

MISSION STATEMENT

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.



**CITY OF SWEET HOME
CITY COUNCIL
AGENDA**

WIFI Passcode:
guestwifi

November 14, 2017, 6:30 p.m.
City Hall Annex, 1140 12th Avenue
Sweet Home, OR 97386

PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

A. Call to Order and Pledge of Allegiance

B. Roll Call:

Councilor Briana
Councilor Coleman
Councilor Gerson
Councilor Goble

Councilor Gourley
Mayor Mahler
Councilor Trask

C. Consent Agenda:

- a) Approval of Minutes:
City Council Meeting October 24, 2017 (pg. 4-9)
City Council Meeting November 7, 2017 – ES (pg. 10)

D. Recognition of Visitors and Hearing of Petitions

E. Old Business:

- a) Investment Advisory Services Update (pg. 11-45)

F. New Business:

- a) City Manager One Year Performance Evaluation

G. Introduction, First and Second Reading of Ordinance Bills

- a) INTRODUCTION
 - i. Request for Council Action – Ordinance No. 14 for 2017 - An Ordinance Amending Sweet Home Transient Lodging Tax Ordinance (pg. 46-65)
- b) FIRST READING
 - i. (Proposed) Ordinance No. 14 for 2017 - An Ordinance Amending Sweet Home Transient Lodging Tax Ordinance (pg. 59-65)

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

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- c) **SECOND READING**
 - i. Ordinance Bill No. 12 for 2017 – An Ordinance Amending Water Service Rates, And Related Matters Ordinance (pg. 66-79) (Ord. pg. 78-79)
 - ii. Ordinance Bill No. 13 for 2017 – An Ordinance Amending Sweet Home Municipal Code Chapter 13.08, Sewer Service System (pg. 80-86) (Ord. pg. 86)

H. Third Reading of Ordinance Bills (Roll Call Vote Required)

- a) Ordinance Bill No. 11 for 2017 – Ordinance No. 1265 - Sweet Home Ordinance Amending Public Trees, Shrubs and Bushes Ordinance with Expediency Clause (pg.87-99)

I. Resolutions

- a) Request for Council Action – Resolution No. 25 for 2017 – A Resolution Establishing Salary Schedules for Non-Represented General Employees (pg. 100-112)
- b) Request for Council Action – Resolution No. 26 for 2017 – A Resolution to Designate City Property as Surplus and Authorize its Lawful Disposal (pg. 113-126) (Res. pg. 126)

J. Reports of Committees:

Administrative & Finance/Property	Goble
Parks Board (Minutes 10/16/17) (pg. 127-128)	Trask
Public Safety/Traffic Safety	Coleman
Public Works	Mahler
Tree Commission (Minutes 10/18/17) (pg.129-131)	Trask
Youth Advisory Council	Gourley
Chamber of Commerce	Coleman
Fire District	Trask
Council of Governments	Gerson
Area Commission on Transportation	Coleman
Solid Waste Advisory Council	Goble
Ad Hoc Committee on Health	Gourley

K. Reports of City Officials:

- a) Mayor’s Report
- b) City Manager’s Report
- c) Department Director’s Reports:
 - i. Finance Director
 - (1) October Staff Report – Finance (pg. 132)
 - (2) Checks By Date – October (pg. 133-135)
 - (3) SHMC Monthly Report – October (pg. 136)
 - ii. Library Services Director
 - (1) Library Report – October 2017 (pg. 137)
 - iii. Community and Economic Development Director
 - (1) CEDD Monthly Report (pg. 138-139)

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- (2) Planning Commission Minutes 10-23-17 (pg. 140-142)
- iv. Police Chief
 - (1) PD Monthly Report (pg. 143-151)
- v. Public Works Director
 - (1) Engineering Monthly Project Report – November 2017 (pg. 152-153)
- vi. City Attorney's Report

L. Adjournment

SWEET HOME CITY COUNCIL
MEETING MINUTES

October 24, 2017

Mayor Mahler called the meeting to order at 6:30 p.m. in the City Hall Annex. The Pledge of Allegiance was recited.

Staff Present: City Manager Ray Towry, City Attorney Robert Snyder, Police Chief Jeff Lynn, Community and Economic Development Director Jerry Sorte, Public Works Director Greg Springman, Finance Director Pat Gray, Library Services Director Rose Peda and Recording Secretary Julie Fisher

Visitors Registered to Speak:

Media: Audrey Gomez, The New Era

Swearing in of New Councilor: Robert Briana was sworn in for the vacant City Council position.

Roll Call:	Councilor Briana	P	Councilor Gourley	P
	Councilor Coleman	P	Mayor Gourley	P
	Councilor Gerson	P	Councilor Trask	AB
	Councilor Goble	AB		

Motion to Excuse Councilor Trask and Councilor Gourley from the October 24, 2017 City Council Meeting (Gerson/Goble) Motion carried 5 Ayes, 0 Opposed, 0 Vacant, 2 Absent (Gourley/Trask)

Consent Agenda: Motion was made to approve the Consent Agenda as amended. (Coleman/Goble) Motion carried 5 Ayes, 0 Opposed, 0 Vacant, 2 Absent (Gourley/Trask)

Items on the consent agenda are as follows:
Approval of Minutes:
October 4, 2017 City Council Minutes
October 10, 2017 City Council Minutes

Recognition of Visitors & Hearing of Petitions

James Gourley
3441 Juniper St
Sweet Home

James Gourley presented to Council a banner he had made for the Banner Project. The Banner Project would offer banners to Veterans and Gold Star Families for the cost of the banner. Banners are to be placed on existing utility poles along Main Street from Memorial Day to Veterans Day.

Old Business:

New Business:

Set Executive Session Date for City Manager One Year Review Round Table

The Council set November 7th at 6:30pm to meet for the purpose of City Manager one year review. City Manager Towry request the Council return their evaluations to him by Friday, November 3rd.

Water, Wastewater Rate Review

City Manager Towry gave a presentation on municipal finance as a prelude to Water, Wastewater rate review discussion. City Manager gave a history of rates including rates lowered during the recession to help the community during those times. After review of shortfalls in the Wastewater Fund, the discussion led to two separate items; the base rate and the commodity charge. The Council was given options with projected revenue for the Wastewater Fund.

City Manager reminded the Council that they have a huge project at the Wastewater Treatment Plant that must be completed to meet DEQ standards or the utility could fall under state control and rates would be decided by the state.

PWD Springman updated the Council on revisions to the Wastewater Treatment Plan that could reduce costs and maximize efficiency. The savings by combining phases could reduce 18 million of cost from the overall project.

CM Towry announced that the City has received a letter of support from DEQ which will qualify the City to take advantage of loans with much lower interest rates. Staff suggested the Council look at moving forward with the project as it would be beneficial in long term planning.

Motion to increase the commodity charge to \$9.78 for residential, \$8.53 for commercial low strength, \$10.23 for commercial medium strength, \$13.13 for commercial high strength and include 400cf in the monthly base (page 6 option 1) (Goble) Motion dies for lack of a second.

Motion to increase the commodity charge to \$9.78 for residential, \$8.53 for commercial low strength, \$10.23 for commercial medium strength, \$13.13 for commercial high strength and include 300cf in the monthly base (page 2 option 2) (Briana/Gerson)

Roll Call Vote

Councilor Gerson	Aye
Councilor Goble	Naye
Councilor Coleman	Aye
Councilor Gourley	Absent
Mayor Mahler	Naye
Councilor Trask	Absent
Councilor Briana	Aye

Introduction, First and Second Reading of Ordinance Bills:

Introduction:

Request for Council Action –
Ordinance Bill No. 11 for 2017 –
Sweet Home Ordinance Amending
Public Trees, Shrubs and Bushes
Ordinance with Expediency Clause

Motion to move Ordinance Bill No. 11 for 2017 forward to first reading (Goble/Coleman)

Request for Council Action –
Ordinance No. 12 for 2017 -An
Ordinance Amending Water Service
Rates, And Related Matters
Ordinance

Motion to move Ordinance Bill No. 12 for 2017 forward to first reading (Goble/Gerson)

Request for Council Action –
Ordinance No. 13 for 2017 - An
Ordinance Amending Sweet Home
Municipal Code Chapter 13.08,
Sewer Service System

Motion to move Ordinance No. 13 for 2017 forward to first reading (Coleman/Goble)

First Reading:

Request for Council Action –
Ordinance Bill No. 11 for 2017 –
Sweet Home Ordinance Amending
Public Trees, Shrubs and Bushes
Ordinance with Expediency Clause

Ordinance Bill No. 11 for 2017 read in its entirety with expediency clause by City Attorney Snyder.

By Consensus of the Council move to second reading by title only

Request for Council Action –
Ordinance No. 12 for 2017 - An
Ordinance Amending Water Service
Rates, And Related Matters
Ordinance

Ordinance Bill No. 12 for 2017 read in its entirety by City Manager Towry.

Motion to move to second reading November 14, 2017 (Gerson/Coleman)

Request for Council Action –
Ordinance No. 13 for 2017 - An
Ordinance Amending Sweet Home
Municipal Code Chapter 13.08,
Sewer Service System

Ordinance Bill No. 13 for 2017 read in its entirety by Finance Director Pat Gray.

Motion to move to second reading November 14, 2017 (Gerson/Coleman)

Second Reading:

Request for Council Action –
Ordinance Bill No. 11 for 2017 –
Sweet Home Ordinance Amending
Public Trees, Shrubs and Bushes
Ordinance with Expediency Clause

Ordinance No. 11 for 2017 - Read by Title only City Attorney Snyder.

Motion to move to third and final reading November 14, 2017 (Goble/Coleman)

Third and Final Reading of Ordinance Bills:

Resolutions:

Request for Council Action – Resolution No. 19 for 2017 - A Resolution Adopting Leak Adjustment Policy for Water and Wastewater Utility Accounts **Motion to approve Resolution No. 19 for 2017 – A Resolution Adopting Leak Adjustment Policy for Water and Wastewater Utility Accounts (Gerson/Goble) Motion carried 5 Ayes, 0 Opposed, 0 Vacant, 2 Absent (Gourley/Trask)**

Request for Council Action – Resolution No. 20 for 2017 - A Resolution Setting Forth the Procedure for Challenging a Disputed Water/Sewer Bill **Motion to approve Resolution No. 20 for 2017 – A Resolution Setting Forth the Procedure for Challenging a Disputed Water/Sewer Bill (Goble/Briana) Motion carried 5 Ayes, 0 Opposed, 0 Vacant, 2 Absent (Gourley/Trask)**

City Attorney Snyder stated this Resolution will go into effect when Ordinance No. 12 for 2017 goes into effect.

Request for Council Action – Resolution No. 21 for 2017 - A Resolution Setting Rates and Fees for Water Services **Motion to approve Resolution No. 21 for 2017 – A Resolution Setting Rates and Fees for Water Services (Coleman/Briana) Motion carried 5 Ayes, 0 Opposed, 0 Vacant, 2 Absent (Gourley/Trask)**

Request for Council Action – Resolution No. 22 for 2017 - A Resolution Setting Delinquency Notice and Service Interruption Policy for Water and/or Wastewater Utility Accounts **Motion to approve Resolution No. 22 for 2017 – A Resolution Setting Delinquency Notice and Service Interruption Policy for Water and/or Wastewater Utility Accounts (Gerson/Briana) Motion carried 5 Ayes, 0 Opposed, 0 Vacant, 2 Absent (Gourley/Trask)**

Request for Council Action – Resolution No. 23 for 2017 - A Resolution Setting Utility Deposit Policy for Water and/or Wastewater Accounts **Motion to approve Resolution No. 23 for 2017 – A Resolution Setting Utility Deposit Policy for Water and/or Wastewater Accounts (Briana/Gerson) Motion carried 5 Ayes, 0 Opposed, 0 Vacant, 2 Absent (Gourley/Trask)**

Request for Council Action – Resolution No. 24 for 2017 - A Resolution Adopting Wastewater User Rates **Motion to approve Resolution No. 24 for 2017 – A Resolution Adopting Wastewater User Rates as Amended (Gerson/Briana) Motion carried 3 Ayes(Gerson, Coleman, Briana), 2 Opposed (Goble, Mahler), 0 Vacant, 2 Absent (Gourley/Trask)**

Committee Reports:

Administration & Finance/ Property Committee	None
Public/Traffic Safety	None
Public Works	None

City Boards/Committees:

Chamber of Commerce	None
Fire District	None
Park Board	None
Tree Commission	None
Y.A.C.	None

Ad Hoc Committee
 Community Healthcare
 Councilor Gourley gave an update on projects the Community Health Committee is working on such as the Banner Project and a partnership with Samaritan Health.

Regional Boards/Committees:

Area Commission on Transportation (ACT)	None
COG	None
Solid Waste Advisory Council (SWAC)	None

Mayor’s Report
 Mayor Mahler asked for an update on the Knife River Property.

City Manager’s Report
 City Manager Ray Towry gave an update on the Knife River property stating the City is waiting on the PPA and should receive it back to present to Council by November 14th. There was a lien on the property that has been removed by DEQ.
 City Manager Towry announced leadership training as an ongoing effort to invest in staff that will take place on December 7th. CM Towry invited Council to attend and requested RSVP so the City could notice a possible quorum. City Manager Towry announced two payments received: a SAIF dividend in the amount of \$16,796 and \$27,302.46 for the local marijuana tax.
 City Manager Towry and CEDD Sorte will be in an Oregon Economic Development training October 25th.

Department Directors Reports:

Finance Director	Finance Director Gray reviewed the revenues and expenses for September.
Library Director	Library Director Rose Peda announced the Spooky Tales program had 40 kids and 14 adults attend. On November 9 th at 6:30 the Man of Words Theater will perform Monsters and Maniacs of Shakespeare.
Community and Economic	CEDD Jerry Sorte and Anay Hausner, Vice Chair of the Planning

Development Director

Anay Hausner
4530 Airport Lane
Sweet Home, OR

Commission reported on the work the Planning Commission has completed on the Code Audit. The Commission sees the value in beginning with a new framework to create a new code using a model created by the State of Oregon for small cities. The model code is intended to comply with all State Statutes. The consensus of the Council was for the Planning Commission to move forward with the work using the state model.

Police Chief

None

Public Works

PWD Greg Springman announced Sweet Home Public Works is hosting a two day Road Scholar training which will be free for PW staff.

City Attorney

None

Adjournment:

With no further business the meeting adjourned at 9:31 PM.

The foregoing is a true copy of the proceedings of the City Council at the October 24, 2017 regular City Council Meeting.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

SWEET HOME CITY COUNCIL
SPECIAL MEETING EXECUTIVE SESSION MINUTES

November 07, 2017

The City Council Executive Session was opened at 6:30 p.m. in the City Hall Annex.

Roll Call:	Councilor Briana	P	Councilor Gourley	P
	Councilor Coleman	P	Mayor Mahler	P
	Councilor Gerson	P	Councilor Trask	P
	Councilor Goble	P		

Staff: City Manager Ray Towry, City Attorney Snyder and Recording Secretary Julie Fisher.

Media: None

Mayor Mahler read the Executive Session Announcement.

The purpose of the meeting was an Executive Session as authorized by ORS 192.660 (2) (i) To review and evaluate the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member who does not request an open hearing.

There was time for questions and comments, no official decisions were made.

The meeting adjourned at 7:27 p.m.

The foregoing is a true copy of the proceedings of the City Council at the November 07, 2017 Executive Session City Council Meeting.

Mayor

ATTEST:

City Manager Pro Tem – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

REFERRED AGENDA: November 14, 2017	TITLE: Investment Advisory Services Update	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION <input type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Pat Gray, Finance Director	ATTACHMENTS: City of Sweet Home Investment Policy – 2017 DRAFT	
REVIEWED: R. Towry, City Manager	Oregon Short Term Fund Board Sample Policy for Local Governments	

PURPOSE OF THIS MEMO: To update City Council on where we are in the process to develop an Investment Policy for future investments of city funds.

BACKGROUND/CONTEXT: In June 2016, City Council asked staff to research investment options other than the State operated Local Government Investment Pool. Several members of the Council felt that the interest rate offered was too low and the City was missing out on potential revenues by having the City’s reserves held in the Pool.

Shawn Gergen, Vice-President of Investments for Umpqua Bank met several times with the Administration & Finance Committee in July and August 2016 to discuss investments and what options are available for local governments in Oregon to invest in. He presented some alternative investment options and suggested that the City’s Financial Policies were revised to allow investments outside of the LGIP, which City Council did on September 13, 2016.

In February 2017, City staff contacted Deanne Woodring from GPA (Government Portfolio Advisors) who was recommended by the City of Corvallis as an expert with small to mid-sized governmental investments. Ms. Woodring met with the City Manager and Finance Director on March 8, 2017 to discuss how her services could help Sweet Home. She was asked to present a proposal to provide Investment Advisory Services for the City of Sweet Home, which she did and was reviewed by the Administrative, Finance & Property Committee on June 13, 2017. In August 2017 City Council entered into an agreement with Government Portfolio Advisors to develop an Investment Policy that can be presented to the Oregon Short Term Fund Board at the their next meeting on January 11, 2018.

THE CHALLENGE/PROBLEM:
Is the attached, “Investment Policy – 2017 DRAFT,” what Council wants submitted to the Oregon Short Term Fund Board in January 2018?

- STAKEHOLDERS:**
- Sweet Home Citizens – to ensure the City is getting a good return on its investments.
 - City Council – to ensure investments have positive returns and are in compliance with State law and City Financial Policies.
 - City Staff – to work with GPA to ensure positive returns and with the Auditors to ensure reporting is accurate for the annual audit.

ISSUES & FINANCIAL IMPACTS:

The City would like a greater return on its investments. GPA (Government Portfolio Advisors) has offered to assist the City with this goal by providing Investment Advisory Services. The first year of the contract will start at \$5,000 to assist the City in providing an updated policy to the Oregon State Treasury Fund Board (OSTFB) and start aligning some investment strategies. If rates come up, the City would be ready to reduce the amount of cash in the Local Government Investment Pool and diversity into higher quality longer term investments. The minimum fee after the first year will be \$12,500. The \$5,000 has been included in the 2017-2018 adopted budget.

ELEMENTS OF A STABLE SOLUTION:

The City needs to have the ability to diversify its unused cash into investments that could provide a higher return than what it is currently receiving in the State Local Government Investment Pool. GPA (Government Portfolio Advisors) is offering its services by proposing a contract to assist with investments.

OPTIONS:

1. Do Nothing.
2. Revise the, "Investment Policy – 2017 DRAFT."
3. Approve the, "Investment Policy – 2017 DRAFT," to be submitted to OSTFB in January 2018.

RECOMMENDATION:

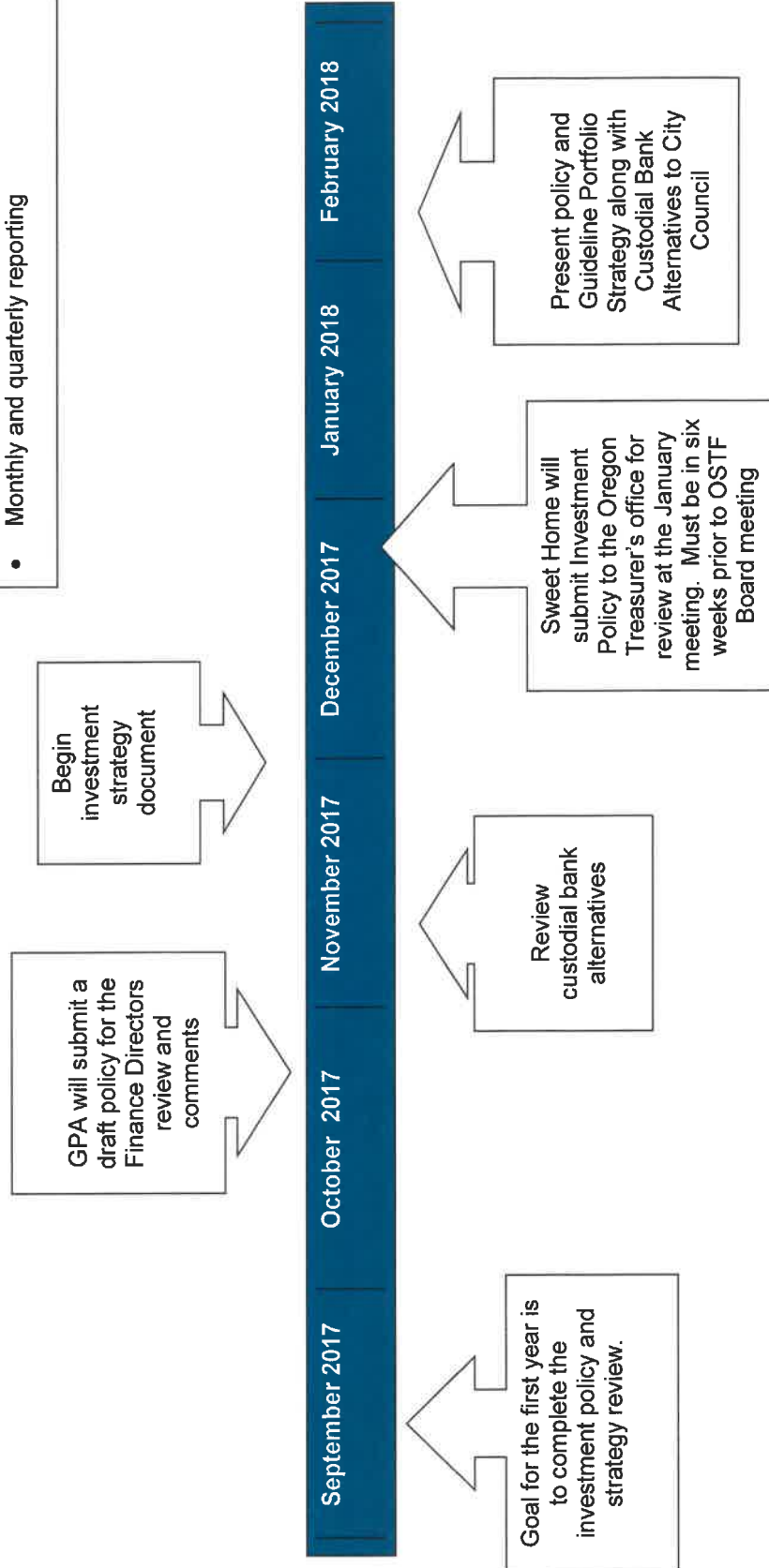
Staff recommend Option #3 – Approve the, "Investment Policy – 2017 DRAFT," to be submitted to OSTFB in January.

If accepted by the OSTFB at their January meeting, the Investment Policy will then return to City Council for adoption by Resolution.

City of Sweet Home

Investment Program

- Onboarding of Investment Program**
- Review and update the investment policy
 - Guideline Portfolio Strategy (GPS)
 - Review custodial bank options for safekeeping of securities
 - Implement Investing
 - Monthly and quarterly reporting



CITY OF SWEET HOME



INVESTMENT POLICY 2017 DRAFT

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1. INTRODUCTION

The purpose of this Investment Policy is to establish the investment objectives, delegation of authority, standards of prudence, eligible investments and transactions, internal controls, reporting requirements, and safekeeping and custodial procedures necessary for the prudent management and investment of the funds of the City of Sweet Home.

The average monthly balance of funds invested in the City's general portfolio, excluding proceeds from bond issues, is approximately \$5-10 million. The highest balances in the portfolio occur in December after property taxes are collected.

2. GOVERNING AUTHORITY

The investment program shall be operated in conformance with federal, state, and other legal requirements.

This Policy has been adopted by Resolution # _____ by the City Council of Sweet Home, Oregon on _____, 2018 and replaces the City's previous adoption dated September 13, 2016.

3. SCOPE

This policy applies to activities of the City with regard to investing the financial assets of all funds except for funds held in trust for the Pension Portfolio and deferred compensation funds for the employees of the City which have separate rules. In addition, funds held by trustees or fiscal agents are excluded from these rules; however, all funds are subject to regulations established by the State of Oregon. Other than bond proceeds or other unusual situations, the total of all funds ranges from \$5,000,000 to \$10,000,000. This policy provides direction for the following fund types:

1. General Fund
2. Special Revenue Funds
3. Capital Projects Funds
4. Debt Service Funds
5. Enterprise Funds
6. Internal Service Funds
7. Trust and Agency Funds
8. Other Funds

4. OBJECTIVES

The City's principal investment objectives in order of priority are:

4.1 Safety:

- Preservation of capital and protection of investment principal.
- Diversification to avoid incurring unreasonable risks regarding specific security types or individual financial institutions.

4.2 Liquidity:

- Maintenance of sufficient liquidity to meet operating requirements that are reasonably anticipated.

4.3 Yield – Return:

- Attainment of a market value rate of return throughout budgetary and economic cycles.

5. STANDARDS OF CARE

5.1 Delegation of Authority

- a. **Governing Body:** The ultimate responsibility and authority for the investment of City funds resides with the City Council. The City hereby designates the Finance Director as the Finance Director for the City's funds. The Finance Director shall invest City funds in accordance with ORS Chapter 294, Public Financial Administration, and with this Investment Policy. This Policy shall constitute a "written order" from City Council per ORS 294.035.
- b. **Finance Committee:** The City Finance Committee will provide additional guidance and oversight in regards to the annual investment policy review and quarterly investment reports.
- c. **Investment Advisor:** Subject to required procurement procedures, the City may engage the support services of outside professionals in regard to its financial program, so long as it can be demonstrated or anticipated that these services produce a net financial advantage or necessary financial protection of the City's resources. External investment advisors shall be subject to Oregon Revised Statutes and the provisions of this Investment Policy. The Advisor shall provide non-discretionary advisory services, which require prior approval from the Finance Director on all transactions.

In order to optimize total return through active portfolio management, resources shall be allocated to the cash management program. This commitment of resources shall include financial and staffing considerations.

5.2 Prudence:

The standard of prudence to be used, by the Finance Director, in the context of managing the overall portfolio is the prudent investor rule which states:

"Investments will be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

The City's Finance Director (ORS 294.004 (2)) and staff acting in accordance with this Investment Policy, written procedures, and Oregon Revised Statutes 294.035 and 294.040 and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price change or other loss in accordance with ORS 294.047.

5.3 Ethics:

Officers and employees involved in the investment process shall refrain from personal business activity that could conflict with proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Officers and employees shall, at all times, comply with the State of Oregon Government Standards and Practices code of ethics set forth in ORS Chapter 244.

6. AUTHORIZED FINANCIAL INSTITUTIONS

The City shall maintain a list of all authorized financial institutions and dealers that are approved for investment purposes. Any firm is eligible to make an application to the Finance Director and upon due consideration and approval, will be added to the list. Additions and deletions to the list will be made at the City's discretion. There should be in place, proof as to all the necessary credentials and licenses held by employees of the brokers/dealers who will have contact with the City of Sweet Home as specified by but not necessarily limited to the Financial Industry Regulatory Authority (FINRA), Securities and Exchange Commission (SEC), etc.

6.1 Broker/Dealers:

Primary and secondary dealers must be registered with FINRA and meet the Securities and Exchange Commission (SEC) rule 15c3-1 (uniform net capital rule). The Finance Director will periodically review the approved list for due diligence regarding financial condition, registration and ethical conduct. If the City's investment advisor is contracted to provide securities transactions on behalf of the City, the advisor's broker/dealer list must be provided to the Finance Director for approval.

6.2 Financial Bank Institutions:

All financial banks that provide bank deposits, certificates of deposits or any other deposit of the bank to the City must either be fully covered by the FDIC or the bank must be a participant of the Public Funds Collateralization Program (PFCP) program. ORS Chapter 295 governs the collateralization of Oregon public funds and provides the statutory requirements for the Public Funds Collateralization Program. Bank depositories are required to pledge collateral against any public funds deposits in excess of deposit insurance amounts. This provides additional protection for public funds in the event of a bank loss. ORS Chapter 295 sets the specific value of the collateral, as well as the types of collateral that are acceptable. ORS Chapter 295 creates a shared liability structure for participating bank depositories, better protecting public funds though still not guaranteeing that all funds are 100% protected.

6.3 Investment Advisor:

An Investment Advisor may be utilized to manage funds and will be selected through a competitive RFP process. The Advisor must meet the following criteria:

- a. The investment advisor firm must be registered with the Securities and Exchange Commission (SEC) or licensed by the state of Oregon; (Note: Investment advisor firms with assets under management > \$100 million must be registered with the SEC, otherwise the firm must be licensed by the state of Oregon);

- b. All investment advisor firm representatives conducting investment transactions on behalf of City must be registered representatives with FINRA;
- c. All investment advisor firm representatives conducting investment transactions on behalf of City must be licensed by the state of Oregon;
- d. Contract terms will include that the Investment advisor will comply with the City's Investment Policy.

The Investment Advisor must notify the City immediately if any of the following issues arise while serving under a City Contract:

- a. Pending investigations by securities regulators.
- b. Significant changes in net capital.
- c. Pending customer arbitration cases.
- d. Regulatory enforcement actions.

6.4 Competitive Transactions:

The Finance Director will obtain telephone, faxed or emailed quotes before purchasing or selling an investment. The Finance Director will select the quote which best satisfies the investment objectives of the investment portfolio within the parameters of this policy. The Finance Director and/or the Investment Advisor will maintain a written record of each bidding process including the name and prices offered by each participating financial institution.

The City's investment advisor that is providing investment management services must provide documentation of competitive pricing execution on each transaction. The investment advisor will retain documentation and provide upon request.

7. SAFEKEEPING AND CUSTODY

7.1 Safekeeping of Securities and Funds from Broker/Dealers:

Securities purchased by the City shall be held in a segregated account for the City's benefit at a third party trustee as safekeeping agent. The approved broker/dealer or the investment advisor shall provide the City with a confirmation ticket listing the specific instrument, issuer, coupon, maturity, CUSIP number, purchase or sale price, transaction date, and other pertinent information. The broker/dealer that executes the transaction on the City's behalf shall deliver all securities on a delivery versus payment method to the designated third party trustee at the direction of the Finance Director.

7.2 Bank Deposits and Certificates of Deposit:

The City may hold bank deposits or certificates of deposits at banks qualified under ORS 295.

7.3 Accounting Method:

The City shall comply with all required legal provisions and Generally Accepted Accounting Principles (GAAP). The accounting principles are those contained in the pronouncements of authoritative bodies including but not necessarily limited to, the Governmental Accounting

Standards Board (GASB); the American Institute of Certified Public Accountants (AICPA); and the Financial Accounting Standards Board (FASB).

7.4 Internal Controls:

The Finance Director shall maintain a system of written internal controls which shall be reviewed and tested by the independent auditor at least annually or upon any extraordinary event, i.e., turnover of key personnel, the discovery of any inappropriate activity.

8. AUTHORIZED AND SUITABLE INVESTMENTS

8.1 Authorized Investments:

All investments of the City shall be made in accordance with Oregon Revised Statutes: ORS 294.035 (Investment of surplus funds of political subdivisions; approved investments), ORS 294.040 (Restriction on investments under ORS 294.035), ORS 294.135 (Investment maturity dates), ORS 294.145 (Prohibited conduct for Finance Director including not committing to invest funds or sell securities more than 14 business days prior to the anticipated date of settlement), ORS 294.805 to 294.895 (Local Government Investment Pool). Any revisions or extensions of these sections of the ORS shall be assumed to be part of this Investment Policy immediately upon being enacted.

8.2 Suitable Investments:

US Treasury Obligations: U.S. Treasury and other government obligations that carry the full faith and credit guarantee of the United States for the timely payment of principal and interest [ORS Section 294.035(3)(a)].

US Agency Obligations Primary: Senior debenture obligations of US federal agencies and instrumentalities or U.S. government sponsored enterprises (GSE) that have actively traded markets and provide a higher level of liquidity. These include: Federal National Mortgage Association (FNMA), the Federal Home Loan Mortgage Corporation (FHLMC), Federal Home Loan Banks (FHLB), and the Federal Farm Credit Bureau (FFCB).

US Agency Obligations Secondary: Other US government sponsored enterprises that are less marketable are considered secondary GSEs. They include, but are not limited to: Private Export Funding Corporation (PEFCO), Tennessee Valley Authority (TVA), Financing Corporation (FICO) and Federal Agricultural Mortgage Corporation, (Farmer Mac).

Commercial Paper: Commercial Paper that is rated A1+/P1. In the case where both rating agencies provide ratings on the corporation, the highest rating will be used.

Corporate Indebtedness: Corporate indebtedness must be rated on the settlement date AA- or better by S&P or Aa3 or better by Moody's. In the case of a split rating, the highest rating of these two rating agencies will be used.

Local Government Investment Pool: State Treasurer's local short-term investment fund up to the statutory limit per ORS Section 294.810.

Certificates of Deposit: Certificates of deposit in insured institutions as defined in ORS 706.008, in credit unions as defined in ORS Section 723.006 or in federal credit unions, if the institution or credit union maintains a head office or a branch in this state [ORS Section 294.035(3)(d)].

Bank Time Deposit/Savings Accounts: Time deposit open accounts or savings accounts in insured institutions as defined in ORS Section 706.008, in credit unions as defined in ORS Section 723.006 or in federal credit unions, if the institution or credit union maintains a head office or a branch in this state [ORS Section 294.035(3)(d)].

Municipal Debt: Lawfully issued debt obligations of the States of Oregon, California, Idaho and Washington and political subdivisions of those states if the obligations have a long-term rating on the settlement date of AA- or better by S&P or Aa3 or better by Moody's. In the case of a split rating, the highest rating of these two rating agencies will be used.

Bankers' Acceptance: Banker's acceptances, if the banker's acceptances are: (i) Guaranteed by, and carried on the books of, a qualified financial institution*; (ii) Eligible for discount by the Federal Reserve System; and (iii) Issued by a qualified financial institution whose short-term letter of credit rating is rated in the highest category by one or more nationally recognized statistical rating organizations.

*For the purposes of this paragraph, "qualified financial institution" means: (i) A financial institution that is located and licensed to do banking business in the State of Oregon; or (ii) A financial institution that is wholly owned by a financial holding company or a bank holding company that owns a financial institution that is located and licensed to do banking business in the State of Oregon [ORS Section 294.035(3)(h)].

8.3 Collateralization:

Time deposit open accounts, Certificates of Deposit and savings accounts shall be collateralized through the collateral pool for any excess over the amount insured by an agency of the United States government in accordance with ORS 295.015 and ORS 295.018.

9. INVESTMENT PARAMETERS

9.1 Diversification:

The City will diversify the investment portfolio to avoid incurring unreasonable risks, both credit and interest rate risk, inherent in over investing in specific instruments, individual financial institutions or maturities.

Diversification Constraints on Total Holdings – Liquidity and Core Funds

Issue Type	Maximum % Holdings	Maximum % per Issuer	Ratings S&P	Ratings Moody's
US Treasury Obligations	100%	None	N/A	N/A
US Agency Primary Securities FHLB, FNMA, FHLMC, FFCB	100%	35%	N/A	N/A
US Agency Secondary Securities FICO, FARMER MAC etc.	10%	5%	Security must be rated	Security must be rated
Municipal Bonds (OR, CA, ID, WA)	10%	10%	AA-	Aa3
Corporate Bonds	20%	5%	AA-	Aa3
Commercial Paper	10%	5%	A1+	P1
Bank Time Deposits/Savings Accounts	20%	20%	Oregon Public Depository	Oregon Public Depository
Certificates of Deposit	10%	5%	Oregon Public Depository	Oregon Public Depository
Banker's Acceptance	25%	5%	A1+ AA-Underlying	P1 Aa3 Underlying
Oregon Short Term Fund	Maximum allowed per ORS 294.810	None	N/A	N/A

9.2 Investment Maturity:

The City will not directly invest in securities with a stated maturity of more than five (5) years from the date of purchase.

- The maximum weighted maturity of the total portfolio shall not exceed two (2) years. This maximum is established to limit the portfolio to excessive price change exposure.
- Liquidity funds will be held in the State Pool, Bank Deposits or in money market instruments maturing six months and shorter. The liquidity portfolio shall, at a minimum, represent six month budgeted outflows.
- Core funds will be the defined as the funds in excess of liquidity requirements. The investments in this portion of the portfolio will have maturities between 1 day and 5 years and will be only invested based on the diversification parameters listed in 9.1 of this policy.
- Total Portfolio Maturity Constraints:

Maturity Constraints	Minimum % of Total Portfolio
Under 30 days	10%
Under 1 year	25%
Under 5 years	100%
Maximum of Total Portfolio in	
Maturity Constraints	Years
Weighted Average Maturity	2.00
Maximum % of Total	
Security Structure Constraint	Portfolio
Callable Agency Securities	25%

9.3 Prohibited Investments:

- The City shall not lend securities nor directly participate in a securities lending or reverse repurchase program.
- The City shall not purchase mortgage backed securities.

10. POLICY COMPLIANCE AND PERFORMANCE STANDARDS

10.1 Compliance Measurement and Procedures:

- a. Compliance Report: A compliance report documenting the portfolio versus the investment policy shall be maintained quarterly.
- b. Compliance Measurement: Guideline measurements will use market value of investments.
- c. Compliance Procedures:
 - i. If the portfolio falls outside of compliance with adopted investment policy guidelines or is being managed inconsistently with this policy, the Investment Officer shall bring the portfolio back into compliance in a prudent manner and as soon as prudently feasible.

ii. Violations of portfolio guidelines as a result of transactions; actions to bring the portfolio back into compliance and; reasoning for actions taken to bring the portfolio back into compliance shall be documented and reported to the Finance Committee.

iii. Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that appropriate diversification is maintained.

iv. As determined on any date that the security is held within the portfolio. If the credit rating of a security is subsequently downgraded below the minimum rating level for a new investment of that security, the Finance Director shall evaluate the downgrade on a case-by-case basis in order to determine if the security should be held or sold. The Finance Director will apply the general objectives of Safety, Liquidity, Yield and Legality to make the decision. *If the City has hired the services of an Investor Advisor, the Finance Director will act on the recommendation of the Advisor.*

10.2 Performance Measurement:

- a. The City yields will be compared to the OST Pool rates.
- b. The portfolio will be invested into a predetermined structure that will be measured against a selected benchmark portfolio. The structure will be based upon a chosen minimum and maximum effective duration and will have the objective to achieve market rates of returns over long investment horizons. The purpose of the benchmark is to appropriately manage the risk in the portfolio given interest rate cycles. The core portfolio is expected to provide similar returns to the benchmark over interest rate cycles, but may underperform or out perform in certain periods. The portfolio will be positioned to first protect principal and then achieve market rates of return. The benchmark used will be a 0-3 year or 0-5 year standard market index and comparisons will be calculated monthly and reported quarterly.
- c. When comparing the performance of the City's portfolio, all fees and expenses involved with managing the portfolio shall be included in the computation of the portfolio's rate of return.

11. REPORTING REQUIREMENTS

The Finance Director will retain and provide quarterly investment reports to the City Council in a similar manner as outlined in ORS 208.090. The reports also will be available upon request. Securities holdings and cash balances held in the investment portfolio will be provided on the reports.

The minimum quarterly reporting requirements for total portfolio are as follows:

- Earnings Yield
- Holdings Report (including mark to market)
- Transactions Report

- Weighted Average Maturity or Duration
- Compliance Report

12. INVESTMENT POLICY ADOPTION

This Investment Policy shall be reviewed by the City's Finance Committee and adopted by City Council annually in accordance with ORS 294.135(a). Any significant changes to the policy must be reviewed by the Oregon Short Term-Fund Board prior to submitting to City Council for adoption.

13. GLOSSARY

Accrued Interest: The interest accumulated on a security since the issue date or since the last coupon payment. The buyer of the security pays the market price plus accrued interest.

Agency Securities: See “Federal Agency Securities.”

Bankers’ Acceptance (BA’s): A draft or bill of exchange drawn upon and accepted by a bank. Frequently used to finance shipping of international goods. Used as a short-term credit instrument, bankers’ acceptances are traded at a discount from face value as a month market instrument in the secondary market on the basis of the credit quality of the guaranteeing bank.

Basis Point: A basis point is a unit of measure used in finance to describe the percentage change in the value or rate of a financial instrument. One basis point is equivalent to 0.01% (1/100th of a percent) or 0.0001 in decimal form. In most cases, it refers to changes in interest rates and bond yields.

Benchmark: A market index used as a comparative basis for measuring the performance of an investment portfolio. A performance benchmark should represent a close correlation to investment guidelines, risk tolerance and duration of the actual portfolio’s investments.

Bond: An interest-bearing security issued by a corporation, government, governmental agency, or other body. It is a form of debt with an interest rate, maturity, and face value, and it is usually secured by specific assets. Most bonds have a maturity of greater than one year and in general, pay interest semiannually.

Broker/Dealer: A person or firm transacting securities business with customers. A “broker” acts as an agent between buyers and sellers, and receives a commission for these services. A “dealer” buys and sells financial assets from its own portfolio. A dealer takes risk by owning an inventory of securities, whereas a broker merely matches up buyers and sellers.

Call: An option to buy a specific asset at a certain price within a certain period of time.

Callable: A bond or preferred stock that may be redeemed by the issuer before maturity for a call price specified at the time of issuance.

Call Date: The date before maturity on which a bond may be redeemed at the option of the issuer.

Certificate of Deposit (CD): Bank obligation issued by a financial institution generally offering a fixed rate of return (coupon) for a specified period of time (maturity).

Collateral: Securities or other property that a borrower pledges as security for the repayment of a loan. Also refers to securities pledged by a bank to secure deposits of public monies.

Commercial Paper: Short-term, unsecured, negotiable promissory notes issued by a company or financial institution. Issued at a discount and matures at par or face value. Usually a maximum maturity of 270 days, and given a short-term debt rating by one or more NRSROs.

Core Fund: Core funds are defined as operating fund balance which exceeds the City's daily liquidity needs. Core funds are invested out the yield curve to diversify maturity structure in the overall portfolio. Having longer term investments in a portfolio will stabilize the overall portfolio interest earnings over interest rate cycles.

Corporate Note: A debt instrument issued by a corporation with a maturity of greater than one year and less than ten years.

Coupon Rate: The annual rate of interest that the issuer of a bond promises to pay to the holder of the bond.

Current Maturity: The amount of time left until an obligation matures. For example, a one-year bill issued nine months ago has a current maturity of three months.

Current Yield: The coupon payments on a security as a percentage of the security's market price. In many instances the price should be gross of accrued interest, particularly on instruments where no coupon is left to be paid until maturity.

CUSIP: A CUSIP number identifies securities. CUSIP stands for Committee on Uniform Security Identification Procedures, which was established under the auspices of the American Bankers Association to develop a uniform method of identifying municipal, U.S. government, and corporate securities.

Delivery Versus Payment (DVP): Settlement procedure in which securities are delivered versus payment of cash, but only after cash has been received. Most security transactions, including those through the Fed Securities Wire system and DTC, are done DVP as a protection for both the buyer and seller of securities.

Depository Trust Company (DTC): A firm through which members can use a computer to arrange for securities to be delivered to other members without physical delivery of certificates. A member of the Federal Reserve System and owned mostly by the New York Stock Exchange, the Depository Trust Company uses computerized debit and credit entries. Most corporate securities, commercial paper, CDs and BAs clear through DTC.

Discount Notes: Short term debt obligations issued by Federal Agencies at a discount. Discount notes mature at par and can range in maturity from overnight to one year. Discount Notes typically have very large primary (new issue) and secondary markets.

Federal Agency Security: A debt instrument issued by one of the federal agencies. Federal agencies are considered second in credit quality and liquidity only to U.S. Treasuries.

Federal Agency: Government sponsored/owned entity created by the U.S. Congress, generally for the purpose of acting as a financial intermediary by borrowing in the marketplace and directing proceeds to specific areas of the economy considered to otherwise have restricted access to credit markets.

Federal Farm Credit Bank (FFCB): A Government Sponsored Enterprise (GSE) system that is a network of cooperatively owned lending institutions that provide credit services to farmers, agricultural cooperatives and rural utilities. The FFCBs act as financial intermediaries that borrow money in the capital markets and use the proceeds to make loans and provide other assistance to farmers and farm-affiliated businesses. FFCB debt is not an obligation of, nor is it guaranteed

by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. Financial system and agricultural industry. Also issues notes under its “designated note” program.

Federal Home Loan Bank System (FHLB). A Government Sponsored Enterprise (GSE) system, consisting of wholesale banks (currently twelve district banks) owned by their member banks, which provides correspondent banking services and credit to various financial institutions, financed by the issuance of securities. The principal purpose of the FHLB is to add liquidity to the mortgage markets. Although FHLB does not directly fund mortgages, it provides a stable supply of credit to thrift institutions that make new mortgage loans. FHLB debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes and callable agency securities. Also issues notes under its “global note” and “TAP” programs.

Federal Home Loan Mortgage Corporation (FHLMC or "Freddie Mac"). One of the large Federal Agencies. A government sponsored public corporation (GSE) that provides stability and assistance to the secondary market for home mortgages by purchasing first mortgages and participation interests financed by the sale of debt and guaranteed mortgage backed securities. FHLMC debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes, callable agency securities and MBS. Also issues notes under its “reference note” program.

Federal National Mortgage Association (FNMA or "Fannie Mae"). One of the large Federal Agencies. A government sponsored public corporation (GSE) that provides liquidity to the residential mortgage market by purchasing mortgage loans from lenders, financed by the issuance of debt securities and MBS (pools of mortgages packaged together as a security). FNMA debt is not an obligation of, nor is it guaranteed by the U.S. government, although it is considered to have minimal credit risk due to its importance to the U.S. financial system and housing market. Frequent issuer of discount notes, agency notes, callable agency securities and MBS. Also issues notes under its “benchmark note” program.

Federal Reserve Bank. One of the 12 distinct banks of the Federal Reserve System.

Federal Reserve System (the Fed). The independent central bank system of the United States that establishes and conducts the nation's monetary policy. This is accomplished in three major ways: (1) raising or lowering bank reserve requirements, (2) raising or lowering the target Fed Funds Rate and Discount Rate, and (3) in open market operations by buying and selling government securities. The Federal Reserve System is made up of twelve Federal Reserve District Banks, their branches, and many national and state banks throughout the nation. It is headed by the seven member Board of Governors known as the “Federal Reserve Board” and headed by its Chairman.

Finance Committee: A group consisting of the City Manager, Finance Director and Mayor, or his/her appointee from Council with positions reviewed by the Mayor on an annual basis.

General Obligation Bonds (GOs): Bonds secured by the pledge of the municipal issuer's full faith and credit, which usually includes unlimited taxing power.

Government Bonds: Securities issued by the federal government; they are obligations of the U.S. Treasury. Also known as “governments.”

Government Sponsored Enterprise (GSE): Privately owned entity subject to federal regulation and supervision, created by the U.S. Congress to reduce the cost of capital for certain borrowing sectors of the economy such as students, farmers, and homeowners. GSEs carry the implicit backing of the U.S. Government, but they are not direct obligations of the U.S. Government. For this reason, these securities will offer a yield premium over Treasuries. Some consider GSEs to be stealth recipients of corporate welfare. Examples of GSEs include: FHLB, FHLMC, FNMA and FFCB.

Interest: Compensation paid or to be paid for the use of money. The rate of interest is generally expressed as an annual percentage.

Interest Rate: The interest payable each year on borrowed funds, expressed as a percentage of the principal.

Investment Advisor: A company that provides professional advice managing portfolios, investment recommendations and/or research in exchange for a management fee.

Investment Portfolio: A collection of securities held by a bank, individual, institution, or government agency for investment purposes.

Investment Securities: Securities purchased for an investment portfolio, as opposed to those purchased for resale to customers.

Liquidity: The ease at which a security can be bought or sold (converted to cash) in the market. A large number of buyers and sellers and a high volume of trading activity are important components of liquidity.

Liquidity Component: A percentage of the total portfolio that is dedicated to providing liquidity needs for the City.

Mark to Market: Adjustment of an account or portfolio to reflect actual market price rather than book price, purchase price or some other valuation.

Municipals: Securities, usually bonds, issued by a state or its agencies. The interest on “munis” is usually exempt from federal income taxes and state and local income taxes in the state of issuance. Municipal securities may or may not be backed by the issuing agency’s taxation powers.

NRSRO: A “Nationally Recognized Statistical Rating Organization.” A designated rating organization that the SEC has deemed a strong national presence in the U.S. NRSROs provide credit ratings on corporate and bank debt issues. Only ratings of a NRSRO may be used for the regulatory purposes of rating such as Moody’s, S&P, Fitch and Duff & Phelps.

Par Value: The value of a security expressed as a specific dollar amount marked on the face of the security, or the amount of money due at maturity. Par value should not be confused with market value.

Prudent Person Standard: Standard that requires that when investing, reinvesting, purchasing, acquiring, exchanging, selling, or managing public funds, a trustee will act with care, skill,

prudence, and diligence under the circumstances the prevailing, including, but not limited to, the general economic conditions and the anticipated needs of the agency, that a prudent person acting in a like capacity and familiarity with those matters would use in the conduct of funds of a like character and with like aims, to safeguard the principal and maintain the liquidity needs of the entity.

Rate of Return: Amount of income received from an investment, expressed as a percentage of the amount invested.

State of Oregon Local Government Investment Pool (OSTF – Oregon Short Term Fund): The OSTF is organized pursuant to ORS 294.805 through 294.895. Participation in the Pool will not exceed the maximum limit annually set by ORS 294.810.

Total Return: Investment performance measured over a period of time that includes coupon interest, interest on interest, and both realized and unrealized gains or losses. Total return includes, therefore, any market value appreciation/depreciation on investments held at period end.

Treasury Bill (T-Bill): An obligation of the U.S. government with a maturity of one year or less. T-bills bear no interest but are sold at a discount.

Treasury Bonds and Notes: Obligations of the U.S. government that bear interest. Notes have maturities of one to ten years; bonds have longer maturities.

Yield: The annual rate of return on an investment, expressed as a percentage of the investment. Income yield is obtained by dividing the current dollar income by the current market price for the security. Net yield, or yield to maturity, is the current income yield minus any premium above par or plus any discount from par in the purchase price, with the adjustment spread over the period from the date of purchase to the date of maturity of the bond.

Yield to Maturity: The average annual yield on a security, assuming it is held to maturity; equals to the rate at which all principal and interest payments would be discounted to produce a present value equal to the purchase price of the bond.

This Sample Investment Policy is a template from which Local Governments may draw in formulating a comprehensive investment policy.

Key Elements of an Investment Policy should consist of the following:

- **Scope:** Identifies funds under the authority of the policy.
- **Objectives:** (Prioritized)
 - Safety.
 - Liquidity.
 - Return.
- **Standards of Care:**
 - Prudence (Prudent Person Standard).
 - Ethics and Conflicts of Interest.
 - Indemnification for investment decisions.
 - Delegation of Authority.
 - Internal controls.
 - Separation of Investment decisions and recordkeeping.
- **Safekeeping & Custody:**
 - Delivery vs. Payment protocol.
 - Safekeeping/Custody by 3rd Party.
- **Authorized investments:** Specific authorized investment types should be listed
- **Risk Parameters:**
 - Credit Risk:
 - Ratings requirements.
 - Exposure limitations.
 - Interest Rate Risk:
 - Maximum investment maturity.
 - Maximum average maturity.
 - Concentration Risk:
 - Diversification requirements.
 - Liquidity Risk:
 - Minimum liquidity guidance.
 - Maturity buckets.
- **Transaction Counterparties:**
 - Minimum requirements to approve broker/dealers.
 - Minimum requirements to approve Investment advisers.
- **Policy Compliance:**
 - Reporting requirements:
 - Required data.
 - Periodicity of reporting.
 - Recipients of reports.
 - Guideline violation resolution.
- **Policy Maintenance:**
 - Periodic Policy Review.

Sample Investment Policy for Local Governments

I. Purpose

This Investment Policy defines the parameters within which funds are to be invested by [Local Government]. The [Local Government] is a [Type of Local Government] whose purpose is to [Function of Local Government]. This policy also formalizes the framework, pursuant to ORS 294.135, for the [Local Government]'s investment activities to ensure effective and judicious management of funds within the scope of this policy.

These guidelines are intended to be broad enough to allow designated investment staff to function properly within the parameters of responsibility and authority, yet specific enough to adequately safeguard the investment assets.

II. Governing Authority

[Local Government]'s investment program shall be operated in conformance with Oregon Revised Statutes and applicable Federal Law. Specifically, this investment policy is written in conformance with ORS 294.035; 294.040; 294.052; 294.135; 294.145; and 294.810. All funds within the scope of this policy are subject to regulations established by the state of Oregon. Any revisions or extensions of these sections of the ORS shall be assumed to be part of this Investment Policy immediately upon being enacted.

III. Scope

This policy applies to activities of [Local Government] with regard to investing the financial assets of [operating funds / capital funds / bond proceeds / bond reserve funds]. Investments of employees' retirement funds, deferred compensation plans, and other funds are not covered by this policy. The amount of funds falling within the scope of this policy over the next three years is expected to range between \$xxx million and \$xxx million.

IV. General Objectives

The primary objectives, in priority order, of investment activities shall be:

1. Preservation of Invested Capital

Investments shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The goal is to mitigate credit risk and interest rate risk.

2. Liquidity

The investment portfolio shall remain sufficiently liquid to meet all reasonably anticipated operating requirements. Furthermore, the portfolio should consist largely of securities with active secondary or resale markets. A portion of the portfolio also may be placed in the Oregon Short Term Fund which offers next-day liquidity. Where possible and prudent, the portfolio should be structured so that investments mature concurrent with anticipated demands.

3. Return

The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into consideration the safety and liquidity needs of the portfolio. Although return consists of both principal return (gains and losses due to market value fluctuations) and income return (yield), this policy discourages

active trading and turnover of investments. Investments should generally be held to maturity

V. Standards of Care

1. Prudence.

The standard of prudence to be used by investment officials shall be the "prudent person" standard and shall be applied in the context of managing an overall portfolio. Investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported and appropriate action is taken to control adverse developments within a timely fashion as defined in this policy.

The "prudent person" standard states:

“Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived.”

2. Ethics and Conflicts of Interest.

Officers and employees involved in the investment process shall refrain from personal activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Employees and investment officials shall disclose any material interests in financial institutions with which they conduct business. Disclosure shall be made to the governing body. They shall further disclose any personal financial/investment positions that could be related to the performance of the investment portfolio. Employees and officers shall refrain from undertaking personal investment transactions with the same individual with whom business is conducted on behalf of the [Local Government]. Officers and employees shall, at all times, comply with the State of Oregon Government Standards and Practices code of ethics set forth in ORS Chapter 244.

3. Delegation of Authority and Responsibilities

i. Governing Body

The [Designated Oversight Body or Position] will retain ultimate fiduciary responsibility for invested funds. The governing body will receive reports, pursuant to, and with sufficient detail to comply with ORS 294.085 and 294.155.

ii. Delegation of Authority

Authority to manage investments within the scope of this policy and operate the investment program in accordance with established written procedures and internal controls is granted to [Designated Position], hereinafter referred to as Investment Officer, and derived from the following: ORS 294.035 to 294.053, 294.125 to 294.145, and 294.810.

No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Investment Officer. The

Investment Officer shall be responsible for all transactions undertaken and shall establish a system of controls to regulate the activities of subordinate officials.

All participants in the investment process shall seek to act responsibly as custodians of the public trust. No officer or designee may engage in an investment transaction except as provided under the terms of this policy and supporting procedures.

iii. Investment Committee

The [Designated Oversight Body or Position] may seek to establish an investment committee to provide guidance to the Investment Officer(s) and monitor investment policy compliance.

iv. Investment Adviser

The [Designated Oversight Body or Position or Investment Officer] may engage the services of one or more external investment managers to assist in the management of the entity’s investment portfolio in a manner consistent with this investment policy. Investment advisers may be hired on a non-discretionary basis. All investment transactions by approved investment advisers must be pre-approved in writing by the Investment Officer and compliant with this Investment Policy. If [Local Government] hires an investment adviser to provide investment management services, the adviser is authorized to transact with its direct dealer relationships on behalf of [Local Government].

Note: Oregon Revised Statutes (ORS) do not restrict hiring investment advisers on a discretionary basis. However, the OSTF Board cautions against hiring investment advisers on a fully discretionary basis. Therefore this sample policy only allows for non-discretionary investment advisers.

VI. Transaction Counterparties, Investment Advisers and Depositories

1. Broker/Dealers

The Investment Officer shall determine which broker/dealer firms and registered representatives are authorized for the purposes of investing funds within the scope of this investment policy. A list will be maintained of approved broker/dealer firms and affiliated registered representatives.

The following minimum criteria must be met prior to authorizing investment transactions. The Investment Officer may impose more stringent criteria.

- i. Broker/Dealer firms must meet the following minimum criteria:
 - A. Be registered with the Securities and Exchange Commission (SEC);
 - B. Be registered with the Financial Industry Regulatory Authority (FINRA).
 - C. Provide most recent audited financials.
 - D. Provide FINRA Focus Report filings.
- ii. Approved broker/dealer employees who execute transactions with [Local Government] must meet the following minimum criteria:
 - A. Be a registered representative with the Financial Industry Regulatory Authority (FINRA);
 - B. Be licensed by the state of Oregon;

- C. Provide certification (in writing) of having read; understood; and agreed to comply with the most current version of this investment policy.
 - iii. The Investment Officer may want to establish policy for engaging broker/dealer firms and registered representatives that are more restrictive than stated in this policy. Additional requisites or due diligence items may include:
 - A. Positive references from at least three other local government clients.
 - B. As part of the periodic due diligence review, inquiries with other local government clients with regard to their recent experiences with broker/dealer firms or registered representatives and any change in relationship status.
 - C. Requirement that approved registered representatives provide notification within 30 days of any formal investigations or disciplinary actions initiated by federal or state regulators.
 - D. Requirement that prospective registered representatives have an established history of advising local governments with similar amounts of assets under management.
 - iv. Periodic (at least annual) review of all authorized broker/dealers and their respective authorized registered representatives will be conducted by the Investment Officer. Factors to consider would be:
 - A. Pending investigations by securities regulators.
 - B. Significant changes in net capital.
 - C. Pending customer arbitration cases.
 - D. Regulatory enforcement actions.

Professional conduct; regulatory filing history; and registration status for any registered broker/dealer firm or for an individual registered representative can be researched at the FINRA website using the FINRA BrokerCheck[®] service.

- www.finra.org/Investors/ToolsCalculators/BrokerCheck/

Additional information (including state issued Enforcement Orders) on brokers and registered representatives licensed by the state of Oregon may also be obtained from the Oregon Department of Consumer and Business Services Division of Finance and Corporate Securities.

- www.cbs.state.or.us/external/dfcs/

2. Investment Advisers

A list will be maintained of approved advisers selected by conducting a process of due diligence.

- i. The following items are required for all approved Investment Advisers:
 - A. The investment adviser firm must be registered with the Securities and Exchange Commission (SEC) or licensed by the state of Oregon; (*Note: Investment adviser firms with assets under management > \$100 million must be registered with the SEC, otherwise the firm must be licensed by the state of Oregon*)
 - B. All investment adviser firm representatives conducting investment transactions on behalf of [Local Government] must be registered representatives with FINRA;

- C. All investment adviser firm representatives conducting investment transactions on behalf of [Local Government] must be licensed by the state of Oregon;
 - D. Certification, by all of the adviser representatives conducting investment transactions on behalf of this entity, of having read, understood and agreed to comply with this investment policy.
- ii. A periodic (at least annual) review of all authorized investment advisers will be conducted by the Investment Officer to determine their continued eligibility within the portfolio guidelines. Factors to consider would be:
- A. Pending investigations by securities regulators.
 - B. Significant changes in net capital.
 - C. Pending customer arbitration cases.
 - D. Regulatory enforcement actions.

Professional conduct and regulatory filing history for any registered investment adviser or for individual adviser representatives can be researched on the Securities and Exchange Commission's (SEC) Investment Adviser Public Disclosure website.

The SEC's Investment Adviser Public Disclosure website provides access to the registration form ("Form ADV") that the adviser filed. Form ADV contains information about an investment adviser and its business operations. Additionally, it contains disclosure about certain disciplinary events involving the adviser and its key personnel.

The website also allows users to search for an individual investment adviser representative and view that individual's professional background and conduct, including current registrations, employment history, and disclosures about certain disciplinary events involving the individual.

- www.adviserinfo.sec.gov/IAPD/Content/Search/iapd_Search.aspx

- iii. The Investment Officer may want to establish guidelines or policy for engaging investment advisers' services that are more restrictive than stated in this policy. Additional requisites or due diligence items may include:
- A. Positive references from at least three other local government clients of a prospective investment adviser firm.
 - B. As part of the periodic due diligence review, inquiries with other local government clients of approved investment advisers with regard to their recent experiences with the adviser and any change in the relationship status.
 - C. Requirement that approved investment advisers provide notification within 30 days of a relationship termination by an Oregon based local government.
 - D. Requirement that approved investment adviser provide notification within 30 days of any formal investigations or disciplinary actions initiated by federal or state regulators.
 - E. Requirement that prospective investment advisers have an established history of advising local governments with similar amounts of assets under management.

3. Depositories

- i. All financial institutions who desire to become depositories must be qualified Oregon Depositories pursuant to ORS Chapter 295.

4. Competitive Transactions

- i. The Investment Officer shall obtain and document competitive bid information on all investments purchased or sold in the secondary market. Competitive bids or offers should be obtained, when possible, from at least three separate brokers/financial institutions or through the use of a nationally recognized trading platform.
- ii. In the instance of a security for which there is no readily available competitive bid or offering on the same specific issue, then the Investment Officer shall document quotations for comparable or alternative securities.
- iii. When purchasing original issue instrumentality securities, no competitive offerings will be required as all dealers in the selling group offer those securities at the same original issue price. However, the Investment Officer is encouraged to document quotations on comparable securities.
- iv. If an investment adviser provides investment management services, the adviser must retain documentation of competitive pricing execution on each transaction and provide upon request.

VII. Administration and Operations

1. Delivery vs. Payment

All trades of marketable securities will be executed (cleared and settled) by delivery vs. payment (DVP) to ensure that securities are deposited in the [Local Government]'s safekeeping institution prior to the release of funds.

2. Third-Party Safekeeping

Securities will be held by an independent third-party safekeeping institution selected by the [Local Government]. All securities will be evidenced by safekeeping receipts in the [Local Government] name. Upon request, the safekeeping institution shall make available a copy of its Statement on Standards for Attestation Engagements (SSAE) No. 16.

3. Internal Controls.

The investment officer and [Oversight Body or Person] are responsible for establishing and maintaining an adequate internal control structure designed to reasonably assure that invested funds are invested within the parameters of this Investment policy and, protected from loss, theft or misuse. Specifics for the internal controls shall be documented in writing. The established control structure shall be reviewed and updated periodically by the Investment Officer.

The concept of reasonable assurance recognizes that the cost of a control should not exceed the benefits likely to be derived and the valuation of costs and benefits requires estimates and judgments by management.

The internal controls shall address the following points at a minimum:

- i. Compliance with Investment Policy
 - ii. Control of collusion.
 - iii. Separation of transaction authority from accounting and record keeping.
 - iv. Custodial safekeeping.
 - v. Avoidance of physical delivery of securities whenever possible and address control requirements for physical delivery where necessary.
 - vi. Clear delegation of authority to subordinate staff members.
 - vii. Confirmation of transactions for investments and wire transfers in written or digitally verifiable electronic form.
 - viii. Dual authorizations of wire and automated clearing house (ACH) transfers
 - ix. Staff training
 - x. Review, maintenance and monitoring of security procedures both manual and automated.
4. An external auditor shall provide an annual independent review to assure compliance with Oregon state law and [Local Government] policies and procedures.

VIII. Suitable and Authorized Investments

1. Permitted Investments

The following investments are permitted pursuant to ORS 294.035, 294.040, and ORS 294.810. (Note: Permitted investments may be more restrictive than ORS 294.035 and 294.810).

- *US Treasury Obligations: U.S. Treasury and other government obligations that carry the full faith and credit guarantee of the United States for the timely payment of principal and interest.*
- *US Agency Obligations: Senior debenture obligations of US federal agencies and instrumentalities or U.S. government sponsored enterprises (GSE).*
- *Oregon Short Term Fund.*
- *Corporate Indebtedness*
 - 1. *Commercial Paper issued under the authority of section 3(a)2 or 3(a)3 of the Securities Act of 1933.*
 - 2. *Corporate Bonds*
- *Repurchase Agreements*
- *Municipal Debt*
- *Bankers Acceptances*
- *Qualified Institution Time Deposits/Savings Accounts/Certificates of Deposit.*

A list of Investments allowed under ORS 294.035, 294.040 and 294.810 may be found on the Oregon State Treasury website at the following links:

- www.ost.state.or.us/Services/LocalGov/Summary.of.Liquid.Investments.asp
- www.ost.state.or.us/Services/SampleInvestment/link_V.1.asp

2. Approval of Permitted Investments

If additional types of securities are considered for investment, per Oregon state statute they will not be eligible for investment until this Policy has been amended and the amended version adopted by [Local Government].

3. Prohibited Investments

i. Private Placement or “144A” Securities

Private placement or “144A” securities are not allowed. For purposes of the policy, SEC Rule 144A securities are defined to include commercial paper privately placed under section 4(a)(2) of the Securities Act of 1933.

ii. US Agency Mortgage-backed Securities

US agency mortgage-backed securities such as those securities issued by FNMA and FHLMC are not allowed.

iii. Securities Lending

The [Local Government] shall not lend securities nor directly participate in a securities lending program.

4. Demand Deposits and Time Deposits

- i. All demand deposits and time deposits (Examples of time deposits are: certificates of deposit and savings accounts) shall be held in qualified Oregon depositories in accordance with ORS Chapter 295.
- ii. Demand deposits in qualified depository institutions are considered cash vehicles and not investments and are therefore outside the scope and restrictions of this policy. Pursuant to ORS 294.035(3)(d), time deposits, certificates of deposit and savings accounts are considered investments and within the scope of this policy.

5. Repurchase Agreements

- i. ORS 294.035 (3)(j) requires repurchase agreement collateral to be limited in maturity to three years and priced according to percentages prescribed by written policy of the Oregon Investment Council or the Oregon Short Term Fund Board.
- ii. ORS 294.135 (2) limits the maximum term of any repurchase agreement to 90 days.
- iii. On March 12, 1996, the OSTF Board adopted the following margins:
 - A. US Treasury Securities: 102%
 - B. US Agency Discount and Coupon Securities: 102%
 - C. Mortgage Backed and Other*: 103%

*Limited to those securities described in ORS 294.035(1)

IX. Investment Parameters

1. Credit Risk

Credit risk is the risk that a security or a portfolio will lose some or all of its value due to a real or perceived change in the ability of the issuer to repay its debt. Credit risk will be mitigated by the following guidelines:

i. Diversification

It is the policy of [Local Government] to diversify its investments. Where appropriate, exposures will be limited by security type; maturity; issuance, issuer, and security type, Allowed security types and Investment exposure limitations are detailed in the table below.

ii. Recognized Credit Ratings

Investments must have a rating from at least [one/two] of the following nationally

recognized statistical ratings organizations (NRSRO): Moody’s Investors Service; Standard & Poor’s; and Fitch Ratings Service as detailed in the table below. Ratings used to apply the guidelines below should be investment level ratings and not issuer level ratings.

iii. Portfolio Average Credit Rating

The minimum weighted average credit rating of the portfolio’s rated investments shall be Aa/AA/AA by Moody’s Investors Service; Standard & Poor’s; and Fitch Ratings Service respectively.

iv. Exposure Constraints and Minimum Investment Credit Ratings.

The following table limits exposures among investments permitted by this policy.

(This table contains sample restraints. Local Governments should also consult applicable State Statutes and legal guidelines):

Issue Type	Maximum % Holdings	Minimum Ratings Moody’s / S&P / Fitch
US Treasury Obligations	100%	None
US Agency Securities	100%	-
Per Agency (Senior Obligations Only)	33%	-
Oregon Short Term Fund	Maximum allowed per ORS 294.810	-
Bankers’ Acceptances	25% ⁽¹⁾	A1+/P1/F1+
Time Deposits/Savings Accounts/Certificates of Deposit ⁽²⁾	50%	-
Per Institution	25%	
Repurchase Agreements	5%	-
Corporate Debt (Total)	15% ⁽³⁾	-
Corporate Commercial Paper	15% ⁽³⁾	
Per Issuer	2.5% ⁽⁴⁾	A1/P1/F1
Corporate Bonds	10% ⁽³⁾	
Per Issuer	2.5% ⁽⁴⁾	Aa/AA/AA
Municipal Debt (Total)	10%	-
Municipal Commercial Paper	10%	A1/P1/F1
Municipal Bonds	10%	Aa/AA/AA

⁽¹⁾ 25% Maximum per ORS 294.035(D)

⁽²⁾ As authorized by ORS 294.035(3)(d)

⁽³⁾ 35% Maximum per ORS 294.035(D)

⁽⁴⁾ 5% Maximum per ORS 294.035(D)

v. Restriction on Issuers With Prior Default History

Per ORS 294.040, the bonds of issuers listed in ORS 294.035 (3)(a) to (c) may be purchased only if there has been no default in payment of either the principal of or the interest on the obligations of the issuing county, port, school district or city, for a period of five years next preceding the date of the investment.

2. Liquidity Risk

Liquidity risk is the risk that an investment may not be easily marketable or redeemable. The following strategies will be employed to mitigate liquidity risks:

- i. The value of at least 25% of funds available for investing or [three/six/twelve] months of budgeted operating expenditures will be invested in the Oregon Short Term Fund, with a qualified depository institution, or investments maturing in less than [30/60/90] days to provide sufficient liquidity for expected disbursements.
- ii. Funds in excess of liquidity requirements are allowed for investments maturing in greater than one year. However, longer-term investments tend to be less liquid than shorter term investments. Portfolio investment maturities will be limited as follows:

Total Portfolio Maturity Constraints:

Maturity Constraints	Minimum % of Total Portfolio
Under [30/60/90] days	25% or [three/six/twelve] months Estimated Operating Expenditures
Under 1 year	50%
Under 3 years	100%

- iii. Reserve or Capital Improvement Project monies may be invested in securities exceeding the maximum term if the maturities of such investments are made to coincide as nearly as practicable with the expected use of the funds.
- iv. Larger issuance sizes enhance liquidity as there are likely to be a greater number of investors. Issuance sizes above a minimum amount qualify a corporate or municipal debt bond issuance for index eligibility. Index eligible bonds have a significantly larger investor base which improves liquidity.
- v. Limiting investment in a specific debt issuance improves secondary market liquidity by assuring there are other owners of the issuance.

Issue Type	Maximum % of Issuance* (Par)
US Agency Securities	50%
Corporate Debt (Total)	-
Corporate Commercial Paper	100%
Corporate Bonds	25%
Municipal Bonds	25%

*The par amount issued under a single CUSIP.

3. Interest Rate Risk

Longer-term investments have the potential to achieve higher returns but are also likely to exhibit higher market value volatility due to the changes in the general level of interest rates over the life of the investment(s). Interest rate risk will be mitigated by providing adequate liquidity for short term cash needs, and by making longer-term investments only with funds that are not needed for current cash flow purposes. Certain types of securities, including

variable rate securities, securities with principal pay-downs prior to maturity, and securities with embedded options, will affect the interest rate risk profile of the portfolio differently in different interest rate environments. The following strategies will be employed to control and mitigate adverse changes in the market value of the portfolio due to changes in interest rates:

- i. Where feasible and prudent, investment maturities should be matched with expected cash outflows to mitigate market risk.
- ii. To the extent feasible, investment maturities not matched with cash outflows, including liquidity investments under one year, should be staggered to mitigate re-investment risk.
- iii. No commitments to buy or sell securities may be made more than 14 days prior to the anticipated settlement date, or receive a fee other than interest for future deliveries.
- iv. The maximum percent of callable securities in the portfolio shall be xx%;
- v. The maximum stated final maturity of individual securities in the portfolio shall be three years, except as otherwise stated in this policy.
- vi. The maximum portfolio average maturity (measured with stated final maturity) shall be 1.5 years.

X. Investment of Proceeds from Debt Issuance

1. Investments of bond proceeds are restricted under bond covenants that may be more restrictive than the investment parameters included in this policy. Bond proceeds shall be invested in accordance with the parameters of this policy and the applicable bond covenants and tax laws.
2. Funds from bond proceeds and amounts held in a bond payment reserve or proceeds fund may be invested pursuant to ORS 294.052. Investments of bond proceeds are typically not invested for resale and are maturity matched with outflows. Consequently, surplus funds within the scope of ORS 294.052 are not subject to this policy's liquidity risk constraints within section IX (2).

XI. Investment of Reserve or Capital Improvement Funds

1. Pursuant to ORS 294.135(1)(b), reserve or capital Improvement project monies may be invested in securities exceeding three years when the funds in question are being accumulated for an anticipated use that will occur more than 18 months after the funds are invested, then, upon the approval of the governing body of the county, municipality, school district or other political subdivision, the maturity of the investment or investments made with the funds may occur when the funds are expected to be used.

XII. Guideline Measurement and Adherence

1. Guideline Measurement

Guideline measurements will use [par/market] value of investments.

2. Guideline Compliance:

- i. If the portfolio falls outside of compliance with adopted investment policy guidelines or is being managed inconsistently with this policy, the Investment Officer shall bring the portfolio back into compliance in a prudent manner and as soon as prudently feasible.
- ii. Violations of portfolio guidelines as a result of transactions; actions to bring the portfolio back into compliance and; reasoning for actions taken to bring the portfolio back into compliance shall be documented and reported to the [Designated Oversight Body].
- iii. Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time. Securities need not be liquidated to realign the portfolio; however, consideration should be given to this matter when future purchases are made to ensure that appropriate diversification is maintained.

XIII. Reporting and Disclosure

1. Compliance

The Investment Officer shall prepare a report at least [monthly/quarterly] that allows the [Designated Oversight Body] to ascertain whether investment activities during the reporting period have conformed to the investment policy. The report should be provided to the investment oversight body. The report will include, at a minimum, the following:

- i. A listing of all investments held during the reporting period showing: par/face value; accounting book value; market value; type of investment; issuer; credit ratings; and yield to maturity (yield to worst if callable).
- ii. Average maturity of the portfolio at period-end.
- iii. Maturity distribution of the portfolio at period-end.
- iv. Average portfolio credit quality of the portfolio at period-end.
- v. Average weighted yield to maturity (yield to worst if callable investments are allowed) of the portfolio.
- vi. Distribution by type of investment.
- vii. Transactions since last report.
- viii. Distribution of transactions among financial counterparties such as broker/dealers.
- ix. Violations of portfolio guidelines or non-compliance issues that occurred during the prior period or that are outstanding. This report should also note actions (taken or planned) to bring the portfolio back into compliance.

2. Performance Standards/ Evaluation

At least annually, the Investment Officer shall report comparisons of investment returns to relevant alternative investments and comparative Bond Indexes. The performance of the portfolio should be compared to the performance of alternative investments such as available certificates of deposit; the Oregon Short Term Fund; US Treasury rates; or against one or bond indices with a similar risk profile (e.g., Bond indexes comprised high grade investments and maximum maturities of three years).

When comparing performance, all fees and expenses involved with managing the portfolio shall be included in the computation of the portfolio's rate of return.

3. Marking to Market.

The market value of the portfolio shall be calculated at least [monthly/quarterly] and a statement of the market value of the portfolio shall be issued at least [monthly/quarterly].

4. Audits

Management shall establish an annual process of independent review by the external auditor to assure compliance with internal controls. Such audit will include tests deemed appropriate by the auditor.

XIV. Policy Maintenance and Considerations

1. Review

The investment policy shall be reviewed at least annually to ensure its consistency with the overall objectives of preservation of principal, liquidity and return, and its relevance to current law and financial and economic trends.

The annual report should also serve as a venue to suggest policies and improvements to the investment program, and shall include an investment plan for the coming year.

2. Exemptions

Any investment held prior to the adoption of this policy shall be exempted from the requirements of this policy. At maturity or liquidation, such monies shall be reinvested as provided by this policy.

3. Policy Adoption and Amendments

This investment policy and any modifications to this policy must be formally approved in writing by the [Designated Oversight Body(s)] of [Local Government].

This policy must be submitted to the Oregon Short Term Fund (OSTF) Board for review if:

- i. This policy allows maturities beyond 18 months unless the funds are being accumulated for a specific purpose, including future construction projects, and upon approval of the [Designated Oversight Body(s)], the maximum maturity date matches the anticipated use of the funds (ORS 294.135(1)(b) and 294.135(3)).

And either:

- A. This policy has never been submitted to the OSTF Board for comment;

Or

- B. Material changes have been made since the last review by the OSTF Board.

Regardless of whether this policy is submitted to the OSTF Board for comment, this policy shall be re-submitted not less than annually to the [Designated Oversight Body(s)] for approval.

XV. List of Documents Used in Conjunction with this Policy

(The following is a list of suggested documents that may be used in conjunction with this policy)

- Listing of authorized personnel
- Relevant investment statutes and ordinances
- Description of benchmark(s)
- Master repurchase agreements and tri-party agreements
- Listing of authorized broker/dealers and financial institutions
- Credit studies for securities purchased and financial institutions used
- Safekeeping agreements
- Wire transfer agreements
- Sample investment reports
- Methodology for calculating rate of return
- Broker confirmations and safekeeping receipts



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: November 14, 2017	TITLE: Amending Transient Lodging Ordinance	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION <input type="checkbox"/> MOTION <input checked="" type="checkbox"/> OTHER
SUBMITTED BY: Pat Gray	ATTACHMENTS: An Ordinance Amending Sweet Home Ordinance 1022 (Transient Lodging Tax) with changes An Ordinance Amending Sweet Home Ordinance 1022 (Transient Lodging Tax) FINAL	
REVIEWED By:		

PURPOSE OF THIS RCA:

The 2017 Legislature has authorized the Oregon Department of Revenue (DOR) to collect local transient lodging taxes on behalf of cities. For this collection to occur, the City first needs to update its current ordinance to include specific interest and penalty language and allowances for confidential disclosures.

BACKGROUND/CONTEXT:

The City of Sweet Home has been collecting a 6% Transient Lodging Tax since 1990. A portion of the revenue collected from the tax is appropriated by the City Council to help support tourism projects in Sweet Home. The Sweet Home area Chamber of Commerce requests this revenue annually from the City to support its tourism activities.

The last amendment to the original ordinance was in 2001 to update some definitions. In 2003 the State imposed a 1% state-wide transient lodging tax and placed some restrictions on use of the local lodging taxes. Sweet Home’s current ordinance is grandfathered in from the restrictions.

The 2017 Legislature has authorized the Oregon Department of Revenue to collect local lodging taxes on behalf of a local government if the local government enters into an intergovernmental agreement similar to the IGAs used for local marijuana tax collection.

Before this can happen, local transient lodging ordinances need to be updated to include specific interest and penalty language as well as allow the sharing of confidential tax information between the DOR and local governments to improve lodging tax enforcement. At times, lodging providers have only paid the state and not local governments, vice versa or are not reporting the same amount of revenues subject to the tax to each entity.

THE CHALLENGE/PROBLEM:

Can we take advantage of an opportunity to have the city’s transient occupancy tax collected in a more efficient manner for the City, the State and the business/lodging tax establishment ensuring consistency?

STAKEHOLDERS:

- City of Sweet Home Residents. This proposed change in practice ensures residents that taxes collected for use in their community are being collected in a fair, more accurate and more efficient manner.
- Sweet Home Lodging Operators. Operators will not have to complete two separate reports to pay the transient lodging tax they collect from customers who stay at their facilities. One report, one payment to the State of Oregon.
- Sweet Home Lodging Customers. Language in the amended ordinance includes a certificate posted at the lodging facility that shows the percentage of tax to be collected on behalf of the City and requiring itemizing taxes on receipts giving the customers transparency on what they're paying for and that it is the correct amount.
- City Staff. Staff will no longer be spending time every quarter sending out reports to the local Lodging Operators, awaiting responses and following up with phone calls when reports are not received as scheduled.
- City Council. This change meets Council goals for increased staff efficiency and partnerships with other agencies.

ISSUES & FINANCIAL IMPACTS:

1. Operators will not have to complete two separate reports to pay the transient lodging tax they collect from customers who stay at their facilities. One report, one payment to the State of Oregon.
2. Residents are being ensured that taxes collected for use in their community are being collected in a fair and efficient manner.
3. Funds collected for tourism projects will be collected in a fair and efficient manner.
4. Language in the amended ordinance includes a certificate posted at the lodging facility that shows the percentage of tax to be collected on behalf of the City and requiring itemizing taxes on receipts giving the customers transparency on what they're paying for and that it is the correct amount.

ELEMENTS OF A STABLE SOLUTION:

Approving the proposed ordinance to reflect the required changes allows more efficiency for the business and the City as well as consistency in reporting requirements.

OPTIONS:

1. Do Nothing. Not update the currently lodging ordinance.
2. Update the Ordinance but not continue the process to enter into an IGA. Update the Ordinance but have city staff continue to collect the quarterly transient taxes.
3. Consider other revisions to the Ordinance. Changes and/or increases to the transient tax could jeopardize the grandfather status of the current ordinance. The current language allows the City increased flexibility in the distribution of the tax.
4. Consider some of the proposed changes. Council could choose some of the proposed changes and not others. Just be aware that specific interest and penalty language need to be included for the state to collect the taxes.
5. Make a motion to adopt Ordinance amending the SHMC 3.24 as presented. The Transient Lodging Ordinance will be updated with language the state has recommended to keep definitions and processes current and giving the state the ability to collect the tax on behalf of the City, increasing reporting efficiency and lessening City staff workload.

RECOMMENDATION:

Staff recommends option #5: Make a motion to adopt Ordinance amending the SHMC 3.24 as presented. Amending the current Transient Lodging Tax Ordinance with language the state has recommended will not only update definitions and processes to what is currently occurring in the market, but also giving the State the ability to collect the tax on behalf of the City when they collect their state-wide tax.

Following the adoption of the Ordinance, city staff will develop the certificates required in the Ordinance and deliver them to the Sweet Home Lodging Operators with a copy of the updated ordinance reiterating their responsibility to list the transient tax separately on customers' receipts.

When the Department of Revenue notifies local entities that its IGA process is ready to collect the tax on behalf of the cities, city staff will bring the IGA to Council for approval.

ORDINANCE BILL NO. _____ FOR 2017

ORDINANCE NO. _____

AN ORDINANCE AMENDING SWEET HOME ~~ORDINANCE 1022 (SWEET HOME MUNICIPAL CODE CHAPTER 3.24)~~

The City of Sweet Home does ordain as follows:

Section 1. The first sentence of SHMC Section 3.24.010 Title and Purpose is amended to read as follows:

This chapter shall be known as the “Transient ~~Occupancy Lodging~~ Tax Ordinance of the City of Sweet Home”.

Section 2. SHMC Section 3.24.020 Definitions for the following defined words shall be amended to read as follows:

DEFINITIONS.

- (a) **ACCRUAL ACCOUNTING.** The operator enters the rent due from an transient occupant on his or her records when the rent is earned whether or not it is paid.
- (b) **BOOKING SERVICE.** Any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between a host and a prospective occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction. Booking services include directly or indirectly accepting, receiving or facilitating payment, whether or not the person or entity is the ultimate recipient of the payment, including through Application Programming Interfaces (APIs) or other computerized devices where third-party providers receive information about a transaction and collect funds for the transient lodging occupancy from an occupant.
- (c) **CASH ACCOUNTING.** The operator does not enter the rent due from a transient occupant on his or her records until rent is paid.
- (d) **HOST** means the owner or person who resides at the short-term rental or has been designated by the owner or resident of the short-term rental and who rents out the short-term rental for transient lodging occupancy either directly or through the use of a hosting platform.
- (e) **HOSTING PLATFORM.** A person or entity that participates in the short-term rental business by collecting or receiving a fee for booking services through which a host may offer a transient lodging facility. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows a host to advertise the transient lodging through a website provided by the hosting platform and provides a means for the hosting platform to conduct a transaction by which prospective occupants arrange transient lodging and payment whether occupant pays rent directly to the host or to the hosting platform.
- (f) **LOCAL TAX TRUSTEE.** The operator hosting platform or designee thereof that accepts receives or facilitates the payment directly from the occupant, whether or not the operator or hosting platform is the ultimate recipient of the payment.
- (g) **~~MOTEL-TRANSIENT LODGING~~ or TRANSIENT LODGING FACILITIES.** Any structure, or

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any portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less, for dwelling, lodging or sleeping purposes, and includes any motel, inn, tourist home or house, hotel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, bed and breakfast, space in manufactured home park, space in mobile home park, space in trailer park, space in recreational vehicle park, or similar structure including space or portions thereof so occupied; provided, the occupancy is for ~~less than a 30-day period~~temporary human occupancy.

(h) ~~**OCCUPANCY.** The use or possession, or the right to the use or possession for lodging or sleeping purposes of any room or rooms in a motel, or space in a manufactured home park, mobile home park or portion thereof. The right to the use or possession of any space in transient lodging for dwelling, lodging or sleeping purposes for less than 30 days.~~

(i) ~~**OPERATOR.** The person who is proprietor of the motel in any capacity. Where the operator performs his or her functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an **OPERATOR** for the purposes of this chapter and shall have the same duties and liabilities as his or her principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall be considered to be compliance by both.~~(1) Any person who provides transient lodging for occupancy to the general public for compensation. Furnishing accommodations can be done via employees, contractors, agents or any other person allowed to process reservations and accept payment for the transient lodging on behalf of the transient lodging provider; or (2) Any person who facilitates the reservations of an accommodation and collects the payment for the transient lodging reservation from the occupant; or (3) Any transient lodging provider, transient lodging intermediary or transient lodging tax collector as defined in ORS 320.300.

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(j) ~~**PERSON.** Any individual, firm, partnership, joint venture, limited liability company, limited liability partnership, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.~~

(k) ~~**RENT.** The consideration charged, whether or not received by the operator, paid or payable by an occupant for the occupancy of a room or space in a moteltransient lodging valued in money, goods, labor, credits, property or other consideration. If a separate fee is charged for services, goods or commodities and the fee is optional, that fee is not included in rent. ~~valued in money, without any deduction.~~~~

~~(l) **RENT PACKAGE PLAN.** The consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient room tax under this chapter shall be the same charge made for rent when consideration is not a part of a package plan.~~

(m) ~~**SHORT-TERM RENTAL.** A house, duplex, multi-plex, apartment, condominium, houseboat, trailer or other residential dwelling unit where a person rents guest bedrooms or the entire residential dwelling unit for transient lodging occupancy. Generally, a short-term rental is zoned residential or has a building occupancy that only allows for residential use.~~

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(n) ~~**TAX. (TLT)** Either the tax payable by the transient or the aggregate amount of taxes due from an operator during the period for which he or she is required to report his or her collections. Means the transient lodging tax.~~

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(o) ~~**TAX ADMINISTRATOR.** The Finance Director of the City of Sweet Home.~~

(p) ~~**TRANSIENT OCCUPANT.** Any individual who exercises occupancy or is entitled to occupancy in a motel for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days.~~

~~The day a transient checks out of the hotel shall not be included in determining the 30-day period if the transient is not charged rent for that day by the operator. Any such individual so occupying space in a motel shall be deemed to be a transient until the period of 30 days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a **TRANSIENT**, uninterrupted periods of time extending both prior and subsequent to the effective date of this chapter may be considered. A person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a **TRANSIENT**. Any individual who exercises occupancy or is entitled to occupancy in transient lodging for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days.~~

Section 3. SHMC Section 3.24.030 -Tax Imposed is amended to read as follows:

TAX IMPOSED.

~~For the privilege of occupancy in any motel, on and after (A) Effective July 1, 1990, each transient occupant shall pay a tax (TLT) in the amount of 6% of the rent, charged by the operator. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the motel at the time the rent is paid. The operator shall enter the tax on his or her records when rent is collected if the operator keeps his or her records on the cash-accounting basis and when earned if the operator keeps his or her records on the accrual-accounting basis. If rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. If for any reason the tax due is not paid to the operator of the motel, the City Recorder may require that the tax shall be paid directly to the city. In all cases, the rent paid or charged per occupancy shall exclude the sale of any goods, services and commodities, other than furnishing of rooms, accommodations and parking space in a manufactured home park, mobile home park, trailer park, trailer park and recreational vehicle park. The occupant shall pay the TLT with the rent to the Local Tax Trustee. TLT amounts shall be rounded down to the nearest cent. The Local Tax Trustee shall maintain records of all rent charged and TLT payments received. If rent is paid in installments, a proportionate share of the TLT shall be paid by the occupant to the Local Tax Trustee with each installment unless the occupant pays the entire amount with the first payment.~~

~~(B) Bills, receipts or invoices provided to occupants shall list the city TLT separately and must accurately state the amount of tax. All amounts list as TLT on invoices, bills or receipts must be reported as TLT and, after collection, must be turned over to the City.~~

~~(C) No Local Tax Trustee shall advertise that the TLT or any part of the TLT will be assumed or absorbed by the Local Tax Trustee, or that it will not be added to the rent, or that any part of it will be refunded, except in the matter provided by this chapter.~~

Section 4. SHMC Section 3.24.040 -Collection of Tax By Operator is replaced with Collection of Tax By Local Tax Trustee and amended to read as follows:

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COLLECTION OF TAX BY OPERATOR—RULES FOR COLLECTION:LOCAL TAX TRUSTEE

A. ~~Every operator renting room or space in this city, the occupancy of which is not exempt under the terms of this chapter, shall collect a tax from the occupant. Every Local Tax Trustee shall collect the TLT at the time rent is paid, unless an exemption applies. If payment is by credit card for purposes of this section payment is made at the time credit card information is provided to Local Tax Trustee not when the Local Tax Trustee ultimately receives credit for the transaction. While holding the payment in trust for the City, a Local Tax Trustee may commingle the tax proceeds with the Local Tax Trustee's funds, but the Local Tax Trustee is not the owner of tax proceeds. Local Tax Trustees may choose to file returns and remit payment based on amounts accrued but not collected. The Local Tax Trustee is liable for any TLT that should have been collected from the occupant, except in cases of nonpayment of rent by the occupant.~~

B. ~~In all cases of credit or deferred payment of rent, the payment of tax to the operator may be deferred until the rent is paid and the operator shall not be liable for the tax until credits are paid or deferred payments are made. Upon request of the City, Local Tax Trustees must provide all physical addresses of transient lodging facilities within the city limits and the related contact information, including the name and mailing address, of the general manager, agent, owner, host or other responsible person for the location.~~

C. Operators who receive any portion of the rent and hosting platform that provide booking service are jointly and severally liable for the tax.

Section 5. SHMC Section 3.24.050 -Operator's Duties is replaced with Short-Term Rental Hosting Platform Fees and amended to read as follows:

OPERATOR'S DUTIES, SHORT-TERM RENTAL HOSTING PLATFORM FEES.

~~—Each operator shall collect the tax imposed by this chapter at the same time as the rent is collected from every transient. The amount of tax shall be separately stated upon the operator's records and any receipt rendered by the operator. No operator of a motel shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, when added, any part will be refunded, except in the manner provided by this chapter.~~

~~(Ord. 1022, § 5, 1990) SHORT-TERM RENTAL HOSTING PLATFORM FEES~~

A hosting platform for short-term rentals may collect a fee for booking services in connection with short-term rentals only when those short-term rentals are lawfully registered as operators with the city and possess a certificate of authority at the time the short-term rental is occupied.

Section 6. SHMC Section 3.24.060 -Exemptions is amended to read as follows:

EXEMPTIONS.

No tax imposed under this chapter shall be imposed upon:

A. ~~Any occupant for more than 30 successive calendar days (a person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed a transient);~~ A dwelling unit in a hospital, health care facility, long-term care facility or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority;

B. ~~Any occupant whose rent is of a value less than \$2 per day;~~ A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;

C. ~~Any person who rents a private home, vacation cabin or like facility from any owner who rents such facilities incidentally to his or her own use thereof; and~~ A dwelling unit, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter;

D. ~~Any occupant whose rent is paid for hospital room or to a medical clinic, convalescent home or home for aged people.~~ A dwelling unit at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility; or

E. A dwelling unit that is leased or otherwise occupied by the same person for a consecutive period of 30 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period, if:

(1) All dwelling units occupied are within the same facility; and

(2) The person paying consideration for the transient lodging is the same person throughout the consecutive period.

Section 7. SHMC Section 3.24.070 -Registration of Operator-Form and Contents-Executions is replaced with Registration of Operator-Form and Contents-Executions-Certification of Authority and is amended to read as follows:

REGISTRATION OF OPERATOR—FORM AND CONTENTS—EXECUTIONS—CERTIFICATION OF AUTHORITY-

A. Every person engaging or about to engage in business as an operator ~~of a motel in this city~~ in the City of Sweet Home shall register with the ~~City Recorder~~ Tax Administrator.

B. Operators engaged in business at the time the ordinance codified in this chapter is adopted must register not later than 30 days after passage of the ordinance codified in this chapter. Operators starting business after this chapter is adopted must register within 15 calendar days after commencing business. The privilege of registration after the date of imposition of the tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration. ~~The r~~ Registration form shall be signed by the

Operator and shall set forth the name under which an Operator transacts or intends to transact business, the location of his or her place or places of business and such other information to facilitate the collection of the tax as the ~~City Recorder~~ Tax Administrator may require.

C. The Tax Administrator shall, within 15 days after registration, issue without charge a certificate of authority to collect the TLT. The obligation to collect the TLT is imposed once rent for transient lodging is paid, even if the registration form has not been filed or if the certificate has not been issued. If rent transaction is facilitated online, the certificate of authority must be able to be viewed by the occupant by clicking a link to the certificate of authority at a reasonable place during the payment transaction.

D. Certificates shall be nonassignable and nontransferable, and shall be surrendered to the Tax Administrator when the business is sold or transferred or when a lodging facility ceases to operate at the location specified form. Each certificate issued to an operator for a specific lodging facility shall be prominently displayed at the lodging facility and include:

- (1) The name of the Operator;
- (2) The address of the transient lodging facility;
- (3) The date the certificate was issued; and
- (4) The certificate number as assigned by the Tax Administrator
- (5) The amount of City authorized Lodging Tax as a percentage.

Section 8. SHMC Section 3.24.080 -Returns and Payments is replaced with Returns and Remittances and amended to read as follows:

RETURNS AND PAYMENTS REMITTANCES.

~~—A.—~~ The tax imposed by this chapter shall be paid by the transient-occupant to the Operator at the time that rent is paid. The taxes collected by any operator are due and payable to the City Recorder Tax Administrator as follows:

A. Local Tax Trustees shall submit a completed tax return form to the Tax Administrator on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due during the quarter and accompanied by remittance of all tax collected.

B. Remittances are delinquent if not made by the last day of the month in which they are due.

C. Returns shall show the gross rents collected, taxable rents and the total amount of TLT collected. Returns shall also show the exempt and excluded rents and the basis for exemption and exclusion.

D. Tax returns and remittances may be submitted in person or by mail. If the return and remittance is mailed, the postmark shall be considered the date of delivery.

E. The Tax Administrator may extend the time for making any return or remittance of the tax up to 30 days. No further extension shall be granted, except by the City Council. Any local Tax Trustee to whom an extension is granted shall pay interest at the rate of 10% per month on the amount of the remittance due without proration for a fraction of a month. If a return is not filed, and the remittance and interest due is not paid by the end of the extension granted, then the interest shall become part of tax for computation of penalties.

~~—1. On a monthly basis by the fifteenth day of the following month for the first 12 months following registration as an operator of a motel in the city;~~

~~—2. On a monthly basis by the fifteenth day of the following month for a period of time designated by the City Recorder whenever the operator has been delinquent in two or more consecutive payments; or~~

~~—3. On a quarterly basis on the fifteenth day of the month following the close of the quarter for all other operators. The quarters are:~~

~~—a. First quarter: January, February, March;~~

~~—b. Second quarter: April, May, June;~~

~~—c. Third quarter: July, August, September; and~~

~~—d. Fourth quarter: October, November, December.~~

~~—B. Taxes are delinquent if not paid within ten days of the due date.~~

~~—C. Returns shall be filed in such form as the City Recorder may prescribe. Returns are due at the time the tax is paid. Returns shall show the amount of tax collected or otherwise due for the related period. The City~~

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~~Recorder may require returns to show the total rentals upon which tax was collected or otherwise due.
-D. The person required to file the return shall deliver the return, together with the remittance of the amount of the tax due, to the City Recorder at his or her office either by personal delivery or by mail. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.~~

Section 9. SHMC Section 3.24.090 -Delinquency Penalties is replaced with Penalties and Interest and amended to read as follows:

DELINQUENCY PENALTIES PENALTIES AND INTEREST.

- ~~-A. Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to Oregon Department of Revenue was originally required to be filed to the time of payment.~~
- B. If a Local Tax Trustee fails to file a return with the Oregon Department of Revenue or pay the tax as required, a penalty shall be imposed in the same manner and amount provided under ORS 314.400.
- C. Every penalty imposed and any interest that accrues, becomes a part of the financial obligation required to be paid and remitted to the Oregon Department of Revenue.
- D. Taxes, interest and penalties transferred to the City of Sweet Home by the Oregon Department of Revenue will be distributed to the City's General Fund.
- E. If at any time a Local Tax Trustee fails to remit any amount owed in taxes, interest or penalties, the Oregon Department of Revenue is authorized to enforce collection on behalf of the City of the owed amount, an agreement between the Oregon Department of Revenue and City of Sweet Home under ORS 305.620 and any applicable administrative rules adopted by the Oregon Department of Revenue. — An operator who has not been granted an extension of time for remittance of tax due and who fails to remit the tax prior to delinquency shall pay a penalty of 10% of the tax due in addition to the tax.
- ~~-B. An operator who has not been granted an extension of time for remittance of tax due, and who fails to pay a delinquent remittance before the extension of 30 days following the date on which the remittance became delinquent, shall pay a second delinquency penalty of 15% of the tax due, the amount of the tax and the 10% penalty first imposed.~~
- ~~-C. If the Tax Administrator determines that the non-payment of a remittance is due to fraud or intent to evade the tax, a penalty of 25% of the tax shall be added in addition to the penalties stated in subsections A. and B. above.~~
- ~~-D. In addition to the penalties imposed by this section, an operator who fails to remit the required tax shall pay interest at the rate of 0.5% per month, without proration for portions of a month, on the tax due, exclusive of penalties, from the date on which the tax first became delinquent until paid.~~
- ~~-E. Each penalty imposed and the interest accrued under the provisions of this section shall be merged with and become a part of the tax required to be paid.~~

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Section 10. SHMC Section 3.24.100 -Deficiency Determination-Fraud-Evasion-Operator Delay is replaced with Deficiency Determination-Fraud-Evasion-Local Tax Trustee Delay and amended to read as follows:

DEFICIENCY DETERMINATIONS—FRAUD—EVASION—OPERATOR LOCAL TAX TRUSTEE DELAY.

A. Deficiency determination. The Tax Administrator may review tax returns and adjust the amount due based on the information in the return, on information obtained during a review or audit of records, or on the basis of other evidence. In the event of a deficiency, the Tax Administrator shall provide notice of the deficiency to the Local Tax Trustee, who shall remit deficiencies within 10 business days of the deficiency notice. Notice may be by personal delivery or certified or registered mail. If the City Recorder determines that the returns are incorrect, he or she may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns or upon the basis of any information within his or her possession or that may come into his or her possession. One or more deficiency determinations may be made of the amount due for one, or more than one period, and the amount so determined shall be due and payable

~~immediately upon service of notice as herein provided after which the amount determined is delinquent.~~
Penalties on deficiencies shall be applied as set forth in § 3.24.090.

- ~~1. —1. In reviewing and adjusting tax returns, the Tax Administrator shall offset any amount received in excess of the remittances due against any shortages in remittances.~~
- ~~2. Except in the case of fraud or intent to evade TLT, notice of deficiency determinations shall be issued within three years of the period for which the deficiency determination is made.~~
- ~~3. The time to remit deficient payment amounts under this section shall be extended if the Local Tax Trustee timely requests a redetermination.~~
- ~~4. The Tax Administrator shall mail or personally serve written notice of final determination to the Local Tax Trustee.~~

~~— In making a determination, the City Recorder may offset overpayments, if any, which may have been previously made for a period or periods, against any underpayment for a subsequent period or periods, or against penalties, and interest, on the underpayments. The interest on underpayments shall be computed in the manner set forth in § 3.24.090; and~~
~~— 2. The City Recorder shall give to the operator or occupant a written notice of his or her determination. The notice may be served personally or by mail.~~

~~B. *Fraud, refusal to collect, evasion.* If any Local Tax Trustee fails to collect, report or remit the tax as required, submits a fraudulent return, or otherwise violates or attempts to violate this chapter, the Tax Administrator shall estimate the tax due, and calculate the amount owing from the Local Tax Trustee for tax remittance, interest and penalties and provide notice to the Local Tax Trustee of the assessment. The determination and notice shall be made and mailed within three years of the discovery by the Tax Administrator of the violation. The determination is due and payable upon receipt of notice and shall become final 10 business days after the date notice was delivered if no petition for redetermination is filed. If any operator shall fail or refuse to collect the tax or to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the City Recorder shall proceed in such manner as he or she may deem best to obtain facts and information on which to base an estimate of the tax due. As soon as the city recorder has determined the tax due that is imposed by this chapter from any operator who has failed or refused to collect the same and to report and remit the tax, he or she shall proceed to determine and assess against the operator the tax and interest provided for by this chapter. In case such determination is made, the City Recorder shall give a notice in the manner aforesaid of the amount so assessed. The determination and notice shall be made and mailed within three years after discovery by the City Recorder of any fraud, intent to evade or failure or refusal to collect the tax or failure to file return. Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten days after the City Recorder has given notice thereof.~~

~~C. *Costs of determining tax.* All costs to the city in determining the actual tax due from any operator shall be added to and become a part of the amount owed by the operator upon written notice to the operator, served personally or by mail.~~

Section 11. SHMC Section 3.24.120 -Security For Collection of Tax is ~~removed~~replaced with **REDETERMINATIONS** and amended to read as follows:

REDETERMINATIONS:

- A. Any person affected by a determination may file a petition for determination with the tax administrator within 10 business days of service of notice of the tax deficiency. A determination becomes final if a petition for redetermination is not timely filed.
- B. If a petition for redetermination is filed within the allowable period, the tax administrator shall reconsider the determination and grant an oral hearing if requested. The petitioner shall be allowed at least 20 business days to prepare for the hearing.
- C. After considering the petition and all available information, the tax administrator shall issue a redetermination decision and mail the decision to the petitioner. During the redetermination process, the tax administrator may agree to a compromise of the amount due if there is a good faith dispute over the amount owing.
- D. The decision of the tax administrator on redetermination becomes final and payment is due 10

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~~business days after the decision is mailed unless the petitioner files an appeal to the city council within that time. The appeal shall be filed with the tax administrator. The city council's decision shall be final when reduced to writing and mailed to the petitioner and all amounts due must be paid within 10 business days of mailing of the city council decision.~~

SECURITY FOR COLLECTION OF TAX.

~~A. The City Recorder, whenever he or she deems it necessary to insure the compliance with this chapter, may require the operator subject thereto to deposit with him or her such security in the form of cash, bond or other security as the City Recorder may determine. The amount of the security shall be fixed by the City Recorder, but shall not be greater than twice the operator's estimated average monthly liability for the period for which he or she files returns, determined in such a manner as the City Recorder deems proper, or \$5,000, whichever amount is less. The operator has a right to appeal to the transient occupancy Tax Appeal Board any decision of the City Recorder made pursuant to this section. The operator's right to appeal is pursuant to § 3.24.150.~~

~~B. At any time within three years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three years after any determination becomes final, the City Recorder may bring any action in the courts of this state, or any other state, or of the United States in the name of the city to collect the amount delinquent together with penalties and interest.~~

Section 12. SHMC Section 3.24.130 -Operator's Refunds is replaced with Refunds and amended to read as follows:

OPERATOR'S REFUNDS.

- A. Refunds by the City to the Local Tax Trustee – If the Local Tax Trustee remits more tax, penalty or interest than is due, the Local Tax Trustee may file a claim in writing stating the facts relating to the claim, within three years from the date of remittance. If the claim is approved by the Tax Administrator, the excess amount shall be either refunded or credited on any amount due from the Local Tax Trustee.
- B. Refunds by City to Occupant – A Local Tax Trustee may file a claim for refund by filing a claim in writing within three years of payment providing the facts relating to the claim for refund. If the Tax Administrator determines that the tax was collected and remitted to the City and the occupant was not required to pay the tax or overpaid, the City shall issue a refund.
- C. Refunds by Local Tax Trustee to Occupants – If an occupant has paid tax to a Local Tax Trustee, but then stays a total of 30 or more consecutive days, the Local Tax Trustee shall refund to the occupant any tax collected for any portion of the continuous stay. The Local Tax Trustee shall account for the collection and refund to the Tax Administrator. If the Local Tax Trustee has remitted the tax prior to the refund or credit to the occupant, the Local Tax Trustee shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.
- D. Burden of Proof – The person claiming the refund shall have the burden of proving the facts that established the basis for the refund. Whenever the amount of any tax, penalty or interest has been paid more than once, or has been erroneously collected or received by the City Recorder, it may be refunded, provided a verified claim in writing therefor, stating the specific reason upon which the claim is founded, is filed with the City Recorder within three years from the date of payment. If the claim is approved, the excess amount collected or paid may be refunded or may be credited on any amounts then due and payable from the operator from whom it was collected or by whom paid and the balance may be refunded to the operator, his or her administrators, executors or assignees. All refunds shall be charged to the transient occupancy tax revenue account of the city's General Fund.

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Section 13. SHMC Section 3.24.140 -Administration is amended to read as follows:

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ADMINISTRATION.

A. *Records required from operators—form.* Every operator shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the operator for a period of

at least three years and six months after they come into being.

B. Examination of records—investigations. The ~~City Recorder~~ Tax Administrator or agent may examine during normal business hours, the books, papers and accounting records relating to room sales of any operator after notification to the operator liable for the tax and may investigate the business of the operator in order to verify the accuracy of any return made or, if no return is made by the operator, to ascertain and determine the amount required to be paid.

C. Authority of Tax Administrator. The Tax Administrator shall have the power to enforce this chapter, conduct audits, and to adopt rules, regulations and forms consistent with this chapter. Rules and regulations of general application shall be mailed to all registered operators. The Tax Administrator may also issue written interpretations on request of a Local Tax Trustee. As to the Local Tax Trustee to whom the interpretation is issued, the City will act consistently with the interpretation until it is withdrawn, and the City shall provide 30 days' written notice of withdrawal of an interpretation.

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D. Confidential character of information obtained—disclosures unlawful. The City shall maintain the confidentiality of information provided by Local Tax Trustees. Nothing in this subsection shall be construed to prevent:

- (1) The disclosure to, or the examination of records and equipment by, another city official, employee or agent for collection of taxes for the purpose of administering or enforcing any provisions of this chapter or collecting city business license fees.
- (2) Disclosure of information to the Local Tax Trustee and the Local Tax Trustee's agents.
- (3) The disclosure of the names and addresses of any persons to whom certificates of authority have been issued.
- (4) The disclosure of general statistics regarding taxes collected or business done in the City.
- (5) Disclosures required by ORS Chapter 192.
- (6) Disclosures required by ORS Chapter 297.

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~~It is unlawful for the City Recorder or any person having an administrative or clerical duty under the provisions of this chapter to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any person, except:~~

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~~— 1. The disclosure to, or the examination of records and equipment by another city official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provision of this chapter, or collecting taxes imposed hereunder; or~~

~~— 2. The disclosure after the filing of a written request to that effect, to the taxpayer himself or herself, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest, and penalties. However, the City Attorney shall approve each disclosure and the City Recorder may refuse to make any disclosure referred to in this section when, in his or her opinion, the public interest would suffer thereby.~~

Section 14. SHMC Section 3.24.160 -Remedies and Liens is replaced with Remedies, Collections and Liens and amended to read as follows:

REMEDIES COLLECTIONS AND LIENS.

A. The remedies, which include penalties herein, provided for in this chapter or sections thereof shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the city.

B. The City may bring legal action to collect on any amounts owed to the City under this chapter within three years after remittance is due to the City or within three years after any determination becomes final.

C. The City is entitled to collect reasonable attorneys' fees in any legal action brought to collect on amounts owed to the City under this chapter.

D. The City may record a lien in the City's lien docket against any real property owned by an operator who receives any portion of the rent from a transient lodging facility located within the City as to any delinquent remittances by the operator.

~~Collection of the taxes, interest and penalties due and owing can be accomplished by any remedy open to the city, including using the procedures for placing a lien on real property as set out in §§ 8.04.230 through~~

~~8.04.260, and any amendments thereto. If the procedures for collection are followed as set out above, the taxes, interest and penalties due and owing and the costs of collection shall become a lien on the real property and/or an obligation of the owner of the real property as set out in §§ 8.04.230 through 8.04.260 and any amendments thereto.~~

Section 15. SHMC Section 3.24.170 -Violation is amended to read as follows:

VIOLATION.

A. It is unlawful for any operator or other person so required, to fail or refuse to register as required in this chapter, or to furnish any return required to be made, or to fail or refuse to furnish a supplemental return or other data required by the ~~City Recorder~~Tax Administrator or to render a false or fraudulent return. No person required to make, render, sign or verify any report shall make any false or fraudulent report, with intent to defeat or evade the determination of an amount due required by this chapter. No person shall violate any provision of this chapter.

B. Violation of this chapter constitutes a violation and may be prosecuted under the provisions of SHMC Chapter 9.36 and any amendments thereto. Each day that a violation remains uncured is a separate offense.

Section 16. SHMC 3.24.180 APPEALS TO CITY COUNCIL is created and reads as follows:

APPEALS TO CITY COUNCIL

Any person aggrieved by any decision of the tax administrator may appeal to the city council by filing a written appeal with the tax administrator within 10 business days of the serving or mailing of the decision being appealed. The city manager shall schedule the hearing on a city council agenda and provide the appellant notice of the hearing at least 10 business days before the hearing. The city council may agree to a compromise of the amount of tax remittance if there is a good faith dispute over the amount owing. Any person may appeal the issuance of a rule or regulation issued by the tax administrator to the city council by filing a written appeal within 10 business days of the mailing of the notice of the regulation. The City Council's decision shall be final when reduced to writing and mailed to the petitioner and all amounts due must be paid within 10 business days of mailing of the city council decision.

Section 17. Sweet Home Ordinance No. 1022 is amended hereby as set forth herein to correspond herewith.

PASSED by the Council and approved by the Mayor this ____ day of _____, 2017

Mayor

ATTEST: _____
City Manager – Ex Officio City Recorder

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ORDINANCE BILL NO. 14 FOR 2017

ORDINANCE NO. _____

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 3.24

The City of Sweet Home does ordain as follows:

Section 1. The first sentence of SHMC Section 3.24.010 Title and Purpose is amended to read as follows:

This chapter shall be known as the “Transient Lodging Tax Ordinance of the City of Sweet Home”.

Section 2. SHMC Section 3.24.020 Definitions for the following defined words shall be amended to read as follows:

DEFINITIONS.

- (a) **ACCRUAL ACCOUNTING.** The operator enters the rent due from an occupant on his or her records when the rent is earned whether or not it is paid.
- (b) **BOOKING SERVICE.** Any reservation and/or payment service provided by a person or entity that facilitates a short-term rental transaction between a host and a prospective occupant, and for which the person or entity collects or receives, directly or indirectly through an agent or intermediary, a fee in connection with the reservation and/or payment services provided for the short-term rental transaction. Booking services include directly or indirectly accepting, receiving or facilitating payment, whether or not the person or entity is the ultimate recipient of the payment, including through Application Programming Interfaces (APIs) or other computerized devices where third-party providers receive information about a transaction and collect funds for the transient lodging occupancy from an occupant.
- (c) **CASH ACCOUNTING.** The operator does not enter the rent due from an occupant on his or her records until rent is paid.
- (d) **HOST** means the owner or person who resides at the short-term rental or has been designated by the owner or resident of the short-term rental and who rents out the short-term rental for transient lodging occupancy either directly or through the use of a hosting platform.
- (e) **HOSTING PLATFORM.** A person or entity that participates in the short-term rental business by collecting or receiving a fee for booking services through which a host may offer a transient lodging facility. Hosting platforms usually, though not necessarily, provide booking services through an online platform that allows a host to advertise the transient lodging through a website provided by the hosting platform and provides a means for the hosting platform to conduct a transaction by which prospective occupants arrange transient lodging and payment whether occupant pays rent directly to the host or to the hosting platform.
- (f) **LOCAL TAX TRUSTEE.** The operator hosting platform or designee thereof that accepts receives or facilitates the payment directly from the occupant, whether or not the operator or hosting platform is the ultimate recipient of the payment.
- (g) **TRANSIENT LODGING or TRANSIENT LODGING FACILITIES.** Any structure, or any portion of any structure which is occupied or intended or designed for transient occupancy for 30 days or less, for dwelling, lodging or sleeping purposes, and includes any motel, inn, tourist home or house, hotel,

studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, bed and breakfast, space in manufactured home park, space in mobile home park, space in trailer park, space in recreational vehicle park, or similar structure including space or portions thereof so occupied; provided, the occupancy is for temporary human occupancy.

- (h) **OCCUPANCY** The right to the use or possession of any space in transient lodging for dwelling, lodging or sleeping purposes for less than 30 days.
- (i) **OPERATOR.** (1) Any person who provides transient lodging for occupancy to the general public for compensation. Furnishing accommodations can be done via employees, contractors, agents or any other person allowed to process reservations and accept payment for the transient lodging on behalf of the transient lodging provider; or (2) Any person who facilitates the reservations of an accommodation and collects the payment for the transient lodging reservation from the occupant; or (3) Any transient lodging provider, transient lodging intermediary or transient lodging tax collector as defined in ORS 320.300.
- (j) **PERSON.** Any individual, firm, partnership, joint venture, limited liability company, limited liability partnership, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate or any other group or combination acting as a unit.
- (k) **RENT.** The consideration paid or payable by an occupant for the occupancy of space in transient lodging valued in money, goods, labor, credits, property or other consideration. If a separate fee is charged for services, goods or commodities and the fee is optional, that fee is not included in rent.
- (l) **SHORT-TERM RENTAL.** A house, duplex, multi-plex, apartment, condominium, houseboat, trailer or other residential dwelling unit where a person rents guest bedrooms or the entire residential dwelling unit for transient lodging occupancy. Generally, a short-term rental is zoned residential or has a building occupancy that only allows for residential use.
- (m) **TAX.** (TLT) Means the transient lodging tax.
- (n) **TAX ADMINISTRATOR.** The Finance Director of the City of Sweet Home.
- (o) **OCCUPANT.** Any individual who exercises occupancy or is entitled to occupancy in transient lodging for a period of 30 consecutive calendar days or less, counting portions of calendar days as full days.

Section 3. SHMC Section 3.24.030 Tax Imposed is amended to read as follows:

TAX IMPOSED.

- (A) Effective July 1, 1990, each occupant shall pay a tax (TLT) in the amount of 6% of the rent. The occupant shall pay the TLT with the rent to the Local Tax Trustee. TLT amounts shall be rounded down to the nearest cent. The Local Tax Trustee shall maintain records of all rent charged and TLT payments received. If rent is paid in installments, a proportionate share of the TLT shall be paid by the occupant to the Local Tax Trustee with each installment unless the occupant pays the entire amount with the first payment.
- (B) Bills, receipts or invoices provided to occupants shall list the city TLT separately and must accurately state the amount of tax. All amounts list as TLT on invoices, bills or receipts must be reported as TLT and, after collection, must be turned over to the City.
- (C) No Local Tax Trustee shall advertise that the TLT or any part of the TLT will be assumed or absorbed by the Local Tax Trustee, or that it will not be added to the rent, or that any part of it will be refunded, except in the matter provided by this chapter.

Section 4. SHMC Section 3.24.040 Collection of Tax By Operator is replaced with Collection of Tax By Local Tax Trustee and amended to read as follows:

COLLECTION OF TAX BY LOCAL TAX TRUSTEE

A. Every Local Tax Trustee shall collect the TLT at the time rent is paid, unless an exemption applies. If payment is by credit card for purposes of this section payment is made at the time credit card information is provided to Local Tax Trustee not when the Local Tax Trustee ultimately receives credit for the transaction. While holding the payment in trust for the City, a Local Tax Trustee may commingle the tax proceeds with the Local Tax Trustee's funds, but the Local Tax Trustee is not the owner of tax proceeds. Local Tax Trustees may choose to file returns and remit payment based on amounts accrued but not collected. The Local Tax Trustee is liable for any TLT that should have been collected from the occupant, except in cases of nonpayment of rent by the occupant.

B. Upon request of the City, Local Tax Trustees must provide all physical addresses of transient lodging facilities within the city limits and the related contact information, including the name and mailing address, of the general manager, agent, owner, host or other responsible person for the location. C. Operators who receive any portion of the rent and hosting platform that provide booking service are jointly and severally liable for the tax.

Section 5. SHMC Section 3.24.050 Operator's Duties is replaced with Short-Term Rental Hosting Platform Fees and amended to read as follows:

SHORT-TERM RENTAL HOSTING PLATFORM FEES. SHORT-TERM RENTAL HOSTING PLATFORM FEES

A hosting platform for short-term rentals may collect a fee for booking services in connection with short-term rentals only when those short-term rentals are lawfully registered as operators with the city and possess a certificate of authority at the time the short-term rental is occupied.

Section 6. SHMC Section 3.24.060 Exemptions is amended to read as follows:

EXEMPTIONS.

No tax imposed under this chapter shall be imposed upon:

A. A dwelling unit in a hospital, health care facility, long-term care facility or any other residential facility that is licensed, registered or certified by the Oregon Department of Human Services or the Oregon Health Authority;

B. A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;

C. A dwelling unit, the consideration for which is funded through a contract with a government agency and the purpose of which is to provide emergency or temporary shelter;

D. A dwelling unit at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility; or

E. A dwelling unit that is leased or otherwise occupied by the same person for a consecutive period of 30 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period, if:

(1) All dwelling units occupied are within the same facility; and

(2) The person paying consideration for the transient lodging is the same person throughout the consecutive period.

Section 7. SHMC Section 3.24.070 Registration of Operator-Form and Contents-Executions is replaced with Registration of Operator-Form and Contents-Executions-Certification of Authority and amended to read as follows:

REGISTRATION OF OPERATOR—FORM AND CONTENTS—EXECUTIONS-CERTIFICATION OF AUTHORITY

A. Every person engaging or about to engage in business as an operator in the City of Sweet Home shall register with the Tax Administrator.

B. Operators engaged in business at the time the ordinance codified in this chapter is adopted must register not later than 30 days after passage of the ordinance codified in this chapter. Operators starting business after this chapter is adopted must register within 15 calendar days after commencing business. The privilege of registration after the date of imposition of the tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration. The registration form shall be signed by the Operator and shall set forth the name under which an Operator transacts or intends to transact business, the location of his or her place or places of business and such other information to facilitate the collection of the tax as the Tax Administrator may require.

C. The Tax Administrator shall, within 15 days after registration, issue without charge a certificate of authority to collect the TLT. The obligation to collect the TLT is imposed once rent for transient lodging is paid, even if the registration form has not been filed or if the certificate has not been issued. If rent transaction is facilitated online, the certificate of authority must be able to be viewed by the occupant by clicking a link to the certificate of authority at a reasonable place during the payment transaction.

D. Certificates shall be non-assignable and nontransferable, and shall be surrendered to the Tax Administrator when the business is sold or transferred or when a lodging facility ceases to operate at the location specified form. Each certificate issued to an operator for a specific lodging facility shall be prominently displayed at the lodging facility and includes:

- (1) The name of the Operator;
- (2) The address of the transient lodging facility;
- (3) The date the certificate was issued; and
- (4) The certificate number as assigned by the Tax Administrator
- (5) The amount of City authorized Lodging Tax as a percentage.

Section 8. SHMC Section 3.24.080 Returns and Payments is replaced with Returns and Remittances and amended to read as follows:

RETURNS AND REMITTANCES.

The tax imposed by this chapter shall be paid by the occupant to the Operator at the time that rent is paid. The taxes collected by any operator are due and payable to the Tax Administrator as follows:

- A. Local Tax Trustees shall submit a completed tax return form to the Tax Administrator on or before the last day of the month following the end of each calendar quarter, reporting the amount of tax due during the quarter and accompanied by remittance of all tax collected.
- B. Remittances are delinquent if not made by the last day of the month in which they are due.
- C. Returns shall show the gross rents collected, taxable rents and the total amount of TLT collected. Returns shall also show the exempt and excluded rents and the basis for exemption and exclusion.
- D. Tax returns and remittances may be submitted in person or by mail. If the return and remittance is mailed, the postmark shall be considered the date of delivery.
- E. The Tax Administrator may extend the time for making any return or remittance of the tax up to 30 days. No further extension shall be granted, except by the City Council. Any local Tax Trustee to whom an extension is granted shall pay interest at the rate of 10% per month on the amount of the remittance due without proration for a fraction of a month. If a return is not filed, and the remittance and interest due is not paid by the end of the extension granted, then the interest shall become part of tax for computation of penalties.

Section 9. SHMC Section 3.24.090 Delinquency Penalties is replaced with Penalties and Interest and amended to read as follows:

PENALTIES AND INTEREST.

- A. Interest shall be added to the overall tax amount due at the same rate established under ORS 305.220 for each month, or fraction of a month, from the time the return to Oregon Department of Revenue was originally required to be filed to the time of payment.
- B. If a Local Tax Trustee fails to file a return with the Oregon Department of Revenue or pay the tax as

- required, a penalty shall be imposed in the same manner and amount provided under ORS 314.400.
- C. Every penalty imposed and any interest that accrues becomes a part of the financial obligation required to be paid and remitted to the Oregon Department of Revenue.
 - D. Taxes, interest and penalties transferred to the City of Sweet Home by the Oregon Department of Revenue will be distributed to the City's General Fund.
 - E. If at any time a Local Tax Trustee fails to remit any amount owed in taxes, interest or penalties, the Oregon Department of Revenue is authorized to enforce collection on behalf of the City of the owed amount, an agreement between the Oregon Department of Revenue and City of Sweet Home under ORS 305.620 and any applicable administrative rules adopted by the Oregon Department of Revenue.

Section 10. SHMC Section 3.24.100 Deficiency Determination-Fraud-Evasion-Operator Delay is replaced with Deficiency Determination-Fraud-Evasion-Local Tax Trustee Delay and amended to read as follows:

DEFICIENCY DETERMINATION—FRAUD—EVASION—LOCAL TAX TRUSTEE DELAY.

A. *Deficiency determination.* The Tax Administrator may review tax returns and adjust the amount due based on the information in the return, on information obtained during a review or audit of records, or on the basis of other evidence. In the event of a deficiency, the Tax Administrator shall provide notice of the deficiency to the Local Tax Trustee, who shall remit deficiencies within 10 business days of the deficiency notice. Notice may be by personal delivery or certified or registered mail. Penalties on deficiencies shall be applied as set forth in § 3.24.090.

1. In reviewing and adjusting tax returns, the Tax Administrator shall offset any amount received in excess of the remittances due against any shortages in remittances.
2. Except in the case of fraud or intent to evade TLT, notice of deficiency determinations shall be issued within three years of the period for which the deficiency determination is made.
3. The time to remit deficient payment amounts under this section shall be extended if the Local Tax Trustee timely requests a redetermination.
4. The Tax Administrator shall mail or personally serve written notice of final determination to the Local Tax Trustee.

B. *Fraud, refusal to collect, evasion.* If any Local Tax Trustee fails to collect, report or remit the tax as required, submits a fraudulent return, or otherwise violates or attempts to violate this chapter, the Tax Administrator shall estimate the tax due, and calculate the amount owing from the Local Tax Trustee for tax remittance, interest and penalties and provide notice to the Local Tax Trustee of the assessment. The determination and notice shall be made and mailed within three years of the discovery by the Tax Administrator of the violation. The determination is due and payable upon receipt of notice and shall become final 10 business days after the date notice was delivered if no petition for redetermination is filed.

C. *Costs of determining tax.* All costs to the city in determining the actual tax due from any operator shall be added to and become a part of the amount owed by the operator upon written notice to the operator, served personally or by mail.

Section 11. SHMC Section 3.24.120 Security For Collection of Tax is replaced with REDETERMINATIONS and amended to read as follows:

REDETERMINATIONS:

- A. Any person affected by a determination may file a petition for determination with the tax administrator within 10 business days of service of notice of the tax deficiency. A determination becomes final if a petition for redetermination is not timely filed.
- B. If a petition for redetermination is filed within the allowable period, the tax administrator shall reconsider the determination and grant an oral hearing if requested. The petitioner shall be allowed at least 20 business days to prepare for the hearing.
- C. After considering the petition and all available information, the tax administrator shall issue a redetermination decision and mail the decision to the petitioner. During the redetermination process, the tax administrator may agree to a compromise of the amount due if there is a good faith dispute

over the amount owing.

- D. The decision of the tax administrator on redetermination becomes final and payment is due 10 business days after the decision is mailed unless the petitioner files an appeal to the city council within that time.

Section 12. SHMC Section 3.24.130 Operator's Refunds is replaced with Refunds and amended to read as follows:

REFUNDS.

- A. Refunds by the City to the Local Tax Trustee – If the Local Tax Trustee remits more tax, penalty or interest than is due, the Local Tax Trustee may file a claim in writing stating the facts relating to the claim, within three years from the date of remittance. If the claim is approved by the Tax Administrator, the excess amount shall be either refunded or credited on any amount due from the Local Tax Trustee.
- B. Refunds by City to Occupant – A Local Tax Trustee may file a claim for refund by filing a claim in writing within three years of payment providing the facts relating to the claim for refund. If the Tax Administrator determines that the tax was collected and remitted to the City and the occupant was not required to pay the tax or overpaid, the City shall issue a refund.
- C. Refunds by Local Tax Trustee to Occupants – If an occupant has paid tax to a Local Tax Trustee, but then stays a total of 30 or more consecutive days, the Local Tax Trustee shall refund to the occupant any tax collected for any portion of the continuous stay. The Local Tax Trustee shall account for the collection and refund to the Tax Administrator. If the Local Tax Trustee has remitted the tax prior to the refund or credit to the occupant, the Local Tax Trustee shall be entitled to a corresponding refund or offset if the claim for refund is filed within three years from the date of collection.
- D. Burden of Proof – The person claiming the refund shall have the burden of proving the facts that established the basis for the refund.

Section 13. SHMC Section 3.24.140 Administration is amended to read as follows:

ADMINISTRATION.

A. *Records required from operators—form.* Every operator shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the operator for a period of at least three years and six months after they come into being.

B. *Examination of records—investigations.* The Tax Administrator or agent may examine during normal business hours, the books, papers and accounting records relating to room sales of any operator after notification to the operator liable for the tax and may investigate the business of the operator in order to verify the accuracy of any return made or, if no return is made by the operator, to ascertain and determine the amount required to be paid.

C. *Authority of Tax Administrator.* The Tax Administrator shall have the power to enforce this chapter, conduct audits, and to adopt rules, regulations and forms consistent with this chapter. Rules and regulations of general application shall be mailed to all registered operators. The Tax Administrator may also issue written interpretations on request of a Local Tax Trustee. As to the Local Tax Trustee to whom the interpretation is issued, the City will act consistently with the interpretation until it is withdrawn, and the City shall provide 30 days' written notice of withdrawal of an interpretation.

D. *Confidential character of information obtained—disclosures unlawful.* The City shall maintain the confidentiality of information provided by Local Tax Trustees. Nothing in this subsection shall be construed to prevent:

- (1) The disclosure to, or the examination of records and equipment by, another city official, employee or agent for collection of taxes for the purpose of administering or enforcing any provisions of this chapter or collecting city business license fees.
- (2) Disclosure of information to the Local Tax Trustee and the Local Tax Trustee's agents.
- (3) The disclosure of the names and addresses of any persons to whom certificates of authority have been issued.
- (4) The disclosure of general statistics regarding taxes collected or business done in the City.

- (5) Disclosures required by ORS Chapter 192.
- (6) Disclosures required by ORS Chapter 297.

Section 14. SHMC Section 3.24.160 Remedies and Liens is replaced with Remedies, Collections and Liens and amended to read as follows:

REMEDIES COLLECTIONS AND LIENS.

- A. The remedies, which include penalties herein, provided for in this chapter or sections thereof shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the city.
- B. The City may bring legal action to collect on any amounts owed to the City under this chapter within three years after remittance is due to the City or within three years after any determination becomes final.
- C. The City is entitled to collect reasonable attorneys’ fees in any legal action brought to collect on amounts owed to the City under this chapter.
- D. The City may record a lien in the City’s lien docket against any real property owned by an operator who receives any portion of the rent from a transient lodging facility located within the City as to any delinquent remittances by the operator.

Section 15. SHMC Section 3.24.170 Violation is amended to read as follows:

VIOLATION.

- A. It is unlawful for any operator or other person so required, to fail or refuse to register as required in this chapter, or to furnish any return required to be made, or to fail or refuse to furnish a supplemental return or other data required by the Tax Administrator or to render a false or fraudulent return. No person required to make, render, sign or verify any report shall make any false or fraudulent report, with intent to defeat or evade the determination of an amount due required by this chapter. No person shall violate any provision of this chapter.
- B. Violation of this chapter constitutes a violation and may be prosecuted under the provisions of SHMC Chapter 9.36 and any amendments thereto. Each day that a violation remains uncured is a separate offense.

Section 16. SHMC 3.24.180 APPEALS TO CITY COUNCIL is created and reads as follows:

APPEALS TO CITY COUNCIL

Any person aggrieved by any decision of the tax administrator may appeal to the city council by filing a written appeal with the tax administrator within 10 business days of the serving or mailing of the decision being appealed. The city manager shall schedule the hearing on a city council agenda and provide the appellant notice of the hearing at least 10 business days before the hearing. The city council may agree to a compromise of the amount of tax remittance if there is a good faith dispute over the amount owing. Any person may appeal the issuance of a rule or regulation issued by the tax administrator to the city council by filing a written appeal within 10 business days of the mailing of the notice of the regulation. The City Council’s decision shall be final when reduced to writing and mailed to the petitioner and all amounts due must be paid within 10 business days of mailing of the city council decision.

Section 17. Sweet Home Ordinance No. 1022 is amended hereby as set forth herein to correspond herewith.

PASSED by the Council and approved by the Mayor this _____ day of _____, 2017

Mayor

ATTEST: _____
City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Ordinances Amending current Water Ordinance	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Pat Gray Finance Director	ATTACHMENTS: Ordinance No. 12 for 2017 – An Ordinance Amending Water Service Rates, and Related Matters	
REVIEWED By: Ray Towry City Manager		

PURPOSE OF THIS RCA:

Ordinances have been adopted by City Council to oversee the Water and Wastewater utility systems. Since these original adoptions, changes have occurred and/or issues noted over the years that need to be addressed by amending the ordinances.

BACKGROUND/CONTEXT:

With the responsibility of Utility Billing back with the Finance Director, staff reviewed the current ordinances and how they relate to the resolutions that give staff direction and authority to handle leak adjustments, interruption of services, resolving water/sewer bill issues and establishing deposit policies. Changes have occurred over the years since the ordinances were originally adopted that require some amendments.

THE CHALLENGE/PROBLEM:

How do we ensure congruency between our water ordinance, current practices, and resolutions?

STAKEHOLDERS:

- City of Sweet Home Residents/Utility Customers. Residents are assured that the water ordinance is current and consistent. Utility customers expect ordinances that are current and support resolutions used by city staff when working with utility customers. Citizens expect all landlords to be held accountable to ensure all delinquent utility accounts are paid.
- City Council Members. Council members rely on city staff to follow rules that follow ordinances they adopt. Adoption of current and consistent ordinances support current and consistent resolutions.
- City Staff/ Water & Wastewater Departments – Keeping ordinances updated allow finance staff clear instructions through consistent resolutions when working with utility billing customers and their accounts. Updating the ordinances will move all fees and interest into resolutions that are reviewed annually. Revisions to delinquent accounts on rental property will help reduce the accounts receivables currently outstanding in the utility accounts.

ISSUES & FINANCIAL IMPACTS:

An Ordinance Amending Water Service Rates, and Related Matters Ordinance

- Section 1 – staff wants to ensure that services are not allowed at properties where unpaid bills are ignored by the property owner who continues to rent the property without paying the outstanding bills. The ordinance already states that the property owner is ultimately responsible for all past due bills, yet there are some property owners who ignore notifications of liens and allow tenants to move in and out leaving unpaid utility bills. The City currently has \$194,539.76 in accounts receivable caused by property owners who have unpaid accounts at revolving door rental properties.
- Section 2 – there are some properties in Sweet Home with two houses utilizing one meter. Issues have occurred between the two households on responsibility of excessive consumption and payment of utilities. By leaving the bill in the property owner’s name, similar to “sewer only” accounts, the property owner can then mediate issues between the tenants, not the city.
- Section 3 – the dollar amounts of charges, fees and interest need to be reflected in the water rates and fees resolution, which allows review of these charges annually with the rates.
- Section 4 – “The City Manager shall have authority to adjust or waive fees as appropriate” is moved to follow the fees in Section 5.
- Section 5 – hydrant meter deposit replaces “lien search fees” that had already been moved to the City’s fee resolution, which is reviewed annually. “Late fee for delinquent accounts” is moved from Section 3 to the list that is established by resolution. The hydrant meter deposit will allow Public Works to charge a deposit when the meters are checked out to ensure their return or replacement if not returned in working condition.
“The City Manager shall have authority to adjust or waive fees as appropriate” is moved to after the fee list.
- Section 6 - refunding and/or waiving deposits is only allowed for property owners. Deposits paid by tenants are applied to the final bill when the account is closed, with any amount remaining refunded to the tenant.

ELEMENTS OF A STABLE SOLUTION:

Updated ordinances would ensure issues are addressed that could impede the city from enacting fair and consistent policies.

OPTIONS:

1. Do Nothing. Ordinances can be left as currently written, however current resolutions do not reflect current ordinance language.
2. Revise the Ordinance. Council can make changes to staff recommendations. Consideration will need to be given to what the ordinance says in relation to what is intended in companion resolutions.
3. Adopt the Ordinances. Make a Motion to Move Ordinance No. 12 for 2017 – “An Ordinance Amending Water Service Rates, and Related Matters”, to first reading.

RECOMMENDATION:

Staff recommends Option 3. Make a Motion to Move Ordinance No. 12 for 2017 – “An Ordinance Amending Water Service Rates, and Related Matters”, to first reading. The ordinance as presented address issues with accounts receivables and property owner responsibilities. The City Attorney has reviewed the ordinance for consistency and legal

interpretations. The amendments ensure consistency with resolutions that establish the rules and policies in regards to utility billing accounts. Property owners will be notified of amendments adopted by City Council as soon as they are passed by the City Council at the third and final reading. Staff would intend to begin enforcement after January 1st, 2018.

ORDINANCE BILL NO. 10 FOR 2005

ORDINANCE NO. 1174

AN ORDINANCE SETTING WATER SERVICE RATES, AND RELATED MATTERS; REPEALING ORDINANCE NO. 1100, ORDINANCE NO. 1168, AND DECLARING AN EMERGENCY.

The City of Sweet Home does ordain as follows:

13.04.010 Definitions

“After hours” means any time other than that defined by “normal working hours” in definitions section.

“Backflow Prevention Device”: All “backflow prevention devices” required under this section shall be of a type and model approved by the Oregon Health Division, and the Division maintains a current list of backflow prevention devices approved for use in Oregon.

“City” means the City of Sweet Home, Oregon, and the area within its boundaries including its boundaries as extended in the future and all property owned by the City, outside the City limits. It means all officers, employees, and representatives of the City of Sweet Home.

“City Engineer” means the City Engineer of the City of Sweet Home, or such person as may be designated by the Public Works Director for the administration of this Ordinance. Designated person includes Public Works Director and any qualified engineer.

“City Manager” or “Manager” means the City Manager of the City of Sweet Home, or such person as may be designated by the Manager for the administration of this Ordinance.

“Commodity Charge” is the sum of the following expense components as defined in the City Council Approved Rate study of April 2000; Base Expense; Maximum Day Expense and Maximum Hour Expense.

“Connection Fee” shall be the fee paid to the City by the owner for the direct cost of the City to provide a water service connection and meter from the public water mainline to the owner(s) property line. Cost shall be for the time, materials and equipment of inspection and connection by the City and shall be set by resolution.

“Cross connection” shall mean any physical arrangement whereby a public water supply is connected, directly or indirectly, with any other water supply system, sewer, drain, conduit, pool, storage reservoir, plumbing fixture, or other service which contains, or may contain, contaminated water, sewage, or other waste or liquid of unknown or unsafe quality which may be capable of imparting contamination to the public water supply as a result of backflow (bypass arrangements, jumper connections, removable sections, swivel or change-over devices, and other temporary or permanent devices through which, or because of which, backflow could occur are considered to be cross-connections).

“Customer Charge” also referred as “Monthly base charge” is a sum of the Billing Expense and the General Expense as identified in the Council Approved Rate Study of April 2000.

“Delinquent Account” means any billing and/or associated fee for service that is not paid by the fifteenth (15th) of the month following the month in which the service was provided and/or charges incurred.

“Direct Responsible Charge” also referred as “DRC” shall mean designation of certified operator, pursuant to applicable Oregon Administrative Rules (OAR), responsible for; supervising the technical operations of the water distribution system or wastewater collection system; establishing and executing specific practices and policies for operating the system in accordance with the policies and practices of the owner and the requirements of public water/wastewater system rules, and; are engaged in the actual day to day operation or supervision of the system.

“Double check detector assembly” means a backflow prevention device consisting of a line size double check assembly in parallel with a detector meter and meter size double check valve assembly. Each double check valve assembly is to be equipped with properly located test cocks and tightly closing shutoff valve at the end of the assembly. If it is necessary to put a double check detector assembly below the grade, upon the approval of the City Engineer it may be installed in a vault such that there is a minimum of twelve inches between the bottom of the vault and the bottom of the assembly so the top of the assembly is not more than a maximum of eight inches below grade, and there is a minimum of twenty four inches of clearance between the side of the vault and the side of the assembly. There shall be a minimum of twelve

inches clearance from the end of the assembly to the end wall surface of the vault. In vaults without a fully removable top, minimum headroom of 6 feet 0 inches is required. An access opening a minimum of twenty-four inches square is required on all vault lids. The vault must have adequate drainage to prevent flooding. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the assembly.

"Double check valve assembly" means a backflow prevention assembly composed of at least two independently acting check valves including tightly closing shutoff valves on each side of the check valve assembly and test cocks available for testing the water tightness of each check valve. The assembly shall be located as close as practical to the user's connection and shall be installed horizontally above grade and in a manner where it is readily accessible for testing and maintenance. If it is necessary to put a double check valve assembly below the grade, upon the approval of the City Engineer it may be installed in a vault such that there is a minimum of twelve inches between the bottom of the vault and the bottom of the assembly so the top of the assembly is not more than a maximum of eight inches below grade, and there is a minimum of twenty four inches of clearance between the side of the vault and the side of the assembly. There shall be a minimum of twelve inches clearance from the end of the assembly to the end wall surface of the vault. In vaults without a fully removable top, minimum headroom of 6 feet 0 inches is required. An access opening a minimum of twenty-four inches square is required on all vault lids. The vault must have adequate drainage to prevent flooding. Special consideration must be given to double check valve assemblies of the "Y" type. These devices must be installed on their "side" with the test cocks in a vertical position so that either check valve may be removed for service without removing the assembly.

"Fire service" is any service installed for the specific purpose of fire protection (hose connection or sprinklers).

"Hose Bib Vacuum Breaker" means a back-siphonage prevention device to be placed onto an existing water faucet consisting of a single check valve mechanism with an atmospheric vent. The hose bib vacuum breaker is not a backflow prevention device and cannot be tested.

"Pressure Vacuum Breaker" means a back-siphonage prevention device consisting of a single spring-loaded check valve and an independently operated, spring-loaded air inlet valve, two tightly closing gate or ball valves and two test cocks. It is not adequate protection in a situation where backpressure could occur; consequently, it is not approved for premise isolation.

"Reduced Pressure Principle Assembly" means a backflow prevention assembly which has three main components consisting of a #1 check valve, #2 check valve, and a pressure differential relief valve, and two tightly closing shutoff valves on each side of the assembly. The assembly shall be installed as close to the service connection as is practical. The device shall be installed a minimum of 12 inches above grade and no more that 36 inches above grade measured from the bottom of the device without a permanently installed testing platform approved by the City Engineer. The device shall be installed with a minimum of twelve inches side clearance. All test cocks shall be readily accessed and capped.

"Residence" or "Residences" means a building used as a home.

"Rule" shall mean any written standard, directive, interpretation, policy, regulation, procedure or other provision, adopted by the City Council as a Resolution to carry out the provisions of this ordinance.

"Normal working hours" for administrative purposes means any normal workday Monday through Friday (except holidays) between the hours of 8:00 a.m. and 5:00 p.m. Treatment Plant normal working hours are 7:00 A.M. to 3:30 P.M. everyday of the week.

"User" means any person, corporation, or other entity using water through an established service line.

"Water main" shall mean any pipe owned by the City of Sweet Home, laid in a street, alley, easement, or on City property, and used or intended to be used for the distribution of potable water to customers through service lines.

13.04.020 Water Service - Responsibility

The person who owns the premises served by the water service shall be ultimately responsible for payment of the water user charge for that property not withstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay said charges. The person(s) opening a water account and/or person(s) occupying the premises served shall be responsible

for payment of all charges prescribed in this chapter. Service may be denied to any person who has left an unpaid water bill at another address within the City limits of Sweet Home, until such bill is paid. Service may be denied to property that has unpaid water bills against it whether they were incurred by a current or prior property owner, prior tenant, or prior occupant.

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The users of the water service shall be billed for services in accordance with the rate schedule set by resolution as authorized by this ordinance.

Where water is supplied through one service line to more than one user, the City may decline to furnish water until separate customer service lines are provided. However, when more than one house or premises is permitted to connect to one water meter, the customer service lines shall be arranged so that the supply to each separate residence or premises shall be controlled by a separate valve. ~~A previously designated person~~ The property owner shall be responsible to pay for all the water used through such meter. Approval for such a connection is required by the City Engineer prior to connection.

13.04.030 Billing, Payment Delinquencies and Penalties

Rates shall generally be charged for the use of the said water service using a monthly base charge established by meter size selection and a commodity charge based on the volume of water used, and the charges based upon said rates shall be payable at City Hall. All bills are due when mailed and shall be considered delinquent if not paid by the fifteenth (15th) of the month following the month in which the service was provided and/or charges incurred.

If a bill is not paid by the time it becomes delinquent, a delinquent notice may, by rule, be mailed to the customer and/or property owner(s). If the bill is not paid by the date & time specified in the delinquent notice, or appropriate arrangements made at City Hall – water department, the City Manager shall, by rule, have the authority to deprive the property concerned of said water service by means of shut off, lockout, meter removal, and/or methods appropriate for discontinuance of water service until all delinquent user charges including interest accrued and the expense of removal, closing, and restoration have been fully paid. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall be a debt due to the City and a lien upon the property and may be recovered by civil action in the name of the City against the property owner, the person, or both. Water service shall not be restored until all charges, including interest accrued and the expense of removal, closing, and restoration shall have been paid.

Interest Late fees and interest at a rate set by resolution shall accrue on all accounts from the date of delinquency. ~~In addition, a penalty shall be assessed at the rate of \$2.00 per month from the date of delinquency, which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges beginning the following month.~~ A service charge as determined by resolution shall be paid to the City whenever service is reinstated after having been discontinued due to nonpayment.

Service may be denied to any person until restitution has been made for any damage or loss of revenue resulting from tampering with or bypassing water meters or locking devices.

~~The City Manager shall have authority to adjust or waive fees as appropriate.~~ Adjustment of utility bills when water pipes break on the customer's side of the water meter may be adjusted upon customer request and upon proof the water pipe(s) have been repaired/replaced.

Changes of ownership or occupancy of premises found delinquent shall not be cause of reducing or eliminating these penalties.

Water user charges levied in accordance with this ordinance shall be a debt due to the City and a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both.

13.04.040 Fees

Fees shall be made as established by City Council Resolution for:

- a. Reinstating water service to any property deprived of such service under the foregoing Section 13.04.030;

- b. Turning water service on that has been turned off without permit under Section 13.04.080 of this ordinance;
 - c. Turning off and turning on water service during regular and after hours;
 - d. Re-reading the water meter at the request of the user, if the previous reading was correct;
 - e. Calibration or re-installation of water meters at the request of the user if the previous meter was registering correctly;
 - f. ~~Lien search;~~Hydrant meter deposit;
 - g. Vacationer's water on/off;
 - h. Tampering with water meter effecting register;
 - i. Special potable water usage fee;
 - j. Water deposits;
 - k. Temporary water service fee;
 - l. Plan review fee for required backflow devices;
 - m. Notifying user of delinquent bill by hanging said notice on door;-
 - n. Service Charge;
 - o. Late fee for delinquent accounts
 - ~~p.e-~~ Interest Rate for delinquent accounts
- The City Manager shall have authority to adjust or waive fees as appropriate.

13.04.050 Rates

The rates for water use shall be set by City Council Resolution.

Costs for installing City service lines and water meters outside the City, but within the Urban Growth Boundary (UGB), shall be calculated on an individual basis. The City will own and maintain the water meter. NO NEW INSTALLATIONS ARE TO BE ALLOWED OUTSIDE THE UGB.

For existing water users outside the City limits, the rate charge shall be one and one-half times the rate charge to water users within the City limits.

Under no circumstances shall service be extended to persons or properties located outside of the City limits without the expressed permission of the City Council by resolution. The council may grant service outside the City only under the following circumstances:

- 1) As a temporary measure to alleviate a health hazard;
- 2) Under emergency

All private fire lines shall be metered by the City at the owner's expense, if the owner is found to be using the water for other than fire protection.

The City Manager shall cause a review of water rates to be made each February of the year to determine what rate changes, if any are to be considered by the City Council.

13.04.060 Water Account Deposits

A deposit as set by resolution shall be required in advance on each new water account and for each customer whose water service has been turned off for non-payment, before water service is to be commenced or resumed, except in the case of authorized rental property managers requiring temporary water service of 72 hours or less. The authorized rental property manager will pay a non-refundable service fee as set by resolution in advance for each request for temporary service, plus actual water usage in excess of one hundred cubic feet. Temporary service for more than 72 hours shall require a full deposit plus actual water usage more than one hundred cubic feet. The temporary service deposit will be refunded on the regularly scheduled billing date, less the dollar amount for actual water usage more than one hundred cubic feet. Temporary service in all cases is thirty (30) days or less. Minimum charge for

temporary service shall be no less than as set by resolution plus actual water usage more than one hundred cubic feet.

Upon any termination of the water service, the deposit shall be applied as payment on the account and the balance shall be refunded.

Deposits will be available for refund, or may be waived altogether to property owners, based upon a showing of good credit. The determination of whether a customer has established "good credit" shall be made by rule. Fees for special portable metered, or estimated, water usage, i.e., swimming pool fills, tanker fills and street sweeper fills, and other usage as required, shall be established by Council resolution. Such usage must be with permit as approved by the City Engineer.

No person(s) may cut, change, remove, disconnect, connect, operate, repair, interfere or tamper in any manner with a fire hydrant owned by the City unless a permit has been issued. This section does not apply to the Sweet Home Public Works or Fire & Ambulance District. Violations of this sub-section will be prosecuted under the criminal laws of Sweet Home and the State of Oregon. **A State licensed and bonded professional plumber may receive a special annual permit from the City Engineer to operate residential service valves when making repairs. There shall be no fee for said permit.**

13.04.070 Revenues

All revenues received by the City from such waterworks system shall be separately kept by the Treasurer of the City of Sweet Home from all other funds and shall show all receipts in and disbursements from, said fund, and the purposes to which the disbursements have been applied.

13.04.080 New Water Service.

No new water service shall be installed by the City until the potential customer has installed a cutoff, or "yard valve", between the meter and the outlet. The City of Sweet Home reserves the right to refuse or discontinue water service to any premises where the City Engineer of the City of Sweet Home has determined that the plumbing facilities, appliances, and/or equipment using water are not installed and/or operating in accordance with the Oregon State Health rules and plumbing code of the City of Sweet Home and endanger the public health. Water service may be refused to any premises as long as said conditions exist. However, water service that is being furnished to an occupied premises may be discontinued only after notice of the condition of the plumbing that endangers the public health has been mailed by certified or registered mail to the owner of record, and said notice also has been given to the occupant of the premises, either personally by posting the notice on the premises or by mailing the notice to said occupant by certified or registered mail at least 7 days prior to the time that the water service is terminated unless immediate emergency action is required. If shortage of water exists, the City may restrict the use of water as determined by the City.

13.04.090 Authority

The City Manager may by rule establish any/all procedures as necessary for carrying out the provisions of this chapter.

13.04.100 Yard Valves

All residences are required to have a yard valve on their water lateral line. The yard valve shall be installed on the owner's side of the meter according to City specifications, and be the property of the owner to have and forever maintain. .

13.04.110 Backflow Prevention

The City is authorized by the "Safe Drinking Water Act" PL 93-523 and Oregon Administrative Rules Chapter 333 "Public Water System", to achieve compliance with any cross-connection control requirements set forth by the "U.S. Environmental Protection Agency". Cross-connections shall be prohibited and protection provided against such cross-connection. The City may require that all backflow assemblies installed on fire protection services be tested annually.

No person shall connect, unless an approved backflow prevention device is used, any pump or other apparatus to any water main or service connection connected to the City of Sweet Home water system which is capable of introducing any foreign liquid or material into said system. The existence of any cross-

connection, whether open or not, shall be found cause for the water to be turned off and/or completely disconnected from the City service line.

An approved backflow device shall be installed to isolate the fire suppression pipe network from the potable water system. An additional backflow device shall be installed on the service line as near to the meter as possible for protection of the City water supply or as determined by the City Engineer.

Premises where there is an auxiliary water supply which can be connected to the City water supply piping, such as being hooked to City water and continuing to use a well for irrigation purposes, an approved backflow prevention device for protecting community water systems shall be installed on the service connection.

Approved backflow assemblies shall have at least the same cross sectional area as the water meter size or the line diameter if smaller. If a continuous water supply is necessary, two sets of approved backflow assemblies shall be installed in parallel. Where parallel assemblies are required, the sum of the cross sectional areas shall be equivalent to the cross sectional area of the meter.

There shall be no outlet, tee, tap, or connection of any sort between the water meter and the approved backflow assembly. A "Y" strainer and/or pressure reducing valve installed before the approved backflow assembly are the only exceptions.

Approved backflow assemblies shall not be bypassed, made inoperative or removed without specific written authorization from the City Engineer.

(1) Removal. The use of a device may be discontinued and the device removed from service upon presentation of sufficient evidence to the City Engineer to verify that a hazard no longer exists or is not likely to be created in the future;

(2) Relocation. An assembly may be relocated following confirmation by the City Engineer that the relocation will continue to provide the required protection and satisfy installation requirements. A retest will be required following the relocation of the device;

(3) Repair. An assembly may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the City Engineer. A retest will be required following the repair of the assembly.

(4) Replacement. An assembly may be removed and replaced provided the water use is discontinued until the replacement assembly is installed. All replacement assemblies must be approved by the Oregon Health Division and commensurate with the degree of hazard.

Owners of any premises on which, or on account of which, backflow assemblies are installed, shall have the assemblies tested by a certified backflow prevention assembly tester licensed by the Oregon Health Department (Drinking Water Division). Backflow assemblies must be tested at a minimum of annually and immediately after installation, relocation, or repair. The City Engineer may require a more frequent testing schedule if it is determined to be necessary. No device shall be placed in service unless it is functioning as required. A report form provided by the City must be filed with the Public Works Office each time the device is tested, relocated or repaired. These devices shall be serviced, overhauled or replaced whenever they are found defective and all costs of testing, repair and maintenance shall be born by the water user. The Public Works Department will supply affected water users with a list of persons Certified by the State of Oregon Health Department (Drinking Water Division) upon request.

The City Engineer shall review all requests for new services to determine if backflow protection is required. Plans and specifications must be submitted to the City Engineer upon request for review of possible cross connection hazards as a condition of service. No review fee will be required if no hazard or potential hazard exists. If it is determined that a backflow prevention assembly is necessary to protect the public water system, a review fee as set by resolution will be required for each device installed. The required device must be installed before service will be granted.

13.04.120 Customer Notification for Cross Connection Program Inspection

The City Engineer may require an on-premises inspection to evaluate cross connection hazards. Any customer who cannot or will not allow on-premises inspection of their piping system shall be required to install the backflow prevention assembly that the City Engineer considers necessary.

The City Engineer may require a re-inspection for cross connection hazards of any premises to which water is serviced by the water department. Any customer who cannot or will not allow on-premises inspection of their piping system shall be required to install the backflow prevention assembly that the City Engineer considers necessary.

1. The City Engineer shall notify the water user of the cross connection inspection findings, listing corrective action to be taken if required. A period of 30 days shall be given to complete all corrective actions required including installation of backflow prevention assemblies.
2. A second notice shall be sent to each water user that does not take the required corrective action prescribed in the first notice within the thirty-day period allowed. The second notice shall give the water user a two-week period to take the required corrective action. If no action is taken within the two-week period, the water service to the affected water user shall be terminated until the required corrective actions are taken.
3. The City Engineer shall notify each affected water user when it is time for the backflow prevention assembly installed on their service connection to be tested. This written notice shall give the water user thirty days to have the device tested and supply the Public Works Department with the necessary form documenting the test.
4. A second notice shall be sent to each water user who does not have a backflow prevention device tested as prescribed in the first notice within the thirty-day period allowed. The second notice shall give the water user a two-week period to have the backflow prevention assembly tested. If no action is taken within the two-week period, the City Engineer will terminate water service to the affected water user until the subject device is tested.
5. When the City Engineer encounters water use(s) that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the City Engineer shall institute the procedure for terminating the water service. Conditions or water uses that create a basis for immediate water termination are as follows;
 - a. Refusal to install the required backflow prevention assembly.
 - b. Refusal to test a backflow prevention assembly.
 - c. Refusal to repair a faulty backflow prevention assembly.
 - d. Refusal to replace a faulty backflow prevention assembly.
 - e. Removal and/or bypassing without prior approval of a backflow assembly where required.
 - f. Direct or indirect connection between the public water system and a sewer line.
 - g. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants.
 - h. Unprotected direct or indirect connection between the public water system and an auxiliary water system.
 - i. A situation that presents an immediate health hazard to the public water system.
 - j. Non-submission of records of tests, repairs and maintenance to the department upon a second letter request of their submission.

13.04.130 Inspections

The City Engineer may inspect, at reasonable hours of the day, the exterior parts of the building and premises in which water is delivered from the City mains to determine the condition of the pipes and fixtures and the manner in which the water is used, or interior portions as allowed by law. Such designated representative will present proper identification, if requested.

13.04.140 Water turnoff from mains

Water may be turned off from the mains without notice for repair or other necessary purposes. The City is not responsible for any consequential damages.

13.04.150 Provision of water for steam boilers

Water for steam boilers shall not be furnished by direct pressure from the City mains.

13.04.160 Damage to water system

Any damage to the City water system or service line because of faulty customer equipment or backflow shall be the responsibility of the customer or user.

13.04.170 Fluoridation

The city is authorized and directed to provide for the fluoride supplementation of its public water supplies. Such supplementation is to be made in conformance with the regulations of the Oregon State Board of Health controlling fluoridation of public water supplies.

13.04.180 Violation – Penalty

Unless the cut-off valve is on the user's side of the water meter, it is unlawful for any person to turn on or off any cut-off valve controlling water service to any property, or to not obtain a permit from the City Engineer prior to taking water from the City water system. Violations of this Ordinance may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 and any amendments thereto and Sweet Home Ordinance Number 1128 in addition to any other legal remedies available to the City. Each day that a violation exists is a separate offense.

13.04.190 Severability.

The provisions of this ordinance are severable, and it is the intention to confer the whole or any part of the powers herein provided for. If any clause, section or provision of this ordinance shall be declared unconstitutional or invalid for any reason or cause, the remaining portion of this ordinance shall be in full force and effect and be valid as if such invalid portion thereof had not been incorporated herein. It is hereby declared to be the City Council's intent that this ordinance would have been adopted had such an unconstitutional provision not been included herein.

13.04.200 Classification.

The City Council determines that any fee, rates or charges imposed by this ordinance are not a tax subject to the property tax limitations of Article XI, section 11(b) of the Oregon Constitution.

13.04.210 Repeal/Savings

Ordinance No. 1100 and all ordinances amending Ordinance No. 1100 are hereby repealed. The repeal of an ordinance, or part thereof, shall not preclude action against a person or property that is in violation of said ordinance before the effective date of the repeal. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

13.04.220 Emergency Clause.

The City Council hereby determines that existing conditions are such that this ordinance is immediately necessary for the protection of the present health, safety and good of the City of Sweet Home and the property owners and citizens thereof and, therefore, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately after its passage by the Council and approval by the Mayor.

PASSED by the Sweet Home City Council and approved by the Mayor this 11th day of October 2005.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

ORDINANCE BILL NO. 12 FOR 2017

ORDINANCE NO. _____

AN ORDINANCE AMENDING WATER SERVICE RATES, AND RELATED MATTERS ORDINANCE.

The City of Sweet Home does ordain as follows:

Section 1. SHMC 13.04.020A Water Service-Responsibility is amended by adding the following sentence to the end of the Paragraph A:

Service may be denied to property that has unpaid water bills against it whether they were incurred by a current or prior property owner, prior tenant, or prior occupant.

Section 2. SHMC 13.04.020C Water Service-Responsibility is amended by changing the second to the last sentence in Paragraph C to read:

The property owner shall be responsible to pay for all the water used through such meter.

Section 3. SHMC 13.04.030C Billing, Payment Delinquencies and Penalties is amended to read:

A late fee and interest at a rate set by resolution shall accrue on all accounts from the date of delinquency. A service charge, as determined by resolution shall be paid to the City whenever service is reinstated after having been discontinued due to nonpayment.

Section 4. SHMC 13.04.030E is amended by deleting the first sentence of Paragraph E.

(The Sentence - The City Manager shall have authority to adjust or waive fees as appropriate. - is moved to Chapter 13.04.040 following the fees.)

Section 5. SHMC 13.04.040 Fees is amended to read:

Fees shall be made as established by City Council Resolution for:

- a. Reinstating water service to any property deprived of such service under the foregoing Section 13.04.030;
- b. Turning water service on that has been turned off without permit under Section 13.04.080 of this ordinance;
- c. Turning off and turning on water service during regular and after hours;
- d. Re-reading the water meter at the request of the user, if the previous reading was correct;
- e. Calibration or re-installation of water meters at the request of the user if the previous meter was registering correctly;
- f. Hydrant meter deposit;
- g. Vacationer's water on/off;
- h. Tampering with water meter effecting register;
- i. Special potable water usage fee;
- j. Water deposits;
- k. Temporary water service fee;

- l. Plan review fee for required backflow devices;
- m. Notifying user of delinquent bill by hanging said notice on door.
- n. Service Charge
- o. Late fee for delinquent accounts
- p. Interest Rate for delinquent accounts

The City Manager shall have authority to adjust or waive fees as appropriate.

Section 6. SHMC 13.04.060C Water Account Deposits is amended by changing the first sentence in Paragraph C to read:

Deposits will be available for refund or may be waived altogether for property owners, based upon a showing of good credit.

PASSED by the Council and approved by the Mayor this ____ day of November, 2017

Mayor

ATTEST: _____
City Manager – Ex Officio City Recorder



REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Ordinances Amending current Wastewater Ordinance	TYPE OF ACTION: <input type="checkbox"/> RESOLUTION <input checked="" type="checkbox"/> MOTION <input type="checkbox"/> OTHER
SUBMITTED BY: Pat Gray Finance Director	ATTACHMENTS: Ordinance No. 13 for 2017- An Ordinance Amending Sweet Home Municipal Code Chapter 13.08, Sewer Service System	
REVIEWED By: Ray Towry City Manager		

PURPOSE OF THIS RCA:

Ordinances have been adopted by City Council to oversee the Water and Wastewater utility systems. Since these original adoptions, changes have occurred and/or issues noted over the years that need to be addressed by amending the ordinances.

BACKGROUND/CONTEXT:

With the responsibility of Utility Billing back with the Finance Director, staff reviewed the current ordinances and how they relate to the resolutions that give staff direction and authority to handle leak adjustments, interruption of services, resolving water/sewer bill issues and establishing deposit policies. Changes have occurred over the years since the ordinances were originally adopted that require some amendments.

THE CHALLENGE/PROBLEM:

How do we ensure congruency between our wastewater ordinance, current practices, and resolutions?

STAKEHOLDERS:

- City of Sweet Home Residents/Utility Customers. Residents are assured that the wastewater ordinance is current and consistent. Utility customers expect ordinances that are current and support resolutions used by city staff when working with utility customers. Citizens expect all landlords to be held accountable to ensure all delinquent utility accounts are paid.
- City Council Members. Council members rely on city staff to follow rules that follow ordinances they adopt. Adoption of current and consistent ordinances support current and consistent resolutions.
- City Staff/ Water & Wastewater Departments – Keeping ordinances updated allow finance staff clear instructions through consistent resolutions when working with utility billing customers and their accounts. Updating the ordinances will move all fees and interest into resolutions that are reviewed annually. Revisions to delinquent accounts on rental property will help reduce the accounts receivables currently outstanding in the utility accounts.

ISSUES & FINANCIAL IMPACTS:

An Ordinance Amending Sweet Home Municipal Code Chapter 13.08, Sewer Service System

- Section 1- The dollar amounts of charges, fees and interest need to be reflected in the wastewater rates & fees resolution, which allows review of these charges annually with the rates.
- Section 2 – Section 13.08.790 of the sewer ordinance is being deleted so that the appeal “challenge” process on a sewer bill is per Resolution No. 20 for 2017 and works the same as a disputed water/sewer bill. The deleted section has no counterpart in the water ordinance.

ELEMENTS OF A STABLE SOLUTION:

Updated ordinances would ensure issues are addressed that could impede the city from enacting fair and consistent policies.

OPTIONS:

1. Do Nothing. Ordinances can be left as currently written, however current resolutions do not reflect ordinance language.
2. Revise the Ordinance. Council can make changes to staff recommendations. Consideration will need to be given to what the ordinance says in relation to what is intended in companion resolutions.
3. Adopt the Ordinances. Make a Motion to Move Ordinance No. 13 for 2017 – An Ordinance Amending Sweet Home Municipal Code Chapter 13.08, Sewer Service System to first reading.

RECOMMENDATION:

Staff recommends Option 3. Make a Motion to Move Ordinance No. 13 for 2017 – An Ordinance Amending Sweet Home Municipal Code Chapter 13.08, Sewer Service System to first reading. The ordinance as presented address issues with accounts receivables and property owner responsibilities. The City Attorney has reviewed the ordinance for consistency and legal interpretations. The amendments ensure consistency with resolutions that establish the rules and policies in regards to utility billing accounts. Property owners will be notified of amendments adopted by City Council as soon as they are passed by the City Council at the third and final reading.

- G. The sewer user charge for all occupied property shall begin 60 days after the sewer main becomes available or the day that connection is made to the public sewer, whichever occurs first. There shall be no user charge for unoccupied property. Once the sewer user charge has commenced no credit shall be given for vacancy unless it can be demonstrated by the sewer user that water service to that property from any and all sources has been discontinued. The regular user charge shall be reinstated as soon as water service to that property from any source has begun. If the date upon which the user charge is commenced or altered does not fall on the first day of a billing period, the rates shall be appropriately pro-rated.
- H. Industrial sewer users and commercial sewer users shall be charged on the basis of sewage flow in units of 100 cubic feet being equal to one unit plus a monthly customer charge.
- I. The rate per unit for and the monthly customer charge for industrial and commercial users shall be set by resolution.
- J. Non flat rate customers with sewage strengths greater than average residential sewage shall pay a surcharge for the strength loading in excess of average residential strength loading.
- K. The surcharge for extra strength loadings shall be set by resolution.
- L. Once a year each user shall be notified, in conjunction with a regular bill, of that portion of the user charges which are attributable to the operation, maintenance and replacement of the wastewater collection, treatment and disposal system. In lieu of the above notification requirement a newspaper public notice with a posting of said notice at City Hall will satisfy the notice requirement. The notice will be given during the month of May each year.

ARTICLE XXI Review and Revision of Rates

13.08.750 Review and revision of rates.

The sewer user charges established in Article III of this ordinance shall, as a minimum, be reviewed annually and revised periodically to reflect actual costs of operation, maintenance and replacement of the POTW and to maintain the equitability of the user charges with respect to proportional distribution of the costs of operation and maintenance in proportion to each user's contribution to the total wastewater loading of the POTW.

ARTICLE XXII Responsibility, Payment Delinquencies and Penalties

13.08.760 User charge payment responsibility, delinquencies and penalties.

- A. The person who owns the premises served by the sewerage system shall be responsible for payment of the sewer user charge for that property notwithstanding the fact that the property may be occupied by a tenant or other occupant who may be required by the owner to pay said charges.
- B. The users of the sewerage system shall be billed for services in accordance with the rate schedule set by resolution as authorized by this ordinance.
- C. The date of billing shall be established by the rate setting resolution as provided in Article XX of this ordinance.
- D. Sewer user charges shall be due and payable as established by the rate setting resolution provided in Article XX of this ordinance.
- E. Sewer user charges levied in accordance with this ordinance shall be a debt due to the City and a lien upon the property. If this debt is not paid within 30 days after it shall be due and payable, it shall be deemed delinquent and may be recovered by civil action in the name of the city against the property owner, the person, or both.
- F. ~~Interest at a rate set by resolution shall accrue on all accounts from the date of delinquency. In addition, a penalty shall be assessed at the rate of \$2 per month from the date of delinquency, which shall be added to the account and shall accrue interest in the same manner as all other delinquent charges beginning the following month. A late fee and interest at a rate set by resolution shall accrue on all accounts from the date of delinquency.~~
- G. In the event of failure to pay sewer charges after they have become delinquent, the City shall have the right to remove or close sewer connections and enter upon the property for accomplishing such purposes. The expense of such discontinuance, removal, or closing, as well as the expense of restoring service shall be a debt due to the City and a lien upon the property and may be recovered by civil action in the name of the City against the property owner, the person, or both.

[\\cityfs\DATA\ADMINISTRATIVE ASSISTANT\CITY COUNCIL - All Related to Council\COUNCIL PACKETS\Council Packets 2017\October 24, 2017\Sewer Ordinance - Codified Version 2007 w changes 10-2017.doc#Sewer Ordinance - Codified Version 2007 w changes 10-2017.doc](#) D:\City Ordinances\Wastewater Ordinances\Sewer Ordinance - Codified Version 2007.doc

- H. Sewer service shall not be restored until all charges, including interest accrued and the expense of removal, closing, and restoration shall have been paid.
- I. Changes of ownership or occupancy of premises found delinquent shall not be cause of reducing or eliminating these penalties.
- J. If a sewer user charge is not paid when due, the City may shut off water service until all delinquent sewer user charges are fully paid.

ARTICLE XXIII Handling of Funds

13.08.770 Handling of funds.

- A. Bills for sewer user charges shall be mailed to the address specified in the application for permit to make the connection unless or until the different owner or user of the property is reported to the Finance Department.
- B. All collections of sewer user charges shall be made by the City Recorder by and through the Finance Department. Sewer user charges shall be computed as provided in Article XX of this ordinance and shall be payable as provided in Article XXII of this ordinance.
- C. The City Recorder is hereby directed to deposit in the Sewer Fund all of the gross revenues received from charges, rates, and penalties collected for the use of the sewerage system as herein provided.
- D. The revenues thus deposited in the Sewer Fund shall be used exclusively for the operation, maintenance, and repair of the sewerage system; administration costs; expenses of collection of charges imposed by this ordinance and payments of the principle and interest on any debts of the sewerage system of the city.

ARTICLE XXIV Reserved for Industrial Cost Recovery

ARTICLE XXV Infiltration and Inflow

Amended by Ordinance Bill #11 for 2005!

ARTICLE XXVI Appeals on Rates ARTICLE XXVI Left for Expansion

13.08.790 Appeals on rates. 13.08.790 Left for Expansion

~~Appeals on Rates established by the City shall be made in writing to the City Manager within 90 days of the billing of said use fee. The City Manager shall respond in writing within 90 days of receipt of the appeal. If the user(s) wish to appeal further, they shall request in writing that the City Manager place their specific appeal on the next scheduled regular City Council session. The decision of the City Council shall be final.~~

ARTICLE XXVII Penalties

13.08.800 Violations – Penalties.

- A. Any person found to be in violation of any provision of this ordinance, except Article VII or subsequent Articles pertaining to such, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, and Article XVIII, may be served by the City with writing notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.
- B. Violation of this ordinance constitutes an infraction and may be prosecuted under the provision of Sweet Home Municipal Code Chapter 9.36, as now enacted or hereafter amended except Article VII or subsequent Articles pertaining to such, a wastewater discharge permit or order issued hereunder, or any other pretreatment standard or requirement, and Article XVIII, Section 1.
- C. Any person violating any of the provisions of this ordinance shall become liable to the City for any expense, loss or damage that the City sustains by reason of such violation.

ARTICLE XXVIII Validity

Section 1. All Sweet Home Ordinances or parts of ordinances in conflict herewith are hereby repealed including Ordinances 1023 and 1031.

Section 2. The repeal of an ordinance, or part thereof, by Section 1 hereof shall not preclude action against a person or property that is in violation of said ordinance before the effective date of the repeal.

Section 3. The invalidity of any section, clause, sentence, or provision of this ordinance shall not affect the validity of any other part of this ordinance, which can be given effect without such invalid part or parts.

Passed by the Council and approved by the Mayor this _____ day of _____, 1999.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

ORDINANCE BILL NO. 13 FOR 2017

ORDINANCE NO. _____

AN ORDINANCE AMENDING SWEET HOME MUNICIPAL CODE CHAPTER 13.08, SEWER SERVICE SYSTEM.

The City of Sweet Home does ordain as follows:

Section 1. SHMC 13.08.760F. – User Charge, Payment Responsibility, Delinquencies and Penalties is amended to read as follows:

A late fee and interest at a rate set by resolution shall accrue on all accounts from the date of delinquency.

Section 2. SHMC ARTICLE XXVI – Shall be entitled Left For Expansion and SHMC 13.08.790 – text is deleted and the section is left for expansion.

PASSED by the Council and approved by the Mayor this ____ day of _____, 2017

Mayor

ATTEST: _____

City Manager – Ex Officio City Recorder

REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: October 24, 2017	TITLE: Public Trees, Shrubs and Bushes	TYPE OF ACTION: Ordinance
SUBMITTED BY: Robert Snyder, City Attorney	ATTACHMENTS: Public Trees, Shrubs and Bushes Ordinance	
REVIEWED BY: City Manager		

PURPOSE FOR THIS RCA:

The purpose of the proposed ordinance is to amend certain portions of the Public Trees, Shrubs and Bushes Ordinance to conform to the new ordinance that combined committees and changed the names thereof.

BACKGROUND/CONTEXT:

The City Council just passed an ordinance entitled Sweet Home Ordinance Establishing Certain City Committees. In said ordinance the Tree Commission is combined with the Park Board and made into the Park And Tree Committee. In the Sweet Home Public Trees, Shrubs and Bushes Ordinance which is codified at SHMC Chapter 12.16 it refers to the Tree Commission. That needs to be changed to reflect the new Park And Tree Committee name. Also, the powers and duties of the committee have been made to reflect what they are in the committee ordinance. A copy of the powers and duties is attached to the RCA. Finally, if an appeal is needed the city manager and his/her agent are now included along with the committee since they all may make decisions in the ordinance format. The "red" copy of the proposed ordinance is provided herewith to show the proposed amendments.

The Sweet Home Ordinance Establishing Certain City Committees will go into effect on the thirtieth day after its passage. Its third and final reading was on October 10th and its effective date will be November 9, 2017. Therefore, the City Council can upon a unanimous vote of all members present have the proposed ordinance read in full and by title at the October 24th meeting and the third time at the November 14th meeting with the proposed ordinance to be effective on November 14, 2017 per City Charter Section 25 which states in part that the council can provide for a time different from the thirty day period for ordinances to go into effect when it deems it expedient or in case of emergency.

THE CHALLENGE/PROBLEM:

Should the two ordinances be brought into conformity and use the new committee name of Park And Tree Committee?

STAKEHOLDERS :

1. Sweet Home Citizens. Residents who refer to the SHMC need to have the two ordinances use the same name for the committee.
2. City Council. The Council needs to have the SHMC reflect the most recent ordinances passed by the City Council.

ISSUES & FINANCIAL IMPACTS:

The proposed amendments are made to have the ordinances operate more efficiently.

ELEMENTS OF A STABLE SOLUTION:

An ordinance that brings conforming to ordinances in the SHMC?

OPTIONS:

1. Pass the ordinance as proposed.
2. Amend the ordinance.
3. Leave the ordinance the same without amending it.

RECOMMENDATION:

Option 1. Pass the ordinance as proposed.

If the ordinance meets with City Council approval read it for the first time in its entirety and by title only for the second reading if by motion a unanimous vote is received for the second reading by all the members who are present at the meeting.

2.10.050 POWERS AND DUTIES

PARK AND TREE COMMITTEE:

The powers and duties of the Park And Tree Committee shall be as follows:

1. To conduct an inventory of existing street trees, including historical trees and public properties in need of beautification and plantings and present a written report to the City Council of its findings;
2. To develop and recommend to the City Council, for its adoption, a master list of trees suitable for planting within the city. The list shall be reviewed annually, a copy of which shall be kept on file in the office of the City Recorder for public information;
3. To develop and recommend to the City Council, for its adoption, ordinances and policies for the planting, care, maintenance, replacement and protection of trees throughout the city;
4. To act in an advisory capacity to the Planning Commission with respect to landscape design, suitable plantings, protection of natural vegetation and street tree requirements;
5. To submit recommendations to the City Council regarding the beautification of public properties and rights-of-way;
6. To promote public knowledge and acceptance of the value of tree planting and maintenance programs and requirements;
7. To develop a capital development program for each fiscal year, to include acquisition of new land and/or development of existing property for parks and other recreation areas;
8. To recommend recreation programming needs to be produced by the city;
9. To recommend an operating budget to carry out the recreation program as outlined for the forthcoming fiscal year; and
10. To perform additional duties and studies as may be required from time to time by the City Council.
11. To meet a minimum of four meetings a year, beginning with the month of December, which meeting should be devoted to the development of the next year's capital and recreation programs.

CHAPTER 12.16: PUBLIC TREES, SHRUBS AND BUSHES

Section

- [12.16.010](#) Purpose.
- [12.16.020](#) Applicability.
- [12.16.030](#) Definitions.
- [12.16.040](#) Creation of Tree Commission.
- [12.16.050](#) Duties and responsibilities of the Tree Commission.
- [12.16.060](#) Review by the City Council.
- [12.16.070](#) Street tree planting specifications.
- [12.16.080](#) Street tree maintenance.
- [12.16.090](#) Street tree removal.
- [12.16.100](#) Permit.
- [12.16.110](#) Private trees.
- [12.16.120](#) Abuse and mutilation of street and park trees.
- [12.16.130](#) Enforcement—Penalties.
- [12.16.140](#) Liability on the city.

§ 12.16.010 PURPOSE.

It is the purpose of this chapter to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, maintenance and removal of trees, shrubs and other plants within the City of Sweet Home.

(Ord. 1068, (part), 1994)

§ 12.16.020 APPLICABILITY.

This chapter provides the city full power over all trees, plants and shrubs located within street rights-of-way, parks and public places of the city; and to trees, plants and shrubs located on private property that constitute a hazard or thereas described herein.

(Ord. 1068, (part), 1994)

§ 12.16.030 DEFINITIONS.

As used in this chapter, the following words mean:

CALIPER. The American Association of Nurseryman standard for trunk measurement of nursery stock. **CALIPER OF THE TRUNK** shall be the trunk diameter measured six inches

above the ground for up to and including four-inch caliper size and 12 inches above the ground for larger sizes.

CANOPY. The space of the tree above ground including the trunk and branches measured in volume.

(Prior history: Ord. 1007)

DRIP LINE. The outermost edge of the tree's original canopy. When depicted on a plan, the **DRIP LINE** will appear as an irregular shaped circle that follows the canopy edge of the tree branches as seen from overhead.

GROVE. A stand of three or more trees (of the same species or a mixture), which form a visual and biological unit.

HAZARD TREE. Any tree with any structural defect, disease, extreme size or combinations of these which make it subject to a high probability of failure which might cause damage to persons or property.

PARK STRIP. A portion of street right-of-way that is located between a curb and a sidewalk.

PARK TREE. A tree, shrub, bush or other woody vegetation located in a public park or other area owned by the city having an individual name and all other areas owned by the city, or to which the public has free access as a park.

PRIVATE TREE. A tree, shrub, bush or other woody vegetation located on private property other than a dedicated right-of-way or public easement or public parks and grounds.

REMOVE or **REMOVAL.** The act of removing a tree by digging up, cutting down or any act which causes a tree to die within a period of three years; including but not limited to damage inflicted on the root system by machinery, storage of materials or soil compaction; changing the ground level in the area of the tree's root system; damage inflicted on the tree permitting infections or infestation; excessive pruning; or any other action which is deemed harmful to the tree.

RIGHT-OF-WAY. The area between the boundary lines of a street or public easement. This area includes the park strip or tree lawn area between the curb and sidewalk.

ROOT ZONE. The area of the ground around the base of the tree measured from the trunk to five feet beyond the drip line.

SEVERELY PRUNE. To top a tree or remove more than 20% of the canopy within a year.

STREET TREE. A tree, shrub or other woody vegetation on land lying within the right-of-way along either side of a street, avenue or other way or within a public easement of the city.

TOPPING. The severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.

TREE. Any woody, perennial plant, deciduous, evergreen or coniferous, characterized by having a main stem or trunk of six inches or more in diameter four and one-half feet above

natural grade. In cases of multi-stemmed or multi-trunk trees, the diameter shall be the sum of diameters of all individual stems or trunks.

(Ord. 1068, (part), 1994)

§ 12.16.040 ~~PARK AND TREE COMMITTEE.-CREATION OF TREE COMMISSION.~~

~~The Park And Tree Committee established in SHMC 2.10 shall be the committee to implement the committee provisions of this chapter. There is created a standing commission that shall be known as the Tree Commission. The members of the Commission shall consist of appointed members, as well as representatives from the City Council and city staff as set out in Chapter 2.24.~~

(Ord. 1068, (part), 1994)

§ 12.16.050 ~~POWERS AND DUTIES OF THE PARK AND TREE COMMISSION.DUTIES AND RESPONSIBILITIES OF THE TREE COMMISSION.~~

~~The Park And Tree Committee has the powers and duties as set out in SHMC Chapter 2.10. The Tree Commission shall study, investigate and develop and/or update annually and administer a written plan for the care, preservation, pruning, replanting, removal or disposition of street trees and park trees. The Tree Commission shall also be responsible for developing and reviewing planting and maintenance standards. The Tree Commission, when requested by the City Council, shall consider, investigate, make findings, report and recommend upon any special matter or question coming within the scope of its work. The Commission shall perform the powers and duties as set out in Chapter 2.24.~~

(Ord. 1068, (part), 1994)

§ 12.16.060 REVIEW BY THE CITY COUNCIL.

The City Council may review the conduct, acts and decisions of the Park And Tree Committee, City Manager and authorized agent. ~~Tree Commission.~~ A person may appeal the ruling or order of the committee, manager or agent. ~~Commission~~ to the City Council who shall hear the matter and make a final decision.

(Ord. 1068, (part), 1994)

§ 12.16.070 STREET TREE PLANTING SPECIFICATIONS.

A. *Tree selection.* The official city street tree list of acceptable species for trees, shrubs, bushes and other woody plant material is included in Appendix E of the 1993 Sweet Home Park and Street Tree Planting Plan. No person, without the written permission of the city, shall plant a street tree of a species other than those included on the list.

B. *Size of tree to be planted.* Unless otherwise specified by the City of Sweet Home, all trees and their cultivars shall conform to the American Standard for Nursery Stock. The minimum size for planting stock for use along arterial street is a caliper of two inches or greater and one and one-half inches or greater along a collector street.

C. *Tree grade.* Unless otherwise specified by the city, all trees shall have straight trunks, well developed leaders and tops. The root system shall be characteristic of the species and it shall exhibit evidence of proper nursery practices.

D. *Type of planting stock.* Unless otherwise specified by the city, all nursery stock shall conform to the American Standard for Nursery Stock.

E. *Spacing of plantings.* The spacing of street trees shall be in accordance with the species, size and listed in Appendix E of the Sweet Home Park and Street Tree Planting Plan and no trees shall be planted closer together than the following:

<i>Spacing Requirements (in feet)</i>	<i>Small Trees <35'</i>	<i>Medium Trees 35-50'</i>	<i>Large Trees >50'</i>
1. Total width of planting area	3 - 4'	4 - 8'	>8'
2. Distance from back of curb or sidewalk	1.5'	3'	4'
3. Distance from alley or drive	10'	10'	10'
4. Distance from crosswalk	4'	6'	6'
5. Distance from face of curb at cross street	20'	20'	20'
6. Distance from stop sign or signal	30 - 50'	30 - 50'	30 - 50'
7. Distance between trees	1/2 of the mature crown spread, approx. 20' - 30'	1/2 of the mature crown spread, approx. 30' - 50'	1/2 of the mature crown spread, approx. 40' - 60'
8. Distance from water meter or sewer service	4'	6'	6'
9. Distance from utility or light pole	10'	30'	30'
10. Distance from building	5'	10'	25'

F. *Utility lines.* No street trees other than those species listed in Appendix E of the 1993 Park and Street Tree Planting Plan may be planted under or within ten lateral feet of any overhead utility wire or over or within five lateral feet of any underground water line, sewer line, transmission line or other utility.

(Ord. 1068, (part), 1994)

§ 12.16.080 STREET TREE MAINTENANCE.

A. *Permit required.* Unless specifically exempted in this chapter, no person shall remove, severely prune or disturb any tree on any street, park or other public place without first filing an application and procuring a tree permit from the city. Minor pruning and maintenance does not require a permit.

B. *Pruning and corner clearance.* All public trees overhanging a street right-of-way within the city shall be pruned so that the branches do not obstruct the light from a street lamp or obstruct the view of any street intersection. All dead, diseased, dangerous, broken or decayed limbs which constitute a menace to the safety of the public shall be removed.

C. *Clearance height.* All public trees shall be maintained so that the clearance height from a pedestrian walk is not less than eight feet, a clearance height from a residential street is not less than 12 feet and the clearance height from a collector or arterial street is 14 feet.

D. *Adjacent landowner responsibility.* In consideration of the value and benefits derived from the beauty and enjoyment of the street trees, the property owners abutting dedicated rights-of-way shall share the responsibility and cost of maintenance and care of the street trees abutting their property, and shall have the primary duty to regularly inspect and remove, as set out herein, any conditions that violate this chapter as needed. Failure to do so is a violation of this chapter.

(Ord. 1203, § 52, 2008; Ord. 1068, (part), 1994)

§ 12.16.090 STREET TREE REMOVAL.

A. *Permit required.* Unless specifically exempted in this chapter, no person may remove a public tree without first filing an application and procuring a permit from the city.

B. *Removal of stumps.* All stumps of street trees shall be removed below the surface of the ground so that the top of the stump shall not project above the surface of the ground.

C. *Tree replacement.* The city may require the replacement by the abutting landowner, at the landowner's expense, of a new tree after removal of an existing street tree.

(Ord. 1068, (part), 1994)

§ 12.16.100 PERMIT.

A. *City approval required.* Unless specifically exempted by this section, no person may remove, severely prune or disturb any tree on any street, park or other public place without first filing an application and procuring a tree permit and a public works permit from the city. Both permits shall be processed concurrently. The person receiving the permit shall abide by any conditions placed on the permit, the standards set forth in this chapter and the provisions of the 1993 Park and Street Tree Planting Plan.

B. *Application.* The applicant shall file a public works permit and a tree permit application concurrently with the Public Works Department. The owner or authorized agent must submit information on the location, type and size of the tree or trees in question and the reasons for the

desired action. The information and reasons shall address any appropriate criteria based on the type of area and tree designation.

C. *Review procedures.* The tree permit application will be forwarded to the City Manager or his or her authorized agent for review prior to the issuance of a public works permit by the Public Works Director. Review and issuance of the public works permit shall be in conformance with [Chapter 12.08](#). The following shall also apply:

1. The city may require the verification of any state tree illness, safety problems, etc., by an arborist certified by the International Society of Arboriculture, paid for at the applicant's expense.

2. The applicant shall submit any additional or more detailed information required by the City Manager or his or her authorized agent to ensure compliance with the provisions of this chapter and the 1993 Park and Street Tree Planting Plan.

3. The City Manager or his or her authorized agent shall ascertain whether the request is valid under the terms of this chapter. To be valid, evidence must be submitted by the applicant demonstrating that the tree(s) identified for pruning or removal poses a threat to the health, safety or general welfare of the abutting property owner and/or private or public property.

4. If valid, the permit shall be processed by city staff unless referred to ~~the the Park And Tree Committee~~~~Tree Commission~~. All tree permits shall be issued with the following conditions attached.

a. Trees shall be removed or pruned following pruning standards of the International Society of Arboriculture and shall be provided to the applicant at the time a permit is issued.

b. It is the responsibility of the applicant to assure that all trees are removed or pruned in a manner which ensures safety to individuals and public and private property.

c. Other conditions as the City Manager or his or her authorized agent or the ~~Park And Tree Committee~~~~Tree Commission~~ shall attach in keeping with the purpose of this chapter and the 1993 Park and Street Tree Planting Plan.

D. *Permit exemption.*

1. Regular maintenance by adjacent property owners which does not require removal of over 20% of the tree's canopy or tree topping.

2. The trimming, pruning, cutting or removal of any tree or shrub on a public street or right-of-way or upon any publicly-owned or controlled property, if the trimming, pruning, cutting or removal is done in the ordinary maintenance or repair of streets, sidewalks, pavement marking, existing utility lines, street signs, traffic signs or is done in order to repair or replace the same as a result of damage or deterioration as a result of accident, casualty or natural elements such as wind, rain, ice, electrical storm or the like.

3. Necessary measures may be taken to protect public safety or private or public property from imminent danger and to respond to emergencies declared by the city, county, state or federal governments. The emergencies may include a windstorm, mud slide, flood, freeze, dangerous and infectious insect infestation or disease or other disaster.

(Ord. 1068, (part), 1994)

 **§ 12.16.110 PRIVATE TREES.**

A. *Pruning.* The city shall have the authority to enter onto private property whereon there is located a tree, shrub, plant or plant part that is suspected to be hazardous or a public nuisance and interferes with the proper spread of light along the street from a street light, or interferes with the visibility of any street intersection, traffic control device or sign.

B. *Clearance height.* All private trees shall be maintained so that the clearance height from a pedestrian walk is not less than eight feet, a clearance height from a residential street is not less than 12 feet and the clearance height from a collector or arterial street is 14 feet.

C. *Removal.* The city may cause the removal of all, or part of any dead, dangerous or diseased tree located on private property that constitutes a hazard to life or property or harbors insect or disease which constitute a potential threat to other trees within the city, or may require the property owner to remove or trim any such tree on private property. Failure of the property owner to take corrective action within 30 days after receiving notice by the city is a violation of this chapter.

(Ord. 1068, (part), 1994)

 **§ 12.16.120 ABUSE AND MUTILATION OF STREET AND PARK TREES.**

A. *Abuse.* No person shall abuse, destroy or mutilate any street tree, in a dedicated public right-of-way or any other public place or attach or place any rope or wire (other than one used to support the tree itself), sign poster, handbill or other thing to, or on, any tree growing in a public place or to cause or permit any wire charged with electricity to come into contact with any such tree, or to allow any gaseous liquid or solid substance, which is harmful to such tree, to come into contact with their roots or leaves.

B. *Topping.* It is unlawful as a normal practice for any person or firm to top any street tree, park tree or other tree on public property. Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this chapter at the determination of the City Planner.

(Ord. 1068, (part), 1994)

 **§ 12.16.130 ENFORCEMENT—PENALTIES.**

A. *Authority.* It shall be the duty of the City Manager or his or her authorized agent to administer the provisions of this chapter. The City Planner shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued thereunder, and establish administrative procedures and guidelines, conduct inspections and prepare the forms necessary to carry out the purposes of this chapter.

B. *Authorized actions.* In addition to other remedies, the city may bring injunctive, declaratory or other actions to enforce this chapter.

C. *Stop work orders/permit revocation.*

1. The City Manager or his or her authorized agent shall suspend work or revoke a permit, as appropriate, if he or she finds that:

- a. The work is not authorized by a valid permit;
- b. Inaccurate information was used to obtain the permit;
- c. The permittee is not complying with the terms of the permit or approved plans; and

d. The work is, in the City Manager or his or her authorized agent's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, watercourse, environmentally sensitive area or storm water facility or otherwise adversely affecting the public health, safety or welfare.

2. The City Manager or his or her authorized agent shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project. If the permittee does not comply with the order within the time specified, the city may enter the project site and perform the required work. All costs incurred by the city in performing the work shall be charged to the applicant and/or the city may place a lien against the property in the amount of the funds expended to perform the required work.

D. *Abatement/restoration.* Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the City Manager or his or her authorized agent, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s). If the violator does not restore the damaged area, then the city may restore the area and the cost thereof shall be charged to the violator and/or be a lien upon the property as set forth in subsection C.2. of this section.

E. *Penalty.* A person who fails to comply with the requirements of this chapter or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to comply with a stop work order issued under this chapter is in violation of this chapter and the violation constitutes a violation and may be prosecuted under the provisions of [Chapter 9.36](#).

(Ord. 1237, § 1 (part), 2013; Ord. 1068, (part), 1994)

§ 12.16.140 LIABILITY ON THE CITY.

Nothing in this chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public right-of-way over their property.

(Ord. 1068, (part), 1994)

ORDINANCE BILL NO. 11 FOR 2017

ORDINANCE NO. 1265

SWEET HOME ORDINANCE AMENDING PUBLIC TREES, SHRUBS AND BUSHES
ORDINANCE WITH EXPEDIENCY CLAUSE

WHEREAS, Sweet Home Ordinance No. 1263 Establishing Certain City Committees passed in 2017 has changed the name, composition and other factors relating to the Tree Commission;

WHEREAS, the Tree Commission has been combined with the Park Board;

WHEREAS, Sweet Home Public Trees, Shrubs and Bushes Ordinance codified at SHMC Chapter 12.16 has references in it referring to the Tree Commission that need to be amended to correspond with the new committee ordinance and the new name of Park And Tree Committee therein;

WHEREAS, this ordinance needs to be in effect as soon as possible to correspond with Sweet Home Ordinance No. 1263 Establishing Certain City Committees;

Now Therefore,

The City of Sweet Home does ordain as follows:

Section 1. Sweet Home Municipal Code Section 12.16.040 entitled CREATION OF TREE COMMISSION is changed to PARK AND TREE COMMITTEE and amended to read as follows:

The Park And Tree Committee established in SHMC Chapter 2.10 shall be the committee to implement the committee provisions of this chapter.

Section 2. Sweet Home Municipal Code Section 12.16.050 entitled DUTIES AND RESPONSIBILITIES OF TREE COMMISSION is changed to POWERS AND DUTIES OF THE PARK AND TREE COMMITTEE and is amended to read as follows:

The Park And Tree Committee has the powers and duties as set out in SHMC Chapter 2.10.

Section 3. Sweet Home Municipal Code Section 12.16.060 entitled REVIEW BY THE CITY COUNCIL is amended to read as follows:

The City Council may review the conduct, acts and decisions of the Park And Tree Committee, City Manager and authorized agent. A person may appeal the ruling or order of the committee, manager or agent to the City Council who shall hear the matter and make a final decision.

Section 4. Sweet Home Municipal Code first sentence of Section 12.16.100(4) entitled PERMIT is amended to read as follows:

If valid, the permit shall be processed by city staff unless referred to the Park And Tree Committee.

Section 5. Sweet Home Municipal Code Section 12.16.100(4)(c) entitled PERMIT is amended to read as follows:

c. Other conditions as the City Manager or his or her authorized agent or the Park And Tree Committee shall attach in keeping with the purpose of this chapter and the 1993 Park and Street Tree Planting Plan.

Section 6. Expediency Clause. It is hereby adjudged and declared that existing conditions are such that this ordinance is needed to be in effect upon its passage by the Council and approval by the Mayor.

PASSED by the Council and approved by the Mayor this 14th day of November, 2017.

Mayor

ATTEST:

City Manager - Ex Officio City Recorder

REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: November 14, 2017 SUBMITTED BY: Ray Towry, City Manager REVIEWED:	TITLE: Finance Director Data ATTACHMENTS: Finance Director Comparable	TYPE OF ACTION: RESOLUTION <input checked="" type="checkbox"/> MOTION <input type="checkbox"/> OTHER
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PURPOSE OF THIS MEMO: Evaluate the salary schedule for the Finance Director.

BACKGROUND/CONTEXT: Staff requests an evaluation of the Finance Director salary schedule to attract a pool of qualified applicants during the upcoming recruitment effort.

THE CHALLENGE/PROBLEM: How can we recruit qualified personnel who are able to perform all of the functions necessary to provide a high quality of service in the Finance Department and meet the desired model of an efficient and fiscally responsible City?

STAKEHOLDERS:

Citizens: This position will lead the effort to shape the face of the community. The community will feel effects of those efforts for generations.

Staff: Having a knowledgeable, qualified leader as a department head will aid in the staff's ability to function efficiently and effectively.

Business Owners: The policies and programs devised and implemented through this department will help or hinder a business's ability to prosper.

ISSUES & FINANCIAL IMPACTS:

If Council chooses to change the salary we should be able to entice a high quality, knowledgeable and experienced leader for the Finance Department. Failure to do so could mean a pool of candidates that do not have the skill set we desire. Two salary schedule options have been created: one that starts at the average Entry/Step A/Low increasing for five steps OR one that starts at the average High end and decreases for each of the five steps. Current practice is to add 5% for steps two and three, adding 3% for steps four and five.

	Step A:	Step B: 5%	Step C: 5%	Step D: 3%	Step E: 3%
A) Low Avg. Up:	\$ 6,612	\$ 6,943	\$ 7,290	\$ 7,508	\$ 7,734
B) High Avg. Down:	\$ 7,207	\$ 7,586	\$ 7,985	\$ 8,232	\$ 8,487

ELEMENTS OF A STABLE SOLUTION:

Create a salary schedule that allows us to recruit the best candidate pool to select a quality employee to Sweet Home.

OPTIONS:

1. Do Nothing.
2. Approve Resolution No. 25 for 2017 – A Resolution Establishing Salary Schedules for Non-Represented General Employees utilizing Exhibit A. Exhibit A is inline with other Department Head salaries.
3. Approve Resolution No. 25 for 2017 – A Resolution Establishing Salary Schedules for Non-Represented General Employees utilizing Exhibit B.
4. Propose alternate salary schedule for the Finance Director.

RECOMMENDATION:

5. Staff recommends Option 2: Approve Resolution No. 25 for 2017 – A Resolution Establishing Salary Schedules for Non-Represented General Employees utilizing Exhibit A.

Finance Director
2017 Comparable

pop.	City	Op Budget	Low	High	Current Department Head Salary Schedule						
16,324	Lebanon	\$69,623,127	\$7,288.00	\$8,946.00	\$9,609.00	CITY MGR	\$7,635.00	\$8,017.00	\$8,417.00	\$8,670.00	\$8,930.00
9,590	Silverton	\$39,790,886	\$6,938.00	\$7,897.00	\$8,855.00	LIB DIR	\$4,647.00	\$4,879.00	\$5,123.00	\$5,277.00	\$5,435.00
8,775	Independence	\$18,062,546	\$6,745.00	\$6,651.00	\$7,966.00	POLICE CHIEF	\$6,323.00	\$6,639.00	\$6,971.00	\$7,180.00	\$7,395.00
9,385	Prineville	\$45,060,028	\$6,732.00	\$8,102.00	\$9,472.00	CEDD	\$6,579.00	\$6,908.00	\$7,254.00	\$7,471.00	\$7,696.00
8,875	Cottage Grove	\$28,641,115	\$6,451.00	\$7,336.00	\$8,221.00	PW DIR	\$5,846.00	\$6,138.00	\$6,445.00	\$6,638.00	\$6,837.00
9,720	Monmouth	\$35,055,681	\$6,289.00	\$7,369.00	\$8,449.00	FIN DIR	\$5,846.00	\$6,138.00	\$6,445.00	\$6,638.00	\$6,837.00
9,090	Sweet Home	\$20,910,596	\$5,846.00	\$6,445.00	\$6,837.00						
Average			\$6,612.71	\$7,535.14	\$8,487.00						
Adopting Resolution No. 25 for 2017 - Exhibit A											
pop.	City	Op Budget	Low	High							
16,324	Lebanon	\$69,623,127	\$7,288.00	\$8,946.00	\$9,609.00						
9,590	Silverton	\$39,790,886	\$6,938.00	\$7,897.00	\$8,855.00						
8,775	Independence	\$18,062,546	\$6,745.00	\$6,651.00	\$7,966.00						
9,385	Prineville	\$45,060,028	\$6,732.00	\$8,102.00	\$9,472.00						
9,090	Sweet Home	\$20,910,596	\$6,612.00	\$7,173.00	\$7,734.00						
8,875	Cottage Grove	\$28,641,115	\$6,451.00	\$7,336.00	\$8,221.00						
9,720	Monmouth	\$35,055,681	\$6,289.00	\$7,369.00	\$8,449.00						
Average			\$6,722.14	\$7,639.14	\$8,615.14						
Adopting Resolution No. 25 for 2017 - Exhibit B											
pop.	City	Op Budget	Low	High							
16,324	Lebanon	\$69,623,127	\$7,288.00	\$8,946.00	\$9,609.00						
9,090	Sweet Home	\$20,910,596	\$7,207.00	\$7,847.00	\$8,487.00						
9,590	Silverton	\$39,790,886	\$6,938.00	\$7,897.00	\$8,855.00						
8,775	Independence	\$18,062,546	\$6,745.00	\$6,651.00	\$7,966.00						
9,385	Prineville	\$45,060,028	\$6,732.00	\$8,102.00	\$9,472.00						
8,875	Cottage Grove	\$28,641,115	\$6,451.00	\$7,336.00	\$8,221.00						
9,720	Monmouth	\$35,055,681	\$6,289.00	\$7,369.00	\$8,449.00						
Average			\$6,807.14	\$7,735.43	\$8,722.71						

RESOLUTION NO. 25 FOR 2017

A RESOLUTION ESTABLISHING SALARY SCHEDULES FOR NON-REPRESENTED GENERAL EMPLOYEES.

WHEREAS, the City of Sweet Home wishes to formally adopt a salary plan for its Non-Represented General Employees.

NOW, THEREFORE, the City of Sweet Home resolves as follows:

The attached salary schedules for Non-Represented full-time and part-time General positions are adopted for positions currently authorized as shown in Exhibit "A".

This Resolution hereby replaces Resolution No. 7 for 2017 and shall be effective November 14, 2017.

PASSED BY THE City Council and approved by the Mayor this 14th day of November, 2017.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

RESOLUTION NO. 25 for 2017
EXHIBIT A

SALARY SCHEDULE
July 1, 2017 - June 30, 2018
NON-REPRESENTED GENERAL EMPLOYEES
MANAGEMENT
(same as general union contract - 2.5% salary increase)

STEP POSITION	A	B	C	D	E
LIBRARY DIRECTOR	4647	4879	5123	5277	5435
ACCOUNTING SUPERVISOR	4092	4297	4511	4647	4786
ADMINISTRATIVE ASSISTANT	4280	4494	4719	4861	5006
COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR	6579	6908	7254	7471	7696
SR. ENGINEERING TECH	4678	4912	5158	5313	5472
PLANT SUPERINTENDENT	4547	4774	5013	5164	5318
MAINT. SUPERINTENDENT	4678	4912	5158	5313	5472
FINANCE DIRECTOR	6612	6943	7290	7508	7734
PUBLIC WORKS DIRECTOR	5846	6138	6445	6638	6837
PLANNER	5006	5257	5519	5685	5855
CITY MANAGER	7635	8017	8417	8670	8930

Employees who have completed 8 years of continuous employment with the City will receive an additional two percent (2%) Longevity Merit Pay increase above the step 5 scale. This pay is subject to all applicable provisions of the City's Personnel Policy and is based upon merit.
Steps B & C are 5% increases
Steps D & E are 3% increases

RESOLUTION NO. 25 for 2017
EXHIBIT A

SALARY SCHEDULE
July 1, 2018 - June 30, 2019
NON-REPRESENTED GENERAL EMPLOYEES
MANAGEMENT
(same as general union contract - 2.5% salary increase)

STEP POSITION	A	B	C	D	E
LIBRARY DIRECTOR	4763	5001	5251	5409	5571
ACCOUNTING SUPERVISOR	4194	4404	4624	4763	4906
ADMINISTRATIVE ASSISTANT	4387	4607	4837	4982	5132
COMMUNITY AND ECONOMIC DEVELOPMENT DIRECTOR	6744	7081	7435	7658	7888
SR. ENGINEERING TECH	4795	5035	5287	5446	5609
PLANT SUPERINTENDENT	4661	4894	5139	5293	5451
MAINT. SUPERINTENDENT	4795	5035	5287	5446	5609
FINANCE DIRECTOR	6777	7116	7472	7696	7927
PUBLIC WORKS DIRECTOR	5992	6291	6606	6804	7008
PLANNER	5131	5388	5657	5827	6002
CITY MANAGER	7826	8217	8628	8887	9153

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RESOLUTION NO. 25 for 2017
EXHIBIT A

SALARY SCHEDULE
July 1, 2017 - June 30, 2018
NON-REPRESENTED EMPLOYEES
PART-TIME EMPLOYEES (HOURLY)
(same as general union contract - 2.5% salary increase)

STEP POSITION	A	B	C	D	E
JANITOR	10.86	11.41	11.98	12.34	12.71
TYPIST	10.86	11.41	11.98	12.34	12.71
LIBRARY ASSISTANT	13.65	14.33	15.05	15.50	15.96
P/W SECRETARY	10.98	11.53	12.10	12.47	12.84

Employees who have completed 8 years of continuous employment with the City will receive an additional two percent (2%) Longevity Merit Pay increase above the step 5 scale. This pay is subject to all applicable provisions of the City's Personnel Policy and is based upon merit.

RESOLUTION NO. 25 for 2017
EXHIBIT A

SALARY SCHEDULE
July 1, 2018 - June 30, 2019
NON-REPRESENTED EMPLOYEES
PART-TIME EMPLOYEES (HOURLY)
(same as general union contract - 2.5% salary increase)

STEP POSITION	A	B	C	D	E
JANITOR	11.14	11.69	12.28	12.64	13.02
TYPIST	11.14	11.69	12.28	12.64	13.02
LIBRARY ASSISTANT	13.99	14.69	15.42	15.89	16.36
P/W SECRETARY	11.25	11.82	12.41	12.78	13.16

Employees who have completed 8 years of continuous employment with the City will receive an additional two percent (1%) Longevity Merit Pay increase above the step 5 scale. This pay is subject to all applicable provisions of the City's Personnel Policy and is based upon merit.

RESOLUTION NO. 25 FOR 2017

A RESOLUTION ESTABLISHING SALARY SCHEDULES FOR NON-REPRESENTED GENERAL EMPLOYEES.

WHEREAS, the City of Sweet Home wishes to formally adopt a salary plan for its Non-Represented General Employees.

NOW, THEREFORE, the City of Sweet Home resolves as follows:

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This Resolution hereby replaces Resolution No. 7 for 2017 and shall be effective November 14, 2017.

PASSED BY THE City Council and approved by the Mayor this 14th day of November, 2017.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder

RESOLUTION NO. 25 for 2017
EXHIBIT B

SALARY SCHEDULE
July 1, 2017 - June 30, 2018
NON-REPRESENTED GENERAL EMPLOYEES
MANAGEMENT
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RESOLUTION NO. 25 for 2017
EXHIBIT B

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July 1, 2017 - June 30, 2018
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PART-TIME EMPLOYEES (HOURLY)
(same as general union contract - 2.5% salary increase)

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REQUEST FOR COUNCIL ACTION

PREFERRED AGENDA: November 14, 2017	TITLE: Designate City Property as Surplus for Sale – Sankey Park	TYPE OF ACTION: <u>X</u> RESOLUTION
SUBMITTED BY: Greg Springman, Public Works Director	Caretaker Mobile Home	— MOTION
REVIEWED By: Ray Towry, City Manager	ATTACHMENTS: Resolution No. 26 2017 - A Resolution to Designate City Property as Surplus and Authorize its Lawful Disposal. Formal Offer to Purchase - J&M Homes	— OTHER

PURPOSE OF THIS RCA:

To designate City property as surplus, and authorize sale of property or it’s lawful disposal.

BACKGROUND/CONTEXT:

The City of Sweet Home founded Sankey Park in 1935, and is currently the largest developed park within the City boundaries. In 1994, the City purchased a new Golden West Manufactured Home for purposes of providing residence to a City employee as a park caretaker. The location of the manufactured mobile home is 809 14th Avenue, Sweet Home, OR 97386.

In 2014, University of Oregon’s Community Services Center (CSC) used a community interactive process to solicit input from community members to develop the Sweet Home Park Systems Master Plan. October 2016, CSC completed the conceptual redesign of Sankey Park. CSC’s conceptual redesign recommends removal of the caretaker mobile home in Sankey Park to improve visitor visibility and safety. Recently, the City began exploring options for the sale, removal and transportation, and relocation of the mobile home.

There are only a couple Mobile Home Transportation companies that do this work locally. Used mobile homes significantly depreciate in value, and are easily replaced. Proposals from similar companies outside of our area would be extremely difficult to obtain, potentially the City would not receive any value in the mobile home after transportation. Costs for mobile home tear down, transportation/removal, and set up is approximately \$10,000. The Public Works Department will be tasked with the demolition and removal of the garage, steps and railings from mobile home, landscaping, fencing, asphalt and concrete, and other miscellaneous materials not connected to the mobile home structure. There will be associated operational and disposal costs for property clean up. The following is a summary of quotes:

1. Staff received a verbal quote from Johnny Garcia (A-Action Mobile Home Moving) to remove and relocate this mobile home to Northside Park. Their quote is for \$9,500 for tear down, transport/relocate, and set up this trailer to an alternate location. City Staff will do all clean-up of Sankey Park property. Johnny Garcia recommended we contact J&M Mobile Homes to purchase.
2. Staff contacted Josh Victor, where he verbally offered the City \$2,000 for the Mobile Home, where he would tear down, transport, and relocate the mobile home from Sankey Park. City Staff will do all clean-up of property.
3. Staff received an offer from J&M Mobile Home, where they offered the City \$5,000 for the mobile home, where they will tear down and remove the mobile home from Sankey Park. City Staff will do all clean-up of property.

THE CHALLENGE/PROBLEM:

Should the City surplus and authorize sale of property or lawful disposal of the caretaker mobile home in Sankey Park?

STAKEHOLDERS:

- City of Sweet Home Residents. Residents of Sweet Home visit our City's Parks. Utilizing a public park for residential use is not in the best interest of the community. The property designated for this mobile home would be better served as public park use.
- Sweet Home City Council. The City Council has increased the Parks' budget and staffing to implement recommendations in the Sweet Home Park Systems Master Plan.
- Parks Board. The Parks Board has recommended to City Council to approve the Sweet Home Park Systems Master Plan, asking Council provide funding to implement the plan.
- Management Team. The Management Team will be tasked with the removal of the mobile home from Sankey Park, ultimately beginning Sankey Park improvements.

ISSUES & FINANCIAL IMPACTS:

1. Public Works Department – The Public Works Department will be tasked with the demolition and removal of the garage, steps and railings from mobile home, landscaping, fencing, asphalt and concrete, and other miscellaneous materials not connected to the mobile home structure. There will be associated operational and disposal costs for property clean up.
2. Sweet Home City Council – The City Council must designate the caretaker mobile home as surplus property for sale. No financial impact.
3. City of Sweet Home – No issues or financial impacts. The purchaser of the mobile home shall pay all associated costs for removing the mobile home. The remaining value for the mobile home will be paid to the City by the purchaser.

ELEMENTS OF A STABLE SOLUTION:

The City Council must designate the caretaker mobile home as surplus property for sale prior to sale or removal. The purchaser of the mobile home will pay all associated costs for removing the mobile home, and the remaining value for the mobile home will be paid to the City by the purchaser. Utilizing a public park for residential use is not in the best

interest of the community. By authorizing the sale and removal the caretaker mobile home will assist staff and the Parks Board in completing recommendations outlined in Sweet Home Park Systems Master Plan.

OPTIONS:

1. Do Nothing. Doing nothing preserves the status quo. The Parks Board and City Staff would not be able to implement recommendations outlined in the Sweet Home Park Systems Master Plan.
2. Make a Motion to adopt Resolution No. 26 for 2017 – A Resolution to Designate City Property as Surplus and Authorize its Lawful Disposal as presented.
3. Request Parks Board to Make a Recommendation to City Council. Request the Parks Board to review information outlined in the Sweet Home Park Systems Master Plan, specifically the Sankey Park Conceptual Redesign, providing recommendations to Council.
4. Remove Caretaker Mobile Home, City Retains Ownership. The City Council could approve the removal of the Caretaker Mobile Home and retain ownership. The City would be responsible for all associated costs for removal, transportation, set up, and storage of mobile home.

RECOMMENDATION:

Staff recommends Council choose option #2, Make a motion to adopt Resolution No.26 2017 – A Resolution to Designate City Property as Surplus and Authorize its Lawful Disposal as presented. Staff is asking the City Council to designate the caretaker mobile home as surplus property for sale and lawful disposal, prior to removal. By adopting this resolution, City staff will be able to proceed to formally accept J&M Homes' offer and schedule the sale and removal of the Caretaker Mobile Home located at 809 14th Avenue, Sweet Home, OR 97386. J&M Homes will pay all associated costs for removing the mobile home and the remaining value for the mobile home will be paid to the City by J&M Homes. Authorizing the sale and removal of the caretaker mobile home will assist Parks Board and Staff to complete recommendations outlined in Sweet Home Park Systems Master Plan.

KAZZAK-CH-2000

GOLDEN WEST HOMES
 2445 PACIFIC BLVD. SOUTH
 P.O. BOX 1046
 ALBANY, OREGON 97321

4-80-1 Plant Number 03

Date of Manufacture	HUD No.
8-29-94	ORE272364, ORE272365
Manufacturer's Serial Number and Model Unit Designation	
GW3ORWH113951	WH401F-1
Design Approval by (D.A.P.I.A.)	

RADCO

This manufactured home is designed to comply with the federal manufactured home construction and safety standards in force at time of manufacture.
 (For additional information, consult owner's manual.)

The factory installed equipment includes:

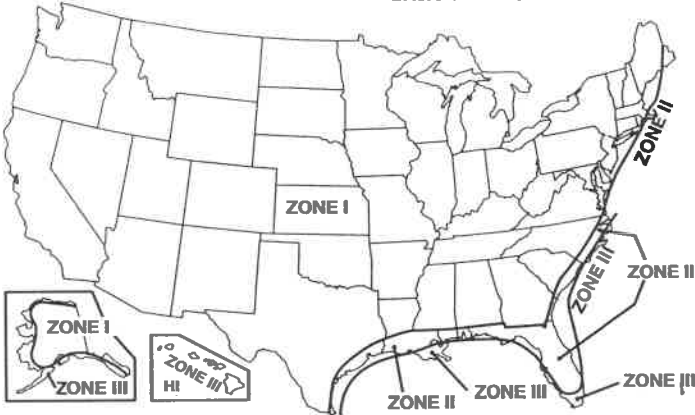
Equipment	Manufacturer	Model Designation
For heating	COLEMAN	EB10A
For air cooling		
For cooking	GEN ELECT	JBSO3S1WH
Refrigerator	GEN ELECT	TBX18SASGLWH
Water Heater	RHEEM	71-40S
Washer		
Clothes Dryer		
Dishwasher	GEN ELECT	GSD500T48WA
Garbage Disposal	INSINKERATOR	I-56A
Fireplace		
Smoke Detector	FYRNETICS	1275E

HOME CONSTRUCTED FOR Zone I Zone II Zone III

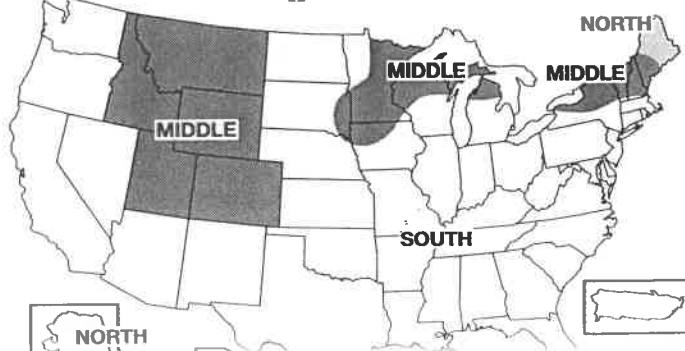
This home has not been designed for the higher wind pressure and anchoring provisions required for ocean/coastal areas and should not be located within 1500' of the coastline in Wind Zones II and III, unless the home and its anchoring and foundation system have been designed for the increased requirements specified for Exposure D in ANSI/ASCE 7-88.

This home has been equipped with storm shutters or other protective coverings for windows and exterior door openings. For homes designed to be located in Wind Zones II and III, which have not been provided with shutters or equivalent covering devices, it is strongly recommended that the home be made ready to be equipped with these devices in accordance with the method recommended in manufacturers printed instructions.

BASIC WIND ZONE MAP



DESIGN ROOF LOAD ZONE MAP North 40 PSF South 20 PSF
 Middle 30 PSF Other PSF



COMFORT HEATING

This manufactured home has been thermally insulated to conform with the requirements of the federal manufactured home construction and safety standards for all locations

within climatic zone 2
 Heating equipment manufacturer and model (see list at left).
 The above heating equipment has the capacity to maintain an average 70° F temperature in this home at outdoor temperatures of -31 F.
 To maximize furnace operating economy, and to conserve energy, it is recommended that this home be installed where the outdoor winter design temperature (97 1/2%) is not higher than -1 degrees Fahrenheit.
 The above information has been calculated assuming a maximum wind velocity of 15 mph at standard atmospheric pressure.

COMFORT COOLING

Air conditioner provided at factory (Alternate I)

Air conditioner manufacturer and model (see list at left).

Certified capacity _____ B.T.U./hour in accordance with the appropriate air conditioning and refrigeration institute standards.

The central air conditioning system provided in this home has been sized assuring an

orientation of the front (hitch end) of the home facing _____. On this basis the system is designed to maintain an indoor temperature of 75° F when outdoor

temperatures are _____ F dry bulb and _____ F wet bulb.

The temperature to which this home can be cooled will change depending upon the amount of exposure of the windows of this home to the sun's radiant heat. Therefore, the home's heat gains will vary dependent upon its orientation to the sun and any permanent shading provided. Information concerning the calculation of cooling loads at various locations, window exposures and shadings are provided in Chapter 22 of the 1981 edition of the ASHRAE Handbook of Fundamentals.

Information necessary to calculate cooling loads at various locations and orientations is provided in the special comfort cooling information provided with this home.

Air conditioner not provided at factory (Alternate II)

The air distribution system of this home is suitable for the installation of central air conditioning.

The supply air distribution system installed in this home is sized for a manufactured home

central air conditioning system of up to 42,000 B.T.U./hr. rated capacity which are certified in accordance with the appropriate air conditioning and refrigeration institute standards, when the air circulators of such air conditioners are rated at 0.3 inch water column static pressure or greater for the cooling air delivered to the manufactured home supply air duct system.

Information necessary to calculate cooling loads at various locations and orientations is provided in the special comfort cooling information provided with this manufactured home.

Air conditioning not recommended (Alternate III)

The air distribution system of this home has not been designed in anticipation of its use with a central air conditioning system.

INFORMATION PROVIDED BY THE MANUFACTURER NECESSARY TO CALCULATE SENSIBLE HEAT GAIN

Walls (without windows and doors).....	"U" <u>.051</u>
Ceilings and roofs of light color.....	"U" <u>.030</u>
Ceilings and roofs of dark color.....	"U" <u>.035</u>
Floors.....	"U" <u>.087</u>
Air ducts in floor.....	"U" <u>.119</u>
Air ducts in ceiling.....	"U" <u>.119</u>
Air ducts installed outside the home.....	"U" <u>.119</u>

The following are the duct areas in this home:

Air ducts in floor.....	<u>100</u> sq. ft.
Air ducts in ceiling.....	_____ sq. ft.
Air ducts outside the home.....	<u>78.5</u> sq. ft.

To determine the required capacity of equipment to cool a home efficiently and economically, a cooling load (heat gain) calculation is required. The cooling load is dependent on the orientation, location and the structure of the home. Central air conditioners operate most efficiently and provide the greatest comfort when their capacity closely approximates the calculated cooling load. Each home's air conditioner should be sized in accordance with Chapter 22 of the American Society of Heating, Refrigerating and Air Conditioning Engineers (ASHRAE) Handbook of Fundamentals, once the location and orientation are known.

OUTDOOR WINTER DESIGN TEMP. ZONES



Brand: WINTERHAVEN
Division: Albany 03
Model Specifications
 January 14, 1993 Rev. June 1, 1994

Floor System

Design :Longitudinal, 2"x6"
 :5/8" Cresdeck
 Foundation Ready :Optional
 Bottom Board :LSD Typar
 Module :13'-6" &12'-8" Floor System

Interior Walls

Design :2x3 or 2x4 Studs 16" O.C.
 Finish :1/2" Gyp Lite Texture w/ Satin
 Latex paint

Exterior Walls

Design :7'-6" Ceiling height
 :2 x 6 Studs 16" O.C.

Roof/Ceiling

Design :Roof Load = 30#
 :3/12 Pitch Truss Rafter 16" O.C
 :Optional 4/12
 :3/8" Plywood Sheathing
 Composition Roof :Fiberglas 20 yr
 :Poly Vapor Barrier ceiling
 Ceiling Finish :1/2" Gyp Ceilings 16" O.C.
 Lite Texture Satin White
 Cathedral Ceiling : Throughout
 Eave : 16" overhang front, sides on S models (rear optional)

Insulation * SUPER GOOD CENTS/MAPS *****

Floor ** : R-36 Fiberglass
 Sidewalls ** : R-21 Fiberglass
 Roof ** : R-38 (min)Blown In

Exterior

Design :1/2'Hardboard Primecoat(per print)
 Finish : Latex paint (per Call Out)
 Trim :Hardboard trim all around (see prints)
 Fascia :2x8 Rough Sawn with latex Paint
 Paint :Call Out Color exterior
 Recessed Entry :Optinal
 Bottom Trim :1 x 3 Rough Sawn (per print)

Doors/Windows

Front Door	: GW 2 (36" steel door w/ deadbolt & door knocker)
Rear Door	: GW10 Inswing w. deadbolt
Sliding Glass Door	: ALPINE WHITE VINYL ARGON WITH MATCHING SCREEN (see plan)
Interior Doors (LOOSE SET)	
Passage	: Purchased White Flush Door -30"
Hardware	: Bright Brass w/ Two (2) Mortised hinges
Locksets	: Round Brass Knobs Privacy = Baths, M/Bedroom Passage = All other rooms
Wardrobe Doors	: White Flush w/finger pull
Wardrobe Header	: See Moulding Detail Sheet
Dual Glazed Windows	: ALPINE WHITE VINYL ARGON : See Moulding Detail Sheet
Grid Windows	: Optional

Electrical

Main Panel	: 200 Amp Main
GFI	: 1(one) Exterior & 1 (One) Per Bath
Smoke Detector	: Standard Per Code (electric w/ battery)
Telephone Jack	: Optional
Television Jack	: Optional

Lighting Schedule

Front Porch Light	: White # 1197-30-333
Rear Porch Light	: White # 1197-30-333
Entry Light	: Optional
Central Light	: 1007 PB-333 Swivel w/ 6" globe
Walk-in Wardrobes	: 1007 PB-333 Swivel w/ 6" globe
Bedroom Lights	: Optional 1007 PB-333 Swivel w/ 6" globe 2nd & 3rd
Bath Lighting;	
Soffit Light	: Optional
Bath Central Light	: 1007 PB-333 Swivel w/ 6" globe
Over Sink	: 229-30-624
Kitchen Lighting;	
Over Sink Light	: 1007 PB-333 Swivel w/ 6" globe
Kitchen Central Light	: 1007 PB-333 Swivel w/ 6" globe
Dining Chandelier	: 2335-T-19-338
Breakfast Light	: 1007 PB-333 Swivel w/ 6" globe

Plumbing

Design	: Per floor plan using 1/2" & 3/4" poly pipe
Shut off Valves	: 1/2" @ Sinks, Toilets
Plumb for Washer	: Standard
Water Heater	: 30 Electric
Hose Bibbs	: Optional

Cooling/Heating

Furnace :Down Flow, F/A Electric Heat
Air/Ready :Optional (Electrical J-Box w/8wire thermostat wire)

Kitchen Design

Design :Square Alder Raised Panel Door
**See Miscellaneous For Specs
Sink :21" x 32" Porcelain
Faucet :Metal 2- knob Crystal Glow
Garbage Disposal :Optional
Range :Elect. GE JBS-03
Refrigerator :TBX14SA
Dishwasher :Optinal
Range Hood :30" fan w/light
Counter top :Laminate top w/backsplashat sink area
Drawer Guides :Roller/monorail w/wood drawers
Drawers :Purchased white sides,fronts,backs, 3/8" bottom

Decor

Window Covering : See Drapes Spec Page
Carpet : Grp II L/R, D/R, Hall,M.Berdm, Entry
Carpet Pad : 3/8" Foam w/ skin pad
Linoleum : Diamond Floor. Kitchen, M. Bath, G.Bath, Utility
Berdoom 2 & 3

Utility Design

Plumb for Washer : Standard
Wire for Dryer : Standard
Shelf Over Washer/Dryer :N/A
Cabinet : 2-Overhead w/ closet Pole

Bath Designs

Design :Square Alder Raised Panel Door
(* See Miscellaneous For Specs)
Fixture :White
Lavy Sinks :17" Plastic Oval
Tub/Shower : 1 Pc. Fiberglass Tub/Shwr Combo
or fixtures shown on std plan
Toilets :Standard
Exhaust Fans :Standard w/timer
Medicine Cabinet :N/A
Mirror :Full width Mirror w/ J Channel
Faucets: Lavy : Metal 2 Knob Crystal Glow
Tub/Shower : Single Lever -Chrome #8744/45831/RP20773
Drop-in Tub : Metal Deck 2-knob
Shower : Metal w/Knob Crystal glow
Drain :Pop-up
Counter top :Laminated with back splash

Miscellaneous

Cabinets:

Doors	:Square Alder Raised Panel Doors
Face Frame	:Light Alder Stiles & Rails
End & Bottom Panel Design	:Natural St. Helens Birch
	:Overhead cabinets & base cabinets lined w/ white panel w/ adjustable shelves in kitchen O/H Cabinets (see print for detailed location)
Shelving	:3/4" Vinyl wrap two side particle board throughout w/snap on 3/4" white gimp for shelf nosing except for adjustable shelves use MDF Board
Wardrobe Shelf	:See Drawings

Moulding

Interior Doors	:2" Colonial Casing(Waterfall) #064 Pure White
	:Jamb 1/2" x 3-3/4" White #538
	:Stop 3/8"x 1-1/4" #887 Pure White
Exterior Doors	:2" Colonial Casing(Waterfall) #064 Pure White
Floor Moulding:	
Floor To Tub	:Same as above #064 Pure White
Floor to Cabinets	:2" Colonial Casing(Waterfall) #064 <u>Light Alder</u>
Entry Way Floor	: <u>Optional</u> -2" Colonial Casing(Waterfall) #064 Pure White
Linoleum To Wall-Utility	:2" Colonial Casing(Waterfall) #064 Pure White
Carpet To Wall	: <u>Optional</u> (2" Col. Casing Waterfall #064 Pure White)
Windows:	
General	:3/8" GYP w/ 3/8" U-Channel 3 Sides Metal OSC all 4 sides White painted Pine Sill
Kitchen	:3/8" Gyp w/ 3/8"U-Channel 3 Sides Metal OSC all 4 sides Laminated Sill
Guest Bath Window(W-12)	:White Panel 4 sides w/ #064 Casing all 4 sides Pure White
Wardrobes	:Textured Drywall w/ metal OSC Wardrobe Header Gyp Factory edge
Cabinet O/H Moulding	:Light Alder Crown Mldg #068
Ridge Beam	:Textured drywall w/ metal OSC shipped loose

Wallpaper:

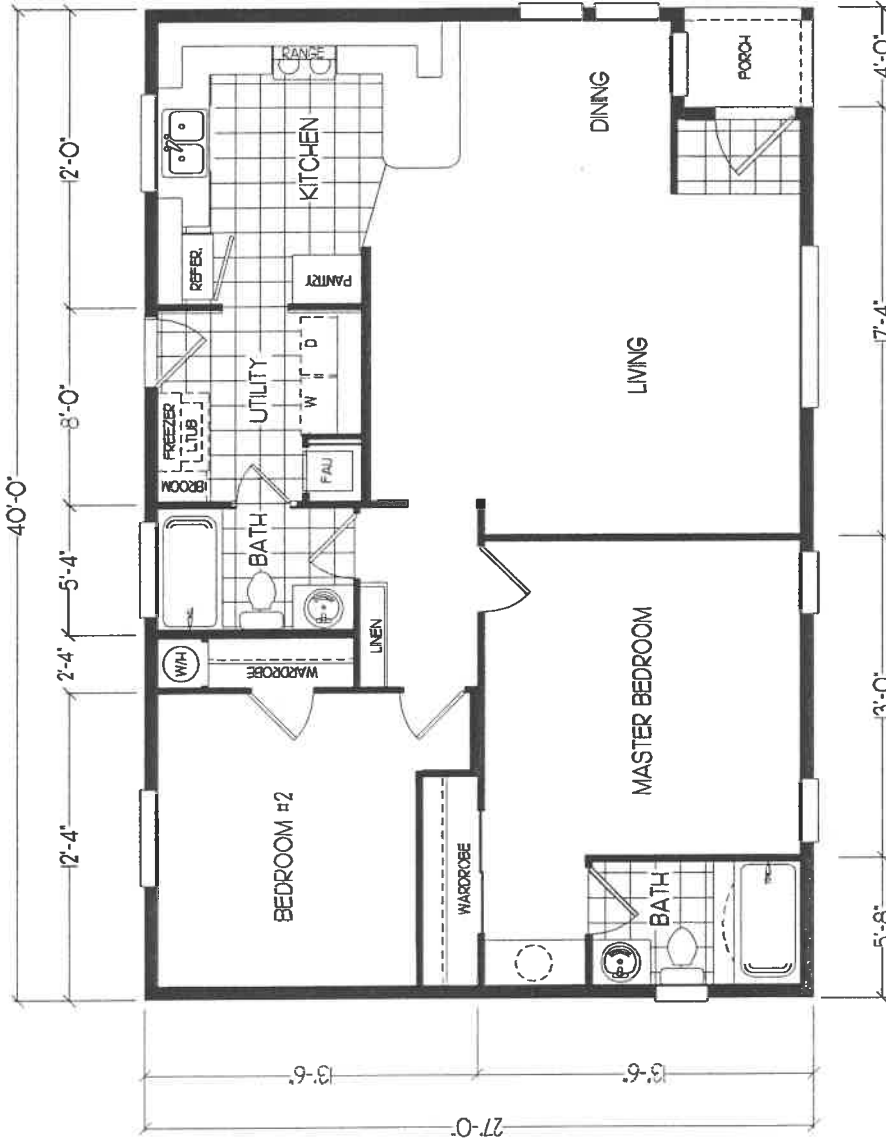
Location	: Above Kitchen Backsplash per Floor Plan (thru range area if applicable)
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Drapes:

Pleated Side Panels : Optional
Valances : 14" rod Pocket Valances L/R, D/R, Brakfast, F/R,
Study, M. Bedroom, Bedroom 2 & 3
Tub Treatment : Drape & Tub Swag- both baths
(except W-12 window)
Mini-Blinds : Throughout- except bathrooms

Additional Features to be included with this bid:

- 40 Gallon Water heater
- 60" Stall Shower w/Glass Enclosure in Master Bath
- Laundry Tub In Utility.
- Optional Linen Cabinet.



GOLDEN WEST HOMES
 2445 PACIFIC BLVD. S.
 ALBANY, OREGON 97321

DRAWING	MODEL NUMBER	DATE	REVISED	PAGE	SHEET
	WH 401 FI	03-23-94			

J & M Homes

33213 Hwy. 34 SE Albany, OR 97322

Phone: 541-928-1471

FAX: 541-928-1495



To City of Sweet Home,

J & M Homes would like to formally bid \$5,000 for the 1992 Golden West Manufactured home located at 809 14th Ave . Sweet Home Oregon 97386

We will remove the home from the property at no charge. You will remove the decks and skirting from the home. We will provide the axles and tires needed to move the home.

Thank you for your consideration. We look forward to hearing from you soon.

Kathy Nix Gillette

Cell 541-401-2076

Greg Springman

From: Greg Springman
Sent: Thursday, September 28, 2017 8:48 AM
To: Raymond Towry
Cc: Rebecca Swoboda
Subject: RE: Manufactured Home

Good morning Ray,

There are only a couple Mobile Home companies that do this work locally. There is not much money in the Mobile Home after tear down and removal, to request proposals from similar companies outside of our area would be extremely difficult, potentially no money to made after transportation. We have been making notes. We received a verbal quote from Johnny Garcia (A-Action Mobile Home Moving) to remove and relocate this Mobile Home to Northside Park. They quoted us \$9,500 to tear down, relocate, and set up this trailer to Northside Park. City Staff will do all clean-up of Sankey Park property. Johnny Garcia recommended we contact J&M Mobile Homes to purchase.

We contacted Josh Victor, where he verbally offered the City \$2,000 for the Mobile Home, where they will tear down and remove the Mobile Home from Sankey Park. City Staff will do all clean-up of property.

Finally, we received a bid yesterday from J&M Mobile Home, where they offered the City \$5,000 for the Mobile Home, where they will tear down and remove the Mobile Home Sankey Park. City Staff will do all clean-up of property.

If you have any questions, just let me know.

-Greg

Greg Springman
Public Works Director
City of Sweet Home
1400 24th Avenue
Sweet Home, OR 97386
Office (541) 818-8002
gspringman@ci.sweet-home.or.us

From: Raymond Towry
Sent: Wednesday, September 27, 2017 8:12 PM
To: Greg Springman
Subject: RE: Manufactured Home

Do we have two others "in writing," or noted somewhere?

Ray Towry
City Manager
City of Sweet Home
541-367-8969
www.ci.sweet-home.or.us

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Public Records Law Disclosure: This e-mail is a public record of the City of Sweet Home and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This email is subject to the State Retention Schedule.

From: Greg Springman

Sent: Wednesday, September 27, 2017 1:03 PM

To: Raymond Towry <rtowry@ci.sweet-home.or.us>; Jerry Sorte <jsorte@ci.sweet-home.or.us>

Subject: Fwd: Manufactured Home

Ray,

For your review, I have attached the proposal to remove and purchase from J&M Homes for mobile home in Sankey Park.

-Greg

Sent from my iPhone

Begin forwarded message:

From: Kathy Nix Gillette - J&M Homes <knix@jandmhomes.com>

Date: September 27, 2017 at 12:58:51 PM PDT

To: "gspringman@ci.sweet-home.or.us" <gspringman@ci.sweet-home.or.us>

Cc: Marty Brown - J&M Homes <mbrown@jandmhomes.com>

Subject: Manufactured Home

Good Afternoon,
Please find attached our proposal

Kathy Nix Gillette
541-928-1471 Office
541-401-2076 Cell
33213 Hwy 34 SE
Albany Oregon 97322

RESOLUTION NO. 26 FOR 2017

**A RESOLUTION TO DESIGNATE CITY PROPERTY AS SURPLUS AND
AUTHORIZE ITS LAWFUL DISPOSAL.**

WHEREAS, the City has determined there is no longer a use for the following City property;

Sankey Park – Caretaker Mobile Home
809 14th Avenue, Sweet Home OR 97321

WHEREAS, the City recognizes this property as surplus and considered little value that it should be sold and removed from Sankey Park;

NOW, THEREFORE, BE IT RESOLVED THAT:

The City of Sweet Home does hereby declare the property listed on the attachment as surplus and available for sale or its lawful disposal.

PASSED by the Council and approved by the Mayor, this 14th day of November, 2017.

Mayor

ATTEST:

City Manager – Ex Officio City Recorder



City of Sweet Home
Parks Board
City Hall
Conference Room
1140 12th Ave.,
Sweet Home, OR 97386

Park Board Minutes

October 16, 2017

Call to Order at 8:32 AM

Attendance: Chair Angela Clegg, Nancy Patton, Mariann Biteman, and Councilor Dave Trask

Visitors: Ashley Stewart

Staff: Public Works Director Greg Springman, Community and Economic Development Director Jerry Sorte, Planning Assistant Kathryn Wilcox

Absent: None

Welcome Guests, Introductions

Ideas, proposals, and discussions.

Community and Economic Development Director Jerry Sorte expressed ideas that included; utilizing staff and resources effectively, effective recreation programming. Ideas included; Volunteer recruitment, Establish partnership with the school district for things like open gyms or arts and crafts. He proposed eliminating costs of recreation by partnering with other agencies to offer some sort of adult and youth recreation once or twice a week. Jerry also mentioned a grant through the Oregon Parks and Recreation Department that could be a possible source of funding.

Angela Clegg explained that she had used Northside Park as the site of her recent Salmon Watch program. 608 people participated in the program at Northside in a three week time period. Concerns included; Erosion around the picnic tables, poison oak, fixing the sprinkler system, being sensitive to the communities concerns of the park. Ideas included; promoting the racquetball court, utilizing public works staff to fix irrigation.

Capital Improvement follow-up

Discussion ensued about capital improvements and the Sankey Park irrigation. Greg Springman explained that there were two bids that came back for Irrigation at Sankey and Northside parks. Concerns included; allocated funds, comparable prices, which contractor to go with. Ideas included; Fixing Northside irrigation by utilizing Public Works staff, rather than contracting. **Decision was made; Angela Clegg moved to recommend to City Council to approve funds for the improvements to Sankey Park's irrigation system, as proposed in the bid from Greenway.**

Nancy Patton seconded the motion. Question was called, (3) Aye, (0) Nay, motion passed unanimously.

Discussion ensued about removing or relocating the manufactured home in Sankey Park. Greg Springman explained that he is looking into options and costs. He said it is ten thousand dollars to move and reset the home, or they could sell it, which includes removal, and the City would be paid five thousand dollars.

Concerns included; Moving forward in a timely manner.

Ideas included; Fixing Northside irrigation by utilizing Public Works staff, rather than contracting. Going to the Council Meeting to show support for the approval of funds.

Decision was made; Angela Clegg moved to recommend to City Council to approve funds for the improvements to Sankey Park's irrigation system, as proposed in the bid from Greenway. Nancy Patton seconded the motion. Question was called, (3) Aye, (0) Nay, motion passed unanimously.

Review of Master Plan and Goals

Discussion ensued about reviewing the Master Plan

Ideas included; Dedicating a meeting to just the Master Plan review.

Merger of Tree Commission and Park Board

Discussion ensued about the combination of the Tree Commission and the Park Board.

Concerns Included; Meeting times that accommodate everyone.

Ideas included; Katie to follow up on scheduling.

Approval of Minutes

The Board discussed the minutes of August 28, 2107. Patton moved, and Biteman seconded a motion to approve the minutes as written. Motion passed 3-0.

The Board discussed the minutes of September 18, 2107. Chairperson Clegg moved, and Patton seconded a motion to approve the minutes as written. Motion passed 3-0.

Adjourn: 9:39 AM



Sweet Home Tree Commission Minutes

Wednesday, October 18, 2017

Phone: 541-367-8113
 Sweet Home City Hall
 Conference Room
 1140 12th Ave.,
 Sweet Home, OR 97386
www.ci.sweet-home.or.us

9:00AM

- Call to Order
- Attendance: Chairperson Lena Tucker, Katie Kohl,
- Staff: Public Works Director Greg Springman, Community and Development Director Jerry Sorte, Planning Assistant Kathryn Wilcox
- Absent: Vice-Chairperson Alice Smith (excused)
- Visitors: None
- Time Reports: September 2017 and October 2017

ALICE	6	PW Crew	
LENA	2	Gina Riley	
KATIE K.	5.5	PW Crew	
KATIE W.	2		
JOE			
GREG			
		Bucket Truck	
		Tractor	

Number of Trees Planted this month= 0
 Trees Removed= 0
 Trimmed= 0

9:15AM Old Business

Approval of July 2017 Minutes

Discussion ensued about the Harvest Festival.

Ideas included; Selling or crediting extra trees back to Small Woodlands group. To have a child activity that is interactive, such as a "mystery box" and / or goodie bags at the festival booth. Have brochures and posters available to promote the celebration tree program.

Concerns Included; Tree Climbers were missed. There is a need for a bigger booth space.

Discussion ensued about the Combination of the Park Board and Tree Committee.

Ideas included; Subcommittee meetings within the Committee, recruiting for one member.

Concerns Included; Meeting times, maintaining quorums.

Decision was made; Katie W. to follow up with all members on accommodating meeting times.

9:30AM Project Updates

Discussion ensued about the Tree City USA application and Growth Award.

Concerns Included; May not meet eligibility for growth award.

Decision was made; Katie W. to follow up with application and send out for review.

Discussion ensued about Code Enforcement hazardous tree follow up.

Concerns Included; Code enforcement requesting analysis from the Tree Commission through proper channels, the new owner of the property with the hazardous tree may be unaware.

Ideas included; waiting for code enforcement follow up.

Discussion ensued about promotion of the Tree Commission.

Ideas Included: Adding Brochures and Tree Species list to website.

Discussion ensued about the Big Leaf Maple tree at Ames Creek and Main. Katie W. contacted the Victors and asked if it is okay to put a stake in to protect it, since it is sprouting back. Alice had done so upon their approval. The Victors also said they would be interested in any of their properties being planting sites.

Ideas Included: The management at the Going Green store said they would love to replace it, water it, maintain it, and could possibly take up donations for its replacement.

Concerns Included; using tree protectors, mulch and circle barriers.

Discussion ensued about reviewing the Main Street Planting Plan.

Discussion ensued about reviewing the Main Street Planting Plan.

Discussion ensued about the Shea Point project. Katie W. contacted the county and they cannot maintain any trees planted by the Tree Commission.

Ideas Included: Tree Commissioners will monitor and maintain trees planted.

Concerns Included: Spending City tax funds and time on a county park.

Discussion ensued about replacing the Tree at Hoy's Hardware. Alice Grovum had requested to Alice S. that it be an action item.

Ideas Included: Looking at different species for placement. Use of heavy equipment for removal.

Discussion ensued about the RIO Theater planting. It was confirmed that the owners want four maple trees, two autumn blaze and two fall glory.

Ideas Included: Verifying planting location.

Concerns Included: Moving forward as quickly as possible.

Discussion ensued about the trees in the Evergreen Loop Pocket Park.

Ideas Included: Pruning the trees as recommended.

Concerns Included: Monitoring for root heaving.

Decision was made: Trees are not currently a hazard, if maintained.

Discussion ensued about the Carol Lewis Celebration Tree in Sankey Park.

Concerns Included: If there is enough water and sunlight in that area.

Decision was made: Replace the tree.

Discussion ensued about the watering schedule. Katie Wilcox explained that none of the trees on the schedule were consistently watered up on this year

Ideas Included: Reaching out to stores and property owners.

Concerns Included: Allocation of resources, use of watering tank.

Last Official Meeting of the Sweet Home Tree Commission



City of Sweet Home Finance Department Monthly Report

October 2017

- Finance Activities:**

Accounts Payable: 119 checks were processed for payments of \$139,418.85
(list is included)

Passport Applications processed: 41

Passport Photos: 42

Lien Searches: 69

	October	Avg time for each task	Total time spent in October assisting customers and/or completing processes
Passport Applications	41	15 -20 minutes	14 hours
Passport Photos	42	5 minutes	3.5 hours
Lien Searches	69	10 – 30 minutes	17 hours 25 minutes

- Utility Billing Activities:**

Service Requests processed: 224

New customers to Sweet Home: 16 (9 own - 7 rent)

Accounts opened: 52

Account closed: 51

	October
UB Statements Processed	3,322
Past Due Notices Processed	1,380
Phone Calls made on delinquent Accounts	158
Number of accts on Turn off List	33

Bank Reconciliation

Checks by Date

User: pgray
 Printed: 11/03/2017 - 8:44AM
 Cleared and Not Cleared Checks

City of Sweet Home
1140 12th Avenue
(541) 367-5128
(541) 367-5113 Fax



Check No	Check Date	Name	Comment	Module	Clear Date	Amount
86110	10/6/2017	911 SUPPLY		AP		1,166.86
86111	10/6/2017	ACCELA, INC. #774375		AP		1,470.00
86112	10/6/2017	ALSCO		AP		291.00
86113	10/6/2017	ARCHIVESOCIAL		AP		2,388.00
86114	10/6/2017	B & L APPLIANCE REPAIR		AP		70.00
86115	10/6/2017	BENTON ELECTRIC, INC.		AP		160.00
86116	10/6/2017	BRODART CO.		AP		224.28
86117	10/6/2017	CHIEF SUPPLY		AP		31.49
86118	10/6/2017	COMCAST		AP		149.85
86119	10/6/2017	COVANTA ENERGY LLC		AP		44.73
86120	10/6/2017	DAY MANAGEMENT CORPORATIO		AP		1,311.75
86121	10/6/2017	FASTENAL COMPANY		AP		378.52
86122	10/6/2017	HEARD FARMS, INC.		AP		25,593.00
86123	10/6/2017	J F J DISC REPAIR, INC.		AP		53.76
86124	10/6/2017	KEITH'S SPORTING GOODS, INC.		AP		205.20
86125	10/6/2017	KGAL		AP		100.00
86126	10/6/2017	KRON		AP		375.00
86127	10/6/2017	LEXIPOL, LLC		AP		3,360.00
86128	10/6/2017	MOONLIGHT BPO, INC.		AP		1,989.18
86129	10/6/2017	NET ASSETS		AP		394.00
86130	10/6/2017	NEW ERA		AP		1,342.49
86131	10/6/2017	O & M POINT S TIRE & AUTO SERV		AP		752.55
86132	10/6/2017	OFFICE DEPOT		AP		241.77
86133	10/6/2017	DARRELL POST JR		AP		100.00
86134	10/6/2017	REGIONAL AUTOMATED INFORM/		AP		2,048.31
86135	10/6/2017	SAMARITAN OCCUPATIONAL MED		AP		259.00
86136	10/6/2017	SUNSHINE INDUSTRIES UNLIMITE		AP		650.00
86137	10/6/2017	SWEET HOME SCHOOL DISTRICT #		AP		58.40
86138	10/6/2017	TELL & SELL		AP		260.83
86139	10/6/2017	THYSSENKRUPP ELEVATOR CORP.		AP		495.03
86140	10/6/2017	WALKER HEATING & AC, INC.		AP		747.50
86141	10/6/2017	WELLS FARGO VENDOR FIN SERV		AP		296.00
86142	10/13/2017	ARAMARK UNIFORM SERVICES		AP		488.62
86143	10/13/2017	AUDIO EDITIONS		AP		244.50
86144	10/13/2017	SAMUEL BECERRA		AP		300.00
86145	10/13/2017	BI-MART CORPORATION		AP		27.42
86146	10/13/2017	BUCK'S SANITARY SERVICE, INC.		AP		348.00
86147	10/13/2017	BULLFROG ENTERPRISES		AP		198.39
86148	10/13/2017	CASCADE DIVE COMPANY		AP		3,452.67
86149	10/13/2017	CASELLE, INC.		AP		196.67
86150	10/13/2017	CHINOOK INSTITUTE FOR CIVIC L		AP		200.00
86151	10/13/2017	COMCAST		AP		263.57
86152	10/13/2017	COMCAST BUSINESS		AP		1,036.28
86153	10/13/2017	DAJOY'S KETTLE CORN & CONCE		AP		100.00
86154	10/13/2017	DAN DEE SALES		AP		75.00
86155	10/13/2017	DAN DEE SALES		AP		175.00

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
86156	10/13/2017	DCBS FISCAL SERVICES		AP		4,289.88
86157	10/13/2017	CONNIE DEBUSSCHERE		AP		75.00
86158	10/13/2017	DRIVER AND MOTOR VEHICLE SEI		AP		3.00
86159	10/13/2017	HOY'S TRUE VALUE		AP		610.67
86160	10/13/2017	INDUSTRIAL WELDING SUPPLY, IN		AP		22.75
86161	10/13/2017	INGRAM LIBRARY SERVICES		AP		583.69
86162	10/13/2017	KNIFE RIVER		AP		301.31
86163	10/13/2017	ERIC KOPF		AP		199.99
86164	10/13/2017	LANE FOREST PRODUCTS		AP		1,340.00
86165	10/13/2017	LIBERTY ROCK PRODUCTS, INC.		AP		128.94
86166	10/13/2017	LINN BENTON TRACTOR CO.		AP		174.15
86167	10/13/2017	LINN COUNTY RECORDER		AP		55.00
86168	10/13/2017	LINN COUNTY TREASURER		AP		168.00
86169	10/13/2017	LR WINDOWS & CONSTRUCTION,		AP		390.00
86170	10/13/2017	NATIONAL PHOTOCOPY CORPORA		AP		27.74
86171	10/13/2017	NORTHWEST CODE PROFESSIONA		AP		803.30
86172	10/13/2017	OFFICE DEPOT		AP		94.43
86173	10/13/2017	ONE CALL CONCEPTS		AP		30.65
86174	10/13/2017	OREGON DEPT. OF REVENUE		AP		718.83
86175	10/13/2017	OREGON PERMIT TECHNICIANS A:		AP		353.00
86176	10/13/2017	O'REILLY AUTOMOTIVE, INC.		AP		41.55
86177	10/13/2017	OWEN EQUIPMENT COMPANY, INC		AP		251.78
86178	10/13/2017	PETROCARD		AP		1,584.14
86179	10/13/2017	RELIABLE WELDING, INC.		AP		2,883.93
86180	10/13/2017	RENEWED PROPERTIES, LLC		AP		58.84
86182	10/13/2017	SANTIAM FEED & GARDEN CENTE		AP		25.00
86183	10/13/2017	SANTIAM SPRAY SERVICE, INC.		AP		286.00
86184	10/13/2017	CHAD SCHUSTER		AP		60.00
86185	10/13/2017	SHAMROCK SUPPLY COMPANY, IN		AP		54.00
86186	10/13/2017	SIERRA SPRINGS		AP		94.61
86187	10/13/2017	SOUTH FORK TRADING CO., INC.		AP		1,436.60
86188	10/13/2017	SUNBELT RENTALS, INC.		AP		255.01
86189	10/13/2017	THRIFTWAY		AP		25.00
86190	10/13/2017	TRACKER SOFTWARE CORPORATI		AP		5,464.00
86191	10/13/2017	TYLER TECHNOLOGIES, INC.		AP		2,925.00
86192	10/20/2017	ALBANY VISITORS ASSOCIATION		AP		100.00
86193	10/20/2017	ABIGAIL BAUGHMAN		AP		87.90
86194	10/20/2017	TYLER BOSCHMA		AP		124.40
86195	10/20/2017	BULLFROG ENTERPRISES		AP		37.57
86196	10/20/2017	CASCADE COMPUTER MAINTENA		AP		4,049.00
86197	10/20/2017	CASCADE DIVE COMPANY		AP		3,720.73
86198	10/20/2017	CENTER POINT LARGE PRINT		AP		175.56
86199	10/20/2017	CENTURYLINK		AP		1,313.07
86200	10/20/2017	JUDITH CHAFFIN		AP		40.68
86201	10/20/2017	CHAFIN FARM CARRIAGES		AP		400.00
86202	10/20/2017	GATEWAY IMPRINTS, INC.		AP		804.00
86203	10/20/2017	FRED HOZEN		AP		36.11
86204	10/20/2017	JUSTIN JACKOLA		AP		40.68
86205	10/20/2017	LITTLE PROMISES CHILDRENS PR		AP		500.00
86206	10/20/2017	LLOYD R. RICE TOWING SERVICE		AP		447.00
86207	10/20/2017	ANTHONY MCGOVERN		AP		504.00
86208	10/20/2017	MOONLIGHT BPO, INC.		AP		825.82
86209	10/20/2017	MOOSE CREEK MACHINE & REPAI		AP		152.00
86210	10/20/2017	NORM'S ELECTRIC, INC.		AP		244.36
86211	10/20/2017	OFFICE DEPOT		AP		133.18
86212	10/20/2017	ROSE PEDA		AP		27.99

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
86213	10/20/2017	PETROCARD		AP		1,756.59
86214	10/20/2017	PROFESSIONAL SECURITY ALARM		AP		20.00
86215	10/20/2017	KEITH ROHRBOUGH		AP		925.00
86216	10/20/2017	SHAMROCK SUPPLY COMPANY, IN		AP		125.00
86217	10/20/2017	SHAWN ANDERSON ENTERPRISES		AP		716.10
86218	10/20/2017	SNAP-ON-TOOLS		AP		33.00
86219	10/20/2017	SOUTH FORK TRADING CO., INC.		AP		37.40
86220	10/20/2017	STORYTELLER NORTHWEST		AP		375.00
86221	10/20/2017	SUNBELT RENTALS, INC.		AP		2,500.00
86222	10/20/2017	SYNCB/AMAZON		AP		2,143.25
86223	10/20/2017	BRANDI TREWIN		AP		60.71
86224	10/20/2017	WELLS FARGO FINANCIAL LEASIN		AP		49.00
86225	10/20/2017	WIRE WORKS LLC		AP		34,950.40
86226	10/31/2017	OREGON AFSCME COUNCIL 75		AP		1,129.24
86227	10/31/2017	STEELHEAD STRENGTH & FITNES		AP		668.70
86228	10/31/2017	SWEET HOME COMMUNITY FOUN		AP		125.00
86229	10/31/2017	UNITED WAY		AP		110.00
Total Check Count:						119
Total Check Amount:						139,418.85

Council

SWEET HOME MUNICIPAL COURT MONTHLY REPORT OCTOBER 2017

OFFENSE CLASS	FILED	TERMINATED	TRIALS
MISDEMEANORS	10	(56)	0
VIOLATIONS	29	(29)	0
TOTALS	39	(85)	0

WARRANTS	67
SUSPENSIONS	12
SHOW CAUSE ORDERS	2
COURT ASSIGNED CASE	284

COURT REVENUE:

TOTAL DEPOSITS	+	15,974.92
TOTAL BAIL FORFEIT	+	
TOTAL BAIL (CURRENT MONTH)	-	
TOTAL REFUNDS (NON-BAIL)	-	
TOTAL COURT REVENUE		15,974.92

**TOTAL NON-REVENUE
CREDIT ALLOWED
AGAINST FINES:**

0.00

CASH PAYMENTS TO:

CITY	15,053.55
STATE	647.00
COUNTY	106.00
OTHER	168.37
TOTAL	15,974.92

COURT PAYMENTS:

CITY (FINES)	2,062.00
RESTITUTION & OTHER	168.37
UNITARY ASSESSMENT	647.00
COUNTY/JAIL ASSESSMENT (CA/CC)	106.00
LEMLA & SCFS	
DUII	
PAYMENTS TO OTHER AGENCIES	
CITY COSTS (FEES)	12,991.55
TOTAL COURT PAYMENTS	15,974.92

RECEIVED FROM COLLECTIONS THIS MO:	10,984.92
RECEIVED FROM COLLECTIONS TO DATE:	196,413.76
TURNED TO COLLECTIONS TO DATE:	2,076,453.91

BALANCE FORWARD: audited	1,131,701.92
NEW A/R IMPOSED BY JUDGE:	42,865.55
MINUS:	
PAYMENTS REC'D BY COURT:	(4,990.00)
NON-REVENUE CREDIT:	
SENT TO COLLECTIONS:	(34,800.00)
NET A/R	1,134,777.47



City of Sweet Home
Sweet Home Public Library
1101 – 13th Avenue
Sweet Home, OR 97386
541-367-5007

Sweet Home Public Library

October happenings at the Library!

Statistics

Patrons checked out 3,450 items (that is 22 items per hour) and renewed 1,839 items.

Patrons placed 252 items on hold.

Staff issued 29 new library cards to patrons and 3 nonresident cards.

499 individuals signed on to use the computers in the library and printed 766 pages.

Events

With the help of volunteers, we offered two “Legos Simple Mechanisms” programs and a “Mechanisms – Simple machines from Leonardo DaVinci to High Tech” program”.

Friday, October 13 and October 20 there was no school so we offered “Lego My Library”, free play day with Legos in the Library.

The Library offered the program “Spooky Tales” presented by storyteller, Anne Rutherford, and partnered with the Boys and Girls Club. We had 40 children and 14 adults in attendance.

Rose attended the annual mock interviews for the Sweet Home High School seniors.

Rose attended the Circulation meeting for the Linn Library’s Consortium.

We worked collaboratively with the Linn Library’s Consortium members to bring the Lebanon Public Library in on resource sharing.

Rose spoke to a Sweet Home Junior High class about the field of Librarianship.

We received notification from the State Library that we will be receiving the Ready to Read grant in the amount of \$1,400.

Rose met with the Friends of the Sweet Home Library to work on policies and procedures for members working at the Friend’s Community Bookstore.

Submitted by - Rose Peda, Library Services Director
November, 2017

MEMORANDUM



TO: City Council
Ray Towry, City Manager
Interested Parties

FROM: Jerry Sorte, Community and Economic Dev. Director

DATE: November 7, 2017

SUBJECT: Community and Economic Development Department Report for October 2017

The Community and Economic Development Department (CEDD) consists of the City's Building, Planning, Economic Development, and Parks and Recreation programs. The following is a summary of activities for the month of October 2017.

1. BUILDING

- Summary of Building Program Permits Issued (October 1, 2017-October 30, 2017).

Construction Category	Number of Permits
Single Family Dwellings	4
Manufactured Dwellings	4
Commercial	2
Multi-Family	0
Residential Structural	5
Residential Mechanical Permits	9
Total Permits	24
Value Estimate of All Permits	\$1,362,276

- Notes: Projects issued commercial permits include commercial remodeling and fixture installation. Residential structural permits include shop buildings and carports. Mechanical permits include projects such as the installation of heating and cooling systems and installing gas lines. The value estimate is used to determine permits costs and represents a rough estimate of the total value of the above improvements.
- Projects and Activities: Building program staff provides direct service to customers over the phone and in person, and staff attends Development Review Team meetings as scheduled in conjunction with staff from the Engineering Division and Planning Division.

The Building Program provides inspections within 48 hours of their request as required by Code. The Building Program will conduct same day inspections if they are requested prior to 8:00 AM the same day. Inspections are requested online via Accela, phone, and direct contact in the office. Staff works with contractors to discuss their needs, and at their request, will do our best to accommodate an inspection at a specific time; which may be several days later.

2. PLANNING

- Summary of Planning Division Permits Issued (October 1, 2017 – October 31, 2017).

Permit Type	Number of Permits
Fence Permits	6

- Notes: Staff received one property line adjustment application, three conditional use permit applications, and two variance requests. Those applications are currently being processed.
- Projects and Activities. The Department continues to prepare text amendments to the Sweet Home Municipal Code: Title 16; Land Divisions and Line Adjustments, and Title 17; Zoning. The Planning Commission considered changes to Title 16 at their October 23, 2017 meeting. At that meeting, the Planning Commission supported the concept to work from a new code template as opposed to amending our existing code. The City Council provided unanimous support by consensus of the Councilors in attendance at the October 24 City Council meeting. We will schedule additional Planning Commission work sessions to consider these code updates during the upcoming months.

Daily activities within the Planning office include providing direct assistance to customers over the phone and at the planning counter, reviewing plats and surveys for consistency with their planning approvals, and reviewing all building permits for compliance with planning codes; such as setbacks, lot coverage, building size requirements, parking requirements, and so forth. We are currently updating our processes with the objective to become more efficient and thereby increase our level of service to the public. Staff has built a Planning Counter in the Planning office which provides an area for staff to assist customers with access to online GIS and other planning information.

Staff provided support to the Parks Board at their meeting on October 16, 2017, the Street Tree Commission at their meeting on October 18, 2017, and to the Planning Commission at their meeting on October 23, 2017. The first meeting of the Park and Tree Committee, which combines the Parks Board and the Street Commission, will occur on November 15, 2017 at 8:30 AM in the Sweet Home City Hall Annex Building.

3. ECONOMIC DEVELOPMENT

Our Economic Development team met at the Sweet Home Active Revitalization Effort (SHARE) meeting on October 11. The result of the meeting is that the Chamber of Commerce will take the lead in reaching out to existing businesses to gather feedback about restarting the commercial improvement program that was administered by SHARE several years ago. The concept with the group is to restart that program in order to encourage façade and other exterior improvements in the downtown area.

4. PARKS – RECREATION PROGRAMMING

Staff worked hard to organize another great Harvest Festival on October 7. Staff issued one racquetball membership and nine park reservations. Staff applied for Tree City USA status and for the Tree City Growth Award.



PLANNING COMMISSION MEETING
OCTOBER 23, 2017
CITY HALL ANNEX - COUNCIL CHAMBERS
1140 12TH AVENUE

PUBLIC HEARING

PUBLIC MEETING CALL TO ORDER AT 6:30 PM

PLEDGE OF ALLEGIANCE

ROLL CALL ATTENDING:

Edith Wilcox (Excused) Henry Wolthuis Eva Journey Thomas Herb
Greg Stephens(Excused) Lance Gatchell Anay Hausner

STAFF:

Jerry Sorte, Community and Economic Development Director (CEDD)
Kathryn Wilcox, Planning Assistant

REGISTERED VISITORS:

James Tuller, 1790 Tamarack Street, Sweet Home, OR 97386

Commissioner Gatchell opened discussion for corrections to the August 14th 2017 meeting minutes.

Edits Included;

Commissioner Journey noted P. 2 – PTB is misspelled

Commissioner Journey noted P. 5 – Rebuttal is misspelled

Commissioner Gatchell noted P. 2 – Chairperson Gatchell was the Commissioner that asked if there was any personal bias, not Commissioner Hausner.

Commissioner Gatchell P. 6 – Missing a Condition of Approval; the motion had specifically mentioned no further partitioning.

Comments Included;

Commissioner Journey stated that the list of Questions and Concerns was helpful.

Commissioner Wolthuis moved to postpone approval until next Planning Commission Meeting.

Chairperson Gatchell moved to postpone approval until next Planning Commission Meeting.'

COMMENTS FROM THE PUBLIC

James Tuller spoke to the Commission about issues with the Sweet Home Municipal Code. He explained that the City won't allow for a structure he wants to build due to code restrictions. He explained that the size limits restrict his project. He explained that it is too difficult as a disabled person. He said the standard is triggered at an addition of 120 square feet or more. He explained he does not have an issue with getting a building permit, but the hard surface approach is something he cannot do. He explained he has spoken with the Planning and Building Department, but they are bound by the municipal code.

Discussion ensued about the issues and the process of the proposed development.

Ideas Included; Variances and their requirements, consider reviewing the standards of a hard surface approach in the code audit, non-remonstrance agreements,

Concerns Included; Hard surface approach requirements and triggers, making variances and development more affordable, accommodating the disabled and elderly, legal and illegal nonconforming uses and structures, differences between a remodel and deconstruction, the conditions of the abutting roads and right of way.

The commissioners thanked James Tuller for sharing his concerns and speaking.

WORK SESSION

Commissioner Gatchell noted John Morgan's absence and asked if the Commission still wanted to discuss the Code Update.

Community and Economic Development Director Jerry Sorte opted to lead the work session if the Commissioners wanted to continue without John Morgan. He reviewed the reasons for code updates and how they can accommodate the various issues we see on a day to day basis.

Discussion Ensued about the Code Update process.

Ideas Included; patch the old code, or use a template to create a new code, newer codes have already worked out holes and patches, newer templates are up to date with state law, keeping the older code that is familiar and consistent, using a template from the State, holding a joint session with City Council for discussion,

Concerns Included; inconsistencies with interpretations, setbacks and extrusions, moving forward with an outdated code started in the nineteen sixties and seventies, other city codes do not reflect Sweet Home, moving forward without John Morgan, long range planning for the city, taking advantage of Sweet Home's unique assets, how to implement the code, cost of time and resources to complete code update, getting the best product possible for the City to move forward with, issues that arose from the annexation of the Foster area.

Decision was made; to confer with City Council for direction on Code Update.

PUBLIC MEETING CLOSED AT 8:10PM

To the best of the recollection of the members of the Planning Commission, the foregoing is a true copy of the proceedings of the Public Hearings of October 23, 2017.

Lance Gatchell, Interim Chairperson
Sweet Home Planning Commission

Respectfully submitted by: Katie Wilcox, Planning Assistant

DRAFT



Sweet Home Police Department

City of Sweet Home
1950 Main Street
Sweet Home, OR 97386
541-367-5181
Fax 541-367-5235
www.ci.sweet-home.or.us
shpd@ci.sweet-home.or.us

	10/31/2017	10/31/2016	% Change
Call Volume:	8365	8135	2.75%
CAD Calls:	15097	14985	.74%
OUCR Part 1 Crimes:	387	371	4.13%
Part I Crimes Cleared:	128	123	3.91%

Trends:

Staffing and call load has allowed us to begin assigning our only detective to the LINE Team on a part-time basis. Our goal is to balance the larger drug investigations and the smaller, neighborhood drug related problems. Recently our Detective served a Narcotics Search Warrant in Sweet Home and I have attached the Press Release associated with it. I have also in attached portions of the Oregon-Idaho HIDTA Trends that relate to Oregon and Linn County. As noted in the report, Methamphetamine is still the most significant drug threat, followed by diverted prescription drugs and Heroin.

The School Resource Officer attended National School Shield training provided by the NRA. The focus of the training is learning to detect threat potential and security weaknesses both day and night on and around a school campus. The intent to is review each of our schools and offer suggestions and recommendations. The SRO has already made several suggestions to the SHHS and the SHJHS. He has begun the formal review process for the Junior High School.

Officer McDonald had applied for a Pacific Power grant to assist with costs associated with equipping our Explorers and received a \$1000 grant. These funds will be put towards equipment (specifically portable radios) for the Explorers. Officer McDonald's self-initiated activity is the reason that we were able to acquire this grant.

The Sweet Home Police Department is accepting names to be hosted on our Christmas Sharing Tree. Through our Sharing Tree we try to serve the teenagers who may not be receiving the level of support or opportunity that we would like them to be. Sharing Tree applications are available at the Police Department. I have also included a Blue Santa Christmas for Teens Gift Request Form in the packet. If you know of a teen that would benefit from this program, please submit the form.

The Part I offenses are defined as:

	2017	2016
Criminal homicide:	1	0
Forcible rape:	2	3
Robbery:	0	1
Aggravated assault:	11	9
Burglary:	34	44
Larceny-theft:	314	295
Motor vehicle theft:	24	17
Arson:	1	2



Sweet Home Police Department

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Sweet Home Police Department

PRESS RELEASE

On 11-02-17 at approximately 8:30 am, Sweet Home Police Department with assistance from the Linn County, Sheriff's Office, Albany Police Department, US Forest Service, OSP and the Lebanon Police Department served a narcotics related search warrant at 2225 Long Street, Sweet Home, Linn County, Oregon.

When law enforcement arrived, they encountered 8 adults on the property.

During the investigation, detectives seized methamphetamine, drug paraphernalia, scales, drug packaging material and a firearm.

Robertson, Ronnette Leeanne (34 YOA) was taken into custody and charged with PCS-Methamphetamine and a Lebanon Municipal Court warrant for Contempt of Court-PV. She was booked, cited and released to Lebanon Police Department.

Whitton, Robert Dean (63 YOA) was taken into custody for PCS-Methamphetamine and a Marion County Circuit Court Warrant for Court for Contempt of Court. He was lodged at Linn County Jail.

Seibert, Billy Gene (53 YOA) arrived while the investigation was underway. He was taken into custody for PCS-Methamphetamine and a Justice Court warrant for FTA-Citation. He was booked, cited and released.

Erickson, Andrew Benton (47 YOA) was taken into custody for PCS-Methamphetamine and a Lebanon Municipal Court Warrant for Contempt of Court-PV. He booked, cited and released to Lebanon Police Department for transport.

Pressey, Travis Earl (39 YOA) was taken into custody for PCS-Methamphetamine, Felon in Possession of a Restricted Weapon and Carrying a Concealed Weapon, as well as a State Parole Board Warrant. He was booked, cited and lodged at Linn County Jail.

Terwilliger, Deanna Berniece (32 YOA) was taken into custody for PCS-Methamphetamine and a Linn County Probation Warrant for PV-PCS Meth. She was booked, cited and lodged at Linn County Jail.

White, Nova Wyntersnow (20 YOA) was taken into custody for PCS-Methamphetamine. She was booked, cited and released.

Robertson, James Millard (56 YOA) was warned for Frequenting a Place where Drugs are Used/Sold.

A narcotics investigation was opened by the Sweet Home Police Department due to reported short stay traffic and disturbances frequently occurring at the residence. During the investigation, Detectives learned that numerous neighbors who reside in the area have complained regarding disturbances and frequent short stay traffic associated to the residence.

Anyone with information related to the incident is asked to call Detective Cyndi Pichardo at the Sweet Home Police Department 541-367-5181.

JWL 11-02-17
2017-08403



OREGON DRUG TRENDS

OREGON-IDAHO HIDTA

NOVEMBER 2017

State Snapshot

This report summarizes major trends relating to illicit drugs and associated proceeds in Oregon.

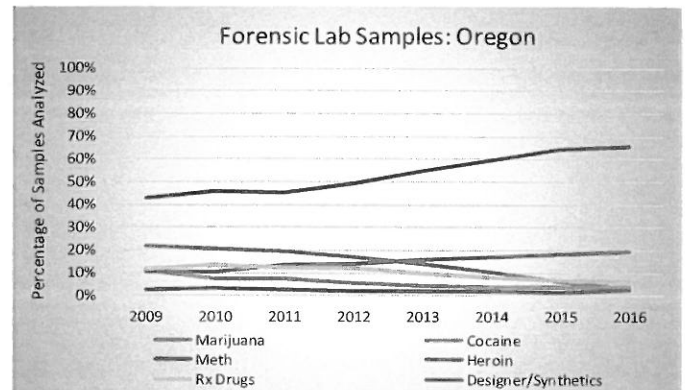
- The most significant drug threats to the state are ice methamphetamine (or “ice”) and heroin, followed by diverted prescription drugs, illicit marijuana, cocaine, and synthetic drugs. According to law enforcement recently surveyed, ice is highly prevalent and contributes most to violent crime and property crime in the state.
- Use and trafficking of opiates, such as heroin and diverted prescription pain medication, have continued to rise in the state. Although much lower in prevalence, synthetic opiates, including fentanyl and U-47700, have increased in availability.
- Demand for marijuana extracts, such as hash oil, has led to higher prevalence of extraction labs and production-related explosions.
- HIDTA task forces in Oregon investigated 92 Drug Trafficking Organizations (DTOs) and 12 Money Laundering Organizations (MLOs) in 2016, nearly half of which were multi-state or international in scope. DTO activities mainly involved trafficking of ice, polydrugs, and heroin.

DTO/MLO Summary Table, CY 2016	
	HIDTA Task Forces in Oregon
Operational Scope	
International	23
Multi-State	26
Local	55
Activity	
Cocaine	2
Ice/Methamphetamine	41
Fentanyl	1
Heroin	15
Prescription Drugs	2
Marijuana/BHO extraction	8
Money Laundering	1
Money Laundering & Ice	3
Money Laundering & Marijuana	6
Money Laundering & Polydrugs	2
Polydrugs	23

Notes: Based on DTOs/MLOs that were open in calendar year 2016.
Source: HIDTA Performance Management Process.

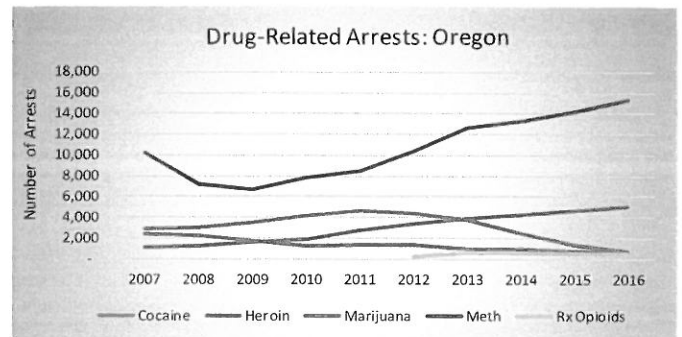
Drug Use Trends

The proportion of methamphetamine samples submitted for forensic analysis in Oregon have increased since 2009, and represented two-thirds of drug samples analyzed in 2016. While smaller by comparison, the percentage of heroin samples submitted also increased between 2009 and 2016. Other drug samples, including illicit marijuana, prescription drugs and cocaine, have generally declined since 2009.



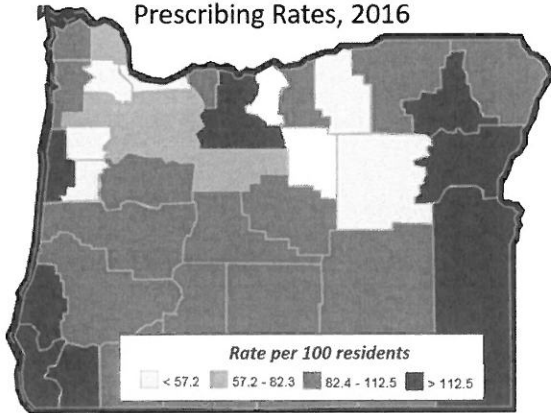
Note: Rx Drugs = Prescription Drugs. Source: Oregon State Police Forensic Services Division.

Arrests for methamphetamine offenses in the state are the highest of any drug category in 2016, more than doubling between 2009 and 2016. Heroin-related arrests have steadily increased since 2007, rising fourfold between 2008 and 2016. In contrast, arrests connected to marijuana peaked in 2011 before declining to an historic low in 2016. Arrests for cocaine have declined overall in the state since 2007.



Tracking of prescription (Rx) opioids began in 2012 and includes hydrocodone, methadone, and oxycodone. Data is based on a six-month moving average. Source: OR Criminal Justice Commission.

Oregon Retail Opioid Prescribing Rates, 2016

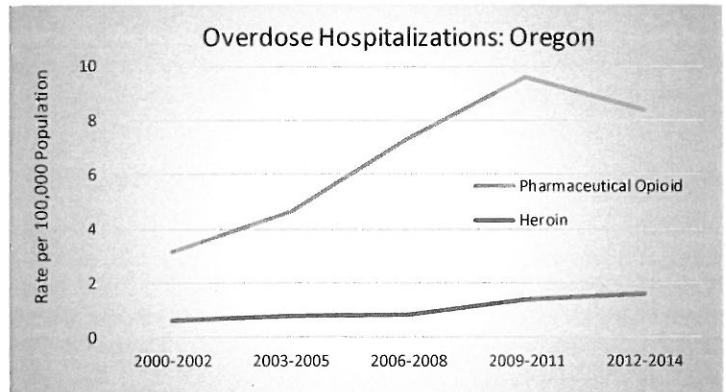


Source: Centers for Disease Control and Prevention.

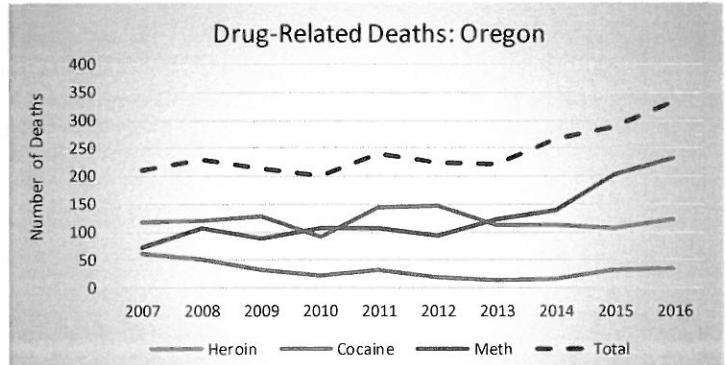
Oregon ranked 19th nationally for the number of retail opioid prescriptions dispensed in 2016. The prescribing rate reached a high in 2010, but fell 25 percent from 2010 to 2016. Counties with the highest rates were Malheur (148.6) and Curry (148.6).

Oregon's rate of overdose hospitalizations rose over 165 percent between 2000 and 2014 for both heroin and pharmaceutical opioids. Pharmaceutical overdose hospitalizations declined between 2009 and 2014.

Drug-related fatalities in the state reached a high of 334 in 2016 mainly due to a rise in methamphetamine deaths.



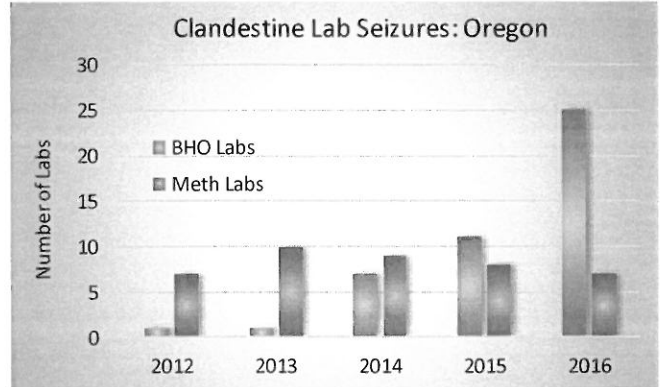
Source: Oregon Health Authority.



Note: "Total" represents the number of people who died in a given year and may be the result of mis use of one or more drugs. Individual drug types are based on frequency of use in total reported deaths. Source: Oregon Medical Examiner.

Production and Trafficking Trends

The number of methamphetamine labs seized in Oregon has remained low with an average of 8 labs seized between 2012 and 2016. Production of hash oil has increased dramatically in the state from 1 lab reported in 2012 to 25 reported in 2016. Between January and July 2017, 16 hash oil labs were reported seized in the state with 6 related explosions.



Source: Oregon Department of Justice.

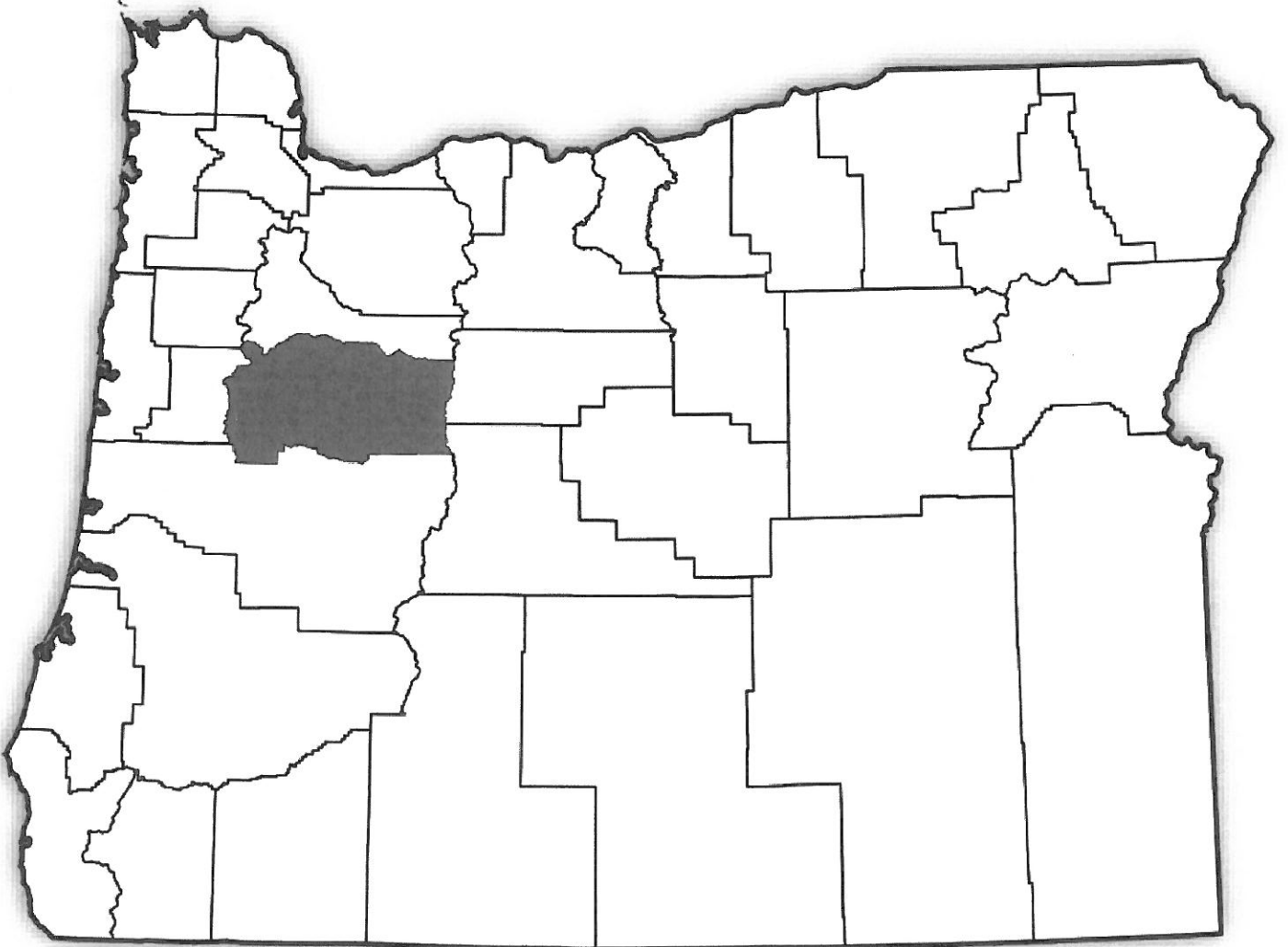
HIDTA Task Forces in Oregon: Drug And Cash Seizures

Seizure Type	2012		2013		2014		2015		2016	
	Num.	Quantity	Num.	Quantity	Num.	Quantity	Num.	Quantity	Num.	Quantity
Meth/Ice	854	531 lb	953	540 lb	961	630 lb	1,010	776 lb	940	870 lb
Heroin	357	214 lb	371	133 lb	479	138 lb	487	256 lb	469	133 lb
Rx Drugs	177	95,331 DU	171	20,030 DU	264	19,802 DU	230	78,566 DU	215	8,700 DU
Cannabis ¹	1,009	28,628 lb	851	32,473 lb	573	23,989 lb	446	7,977 lb	360	19,618 lb
Cocaine/Crack	163	117 lb	138	123 lb	146	290 lb	121	244 lb	142	157 lb
Synthetic Drugs	67	196 lb/ 847,519 DU	34	38 lb/ 10,177 DU	46	5 lb/13 L/ 442,762 DU	31	0.3 lb/ 293,922 DU	84	17 lb/0.1 L 49,873 DU
U.S. Cash	489	\$7,017,251	583	\$5,688,803	504	\$5,677,488	522	\$6,606,685	395	\$5,249,539
Other Assets ²	259	\$1,050,100	295	\$3,823,148	258	\$1,366,720	112	\$11,867,957	59	\$749,685

In the last five years (2012-2016), HIDTA task forces in Oregon have seized over 118,000 pounds and 1.9 million dosage units of illicit drugs. Cash and other assets seized totaled \$24.1 million during the 5-year period.

¹Includes bulk marijuana, plants, hashish, concentrates/extracts. ²Includes non-cash seizures (e.g., vehicles, firearms). DU=Dosage Units; L=Liters.
Source: HIDTA Performance Management Process.

LINN COUNTY, OREGON



HIDTA DESIGNATED - 2016



LINN COUNTY DRUG TRENDS

OREGON-IDAHO HIDTA

NOVEMBER 2017

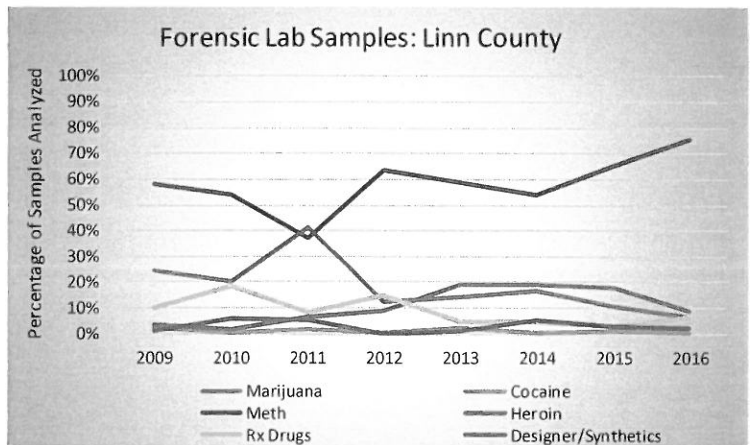
County Snapshot

This report summarizes major trends relating to illicit drugs and associated proceeds in Linn County, Oregon.

- The most significant drug threats to Linn County are heroin and ice methamphetamine (or “ice”), followed by diverted prescription drugs. Law enforcement recently surveyed stated that ice contributes most to area violent crime, while ice and heroin contribute most to property crime in the region.
- According to law enforcement survey reporting, brown powder and black tar heroin, ice, and illicit marijuana are highly available in the county. In addition, trafficking of heroin, ice, marijuana, and marijuana extracts has grown in the area in the last year.
- Abuse of prescription medications is fueling a rise in heroin use in the county. Diverted prescription medications are highly available in the area and are largely distributed through theft, drug deals, and forged prescriptions.
- Law enforcement reporting indicates continued trafficking of illicit marijuana and marijuana extracts through methods such as parcel post.

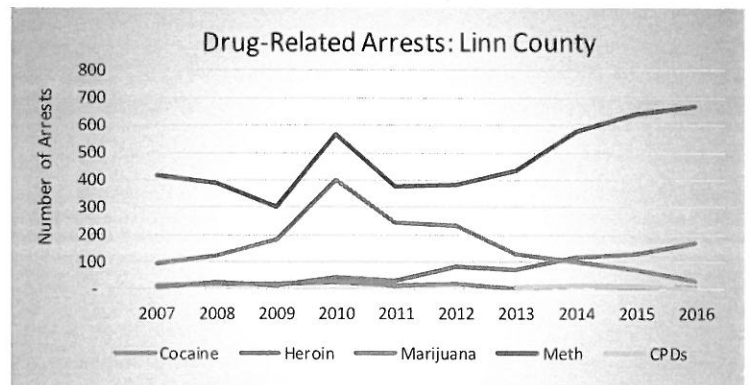
Drug Use Trends

Methamphetamine samples submitted for forensic analysis in Linn County reflected 74 percent of the illegal drugs analyzed in 2016. While far lower, the percentage of heroin samples analyzed rose 11 percent in 2016 from 3 percent in 2009. After peaking in 2011, the percentage of marijuana samples analyzed declined to 6 percent in 2016. Other drugs such as prescription drugs, synthetic drugs, and cocaine represented a combined total of 9 percent of total samples analyzed in 2016.



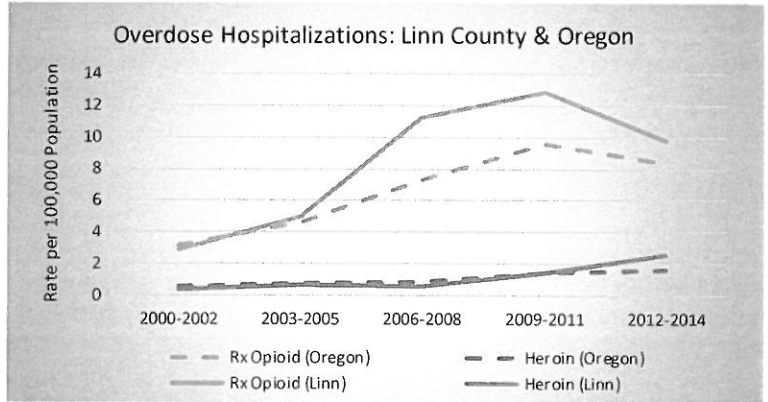
Note: Rx Drugs = Prescription Drugs. Source: Oregon State Police Forensic Services Division.

Arrests for methamphetamine offenses in Linn County more than doubled between 2009 and 2016. Heroin arrests have risen substantially in the last decade; reported arrests in 2016 were nearly 24 times higher than in 2007. Marijuana arrests peaked in 2010 before dropping roughly 90 percent between 2010 and 2016. Arrests related to cocaine remained low in the county, declining nearly 75 percent between 2010 and 2016.



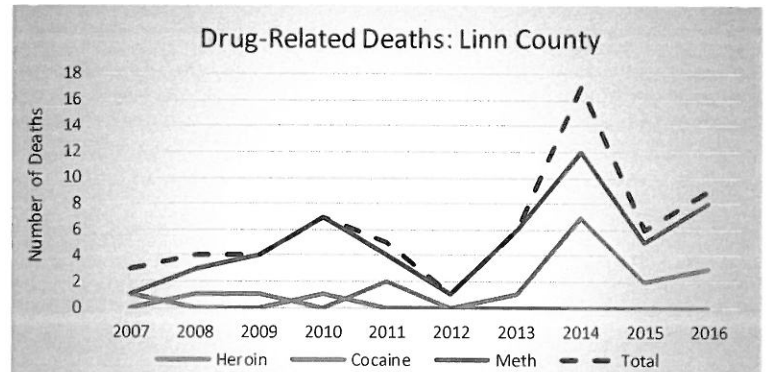
Prescription (Rx) opioid tracking began in 2012 and includes hydrocodone, methadone, and oxycodone. Data is based on a six-month moving average. Source: OR Criminal Justice Commission.

The rate of overdose hospitalizations in the county more than tripled for pharmaceutical opioids between 2000 and 2014. The county rate for pharmaceutical opioids exceeded the statewide rate between 2003 and 2014. Although lower by comparison, the heroin hospitalization rate between 2012-2014 was over eight times higher than between 2000-2002, surpassing the statewide rate during 2012-2014.



Source: Oregon Health Authority.

Drug-related deaths in the county reached a high of 17 in 2014 due to a rise in fatalities linked to methamphetamine use (12) and heroin use (7). Total deaths dropped to 9 in 2016 with most deaths linked to methamphetamine use (8), followed by heroin use (3). No deaths related to cocaine use have been reported in the county since 2010.



Note: "Total" represents the number of people who died in a given year and may be the result of mis use of one or more drugs. Individual drug types are based on frequency of use in total reported deaths. Source: Oregon Medical Examiner.

Production and Trafficking Trends

Since 2010, 2 methamphetamine labs were reported in Linn County – one each in 2011 and 2015. One cannabis extraction lab was reported in August 2017.

Between January 2010 and July 2017, 99 drug and cash seizures were reported in Linn County (Incident Location) through the Domestic Highway Enforcement (DHE) program. Approximately one half (48%) of the seizures occurring in the county involved ice, followed by marijuana (24%). Linn County was the stated destination for small amounts of marijuana, ice and other dangerous drugs, such as MDMA. Linn County was the stated origin for over 500 pounds of marijuana during the period as well as small quantities of ice, heroin and illicit cash.

Drugs and Cash Seized in Linn County, Oregon¹
Domestic Highway Enforcement Program, January 1, 2010 - July 31, 2017

	Total Seizures	Cannabis		Cocaine		Meth/Ice		Heroin		Controlled Prescription Drugs		Other Dangerous Drugs		U.S. Currency	
		#	UOM	#	UOM	#	UOM	#	UOM	#	UOM	#	UOM	#	UOM
Incident Location County	99	24	1,1618 lb	3	2.4 lb	48	38.2 lb	8	7.1 lb	6	9,254 DU	3	8,011 Plants	7	\$91,275
Destination County	7	2	0.5 lb/ 300 seeds	0	0	2	0.002 lb	1	0.002 lb	0	0	2	15.4 lb/ 2,021 DU	0	\$0
Origin County	8	5	527 lb	0	0	1	0.01 lb	1	0.2 lb	0	0	0	0	1	\$2,325

UOM = Unit of Measurement. DU = Dosage Unit. ¹Meeting the following conditions: Linn County entered as incident location, origin, or destination county for seized contraband. ²Data for Destination County and Origin County are based on subject admission. Source: EPIC.



SWEET HOME POLICE DEPARTMENT BLUE SANTA CHRISTMAS FOR TEENS GIFT REQUEST FORM



- ❖ Children *must* live and be enrolled in and actively attending school in the Sweet Home School District
- ❖ Children *must* live with parent/guardian/person completing application
- ❖ Only one request form per child/per address will be considered
- ❖ A parent/guardian must complete the application (*certain circumstances apply*)
- ❖ Our focus will be to serve children ages **13 through 17** (*18 if actively attending high school*)

FAMILY INFORMATION

Parent/Guardian Name _____ (Last) _____ (First)

Address _____

Phone Number _____ Message # _____

Have you applied for Christmas gifts for the listed children somewhere else? Yes ___ No ___ If yes, where? _____

WE COORDINATE WITH THE FIRE DEPARTMENT TO ENSURE WE ARE NOT DUPLICATING REQUESTS

<u>Child's name (First & Last)</u>	<u>Gender</u>	<u>Age</u>	<u>Shirt</u>	<u>Clothing Sizes</u>	
				<u>Pants</u>	<u>Shoes</u>
_____	B/G	_____	_____	_____	_____

School attending _____ Grade: _____

Gift Suggestions: _____

Any Specific Needs: _____

Forms will be accepted until 5:00 pm on Friday, December 1, 2017

This form must be returned to the Sweet Home Police Department ~ 1950 Main Street to be considered.

We will make every effort to honor as many requests as possible.

Package Pick Up is scheduled on Friday, December 15th between 4:00 and 6:00 p.m. @ SHPD

(FOR SHPD USE ONLY)

Date/Time Received _____ By _____ Comments: _____

MEMORANDUM



TO: Greg Springman, Public Works Director
FROM: Joe Graybill, Staff Engineer
DATE: November 2, 2017
SUBJECT: Engineering Projects Status Report – November 2017

PRIORITY PROJECT: Wastewater Treatment Plant Facility Plan Phase 1

SCOPE: Upgrades to equipment & processes for DEQ Compliance

STATUS: RFP closed on Wednesday, October 18, 2017. 4 proposals were received and preliminary evaluation is complete. 4 firms moving on to interviews in November 2017.

PRIORITY PROJECT: SHPD Roof Antenna

SCOPE: Emergency Operations Center Antenna Access.

STATUS: Plan and Documentation in progress for routing roof mounted antenna and cabling to the Conference Room interior wall. Discussion continues on EOC use of the 24th Ave Maintenance Yard Antenna.

PRIORITY PROJECT: Sankey & Northside Park Irrigation

SCOPE: Irrigate open grass areas at Sankey Park and Northside Park.

STATUS: Parks Board directed staff to repair existing Northside Park irrigation system. Project delegated to maintenance crew. Sankey Park project on hold pending general fund finances as per City Manager.

PRIORITY PROJECT: Sankey & Strawberry Parking Lot Paving

SCOPE: Design parking lot paving & striping layout at Sankey and Strawberry Parks.

STATUS: We have existing preliminary layouts for both sites. Plans will be updated and packaged for bid.

PRIORITY PROJECT: Grape St Waterline

SCOPE: New 8" waterline on Grape St and 6" waterline on Grape Lp to replace old 2".

STATUS: Project is substantially complete. In the process of scheduling with the contractor to return to complete change order work.

PRIORITY PROJECT: New City Hall Remodel

SCOPE: Finalize proposed floor plan and prepare RFP for architectural design of construction drawings.

STATUS: Electrician began work to repair/update parking lot lights. Staff is given to understand the architect is working on a bid package for the building floor plan.

PRIORITY PROJECT: Boulder Ridge Water Pump Station

SCOPE: Resolve neighborhood issue of unacceptably low water pressure.

STATUS: Received a quote for a small station that is expandable for future development. Project on hold pending utility finances as per City Manager.

PRIORITY PROJECT: Bus Shelters (collaboration w/Linn Shuttle)

SCOPE: Support Linn Shuttle grant project to install bus shelters at highway locations.

STATUS: Project is in design. Met with Linn Shuttle to discuss timeline/locations/support needs. Made contact with ODOT.

Special note: Engineering was understaffed for most of October due to medical.

QUEUED PROJECTS

- Fuel Tanks at 24th Ave
- Waterline Replacement 9th & Catalpa, Spruce St
- 3-5 Manhole Replacement Project
- 2020 Census - Local Address Update in 2018