 - C. Administration
 - D. Library
 - E. Court
 - F. Council
- 8) CITIZEN COMMENTS (Non-agenda & Agenda items)

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the Council may consider additional subjects as well. The location of the meeting is accessible to physically challenged individuals. Should special accommodations be needed, please notify City Administrator S. Scott McDowell at (541) 466-5880 in advance. Thank You.



- ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.

9) LEGISLATIVE:

- A. **Ordinance 780:** McKinney Annexation (W. Bishop Way: Known as 13S03W36D 02500) (*Second Reading*)
- B. **Ordinance 781:** Public Records Requests
- C. **Resolution 2019.17:** Public Records Process & Fees
- D. Arbor Day Proclamation

10) ACTION ITEMS:

- A. Appoint Planning Commissioner Members
- B. Park Board Recommendation - Playground Location
- C. Private Logging Activities by the Reservoirs

11) DISCUSSION ITEMS:

- A. Officials Conduct Policy Review
- B. Pest Control Measures Request
- C. Right-of-Ways Request
- D. August Financials

12) CITIZEN QUESTIONS & COMMENTS

- ✦ Council asks that comments be limited to three minutes per audience member. Please state your name and address prior to commenting for the public record.

13) COUNCIL QUESTIONS & COMMENTS

14) ADJOURN

This Agenda is a list of the subjects anticipated to be considered at the meeting, but the Council may consider additional subjects as well. The location of the meeting is accessible to physically challenged individuals. Should special accommodations be needed, please notify City Administrator S. Scott McDowell at (541) 466-5880 in advance. Thank You.



Council Minutes

July 23rd, 2019

ROLL CALL: Mayor Don Ware called the meeting to order at 7:00 p.m. with Councilors Gerber, Neddeau, Chambers, Block, Thompson, and Hansen present. Administrative Assistant Tammi Morrow, Public Works Superintendent Karl Frink, and City Administrator Scott McDowell were also present.

PUBLIC: Kim Clayton, Kirstin Stein (*Census 2020*), Sergeant Klein & Tyler Schilling (*Linn County Sheriff's Office*), Lynne Heller & Dave Furtwangler (*Brownsville Chamber of Commerce*), Phil & Kaye Fox, and Tia Parrish (*The Times*).

The pledge of allegiance was recited.

ADDITIONS AND DELETIONS: None tonight.

MINUTES: Councilor Block made a motion to approve the June 25th, 2019 meeting minutes as presented. Councilor Hansen seconded the motion, and it passed unanimously.

PUBLIC HEARINGS OR PRESENTATIONS:

1. **Kirstin Stein – 2020 Census Representative** – Kirstin Stein was present to encourage everyone to participate in the upcoming Census happening in 2020. Roughly, an estimated \$3,200 is received in federal funding for every individual counted in Oregon. Studies show that approximately 797 folks were undercounted in Brownsville alone, which equates to about \$2.5 million in lost revenue. This will be the first year that folks can go online and fill out the Census, phone options will also be available. Census does hire and is looking for people to help.
2. **Dave Furtwangler – Chamber MOU.** Dave Furtwangler, Vice President and Lynne Heller, Treasurer were here to discuss the Memorandum of Understanding (MOU) going forward. Also, to clarify for the record, Joe DeZurney stated last month that the Chamber was the prime force interested in having a beer garden in the park during the Antique Faire. Just to be clear, the Chamber was willing to extend their insurance for this added event, but the beer garden was not their idea.

Furtwangler said Chamber's actual direct costs for the flower baskets project costs them \$3,450 after partnerships and sponsorships. He is asking for Council to consider increasing their partnership agreement amount to \$2,400 instead of the \$1,200 now under the MOU. This request can be discussed at the next MOU review period; they are not asking for additional funding tonight. The MOU expires in December 2019, so Council will review the agreement in the fall. Discussion concerning cost saving ideas ensued. McDowell

DEPARTMENT REPORTS:

1. **LCSO Sheriff's Report.** Sergeant Klein presented the numbers for June 2019. There were 31 traffic citations, 32 warnings, and 2 adults cited, and 3 adults arrested. LCSO devoted 43 hours to traffic, and 221 hours overall. Klein also introduced Tyler Schilling, stating that Schilling is a local resident, and Klein hopes that one day he will be part of the LCSO's staff. Klein introduced Taylor Schilling, Brownsville, who is studying at Cal Poly and who is an intern with the Sheriff's Office this summer.



Council Minutes

2. **Public Works.** Mr. Frink reported that Public Works has had two small water leaks over the last month.

Public Works (PW) participated in a surprise OSHA inspection today at the south treatment plant. Overall, he thinks the inspection went well, there was a request for some additional paperwork to be provided.

The DMR reporting is going better. He will bring a presentation to show Council in the future.

The Park season is going well. The Rally on the River event happened last weekend and was well received. PW has rebuilt the restroom walkway in the pavilion. They used pressure treated wood, and will not paint it this time.

A big thanks needs to be extended to Irene Corbett and Neal and Sue Karo for watering the Library Park and Blakely Park, respectively. They really keep the grounds looking great, which is a great benefit for the City. If you happen to see these folks around town, remember to thank them for all they do for us.

Water System Usage Parameters – Frink reminded Council that the wells can only be used between November 1st – June 30th. The Calapooia River can only be used between July 1st – October 31st. Adjustments can only be made with the expressed written consent of the State of Oregon.

Wastewater System Usage Parameters – Frink stated that no discharge is allowed May 1st – October 31st. Discharge is allowed November 1st – April 30th. Adjustments can only be made with the expressed written consent of the State of Oregon.

Canal Company Water Rights Parameters – Frink informed Council that water diversion is only allowed May 15th – October 15th, established on May 11th, 1994. The State Water Master can require an immediate shutdown based on water right priority. Usually in late July or August a post card will arrive requesting this shut down.

The Park opens on April 1st and closes on October 31st; we use the closest day business day for Staff convenience and to not cause overtime.

3. **Administrator's Report.** Mr. McDowell reminded Council that August is a recess month, and that the September Council meeting has been set for September 17th, 2019.

McDowell stated that Staff has been busy this month closing last year's financial books, and inputting and setting up the new fiscal budget for the year. The final loan payment for the new water meters has been made.

McDowell has also been busy with several Planning Commission meetings over the last several weeks regarding the RV development proposal on the west side of town.

The Park has been busy this year, as normal. We do have park caretakers, but camping, and camping agreements, can be work intensive for City Hall Staff as well (scheduling, MOU's, special permits, etc.). Currently camping is only allowed on Friday, Saturday, and Sunday nights and during the week for major holidays. There



Council Minutes

may be a time when camping changes, perhaps only allowing camping on major holiday weekends, or for facility renters during their event. It is important to remember that one day, camping may be limited further or not even be offered.

LCSO is still in labor negotiations, more information to follow when available.

4. **Library Report.** No comments.
5. **Court Report.** No comments.
6. **Council Comments.** No comments.
7. **Citizen's Comments.** No comments.

LEGISLATIVE ITEMS:

1. **Resolution 2019.16 – Setting Municipal Court Fines, Fees & Payment Options.** *Councilor Block moved to approve 2019.16, as presented. Councilor Gerber seconded the motion, and it passed unanimously.*
2. **O 780 – McKinney Annexation (W Bishop Way: Known as 13S03W36D 02500)** *Councilor Gerber made a motion to read by title only. Councilor Block seconded the motion, and it passed unanimously. Mayor Ware read the title. Council will hold a second reading at the September meeting.*

ACTION ITEMS:

1. **Advertise for Planning Commission Openings.** *Councilor Gerber made a motion to authorize Mr. McDowell to advertise for Planning Commission openings. Councilor Hansen seconded the motion, and it passed unanimously.*

DISCUSSION ITEMS:

1. **Standard & Poor's Rating.** Mr. McDowell reported that the City has recently been upgraded from an A+ to an AA- rating! This is quite an accomplishment for a city our size. McDowell was told that the City shows one of the strongest general funds in the country! The reason the fund is strong is primarily due to the future planning being done by Council for the Central Linn Recreation Center and the Pioneer Park Pavilion. There are some additional things that the City could do with legislation/policy that improve the rating further, but there are certain drawbacks as well. This is great news for the City overall.
2. **April Financials.** No comments.

CITIZENS COMMENTS: No comments.

COUNCIL COMMENTS: No comments.

ADJOURNMENT: *Councilor Block moved to adjourn the Council meeting at 7:52 p.m. Councilor Neddeau seconded the motion, and it passed unanimously.*



Council Minutes

The Work Session will begin in the Community Room after a short recess.

City Administrator S. Scott McDowell Mayor Don Ware



City Administrator Report

September 17th, 2019

From: S. Scott McDowell
To: Mayor & Council
Re: General Business

One liner of the month

There is absolutely no substitute for a genuine lack of preparation.

Note: The first section of this report is important because it provides an overview of topics to be discussed the night of Council. If an item title is **highlighted in green**, that indicates the item is part of Council Goals which are on the Council room wall or in the budget. When you see this symbol, ☒, it means I will provide more information at the meeting.

"The oldest, shortest words, "yes" and "no," are those which require the most thought."

~ *Pythagoras*

"A champion is someone who gets up when they can't."

~ *Jack Dempsey*

"My agent said, "You aren't good enough for movies."

I said, "You're fired."

~ *Sally Field*

*Save
the
Date*

Volunteer Appreciation Party

Thursday, October 17th, 6:30 p.m. to 8:00 p.m.

Kirk's Ferry Restaurant

Details to Follow

AGENDA ITEMS DISCUSSION – The following items follow the order of the Agenda

6) PUBLIC HEARINGS OR PRESENTATIONS:

A. **Ms. Charlene Shipley** – Ms. Shipley would like to discuss the riverbank issue in Pioneer Park. Ms. Shipley is a former Mayor of Brownsville. Her family has historically been involved in City government. She would like to see the bank armored to prevent further erosion.

B. **Central Linn Community EPC Website** – I will provide a brief overview of the newly created website. The City of Halsey, the Brownsville Rural Fire District and the Halsey-Shedd Rural Fire Protection District are working together on this effort. The group plans on holding their next meeting November 14th, 2019, City Hall at 10:30 a.m. to set goals for the upcoming year. The group will be sending a letter out to community partners who joined with Council via Resolution 2017.19 in November 2017. The letter will give a few examples of how these individuals and businesses would be





City Administrator Report

used in the event of an emergency. Another letter will go out to recruit interested parties. I have included the resolution in the agenda packet as a point of reference.

- C. **City Website Public Documents** – I will provide a brief overview of key documents on the website and briefly discuss a community communications strategy.

9) LEGISLATIVE:

- A. **Ordinance 780: McKinney Annexation (Second Reading)** – Council executed a first reading of this ordinance last meeting.

From 07.23.19: The Planning Commission unanimously approved this annexation as requested by property owner/applicant Mr. John McKinney at their April 29th, 2019 meeting. Please see the ordinance for more information.

- B. **Ordinance 781: Public Records** – The City is required to follow State Law regarding Public Records requests. This ordinance provides a brief description of how the City will fill those requests which mirrors State Law.

- C. **Resolution 2019.17: Public Records Request & Fees** – This resolution accompanies Ordinance 781. Several years ago, Council passed a provision process by resolution. It is time for a bit of housekeeping.

- D. **Arbor Day Proclamation** – Annually, Mayor Ware passes a proclamation for Arbor Day and sets the day for the City's observation which is a requirement of the Tree City Program.

What is Council being asked to do?

Consider passage of all three legislative items. Proclamations are by order of the Mayor.

10) ACTION ITEMS:

- A. **Appoint Planning Commission Members** – The City has received two applications for the two openings on the Planning Commission. You will find the candidates information in the packet.

From 07.23.2019: The Planning Commission has recently lost two members, Mr. Josh Kometz to resignation and Mr. Mike McDaniel to a tragic accident.

- B. **Park Board Recommendation** – Park Board moved to recommend a new location for the playground equipment due to the erosion of the Calapooia River. The Board selected an area in the northwest corner of the prairie. This recommendation is in keeping with Council's decision to retreat from the riverbank.





City Administrator Report

- C. **Private Logging Activities on Private Property** – I will present a few pictures for discussion and action. The property west of the City reservoirs is being logged by the property owner. The property owner plans on removing about 10 truckloads of logs from the property. The concern or question is regarding the effect this timber removal may have on the remaining City trees. Should the City consider removal of trees on City property? The removal of the adjacent timber could result in unwanted damage to the City's water supply reservoirs due to wind, root damage, snow damage and other factors that may lead to trees to falling on our facilities. I have reached out to Buena Vista Arbor Care for an opinion on the matter.

11) DISCUSSION ITEMS:

- A. **Officials Conduct Policy** – Councilor Thompson and Councilor Neddeau volunteered to work with Administrative Assistant Tammi Morrow and I on re-working of Resolution 718 which addresses Elected and Appointed Officials conduct. We've added policies Council passed over the last two years including social media and remote attendance. We used a policy handbook format for easy reference.

One chief difference is that all Council members are responsible for conduct. In the past there has been confusion about who is supposed to act. One shared misconception was only the Mayor and/or the Council President could address or stop a situation happening in real-time during a meeting. The new policy charges any Councilor or member of a board with the responsibility to address a situation at a meeting or call for information.

What is Council being asked to do?

The plan is to review the policy this month for possible passage next month. Once passed, Staff would send this policy handbook to all officials of the City.

- B. **Pest Control Measures** – I am requesting that Council appoint a member or two to review some issues the City is having on City property.
- C. **Right-of-Way Request** - I am requesting that Council appoint a member or two to review public right-of-way rules and practices with Staff.
- D. **August Financials**

NEW INFORMATION & HAPPENINGS

Notable situations that have developed after the last Council meeting

- ▶ *Fred Abousleman resigned as Cascade West Council of Governments Executive Director. Mr. Abousleman will be officially leaving around Thanksgiving.*
- ▶ *City Managers Brian Latta, Harrisburg, and Gary Marks, Lebanon, resigned which could impact several of the regional partnerships we are working on.*
- ▶ *Received the Structure Engineering Report for the Central Linn Rec Center.*
- ▶ *Public Works removed several hazard trees in Pioneer Park and around town.*
- ▶ *Initial appraisal was conducted by Assetworks. CIS performs appraisals every five years to ensure that City property is adequately valued and insured at fair market rates. Karl and I will continue to work on this through completion.*
- ▶ *Forwarded all requested information to the City Audit in preparation for the annual audit slated to start September 20th, 2019.*



City Administrator Report

- ▶ *Worked on developing the TMDL website and reporting for this calendar year.*
- ▶ *Lawsuit information and steps are not able to be disclosed due to the litigation.*
- ▶ *Administrative Assistant Elizabeth Coleman and I met with Scott Morris and Stephan Smith on the River's Edge Development. Morris to setup a meeting with Linn County regarding a few of the County's requirements.*
- ▶ *Councilor Block and I have reached out to the Canal Company but have yet to be successful in setting up a meeting.*
- ▶ *Public Works Superintendent Karl Frink and I met with OSHA Representative Julie Reid who recommended an eye wash station for the South Wastewater Treatment Plant.*
- ▶ *Volunteered for a few additional tasks with the Chamber Executive Board to assist Sue Frazier.*
- ▶ *Met with the 8 Cities and a facilitator to discuss goals and formalizing the group around principles found in the RLED proposal that the City has worked on for the last six years.*



Policy

(fyi)

(fyi)

(fyi)

Complaints & Concerns

Knowing the difference between an annoyance complaint and a concern is the key in providing good community service. Annoyance complaints are typically complaints that the City has no power to change or affect. Examples include items such as:

- ▶ Some guy keeps allowing their dog to [do it's business] on the sidewalk/in my yard/in my neighbor's yard.
- ▶ The neighbor across the street continues to leave their trash cans out until Sunday!
- ▶ The street light is coming in my bedroom window.
- ▶ Construction noise in my neighborhood is a nuisance. *(During allowable hours.)*

Concerns are issues that the City can and should address. Examples include:

- ▶ There is a vision obstruction at the corner of Kirk and Putman for bus drivers.
- ▶ I noticed a green spot in my neighbor's yard. I think there could be a water leak.
- ▶ I saw a shop being constructed at such and such an address and wondered if they pulled a permit.
- ▶ I noticed a broken chain on one of the swings at Pioneer Park.

It's important for everyone to be able to know and recognize the difference. Providing great service is knowing how to answer and what to listen for during conversations.

STATUS UPDATES – Projects, proposals and actions taken by Council

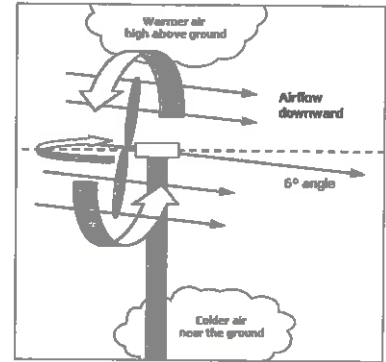
Clean-up Day Logistics and Notices – Clean-up Day will be held in the parking lot at the Central Linn Rec Center on Saturday, October 5th, 2019 from 7:30 a.m. to 3:30 p.m. Elderly residents will be



City Administrator Report

encouraged to contact Sweet Home Sanitation to be placed on curb side service assistance no later than 2:00 p.m. the day of the Clean-up. Sweet Home Sanitation's phone number is 541.367.2535.

Fall: Vineyard Wind Machines Awareness – The wind machines may turn on soon depending on overnight low temperatures. Vineyards use wind machines to prevent 'cold injury' to the grape vines during the late Fall and early Spring. The wind machines are very noisy due to the blades and engines used to generate electricity. Basically, the machines are programmed to turn on at certain temperature levels, generally around 38° F and can only be ran when naturally occurring wind speeds allow. The site has numerous wind machines and they generate a very noticeable sound throughout town. The motors sound like an old farm tractor and the blades have a high-pitched sound. A low frequency hum can be heard throughout town when all the wind machines are operating.



Active: Linn County Sheriff's Office Quarterly Meeting Outcome – The City received some rate information as listed below. I am waiting to hear a response from the Sheriff's Office. I will attempt to schedule the quarterly meeting soon.

Current Contract (Two Years)

Hourly Rate \$65.00 to \$67.33
 Percentage Increase 3.58

Projected Next Three Years

Hourly Rate \$67.33 to \$70.85
 Percentage Increase 5.22

Hourly Rate \$70.85 to \$72.99
 Percentage Increase 3.02

Hourly Rate \$72.99 to \$75.51
 Percentage Increase 3.45

From 06.25.2019: Contract pending. Sheriff Yon acknowledged and agreed to keep the current agreement in place until labor negotiations are finalized. The Sheriff also agreed that quarterly meeting and payments would continue.

Below is the current contract price for this part year and what the price would be for next fiscal year:

Current Fiscal Year: 2400 Total Hours \$67.33 \$161,592
 [3.58% Increase compared to the previous FY]

FY 2019.2020: 2400 Total Hours \$70.36 \$168,864
 [4.5% Increase compared to the previous FY]

Linn County Sheriff's Office Contract – The City is under contract for 200 hours per month. The eighteen-month average looks like this:



City Administrator Report

LCSO Month-to-Month Comparison

Year	Month	Traffic Citations	Traffic Warnings	Hours
2019	August	8	15	210.5
2019	June	31	32	221
2019	May	21	47	204
2019	April	4	14	205.5
2019	March	15	35	204
2019	February	4	19	217
2019	January	21	44	217
2018	December	9	24	211
2018	November	15	38	204
2018	October	9	25	218.5
2018	September	36	43	203.5
2018	August	24	30	201.5
2018	July	14	18	214
2018	June	8	9	213.75
2018	May	6	19	207
2018	April	14	21	203
2018	March	19	36	208.5
2018	February	5	14	201
<i>Subtotal</i>		263	483	3764.8
Total Average		14.6111	26.833	209.15
		<i>Cites</i>	<i>Warnings</i>	<i>Hours</i>

Active: Linn County Planning & Building Department Meeting Outcome – The group continues to wait on the County to upgrade and implement an e-permitting system. Future meetings will be required to continue to move this goal and other items forward.

From 07.23.2019: Attended permit training conducted through the LCPBD. One direct result of this effort.

From 06.25.2019: I continue to move this effort forward. So far, cities have reviewed proposed County forms. We are waiting on Linn County to review IGA's and to provide training to cities. There will be a group training session at the Courthouse in July. We are working through several other issues to improve the process.

Pending: Chamber of Commerce Flower Baskets – Chamber will be attending the October Council meeting to discuss the agreement and other details.

From July 2019: Mr. Dave Furtwangler, Vice President of the Chamber of Commerce, will be presenting associated costs of the flower baskets. The Chamber would like to negotiate more resources from the City to cover the costs. Mr. Furtwangler's report is in the agenda packet. The Chamber is considering putting baskets on every other pole and some other possible cost saving measures. The City is under contract with the Chamber through the end of the year. The amount the City provides for the flower baskets is \$1,200 per year. I have included the contract for your information as well.



City Administrator Report

Active: Alyrica Franchise Agreement ☒ – I met with Adam Skaer to discuss the possible location of a necessary cabinet on public property as described in the Franchise Agreement. Permits have been submitted to Pacific Power and they will soon be sending permits to the City and the County. They are attempting to get the main trunk line installed by the end of 2019.

From 04.23.2019: Alyrica President Kevin Sullivan indicated that things are moving slower than he had hoped due some issues with engineering. Mr. Sullivan is actively working on the project.



Alyrica is targeting the following pricing structure:

\$69.99 100 Mbps

\$99.99 1 Gbps

Active: Canal Company & the Mill Race – Councilor Block and I continue to attempt to schedule a meeting with Mr. Holbrook and Mr. Babcock. At this point, the schedule below would need to be modified.

Below are general concept thoughts:

- 1.0. Canal Company Leadership Discussion (June – August)**
 1. Share Concept
 2. Discuss Paths Forward
 3. Learn Future Plans
- 2.0. Targeted Public Outreach (September)**
 1. Send Explanation Letter
 2. Create Explanation Webpage
 3. Share Concept
 4. Share Meeting Schedule
- 3.0. Town Hall & Public Input**
 1. October 15th, 2019, 7:00 p.m.
 2. November 19th, 2019, 7:00 p.m.
- 4.0. Council Decision**
 1. December 17th, 2019, Regular Council Session
- 5.0. Agreement Implementation**
 1. Draft Agreements
 2. Solidify Details
 3. Create Processes
 4. Develop Communication Interface

Facilities Review Committee Recommendation Outcomes ☒ – The City has received the Structural Engineering Report from VLMK and it is currently under review.

From 07.23.2019: I have sent an update to Committee members. The City is in the process of hiring a Structural Engineer to review the Central Linn Rec Center. City Engineer Ryan Quigley, Dyer Partnership, has contacted VLMK Engineering who handles structural engineering reviews for Dyer Partnership. Mr. Havlin Kemp is working on the proposal for the review.

From 05.28.19: Central Linn Recreation Association President Blaine Cheney hosted a tour of the Rec Center on May 16th. Ad hoc members attending included Halsey City Administrator Hilary Norton, Halsey Mayor Jerry Lackenbruch, Central Linn School Board Member Jen Durringer,



City Administrator Report

Administrative Assistant Elizabeth Coleman and I attended. Members will reconvene to work out additional details in June.

Complete: Standard & Poor's Rating – **From 07.23.2019:** The City was recently upgraded to AA- from A+. This rating represents the great work performed by Staff, the effort and intention of the Budget Committee and the commitment of Council to protect the treasury and execute a sound financial plan that protects the financial assets of the City along with properly planning for need infrastructure improvements. Well done everyone!

Software Training – **From 05.28.19:** Administrative Assistant Jannea Deaver and Public Works Superintendent Karl Frink will be working on new logistics and policies based on the new technology. Staff may be bringing up suggested policy changes for Council consideration in the future.

Oregon Water Resources Department (OWRD) and Wyatt Rolfe – **From 06.25.2019:** I have included money in the upcoming budget to address the Water Management & Conservation Plan.

From 03.26.2019: The City received a final order from OWRD on the water curtailment issue from eight years ago. Public Works Superintendent Karl Frink and I sat down with the City's Water Rights Attorney, Wyatt Rolfe, to understand the implications. Rolfe reported that the State will be requiring the City to adopt a Water Management and Conservation Plan (WMCP). Dyer Partnership will need to be involved along with procuring measuring equipment. The City will need to budget for this priority for the upcoming fiscal year. Overall, Mr. Rolfe felt that the City fared well with this being the primary outcome. The new water meters will also prove to be a huge asset in verifying the effectiveness of the City's future WMCP.



Active: Land Inventory – **From 03.26.2019:** Please review the letter from Planning Consultant Dave Kinney. I asked Mr. Kinney to provide this letter to show Council the process and the political will required for this important project.

From 02.26.2019: Council will be asked to pass an ordinance that clarifies the City limits and the Urban Growth Boundary. Staff and Mr. Kinney continue working on background details.

See past reports for more information.

Active: Go Team Next Steps ☑ – I will be attending follow-up goals setting in October.

From 07.23.2019: Executed new contract. Will be attending planning session in August.

From 05.28.2019: The group is moving along nicely with planning and regional strategies. Costarters and the Kauffman Foundation recently facilitated a visioning workshop in Halsey.

From 03.26.2019: Brownsville will be hosting an event in April. The flyer is enclosed in the agenda packet. The team is working with a consultant on the RLED part of economic development. A logo has been created and the member cities are discussing the details of the articles of incorporation.

See past reports for historical information.

Pending: Step Up IT – **From 03.26.2019:** I recently met with this company out of Eugene to discuss cybersecurity and I.T. They are working with Sweet Home and with other governmental



City Administrator Report

agencies. I met with them a year ago, but we were not ready. A lot has happened since last year, we are in the process of getting a fiber optic system in Brownsville, we are using cloud services for Utility Billing and General Ledger, and we have automated the water distribution system, to name a few. Security and expertise will be important for City computer systems moving forward. I have provided I.T. for several years for the City and will continue to be involved, but the City will need additional assistance with this important issue in the future.

PAST MEETINGS – Memory Information

WNHS Update – WNHS provides many home rehabilitation services and counseling for those meeting certain program requirements.

From 12.18.2018: See the information about the merger with NEDCO. Sweet Home will be applying for CDBG funding this funding cycle.

Please refer citizens to the following websites for more information:

<http://www.oregonhomeownersupport.gov> & <http://w-nhs.org>

➤ **Kirk Avenue Project History**

For the history and current status of the Kirk Avenue project, please visit the City website at <https://www.ci.brownsville.or.us/currentevents>.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "SM".

S. Scott McDowell



Public Works Report September 11th, 2019

Water:

- *Billing Support*- Follow through on customer service support and requests.
- *Meter reading* – Water meters have been read for the months of August and September.
- *Distribution System* – There were three small water leaks this month. Two water leaks were cracked shut-off valves, the third was a pinhole leak on Howe Street. The pressure reducing valves were serviced on July 22nd, this is included routine maintenance and inspection of all pressure reducing vales to ensure they are working correctly.
- *Cross Connection Program*- The annual backflow testing was completed July 19th, two backflow devices failed and are in the process of repair. We are currently updating our records and looking at software to track records and testing requirements.
- *Water Treatment Plant* – Public Works will soon be cleaning and scraping the sand filters. Each filter is about a two-week process start to finish. The pH probes, turbidimeters and chlorine analyzer have all been calibrated to factory specifications.
- *Misc.* – Public Works will continue flushing fire hydrants as time allows

Sewer:

- *North Lagoons* – This facility has been mowed and sprayed as part of our ongoing maintenance. The influent flow meter has been calibrated and the influent pH probe has been calibrated as well.
- *South Lagoons*- This facility has been mowed and sprayed as part of our ongoing maintenance. The influent flow meter and pH probe have been calibrated.
- *Collection System*- There are several new sewer connections pending with several new homes being constructed.
- *Misc.* – Use of the new electronic reporting system, NetDMR, continues. The mill race pump station was shut down mid-August as directed by Oregon Water Resources to do so.

Streets:

- *Mowing/Tree Maintenance* –Public Works continues to trim branches as needed. The gateway trees have been trimmed and watered weekly to encourage new growth.
- *Asphalt/ Gravel Road Maintenance* –Nothing to report this month.
- *Storm Drainage* – Public Works will soon be working on some clogged storm lines that have been inaccessible until recently as the water has dissipated and the ground is dry enough to stand on.
- *Misc.* – Street sign work continues as time allows. Many new locations have new posts set and are waiting for sign installation. The new signs were ordered several weeks ago, we are waiting for arrival to install. Right-of-way mowing and trimming has been inspected and touched up as needed. We will be creating a map that indicates all the areas in town that public works mows and maintains.

Parks:

- *Pioneer Park* –The park is in good condition. The park caretakers concluded their season on September 10th. Public works now operates and maintains the park as needed. Two trees located at the edge of the riverbank were removed as a preventative for further bank erosion. Three maple trees were diseased, damaged and posed danger to park users were removed as well.
- *Blakely Park* – This park has been mowed and maintained as needed.
- *Kirk's Ferry Park* – This park has been mowed and maintained as needed.
- *Remington Park* – This park has been mowed and maintained as needed.

Cemetery:

- **Grounds** –The cemetery was mowed and trimmed this month.

Library:

- **Grounds**- This facility has been mowed and maintained as needed.
- **Buildings**- Nothing to report this month.

Downtown

- **Restrooms** – This facility is cleaned every Friday, or more often needed.
- **Garbage cans** – Down town garbage cans are emptied every Friday, or more frequently as needed.
- **Parking Lot** – Nothing to report this month.
- **Misc.** – Nothing to report this month.

City Hall:

- **Buildings**- A light fixture in the main office area has been repaired.
- **Grounds** –The grass is mowed and maintained weekly, or as needed. The irrigation has been turned on at this facility.
- **Community Center**- Nothing to report from this facility this month.

Rec. Center:

- **Grounds**- The grass is mowed weekly or as needed.
- **Buildings**- A structural inspection was performed at this facility.

Public Works:

- **Grounds**- The grass is mowed weekly. Gates and fencing have been straightened and repaired as needed.
- **Buildings**- Cleaning and organizing continues as time allows. A sewage grinder pump station has been installed and connected to the city sewer system.
- **Misc.** – Preventative maintenance is being performed on all the vehicles and equipment. All the equipment at public works has been repaired or in the process of being repaired to prepare for use.
- **Training**- I attended a four day conference in Seaside to maintain my state licensing for both water and wastewater. I also attended a cross connection update course to maintain my cross connection inspector's license.

Respectfully Submitted,



Karl Frink, Public Works Superintendent



September 2019

Permits

Building, Plumbing, Mechanical, Fence, Etc.

• Fence		120 Fields Ct
• Fence		1126 Linn Way
• Accessory	8X10 Shed	851 NP Loop
• Fence		1108 Oak
• Accessory	48X48 Shop	630 Washburn
• Construction	Bedroom addition	234 Holloway Hts
• Accessory	9X12 Shed	212 School
• Fence		115 Moody Ct
• Accessory	4X8 Woodshed	215 E Washington
• Accessory	10X12 Shed	518 Kirk
• Fence		117 Worley
• Mechanical	Install Ductless HP w/2 AH	806 Oak
• Mechanical	Wood Stove	1022 Ash
• Mechanical	Mini Split 2/AH & Gas Line – 4 App	382 Kirk
• Structural	2 Truss Repair	707 Spaulding
• Mechanical	Mini Split	235 Hunter
• Structural	SFD	900 Pine
• Structural	SFD	807 NP Loop
• Mechanical	Ductless HP	1120 Ash
• Structural	30X40 Enclosed Pole Building	190 N Main
• Structural	SFD	818 NP Loop
• Plumbing	Replace & Regrade Sewer	137 N Main St
• Structural	Bedroom Addition	234 Holloway Hts
• Plumbing	Replace Water Service	606 Robe
• Structural	Inside Remodel	382 Kirk
• Structural	30X40 Shop	120 Hunter

Updates

Buildable Lands Inventory

Still in process.

Updates

Conditional Use Permits

Staff has received several Conditional Use Permit Application requests for various uses. The Planning Commission will meet in October.

Elizabeth E. Colman



LINN COUNTY SHERIFF'S OFFICE

Jim Yon, Sheriff
 1115 S.E. Jackson Street, Albany, OR 97322
 Albany, OR. 97322
 Phone: 541-967-3950
 www.linnsheriff.org

2019

MONTHLY REPORT TO THE CITY OF BROWNSVILLE FROM THE LINN COUNTY SHERIFF'S OFFICE

FOR THE MONTH OF: **August**

TRAFFIC CITATIONS: -----	8
TRAFFIC WARNINGS: -----	15
TRAFFIC CRASHES: -----	0
ADULTS CITED/VIOLATIONS: -----	1
ADULTS ARRESTED : -----	5
JUVENILES CITED/VIOLATIONS: -----	0
JUVENILES ARRESTED: -----	1
COMPLAINTS/INCIDENTS INVESTIGATED: -----	100
TRAFFIC HOURS -----	26.5
ADMINISTRATION HOURS -----	1
TOTAL HOURS SPENT:	BROWNSVILLE 210.5

CONTRACT HOURS= 200 HOURS

**Jim Yon,
 Sheriff, Linn County**

By: Sergeant Greg Klein

**BROWNSVILLE MUNICIPAL COURT MONTHLY REPORT
STATISTICAL REPORT FOR AUGUST 2019**

Offense Class	Pending First Day	Filed	Closed	Pending Last Day	Trials
Misdemeanors	18	2	0	20	
Violations	75	13	18	70	
Contempt/Other	60	10	1	69	
TOTALS	153	25	19	159	

BALANCE SHEET FOR THE MONTH OF AUGUST

Court Revenue

Total Deposits +	\$ 2,698.00
Total Bail Released +	\$ 15.00
Total Bail/Bank Fees -	\$ -
Total Bail Held -	
Total Refund/Rest -	\$ 32.00
Total NSF's -	\$ -
Cash Shortage -	\$ -

TOTAL COURT REVENUE

\$ 2,681.00

Court Payments

City	\$ 1,849.30
Restitution	
Oregon Dept Revenue	
Linn County	\$ 205.22
State Misc.	\$ 626.48
DUII Surcharge	\$ -

TOTAL COURT PAYMENTS

\$ 2,681.00

Credit given for Community Service \$ -

Other Credit Allowed Against Fines \$ -

TOTAL NON-REVENUE CREDIT ALLOWED \$ -

TOTAL CASH PAYMENTS TO:

CITY	\$ 1,849.30
STATE	\$ 626.48
COUNTY	\$ 205.22

*REFUND/RESTITUTION

TOTAL: \$ 2,681.00



Library Advisory Board

Librarian's Report

August 2019

Here are a few facts about our library the month of August 2019. We have received 41 new books for the library. Volunteers donated 143 hours to our library. There were 1,483 materials checked out. 520 adult fiction books; 224 adult non-fiction books; 104 audio books; 266 children's books; 263 junior books; 24 junior reference books and 82 large print books. We held 8 children's programs with 122 participants. There were 6 programs for adults with 39 participants.

Along with Story Time, Stitchery Group and Book Club our Library hosted Savvy Families. Linn County Sheriff's Deputy Lieutenant Duncan spoke about tips to keeping safe in this crazy world. It was an interesting conversation with our community and one of its protectors. August had 5 Thursdays, so we had a Rock Painting evening. Painting Rocks has been a well-received and fun activity. Patrons enjoy it so much that we decided to add an evening of rock painting whenever there is a 5th Thursday in the month. The Ready to Read Grant for 2020 has been submitted. It was the first year that the State required the grant to be submitted online. The Library is planning on receiving a \$1,000 grant from the State of Oregon to help with the Summer Reading Program. The Statistical Report for the 2018/2019 Budget year has been completed and electronically submitted to the State of Oregon.

Here is an interesting tidbit from the Library data. In 2011, we issued 145 patron cards to new and current patrons. In the budget year ending this past June, we issued 381 patron cards. It is nice to see our community continue to use our Library as it grows. Readers succeed, in school and life.

Respectfully submitted,


Sherri Lemhouse
Librarian



ORDINANCE NO. 780

AN ORDINANCE ANNEXING A 1.37-ACRE PORTION OF LAND WITHIN A 16.57- ACRE PARCEL IN BROWNSVILLE OREGON, AND ANNEXING THAT PORTION OF LAND INTO THE CITY LIMITS OF THE CITY OF BROWNSVILLE, WITHOUT AN ELECTION.

WHEREAS, the city of Brownsville has received a land use application from John McKinney regarding a 1.37-acre piece of land in Brownsville; Linn County Assessor's Map T13S, R03W, Section 36D, Tax Lot 02500; and

WHEREAS, the applicant proposes to:

1. Annex a 1.37-acre of land, within a 16.57-acre parcel; and
2. Amend the City of Brownsville Zoning Map to resume the next property from Linn County Urban Growth Area Light Industrial (UGA-LI) to a City of Brownsville Light Industrial (LI) zone.

WHEREAS, the property in question is included within the Urban Growth Boundary; and,

WHEREAS, the Planning Commission held a public hearing on April 29th, 2019 to consider the application, and upon deliberation, after the close of the public hearing, recommended the City Council approve the annexation and rezone application; and,

WHEREAS, the City Council held a public hearing on July 23rd, 2019 and September 17th, 2019 and at the close of the hearing the City Council concurred with the Planning Commission recommendations to annex the applicant's land; and,

WHEREAS, the City Council adopted findings of fact approving the land use application; and,

WHEREAS, the City had reviewed the legal description of the property to be annexed and rezoned; and,

WHEREAS, ORS 222.125, the Brownsville City Council need not hold an election in the City of in the territory proposed to be annexed nor hold a public hearing when all (100%) of the property owners of land are not less than 50% of the electors residing in the territory consent in writing (application) to the annexation and file a statement of their consent with the Council, and;

NOW, THEREFORE, THE CITY OF BROWNSVILLE ORDAINS AS FOLLOWS:



SECTION 1: ZONING MAP AMENDMENT. The City of Brownsville Zoning Map shall be amended to rezone the following property from Linn County Urban Growth Area Light Industrial (UGA-LI) to City of Brownsville Light Industrial (LI).

Parcel	Owner(s)	Assessor Map & Tax lot	Size in Acres	Existing Use	Prior Linn County Zoning	New City of Brownsville Zoning
1	John McKinney	T13S, R03W, SEC. 36D TL 02500	1.37	Bare Land	UGA – LI	Light Industrial

Attached hereto is Exhibit “A”, which accurately portray the property to be rezoned to Light Industrial (LI).

SECTION 2: ANNEXATION AREA – MAP/TAXLOT 13S, R03W, SEC. 36D, TL 02500. The following property, shown on the map attached hereto as “Exhibit B”, and described in the legal description, is hereby proclaimed to be annexed into the City of Brownsville.

Parcel	Owner(s)	Assessor Map & Tax lot	Size in Acres	Existing Use	Prior Linn County Zoning	New City of Brownsville Zoning
1	John McKinney	T13S, R03W, SEC. 36D TL 02500	1.37	Bare Land	UGA – LI	Light Industrial

SECTION 3: RECORD.

1. The City Administrator shall submit to the Oregon Secretary of State a certified true copy of this ordinance.
2. The City Administrator shall send a description, by metes and bounds, a map depicting the new boundaries of the city to the Linn County Assessor, Linn County Clerk, Linn County GIS, & the Oregon State Department of Revenue within ten (10) days of the effective date of the annexation.
3. The City Administrator shall notify all affected parties of the annexation.

Exhibits:

- A. Map of Area to be Rezoned.
- B. Map of Tax Parcel T13S R03W Sec36D Tax Lot 02500.
- C. Legal Description of Area to be Annexed into the City of Brownsville.



Exhibit A
Area to be Rezoned to City of Brownsville LI (Light Industrial)

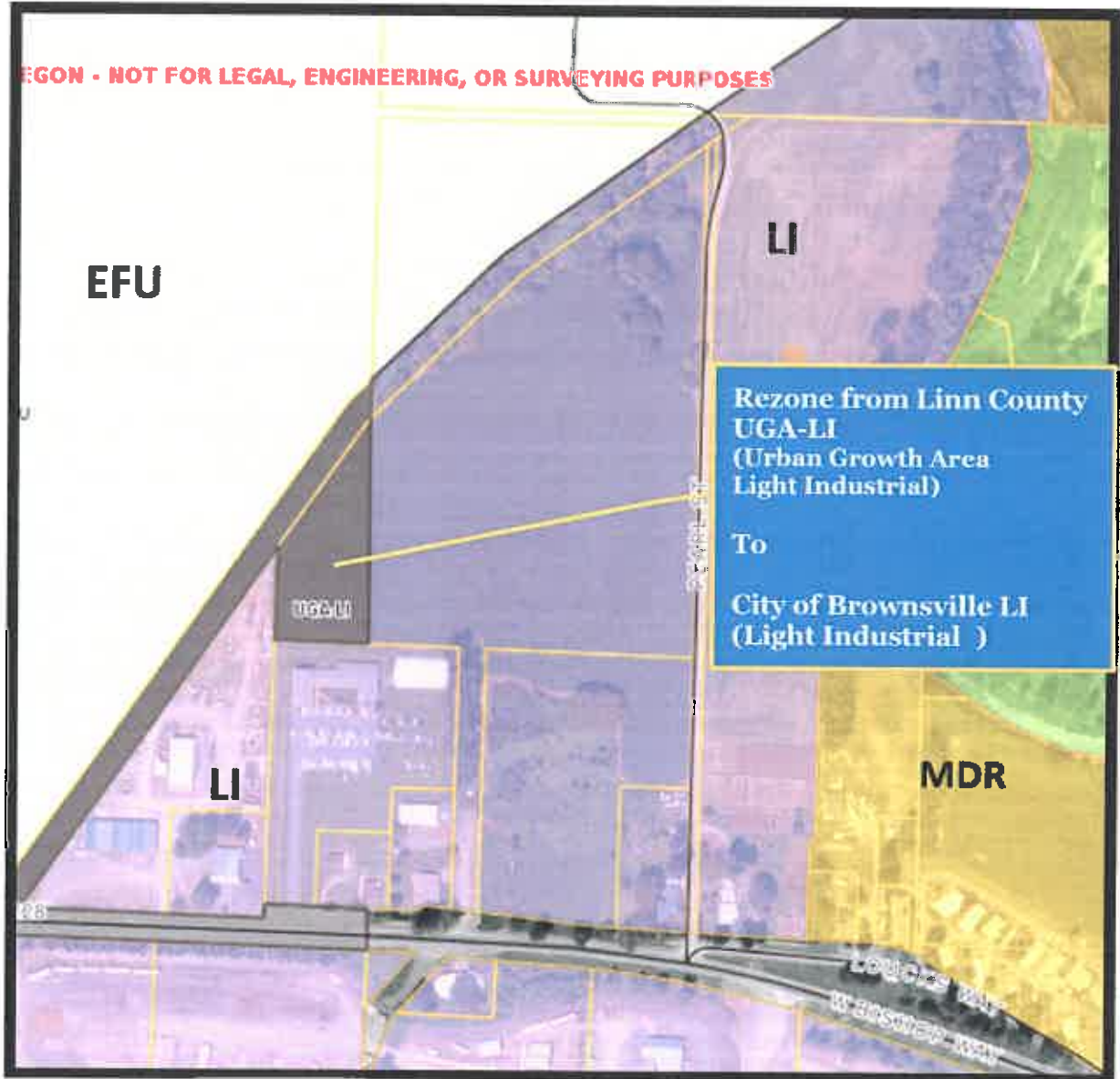




Exhibit B - Map of Tax Lot 2500
City of Brownsville

West Bishop Way - Map 13S03W36D Tax Lot 2500 Brownsville, OR





Exhibit C

Legal Description of Area to be Annexed into the City of Brownsville

LEGAL DESCRIPTION
 OF AN ANNEXATION AREA TO THE CITY OF BROWNSVILLE
 (PORTION OF LINN COUNTY TAX LOT 2500, MAP 135-3W-36D)

AN AREA OF LAND LOCATED IN THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 13 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN LINN COUNTY, OREGON AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE SOUTH LINE OF THE SOUTHERN PACIFIC RAILROAD AND THE WEST LINE OF THE ALEXANDER KIRK DONATION LAND CLAIM NO. 37; THENCE SOUTH 0°30' EAST 539.55 FEET TO THE NORTH LINE OF THE LAND DESCRIBED IN VOLUME 252, PAGE 843; THENCE ALONG SAID NORTH LINE, NORTH 89°50'00" WEST 215.16 FEET TO A 1/2 INCH IRON ROD; THENCE NORTH 221.34 FEET TO A 1/2 INCH IRON ROD AND THE SOUTH LINE OF THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY; THENCE NORTH 33°32' EAST 380.97 FEET TO THE POINT OF BEGINNING.

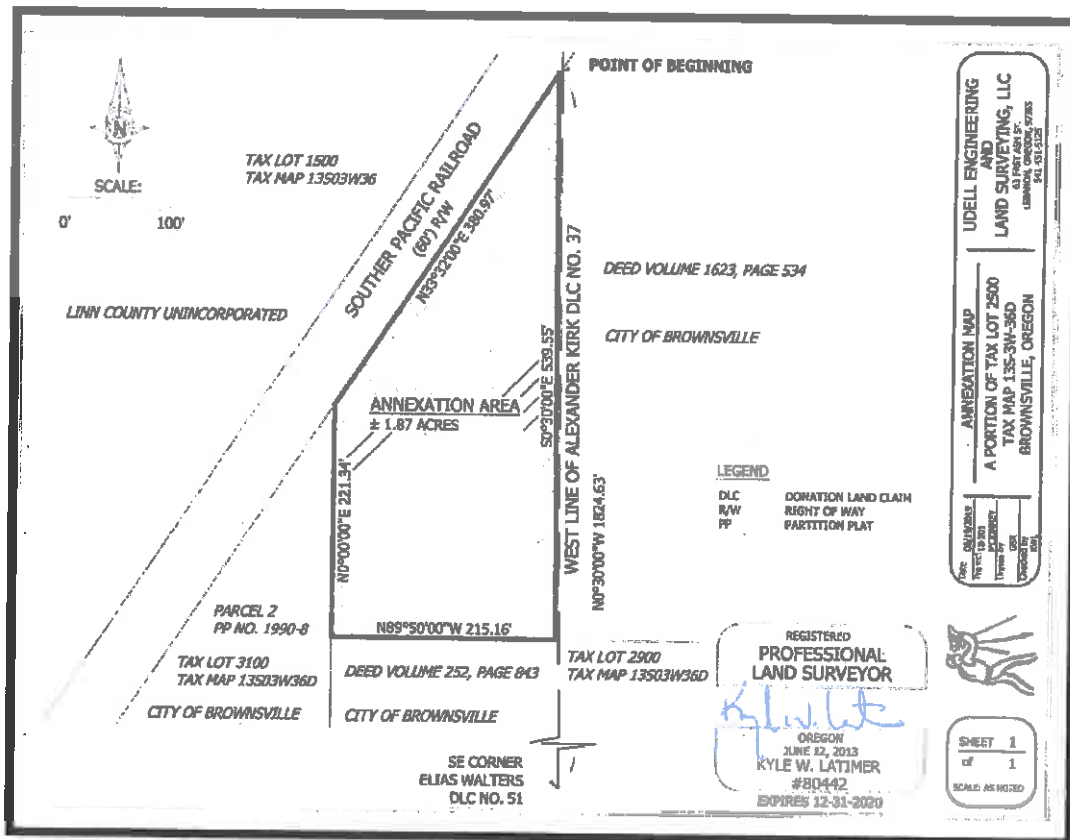
LINN COUNTY SURVEY NO. 15832 WAS USED AS A REFERENCE FOR THE ABOVE DESCRIPTION.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Kyle W. Latimer

OREGON
JUNE 12, 2013
KYLE W. LATIMER
#80442

EXPIRES 12-31-2020





PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR
this ____ day of ____ 2019.

Mayor

City Administrator



ORDINANCE NO. 781

AN ORDINANCE ADDING SECTION 2.60.050 PUBLIC RECORDS REQUESTS TO TITLE 2 OF THE BROWNSVILLE MUNICIPAL CODE

WHEREAS, Council recognizes a need to adopt rules and regulations to promote orderly administrative function and process, and;

WHEREAS, Title 2 of the Brownsville Municipal Code (BMC), Chapter 2.60 contains the language referring to records, and;

WHEREAS, the Brownsville City Council desires to amend the Brownsville Municipal Code to better define the City’s responsibilities under State Law, and;

NOW THEREFORE, the Brownsville City Council ordains as follows:

2.60.050 Public Records Requests.

All City records, except for those exempted by law, are available for inspection and copying by the public. The City may require that records access and use occur during certain business hours, at specified locations, and may charge fees to recover the cost of retrieval and copying requested records. Written requests may be required. Council shall set fees and policy by resolution as needed.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this _____ day of _____, 2019.

ATTEST:

_____ Mayor

City Administrator



RESOLUTION NO. 2019.17

A RESOLUTION MODIFYING AND SETTING FEES IN CONNECTION WITH PUBLIC RECORDS REQUESTS; ESTABLISHING POLICIES RELATING TO SAID RECORDS REQUESTS AND ESTABLISHING FEES; REPEALING ANY OTHER RESOLUTIONS IN CONFLICT HEREWITH; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, costs associated with processing public records requests within the City of Brownsville shall be monitored and updated by Council as needed, and;

WHEREAS, Council shall set policies and fees by resolution, and;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BROWNSVILLE, a Municipal Corporation of the State of Oregon, as follows:

SECTION 1: The City of Brownsville establishes the following schedule of fees, procedures and policies as found attached as 'Exhibit A' which is three pages in length and includes the Public Records Request Form.

SECTION 2. The fees provided for herein shall be effective starting immediately.

This Resolution shall become effective immediately upon being passed and approved by the City Council.

Passed and approved by the City Council this 17th day of September, 2019.

Attest:

Mayor Don Ware

City Administrator S. Scott McDowell



City Hall

255 N. Main Street, Brownsville, Oregon 97327 | Phone: (541) 466.5880 | Fax: (541) 466-5118

PUBLIC RECORDS REQUEST FORM

Anyone has the right to inspect any public record except as otherwise expressly provided by ORS 192.345-192.355. The City will acknowledge public record requests within five (5) business days of written receipt and in most cases will complete requests within 15 business days of written receipt. If your public record request is denied, specific reason(s) and appeal rights will be given by fax, email, or letter. ORS 192.324 authorizes a public body to establish fees to reimburse for costs associated in making public records available. You will be advised of the fee required for the request. Payment of the fee must be received prior to the requested material being released. Response timelines are suspended until all fees are paid in full or additional requested clarifying information is provided by the requester.

Date of Request: _____

****PLEASE READ****

Name: _____

Have you already contacted the City about this request?

Address: _____

Circle One: Yes No

City/State/Zip: _____

Name: _____

Daytime Phone: _____

Dept: _____

Cell Phone: _____

Are these records pertaining to a case that is currently open such as Code/Building Enforcement or Land Use Board of Appeals (LUBA) cases? Yes No

Email Address: _____

Description of records requested (please be as specific as possible – list property address; permit or application numbers; time frame; project name; or list any other details that will assist staff in locating the records): _____

This form shall be submitted to:
City Recorder
P.O. Box 188
255 N. Main Street
Brownsville, OR 97327
(541) 466-5880
Fax: (541) 466-5118
Email: admin@ci.brownsville.or.us

Prices:
Copies Up to 8 1/2" x 14"\$.25/page
11" x 17"\$.50/page
Computer CDs\$ 10.00/each
Audio Recordings\$ 6.00/each
Fax - Send Public Documents.....\$.75/page
Fax Send/Receive (Non-Public).....\$.75/page
Research Fees Actual Cost Time/Materials

****FOR CITY USE ONLY****

Processed by:		#Pages/Media	Date Information
Department Referred to:	Date:	Total Fees	Provided:
Comments:			

Public Access to City of Brownsville's Records Policy

Oregon law states that every person has a right to inspect any non-exempt public record. Oregon Revised Statute (ORS) 192.311 defines a "public record" as any writing containing information relating to the conduct of the public's business, prepared, owned, used or retained by a public body regardless of the physical form or characteristics. ORS 192.311 goes on to define "writing" as handwriting, typewriting, printing, photographing and every means of recordings, includes letters, words, pictures, sounds or symbols, or any combination thereof, and all papers, maps, facsimiles or other electronic recordings.

Requests to inspect records shall be referred to the City Recorder, who may consult with the applicable department director, or his or her designee, prior to allowing inspection or releasing copies of such records.

If there is doubt that the records requested for inspection are not clearly within the definition of "public record," or are exempt records, the request will be referred to the City's attorney for review and recommendation.

All requests shall be made in writing using the Public Records Request Form attached and incorporated into this policy by reference. Requester shall provide sufficient descriptive information to enable staff to identify and locate the records requested.

The City will acknowledge all requests for public records within five business days of the written request to the City Recorder and in most cases will complete the request within fifteen business days of written request to the City Recorder.

The City has established fees to reimburse it for costs associated with making public records available, as outlined below. You will be advised of the fee required for the request and payment of the fee must be received prior to the requested material being released. Response timelines are suspended until all fees are paid in full. If the requester fails to pay the fee within 60 days of the date the City informed the requester of the fee, or fails to pay the fee within 60 days of the date on which the public body informed the requester of the denial of the fee waiver, the public body shall close the request.

The City may request additional information or clarifying information in good faith to expedite its response to a request. Response timelines are suspended until such information is provided by the requester or the requester affirmatively declines to provide the information. If the requester fails to respond within 60 days to a good faith request from the City for additional information or clarification, the City shall close the request.

If the records requested are documents which are produced by the City for general distribution and printed copies are available such as the City Council Agenda, a copy of each document will be provided at no charge. Copies of formalized reports will be provided at the City's actual cost according to a fee schedule determined by Council resolution and the City Administrator.

Copies of other records will be provided at the following charges:

1. Copies of documentary records, up to 8-1/2" x 14", that can be identified, located and produced with a nominal amount of staff time (less than one hour) will be provided at a charge of \$0.25 per page, plus any cost of delivery. Copies that are 11" x 17" will be \$.50 per copy per copy. Documents that are delivered via fax machine will be charged \$.75 per page.
2. Copies of other records including records kept in a non-documentary form (oversized documents, maps, faxed documents, audio/visual recordings, microforms, electronic records, and other non-standard records) will be provided at the rate described in Oregon Administrative Rule (OAR) 166-010-0016 unless the cost is specifically set by the City of Brownsville. Records which may not be covered in OAR 166-010-0016 or a City schedule will be charged back at the City's actual cost for duplicating and delivery charges.
3. Copies of photographs that can be identified, located and produced with a nominal amount of staff time (less than one hour) will be provided at the actual cost for copying and delivery charges.
4. Copies of records that require attorney time, over one-half hour, for segregation of exempt from non-exempt material will be provided at \$200 per hour for attorney time plus copying and delivery charges. Staff will advise the person requesting the records of the attorney's billing rate and obtain a deposit equal to one hour of attorney time. The City Administrator will determine the final cost for attorney time based on the billing to the City.

PROCLAMATION

ARBOR DAY 2019

WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees, and;

WHEREAS, the holiday, called Arbor Day, was first observed with the planting of more than a million trees in Nebraska, and;

WHEREAS, Arbor Day is now observed throughout the Nation and the World, and;

WHEREAS, trees can reduce the erosion of precious topsoil by wind and water, lower heating and cooling costs, moderate the temperature, clean the air, produce oxygen and provide more habitat for wildlife, and;

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood based products, and;

WHEREAS, trees in our community increase property values, enhance the economic vitality of business areas and beautify our community, and;

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal;

NOW THEREFORE I, Mayor Don Ware of the City of Brownsville, do hereby proclaim **October 12th, 2019** as **Arbor Day** in the City of Brownsville and I urge citizens to celebrate Arbor Day and to support the efforts to protect our trees and woodlands, to plant and care for trees for future generations.

Dated this 17th day of September, 2019.

ATTEST:

APPROVED:

S. Scott McDowell
City Administrator

Don Ware
Mayor



2019-2020 Council Values

Council Vision Statement

The Brownsville City Council works collaboratively and effectively with each other, staff, and community partners to preserve the historic character and economic health of our town and to create a high quality of life for our citizens.

A Vision for Brownsville

For a tiny rural Oregon community, Brownsville has a huge presence. It is well-known throughout the state for its friendly welcome and for being a safe, clean, and attractive town. It is clear that residents value its historic character and make special efforts to preserve and enhance it. Talk to business owners in the thriving north and south business areas and you will find that it is the creative working relationships between city government and private, county, state, and federal partners that sustain our economic health and well-being. Residents participate in Brownsville's inclusive process of growing and enhancing our high quality of life. Brownsville citizens care about healthy city finances, they expect infrastructure that delivers, and they elect a City Council that works for the benefit of the community. Public spaces are a vital part of Brownsville's sense of place; citizens' and city government's attention to the appearance and cleanliness of parks, streets, and neighborhoods adds to the town's livability.

Tag line

Brownsville: Where People Care, Business Thrives, and History Lives

Who we are?

Brownsville is a City that is proud of its past while constantly improving toward the future for the benefit of our citizens. We are a group of citizens that honor each other by carefully balancing the social contract (Brownsville Municipal Code) to keep peace and order. The Brownsville Municipal Code and Comprehensive Plan help define the role of the City. Organizational transparency is a focus of Council. Council is working closely with Staff, volunteers, civic organizations, appointed officials and the citizenry to execute identified goals and carry out the responsibilities of the City.

Brownsville has a tremendous sense of place and synergy between City Hall and our residents. Active citizens are the true strength of Brownsville as evidenced by the volunteers who give freely of themselves to provide many municipal functions and civic services. Many civic organizations implement their missions actively in our community which provides a quality of life and vibrancy that is uncommon. Community events are planned and designed to invite people into town to share what Brownsville has to offer.

Council recognizes that many civic organizations and the City government are working diligently on implementing organizational development concepts in order to more efficiently provide services. Council recognizes that we are in a transition period between an authoritative model and are collectively moving toward a new, participatory approach within the organization and throughout the community.

What do we want for Brownsville?

Brownsville should honor the past, maintain a healthy present and strive to assure a dynamic future by focusing on fundamental municipal services such as:



2019-2020 Council Values

- | | |
|-------------------------|----------------------------|
| 1. Treasury Health | 7. Contract Administration |
| 2. Water | 8. Personnel |
| 3. Sewer | 9. Police Protection |
| 4. Capital Improvements | 10. Municipal Court |
| 5. Parks | 11. Library Services |
| 6. Streets | 12. Planning & Zoning |

Organizational Development

1. *Elected & Appointed Officials.* People who understand their role and responsibilities for the City as policy & decision makers. People who have a tremendous amount of pride and caring about the future of Brownsville. People who understand the financial nuances of local government in Oregon. People who understand and respect the significant contributions of Staff. People who are focused on the greater good they can collectively make in the community. People who understand the mission of the City and who can explain City policy and issues with the general public. People who represent Brownsville citizenry as well as City Staff.
2. *Staff.* People who understand their multiple roles and responsibilities. People who love coming to work. People who are interested in creating the best possible work environment that is full of respect and compassion for the citizens and is honest and trusting among all the ranks of the organization. People who don't complain about what they cannot control but people who are interested in creating practical, cost-effective solutions for those issues they can control. People who expect more than the ordinary from themselves and from each other.
3. *Organizational Axiom.* Creating, developing and maintaining effective relationships with individuals, other civic organizations, County, State & Federal government personnel. Understanding that the number one priority of the City is relationship building. The City shall honor relationships and the ordinances and laws of the land. The City shall be ever mindful of the importance of the social contract of government and the order that it strives to preserve for the sake of freedom.

NOTES: Council has discussed many organizational theories & objectives as well as identifying important critical thinking models that will serve as a guide for making better decisions. Below are a few of those models:

THE PROCESS OF PROGRESS

1. Recognize/Identify
2. Accept/Agree
3. Strategize/Develop Action Steps
4. Implement/Execute
5. Review Outcomes



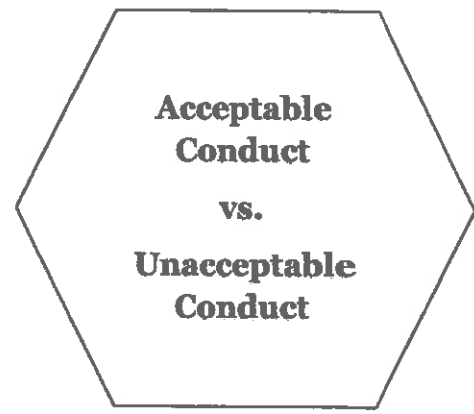
2019-2020 Council Values

LEXIPOL'S 10 FAMILIES OF RISK MODEL

1. External Risks
2. Legal & Regulatory Risks
3. Strategic Risks
4. Organizational Risks
5. Operational Risks
6. Information Risks
7. Human Resources Risks
8. Technology Risks
9. Financial and Administrative Risks
10. Political Risks

How are expectations set in City Government?

- ✦ Laws & Municipal Code
- ✦ Standards
- ✦ Requirements & Rules
- ✦ Memoranda of Understanding
- ✦ Contracts
- ✦ Agreements
- ✦ Employee Handbook
- ✦ Societal Norms
- ✦ Cultural Nuances
- ✦ Public Opinion





2019-2020 Council Goals
(Compilation Date: April 2019)

Goals 2019-2020

1. Focus on the Fundamentals.
 - *Protect and Manage Brownsville's Treasury.*
 - *Foster Cooperative and Productive Relationships in the community, with Linn County, State and Federal Agencies.*
 - *Develop Advocacy Plan.*

2. Water Rights.
 - *Explore Possible Water Source Options.*
 - *Continually work on perfecting Water Rights.*

3. Economic Development Plan.
 - *Participate in Regional Efforts and Opportunities.*
 - *Work on Economic Analysis, Land Inventory and Urban Growth Boundary.*

4. Community Development Plan.
 - *Refine Zoning Rules and Requirements.*
 - *Consider and Adopt Building Rules and Standards.*
 - *Emergency Preparedness Planning.*
 - *Support Improvements for Central Linn Rec Center.*
 - *Improve Partnership with CLSD.*
 - *Monitor Recreational Immunity.*
 - *Internet Service Provider.*

5. Capital Improvements Plan.
 - *Develop the Framework for a Sidewalk Program.*
 - *Plan and Construct Downtown Wastewater Improvements.*
 - *TMDL Exploration and Implementation Elements.*
 - *Explore Kirk Avenue Paving Options.*
 - *Pioneer Picture Gallery Discussion.*

6. Organizational Development.
 - *Continue Developing an Effective Working Relationship between Council and Staff.*
 - *Focus on Council Leadership Development.*



GOALS PROGRESS UPDATE

1. Focus on the Fundamentals.

- *Protect & Manage Brownsville's Treasury.*
- *Foster Cooperative & Productive Relationships in the community, with Linn County, State & Federal Agencies.*
- *Develop Advocacy Plan. (2)*

Plan: Staff will continue working carefully with the annually adopted budget to ensure financial well-being. Staff will strive to keep rates as low as possible while providing services effectively and maintaining outstanding financial ratings. Staff will execute the planned projects found in the FY 2018-2019 and FY 2019-2020 budgets as time and priority allow.

Staff will plan for and execute the engineering for the redevelopment of sewer lines in Old Town Commercial and determine appropriate construction schedule depending on financial availability and the savings.

Staff will continue to strive for excellence in all relational aspects. McDowell will continue his involvement with the Solid Waste Advisory Committee (SWAC), the Linn County Sheriff's Office (LCSO) Joint Cities Coalition, the Linn County Planning and Building Department meetings, City/County Insurance Services (CIS), International City Management Association (ICMA), Oregon City/County Management Association (OCCMA) and the League of Oregon Cities (LOC) as needed. Mr. Frink works with various groups including 811.

Staff is also very involved at a local level. McDowell serves as a liaison to the Board of Directors for the Chamber of Commerce and attends other civic organization meetings as requested or required. Mayor Ware serves on the Central Linn Community Foundation and the Lions Club, among others. Councilor Thompson serves as the liaison to the Central Linn Recreation Association (CLRA). Mayor Ware and Councilor Neddeau served on the Cascade West Council of Governments (COG) Board. Councilor Gerber serves on Cascade West Council of Government's Transportation Board.

Council may develop a local advocacy plan that would include, 1) specific legislative items being considered by the State of Oregon, 2) prepare policy statements on those items, and 3) form letter writing efforts to improve municipal authority as allowed by the Oregon Constitution.

2. Water Rights.

- *Explore Possible Water Source Options.*
- *Continually work on perfecting Water Rights.*

Plan: The City will continue exploring additional resources such as procurement of upstream water rights and other possibilities that may exist areas around Brownsville. Staff will continue to work with City Engineer Ryan Quigley and City Attorney Rolfe Wyatt on issues as they arise through the State Legislature and other agencies of the State such as the Oregon Water Resources Department (OWRD). Council recognizes water as the City's most valuable resource.

3. Economic Development Plan.

- *Participate in Regional Efforts and Opportunities.*
- *Work on Economic Analysis, Land Inventory and Urban Growth Boundary.*

Plan: Continue working with partners on regional economic development efforts.



Definition: The two chief focuses of Economic Development are 1) retaining existing business and 2) attracting new business.

The City will budget for procedures required by the Department of Land Conservation & Development (DLCD) in order to possibly expand areas for commercial and light industrial development. The City also plans on including additional residential land.

4. Community Development Plan.

- *Refine Zoning Rules and Requirements.*
- *Consider and Adopt Building Rules and Standards.*
- *Emergency Preparedness Planning.*
- *Support Improvements for Central Linn Rec Center.*
- *Improve Partnership with CLSD.*
- *Monitor Recreational Immunity.*
- *Internet Service Provider.*

Plan: Council would like to explore ways to positively affect community livability. Council will explore building rules and standards to solidify the historic look and feel of Brownsville. The City continues working with ad hoc volunteer committee promoting community emergency preparedness efforts as defined by the Brownsville Municipal Code. Staff will work with the Brownsville Rural Fire District, Halsey-Shedd Rural Fire Protection District, the City of Halsey and the Central Linn School District to accomplish Council directives. Council will continue to explore options for the Central Linn Rec Center with various partners including the City of Halsey and the Central Linn School District. Council will continue to monitor attacks against recreational immunity through various sources such as the League of Oregon Cities (LOC) and CIS. Staff will continue to work with Alyrica to develop a new fiber optic system for Brownsville.

5. Capital Improvements Plan.

- *Develop the Framework for a Sidewalk Program.*
- *Plan and Construct Downtown Wastewater Improvements.*
- *Pioneer Picture Gallery Discussion.*
- *TMDL Exploration and Implementation Elements.*
- *Explore Kirk Avenue Paving Options.*

Plan: Council will explore the creation of a Sidewalk Program. Plan and save for the construction of a new wastewater collection system for downtown. Council will host a Town Hall in late 2019 to discuss the future of the Pioneer Picture Gallery building. Council will continue to monitor developments of DEQ's TMDL implementation strategy. Council explore funding and construction options for Kirk Avenue.

6. Organizational Development.

- *Continue Developing an Effective Working Relationship between Council and Staff.*
- *Focus on Council Leadership Development.*

Plan: Council recognizes the need for additional training & development. Council will continue to improve in two ways, 1) collectively through regular group discussions and evaluations, and 2) executing their individual roles as community leaders. Council will look at new ways to work together to accomplish shared organizational goals and address community issues with Staff.

From: Jack Alsman <jhacruz@hotmail.com>
Sent: Tuesday, August 20, 2019 3:51 PM
To: assistant@ci.brownsville.or.us
Subject: Planning commission consideration

Jack Alsman
405 Spaulding Ave.
Brownsville, OR 97327
jhacruz@hotmail.com
831-234-0816
:

I am requesting consideration concerning the open seat on the planning commission. My qualifications are as follows:

- Associate of science in mechanical engineering.
- 10 years union carpenter/ foreman / superintendent building silicon valley.
- 25 years California licensed general contractor.
- I am retired and have time to give.
- I have never served on a planning commission or city council, but I have been on the other side from time to time. I see this as a plus.

We have lived in Brownsville for two and a half years and have felt at home from the start. Wendy and I have met many cordial neighbors and new friends. We are here to stay and commit to helping our town where we can.

Sincerely,

Jack Alsman

Sent from [Mail](#) for Windows 10

Elizabeth Coleman

From: Erica Harms <ericaharms@yahoo.com>
Sent: Thursday, September 05, 2019 12:01 PM
To: Elizabeth Coleman
Subject: planning committee

Dear Mrs. Coleman,

I would like to be considered for the vacant seat on the Planning Committee. I think the Planning Committee would be a good place for me as I've had 10 years of work in real estate development in Los Angeles prior to moving to Brownsville. I have a lot of interest in city planning and supporting businesses in Brownsville as well.

I feel I have an optimistic outlook on bridging communities and supporting all people in Brownsville and would like to be involved in helping the city.

Best,

Erica Harms
310-614-3669



RESOLUTION 2017.19

**A RESOLUTION DECLARING & RECOGNIZING THE USE OF
BROWNSVILLE & CENTRAL LINN AREA CITIZENS AND
BUSINESSES IN DURING NATURAL DISASTERS AND OTHER
EMERGENCIES**

WHEREAS, Brownsville’s Emergency Preparedness Committee and City Staff have identified a need to enlist resources and help during emergency situations, and;

WHEREAS, Brownsville has many skilled residents and the Central Linn Community has many skilled citizens who could perform a variety of tasks in an emergency situation, and;

WHEREAS, Brownsville and the surrounding area has numerous civic organizations, area churches and non-profit organizations that could also assist in these situations, and;

WHEREAS, the Emergency Preparedness Committee and City Staff have compiled a list of citizens, businesses, non-profit & civic organizations to request help and support, and;

WHEREAS, the City Recorder will keep an up-to-date list on file with the appropriate contact information for those individuals and organizations.

NOW, THEREFORE, let it be known that the Brownsville City Council declares and recommends that these volunteers be covered by City insurance during emergency situations as needed.


BE IT FURTHER RESOLVED, that the Brownsville City Council declares and recommends these persons and resources be eligible for any disaster relief funds that may be available through local, State or Federal agencies depending on the emergency situation or disaster.

PASSED AND ADOPTED by the Council of the City of Brownsville this 28th day of November, 2017.

ATTEST:



S. Scott McDowell
City Administrator



Don Ware
Mayor



LINN COUNTY SHERIFF'S OFFICE

Jim Yon, Sheriff

1115 S.E. Jackson Street, Albany, OR 97322

Phone: 541-967-3950

www.linnsheriff.org

MEMORANDUM

RECEIVED
City of Brownsville

SEP 11 2019

Clerk _____

To: Scott McDowell, City Manager
City of Brownsville

From: Sheriff Jim Yon

Date: August 27, 2019

Re: Law Enforcement Services Contract Projections

The County has settled the contract negotiations with the Deputy Sheriff Association. Based on the terms of the contract, we have updated our projected rates for the Law Enforcement Services Contract costs, and are providing actual rates for this current year.

The rate per hour increased from \$70.36, as previously projected, to \$70.85, for this current fiscal year.

If you have any questions about these projections, please, as always, reach out to me immediately.

Budgetary Projection Law Enforcement Services Contract:

<u>Hrs Contracted</u>	<u>FY19/20 Rate per Hour</u>	<u>FY19/20 Total</u>
2400	\$70.85	\$170,040

<u>Hrs Contracted</u>	<u>FY20/21 Rate per Hour</u>	<u>FY20/21 Total</u>
2400	\$72.99	\$175,176

<u>Hrs Contracted</u>	<u>FY21/22 Rate per Hour</u>	<u>FY21/22 Total</u>
2400	\$75.51	\$181,224



OFFICIALS HANDBOOK

Elected & Appointed

2019



Elected & Appointed Officials Handbook

Table of Contents

Introduction..... 4

 The Athenian Oath 4

 The Oath 4

 Brownsville Oath of Office..... 4

Section I. Elected & Appointed Officials Conduct with One Another 4

 In Public Meetings 4

 1. Practice Civility & Decorum. 4

 2. Honor the Role of the Mayor in Maintaining Order..... 4

 3. Demonstrate Effective Problem-Solving Approaches. 5

 In Private Encounters 5

 4. Continue Respectful Behavior in Private..... 5

 5. Be Aware of the Insecurity (Non-Confidentiality) of Written Notes, Voicemail, and Email..... 5

 6. Even Private Conversations May Have Public Presence..... 5

 7. Quick Tips. 5

Section II. Elected and Appointed Officials Conduct with City Staff 5

 8. Treat all Staff as Professionals..... 6

 9. Direct Administrative and Operational Questions to City Management. 6

 10. Never Publicly Criticize an Individual Employee..... 6

 11. Avoid Involvement in Administrative Functions. 6

 12. Check with City Staff on Correspondence Before Taking Action..... 6

Section III. Officials Conduct with The Public 6

 In Public Meetings 6

 13. Be Welcoming to Speakers and Treat Them with Care and Gentleness..... 6

 14. Exercise Active Listening..... 6

 15. Ask for Clarification, Avoid Debate and Argument With the Public..... 6

 16. Avoid Personal Attacks. 7

 In Unofficial Meetings 7

 17. Never Make Promises on Behalf of the Council or Staff. 7

 18. Speak with One Voice..... 7

 19. Make no Personal Comments About Other Council Members..... 7

 The City of Brownsville's Principles of Proper Conduct..... 7

Section IV. Corrective Action Procedures..... 8



Elected & Appointed Officials Handbook

- A. Responsible Officers 8
- B. Censure..... 8
- C. Performance Correction Measures. 8
- Section V. Meeting of Council 8
 - A. Compliance..... 8
 - B. Meeting Schedule..... 8
 - C. Time of Meeting 8
 - D. Special Meetings..... 9
 - E. Executive Sessions..... 9
 - F. Work Sessions..... 9
 - G. Attendance. 9
- Section VI. Agenda..... 9
- Section VII. Minutes..... 9
- Section VII. Order of Business 10
- Section VIII. Discussion of Business 10
- Section IX. Conduct of Business..... 11
 - A. Presiding Officer. 11
 - B. Absence of Presiding Officer. 11
 - C. Motion Procedure. 11
 - D. Motion to Postpone or Table. 11
 - E. Point of Order..... 11
- Section X. Conduct of Hearings 11
 - A. Scope of Rules. 11
 - Nature and General Conduct of Hearing..... 12
 - Challenging Participation by a Councilor..... 12
 - B. Order of Procedure..... 13
- Section XI. Voting..... 14
- Section XII. Ethics code 14
- Section XIII. Legal Advice 15
- Section XIV. Confidentiality 15
- Section XV. Social Media 15
 - Section I. Guidelines for Respectful Interactions 16**
 - Section II. Reasons for Removing a Post or Comment..... 16**



Elected & Appointed Officials Handbook

Section XVI. Remote Attendance 16

Section I. Definitions of Electronic Means 16

Section II. Reasons for Requesting Remote Attendance 16

Section III. Limitations of Electronic Attendance 16



Elected & Appointed Officials Handbook

CODE OF CONDUCT & COUNCIL RULES PROCEDURE

Introduction

The Brownsville City Council and all Appointed Officials shall hold themselves accountable to the following principles and guidelines for Code of Conduct.

The Athenian Oath

The Athenian Oath was recited by the citizens of Athens, Greece over 2,000 years ago. It is frequently referenced by civic leaders in modern times as a timeless code of civic responsibility.

The Oath

"We will never bring disgrace on this our City by an act of dishonesty or cowardice. We will fight for the ideals and Sacred Things of the City both alone and with many. We will revere and obey the City's laws and will do our best to incite a like reverence and respect in those above us who are prone to annul them or set them at naught. We will strive unceasingly to quicken the public's sense of civic duty. Thus, in all these ways, we will transmit this City not only, not less, but greater and more beautiful than it was transmitted to us."

Brownsville Oath of Office

I, *Councilor Name*, do solemnly swear that I will support the constitution and laws of the United States and of Oregon, that I will, to the best of my ability, faithfully perform the duties of Councilor for the City of Brownsville, during my continuance therein, so help me God. If the person affirms, instead of the last clause of the oath, there shall be stated: "And this I do affirm under the pains and penalties of perjury."

Section I. Elected & Appointed Officials Conduct with One Another

This Council, Staff and Appointed Officials are composed of individuals with a wide variety of backgrounds, personalities, values, opinions, and goals. Despite this diversity, each Councilor has chosen to serve in public office in order to preserve and protect the present and the future of the City of Brownsville. This common goal should be acknowledged even as Councilors may "agree to disagree" on contentious issues.

In Public Meetings

1. Practice Civility & Decorum. Difficult questions, tough challenges to a particular point of view, and criticism of ideas and information are legitimate elements of a free democracy in action. This does not allow, however, council members to make belligerent, personal, impertinent, slanderous, threatening, abusive, or disparaging comments. No shouting or physical actions that could be construed as threatening will be tolerated.
2. Honor the Role of the Mayor in Maintaining Order. It is the responsibility of the Mayor to keep the comments of the council members on track during all meetings. Council members should honor efforts by the Mayor to focus discussion on current agenda



Elected & Appointed Officials Handbook

items. If there is a disagreement about the agenda or the Mayor's actions, those objections should be voiced politely and with reason, following procedures outlined in parliamentary procedures.

3. Demonstrate Effective Problem-Solving Approaches. Councilors have a public stage to show how individuals with disparate points of view can find common ground and seek a compromise that benefits the community as a whole.

In Private Encounters

4. Continue Respectful Behavior in Private. The same level of respect and consideration of differing points of view that is deemed appropriate for public discussions should be maintained in private conversations.
5. Be Aware of the Insecurity (Non-Confidentiality) of Written Notes, Voicemail, and Email. Technology allows words written or said without much forethought to be distributed wide and far. *Would you feel comfortable to have this note faxed to others? How would you feel if this voicemail message was played on a speakerphone in a full office? What would happen if this Email message were forwarded to others?* Written notes, voicemail messages and Email should be treated as potentially "public" communication.
6. Even Private Conversations May Have Public Presence. Elected and appointed officials are always on display – their actions, mannerisms, and language are monitored by people around them that they may not know. Lunch table conversations will be eavesdropped upon, parking lot debates will be watched, and casual comments between individuals before and after public meetings noticed.
7. Quick Tips.
 - a. Preserve dignity and self-respect.
 - b. Listen for the message; even if you don't agree with it.
 - c. Respect others.
 - d. Express your independent perspective.
 - e. Participate intelligently.
 - f. Be willing to delegate and let others make decisions.
 - g. Be a community leader.
 - h. Control all you should, not all you can.
 - i. Use few words after much thought rather than many words after little thought.
 - j. Seek to create change and overcome the influence of conventional wisdom.
 - k. Recognize when you need outside experts.
 - l. Recognize the efforts of others.
 - m. Continuously pursue excellence.

Section II. Elected and Appointed Officials Conduct with City Staff

Governance of the City of Brownsville relies on the cooperative efforts of all officials, who set policy, and city staff, who implements and administers the Council's policies. Therefore, every effort should be made to be cooperative and show mutual respect for the contributions made by each individual for the good of the community.



Elected & Appointed Officials Handbook

8. Treat all Staff as Professionals. Clear, honest communication that respects the abilities, experience and dignity of each individual is expected.
9. Direct Administrative and Operational Questions to City Management. Questions of Staff and/or requests for additional information should be directed only to the City Administrator or their designee. The City Administrator should receive a copy of any written request for information when applicable. Materials supplied to an official in response to a request will be made available to all members of the body so that all have equal access to information.
10. Never Publicly Criticize an Individual Employee. Officials should never express concerns about the performance of an employee in public or to the employee directly. Comments about staff performance should only be made to the City Administrator through private correspondence or conversation.
11. Avoid Involvement in Administrative Functions. Officials must not attempt to influence Staff on the making of appointments, awarding of contracts, selecting of consultants, or other such administrative functions. If the project is brought to the Council or other responsible body, then officials may, of course, discuss these matters and issues at that appropriate time.
12. Check with City Staff on Correspondence Before Taking Action. Before sending correspondence, council members should check with the City Administrator to see if an official city response has already been sent or is in progress.

Section III. Officials Conduct with The Public

Making the public feel welcome is an important part of the democratic process. No signs of partiality, prejudice or disrespect should be evident on the part of individual officials toward an individual participating in a public forum. Every effort should be made to be fair and impartial in listening to public testimony.

In Public Meetings

13. Be Welcoming to Speakers and Treat Them with Care and Gentleness. Because personal concerns are often the issue of those who come to present to the various public bodies, officials should remember that how they treat the speaker will either help them relax or push their emotions to a higher level of intensity.
14. Exercise Active Listening. It is disconcerting to speakers to have officials not look at them when they are speaking. It is fine to look down at documents or to make notes, but reading for a long period of time or gazing around the room gives the appearance of disinterest. Be aware of facial expressions, especially those that could be interpreted as “smirking,” disbelief, anger or boredom.
15. Ask for Clarification, Avoid Debate and Argument With the Public. A speaker should be allowed to complete their presentation before the Mayor, Chair or officials start asking



Elected & Appointed Officials Handbook

questions. However, an official may ask the Mayor or Chair for a “point of order” if the speaker is off the topic or exhibiting behavior or language the official finds disturbing. If speakers become flustered or defensive by questions, it is the responsibility of the Mayor or Chair to calm and focus the speaker and to maintain the order and decorum of the meeting. Questions by officials to members of the public should seek to clarify or expand information. It is never appropriate to belligerently challenge or belittle the speaker.

16. **Avoid Personal Attacks.** Officials should be aware that their body language and tone of voice, as well as the words they use, can appear to be intimidating or aggressive.

In Unofficial Meetings

17. **Never Make Promises on Behalf of the Council or Staff.** It is inappropriate to overtly or implicitly promise official action, or to promise Staff will do something specific such as fix a pothole, replace flowers, fix a leak, etc.
18. **Speak with One Voice.** Officials will frequently be asked to explain a Council or a Board action or to give their opinion about an issue as they meet and talk with constituents in the community. It is appropriate to give a brief overview of the facts or City policies as they relate to the aforementioned action. Objectively present the collective decision or direction, even when you may not agree. If you feel the need to express your own opinion, state it in terms such as: “I would have preferred “x” but the Council or Board wanted “y” so that’s what we will be doing.” Explaining official decisions, without giving your personal criticism of the official actions, will serve to strengthen the community’s image of the City of Brownsville.
19. **Make no Personal Comments About Other Council Members.** It is acceptable to publicly disagree about an issue, but it is unacceptable to make derogatory comments about other officials. Honesty and respect for the dignity of each individual should be reflected in every word and action taken by elected and appointed officials of the City. **It is a serious and continuous responsibility.**

The City of Brownsville's Principles of Proper Conduct

- Keep promises.
- Be dependable.
- Build a solid reputation.
- Participate and be available.
- Demonstrate patience.
- Show empathy.
- Hold onto ethical principles under stress.
- Always listen.
- Study thoroughly.
- Maintain integrity.
- Overcome discouragement.
- Go above and beyond, time and time again.
- Respect for one another as individuals.
- Honor the validity of different opinions.



Elected & Appointed Officials Handbook

- ▶ Uphold the democratic process.
- ▶ Respect for the community we serve.

Section IV. Corrective Action Procedures

- A. **Responsible Officers.** The Mayor, Council President, City Administrator and/or the City Attorney shall be responsible for the enforcement of the rules and provisions contained herein. Any member may bring concerns to the above referenced officers. Any of the officers may employ the assistance of any Councilor for this purpose. Upon receiving an official complaint or witnessing inappropriate conduct, a combination of the above officials shall take administrative action. Administrative action shall include the serving of verbal warnings, issuing written reprimands or recommending Council take official legislative action in the form of resolution in an effort to correct the offending behavior.
- B. **Censure.** The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, by majority vote, may discipline that Councilor to the extent provided by law, including public reprimand. To exercise such inherent right, the Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the Council to discuss any finding that reasonable grounds exist that a substantial violation has occurred. The alleged offender must be notified of a finding that reasonable ground exists that a substantial violation has occurred. The accused shall have the right to present a defense to the allegations. Upon finding that a substantial violation has occurred, the Council may, upon vote of the balance not accused, proceed with censure or impose a proper sanction.
- C. **Performance Correction Measures.** The responsible officers shall determine the appropriate measure to deal with the inappropriate behavior exhibited by the official. Depending on the severity of the offense, the responsible officers shall determine which measure(s) to employ. They may decide to verbally warn the member, provide a written warning, move for Council legislative action or cause the member (if appointed) to be removed from office. Councilors may not be removed from office by the Council, however anyone can start a recall of any official according to State Law. All corrective measures taken shall be reported to the affected body and to the Council.

Section V. Meeting of Council

- A. **Compliance.** All meetings of the Council shall comply with the Oregon State Public Meetings Law, which is hereby incorporated by reference into these rules.
- B. **Meeting Schedule.** The Council will meet in regular session on the fourth Tuesday of each month unless Council cancels or reschedules the meeting.
- C. **Time of Meeting.** Regular sessions will convene at 7:00 p.m. All regular sessions will be adjourned no later than 10:30 p.m. unless extended by consent of each and every Councilor present at that meeting.



Elected & Appointed Officials Handbook

- D. **Special Meetings.** Special meetings may be called by the Mayor or three or more Councilors. Twenty-four (24) hour notice shall be given to the remaining Councilors, the City Administrator and the Public. Public notice shall be given by posting said notice on the front door of City Hall. The notice shall specify the meeting time and place and a description of the business to be transacted at the meeting. If a special meeting is called to deal with an emergency involving danger to life or property, notice is not required. No general legislation may be considered at a special meeting except that for which the meeting is called.
- E. **Executive Sessions.** An executive session (a meeting closed to the public) may be held in accordance with the Public Meetings Law. The Mayor may call any regular, special or emergency meeting into executive session by citing the specific provision of ORS 192.660 which authorizes the session. Representatives of the news media shall be allowed to attend executive sessions. The Mayor shall instruct any media representatives present not to disclose the substance of any discussion during executive session. No final decision shall be made in executive session. To make a final decision, the presiding officer shall either call the meeting into open session or place the decision on the agenda of a future open session.
- F. **Work Sessions.** Work Sessions of Council shall be held in accordance with Oregon Public Meetings Laws and shall be called by either the Mayor, City Administrator or three councilors whenever circumstances require such a session.
- G. **Attendance.** Councilors shall inform the City Administrator if they are unable to attend any meeting. Additionally, the Mayor shall inform the Council President, as well as the City Administrator, regarding any absence by the Mayor. Excessive or unexcused absence can result in corrective action by Council.

Section VI. Agenda

The City Administrator shall prepare an agenda of the business to be presented at a regular Council meeting. The items on the agenda should follow the formal order of business prescribed in these rules. The City Administrator, Mayor, Council members or the Public may request that a matter be placed on the agenda. The City Administrator shall have the discretion of placing an item on the agenda for the upcoming meeting or a subsequent meeting because of time constraints or time needed for compilation of materials. Requests for placement of an item on the agenda must be received by the City Administrator by 5:00 p.m. on the Wednesday prior to a regularly scheduled meeting.

An item may be added to the agenda at the beginning of any meeting by the City Administrator, the Mayor or any Councilor subject to approval by a majority of the Council present at the meeting.

Section VII. Minutes

- A. Written minutes of all open regular and special meetings shall be prepared by a person designated by the City Administrator and shall be approved by the council at the next meeting and made available for public inspection once approved. Minutes shall be signed by the presiding officer with that signature attested to by the City



Elected & Appointed Officials Handbook

Administrator. All meetings shall be recorded. The recordings shall be kept in accordance with State Law.

- B. Written minutes shall include the names of all Councilors present, all motions, resolutions, orders, ordinances and measures proposed and their disposition, the results of all votes, with the vote of each Councilor by name unless the vote is unanimous, the substance of the discussion of any matter and references to any documents discussed.

Section VII. Order of Business

- A. Regular meetings shall be conducted in the following order of business, subject to the right of the mayor, with council consent, to alter the order of business:

1. **Call to Order**
2. **Roll Call**
3. **Approval of Minutes from Previous Meeting**
4. **Public Hearings** – All public hearings may be subject to notice requirements as listed in the Brownsville Municipal Code and State Law, unless there are none, and then a Notice of Public Hearing shall be placed in a local newspaper a minimum of one time within the seven (7) days prior to the meeting. A copy of this Notice of Public Hearing shall also be posted at City Hall during that time.
5. **Citizen Input** – Citizens wishing to speak on non-agenda items. The purpose of this item is to allow citizens to address the Council on matters related to city government and properly the object of Council consideration. The citizen shall move to the podium, state their name and address for the public record and be allotted a three (3) minutes per citizen. Unless the Mayor, prior to the Citizen Input period, decides to allocate more time. The Council shall not act on issues raised during this portion of the agenda.
6. **Departmental Reports** – Reports by staff members as deemed appropriate by the City Administrator.
7. **Legislative Actions** – Adoption of Ordinances and Resolutions.
8. **Action Items** – Items requiring a vote of the council, other than the adoption of Ordinances and Resolutions.
9. **Discussion Items** – Updates from City Administrator concerning on-going projects, discussion of proposed policy changes, discussion of proposed projects, etc.
10. **Adjournment**

Section VIII. Discussion of Business

- A. The right to discuss the business before the Council is reserved exclusively for the



Elected & Appointed Officials Handbook

Mayor, Councilors, the City Administrator and the City Attorney, with the following exceptions:

1. Public Hearings; and
 2. Citizens wishing to speak on non-agenda items.
- B. The presiding officer shall recognize any Staff member or member of the audience for discussion of any matter before the Council at their discretion.
- C. No person shall be permitted to speak or present evidence until recognized by the presiding officer and given permission to speak or present evidence. All comments, evidence or questions from the floor will be addressed to the presiding officer. In the case of questions, the presiding officer will request input from appropriate sources such as Staff, Councilors or Presenters. Citizens shall be limited to three (3) minutes unless they are a part of the official agenda of the meeting as an effort to keep an orderly meeting.

Section IX. Conduct of Business

- A. **Presiding Officer.** The Mayor shall preside at all meetings of Council. In the absence of the Mayor, the Council President shall preside. The Council President shall be elected at the first meeting of each odd-numbered year per the Brownsville Municipal Code.
- B. **Absence of Presiding Officer.** In the absence of the Mayor and the Council President, the Council shall elect a Councilor to serve as presiding officer as its first order of business. Any Councilor may call a meeting to order for the purpose of electing a presiding officer.
- C. **Motion Procedure.** When a motion is moved and seconded, it shall be stated by the presiding officer for debate. A motion once made may not be withdrawn by the mover without the consent of the Councilor seconding it. No Councilor shall be allowed to speak more than once on a particular question until every other Councilor has had an opportunity to do so.
- D. **Motion to Postpone or Table.** A motion to postpone or table may be debated and amended and may specify a time when the question will be considered. A motion to table precludes all amendments or debate and if the motion prevails, consideration of the question may be resumed only upon the motion of a member voting with the majority.
- E. **Point of Order.** Any member may raise a point of order at any time and the presiding officer shall determine all points of order, subject to the right of any Councilor to appeal the decision to the full Council.

Section X. Conduct of Hearings

- A. **Scope of Rules.** The rules contained in this section shall govern the conduct of administrative and quasi-judicial hearings held by the Council including, but not limited to, those held pursuant to land use matters of the City.



Elected & Appointed Officials Handbook

Nature and General Conduct of Hearing.

1. The Council when conducting any such hearing shall afford persons entitled under the Brownsville Municipal Code, such as the land use ordinances, to notice of hearing, an opportunity to be heard, to present and rebut evidence to an impartial tribunal, and to have a decision based on substantial evidence.
2. No person in attendance shall be disorderly, abusive or disruptive of the orderly conduct of the hearing and any person may be removed from the hearing for such conduct.
3. No person offering testimony shall speak more than once without obtaining permission from the presiding officer.
4. No person shall testify without first standing, receiving recognition from the presiding officer and stating his or her name and residence or business address.
5. No person shall present irrelevant, immaterial or unduly repetitious testimony or evidence; provided, however, that reports and documents prepared by city personnel shall be deemed relevant, material and the weight or competency thereof shall be determined by the council.
6. There shall be no audience demonstrations, such as applause, cheering, display of signs, or other conduct disruptive of the hearing.
7. The presiding officer, Councilors, City Administrator, City Attorney and with the approval of the presiding officer, any other employee of the city may question and cross-examine any person who testifies.

Challenging Participation by a Councilor.

1. Any proponent, opponent of, or other party interested in a matter to be heard by the council may challenge the qualification of any councilor to participate in such hearing and decision. Such challenge must state facts relied upon by the party relating to a Councilor's bias, prejudgment, personal interest, or other facts from which the party has concluded that the Councilor will not participate and make a decision in an impartial manner.
 - a. Such challenge must be made prior to the commencement of the public hearing and shall be incorporated into the record of the hearing.
2. No Councilor shall participate in discussion or vote on the matter when for any reason the Councilor determines he or she cannot participate in the hearing and decision in an impartial manner.
3. No employee of the City who has a financial or other private interest shall participate in discussion with, or give an official opinion to, the council on the matter without first declaring for the record the nature and extent of such interest.



Elected & Appointed Officials Handbook

4. The general public has a right to have Councilors free from pre-hearing or ex parte contacts on matters heard by them. Council also recognized that a public right is free access to public officials on any matter. Therefore, Councilors shall reveal any significant pre-hearing or ex parte contacts with regard to any matter as early as possible under the circumstances in the hearing on the matter. If such contacts have impaired the Councilors' impartiality or ability to vote on the matter, the Councilor shall so state reasons for the record and shall abstain from voting on the matter.
 5. Notwithstanding any provision of this or any other rule:
 - a. An abstaining or disqualified Councilor may be counted for purposes of forming a quorum; and
 - b. A Councilor may represent himself or herself, a client or any other member of the public at a hearing; provided, that said Councilor abstains from the vote on the matter, removes himself or herself from the Council area and joins the audience, and makes full disclosure of his/her status and position at the time of addressing the Council.
- B. Order of Procedure. The presiding officer, in the conduct of the hearing, shall comply with the appropriate city ordinance and/or state law for specific types of hearings so regulated. For administrative hearings not subject to other city ordinances or state law, the hearing will be conducted in the following manner:
1. **Commence the Hearing.** Announce the nature and purpose of the hearing and summarize the rules for the conduct of the hearing.
 2. **Call for Abstentions.** Any Councilor announcing a decision to abstain shall identify the reasons for abstaining and shall not participate in discussion of the matter or vote on the matter.
 3. **Staff Report.** The City Administrator, or designee, shall summarize the nature of the matter, explain any graphic or pictorial displays which are a part of the record, and provide such other information as may be requested by the Council.
 4. **Written Communications.** Written communications addressing any matter before the Council shall be received by the City by 5:00 p.m. on the Wednesday immediately preceding a regularly scheduled council meeting unless for good cause the Council may waive the time period therefore by vote of Council.
 5. **Audience Participation.** Those present wishing to speak in favor of the proposed action will be allowed to speak, followed by those opposed to the proposed action.
 6. **Close of Hearing and Deliberation by Council.** The presiding officer shall conclude the hearing and the Council shall deliberate the matter. The Council shall either make its decision or continue its deliberations to a subsequent meeting, the time and place of which must then be announced. The subsequent meeting shall be for the purpose of continued deliberation, and the presiding officer shall not allow



Elected & Appointed Officials Handbook

additional submission of testimony, except upon approval by the Council.

Section XI. Voting

- A. **Requirement.** The concurrence of a majority of those present and voting at a meeting, provided that a quorum is present, is required to determine any matter before the Council. Each Councilor present must vote on all questions before the Council unless the member has a conflict of interest which would disqualify the member from voting. The Mayor is a voting member of Council by authority of Chapter IV of the City Charter. If a member abstains, the reasons for the abstention shall be entered in the record.
- B. **Roll Call Vote.** At the request of any councilor, or as a requirement of any ordinance, any question shall be voted on by roll call.
- C. **Tie Vote.** In the case of a tie vote on any proposal the proposal shall be considered lost.
- D. **Motion to Reconsider.** A motion to reconsider any action may be made only at the same meeting where the action was taken, by a Councilor on the prevailing side of the question. Any councilor may make a motion on the same question at any subsequent meeting.
- E. **Record of Votes.** Unless the vote is unanimous, the ayes and nays of each Councilor shall be entered in the minutes.

Section XII. Ethics code

- A. Councilors shall review and be bound by the requirements of the State Ethics Law dealing with use of public office for private financial gain. Councilors shall give public notice of any potential conflict of interest and the notice will be reported in the meeting minutes. In addition to matters of financial interest, Councilors shall maintain the highest standards of ethical conduct and assure fair and equal treatment of all persons, claims and transactions coming before the Council. This general obligation includes the duty to refrain from:
 1. Disclosing confidential information or making use of special knowledge or information before it is made available to the general public;
 2. Making decisions involving business associates, customers, clients and competitors;
 3. Violation of Council rules in fact or intent;
 4. Appointing relatives, clients or employees to boards and commissions;
 5. Requesting preferential treatment for themselves, relatives, associates, clients, coworkers or friends;
 6. Seeking employment of relatives with the City;



Elected & Appointed Officials Handbook

7. Actions benefiting special interest groups at the expense of the City as a whole;
 8. Participating in decisions of boards and commissions where there is a possibility of appeal of the matter to the Council;
 9. Expressing an opinion which is contrary to the official position of the Council without so stating.
- B. Councilors shall conduct themselves so as to bring credit upon the government of the City by respecting the rule of law, ensuring non-discriminatory performance of public services, being informed concerning the matters of Council consideration and abiding by all decisions of the Council, whether or not the member voted on the prevailing side.

Section XIII. Legal Advice

Requests to the City Attorney for advice requiring legal research shall not be made by a member of the Council except with the concurrence of the Council. Before requesting research or other action by the City Attorney, the Council is encouraged to consider consulting with the City Administrator to ascertain whether the request or action can be accomplished more cost-effectively by alternate means. Outside a Council meeting, a Councilor should make requests of the City Attorney through the City Administrator. Exceptions to this are issues related to the performance of the City Administrator. The City Attorney shall in either case provide any written response to the full Council and the City Administrator.

Section XIV. Confidentiality

Elected and Appointed Officials shall keep all written materials provided to them on matters of confidentiality under law in complete confidence to ensure that the City's position is not compromised. No mention of the information read or heard should be made to anyone other than other officials, the City Administrator or City Attorney.

If the Council, in executive session, provides direction or consensus to staff on proposed terms and conditions for any type of negotiation, whether it be related to property acquisition or disposal, pending or likely claim or litigation, or employee negotiations, all contact with other parties shall be made by designated staff or representatives handling the negotiations or litigation. A Councilor will not have any contact or discussion with any other party or its representative nor communicate any executive session discussion.

Section XV. Social Media

Council members may choose to welcome public contributions on various social media platforms. Members should strive to encourage friendly and respectful dialogue and should always be ever mindful of their position in the community and hold themselves to a higher standard for all personal conduct. The following guidelines be utilized as examples by its members for the good of the order:



Elected & Appointed Officials Handbook

Section I. Guidelines for Respectful Interactions

- ▶ Engage all content professionally.
- ▶ Be mindful of public perception.
- ▶ Encourage public to attend Council & other public meetings.
- ▶ Share procedures for getting on meeting agendas.
- ▶ Guide the public to the proper channels for engaging Council in meaningful dialogue.

Section II. Reasons for Removing a Post or Comment

- ▶ Off subject or out of context comments or posts.
- ▶ Threatening, harassing or discriminatory comments or posts.
- ▶ Content demeaning in nature.
- ▶ Content containing profanity.
- ▶ Content containing sexual statements and images.
- ▶ Content revealing sensitive personal information.
- ▶ Contains content that promotes discrimination.
- ▶ Incites or promotes violence or illegal activities.
- ▶ Content that could compromise individual or public safety.

Section XVI. Remote Attendance

Council members make every attempt to attend all Council sessions, however, sometimes physical attendance is not possible. Council feels that in keeping with their personal responsibility to the electorate to participate at Council sessions, if necessary, by electronic means. This policy should not be used in lieu of physical attendance and should be used only under certain circumstances.

Section I. Definitions of Electronic Means

- ▶ Engaging by telephonic means.
- ▶ Utilizing Personal Cell Phones.
- ▶ Computerized communication services such as Skype or other electronic video and audio services.
- ▶ Using necessary amplification methods.

Section II. Reasons for Requesting Remote Attendance

- ▶ Health related emergencies of a member or member's family.
- ▶ Work related trip.
- ▶ Other possible requests could include a vacation on a limited basis.

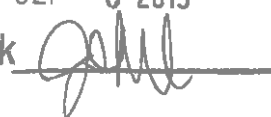
Section III. Limitations of Electronic Attendance

- ▶ Members cannot pickup verbal cues.
- ▶ Members cannot pickup non-verbal cues.
- ▶ Meaning is lost in translation.

END OF HANDBOOK

I for one have zero complaints about the cost of water! My bill has gone down the last 2 months and it's still a bargain!

DMM
↳ (Danielle Myers) gm

RECEIVED
City of Brownsville
SEP 6 2019
Clerk 



July 23rd, 2019

Pioneer Park
Pioneer Park Road
Brownsville, Oregon 97327

On behalf of Heaven Bound Riders and the American Cancer Society, we would like to thank you for your support in the fight against cancer. Mystery Ride for Cancer 2019 was successful because organizations like you care. Thank you for your gracious donation.

Donation of: The food pavilion reservation of the park for June 2nd, 2019.

Your kindness and generosity contributed greatly in making our special event a success and we sincerely appreciate it. We enjoy the location and the atmosphere it generates for a fun, safe, motorcycle event for American Cancer Society.

Your gift is tax deductible. The American Cancer Society Tax ID Number is 13-1788491.

Warm Regards,

Diana Watts
Secretary
Heaven Bound Riders #22



S. Scott McDowell

From: Corey Wright, Linn Benton Venture Catalyst <corey@oregonrain.org>
Sent: Tuesday, September 10, 2019 7:30 AM
To: Don
Subject: Linn Benton Stories & Events - September 2019



Hello Entrepreneurs & Stakeholders,

As summer festivities begin to wind down, events and activities for entrepreneurs and stakeholders are winding up! Get ready for a busy fall with lots of great meetups, classes, programs, and workshops from Oregon RAIN, WiN, OSU AA, Foundry, the SBDC, and others!

Out of the many activities going on, I'd like to highlight 3 things to put on your calendars, should you not have time to read everything below:

- 1) Interested in learning about Angel Investing in Oregon? Head down to Margin Coffee in Albany on **October 3rd** to learn about the in's and out's of early-stage investing. Registration required!

- 2) **September 23rd** is the deadline to apply for a booth at the WiN Expo, a great annual event to showcase regional traded sector startups and companies. There is also a Boot Strappers exhibit, so if you are an entrepreneur or startup just getting going and don't need a full booth yet, reach out to me for details.

- 3) Want to increase production efficiency? Join us **October 8th** for an exciting workshop by OMEP on how COBOTS (Collaborative Robots) are changing the game for small manufacturers. Cobots will be present!

Ok, that's it for now. As always, reach out if you have any questions or needs!
And keep the Linn Benton startup community rock'n!

Sincerely,

Corey Wright
Linn-Benton Venture Catalyst
corey@oregonrain.org

Know someone who should get this newsletter? Forward them this link to subscribe: <https://www.oregonrain.org/about/newsletters/>



Share



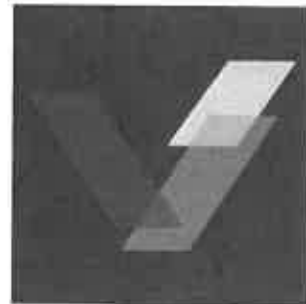
Tweet



Forward

Congrats to Local Startup

Varlio, an augmented reality startup out of **Philomath**, achieved some more bragging rights this month by making it to the semifinals for the 2019 OEN Tom Holce Entrepreneurship Awards.
Congrats to John Marr and team! Best luck making it to the final round!



New Web Application Entrepreneur

2019 LEGISLATIVE SESSION

Bills for City Review, Action and Awareness



Oregon's 80th Legislative Assembly adjourned *sine die* on June 30. Cities now need to review legislation enacted during the session to determine actions that must be taken to comply with new state law. The League's "2019 Legislative Session Summary of Bills" will be available in September and will provide comprehensive coverage of bills of interest to cities.

Until then, in order to further assist cities in understanding the impact of bills that have been or soon will be enacted, the following is a summary of legislation requiring city action or review.

HB 2001: Missing Middle Housing

Effective Date: Upon Governor's Signature

HB 2001 creates mandates for larger cities and cities within the Metro region related to zoning. It also amends how cities calculate the capacity of the land available for housing development. The changes required are highly technical and extensive. Other sections of the bill: creates a new process for approving an alternative method for conversion of single-family residences to triplexes or quadplexes; prevents regulations of accessory dwelling units (ADUs) that require off-street parking or owner-occupancy; and limits deed restrictions on new developments that would prevent middle housing construction.

The bill includes technical assistance funds and requires the Oregon Department of Land Conservation and Development (DLCD) to create model codes to assist cities undertaking this work.

What Cities Must Do:

Cities outside the Metro region with a population between 10,000 and 24,999 must amend their code in zones that allow for development of a single-family dwelling to also allow a duplex on any lot or parcel by June 30, 2021. Cities in Metro with a population greater than 1,000 and cities outside Metro with a population greater than 25,000 must amend their zoning

codes for areas that allow development of a single-family dwelling to also allow a duplex on any lot or parcel and allow the development of triplexes, quadplexes, cottage clusters or townhomes within these zones by June 30, 2022. All cities may review the sufficiency of the transportation, water, sewer and storm drainage in these areas and seek an exemption in a process that will be established by the DLCD.

Cities undertaking buildable land inventories and capacity calculations should review the new standards and adjust to the new requirements. Cities over 2,500 in population must also review any development requirements for ADUs to ensure they comply with the new "reasonable" standards. Finally, cities with building inspection programs must establish a process for appeals of denied applications for conversions of single-family dwellings into duplexes, triplexes or quadplexes.

HB 2003: Housing Production Strategy

Effective Date: Upon Governor's Signature

HB 2003 requires the state to create and perform a regional housing needs analysis for each Regional Solutions area statewide. In addition, the bill requires cities with a population greater than 10,000 to create a "housing production strategy" every eight years; cities inside Metro must create a strategy every six years. The DLCD will set the schedule for cities to complete the strategy, establish the rules for approving adopted strategies, and undertake an enforcement proceeding if a city fails to work toward the concepts included in their strategy. HB 2003 also requires the DLCD to set a schedule for large cities to complete a land supply calculation two years prior to the required housing production strategy. The bill also included technical assistance financing for the first biennium's work on these analyses and plans.



What Cities Must Do:

Upon the establishment of the schedule by the DLCD, cities must prepare housing land supply analyses and housing production strategies based on that schedule. Cities should pay attention to rulemaking by the DLCD to ensure they comply with the requirements.

HB 2007: Clean Diesel Vehicles

Effective Date: Multiple

HB 2007 implements “clean diesel” standards for medium and heavy-duty trucks registered in Washington, Clackamas and Multnomah counties.

The requirements are as follows:

- As of January 1, 2025 - Oregon Department of Transportation (ODOT) may not issue a certificate of title for model year 2009 or older engines for medium duty trucks (weighing between 14,000-26,000 pounds) and model year 2006 or older engines for heavy-duty trucks (defined as weighing greater than 26,000 pounds).
- As of January 1, 2023 - ODOT may not issue a registration or renewal of registration for medium-duty trucks or heavy-duty trucks with diesel engines that are model year 1996 or older.
- As of January 1, 2029 - ODOT may not issue a registration or renewal of registration for:
 - Medium-duty trucks with 2009 or older diesel engines;
 - Heavy-duty trucks with 2006 or older diesel engines (unless the heavy-duty truck is owned by a public body);
 - Heavy-duty trucks that are owned by a public body, including a city, that are powered by a model year 2009 or older diesel engine.

The bill includes numerous exemptions from the requirements, including an exemption for emergency vehicles and ambulances.

What Cities Must Do:

If a city is in Washington, Clackamas or Multnomah County and has adopted a vehicle replacement schedule or policy, those schedules and policies should be reviewed and potentially revised to reflect the requirements in HB 2007. Cities in the impacted counties should be aware of HB 2007 and may want to begin budgeting for potential vehicle replacements or retrofits.

HB 2016: Collective Bargaining Changes

Effective Date: January 1, 2020

Requires public employers to allow persons designated by a bargaining unit to conduct union related activities during their normal work hours. Further, the bill requires employers to deduct union dues of employees who are on a list the collective bargaining unit provides. It also requires employers to allow meetings hosted by the bargaining unit in workplace common areas and allow the bargaining unit access to new employees after they are hired.

What Cities Must Do:

Cities must allow employees designated by the bargaining unit to perform certain union related activities on the clock and make new hires available to union representatives. The bill specifically states that upon request from an exclusive representative, cities must reopen their existing collective bargaining agreements to deal with the release time (see Section 4(3)). The LOC is recommending consultation with LGPI or a city’s labor attorney on implementing this new law.

HB 2118: Consumer Price Index

Effective Date: January 1, 2020

HB 2118 replaces state statutory and session law references to the Portland-Salem consumer price index (CPI) with references to the West Region CPI. In 2018, the U.S. Bureau of Labor Statistics discontinued calculating a monthly Portland-Salem consumer price index (CPI) and the West Region CPI is now the most applicable.

What Cities Must Do:

Cities are not required to use the West Region CPI, but may have references to now discontinued CPI references in their bargaining agreements, human resource materials, etc. Cities should consider making an update. The West Region CPI info can be found at www.bls.gov/regions/west.

HB 2174: Urban Renewal

Effective Date: September 29, 2019

HB 2174 requires concurrence of each proposed “public building project” in an urban renewal plan by at least three of the four overlapping taxing districts that are estimated to forgo the most property tax revenues with tax increment financing. The definition of “public building project” is narrowly de-

(continued on page 52)

fined in the bill. The bill makes numerous technical changes to the urban renewal statutes. HB 2174 clarifies substantial amendment triggers associated with land area additions (1% is cumulative calculation). Lastly, the bill makes changes to improve urban renewal plan transparency and communications with overlapping taxing districts.

What Cities Must Do:

Cities adopting a new urban renewal plan must follow the new notice and public building project concurrence requirements of HB 2174. Projects in existing urban renewal plans are grandfathered, but certain amendments to plans may trigger the new requirements. The required annual urban renewal statement (due January 31), must contain additional maximum indebtedness information next year, and the report must be distributed to all affected taxing districts. In addition, a representative from the urban renewal agency must be made available to consult with the affected taxing districts and respond to questions each year.

HB 2306: Building Permits Upon Substantial Completion

Effective Date: January 1, 2020

HB 2306 prevents a city from denying a building permit on the basis that all the infrastructure is not completed in a subdivision. If a residential subdivision is built, the city must have a process to allow the builder to seek building permits upon "substantial completion" of the infrastructure required as a condition of development. HB 2306 established a ceiling for how substantial completion is defined, but allows a city to require fewer improvements be completed. The developer must also provide a financial guarantee, such as a bond, for the incomplete work. A certificate of occupancy may be withheld if all conditions for development are not met.

What Cities Must Do:

By January 1, 2020, cities must establish a process for certification of "substantial completion" when a subdivision is developed pursuant to a development agreement or conditional approval that includes the construction of public improvements. This includes coordinating with other agencies to ensure improvements are approved through inspections or testing, and confirmation that the financial guarantee is obtained prior to any building permit being issued. Finally, there must also be a process to prevent the issuance of certificates of occupancy until all improvements are completed. These last steps are significant for cities that do not manage all infrastructure systems or the local building permitting process.

HB 2390: Public Funds Law

Effective Date: January 1, 2020

To comply with existing public funds law when partnering with a third party vendor for collection, a public body must ensure that the third party vendor at all times: 1) segregates the public body's funds from all other funds; 2) holds the public body's funds in a segregated account on behalf of the public

body; and 3) deposits the public body's funds with a qualified public funds depository. Compliance relieves a public official of personal liability for the loss of public funds in the official's custody or control. The bill, requested by the state treasurer's office, authorizes alternatives for when a vender does not bank with a qualified public funds depository or funds are not properly segregated for the public body. For example, a vender could post cash, a surety bond, or a letter of credit, as collateral to protect public funds not held in a qualified depository.

What Cities Must Do:

Cities seeking to use an alternative method to comply with public funds law must work with the noncomplying vender to fully secure the public funds, and the method used must be approved with findings made by official action of the governing body or an appropriate public official. See Section 30 of the bill for details.

HB 2415: Retainage Withholding Mandate

Effective Date: January 1, 2020

Current law authorizes a contractor or subcontractor to request that retainage withheld be placed in an interest-bearing account. HB 2415 now requires public contracting agencies, including cities, and construction contractors to deposit retainage funds into an escrow account if a project value exceeds \$500,000.

**Amplifying our clients' success.
Simplifying their most complex challenges.**



DWT.COM

Anchorage | St. Louis | Los Angeles | New York
Portland | St. Francisco | Seattle | Washington, DC

**Davis Wright
Tremaine LLP**



What Cities Must Do:

Review local contracting rules, ordinances and policies to ensure they comply with requirements in the bill.

HB 2496: Green Energy Technology Mandate Modifications

Effective Date: September 29, 2019

HB 2496 modifies current state law which requires public contracting agencies, including cities, to reserve 1.5% of the total contract price for certain public building projects to incorporate green energy technology as part of the project. The bill increases the project threshold for required compliance from \$1 million to \$5 million and modifies the definition of "total contract price" to provide additional clarity. HB 2496 also allows the 1.5% funds to be used for battery storage or passive solar energy efficiency that reduces energy use from other sources by at least 10% (the current passive solar provision requires reductions of at least 20%).

What Cities Must Do:

If cities are planning to construct or reconstruct a public building, they should be familiar with ORS 279C.527 and ORS 279C.528 and the changes included in HB 2496. Cities can also contact the Oregon Department of Energy to inquire whether the mandate to include green energy technology applies to a specific public building project.

HB 2509: Single-Use Bag Ban

Effective Date: January 1, 2020

HB 2509 creates a statewide policy on single-use bags for restaurants and retail establishments, and requires a minimum fee of no less than 5 cents for each paper bag provided at retail establishments, including grocery stores. Existing ordinances that differ from HB 2509, with the exception of requiring a fee higher than 5 cents for bags and stiffer penalties than those imposed by the bill, are void.

What Cities Must Do:

Local ordinances, charter provisions and resolutions will need to be reviewed to determine consistency with the definitions, requirements and restrictions of those established in the bill. Local governments can adopt, amend and enforce penalties for violations of bag-ban provisions that differ from the enforcement provisions included in the bill and can require a restaurant or retail establishment to charge a fee of more than 5 cents.

HB 2769: Modifications to Qualification-Based Selection Requirements

Effective Date: September 29, 2019

HB 2769 provides local contracting agencies, including cities, with an optional, alternative qualification-based selection (QBS) process for procuring certain professional services, including architectural and engineering services. The existing QBS process, outlined in ORS 279C.110, requires contracting

Things Cities Cannot Do

1.HB 2270 - Vaping Tax: If voters approve HB 2270 in the November 2020 general election, cities may not impose a tax on "inhalant delivery systems" (devices, liquid, etc.) as that term is defined. The legislative referral bill includes such vaping products in the prior definition of "tobacco products"; cities have long been preempted from taxing tobacco products. See ORS 323.640.

2.HB 3273 - Drug Take-Back: HB 3273 creates a statewide, industry funded safe disposal program for unwanted medications. However, the legislation prevents cities and counties from developing a local program. The preemption does not extend to a city operated take-back box or event if they chose to offer such a service on their own.

3.HB 3427 - Corporate Activities Tax (CAT): Except for grandfathered taxes, cities may not impose a corporate activities tax. HB 3427 (Section 67), as later modified in HB 2164 (Section 56), provides that cities may not impose a tax upon commercial activity or upon receipts from grocery sales as provided for in those bills.

4.SB 90 - Statewide Plastic Straw Policy: SB 90 implements a statewide "ask first" policy for single-use straws. In addition, the bill very broadly pre-empts local governments from enacting any ordinance, resolution, regulation, rule or other laws, after June 13, 2019, with requirements that differ from the provisions set forth in the bill.

agencies to rank prospective consultants based solely on qualifications, and does not allow for the consideration of pricing information until a contracting agency has entered into a negotiation with the top-ranked firm. Under the current process, the contracting agency may terminate any negotiation and enter into a subsequent negotiation with the next firm on the ranked list until the agency makes a final selection.

It is important for cities to note that the existing QBS process remains in statute, meaning cities can continue to use that process if they choose. The new, optional process outlined in the bill would allow for the selection of up to three prospective consultants, based on qualifications. Pricing information could then be received from all three firms but could be weighted no more than 15 percent in the final evaluation and score. In addition, the bill clarifies that a prospective consultant has the right to protest solicitation documents or the agency's selection of a consultant.

(continued on page 53)

Bills for City Review, Action and Awareness

What Cities Must Do:

If a city wishes to use the new optional process, they may need to review and potentially revise local public contracting rules/ordinances.

Lodging Taxes

HB 3136

Effective Date: September 29, 2019

HB 3137

Effective Date: January 1, 2020

HB 3138

Effective Date: September 29, 2019

HB 3136 provides an appropriation for costs (up to \$900,000) associated with implementing a program for the state to collect and enforce local lodging taxes for local governments at the same time they collect the state lodging taxes. The program, authorized in the 2017 legislative session, will be permissive, and cities would opt-in by an intergovernmental agreement (akin to the marijuana tax collection agreements). The program will require state staff hiring and implementation time. Thus, the Oregon Department of Revenue collection for local governments will likely not begin until 2021.

HB 3137 clarified that taxes will be due AFTER a stay, and not when the stay is booked.

HB 3138 provides that if a lodging provider uses a lodging intermediary, taxes are due on day one (the less than 30 days in a year exception does not apply).

What Cities Must Do:

To take advantage of the new law, and be ready for state collection, cities must synchronize their ordinance definitions and provisions with the state transient lodging provisions as the state will not accept coverage variances (except for tax rate). The two lodging tax law clarifications made via HB 3137 and HB 3138 may require further city ordinance adjustments. Cities are reminded that local ordinance intermediary definitions (from HB 4120 passed in the 2018 legislative session) should be updated as well.

HB 3431: Vending Opportunities for Blind Persons

Effective Date: June 25, 2019

HB 3431 clarifies that certain "visitor venues" are exempt from an existing state mandate that requires state agencies, departments and local governments (as defined in ORS 174.116) to provide priority or preference for the operation of vending facilities to persons who are blind. The bill defines the term "visitor venue" as a public building or property that is a: convention center, event center, exposition center, or zoo; a performing arts center; a museum; a golf course; a facility primarily used for sporting events; or a commercial airport owned and operated by a city or a port district. The bill does require cities to grant a priority for the operation of vending machines at visitor venues to persons who are blind and who are licensed under ORS 346.510 to 346.570 by the Oregon Commission for the Blind. Other types of vending facilities, including cafeterias, are now exempt from the statutory requirements.

What Cities Must Do:

Cities should review and potentially revise local public contracting rules/ordinances to ensure compliance with the revised requirements.

SB 423: Psychiatric Screening

Effective Date: September 29, 2019

SB 423 requires that a licensed mental health professional screen all potential police hires and requires the Oregon Department of Public Safety Standards and Training to implement rules to carry out this directive. More information will become available as rule making proceeds.

What Cities Must Do:

Cities must have all recruits for police departments screened by a qualified mental health professional prior to hiring. Cities should review and potentially revise local hiring practices.

SB 424: Police Mental Health Maintenance

Effective Date: January 1, 2020

SB 424 requires that a police agency have a policy in place to protect and monitor the mental health of police officers, but leaves the nature of the program up to the agency to determine. The Oregon Association of Chiefs of Police have an officer wellness working group established, and the LOC looks forward to working with them to determine a best practice.

What Cities Must Do:

Establish a mental health wellness program.

SB 479/726: Harassment and Discrimination in the Workplace

Effective Date: Multiple

SB 726 and SB 479 place a number of requirements on employers to prevent and investigate claims of discrimination and sexual misconduct. The bills require cities to have policies in place and made available to employees that discourage mistreatment of others based on their membership in a particular class and require them to investigate and take action when such behavior occurs. SB 726 and SB 479 also extend the statute of limitations on claims of this nature from one to five years.

- For SB 479, Sections 1, 2 and 3 become operative on January 1, 2020, and Section 4, 7 and 8 (for section 7 and 8 it's only those portions that amend ORS 659A.885) become operative on October 1, 2020.
- For SB 726, Sections 2, 3 and 4 become operative on October 1, 2020. Sections 7 and 8 (those portions that amend ORS 659A.885) become operative on October 1, 2020.

What Cities Must Do:

Write and implement policies to discourage, investigate and remedy harassment and discrimination in the workplace. Review existing policies and procedures to ensure compliance with provisions of both bills. Cities are also encouraged to consult with CIS or their legal counsel to ensure sufficiency of their policies. ■



Reedsport Centennial Celebration Kicks Off

The residents of Reedsport have seen a lot over the last 100 years, from the boom of the timber and logging industries to the economic hardship that followed when those resources could no longer support the community. As the city kicks off its centennial celebration, however, a new era has begun.

“We’re kind of in a rebound now,” said City Manager Jonathan Wright. “We have the largest manufacturer of fishing vessels in the country and they have well over 100 employees. We have a number of new industries moving into the area and it’s a very diverse array, from firearms manufacturing to hemp production.”

Reedsport currently boasts a commercial building vacancy rate of 30 percent, whereas five years ago that vacancy rate was at 90 percent. It recently initiated a \$1.3 million boat launch upgrade, and is working on multiple grant allocations for levee improvements. The city also touts both enterprise and opportunity zone tax incentives which have also helped spur on investments in the community.

In addition, Reedsport is utilizing a \$2.2 million state transportation enhancement grant to construct streetscape improvements downtown that should be completed before it holds its centennial celebration events this summer.

Wright said that during an open house, members of the community offered many ideas about events they would enjoy during the celebration, ranging from a scavenger hunt and frisbee golf tournament to burying a time capsule.

Emily Bradley, Reedsport’s Main Street coordinator, said volunteers will plant 100 trees to mark the centennial. In June, celebration events included an art challenge and community cleanup. Other events slated for the summer were a birthday party and barbeque, a dinner hosted by the Coastal Douglas Arts & Business Alliance, and a carnival with a live concert on the waterfront.

“There are a lot of events to celebrate Reedsport and how far we’ve come in 100 years,” she said.

Wright added that the city is creating four collectible coins that feature its centennial logo on one side and images depicting its history on the other. Each of the four coins will be produced in 100-coin batches, for a total of 400 that will be sold along with commemorative pins to help raise funds for the celebration.

Reedsport alum and bronze artist Devon Rowe is working with city leaders to create a Roosevelt elk statue that will stand near the post office and serve as a gateway into the town. City leaders also are working with the Coastal Douglas Arts & Business Alliance to add murals downtown that depict the city’s history.

“We really have a lot to look forward to as a community,” Wright said.

www.orcities.org



What if?

What if we showed you how we're solving Oregon's greatest challenges by transforming intangible ideas into intelligent solutions for a more connected, sustainable world?

#Whatif
jacobs.com/whatif

Follow us @JacobsConnects

f t in

JACOBS

MONTH END RECAP

	AUGUST 2019		YTD	%	Unexpended	
	REVENUE	EXPENDITURES				
1 GENERAL	\$ 30,435.86	\$ 46,194.17	\$ 85,597.43	6.83%	\$ 1,842,792.57	1
2 WATER	\$ 37,779.28	\$ 24,816.50	\$ 46,365.87	11.08%	\$ 596,084.13	2
3 SEWER	\$ 31,009.50	\$ 14,933.63	\$ 37,257.57	6.01%	\$ 830,617.43	3
4 STREETS	\$ 12,289.66	\$ 12,060.18	\$ 20,761.00	8.59%	\$ 361,439.00	4
5 WATER BOND	\$ 281.66	\$ -	\$ 32,245.06	43.38%	\$ 42,090.94	5
6 SEWER BOND	\$ 1,003.92	\$ -	\$ 195,476.56	61.27%	\$ 123,567.44	6
7 SEWER DEBT FEE	\$ 10,943.71	\$ -	\$ 22,073.69	17.66%	\$ -	7
8 BUILDING & EQUIPMENT	\$ 788.36	\$ -	\$ -	0.00%	\$ 370,200.00	8
9 WATER RESERVE	\$ 2,098.35	\$ -	\$ 85,230.53	52.28%	\$ 77,804.47	9
10 HOUSING REHAB	\$ 441.39	\$ -	\$ -	0.00%	\$ 210,849.00	10
11 WATER SDC	\$ 2,230.48	\$ -	\$ 45,000.00	46.34%	\$ 52,100.00	11
12 SEWER SDC	\$ 5,920.76	\$ -	\$ -	0.00%	\$ 395,910.00	12
13 STORMWATER SDC	\$ 2,144.58	\$ -	\$ -	0.00%	\$ 98,600.00	13
14 BIKEWAY/PATHS	\$ 177.49	\$ -	\$ -	0.00%	\$ 48,550.00	14
15 LIBRARY TRUST	\$ 15.29	\$ -	\$ -	0.00%	\$ 7,250.00	15
16 CEMETERY	\$ 17.58	\$ -	\$ -	0.00%	\$ 8,976.00	16
17 TRANSIENT ROOM TX	\$ 7.30	\$ -	\$ -	0.00%	\$ 3,935.00	17
18 SEWER CONSTRUCTION	\$ -	\$ -	\$ -	0.00%	\$ 10,185.00	18
19 LAND ACQUISITION	\$ -	\$ -	\$ -	0.00%	\$ 192,690.00	19
20 COMMUNITY PROJECTS	\$ 409.17	\$ 400.00	\$ 1,910.00	1.19%	\$ -	20
	\$ 137,994.34	\$ 98,404.48	\$ 549,844.02			

Key Bank Account
 General Checking \$ 86,048.18
 2019-2020 Appropriated \$ 5,823,485.00
 YTD % of Total 11.13%

Oregon State Treasury \$ 4,584,278.22
Community Improvements \$ 0.94
Project Escrow Holding \$ 0.02
TOTAL OST / LGIP \$ 4,584,279.18
Annual Bond Payment
 Water \$ 45,167.05
 Wastewater \$ 307,259.95
Totals
 Water \$ 855,840.92
 Wastewater \$ 5,390,581.09
Total Bonded Debt
 Water \$ 855,840.92
 Wastewater \$ 6,246,422.01

