

**WALDPORT CITY COUNCIL
JULY 12, 2018
MEETING NOTICE AND AGENDA**

The Waldport City Council will meet at 2:00 p.m. on Thursday, July 12, 2018 in the City Council Meeting Room, 125 Alsea Highway to take up the following agenda:

1. CALL TO ORDER & ROLL CALL
2. MINUTES: *June 14, 2018*
3. PUBLIC COMMENTS/PRESENTATIONS
4. DISCUSSION/ACTION ITEMS
 - A) *Transient Lodging Tax - Consideration of Proposed Amendments*
 - B) *League of Oregon Cities - Legislative Priorities*
 - C) *Other Issues*
5. COUNCIL COMMENTS AND CONCERNS
6. STAFF REPORTS
7. EXECUTIVE SESSION: *Pursuant to ORS 192.660(2)(h): To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed.*
8. ACTIONS, IF ANY, FROM EXECUTIVE SESSION
9. GOOD OF THE ORDER
10. ADJOURNMENT

The City Council Meeting Room is accessible to all individuals. If you will need special accommodations to attend this meeting, please call City Hall, (541)264-7417, during normal office hours.

* Denotes no material in packet

Notice given this 6TH day of July, 2018 - Reda Q. Eckerman, City Recorder

**WALDPOR CITY COUNCIL
JUNE 14, 2018
MEETING MINUTES**

1. CALL TO ORDER AND ROLL CALL: Mayor Woodruff called the meeting to order at 2:00 p.m. City Recorder Eckerman administered the oath of office to Councilor Dennis, as he had been elected to his position at the May primary. Mayor Woodruff and Councilors Dennis, Cutter, Holland and Yorks answered the roll. Councilor Dunn was excused. A quorum was present.

2. MINUTES: The Council considered the minutes from the April 24 Budget Committee meeting and the May 10 regular Council meeting. Councilor Cutter **moved** to approve the minutes as presented. Councilor Yorks **seconded**, and the motion **carried** unanimously.

3. PUBLIC COMMENTS/PRESENTATIONS: Robert Rubin addressed the Council, citing concerns about the water quality of Eckman Creek in light of recent action taken by DEQ with regard to the quarry, as well as the potential impacts that spraying may have on the watershed.

Tiffany Miner addressed the Council regarding a potential Code amendment to allow the keeping of goats and sheep inside the City limits. She stated that these animals are useful in clearing brush, and produce milk, as well as fiber for crafting. Additionally, this might allow additional children to participate in the large animals division of 4-H. She had done some research and found that Seattle, Portland, and several other large cities allow urban goat keeping. Mr. Baker and his son also asked the Council for consideration of allowing pygmy goats. After a brief discussion, **consensus** of the Council was to add this issue to the list of amendments to the Municipal Code that are currently being reviewed by the Planning Commission. A status report of the progress of the review will be provided. **Consensus** was also favorable to the idea of more than one public hearing process, due to the number of potential Code amendments.

Hollis Lundeen thanked Public Works for the recent painting of the cross walks, and asked about the brush-clearing that was taking place on the easement at the end of Norwood Drive. She inquired about the status of the transportation plan update, and asked that she be notified of any meetings regarding Norwood Drive. Ms. Lundeen also noted that the generator at the Norwood lift station was extremely noisy. Public Works Director Andry indicated that he will check to ensure that there is not a mechanical issue, and explore measures for sound reduction.

Lisa Jones addressed the Council on behalf of the Beachcomber Days committee, thanking the City for financial support as well as the efforts of City staff and elected officials.

4. CONSENT CALENDAR: Mayor Woodruff removed the proclamations for Beachcomber Days and "ASK Day" from the Consent Calendar for separate consideration. Councilor Cutter **moved** to approve the remaining item, which was the abstract of votes from the May election. Councilor Holland **seconded**, and the motion **carried** unanimously.

Mayor Woodruff read the proclamations into the record. Ginger Gouveis read her prepared statement regarding "ASK Day", noting that parents and gun owners should

ensure that guns are stored safely and securely whenever children are present in the home.

5. CORRESPONDENCE: The Council noted receipt of the letter of resignation from Councilor Janis Swan. Councilor Holland **moved** to declare the position vacant. Councilor Yorks **seconded**, and the motion **carried** unanimously. The position will be placed on the November election. With regard to the Library Board vacancy, it was noted that Ms. Hansen's term had reached its limit. The Council then considered the letter of interest from Jed Hansen to fill the vacancy on the Library Board. Councilor Holland **moved** to appoint Mr. Hansen. Councilor Dennis **seconded**, and the motion carried unanimously. Library Director Bennett indicated that Ms. Hanes has also reached the limit of her term, though she has offered to serve for another year if the Council desired. Following a brief discussion, Councilor Cutter **moved** to grant Ms. Hanes an additional year on the Board. Councilor Dennis **seconded**, and the motion **carried** unanimously. Director Bennett asked the Council to also consider a modification of the Library Board structure, as several additional individuals had expressed interest in serving but did not reside within the City limits. She noted that the majority of funding for the Library comes from the Library District.

Noting the presence of Tia Cavender, CEO of "Dig Deep", Mayor Woodruff moved Item 7 (A) up on the agenda. Ms. Cavender provided the Council with a review of services provided by her company, and an overview of the process for securing project monies through a combination of grants and low interest loans. Discussion ensued. Councilor Yorks asked if it would be necessary to undergo the RFP process and City Manager Kemp noted that Newport had recently done so, and Dig Deep was the only respondent. He surmised that it would probably prove difficult and time-consuming for the City to find another company that could provide this type of service. Councilor Dennis noted that the contract did not include travel expenses, and Ms. Cavender responded that, as the company is currently involved in several projects in the state, those expenses could be shared with those other entities to ensure cost efficiency. Mayor Woodruff expressed reservation about the utilization of Urban Renewal funds, as had been discussed by the Budget Committee. Mr. Kemp indicated that this would be reviewed by the City Attorney to ensure that the funding for the service would be appropriately allocated. Following further discussion, Councilor Holland **moved** to authorize the City Manager to execute the agreement, pending the City Attorney's review and approval. Councilor Dennis **seconded**, and the motion **carried** unanimously.

At 3:22 p.m. the Council recessed the meeting to take up the Road District #3 and the Urban Renewal Agency meetings. At 3:46 p.m., the Council meeting was resumed.

6. PUBLIC HEARINGS:

A. State Revenue Sharing: Mayor Woodruff opened the Public Hearing on State Revenue Sharing. There were no comments. Mayor Woodruff then closed the Public Hearing.

B. Budget for FY 2018/2019: Mayor Woodruff opened the Public Hearing on the budget for FY 2018/2019. There were no comments. Mayor Woodruff then closed the Public Hearing.

7. DISCUSSION/ACTION ITEMS:

A. Consulting Services – Industrial Park Infrastructure: Previously addressed.

B. Consideration of Resolutions:

1) Amending Budget for FY 2017/2018: Following a brief discussion, Councilor Cutter **moved** to approve Resolution 1234. Councilor Yorks **seconded**, and the motion **carried** unanimously.

2) State Revenue Sharing: Councilor Cutter moved to approve Resolution 1235. Councilor Yorks seconded, and the motion carried unanimously.

3) Eliminating the Community Fund & Adding Community Fund Programs to General Fund: City Manager Kemp clarified that it was deemed appropriate under the Governmental Accounting Standards that the programs be included in the General Fund rather than a separate fund, as they were funded by transfers from that fund. This would eliminate unnecessary transfers between funds and provide greater transparency to the budget process. Councilor Holland **moved** to approve Resolution 1236. Councilor Cutter seconded, and the motion **carried** unanimously.

4) Adopting Budget for FY 2018/2019: A revised resolution was distributed to the Council, reflecting a \$10,000 reduction in Building Reserve and a commensurate \$10,000 addition to Community Development, to be used for strategic planning services as previously discussed. Councilor Cutter voiced concern with the percentage of the budget allocated to the Sheriff's contract. City Manager Kemp noted that this could be a topic of discussion at the July meeting, since the Sheriff had offered to attend. Following a brief discussion, Councilor Cutter **moved** to approve Resolution 1237. Councilor Dennis **seconded**, and the motion **carried** unanimously.

C. Housing Planning Technical Assistance: City Manager Kemp explained that the State Department of Land Conservation and Development was soliciting requests for technical assistance with planning for housing needs. The City would be submitting a request for a housing needs analysis. Additionally, Lincoln County was asking for a letter of support from the City for their submittal of a combined request for a housing strategy implementation plan. Following a brief discussion, **consensus** of the Council was to authorize the City Manager to submit the City's request, and authorize Mayor to sign a letter of support for the County.

D. Materials Management Plan: Councilor Dennis agreed to replace former Councilor Swan on the Solid Waste Committee. It was noted that there had been a presentation at the June 6 joint County Commission/City Council meeting. The County was requesting the City to provide a letter of support for the plan. Councilor Holland **moved** to authorize the Mayor to sign the letter of support. Councilor Cutter **seconded** and the motion **carried** unanimously.

E. Other Issues: None.

8. COUNCIL COMMENTS AND CONCERNS: Mayor Woodruff mentioned ongoing Facebook discussions about traffic concerns such as speeding and "jake brake" noise. Staff agreed to look at deployment of the speed monitor, as well as contacting ODOT regarding braking signage.

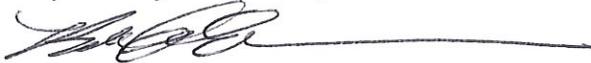
9. REPORTS: The written reports from the City Manager, Public Works Director and City

Recorder were included in the packet materials. A brief discussion ensued regarding dedicated email accounts for City-related correspondence, the status of the McKinney Slough Bridge project, and the recent Eckman Creek waterline break. Mr. Kemp distributed a survey from the League of Oregon Cities, who was requesting input on upcoming legislative agenda items. This will be on the agenda for the July meeting. He also distributed fliers for the Mid-Coast Watershed planning meeting to be held that evening, and noted the Councilors should start thinking about who would attend the upcoming League of Oregon Cities annual conference.

10. GOOD OF THE ORDER: Nothing further.

11. ADJOURNMENT; At 4:55 p.m., there being no further business to come before the Council, the meeting was adjourned.

Respectfully submitted,



Reda Q Eckerman, City Recorder

APPROVED by the Waldport City Council this ___ day of _____, 2018.

SIGNED by the Mayor this ___ day of _____, 2018.

Susan Woodruff, Mayor



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Transient Lodging Tax

REQUESTED BY: City Manager

FOR MEETING DATE: July 12, 2018

SUMMARY OF ISSUE:

The State of Oregon Legislative Assembly passed House Bill ("HB") 4120 requiring, among other things, that transient lodging taxes be collected by those "intermediaries" that facilitate the short-term rental of lodging. Based on the provisions of the bill, attached is a draft update to the Waldport Municipal Code ("Code"). Also attached is a white paper by the League of Oregon Cities ("LOC"), as well as a copy of the bill. This discussion and Code modification may be considered in conjunction with other prospective changes, including the tax rate itself, which is currently seven percent of revenues (the lowest in Lincoln County ("County"))

STAFF RECOMMENDATION or ACTION REQUESTED:

Review draft changes to Municipal Code, and direct staff to bring back final ordinance.

BACKGROUND:

The following is from the LOC website:

Transient lodging taxes (TLTs) are taxes for temporary lodging at hotels, motels, campgrounds, and other temporary lodgings. Oregon has a statewide TLT and cities and counties can also charge a local TLT subject to certain limitations. The state regulations governing lodging taxes in Oregon can be found in ORS 320.300 to 320.350. A brief summary of state and local lodging taxes follows.

Oregon first began imposing a state lodging tax in 2003. Significant changes to the state tax followed in 2005 (provider coverage expansion via HB 2197), 2013 (expansion to cover persons that facilitate the sale of transient lodging, including online companies via HB 2656), and 2016 (state tax increase from 1 percent to 1.8 percent and state tax distribution changes via HB 4146). A more detailed summary of the state lodging tax can be found [here](#).

The bill establishing the state lodging tax – [HB 2267](#) – also placed restrictions on local lodging taxes, which are still in place today. These restrictions include:

For new or increased local lodging taxes:

- 70% must be used for tourism promotion or tourism related facilities
- 30% is unrestricted in use

For existing local lodging taxes:

- *Maintain the percentage of existing lodging tax used for tourism promotion and tourism facilities*
- *The recipients of the tax may change, but the percentage used for tourism purposes cannot*

As of 2007, there were 103 jurisdictions (e.g., cities and counties) in Oregon imposing a transient lodging tax.

For more information, here is a link to the LOC's guide for collecting TLT in Oregon:
<http://www.orcities.org/Portals/17/Library/Model%20TLT%20Guide%20FINAL%204-13-17.pdf>

Attachments: Draft Updates to the Waldport Municipal Code
HB 4120 LOC White Paper
HB 4120 (Enrolled)

3.04 Transient Room Lodging Tax

Sections:

- 3.04.010 Definitions.
- 3.04.020 Tax imposed.
- 3.04.030 Collection of tax by operator-Rules for collection.
- 3.04.040 Operator's **Lodging Tax Collector** duties.
- 3.04.050 Exemptions.
- 3.04.060 Registration of operator - Form and contents - Execution - Certification of authority.
- 3.04.070 Due date - Returns and payments.
- 3.04.080 Penalties and interest.
- 3.04.090 Deficiency determinations - Evasion - Operator **Lodging Tax Collector** delay.
- 3.04.100 Redeterminations.
- 3.04.110 Security for collection of tax.
- 3.04.120 Lien**
- ~~3.04.120~~ Security interest.
- 3.04.130 Refunds.
- 3.04.140 Collection Fee**
- ~~3.04.140~~**150** Administration.
- ~~3.04.150~~**160** Appeal to the City Council.
- ~~3.04.160~~**170** Violations.
- ~~3.04.170~~**180** Penalties.

3.04.010 Definitions.

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter.

"Accrual accounting" means the operator **lodging tax collector** enters the rent due from a transient on his or her records when the rent is earned, whether or not it is paid.

"Cash accounting" means the operator **lodging tax collector** does not enter the rent due from a transient on his or her records until rent is paid.

"City Council" means the City Council of the City of Waldport, Oregon.

"Hotel" **"Lodging facility"** means any structure, or any portion of any structure which is occupied or intended or designed for transient occupancy for thirty (30) days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, motel, inn, condominium, tourist home or house, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, and also means space in mobile home or trailer parks, or similar structure or space or portions thereof so occupied, provided such occupancy is for less than a thirty (30) day period.

"Lodging intermediary" means a person other than an operator that facilitates the retail sale of lodging facilities and: a) charges for occupancy of the lodging facility; b) collects the consideration charged for occupancy of the lodging facility; or c) receives a fee or commission and requires the operator to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging.

"Lodging tax collector" means an operator or a lodging intermediary.

"Occupancy" means the use or possession, or the right to the use or possession for lodging or sleeping purposes of any room or rooms in a hotel, ~~or space in a mobile home or trailer park~~ **lodging facility** or portion thereof.

"Operator" means the person who is the proprietor of the hotel in any capacity **a person that furnishes lodging in a lodging facility**. 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 provision of this chapter by either the principal or the managing agent shall be considered to be compliance by both.

"Person" means any individual, partnership, joint venture, 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.

"Registered guest" means any individual who exercised occupancy or is entitled to occupancy in a lodging facility for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. The day a registered guest checks out of the lodging facility shall not be included in determining the thirty (30) day period if the registered guest is not charged rent for that day by the lodging tax collector. Any individual so occupying space in a lodging facility shall be deemed to be a registered guest until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy, or the tenancy actually extends more than thirty (30) consecutive days. In determining whether a person is a registered guest, uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in 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 registered guest. An owner of a condominium unit, or any other person residing in the same, who is required to pay any consideration for the use of the unit, shall be deemed a registered guest.

"Rent" means the consideration charged, whether or not received by the operator **lodging tax collector**, for the occupancy of space in a hotel lodging facility, valued in money, goods, labor, credits, property or other consideration valued in money, without any deduction, but shall not include charges to a condominium unit owner which are solely for

cleaning or maintenance of such unit or personal use or for occupancy by such owner, so long as the charges are made in connection therewith for space occupancy.

"Rent package plan" means the consideration charged for both food and rent for transient lodging where a single combined charge is made for both food and lodging, or where food and lodging are offered as a package, whether offered by an establishment of the type commonly known as a "bed and breakfast," offered by a conventional hotel facility in conjunction with a restaurant, or otherwise. The entire amount charged for the "rent package plan" shall be allocated to rent for the purposes of this chapter, and subject to room tax hereunder, unless the lodging which is offered as a part of the rent package plan is also offered and available independently of any food or meal and the charge for each is separately stated, in which case the amount allocated to rent, and subject to tax hereunder, shall be charged which would be made for the lodging if purchased separately from any food or meals. **where a single rate is made for the total of both. The amount applicable to rent for determination of occupancy tax under this chapter shall be the same charge made for rent when consideration is not a part of the package plan. The amount applicable to rent for determination of occupancy tax under this chapter shall be that amount allocated to space rent, taking into consideration a reasonable value of other items in the rent package and taking into consideration the charge for rent when the space is rented separately and not included in a package plan.**

"Tax" means either the tax payable by the transient **registered guest** or the aggregate amount of taxes due from an operator **a lodging tax collector** during the period for which he or she is required to report his or her collections.

"Tax administrator" means the City Recorder **Manager** of the City of Waldport, Oregon or his or her designee.

"Transient" means any individual who exercises occupancy or is entitled to occupancy in a hotel for a period of thirty (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 thirty (30) day period if the transient is not charged rent for that day by the operator. Any such individual so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy; or the tenancy actually extends more than thirty (30) consecutive days. In determining whether a person is a transient uninterrupted periods of time extending both prior and subsequent to the effective date of the ordinance codified in 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. (Ord. 582 §§ 1-3, 1991; Ord. 365 § 1, 1976)

3.04.020 Tax imposed.

For the privilege of occupancy in any hotel **lodging facility**, each transient **registered guest** shall pay a tax in the amount of seven percent of the rent charged by the operator

lodging tax collector. The tax constitutes a debt owed by the transient registered guest to the City which is extinguished only by payment by the operator ***lodging tax collector*** to the City. The transient registered guest shall pay the tax to the operator ***transient tax collector*** of the hotel ***lodging facility*** at the time the rent is paid. The operator ***lodging tax collector*** shall enter the tax on his or her records when rent is collected if the operator ***lodging tax collector*** keeps his or her records on the cash accounting basis and when earned if the operator ***lodging tax collector*** 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 ***registered guest*** to the operator ***lodging tax collector*** with each installment. In all cases, the rent paid or charged for occupancy shall exclude the sale of any goods, services and commodities, other than the furnishing of rooms ***and accommodations***, ~~and space occupancy in mobile home parks or trailer parks.~~ Any delinquency for transient room tax which continues for more than thirty days shall also become a lien against the real property used for transient lodging upon which the transient room tax has been assessed. The lien shall be entered in the lien docket of the City and shall remain accessible for inspection by anyone interested in ascertaining the amount of the lien against the property. Whenever transient room taxes remain unpaid for ninety days after due, the lien created may be foreclosed in any manner provided for by general State laws and/or City ordinances. (Ord. 681 § 1, 2002; Ord. 675 § 1, 2001; Ord. 582 § 4, 1991; Ord. 365 § 2, 1976)

3.04.030 Collection of tax by operator - Rules for collection.

A. Every operator ***lodging tax collector*** renting rooms or space for lodging or sleeping purposes ***lodging facilities*** in this City, the occupancy of which is not exempted under the terms of this chapter, shall collect a tax from the occupant ***registered guest***. The tax collected or accrued by the operator ***lodging tax collector*** constitutes a debt owing by the operator ***lodging tax collector*** to the City.

B. In all cases of credit or deferred payment of rent, the payment of tax to the operator ***lodging tax collector*** may be deferred until the rent is paid, and the operator ***lodging tax collector*** shall not be liable for the tax until credits are paid or deferred payments are made. Adjustments may be made for uncollectibles.

C. The tax administrator shall enforce provisions of this chapter and shall have the power to adopt rules and regulations not inconsistent with this chapter as may be necessary to aid in the enforcement.

D. For rent collected on portions of a dollar, fractions of a penny of tax shall not be remitted.

E. In instances where credit is extended to the transient for charges for the rental of the unit through the use of a credit card or other similar transaction whereby the amount paid to the operator is discounted by contract between the operator and the issuer of the credit card, the amount of such discount shall be excluded from the definition of "rent" and no tax shall be imposed on the amount so discounted.

F. The operator, after calculating the taxable rents and the tax thereon, may deduct a

collection fee of 7.5% from the total tax due as compensation for required accounting and recordkeeping. (Ord. 681 § 2, 2002; Ord. 582 § 5, 1991; Ord. 365 § 3, 1976)

3.04.040 Operator's **Lodging tax collector** duties.

Each operator **lodging tax collector** shall collect the tax imposed by this chapter at the same time as the rent is collected from every transient **registered guest**. The amount of tax shall be separately stated upon the operator's **lodging tax collector's** records, and any receipt rendered by the operator **lodging tax collector**. No operator **lodging tax collector** of a hotel lodging facility shall advertise that the tax or any part of the tax will be assumed or absorbed by the operator **lodging tax collector**, 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. 365 § 4, 1976)

3.04.050 Exemptions.

No tax imposed under this chapter shall be imposed upon:

A. Any occupant for more than thirty (30) successive calendar days **with respect to any rent imposed for the period commencing after the first thirty (30) days of such successive occupancy**; (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 **registered guest**);

B. Any occupant whose rent is of a value less than two dollars per day;

~~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;~~

~~D. Any occupant whose rent is paid for hospital room or to a medical clinic, convalescent home or home for the aged people, or to a public institution owned and operated by a unit of government. (Ord. 365 § 5, 1976)~~

C. Any occupant whose rent is paid to a health care facility, including hospitals, medical clinics, convalescent homes, homes for the aged, and long-term care facilities.

D. Any occupant whose rent is paid to a public institution owned and operated by a unit of the government.

E. Any occupant whose rent is paid to a facility providing treatment for drug or alcohol abuse or providing mental health treatment.

F. Any occupant whose rent is funded through a contract with a government agency and the purpose of such occupancy is to provide emergency or temporary shelter.

G. Any occupant whose rent is paid to a nonprofit youth or church camp, nonprofit

conference center or other nonprofit facility.

H. Any occupant who rents a private home, vacation cabin, or similar residential facility from any lodging operator who rents such facility incidentally to the lodging operator's own personal use thereof, and where the total number of rental days for the facility are less than 30 days per year.

I. Any occupant who is a federal employee on official federal government business.

3.04.060 Registration of operator - ~~Form and contents - Execution -~~ Certification of authority.

Every person engaging or about to engage in business as an operator of a ~~hotel~~ **lodging facility** in this City shall register with the tax administrator on a form provided by him or her. Operators engaged in business at the time the ordinance codified in this chapter is adopted must register not later than thirty (30) calendar days after passage of this chapter. Operators starting business after the ordinance codified in this chapter is adopted must register within fifteen (15) days after commencing business. The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of payment or collection of tax regardless of registration. Registration sets forth the name under which the 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. The registration shall be signed by the operator. The tax administrator shall, within ten (10) days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the tax administrator upon the cessation of business at the location named or upon its sale or transfer. Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy.

Said certificate shall, among other things, state the following:

- A. The name of the operator;
- B. The address of the ~~hotel~~ **lodging facility**;
- C. The date upon which the certificate was issued;

D. ***The issued certificate shall state the following:*** "This ~~Transient Occupancy~~ Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the ~~Transient Lodging~~ **Occupancy** Tax Ordinance of the City of Waldport by registration with the tax administrator for the purpose of collecting from ~~transients~~ **registered guests** the ~~lodging~~ **occupancy** tax imposed by said City and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate

a hotel **lodging facility** without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the City of Waldport. This certificate does not constitute a permit." (Ord. 365 § 6, 1976)

3.04.070 Due date - Returns and payments.

A. The tax imposed by this chapter shall be paid by the transient **registered guest** to the operator **lodging tax collector** at the time that rent is paid. All amounts of such taxes collected by any operator **lodging tax collector** ~~less the cost charged by credit card companies when credit cards are used as consideration for occupancy~~ are due and payable to the tax administrator on a quarterly basis on **or before** the fifteenth last day of the following month for the preceding three months **following each calendar quarter (in the months of April, July, October and January)** and are delinquent on the last **first** day of the month in which they are due **following (in the months of May, August, November and February)**. The tax administrator has authority to classify and/or district the operators **lodging tax collectors** for determination of applicable tax periods, and shall notify each operator **lodging tax collector** of the due and delinquent dates for the operator's **lodging tax collector's** returns. The initial return under this chapter may be for less than the three months preceding the due date; thereafter returns shall be made for the applicable quarterly period.

B. On or before the fifteenth **last** day of the month following each quarter of collection, a return for the preceding quarter's tax collections shall be filed with the tax administrator. The return shall be filed in such form as the tax administrator may prescribe by every operator **lodging tax collector** liable for payment of tax.

C. Returns shall show the amount of gross tax collected ~~less the cost charged by credit card companies when credit cards are used as consideration for occupancy, or otherwise due for the related period.~~ The tax administrator may require returns to show the total rentals upon which tax was collected or otherwise due, gross receipts of operator for such period and an explanation in detail of any discrepancy between such amounts, and the amount of rents exempt, if any **total rent and fees for each month in the quarter on a separate line, with a total for the quarter.**

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 tax administrator at his or her office, either by personal delivery or by mail **before the last day of the month following each quarter of collection**. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.

E. For good cause, the tax administrator may extend for not to exceed one month, the time for making any return or payment of tax. No further extension shall be granted, except by the City Council. Any operator **lodging tax collector** to whom an extension is granted shall pay interest at the rate of one-half of one percent per month on the amount of tax due without proration for a fraction of a month. If a return is not filed, and the tax and interest

due is not paid by the end of the extension granted, then the interest shall become a part of the tax for computation of penalties described elsewhere in this chapter ***the delinquent fees unless waived by the City Council.***

F. The tax administrator, if he or she deems it necessary in order to insure payment or facilitate collection by the City of the amount of taxes in any individual case, may require returns and payment of the amount of taxes for other than quarterly periods. (~~Ord. 582 § 6, 1991; Ord. 365 § 7, 1976~~)

3.04.080 Penalties and interest.

A. Original Delinquency. Any operator ***lodging tax collector*** who has not been granted an extension of time for remittance of tax due and who fails to remit any tax imposed by this chapter prior to delinquency shall pay ten (10) percent of the amount of the tax due ***and a delinquency fee of \$100*** in addition to the amount of the tax.

B. Continued Delinquency. Any operator ***lodging tax collector*** who has not been granted an extension of time for remittance of tax due, and who failed to pay any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a ~~second delinquency penalty of fifteen (15) percent of the amount of the tax due plus the amount of the tax and the ten (10) percent penalty first imposed~~ ***an additional ten (10) percent for each thirty (30) day period the tax remains delinquent.***

C. Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five (25) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.

~~D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month or fraction thereof without proration for portions of a month, on the amount of the tax due, exclusive of penalties, from the date on which the remittance first became delinquent until paid.~~

E ~~D.~~ Penalties Merged with Tax. Every penalty imposed ~~and such interest as accrues~~ under the provisions of this section shall be merged with and become a part of the tax herein required to be paid.

F ~~E.~~ Petition for Waiver. Any operator ***lodging tax collector*** who fails to remit the tax herein levied within the time herein stated shall pay the penalties herein stated; provided, however, the operator ***lodging tax collector*** may petition the City Council for waiver and refund of the penalty or any portion thereof and the City Council may, if a good and sufficient reason is shown, waive and direct a refund of the penalty or any portion thereof. (~~Ord. 582 § 7, 1991; Ord. 365 § 8, 1976~~)

3.04.090 Deficiency determinations - Evasion - Operator ***Lodging tax collector*** delay.

A. Deficiency Determinations. If the tax administrator 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 Section 3.04.080 of this chapter.

1. In making a determination the tax administrator 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 Section 3.04.080 of this chapter.~~

2. The tax administrator shall give to the ~~operator~~ **lodging tax collector** or occupant a written notice of his or her determination. The notice may be served personally or by mail. If by mail, the notice shall be addressed to the ~~operator~~ **lodging tax collector** at his or her address as it appears on the records of the tax administrator. In case of service by mail of any notice required by this chapter, it shall be served by mailing such notice by registered mail, postage prepaid, return receipt requested.

3. Except in the case of fraud or intent to evade this chapter or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three **(3)** years after the last day of the month following the close of the quarterly period for which the amount is proposed to be determined or with three **(3)** years after the return is filed, whichever period expires the later.

4. Any determination shall become due and payable immediately upon receipt of notice and shall become final within twenty (20) days after the tax administrator has given notice thereof, provided, however, the ~~operator~~ **lodging tax collector** may petition redemption and refund if the petition is filed before the determination become final as herein provided.

B. Fraud, Refusal to Collect, Evasion. If any ~~operator~~ **lodging tax collector** shall fail or refuse to collect said tax or to make within the time provided in this chapter any report or remittance of said tax or any portion thereof required by this chapter, or makes a fraudulent return or otherwise willfully attempts to evade this chapter, the tax administrator shall proceed in such manner as he or she may deem best to obtain the facts and information on which to base an estimate of the tax due. As soon as the tax administrator has determined the tax due that is imposed by this chapter from any ~~operator~~ **lodging tax collector** who has failed or refused to collect the same and to report and remit said tax, he or she shall proceed to determine and assess against such ~~operator~~ **lodging tax collector** the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax administrator shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within

three (3) years of the discovery by the tax administrator of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return. Any determination shall become due and payable upon receipt of notice and shall become final within twenty (20) days after the tax administrator has given notice thereof, provided, however, the operator **lodging tax collector** may petition for redemption refund if the petition is filed before the determination becomes final as herein provided.

C. Operator **Lodging Tax Collector** Delay. If the tax administrator believes that the collection of any tax or any amount of tax required to be collected and paid to the City will be jeopardized by delay, or if any determination will be jeopardized by delay, he or she shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination. The amount so determined as herein provided shall be immediately due and payable, and the operator **lodging tax collector** shall immediately pay such determination to the tax administrator after service of notice thereof; provided, however, the operator **lodging tax collector** may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within twenty (20) days from the date of service of notice by the tax administrator. (~~Ord. 365 § 9, 1976~~)

3.04.100 Redeterminations.

A. Any person against whom a determination is made under Section 3.04.090 of this chapter or any person directly interested may petition for a redetermination and redemption and refund within the time required in Section 3.04.090 of this chapter. If a petition for redetermination and refund is not filed within the time required in Section 3.04.090 of this chapter, the determination becomes final at the expiration of the allowable time.

B. If a petition for redetermination and refund is filed within the allowable period, the tax administrator shall reconsider the determination, and if the person has so requested in his or her petition, shall grant the person an oral hearing and shall give him or her twenty (20) days notice of the time and place of the hearing. The tax administrator may continue the hearing from time to time as may be necessary.

C. The tax administrator may decrease or increase the amount of the determination as a result of the hearing and if an increase is determined such increase shall be payable immediately after the hearing.

D. The order or decision of the tax administrator upon a petition for redetermination of redemption and refund becomes final twenty (20) days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the City Council within the twenty (20) days after the service of such notice.

E. No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the operator **lodging tax collector** has first complied with the payment provisions hereof. (~~Ord. 582 § 9, 1991; Ord. 365 § 10, 1976~~)

3.04.110 Security for collection of tax.

A. The tax administrator, whenever he or she deems it necessary to insure the compliance with this chapter, may require an operator the **lodging tax collector** to deposit with him or her such security in the form of cash, bond or other security as the tax administrator may determine. The amount of the security shall be fixed by the tax administrator but shall not be greater than twice the operator's **lodging tax collector's** estimated average quarterly liability for the period for which he or she files returns, determined in such a manner as the tax administrator deems proper, or five thousand dollars (\$5,000.00), whichever amount is less. The amount of security may be increased or decreased by the tax administrator subject to limitations herein provided. The operator **lodging tax collector** has a right to appeal to the City Council any decision of the tax administrator made pursuant to this section. **The lodging tax collector's right to appeal is pursuant to Section 3.04.150.**

B. At any time within three (3) years after any tax or any amount of tax required to be collected becomes due and payable or at any time within three (3) years after any determination becomes final, the tax administrator 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 **and reasonable attorney's fees, to be determined by the court, together with court costs.** (Ord. 582 § 10, 1991; Ord. 365 § 11, 1976)

~~3.04.120 Security interest.~~

~~As a privilege for conducting a business providing transient lodging within the City of Waldport and to secure payment of the tax collected by the operator to the City of Waldport, the operator, by the act of filing a registration to engage in business as an operator of a hotel in the City of Waldport does irrevocably grant to the City of Waldport a security interest in all tangible personal property of the operator, which security interest shall be effective at the time when the tax imposed by this chapter, together with the interest and penalties herein provided and the filing fees paid to the County Clerk of Lincoln County, Oregon and the advertising costs which may be incurred, becomes delinquent as set forth in this chapter. Upon delinquency as a result of the operator's failure to pay over to the City of Waldport the tax imposed under this chapter, the City may foreclose its security interest in the operator's tangible personal property in such manner as provided by Oregon Revised Statutes Chapter 79. The operator further upon the filing of a registration to conduct a business engaged as a hotel in the City of Waldport grants a special power of attorney-in-fact to the City Recorder for purposes of executing a financing statement to give evidence of the granted security interest at the time of delinquency and authorizes the City Recorder to execute the UCC Financing statement on behalf of the debtor, listing as collateral all tangible personal property of the operator and to file said financing statement with the Oregon Secretary of State and with the Lincoln County Clerk, if appropriate. Any delinquency for transient room tax which continues for more than thirty days shall also become a lien against the real property used for transient lodging upon which the transient room tax has been assessed. The lien shall be entered in the lien docket of the City and shall remain accessible for inspection by anyone interested in ascertaining the amount of the lien against the property. Whenever transient~~

room taxes remain unpaid for ninety days after due, the lien created may be foreclosed in any manner provided for by general State laws and /or City ordinances. (Ord. 675 § 1, 2001; Ord. 582 § 11, 1991; Ord. 365 § 12, 1976)

3.04.120 Lien

Any deficiency for occupancy room taxes identified in a final deficiency determination shall become a lien against the real property used for the lodging facility upon which the occupancy tax has been assessed. The tax administrator shall cause a lien to be entered in the lien docket of the City.

In addition to other remedies provided in this chapter, any deficiency for occupancy taxes identified in a final deficiency determination shall be deemed a debt owed by the occupancy tax collector to the City. Any person owing money to the City under the provisions of this chapter shall be liable to an action brought in the name of the City of Waldport for the recovery of such amount. In lieu of filing an action for the recovery, the City may submit deficiencies to a collection agency. In the event the City turns over a deficient tax account to a collection agency, the City may add to the amount owing an amount equal to the collection agency fees, not to exceed twenty-five percent of the outstanding tax owing. The City shall provide notice as may be required by state law.

3.04.130 Refunds.

A. Refunds by the City to the Operator ***Lodging Tax Collector***. Whenever the amount of any tax ~~or~~ penalty, ~~or~~ interest has been paid more than once or has been erroneously or illegally collected or received by the tax administrator under this chapter, 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 tax administrator within three **(3)** years from the date of payment. The claim shall be made on forms provided by the tax administrator. If the claim is approved by the tax administrator, the excess amount collected or paid may be refunded or may be credited on any amount then due and payable from the operator ***lodging tax collector*** from whom it was collected or by whom paid and the balance may be refunded to such operator ***lodging tax collector***, his or her administrators, executors or assignees.

B. Refunds by City to Transient ***Registered Guest***. Whenever the tax required by this chapter has been collected by an operator ***lodging tax collector***, and deposited by operator the ***lodging tax collector*** with the tax administrator, and it is later determined that the tax was erroneously or illegally collected or received by the tax administrator, it may be refunded by the tax administrator to the transient ***registered guest***, provided a verified claim in writing therefor, stating the specific reason on which the claim is founded, is filed with the tax administrator within three **(3)** years from the date of payment.

C. Refunds by Operator ***Lodging Tax Collector*** to Tenant. Whenever the tax required by this chapter has been collected by the operator ***lodging tax collector*** and it is later

determined that the tenant occupies the hotel **lodging facility** for a period exceeding thirty (30) days without interruption, the operator **lodging tax collector** shall refund to such tenant the tax previously collected by the operator **lodging tax collector** from that tenant as transient **a registered guest**. The operator **lodging tax collector** shall account for such collection and refund to the tax administrator. If the operator **lodging tax collector** has remitted the tax prior to the refund or credit to the tenant, he or she shall be entitled to a corresponding refund under this section. (Ord. 365 § 13, 1976)

3.04.140 Collection Fee

Every lodging tax collector liable for collection and remittance of the tax imposed by this chapter may withhold five (5) percent of the net tax herein collected, to cover the lodging tax collector's expense in collection and remittance of the tax.

3.04.140 150 Administration.

A. Records Required From Operators, Etc **Lodging tax collectors**. Every operator **lodging tax collector** shall keep guest records of room sales and accounting books and records of the room sales. All records shall be retained by the operator **lodging tax collector** for a period of three (3) years and six (6) months after they come into being.

B. Examination of Records - Investigations. The tax administrator or any person authorized in writing by him or her, may examine during normal business hours the books, papers and accounting records relating to room sales of any operator **lodging tax collector**, after notification to the operator **lodging tax collector** liable for the tax, and may investigate the business of the operator **lodging tax collector** in order to verify the accuracy of any return made, or if no return is made by the operator **lodging tax collector**, to ascertain and determine the amount required to be paid.

C. Confidential Character of Information Obtained - Disclosure Unlawful. **Disclosure shall follow the Public Records Laws of the State of Oregon.** It is unlawful for the tax administrator 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 required to obtain a transient occupancy registration certificate, or pay any transient occupancy tax, or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application, or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person; provided that nothing in this subsection shall be construed to prevent:

— 1. The disclosure to, or the examination of records and equipment by another City of Waldport official, employee or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this chapter, or collecting taxes imposed hereunder, or collecting City business license fees.

— 2. The disclosure, after the filing of a written request to that effect, to the taxpayer himself, 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; further provided, however, that the City Attorney approves each such disclosure and that the tax administrator may refuse to make any disclosure referred to in this paragraph when in his or her opinion the public interest would suffer thereby.

~~—3. The disclosure of the names and addresses of any persons to whom transient occupancy registration certificates have been issued.~~

~~—4. The disclosure of general statistics regarding taxes collected or business done in the City. (Ord. 582 § 12, 1991; Ord. 365 § 15, 1976)~~

3.04.150 **160** Appeal to the City Council.

Any person aggrieved by a decision of the tax administrator may appeal to the City Council by filing notice of appeal with the tax administrator within twenty (20) days of the serving or mailing of the tax notice of a decision given by the tax administrator. The tax administrator shall fix a time and place for hearing such appeal and shall give the appellant twenty (20) days written notice of the time and place of hearing. (Ord. 582 § 14, 1991; Ord. 365 § 18, 1976) ***transmit the notice of appeal together with the file of the appealed matter to the City Council, who shall fix a time and place for hearing such appeal from the decision of the tax administrator. The City Council shall give the appellant not less than twenty (20) days written notice of the time and place of hearing of the appealed matter. Action by the City Council on appeals shall be decided by a majority of the City Council present at the meeting where such appeal is considered.***

3.04.160 **170** Violations.

It is unlawful for any operator or other person so required to fail or refuse to register as required herein, or to furnish any return required to be made, or 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 any amount due required by this chapter. (Ord. 582 § 15, 1991; Ord. 365 § 17, 1976)

3.04.170 **180** Penalties.

Any person who violates any of the provisions of this chapter, as now constituted or hereafter amended or revised, commits a Class A civil infraction and shall be subject to the procedures and penalties of Chapter 1.08 of this code, as now constituted or hereafter amended or revised. (Ord. 661 § 1, 1999; Ord. 582 § 16, 1991; Ord. 365 § 21, 1976)



HB 4120 Will Fix the Lodging Tax Payment Loopholes that Some Online Travel Companies Are Exploiting

- ❖ In short, **HB 4120** will:
 - Improve lodging tax compliance and help recoup uncollected taxes
 - Provide fairness/equal treatment to all lodging providers and intermediaries
 - Follow recommendation of NCSL to include short term rentals in tax policy
 - Help with code enforcement, to ensure safety regulation and ensure short term rentals aren't further reducing housing stock

- ❖ The bill revises the definition of “transient lodging intermediary” to ensure all business model types that facilitate the retail sale of rooms or homes for lodging are required to **collect**, **file** tax returns, and **pay** state and local lodging taxes.
 - Presently, some intermediaries are not paying the tax, or only pay a tax to cities and counties with which they have an agreement.

- ❖ The bill provides that online travel companies and intermediaries must disclose necessary records to ensure proper tax audits can be done and regulatory codes can be enforced.
 - Presently, some intermediaries refuse to disclose property addresses to the state and local governments and thus compliance and enforcement are impossible.
 - The bill would address the federal Stored Communications Act concerns and specifically authorize the subpoenaing of business records for tax audits and enforcement. See Section 6(4).

This bill simply cleans up Oregon’s lodging tax statutes to treat all lodging providers and intermediaries the same. That was the legislative intent in 2013 when the term “transient lodging intermediary” was added to the ORS.

- ❖ Arguments from Online Companies Aren’t Persuasive and Are Red Herrings:
 - Some online companies offer local governments the “opportunity” to sign an agreement to pay their lodging taxes and they maintain these are adequate.
 - Agreements to pay taxes should not be viewed as a proper solution for tax compliance. The agreements are unfair and give these companies an unfair advantage over traditional hotels, motels, etc. Without property locations, there is no meaningful compliance.

For example, agreements from Airbnb restrict audits to once every 3-4 years, they do not permit disclosure of property locations to the local government, and they require waiver of all back taxes.

- Some online companies want the state to collect and enforce all local government lodging taxes. They complain that paying local governments is too burdensome.

- Local governments now have the option to have the state collect local lodging taxes on their behalf thanks to 2017 legislation. DOR is working on their platforms to do this work, hopefully beginning in the fall. However, the underlying law regarding intermediaries must be fixed, as provided for in [HB 4120](#), for this to work.

Questions? Email Wendy Johnson at wjohnson@orcities.org

Follow the League



Enrolled
House Bill 4120

Sponsored by Representative MARSH; Representatives ESQUIVEL, GOMBERG, KENY-GUYER,
NOSSE, Senators DEBOER, JOHNSON (Presession filed.)

CHAPTER

AN ACT

Relating to transient lodging taxes; creating new provisions; amending ORS 320.300, 320.305, 320.325 and 320.350; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 320.300 is amended to read:

320.300. As used in ORS 320.300 to 320.350:

(1) "Collection reimbursement charge" means the amount a transient lodging tax collector may retain as reimbursement for the costs incurred by the transient lodging tax collector in collecting and reporting a transient lodging tax and in maintaining transient lodging tax records.

(2) "Conference center" means a facility that:

(a) Is owned or partially owned by a unit of local government, a governmental agency or a nonprofit organization; and

(b) Meets the current membership criteria of the International Association of Conference Centers.

(3) "Convention center" means a new or improved facility that:

(a) Is capable of attracting and accommodating conventions and trade shows from international, national and regional markets requiring exhibition space, ballroom space, meeting rooms and any other associated space, including without limitation banquet facilities, loading areas and lobby and registration areas;

(b) Has a total meeting room and ballroom space between one-third and one-half of the total size of the center's exhibition space;

(c) Generates a majority of its business income from tourists;

(d) Has a room-block relationship with the local lodging industry; and

(e) Is owned by a unit of local government, a governmental agency or a nonprofit organization.

(4) "Local transient lodging tax" means a tax imposed by a unit of local government on the sale, service or furnishing of transient lodging.

(5) "State transient lodging tax" means the tax imposed under ORS 320.305.

(6) "Tourism" means economic activity resulting from tourists.

(7) "Tourism promotion" means any of the following activities:

(a) Advertising, publicizing or distributing information for the purpose of attracting and welcoming tourists;

(b) Conducting strategic planning and research necessary to stimulate future tourism development;

(c) Operating tourism promotion agencies; and

- (d) Marketing special events and festivals designed to attract tourists.
- (8) "Tourism promotion agency" includes:
 - (a) An incorporated nonprofit organization or governmental unit that is responsible for the tourism promotion of a destination on a year-round basis.
 - (b) A nonprofit entity that manages tourism-related economic development plans, programs and projects.
 - (c) A regional or statewide association that represents entities that rely on tourism-related business for more than 50 percent of their total income.
- (9) "Tourism-related facility" means:
 - (a) A conference center, convention center or visitor information center; and
 - (b) Other improved real property that has a useful life of 10 or more years and has a substantial purpose of supporting tourism or accommodating tourist activities.
- (10) "Tourist" means a person who, for business, pleasure, recreation or participation in events related to the arts, heritage or culture, travels from the community in which that person is a resident to a different community that is separate, distinct from and unrelated to the person's community of residence, and that trip:
 - (a) Requires the person to travel more than 50 miles from the community of residence; or
 - (b) Includes an overnight stay.
- (11) "Transient lodging" means:
 - (a) Hotel, motel and inn dwelling units that are used for temporary overnight human occupancy;
 - (b) Spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; or
 - (c) Houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units, that are used for temporary human occupancy.
- (12) "Transient lodging intermediary" means a person other than a transient lodging provider that facilitates the retail sale of transient lodging and:
 - (a) Charges for occupancy of the transient lodging[.];
 - (b) **Collects the consideration charged for occupancy of the transient lodging; or**
 - (c) **Receives a fee or commission and requires the transient lodging provider to use a specified third-party entity to collect the consideration charged for occupancy of the transient lodging.**
- (13) "Transient lodging provider" means a person that furnishes transient lodging.
- (14) "Transient lodging tax collector" means a transient lodging provider or a transient lodging intermediary.
- (15) "Unit of local government" has the meaning given that term in ORS 190.003.
- (16) "Visitor information center" means a building, or a portion of a building, the main purpose of which is to distribute or disseminate information to tourists.

SECTION 2. ORS 320.325 is amended to read:

320.325. (1) Every transient lodging tax collector is deemed to hold the amount of state transient lodging taxes collected in trust for the State of Oregon and for payment to the Department of Revenue in the manner and at the time provided under ORS 320.315.

(2) At any time **that** the transient lodging tax collector fails to remit any amount of state transient lodging taxes deemed to be held in trust for the State of Oregon, the department may enforce collection by the issuance of a distraint warrant for the collection of the delinquent amount and all penalties, interest and collection charges accrued on the delinquent amount. The warrant shall be issued, docketed and proceeded upon in the same manner and shall have the same force and effect as warrants for the collection of delinquent income taxes.

(3) **Notwithstanding ORS 320.305, if the transient lodging is owned by more than one person, each and every owner may be held jointly and severally liable for any tax imposed under ORS 320.305 with respect to a transient lodging transaction.**

SECTION 3. ORS 320.350 is amended to read:

320.350. (1) A unit of local government that did not impose a local transient lodging tax on July 1, 2003, may not impose a local transient lodging tax on or after July 2, 2003, unless the imposition of the local transient lodging tax was approved on or before July 1, 2003.

(2) A unit of local government that imposed a local transient lodging tax on July 1, 2003, may not increase the rate of the local transient lodging tax on or after July 2, 2003, to a rate that is greater than the rate in effect on July 1, 2003, unless the increase was approved on or before July 1, 2003.

(3) A unit of local government that imposed a local transient lodging tax on July 1, 2003, may not decrease the percentage of total local transient lodging tax revenues that are actually expended to fund tourism promotion or tourism-related facilities on or after July 2, 2003. A unit of local government that agreed, on or before July 1, 2003, to increase the percentage of total local transient lodging tax revenues that are to be expended to fund tourism promotion or tourism-related facilities, must increase the percentage as agreed.

(4) Notwithstanding subsections (1) and (2) of this section, a unit of local government that is financing debt with local transient lodging tax revenues on November 26, 2003, must continue to finance the debt until the retirement of the debt, including any refinancing of that debt. If the tax is not otherwise permitted under subsection (1) or (2) of this section, at the time of the debt retirement:

(a) The local transient lodging tax revenue that financed the debt shall be used as provided in subsection (5) of this section; or

(b) The unit of local government shall thereafter eliminate the new tax or increase in tax otherwise described in subsection (1) or (2) of this section.

(5) Subsections (1) and (2) of this section do not apply to a new or increased local transient lodging tax if all of the net revenue from the new or increased tax, following reductions attributed to collection reimbursement charges, is used consistently with subsection (6) of this section to:

(a) Fund tourism promotion or tourism-related facilities;

(b) Fund city or county services; or

(c) Finance or refinance the debt of tourism-related facilities and pay reasonable administrative costs incurred in financing or refinancing that debt, provided that:

(A) The net revenue may be used for administrative costs only if the unit of local government provides a collection reimbursement charge; and

(B) Upon retirement of the debt, the unit of local government reduces the tax by the amount by which the tax was increased to finance or refinance the debt.

(6) At least 70 percent of net revenue from a new or increased local transient lodging tax shall be used for the purposes described in subsection (5)(a) or (c) of this section. No more than 30 percent of net revenue from a new or increased local transient lodging tax may be used for the purpose described in subsection (5)(b) of this section.

[(7)(a)(A) A local transient lodging tax must be computed on the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging.]

[(B) The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the transient lodging tax collector's business.]

[(b) The tax shall be collected by the transient lodging tax collector that receives the consideration rendered for occupancy of the transient lodging.]

SECTION 4. Sections 5 and 6 of this 2018 Act are added to and made a part of ORS 320.300 to 320.350.

SECTION 5. (1) A local transient lodging tax must be computed on the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging.

(2) The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the transient lodging tax collector's business.

SECTION 6. (1) The transient lodging provider or transient lodging intermediary that collects the consideration charged for occupancy of transient lodging, or a transient lodging intermediary described in ORS 320.300 (12)(c), as applicable, is responsible for collecting any local transient lodging tax and shall file a return of the tax with the unit of local government that imposes the tax, or with any tax administrator identified by the unit of local government, reporting the amount of tax due during the reporting period to which the return relates.

(2) Returns shall be filed on or before the deadline fixed by the unit of local government for filing of returns and shall be made under penalties for false swearing.

(3) When a return is required under this section, the transient lodging tax collector required to file the return shall remit the taxes due to the unit of local government at the time fixed for filing of returns.

(4) This section applies to a transient lodging tax collector unless a charter provision or ordinance or resolution of the unit of local government, or an agreement entered into between the transient lodging tax collector and the unit of local government, provides otherwise.

SECTION 7. ORS 320.305 is amended to read:

320.305. (1)(a) A tax of 1.8 percent is imposed on any consideration [*rendered*] **charged** for the sale, service or furnishing of transient lodging.

(b)(A) The tax must be computed on the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging.

(B) The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the transient lodging tax collector's business.

(c) The tax shall be collected by the transient lodging [*tax collector that receives*] **provider or transient lodging intermediary that collects** the consideration [*rendered*] **charged** for occupancy of the transient lodging, **or a transient lodging intermediary described in ORS 320.300 (12)(c), as applicable.**

(d) The tax imposed by this subsection is in addition to and not in lieu of any local transient lodging tax.

(2) The transient lodging tax collector may withhold a collection reimbursement charge of five percent of the amount collected under subsection (1) of this section.

SECTION 8. ORS 320.305, as amended by section 3, chapter 102, Oregon Laws 2016, is amended to read:

320.305. (1)(a) A tax of 1.5 percent is imposed on any consideration [*rendered*] **charged** for the sale, service or furnishing of transient lodging.

(b)(A) The tax must be computed on the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging.

(B) The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the transient lodging tax collector's business.

(c) The tax shall be collected by the transient lodging [*tax collector that receives*] **provider or transient lodging intermediary that collects** the consideration [*rendered*] **charged** for occupancy of the transient lodging, **or a transient lodging intermediary described in ORS 320.300 (12)(c), as applicable.**

(d) The tax imposed by this subsection is in addition to and not in lieu of any local transient lodging tax.

(2) The transient lodging tax collector may withhold a collection reimbursement charge of five percent of the amount collected under subsection (1) of this section.

SECTION 9. This 2018 Act takes effect on the later of the 91st day after the date on which the 2018 regular session of the Seventy-ninth Legislative Assembly adjourns sine die or July 1, 2018.

Passed by House February 22, 2018

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate March 1, 2018

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2018

Approved:

.....M,....., 2018

.....
Kate Brown, Governor

Filed in Office of Secretary of State:

.....M,....., 2018

.....
Dennis Richardson, Secretary of State



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: League of Oregon Cities – Legislative Priorities

REQUESTED BY: City Manager

FOR MEETING DATE: July 12, 2018

SUMMARY OF ISSUE:

The League of Oregon Cities (“LOC”) is seeking input from the City of Waldport (“City”) for its top four and bottom four legislative priorities.

STAFF RECOMMENDATION or ACTION REQUESTED:

Discuss and determine the top four and bottom four legislative priorities and authorize the City Manager or designee to submit the lists to the League of Oregon Cities.

BACKGROUND:

Please see attached correspondence from the League of Oregon Cities. Items are below:

Legislation

A. 9-1-1 Tax	<input type="checkbox"/>
B. Annexation Flexibility	<input type="checkbox"/>
C. Auto Theft	<input type="checkbox"/>
D. Beer and Cider Tax Increase	<input type="checkbox"/>
E. Broadband Infrastructure	<input type="checkbox"/>
F. Carbon Cap-and-Invest Program Adoption	<input type="checkbox"/>
G. City Comparability for Compensation	<input type="checkbox"/>
H. Green Energy Technology Requirement Changes	<input type="checkbox"/>
I. Infrastructure Financing and Resilience	<input type="checkbox"/>
J. Least Cost Public Contracting	<input type="checkbox"/>
K. Local Control Over Speed Limits on City Streets	<input type="checkbox"/>
L. Lodging Tax Definition Broadening	<input type="checkbox"/>
M. Mental Health Investment	<input type="checkbox"/>
N. Permanent Supportive Housing Investment	<input type="checkbox"/>
O. PERS Reform	<input type="checkbox"/>
P. PERS Unfunded Liability Revenue Stream Dedication	<input type="checkbox"/>
Q. Place-Based, Water Resource Planning (Program Support)	<input type="checkbox"/>
R. Property Tax Reform	<input type="checkbox"/>
S. Qualification Based Selection (QBS)	<input type="checkbox"/>
T. Right-of-Way and Franchise Fee Authority	<input type="checkbox"/>
U. Safe Routes to School Match	<input type="checkbox"/>
V. Small Area Cell Deployment	<input type="checkbox"/>
W. Speed Cameras	<input type="checkbox"/>
X. Speed Limit Methodology	<input type="checkbox"/>
Y. Third Party Building Inspection	<input type="checkbox"/>
Z. Tobacco Taxes Share Increase	<input type="checkbox"/>
AA. Waste Water Technical Assistance Program	<input type="checkbox"/>
BB. Wetland Development Permitting	<input type="checkbox"/>
CC. Wood Smoke Reduction Program Support	<input type="checkbox"/>

Attachments: League of Oregon Cities Correspondence and Ballots



1201 Court Street NE, Suite 200 • Salem, Oregon 97301
(503) 588-6550 • (800) 452-0338 • Fax: (503) 399-4863
www.orcities.org

June 6, 2018

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2019 session. They have identified legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

While the attached ballot reflects the top policies developed in each of the policy committees, each undertook a broad look at a range of issues impacting cities. Many issues reflect the League's ongoing mission to support cities' work and their home rule authority to develop and use a variety of tools to meet the needs of residents but were not included in the ballot. Additional issues, such as addressing the housing shortage and the opioid crisis, are multifaceted and did not fit concisely into policy priorities. However, they remain as work the League intends to accomplish as it works with large groups of stakeholders in search of solutions.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2019 legislative agenda. After your city council has had the opportunity to review the proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on during the 2019 session. **The deadline for response is August 3, 2018.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2019 legislative agenda.

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance to cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

Mike Cully
Executive Director

Craig Honeyman
Legislative Director

P.S. If you are reviewing the hard copy of this ballot and would like to view the linked material please visit the following web address and click on the links there:

<http://www.orcities.org/Portals/17/Legislative/2019PolicyBallotInformation.pdf>

INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2018.
2. Simply place an **X or a check mark** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **August 3rd** via mail, fax or e-mail to:

Jenna Jones
League of Oregon Cities
1201 Court St. NE, Suite 200
Salem, OR 97301
Fax – (503) 399-4863
jjones@orcities.org

Thank you for your participation.

City of: _____

Please check or mark 4 boxes with an X that reflects the top 4 issues that your city recommends be added to the priorities for the League's 2019 legislative agenda.

Legislation

A. 9-1-1 Tax	<input type="checkbox"/>
B. Annexation Flexibility	<input type="checkbox"/>
C. Auto Theft	<input type="checkbox"/>
D. Beer and Cider Tax Increase	<input type="checkbox"/>
E. Broadband Infrastructure	<input type="checkbox"/>
F. Carbon Cap-and-Invest Program Adoption	<input type="checkbox"/>
G. City Comparability for Compensation	<input type="checkbox"/>
H. Green Energy Technology Requirement Changes	<input type="checkbox"/>
I. Infrastructure Financing and Resilience	<input type="checkbox"/>
J. Least Cost Public Contracting	<input type="checkbox"/>
K. Local Control Over Speed Limits on City Streets	<input type="checkbox"/>
L. Lodging Tax Definition Broadening	<input type="checkbox"/>
M. Mental Health Investment	<input type="checkbox"/>
N. Permanent Supportive Housing Investment	<input type="checkbox"/>
O. PERS Reform	<input type="checkbox"/>
P. PERS Unfunded Liability Revenue Stream Dedication	<input type="checkbox"/>
Q. Place-Based, Water Resource Planning (Program Support)	<input type="checkbox"/>
R. Property Tax Reform	<input type="checkbox"/>
S. Qualification Based Selection (QBS)	<input type="checkbox"/>
T. Right-of-Way and Franchise Fee Authority	<input type="checkbox"/>
U. Safe Routes to School Match	<input type="checkbox"/>
V. Small Area Cell Deployment	<input type="checkbox"/>
W. Speed Cameras	<input type="checkbox"/>
X. Speed Limit Methodology	<input type="checkbox"/>
Y. Third Party Building Inspection	<input type="checkbox"/>
Z. Tobacco Taxes Share Increase	<input type="checkbox"/>
AA. Waste Water Technical Assistance Program	<input type="checkbox"/>
BB. Wetland Development Permitting	<input type="checkbox"/>
CC. Wood Smoke Reduction Program Support	<input type="checkbox"/>

In addition to your ranking of the priorities shown above, please use this space to provide us with any comments (supportive or critical) you may have on these issues, or thoughts on issues or potential legislative initiatives that have been overlooked during the committee process.):

This is an addendum to the original ballot sent out on Friday, June 8th, 2018. It is due on August 3, 2018 like the original ballot

City of: _____

Please mark 4 boxes with an X or check mark that reflects the **4 issues that your city least wants to pursue** as part of the League’s 2019 legislative agenda.

Legislation

A. 9-1-1 Tax	<input type="checkbox"/>
B. Annexation Flexibility	<input type="checkbox"/>
C. Auto Theft	<input type="checkbox"/>
D. Beer and Cider Tax Increase	<input type="checkbox"/>
E. Broadband Infrastructure	<input type="checkbox"/>
F. Carbon Cap-and-Invest Program Adoption	<input type="checkbox"/>
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Q. Place-Based, Water Resource Planning (Program Support)	<input type="checkbox"/>
R. Property Tax Reform	<input type="checkbox"/>
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U. Safe Routes to School Match	<input type="checkbox"/>
V. Small Area Cell Deployment	<input type="checkbox"/>
W. Speed Cameras	<input type="checkbox"/>
X. Speed Limit Methodology	<input type="checkbox"/>
Y. Third Party Building Inspection	<input type="checkbox"/>
Z. Tobacco Taxes Share Increase	<input type="checkbox"/>
AA. Waste Water Technical Assistance Program	<input type="checkbox"/>
BB. Wetland Development Permitting	<input type="checkbox"/>
CC. Wood Smoke Reduction Program Support	<input type="checkbox"/>

A. 9-1-1 Tax

Legislation:

Support legislation enhancing the effectiveness of the state's emergency communications system by increasing the 9-1-1 tax and/or seeking other sources of revenue and prohibiting legislative "sweeps" from emergency communications accounts managed by the Oregon Office of Emergency Management.

Background:

The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 ([HB 3317](#)). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax ([HB 4055](#)). As concerns mount with regard to disaster preparedness and recovery and as upgrades to communications technology become available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities (see an analysis in the League's 2018 State Shared Revenue Report, [here](#), and the Oregon Office of Emergency Management's "Emergency Communications Tax" webpage, [here](#)). Additional funding is needed and the practice of periodically sweeping funds out of the state's emergency management account for other uses must cease. It is worthy of note that the practice of "sweeps" disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.

Presented by the Telecom, Broadband & Cable Committee and endorsed by the Finance & Taxation Committee

B. Annexation Flexibility

Legislation:

The League will work to increase the flexibility for cities to annex residential areas and to encourage voluntary annexations, with a primary focus on improving the island annexation process.

Background:

There is a significant disconnect between the state's land use process and the [process of annexation](#), which has created issues for a variety of cities. The annexation process requirements are particularly difficult for areas known as "islands". Even though cities can involuntarily annex islands, most cities have adopted a policy to only engage in voluntary annexation. This has left significant islands un-annexed. In addition, waiting for surrounding properties to voluntarily annex often means the process and order of annexation does not necessarily match the plans for infrastructure development. Unannexed lands remain on the buildable land supply but much of it will contain some level of development that was approved by the county, but is often underdeveloped when compared to the comprehensive plan.

However, there have been bills that have been introduced over the last few sessions that aim to make non-voluntary annexation more difficult (see e.g., [HB 2039](#) and [HB 2040](#)). As these bills have gotten hearings, the League has taken the opportunity to discuss how annexation and land use are very disconnected. This is particularly of interest as interest in housing development remains at the top of the list of legislative priorities. If local governments have greater control over the annexation process and can better incentivize voluntary annexation, they can better meet the development expectations of the land use system and their comprehensive plans. It also assists in the orderly development of infrastructure.

Tools that were recommended to consider included partial island annexation in residential areas, relaxation of the limit of 10 years to bring a property fully onto the city's property tax level, changing the boundary requirements for islands, and looking at how the withdrawal of special district territory can be better regulated.

Presented by the Community Development Committee

C. Auto Theft

Legislation:

Address the deficiencies in the Unauthorized Use of a Motor Vehicle statute that were created after an adverse court ruling.

Background:

A 2014 Oregon Court of Appeals ruling requires that prosecutors prove beyond a reasonable doubt that a person driving a stolen car knew they were in violation of the law prohibiting the unauthorized use of a motor vehicle. Because of this ruling, unless confesses to the crime, obtaining a conviction for stealing a car is near impossible. The National Insurance Crime Bureau's 2017 "Hot Spots" report stated that Oregon experienced a 19 percent increase in auto theft over 2016. News stories on this issue may be found [here](#), [here](#) and [here](#).

Because of the ruling, auto theft has increased exponentially across rural and urban Oregon. A legislative fix was proposed in 2018 and was generally agreed to but was never voted on by either chambers due to the fiscal impact it would have on the state. A copy of the legislation can be found [here](#). This issue was brought to the Committee by a representative of the Oregon Association of Chiefs of Police and they have requested the League's supported in seeking to fix this issue. Of particular concern to the General Government Committee was the fact that vehicles being stolen tend to be older cars and trucks that are more likely to be owned by people of more modest means who would be unable to readily replace their vehicles without considerable impact.

Presented by the General Government Committee

D. Beer and Cider Tax Increase

Legislation:

The League proposes increasing the state taxes on malt beverages and cider to assist with rising public safety costs, improve public health, reduce alcohol consumption by minors, and provide alcohol tax equity with wine and liquor.

Background:

Oregon's tax has not been increased since 1978 and is currently \$2.60 per barrel which equates to about 8 cents on a gallon of beer. The tax is by volume and not on the sales price. (Yes, the bottle deposit is 60 cents and the tax is only about 4 cents on a six-pack!) Oregon is tied with Kentucky for the lowest beer taxes of all [states](#) (see page 98 in link). To get to the middle, Oregon would need to raise the tax to 80 cents per gallon (10-fold increase). Cities are [preempted](#) from imposing alcohol taxes. In exchange, cities receive approximately [34% of the state alcohol revenues](#) (see page 9 in link)(beer and wine taxes, license fees, and liquor profit sharing) as state shared revenues. However, because the tax is so small on beer, the share is also small. The beer tax brings in only about \$7 million per year state-wide; thus, the city share is about \$2.3 million of the total shared revenues. The total share for cities for all alcohol-based state shared revenues is estimated at over \$86 million. The League anticipates that excise tax increases including those on alcohol will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

Presented by the Finance and Tax Committee and endorsed by the General Government Committee

E. Broadband Infrastructure

Legislation:

Seek additional state support and funding for increased and equitable broadband infrastructure deployment, especially in rural areas. Oppose legislative efforts to restrict existing municipal authority to provide broadband services.

Background:

The deployment of broadband and telecommunications networks and services (public and/or private) throughout Oregon is critical to economic development, education, health and safety and the ability of residents to be linked to their governments. Mapping research shows large areas of the state either not served or underserved by competitive broadband technology. A significant barrier to the deployment of broadband infrastructure is funding. Cities need additional funding and support from various sources, including the state and federal government, allocated for increased or new broadband infrastructure, especially for fiber connections to schools, community libraries, and public safety buildings. Also, oppose efforts by private internet service providers to restrict local efforts to make broadband technology available within their jurisdiction.

Presented by the Telecom, Broadband & Cable Committee

F. Carbon Cap-and-Invest Program Adoption

Legislation:

The League's Energy & Environment Policy Committee has recommended support, if specific principles are recognized and codified, of legislation that would implement a statewide cap on carbon emissions over time and that would generate revenues for strategic investments that further Oregon's greenhouse gas reduction goals. The cap on emissions would apply to certain "regulated entities" with carbon emissions over 25,000 metric tons annually. Regulated entities would receive allowances, or would generate offset credits, to emit carbon. The revenue from the purchase of allowances would be invested in specified programs aimed at furthering GHG reductions and mitigating program impacts. It is anticipated that funds generated from a cap on the transportation fuel industry may be subject to use per state Constitutional requirements related to the state highway fund. The statewide cap on carbon would be reduced over time to meet updated greenhouse gas reduction goals for Oregon.

For the League to support a statewide cap on carbon, the following principles would need to be recognized and codified in any legislation:

- The legislation and subsequent rulemaking processes would need to establish a forum to generate meaningful dialogue with rural Oregon communities and those with energy-intensive, trade-exposed industries. Equity considerations should be considered throughout this process by including cities and counties representing a variety of populations, regions of the state, and community demographics (e.g. low-income and underserved populations). Specific action should be taken to have representation from cities with populations of less than 1,500.
- The cap would need to apply to all sectors including utilities, industry and the transportation fuels sector (e.g. fuel producers) if annual carbon emissions exceed 25,000 metric tons.
- The program should be designed to link to the Western Climate Initiative which has a multi-jurisdictional carbon market (linking with programs in California, Ontario and Quebec)
- The revenue from the purchase of allowances would be invested in evidence-based technologies to reduce emissions from regulated sectors with excess revenues being invested in statewide programs to support climate resilience and rural Oregon economies. Requiring the reinvestment of allowance revenue will help regulated sectors become more efficient over time and less carbon intensive.

- In addition, LOC will advocate that additional revenues generated be dedicated to support programs including:
 - Technical assistance grants that local governments could access to help fund the adoption and implementation of local climate action/sustainability plans.
 - Funding for local woodstove smoke reduction programs to help communities in, or at risk of, non-attainment from woodstove smoke.
 - Funding to study and incentivize an expanded, yet sustainable, cross-laminated timber industry in Oregon with the intent of stimulating job creation in rural Oregon communities.
 - Funding for drought mitigation planning and resilience for Oregon water systems.

Background:

The League anticipates that the Legislature is very likely to pass legislation during the 2019 session that would implement a “cap-and-invest” program in Oregon, similar to the program adopted by California. Similar legislation has been considered by the Oregon Legislature during previous legislative sessions, but has failed to be brought for a vote. The political will to pass such a policy/program for Oregon appears to be incredibly strong; the Speaker of the House and President of the Senate are co-chairing the Joint Interim Committee on Carbon Reduction and the Governor’s team is staffing a new Carbon Policy Office to assist in the Committee’s efforts. The League’s Energy & Environment Committee has spent considerable time discussing this policy, including how best to craft a policy recommendation that makes both environmental and economic sense for the state and cities.

Presented by the Energy & Environment Committee

G. City Comparability for Compensation

Legislation:

The League will seek legislation to ensure that cities are compared only with cities of a similar cost of living when negotiating with strike prohibited bargaining units.

Background:

Oregon labor law doesn’t allow police officers, firefighters, emergency communicators and other public safety critical employees to strike. Instead when an impasse is reached when bargaining with labor unions that represent those workers, the state proscribes a set procedure involving an outside arbitrator to resolve those contract disputes. In that process the arbitrator will compare the city to other cities of similar size. As a result, the cities in rural areas are being compared with cities in metropolitan areas that have different economic circumstances. Klamath Falls with 20,000 people in it and a median home value of \$160,000 could be compared to Tualatin with a similar population and a median home value of \$355,000. This is not a reasonable comparison.

The Human Resources Committee notes that the Legislature created a variable minimum wage in Oregon in recognition of the different costs of living across the state. Each Oregon county is assigned to one of three wage zones with one being the Portland Metropolitan area, that second are less populous regions and the third are rural counties. The Committee recommends that cities only be compared to cities in the same wage zones. A detailed explanation and graphics of the proposal may be found here.

Presented by the Human Resources Committee

H. Green Energy Technology Requirement Changes

Legislation:

Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or energy efficiency projects.

Background:

Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation. Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will advocate to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment including energy efficiency.

Presented by the Energy & Environment Committee

I. Infrastructure Financing and Resilience

Legislation:

The League will advocate for an increase in the state’s investment in key infrastructure funding sources, including, but not limited to, the Special Public Works Fund (SPWF), Brownfield Redevelopment Fund, and Regionally Significant Industrial Site loan program. The advocacy will include seeking an investment and set aside through the SPWF for seismic resilience planning and related infrastructure improvements to make Oregon water and wastewater systems more resilient.

Background:

A key issue that most cities are facing is how to fund infrastructure improvements (both to maintain current and to build new). Increasing state resources in programs that provide access to lower rate loans and grants will assist cities in investing in vital infrastructure. Infrastructure development impacts economic development, housing, and livability. The level of funding for these programs has been inadequate compared to the needs over the last few biennia and the funds are depleting and unsustainable without significant program modifications and reinvestments.

The funds are insufficient to cover the long-term needs across the state. While past legislative sessions have focused on finding resources for transportation infrastructure, the needs for water, wastewater, and storm water have not been given the same attention. A LOC survey of cities in 2016 identified a need of \$7.6 billion dollars over the next 20 years to cover water and wastewater infrastructure projects for the 120 cities who responded. This shows a significant reinvestment in the Special Public Works Fund (SPWF) is needed to help meet the needs of local governments. Without infrastructure financing options, cities cannot meet the needs of new housing or new business – high priorities for cities across the state.

In addition, there is a critical need to improve upon the seismic resilience of public drinking water and wastewater systems. The Oregon Resilience Plan (2013) identified Oregon’s water and wastewater systems as especially vulnerable to damage resulting from a Cascadia subduction zone earthquake. The plan recommended all public water and wastewater systems complete a seismic risk assessment and mitigation plan for their system. This plan would help communities identify and plan for a backbone water system that would be capable of supplying critical community water needs after a significant seismic event.

However, there is currently no dedicated funding to assist communities with this planning effort and the funding needed to repair/retrofit water infrastructure is significantly inadequate. Investments have been made in Oregon to seismically retrofit public safety facilities and schools, but without planning for infrastructure resilience, communities may not have access to water for critical needs, including drinking water and water for fire suppression, in the immediate aftermath of a seismic event.

This priority will focus on maximizing both the amount of funding and the flexibility of the funds to meet the needs of more cities across the state to ensure long-term infrastructure investment.

Presented by the Community Development Committee and endorsed by the Finance & Taxation and Water/Wastewater committees

J. Least Cost Public Contracting

Legislation:

Introduce and/or support legislation repealing Section [45\(2\)\(a\)\(G\)](#) and Section [45\(3\)\(a\)\(G\)](#) of HB 2017 (enacted in 2017) relating to compliance with least cost public contracting requirements as a condition for fuel tax increases after 2020.

Background:

As a matter of public policy, the League fundamentally disagrees with this linkage of transportation projects funding with public contracting standards applicable to specific local projects. Under HB 2017 (enacted in 2017) cities must comply with least cost public contracting standards set forth by [ORS 279C.305](#) for subsequent the two-cent increases in the state gas tax to occur in 2020, 2022 and 2024. Literally interpreted, one recalcitrant city *might* be able to stop the next gas tax increase by its failure to comply with this statute.

Presented by the Transportation Committee and endorsed by Finance and Taxation Policy Committee

K. Local Control Over Speed Limits on City Streets

Legislation:

Introduce legislation that allows Oregon cities to opt-in (voluntarily) to adjust their speed limits on residential streets 5 mph lower than the statutory speed limit.

Background:

[HB 2682](#) (enacted in 2017) allows the city of Portland to establish by ordinance a designated speed for a residential street under the jurisdiction of the city that is five miles per hour lower than the statutory speed provided the street is not an arterial highway. This authority should be extended to all cities and be considered permissive (not required). Cities should be able to determine speeds that are adequate and safe for their communities.

Presented by the Transportation Committee

L. Lodging Tax Definition Broadening

Legislation:

The League proposes adjusting and broadening the definitions of tourist, tourism promotion, and tourism-related facility as those terms are defined in the lodging tax statutes to ensure state-wide continued tourism and related [economic](#) (see page 17 of link) and [tax growth](#) (see page 223 of link), assist with city tourist costs, and provide local choice and revenue flexibility.

Background:

In 2003, when the state imposed a state lodging tax, the Legislature preempted cities by imposing restrictions on the use of local lodging tax revenues. (The percentage of restricted revenues varies by city.) Restricted tax revenues must be used for tourism promotion or tourism-related facilities. While the League will support all legislation that provides more flexibility on local tax usage, the League will advocate for lodging tax legislation that broadens those terms to clearly cover city costs of tourist events, tourism-related facility maintenance, tourist amenities, tourist attraction enhancement and public safety costs for special tourist events. Language from Section 3 of the [dash 1 amendment to HB 2064 \(2017\)](#) and [Section 1 of HB 2064 \(2017\)](#) will likely serve as a starting place. See also this [power point presentation](#) and this [LOC testimony](#) (supporting HB 2064) for further information.

Presented by the Finance and Tax Committee

M. Mental Health Investment**Legislation:**

The League will seek to protect and enhance the investments made to Oregon's treatment of the mentally ill.

Background:

In 2015, the Legislature funded rental and housing assistance for persons suffering from mental illness, specialized training for police officers to assist people in mental health crisis, multi-disciplinary crisis intervention teams and expanded access to treatment. While providing direct mental health services is not a standard city service, the state of care for persons in crisis had deteriorated to the point city police officers were regularly the primary public employee to provide interventions. The December, issue of Local Focus was devoted to cities and mental health, those articles may be found [here](#).

Because of the anticipated budget shortfalls in 2019, the General Government Committee would like the League to ensure that services established in 2015 are not cut and to capitalize on any opportunities that may exist or be created to enhance those investments.

Presented by the General Government Committee

N. Permanent Supportive Housing Investment**Legislation:**

The League will support increased investments in the services that are provided to people who are living in permanent supportive housing.

Background:

[Permanent supportive housing](#) serves specific populations that traditionally face difficulty in remaining in housing due to additional, complex needs by providing housing and other services at the same time. A [variety of populations](#), such as seniors, veterans, families, and those with mental health conditions, have different services that accompany their housing support. Permanent supportive housing models that use a Housing First approach have been proven to be highly effective for ending homelessness, particularly for people experiencing chronic homelessness who have higher service needs. Investment in the services is as important as the housing because residents that do not receive these additional supports often end up returning to homelessness based on issues related to their other issues.

However, in many areas the funding for housing is not well matched with the funding for the services. The state is the primary funding source for these services. However, there is some disconnect between the housing support provided by the [Oregon Housing and Community Services Department \(OHCS\)](#) and the [Oregon Health Authority \(OHA\)](#).

To help communities that are working to provide opportunities for permanent supportive housing and those seeking to find long-term solutions to local homelessness issues, better investment in the services is vital to success of these programs. By supporting appropriations to OHCS and OHA for these services, more support services can be provided to those that are in permanent supportive housing and lead to better outcomes.

Presented by the Community Development Committee

O. PERS Reform

Legislation:

The League will seek legislation to modernize the PERS investment pool, ensure proper financial controls are adhered to, and give cities a greater voice in how their monies are invested. The League will also seek legislation that shares the risk and costs of the pension benefit with employees but does so in a manner that impacts employees based on the generosity of the benefit plan they will retire under.

Background:

Oregon's Public Employee Retirement System (PERS) is a three-tiered program that provides a defined benefit pension (a pension that pays a retiree and their beneficiary a set amount for the length of their retirement) and a deferred compensation program that is funded through employee contributions. Each of the three tiers pays a different benefit and an employee's placement in a given tier is based on the date they were hired. Tier I is the most generous benefit and has an option for an annuity based retirement that has been incredibly expensive to maintain. Tier I was replaced by Tier II in 1996. Tier II costs, though reduced, were also unsustainable and were replaced with a third tier, known as the Oregon Public Service Retirement Plan (OPSRP) which is designed to provide a 45 percent salary replacement after a full career. A primer on the PERS system may be found [here](#).

The cost to employers for this system has risen steadily since the market crash of 2008, and will increase again on July 1, 2019 (projected individual employer rates may be found [here](#)) and then again in 2021 and possibly again in 2023. Rates are anticipated to remain at a system wide average of around 29 percent of payroll and remain at that level until 2035 without reforms.

Adverse court rulings to previous attempts at reforms have limited our options to addressing benefits not yet earned. With that in mind the Human Resources Committee recommends reforms in the three following areas:

- Ensure that investments into the PERS system are achieving the maximum possible return in the most efficient manner possible while safeguarding the funds with proper financial controls.
- Requiring that employees absorb some of the costs for the pension system but ensure that OPSRP employees are impacted more favorably than Tier I and Tier II employees who will receive more generous retirement benefits.
- Establishing a fourth tier that provides similar benefits to employees but is funded in a more sustainable manner. Providing incentives to retirees and current employees in the other tiers to switch to the fourth tiers should be explored as well.

Presented by the Human Resources Committee

P. PERS Unfunded Liability Revenue Stream Dedication

Legislation:

The League proposes that a new state revenue stream be dedicated to paying down the unfunded liability over a period of years to sustain the Public Employees Retirement System (PERS).

Background:

The present unfunded liability has grown extraordinarily large and is causing rate increases for most local governments and schools that are not sustainable. The League would support all reasonable revenue stream ideas. Ideas include but are not limited to a new temporary limited sales tax, a new payroll tax, and a new temporary state property tax. The League will advocate that PERS cost-containment measures be pursued along-side revenue raising efforts to pay down the liability; both seem necessary to address the state-created problem.

Presented the Finance and Tax Committee and endorsed by the Human Resources Committee

Q. Place-Based, Water Resource Planning (Program Support)**Legislation:**

The League will advocate for the funding needed to complete existing place-based planning efforts across the state.

Background:

Oregon's water supply management issues have become exceedingly complex. Lack of adequate water supply and storage capacity to meet existing and future needs is an ongoing concern for many cities in Oregon and is a shared concern for other types of water users including agricultural, environmental and industrial. Most of the surface water in Oregon (during peak season months) is fully allocated with no new water available. As a result, the ability to meet existing and future demand for various water uses will require collaboration, improved management and coordinated conservation among a variety of stakeholders, including municipalities. For this reason, the Legislature passed legislation to create a place-based planning pilot program in Oregon. This program, administered through the Oregon Water Resources Department, is providing a framework and funding for local stakeholders to collaborate and develop solutions to address water needs within a watershed, basin or groundwater area. Place-based planning is intended to provide an opportunity for coordinated efforts and the creation/implementation of a shared vision to address water supply challenges. Four place-based planning efforts are currently underway across the state in the Malheur Lake Basin, Lower John Day sub-basin, Upper Grande Ronde sub-basin and mid-coast region. Without continued funding, these efforts will not be able to complete their work. The LOC Water & Wastewater Policy Committee recognized that while this funding is limited to specific geographic areas, they also recognize the importance of successfully completing these pilot efforts and conducting a detailed cost/benefit analysis. It is a critical step in order to demonstrate the benefits of this type of planning. If these local planning efforts prove to be successful, there will likely be future efforts to secure additional funding for other place-based planning projects across the state.

R. Property Tax Reform**Legislation:**

The League of Oregon Cities proposes that the property tax system should be constitutionally and statutorily reformed as part of the 2019 session work on state and local tax reform and improving funding for [schools](#) (see pages 69-72 of link; property taxes make up 1/3 of school funding).

Background:

The property tax system is [broken and in need of repair](#) due to [Measures 5 and 50](#), which are both now over 20 years old. All local governments and schools rely heavily on property tax revenues to pay for services and capital expenses. Therefore, the League will participate in coalitions to help draft and advocate for both comprehensive and incremental property tax reform option packages. The League will remain flexible to support all legislation that improves the system, with a focus on a property tax package with these elements:

- To achieve equity, a system that transitions to a market-based property tax valuation system (RMV) rather than the present complex valuation system from Measure 50 (requires constitutional referral).
- To enhance fairness and adequacy, a system that makes various statutory changes, some of which would adjust the impact of a return to RMV. For example, the League supports a new reasonable homestead exemption (percentage of RMV with a cap) but also supports limiting or repealing various property tax exemptions that do not have a reasonable return on investment.
- To restore choice, a system that allows voters to adopt tax levies and establish tax rates outside of current limits (requires constitutional referral).

[SJR 3](#) (see page 50 of link)(constitutional referral with return to real market value system) and [SB 151](#) (see page 48 of link) (homestead exemption bill) from the 2017 session will likely serve as starting points. City property tax data including real market values and assessed values can be accessed [here](#).

Presented by the Finance and Tax Committee

S. Qualification Based Selection (QBS)

Legislation:

The League will seek to reform the Qualification Based Selection (QBS) requirements to allow for the consideration of price in the initial selection of architects, engineers, photogrammetrists and surveyors.

Background:

The state currently prohibits the consideration of price when making an initial selection when awarding contracts for certain design professionals when conducting public improvements. Instead of issuing a request for proposals as is done with most public improvement projects, contracting agencies issue “requests for qualifications” on a project. Cities may negotiate price only after the initial selection of a contractor is made. Under this system a city or other contracting agency will never know the price of other qualified and responsible bidders on a project.

The League’s General Government Committee concluded that this process is not in the interests of cities or tax payers as it precludes the use of competitive bids. There is no other area in which a consumer, public or private, would procure a service or product without considering the price.

Presented by the General Government Committee

T. Right-of-Way and Franchise Fee Authority

Legislation:

Oppose legislation that, in any way, preempts local authority to manage public rights-of-way and cities’ ability to set the rate of compensation for the use of such rights-of-way.

Background:

In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of public rights-of-way management authority discussions, proposals to restrict to this authority arise. Such was the case during the 2017 legislative session with [SB 202](#) and [SB 840](#). These efforts to restrict local authority often include proposals for a statewide right-of-way access policy and compensation system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority; the ability to enter into agreements with users of the right-of-way either by agreement/contract or ordinance; and to set the rate of compensation.

Presented by the Telecom, Broadband & Cable Committee

U. Safe Routes to School Match

Legislation:

Introduce legislation lowering the local Safe Routes to Schools matching grant requirement to 20 percent from 40 percent and lowering the matching grant requirement for areas qualifying for exceptions to 10 percent from 20 percent.

Background:

[Section 123 of HB 2017](#) (enacted in 2017) authorizes the Oregon Transportation Commission to provide matching grants for safety improvement projects near schools. To receive the grant cities must provide a 40 percent cash match unless the school is located in a city with a population of less than 5,000; is within a safety corridor; or qualifies as a Title I school in which case the cash match requirement is reduced to 20 percent. While cities support the availability of matching grant funds provided by the state, the current cash match requirements are too high for most cities to participate in the program.

Presented by the Transportation Committee

V. Small Area Cell Deployment (also known as “Small Cell Deployment”)

Legislation:

Oppose legislation that preempts local authority to manage public property while supporting deployment of wireless technology, including small area cell and 5G.

Background:

Legislative efforts involving the deployment of small area cell facilities are increasing around the nation. Currently 20 states ([Arizona](#), [Colorado](#), [Delaware](#), [Florida](#), [Hawaii](#), [Illinois](#), [Indiana](#), [Iowa](#), [Kansas](#), [Minnesota](#), [North Carolina](#), [New Mexico](#), [Ohio](#), [Oklahoma](#), [Rhode Island](#), [Tennessee](#), [Texas](#), [Utah](#), [Virginia](#), and [Washington](#)) have passed bills that limit cities ability to collect appropriate and fair rights-of-way, permitting, and lease fees on municipal property; to control their own design and aesthetics; or otherwise manage wireless technology deployment within their jurisdictions. This type of legislation is not going away. In fact, it is just beginning.

During the 2017 session, the League was approached independently by representatives of two wireless companies with draft concepts that could have resulted in legislation compromising local authority to manage the deployment of small area cell and 5G technology. Issues raised included “shot clock” (time allowed for cities to rule on applications), fee structures and limits, contract terms and duration, land use issues etc. These efforts are expected to continue in 2019 and with greater urgency as the technology approaches deployment status. While cities in Oregon support the advent of new wireless technology including small cell and 5G, authority to ensure their deployment complies with local laws and policies must be maintained.

Presented by the Telecom, Broadband & Cable Committee

W. Speed Cameras

Legislation:

Introduce and/or support legislation authorizing cities to use fixed speed cameras at locations other than intersections.

Background:

Speeding is a public safety issue. The Oregon Transportation Safety Action Plan envisions no deaths or life-changing injuries on Oregon's transportation system by 2035. Currently, cities have the authority as a result of [HB 2409](#) (enacted in 2017) to issue a speeding citation from the same camera and sensor system used to enforce red light compliance at intersections.

Further, speeding does not only occur at intersections. Additional automated enforcement, outside of intersections, would be a valuable tool allowing cities to mitigate dangerous behaviors and speeding. In 2015, the Oregon Legislature granted the city of Portland the authority to implement a fixed speed safety camera program ([HB 2621](#)). The fixed speed camera systems have been operating on "urban high crash corridors" that are also part of the city of Portland's High Crash Network. While this program has not been in place long, the comparison of before and after speeds near the fixed photo radar system is indicating that the automated enforcement is positively influencing speed reduction (see [PBOT report](#)). This legislation would extend the authority to all Oregon cities to implement fixed speed safety camera programs to help reduce the number of deaths and serious injuries that occur as a result of speeding.

Presented by the Transportation Committee

X. Speed Limit Methodology

Legislation:

Introduce legislation that directs the Oregon Department of Transportation to develop a new speed setting methodology for cities and other urban areas that uses a safe systems approach validated by expert system tools as recommended by [NTSB Safety Study SS-17/01](#).

Background:

The NTSB safety recommendations represent current data-driven best practices to determine speed limits. Currently, Oregon speed limits are set based on the guidance that speed limits in speed zones within cities should be within 10 mph of the 85th percentile speed as determined by [The NTSB Safety Study SS-17/01](#), "Reducing Speeding-Related Crashes Involving Passenger Vehicles" concludes,

- "Speed increases the injury severity of a crash;"
- "...that unintended consequences of the reliance on using the 85th percentile speed for changing speed limits in speed zones include higher operating speeds and new, higher 85th percentile speeds in the speed zones, and an increase in operating speeds outside the speed zones;"
- "...that the safe system approach to setting speed limits in urban areas is an improvement over conventional approaches because it considers the vulnerability of all road users."

Presented by the Transportation Committee

Y. Third Party Building Inspection

Legislation:

The League will clarify the ability for local government programs to have private party building officials and building inspectors provide services for local building inspection programs, including recognizing that privately employed specialized inspectors can to perform specialized inspections.

Background:

Beginning in 2017, the League has been working to defend local building inspection programs that contract with third-party companies to provide building official and inspectors to run the local program. However, the Oregon Building Codes Division (BCD) has stated that the Oregon Department of Justice (DOJ) [has informed BCD](#) that programs that are structured this way violate the constitutional prohibition on delegating government authority. The League has repeatedly asserted that we disagree with that legal assessment. There was a bill introduced in 2018, [HB 4086](#), that would have adopted new requirements for

local governments running programs. The League worked with other stakeholders to prevent passage of the bill, but we committed to working on a legally defensible solution that does not prevent these locally run programs from continuing.

After the session, the BCD determined that it would implement new rules for locally run inspection programs to meet the asserted legal opinion on delegation. On April 23, the BCD enacted [emergency, temporary rules](#) that added significant requirements for local building inspection programs. The new rules required local programs to designate a government employee as a city's building official. The rules also required the city to have a government-employed, certified electrical inspector. Both positions could be filled by hiring the person directly or by an agreement between municipalities to share the employee(s). The rules further stated that a shared employee could only service three jurisdictions.

In May, the Director of the Consumer and Business Services, who oversees the BCD, informed the League that the temporary rules were rescinded. The Department's decision to rescind the rules included a statement that they would seek a formal opinion from the DOJ to clarify the issue of delegation. However, the BCD did replace the rescinded rules with [another temporary, emergency rule](#). This new rule was enacted on May 18 and states that a local government must appoint a government-employed building official.

In addition to the concerns about using third-party building officials, there is currently statutory prohibition on specialized inspectors that are employed in the private sector to complete specialized inspections. There are a limited number of these inspectors, and, without removal of this prohibition, larger scale projects will not be able to move forward because they cannot be inspected and permitted. This issue was the catalyst for the overall discussion related to third-party building officials, but is not related to the asserted legal claims.

There is a commitment to work on this issue in the 2019 session, but it remains an issue of high concern as it directly impacts the flexibility of local government choice on how to provide services at the local level. Using third-party providers allows smaller jurisdictions to have local, efficient programs that provide clarity for the local development community. It also allows a base of business for these companies, which also serve to provide over-flow capacity to programs that primarily staff these programs with government staff. Therefore, this issue is vital to the long-term success of locally run building inspection programs.

Presented by the Community Development Committee

Z. Tobacco Taxes Share Increase

Legislation:

The League proposes seeking a share of all state tobacco product tax revenues to assist with rising public safety costs and provide state shared revenue equity.

Background:

Only cigarette tax revenues are included in the [state-shared revenue](#) distribution to cities and those revenues are decreasing; cities receive about 2% of the cigarette tax revenues or \$3.6 million a year under the formula. [Other tobacco](#) (chew, snuff, cigars, pipe tobacco, etc.) is also taxed by the state and those revenues have been increasing ([now over \\$60 million a year](#)), but those revenues are distributed only to the state. Cities are preempted from taxing cigarettes and other tobacco products. However, cities are often left to enforce tobacco laws and handle sales and use complaints. The League proposes that cities should receive a fair share of all the tobacco tax revenues. The League anticipates that excise tax increases to cigarettes and other tobacco products, and a new vaping tax will be a part of revenue package discussions in 2019, and the League sees this concept as an important leveraging tool.

Presented by the Finance and Tax Committee

AA. Waste Water Technical Assistance Program

Legislation:

The League will advocate for the creation of a circuit rider program, within the Department of Environmental Quality, to provide needed technical assistance for communities on water quality issues, including wastewater treatment and permit compliance options. Staffing for the circuit rider program would be provided through a third-party contract (or contracts). The League will work to identify funding resources to support this program, including a possible set aside of Oregon's federal Clean Water State Revolving funds.

Background:

As Clean Water Act requirements for public wastewater systems continue to evolve, with new and more stringent requirements being placed on a number of Oregon communities; cities have expressed concern over how best to comply with those requirements, especially with the limited technical and financial resources that many face. The League's Water & Wastewater Committee discussed the need for technical assistance for communities experiencing these challenges and looked to an existing program within the Oregon Health Authority's (OHA) Drinking Water Services division as a template for addressing this need. The OHA funds a circuit rider program through a third-party contract. The program is funded through federal Drinking Water State Revolving Loan Funds. The program is intended to help more communities be successful in complying with state and federal requirements. The services provided through the program are free for communities with populations of less than 10,000.

Presented by the Water/Wastewater Committee

BB. Wetland Development Permitting

Legislation:

The League shall work to establish legislative authority for the Department of State Lands to assume the federal program from the U.S. Army Corps of Engineers under section 404 of the Clean Water Act.

Background:

In many communities looking to develop in the wetlands creates regulatory uncertainty, particularly where development is occurring in previously un-identified wetlands, because there are two agencies that must provide permits, the Oregon Department of State Lands (DSL) and the U.S. Army Corps of Engineers (USACE). The state's process has set deadlines which provides certainty for developers. However, the USACE process is much less consistent or timely. This uncertainty increases risk related to development that can cause projects to stop before they start. In a time where cities are trying to encourage development to meet the housing shortages and economic development goals to support citizens, any increased barriers can impact success.

There is a process in place at the federal level that would allow for the state to assume the USACE permitting process increasing the efficiency and certainty in the process. The [state has taken steps](#) in the past to ensure alignment of the state program to the requirements for federal approval. However, there were concerns raised at the time that the process related to the Endangered Species Act and cultural resource protections. The DSL has continued to work on these conflicts and believes it is positioned to work with the federal government to assume the federal permitting process if so authorized by the state legislature. For further information, the DLS provided a presentation for the committee, available [here](#).

Presented by the Community Development Committee

CC. Wood Smoke Reduction Program Support

Legislation: Support increased funding to support local wood smoke reduction programs and efforts. The League will advocate the need for an additional \$3-5 million, recognizing that any additional funding to assist communities is helpful.

Background: Woodstove smoke is one of the most significant sources of fine particulate and toxic air pollution in Oregon, often jeopardizing public health and putting communities at risk of violating federal air quality standards. Woodstove smoke is a problem for many Oregon communities that struggle with both the public health impacts and economic threat of being designated as nonattainment under the federal Clean Air Act. To address this challenge, local governments need access to funding for wood smoke reduction programs. Such programs have proven effective at reducing wood smoke in communities and include public education, enforcement, incentives for woodstove change-outs (to ductless heat pumps or certified stoves, weatherization assistance for low-income households and providing residents with dry, seasoned fire wood which burns cleaner. A 2016 taskforce report that was submitted to the Legislature indicated that there are approximately 150,000 uncertified stoves in the state, and that while Oregon has a long and successful history of replacing woodstoves in certain communities, money is sporadic and limited. The report went on to suggest that “an allocation in the range of \$3-5 million per biennium could target high-risk communities and would support a meaningful level of effort to replace old, dirty woodstoves.”

In 2017, the Legislature provided \$250,000 in funding for community wood smoke reduction programs. The need for local communities, including a number of small cities, is much greater.

Presented by the Energy & Environment Committee

CITY COUNCIL MEETING – July 12, 2018
CITY MANAGER REPORT

1. Financial Report

The end of the year report will be forthcoming, per email from our City Accountant:

At fiscal year end receivables and payables received in July and relating to June are accrued, so the year end financial statement should be distributed in early August. Mark Housen of Emerald CPA Group will be at city hall on July 10th for the preliminary test of controls, to assess the operating effectiveness of internal controls, and design/decide on the extent and areas/activities for sampling, testing, and auditing.

2. League of Oregon Cities 93rd Annual Conference

Please see attached preliminary conference agenda for the conference, to be held September 27th – 29th in Eugene. Please discuss today and let staff know who would like to attend.

3. Notice of DLCD Housing Planning Assistance Decision

Please see attached notice from DLCD. Also, DLCD has asked Lincoln County to provide supplemental information on its application. County staff is working on this matter.

4. 2019 Special City Allotment Program (SCA)

The SCA program application just came out, with a quick turnaround of August 1st. Staff is reviewing our roads for possible projects that fit within the parameters of the program.

5. McKinney Slough Bridge Utility Relocation

The City portion of the work is just about complete, and we'd like to thank all those impacted that made this project go forward. Not without a hitch or two, but it is being completed successfully.

6. Land Application of Biosolids in Lincoln County

We received the attached letter from the County, and are following up as needed. Public Works may provide a brief update and respond to questions that the City Council may have.



93RD ANNUAL CONFERENCE

Preliminary Conference Program

Topics & times subject to change

Thursday, September 27

7:30 a.m.	Registration and Trade Show Opens
8:30 a.m. - 12:00 p.m.	Mayors Business Meeting & Workshop
8:30 a.m. - 12:00 p.m.	Managers Workshop & Business Meeting
9:00 a.m. - 12:00 p.m.	Councilors Workshop
9:00 a.m. - 12:00 p.m.	Planning Directors Board Meeting
9:00 a.m. - 5:00 p.m.	Urban Renewal Seminar
9:00 a.m. - 5:00 p.m.	Housing Seminar
12:00 p.m. - 1:00 p.m.	Box lunches available for Mayors, Managers, Councilors Workshops & City Tour participants
1:00 p.m. - 4:30 p.m.	City Tours

-
- Eugene – University of Oregon Autzen Stadium Tour
 - Springfield – Redevelopment of Glendwood
 - Eugene – 20x21 Murals
 - Eugene – Rest Stops/Opportunity Village
-

1:00 p.m. - 2:30 p.m. **Tentative Sessions**

City Fundamentals: Ethics Awareness – Understanding Your Legal Obligations

- Fostering an Inclusive and Diverse Community
 - Are You Still Doing Annual Reviews of Your City Manager? And What to Do Instead
 - Census 2020
 - Leadership: Creating Cultural Shifts
-

1:00 p.m. - 5:00 p.m. **Planning Commissioner Training**

2:45 p.m. - 4:15 p.m. **Tentative Sessions**

- City Fundamentals: Public Meetings & Public Records – Duties Imposed Upon Public Officials
- Creating a Culture of Safety for Our Schools
- Trash Talk – Communicating the New Reality of Recycling
- Using the Community-Based Approach to Engage with Your Constituents
- Innovations: Workplaces of the Future
- PERS 101

4:30 p.m. - 6:30 p.m. **Welcome Reception with Trade Show**

4:30 p.m. - 6:30 p.m. **LOC Board Nominating Committee Meeting**

Friday, September 28

- 7:00 a.m. - 8:45 a.m. **Breakfast with Trade Show**
- 8:00 a.m. - 8:45 a.m. **Small, Medium and Large Cities Networking**
- 8:00 a.m. - 2:00 p.m. **U.S. Congressional Offices**
- 9:00 a.m. - 10:30 a.m. **Opening Ceremonies & Keynote Speaker Jason Roberts**
- 10:30 a.m. - 12:20 p.m. **Visit with State Agency Directors**
- 10:45 a.m. - 12:15 p.m. **Tentative Sessions**
-

- City Fundamentals: Municipal Budgeting – The Legal Requirements & Practical Applications
 - Property Tax 101
 - Transportation Technology: Emerging Technologies and the Impacts of Shared Mobility
 - What the Heck is a “Smart City?” – How Cities are Exploring a Connected City Future
 - Social Media 101
 - Forecasting: Balanced Budget in 2018, in the Red in 2025
-

12:00 p.m. - 2:00 p.m. **Lunch with Trade Show & Legislative Update**

1:00 p.m. - 4:30 p.m. **City Tours**

- Springfield – Economic Development Through Public Art
- Eugene – PeaceHealth Rides Bike Tour
- Riverfront Development/2021 IAFF World Championships
- Eugene – Community Justice Tour

2:15 p.m. - 3:45 p.m. **Tentative Sessions**

- City Fundamentals – Effective and Dynamic City Councils – Relationships Matter
 - Economic Development
 - Social Media in the Workplace
 - The Economics of Development Form: Value Mapping Across Oregon
 - Transportation Technology: Cities that think ahead stay ahead - Impacts of emerging technologies on cities
 - Protecting Your Community's Drinking Water
-

4:00 p.m. - 5:30 p.m. **Tentative Sessions**

- Tax Reform and Cost Containment
- Managing Disaster at the Local Level
- Harassment Claims are Here and Coming: Are you Prepared? **Presented by CIS (Citycounty Insurance Services)**
- Event Planning – Tools for making sustainable events a lasting feature in your community
- Water Infrastructure

5:45 p.m. - 6:45 p.m. **CIS Reception and Safety Awards**

6:45 p.m. - 9:00 p.m. **Awards Dinner**

Saturday, September 29

- 7:30 a.m. - 9:45 a.m. **Breakfast, Annual Membership Meeting & City Awards**
- 10:00 a.m. - 12:00 p.m. **Homelessness Symposium Quick Fire Sessions**
- 12:00 p.m. - 2:00 p.m. **Homelessness Symposium Round Table Lunch with City Leaders**



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



July 2, 2018

Larry Lewis, City Planner
City of Waldport
125 Alsea Highway
Waldport, Oregon 97394

SENT VIA E-MAIL

RE: Notice of DLCD Housing Planning Assistance Decision

Dear Mr. Lewis:

The Department of Land Conservation and Development (DLCD) has completed its review of the Oregon Housing Planning Project requests for assistance. I regret to inform you that your application has not been selected for funding. Because the demand for assistance far outstrips the available resources, the department is unable to fund a significant number of needed projects. However, your application will be retained and would be reconsidered should additional grant funding become available during the biennium. We hope to secure additional funding for housing planning assistance in future years which would be a decision of the 2019 Legislature. We encourage you to continue to work with DLCD staff to meet your community's land use planning needs. If you have any questions, or we can assist with other planning efforts, please contact your DLCD regional representative, Dave Perry, at 541-574-1584 or dave.perry@state.or.us, or Senior Urban Planner, Kevin Young, at 503-934-0030 or kevin.young@state.or.us

Sincerely,

Gordon Howard
Community Services Division Manager

cc: Dave Perry, DLCD Regional Representative
Tabatha Hoge, DLCD Grants Administrative Specialist



Oregon

Kate Brown, Governor

Department of Transportation
Region 2 Local Programs
455 Airport Road SE
Building B
Salem, OR 97301-5395
(503) 986-6925

June 29, 2018

TO: City Manager, Administrator, Mayor, Recorder, and Public Works Director

RE: 2019 SPECIAL CITY ALLOTMENT GRANT PROGRAM

The Small City Allotment (SCA) Program is open for 2019 project proposals with applications due by **August 1st, 2018**. Applications are to be emailed to your ODOT Local Agency Liaison.

With the passing of Keep Oregon Moving (HB 2017) this last summer, ODOT has made several improvements to the SCA Program. The two key changes that impact applicants for this cycle are as follows:

1. No city may have more than two active SCA projects at one time
2. The maximum award is now \$100,000 (formerly \$50,000)

Applications will be reviewed August, 2018, with award announcements soon thereafter and project funding agreements available by January 2019. Please review the full [SCA Program Guidelines](#) for complete information posted on our [local government webpage](#). Additionally, **for applicants submitting multiple proposals**, please indicate your agencies priority for funding in the remarks section of each application (For example, "Priority 1 of 2 applications submitted").

Thank you – please let me know if you are in need of additional information or help with the application process.

Shelly A. White-Robinson
Special Program Coordinator
ODOT/Region 2 HQ
455 Airport Rd., Bld B
Salem, OR 97301-4989
503.986.6925
Shelly.white-robinson@odot.state.or.us

SPECIAL CITY ALLOTMENT (SCA) APPLICATION

CITY OF _____ DATE _____

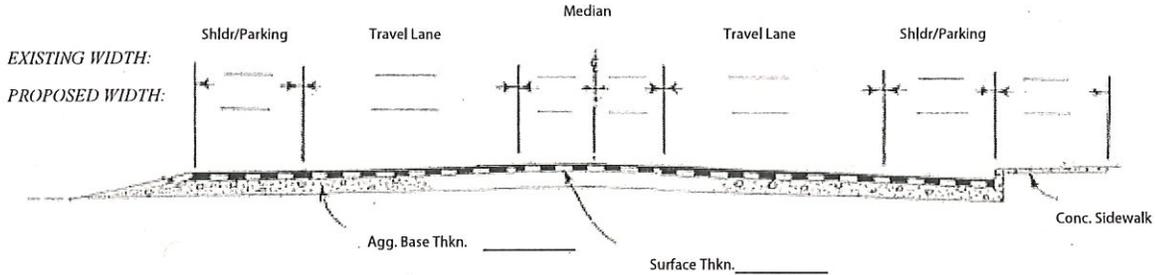
Street Name _____ From _____ To _____

(Attach map showing project limits)

PROJECT DETAILS:

Project Length: _____ Est. Project Cost \$: _____ Ave Daily Traffic: _____ Ave Daily Truck Traffic: _____

PROPOSED TYPICAL X-SECTION



PAVEMENT:

Surface Type

Existing: _____
Proposed: _____
Proposed Thkn: _____

STORM SEWER:

Existing (Y/N): _____
Proposed (Y/N): _____
Pipe Dia: _____
Pipe Length: _____
Adjustments _____
Inlets #: _____
Manholes #: _____
Pipes #: _____

RIGHT-OF-WAY:

Existing Width: _____
Existing Right-of-way Adequate (Y/N): _____
Proposed Width: _____

SIDEWALKS:

Existing (Y/N): _____
Proposed (Y/N): Lt Side: _____ Rt Side: _____
Proposed Length: _____
Proposed Width: _____

CURBS:

Existing (Y/N): _____
Proposed (Y/N): Lt Side: _____ Rt Side: _____
Length: _____
Type: _____

BRIDGE:

Name: _____
Br #: _____
Length: _____
Width: _____
Type of Structure: _____
Sufficiency Rating No: _____
Name of Stream: _____

Remarks: _____

BY: _____ DATE: _____
Mayor

BY: _____ DATE: _____
City Recorder

BY: _____ DATE: _____
City Administrator

SMALL CITY ALLOTMENT RESOLUTION

Under the provisions of ORS 366.800 and 366.805, there has been withdrawn from state highway funds appropriated for allocation to all the cities of the State of Oregon the sum of Two Million Five Hundred Thousand and No/100 (\$2,500,000.00) Dollars, and in addition there has been withdrawn from monies available to the Department of Transportation from the State Highway Fund the sum of Two Million Five Hundred Thousand and No/100 (\$2,500,000.00) Dollars. As provided in ORS 366.805, said sums have been set up in a separate account to be administered by the Oregon Transportation Commission and to be allotted each year by said commission to be spent, within cities of 5,000 or fewer persons, upon streets not a part of the state highway system that are inadequate for the capacity they serve, or are in a condition detrimental to safety.

The City of _____ is an incorporated city of the State of Oregon and has a population of less than 5,000 as given by the latest official federal census. The following streets of said city, _____, meet the conditions required in ORS 366.805.

NOW, THEREFORE, the members of the City Council, in regular or special session assembled, do hereby find, declare, and resolve:

1. That the aforementioned named streets of said City are inadequate for the capacity they serve or are in a condition detrimental to safety.
2. That said streets of said City are in need of repair, reconstruction, or other major improvement.
3. That said streets are not part of the state highway system, and are under the jurisdiction and control of the City.
4. That the Oregon Transportation Commission hereby is respectfully requested to consider and declare said streets as qualified for reconstruction, repair, or other improvements out of funds allocated and made available by and through the said \$5,000,000 appropriation of revenues which is to be administered and spent by the Transportation Commission.
5. That the City of _____ does hereby offer to the Transportation Commission and does hereby pledge complete cooperation and assistance to the end, that said City may share and participate in the use and benefit of said special fund and appropriation; and therefor does designate _____ as the official representative of the City in all negotiations resulting from this request.

Passed and approved this _____ day of _____, 20_____.

There is attached hereto and made a part of hereof, a city map on which is indicated the street, streets, road or roads, described in this resolution.

I, hereby certify that the foregoing resolution was passed and approved by the City Council of the City of _____ at a regular or special meeting of said Council, held on the _____ day of _____, 20_____, and the above copy is a true and correct copy of the original and of the whole thereof.

Dated this _____ day of _____, 20_____.

To be signed by person(s) with appropriate signature authority:

Name: _____ Title: _____ Date: _____

Name: _____ Title: _____ Date: _____

Name: _____ Title: _____ Date: _____

Small City Allotment Program

A Dedicated Funding Option for Oregon's Smallest Communities



Program Overview

The Small City Allotment (SCA) is an annual allocation of state funds for local transportation projects. Through an agreement between the League of Oregon Cities and ODOT, ODOT sets aside \$5,000,000 each year (half from city gas tax revenue and half from the State Highway Fund) for cities under 5,000 residents.

Eligible agencies are cities with less than 5,000 in population.

Eligible projects are those on city streets not a part of the state highway system. Additionally, SCA funds can only be used on streets that are "inadequate for the capacity they serve or are in a condition detrimental to safety" (ORS 366.805). Some agencies use SCA as local match for larger projects that also meet the intent of SCA.

Ineligible projects are those where any SCA funds have already been expended within the last ten years or not meeting the criteria above.

Individual project funding is limited to \$100,000 per project, with cities able to request an advance of up to \$25,000. Project invoices are sent to the region LAL for reimbursement.

SCA project application and selection is administered jointly by Region staff and ODOT's Active Transportation Section (detailed process on reverse), with final recommendations to the ODOT Director provided by an Advisory Committee of city representatives.

Projects other than roadway improvements such as the purchase of equipment is not automatically eligible for SCA funding. Contact ODOT's Investment Programs Manager for details.

SCA is authorized by ORS 366.805 and governed by the [ODOT-LOC Special City Allotment Guidelines and Working Agreement](#).

Bay City Paving Project with SCA Funds



Initial road condition (2015)



Road condition at final inspection (2016)

Small City Allotment Program

A Dedicated Funding Option for Oregon's Smallest Communities



SCA Project Selection and Funding Process

1	Region Local Agency Liaisons (LALs) send their eligible city partners application materials
2	LALs receive applications by August 1st of each year
3	Investment Programs reviews projects for eligibility; makes recommendation to SCA Advisory Committee
4	<ul style="list-style-type: none">If needed, LALs rank applications & provide rankings to Investment Programs
5	<ul style="list-style-type: none">Investment Programs calculates amounts available to each ODOT Region
6	SCA Advisory Committee validates final selection and fund distribution process
7	Investment Programs obtains Intergovernmental Agreement (IGA) number for each project
8	LALs coordinate IGA execution for their respective projects
9	ODOT Program & Funding Services establishes project Expenditure Account (EA) following IGA execution
10	LAL provides city approval to commence work
11	City may request up to \$25,000 of the total SCA amount in advance from PFS
12	City & LAL conduct a final project inspection at closeout; LAL requests final payment from PFS
13	PFS closes the EA and provides the Region with a summary of payments
14	PFS will provide Regions with a summary of SCA payments made each year

Small City Allotment Contacts

For project-level questions or to discuss delivery options, contact the following ODOT headquarters staff or your region SCA administrator below:

Investment Programs: Deanna Edgar | 503.986.3441 | deanna.edgar@odot.state.or.us

Region 1: Justin Shoemaker | 503.731.8486 | justin.d.shoemaker@odot.state.or.us

Region 2: Shelly White-Robinson | 503.986.6925 | shelly.white-robinson@odot.state.or.us

Region 3: Jeanette Denn | 541.957.3508 | jeanette.m.denn@odot.state.or.us

Region 4: Rick Williams | 541.388.6084 | richard.l.williams@odot.state.or.us

Region 5: Michael Barry | 541.963.1353 | michael.p.barry@odot.state.or.us

For questions or comments about the contents of this paper, contact:

Cole Grisham, AICP

Investment Programs Manager

503.986.3531 | nicholas.grisham@odot.state.or.us

Kerry



Board of Commissioners

Courthouse, Room 110
225 W. Olive Street
Newport, Oregon 97365
(541) 265-4100
FAX (541) 265-4176

June 4, 2018

Mayor Susan Woodruff
P.O. Box 1120
Waldport, OR 97394

Re: Land Application of Biosolids in Unincorporated Lincoln County

Dear Mayor Woodruff:

Over the course of the last three successive Board of Commissioners meetings, numerous residents of rural Lincoln County (and beyond) provided compelling testimony that years of application of treated biosolids to lands in and around the Siletz Valley (and elsewhere in the county) may have resulted in unacceptable contamination of waterways and ground water sources. Testimony was offered about questionable practices and apparent non-compliance with existing regulatory requirements in the application process. If those allegations are true, insufficient enforcement efforts by state and federal regulators may be creating circumstances where harmful environmental impacts are taking place.

We need to gather additional information to better understand what is happening to our rural lands and waters, and to identify if corrective actions and options are needed. This effort will entail coordination of information gathering with cities, districts and private entities that produce and must dispose of this treated effluent, as well as a multitude of state and federal agencies, with concomitant laws, rules and regulations, who govern the treatment, storage and disposal of effluent. We have many questions and, at least at this time, insufficient answers.

Before taking further action, however, we request that you temporarily halt (until August 31st) further land application of biosolids in unincorporated areas of Lincoln County. During that time we will convene the necessary stakeholders, regulators, state legislators and system administrators (including city, district and private operators), members of the agricultural community utilizing biosolids as fertilizer, rural communities and persons impacted by nearby application sites, and other interested parties and persons to fully vet our understanding of the issues around biosolid disposal. We undertake this process to both protect our water resources and rural communities, and to explore options and alternatives to lessen environmental impacts and provide safe and affordable disposal methods.

We have **two additional requests**. **First**, please direct us to or provide us with any permits, reports, monitoring and test results, contracts or other similar information in your possession concerning your waste water treatment operations and your land application programs. **Second**, please identify for us administrative and operational contacts in your organization who can participate in our discussions and contribute to an examination of these issues. We welcome elected officials' participation because this endeavor involves potential policy and financial considerations for your organization too.

Once we have confirmed the list of interested parties/persons, we will arrange for an initial meeting at which our state partners can provide an overview of the biosolids program and specific information about Lincoln County application permits. We look forward to your active participation and engagement with us when that time comes.

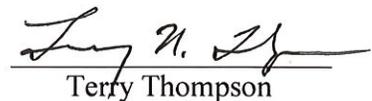
Very Truly Yours,



Doug Hunt



Claire Hall



Terry Thompson

cc: Kerry Kemp, City Manager

Public Works Department
Report for the month of June 2018

Water Treatment Plant

Plant Production:	<u>8.3</u>	MG
Rainfall:	<u>2.1</u>	inches

Wastewater Treatment Facility

Effluent Flow:	<u>4.2</u>	MG
Rainfall:	<u>1.7</u>	Inches

Public Works Dept.

Alarm call outs:	<u>4</u>
Locates:	<u>24</u>
Sewer plugs:	<u>2</u>
Water service installations:	<u>2</u>
Sewer connections:	<u>1</u>
Water Leaks:	<u>1</u>

Department General Overview

The City of Waldport Public Works Department has been diligently working during the past month to protect our infrastructure and serve the citizens of Waldport.

The public works crew spent their time in June painting street curbs and crosswalks, jetting and cleaning sewer lines, and fulfilling their normal duties.

As usual the plant operators are doing an exceptional job operating and maintaining the city's water treatment facilities. We received the new valve actuators for the wasting valves at the Wastewater Plant.

Administratively, we have been planning and coordinating McKinney Slough, and Eckman water line projects. We also purchased a new camera trailer to house our sewer inspection equipment.

**Waldport Public Library
Board of Trustees
Minutes of Regular Meeting May 22, 2018**

Members Present:

Shirley Hanes, Chair
Jan Hansen, Vice Chairman
Brian Fodness
Gary Hodges

Others Present:

Sue Bennett, Library Director

Members Absent:

Barbara Smith-Huggins

Call to order, introductions & review of agenda: Shirley Hanes, Chair, called the meeting to order at 9:33 a.m.

Minutes: The minutes from the April meeting were approved unanimously.

Financial Report: The financial report was reviewed and the budget is on track. Mr. Hodges raised two questions regarding the financial report for equipment. The library purchased storage cabinets for the Moore room and the Director's office. The funds were reimbursed from the Friends of the Waldport Library from a bequeath received in 2016 to be used for improvements made to the library.

The library has also increased the amount received for library fees. In the past, the Friends of the Library owned the copier and received the income from the copier. Last July, the library purchased a new copier and now receives the income to purchase the paper and ink used for the copier.

Committee Reports: No Report

Director's Report: Ms. Bennett provided a review of the programs that occurred during the month of April.

The children and adult programs continue to be well attended.

The library started a new program with the children, Read to Riley. Riley is a therapy dog that visits story time and children can read to Riley.

Ms. McCrum read to children on Drop Everything and Read Day (DEAR) at Crestview Elementary. Having programs at the schools builds a relation with the school and with the children.

The Young Writer's awards were held on April 12th and we had approximately 70 people in attendance.

Staff are busy preparing for the summer reading program. The library will offer an Adult Reading summer program this year.

The library held a poetry night on April 30th and it was well attended. Several people have expressed an interest in a monthly program where they can come and talk about poetry. The new program will begin June 4th.

Old Business: Review of the Library Policies. Policy section 3 was reviewed and changes were approved. Section 4 to the end will be reviewed at the June meeting.

New Business:

Board Members concerns: None stated.

Actions or Recommendations to the City Council: None.

Public Comment: None.

Announcements: None.

Next Regular Meeting: June 12, 2018 at 9:30 a.m.

Adjournment: Ms. Hanes adjourned the meeting at 10:46 a.m.

**Waldport Public Library
Summer Teen Programs**



**460 Hemlock/Hwy 34, 541-563-5880
waldportlibrary.org/Facebook**

**Waldport Public Library
Summer Teen Programs**



**460 Hemlock/Hwy 34, 541-563-5880
waldportlibrary.org/Facebook**

Waldport Public Library Summer Teen Programs

June 20, 11:30 am: Teen Book Club with Faith Forshee

June 26, 5:15-7:30 pm: Harry Potter Teen Knight After Hours with
Natalie Knight

July 2, 3, 5 & 6, 9 am-2 pm: Seashore Family Literacy Center Young
Writers' Summer Writing Adventure Camp

July 23, 3-5 pm: Scavenger Hunt and Board Games

July 23-27, Noon-2 pm: Radio Control Car Camp, 20 spots available,
Register at the library.

July 30 – August 3, noon-2 pm: Waldport Library Summer Writing
Adventure Camp

August 6, 7, & 10: STEM Camp – Computer coding, third grade –
middle school. Dates subject to change.

August 15, 11:30 am: Waldport Library Teen Volunteer Survey &
Lunch

August 16, 5:00 pm: Rock N Roll & Pizza. Meet John L Ford and
“Almost Famous” Rolling Stones Magazine contest winner.

August 20, 5 pm: College & Careers, all high schoolers and parents
welcome (public, private, online, homeschool).

Teen Advisory Board: Information at the Waldport Library

Waldport Public Library Summer Teen Programs

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**Waldport Public Library
2018 Summer Reading
All Ages Performances**

Wednesday-10 am

June 20: Mad Science with Madam Chaos, Dirt-T Science

June 27: Riptyde, Blend of guitar and puppets.

July 5: Field Day! Games, Books, Lunch @ Shelter Me Field.

July 11: Alex Zerbe, zaniac entertainer, with his zany comedy.

July 18: Habiba Addo, African song and dance.

July 25: Alex Llumiquina family Chayaq, Andean folk music.
LAST DAY to submit registration to win t-shirt and prizes.

July 26: Big Truck Night, 4-6 p.m., Waldport Community Center.

August 1: Brad Clark, Dynamic story song music.

August 8: Karl Anderson, Oregon Bird Man, wonders of parrots.

August 15: Henrik Bothe, Juggling, magic, and comedy.

August 31: Last Day to turn in your reading logs.

Lego Day – Every Friday 3 – 4:30 pm

460 Hemlock/Hwy 34, 541-563-5880
waldportlibrary.org/Facebook

Our Sponsors: Ready-to-Read Grant, Lincoln County Library District, Friends of the Waldport Library, Waldport Subway, St. Luke's by-the-Sea Episcopal Church and Oregon State Fair.



**Waldport Public Library
2018 Summer Reading
All Ages Performances**

Thursday – 2 pm

June 21: Leslie Hohstadt, Chocolate Frog, Candy Experiments

June 28: Music Day, Meet musicians, try instruments, history of how we listen to music.

July 5: Field Day! Games, Books, Lunch @ Shelter Me Field.

July 12: Juggling, Learn to juggle and other fun and games.

July 19: Plein Air Art Day, Painting with local artists.

July 26: Ukulele Concert and Workshop, Make ukes and learn to Play

July 26: Big Truck Night, 4-6 p.m., Waldport Community Center.

August 2: Comedy-Mystery-Improv, Learn basics of theatre

August 9: Hands-On With Local Animals, Play with local pets.

August 16: Cake/Cupcake Decorating, cooking tips

August 31: Last Day to turn in your reading logs.

Lego Day – Every Friday 3 – 4:30 pm

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Our Sponsors: Ready-to-Read Grant, Lincoln County Library District, Friends of the Waldport Library, Waldport Subway, St. Luke's by-the-Sea Episcopal Church and Oregon State Fair.

Waldport Public Library

Monthly Circulation FY 2016-17

Patron Category	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May	June	TOTAL
LCLD-Adult	2935	3,042	2,590	2,675	2,563	2,847	2741	2,584	2,771	2,448	2,762	2,722	32,680
LCLD-Youth	135	158	97	96	78	29	31	63	61	56	73	124	1,001
Waldport Adult	2,008	2,170	1,821	1,965	1,910	1,880	2064	1,946	2,280	2,060	2,048	1,886	24,038
Waldport Youth	83	213	66	81	27	48	62	40	82	78	70	110	960
CITIES (Adult & Juv)	50	64	81	100	90	87	65	0	10	10	0	0	557
Temporary 1 yr	38	54	51	45	29	23	35	15	27	10	36	24	387
Temporary	78	100	39	0	0	0	0	29	26	14	57	40	383
OCCC	0	1	26	41	8	2	20	8	17	8	0	2	133
Oregon Passport	102	160	81	56	108	79	83	86	136	78	52	62	1,083
Interlibrary loan out	<u>52</u>	<u>102</u>	<u>45</u>	<u>65</u>	<u>56</u>	<u>47</u>	<u>64</u>	<u>46</u>	<u>68</u>	<u>75</u>	<u>57</u>	<u>72</u>	749
Chinook Circ	5,481	6,064	4,897	5,124	4,869	5,042	5,165	4,817	5,478	4,837	5,155	5,042	61,971
% circ in public lib	52%	51%	48%	49%	47.00%	49.47%	47.08%	49.39%	54.15%	52%	49.00%	48.18%	
*Non-cataloged	716	631	532	619	464	526	517	421	753	539	597	506	6,821
Library2Go *	263	278	242	250	274	332	329	270	336	316	323	338	3,551
	979	909	774	869	738	858	846	691	1089	855	920	844	10372
GRAND TOTAL	6,460	6,973	5,671	5,993	5,607	5,900	6,011	5,508	6,567	5,692	6,075	5,886	72,343
<i>Last Year</i>	6,916	5,907	5,156	5,861	5,885	6,066	6,241	5,865	6,772	5,738	5,674	6,666	72,747
Interlibrary loan In	51	22	49	44	32	35	64	50	50	54	75	46	572
Computers	1,093	1,175	1,086	1,001	946	1,016	1,081	1,052	1,238	1,081	1,259	1,073	13101
WiFi	439	*1511	1561	1575	1537	1528	1671	1451	1689	1670	1586	1664	16371
Patrons added	30	49	30	28	31	22	37	20	25	29	34	43	378
Program attendance	534	409	488	324	750	483	217	206	470	565	247	899	5592
Program attendance													
FY2017	552	342	151	329	496	229	129	521	1077	288	251	721	5086

*New wifi router installed allowing for an accurate count of wifi users. Users are now counted hourly 24 hours a day. Someone using the wifi for three hours is counted for each hour.



July

Waldport Library Adult Events 2018

—Mon., July 2, 5-6 p.m.—Open Mic Poetry Night. First Monday of every month. Read yours, others, or just listen.

—July 4,—LIBRARY CLOSED.

—Library Knitting & Fiber Group. No meeting in July. Resumes in August. Contact Laura Mayer, 541 867-4920, laumays513@gmail.com

—Sat., July 14, 2-4 p.m.—Second Saturday Home School Group. Bring interactive board games, puzzles or/and coloring books as well as a healthy snack to share. Share ideas, meet new friends, have fun, and find out about library resources.

—Mon., July 2, 9, 16, 23, & 30—Libraries Rock 2018 Adult Summer Reading Program Reward Days. Sign up forms and information at the front desk of the Waldport Library. Great prizes. Keep track all summer.

—Central Oregon Coast Button Club will meet again in September. Contact Maeon Urban at ubanart@peak.org or 541 547-4299.

—Thurs., July 19, 5 p.m., Adult Craft Night: Step-by-Step Miniature "Rock Fish with Margie Wall. Free!

—Thurs. July 26, 4 p.m., Big Truck Family Fun Night. Community Business and Services trucks from South Lincoln County and the Waldport Library RC Car Club. Free fun for the whole family!

—Mon., July 30, 10:30 a.m.—Waldport Book Club—This month's book is: *Death of an Artist*, by Oregon author, Kate Wilhelm. <http://www.waldportlibrary.org/news-events/lib-nes/waldport-library-book-club>

Sun	Mon	Tue	Wed	Thu	Fri	Sat
POETRY NIGHT 5-6 P.M.	2 Library Closed	3	4 Library Closed	5	6	7
LIBRARIES ROCK! Adult Summer Reading Drawing	10	11	12	13	14 Second Saturday Home School Group 2-4 p.m.	Resources for HOMESCHOOLERS
LIBRARIES ROCK! Adult Summer Reading Drawing	16	17	18	19 Adult Craft Night: "Mini-Rock Fish" w/ Margie Wall 5 p.m.	20	21 Rock Fish
LIBRARIES ROCK! Adult Summer Reading Drawing	22	23	24	25 Big Truck Family Fun Night 4 p.m.	26	27
DEATH OF AN ARTIST KATE WILHELM	28	29	30	31		

460 Headlock, Waldport, OR-541 563-5880—waldportlibrary.org—Facebook

**City of Waldport
2018 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
For the Period <u>June 7, 2018</u> through <u>July 7, 2018</u>						
6/18/18	Building Permit	Dwayne Denbow	R-2	13-11-20BA/700 1475 Alsea Hwy	New single family dwelling	Approved 6/18/18
6/19/18	Building Permit	Larry & Joyce Eggers	R-3	13-11-20DC/2000 860 Home Port Ln	New deck with stairs	Approved 6/22/18
6/29/18	Manufactured Home Placement Permit	Holly Putman	R-1	13-11-30BB/6300 1425 Fairway Dr	New single family dwelling and detached carport	Approved 7/2/18
7/2/18	Building Permit	Glen Weaver & Sharolyn Robinson	R-3	13-11-29AB/7000 1480 Jackson Pl Peterson Park Subdiv.	New pole barn	Approved 5/7/18
7/3/18	Land Use Compatibility Statement (LUCS)	Hotbox Farms LLC	C-2	13-11-19AC/7400160 Alsea Hwy	OLCC LUCS for marijuana dispensary	Completed 7/6/18

“LOOKING BACK”

The Council has been making history in Waldport for over a century, and I thought you might find reading minutes from 100 years, 75 years, 50 years and 25 years ago somewhat interesting.

- Reda Eckerman, City Recorder -

July 2, 1918

The Common Council of the City of Waldport met at the usual time and place. Present: Mayor J.W. Goucher, Aldermen E.F. Gillette and F.R. Overlander; D.A. Overlander, Recorder.

No quorum, meeting adjourned.

Daisy A. Overlander, Recorder

July 5, 1918

Special meeting of the Common Council of the City of Waldport met at the home of Mayor J.W. Goucher. Present: Mayor J.W. Goucher, Aldermen E.F. Gillette, I. Banta, Davis, M. Ruble and F.R. Overlander, Recorder D.A. Overlander.

Motion made to grant right of way across Lots 7 & 8 Block 24 Rubles Second Addition to Waldport. Voted by roll call: Gillette - yes; Banta - yes; Davis - yes; Ruble - yes; Overlander - yes.

Motion to empower Mayor and Clerk to sign contract. Voted by roll call: Gillette - yes; Banta - yes; Davis - yes; Ruble - yes; Overlander - yes.

Motion made to adjourn.

D.A. Overlander, Recorder

July 1, 1943.

The regular monthly meeting of the Common Council of the City of Waldport, Oregon, was held in the Council Chambers of the said City at 8 PM. of the above date with Mayor Goodman presiding. Councilmen present: Harry Dey, Desmond Fulp, H.A. Lowry, H.A. McMillin and E.K. Starr. Absent: Ray Walker. City Officials present: Recorder, Kelly, Marshall & Fire Chief Rhoades, Treasurer Burns, City Atty. McCluskey, City Eng. Ambler & Otto Houge. Absent: Auditor Wilson.

Minutes of the previous meeting were read and approved.

It was moved by Councilman Starr, 2nd by McMillin, that the bills approved by the Finance Comm. be passed and warrants drawn on the Treasurer for the respective amounts.

L.J. Rickard requested that the sidewalk ordinance, No. 168, be read, and when this had been done he asked Councilman Dey if he had complied with the provisions of said ordinance when constructing the sidewalk in front of his house. Mr. Dey replied that he had built the sidewalk both as an accommodation to the public and as a protection to his yard and that he was ready and willing to change it any time he was asked by the council to do so. City Atty. McCluskey stated that before the construction of a sidewalk, plans and specifications should be submitted to the Council and have the latter's permission before the walk be built. He also stated that a new ordinance was needed.

Mr. Rickard spoke to the council re the need of a public rest room in the west end of the town. It was admitted, during the discussion which followed, that this was a desirable thing to do, but it would necessitate hiring a caretaker and the City could not afford to do this.

After further discussion of the sidewalk question, it was moved by Councilman Fulp, 2nd by Lowry, that the City Engineer, with the assistance of the Street Supt., be authorized to take charge of the sidewalks under controversy after consultation with the interested parties. Motion

carried.

The proposed Ordinance #169, relating to the budget for the ensuing year was read by the Recorder, whereupon it was moved by Starr, 2nd by Fulp that Ordinance 169 be passed to its 2nd reading by title only. After this reading, Fulp moved, 2nd by Starr, that said ordinance be passed to its third and final reading. It was moved by Starr, 2nd by McMillin, that Ordinance 169 be adopted as read. Motion carried.

Marshall Rhoades reported that the septic tank under the Waldport Pharmacy was leaking and repairs needed to make it sanitary. Starr moved, 2nd by Dey, that the recorder be instructed to write W.L. Newton, owner of the bldg., the necessity of having the tank repaired. Motion carried.

The Recorder was also authorized to reply to the letter from Morton Grodzins, Research Asst., U. Of Calif., [that] council was unanimously in favor of the Japanese being barred from resettlement in Oregon.

Street Comm. Houge reported he was unable to get men to help him load garbage cans and recommended the hourly wage be raised. No action was taken re this matter but City Engineer Ambler recommended that Houge should be paid more. Starr moved, 2nd by Dey, that Houge's wage be raised to \$1.10 per hour and he also be paid the \$10.00 per month budgeted as salary for the Water Superintendent. Motion carried.

No further business appearing it was moved by Starr, 2nd by Dey, that the Council adjourn until the next regular meeting August 5, at 8 PM.

H.L. Kelly, Recorder

Leo Goodman, Mayor

Council Meeting, July 11, 1968

Roll call: Mayor Jesse Rolph, Councilmen Boydston, Seaman, Bird, Kauffman, Pankey (absent); Superintendent Halversen, Assistant Superintendent Becker, Engineer Cullen, Attorney Hollen, Recorder Berger.

Minutes stand approved as read.

Attorney Hollen suggested instead of reading the minutes at each meeting, a copy should be placed on the bulletin board in the City Hall, each Council member should receive a copy (this is being done) and extra copies should be available for interested citizens. On motion made by Councilman Seaman and seconded by Councilman Bird to adopt this procedure. Vote by roll: Yeas - Councilmen Boydston, Seaman, Bird, Kauffman; Nays - Mayor Rolph. Motion carried.

Canvass of votes by Recorder - Road District #3. Yes - 26, No - 15. Motion made by Councilman Seaman and seconded by Councilman Bird, measure be declared passed. Motion carried.

Canvass of vote on the new fire truck. Yes - 37, No - 1. Motion made by Councilman Seaman and seconded by Councilman Bird, measure be declared passed. Motion carried. (Recorder be sure and prepare affidavit of posting, following regular procedure on the new fire truck, file with next year's budget forms)

Report by Walter Bratton on the summer recreation program: 96 students attended the summer recreation program, and a written report will be presented to the Council, with suggestions for improving next year's program. This program will run for another three weeks, if possible. Motion made by Councilman Seaman and seconded by Councilman Bird to write Mr. Bratton a letter of thanks. Motion carried. (Cost of program to-date: \$294.52, City allotted \$350.00; balance left \$55.48)

Nominations for vacancy of Councilman were in order. Dale Grier and Ced Olsen were nominated. By ballot vote, Dale Grier was nominated and appointed to fill the vacancy. (Recorder will type oath of office, have Mr. Grier sign it (attached to minutes)) [Ed. Note: as of 2006 there are no attachments to the minutes.]

Councilwoman Kauffman reported that Mr. Huddleston wants a map showing streets that

approve the recommendation to accept the services of Clive Talkington as the resident inspector. Councilor Russell seconded and the motion carried 5-0, with Councilor Tryon abstaining.

Meeting Adjourned.

Terri Wiebe for Marsha Baillie

July 6, 1993 City Council Workshop Minutes

Roll Call: Mayor Fred Boehme; Council President Pat Tryon; Councilor George Russell, John Atkinson (late), Jan Hansen (late), Ken Train (absent), Matt Pompel; City Recorder Marsha Baillie (absent). Also in attendance: City Superintendent Ramon Pankey; Plant Operator Sonja Pickner; Utility Worker John Alfano.

This meeting was called to select the type of SBR to be used at the new Wastewater Treatment Plant.

Treatment Plant Operator Sonja Pickner addressed the City Council with information she had compiled regarding the Jet Tech system and the ABJ system. The Council asked Mrs. Pickner, Mr. Pankey and Mr. Alfano for their opinion as to which SBR they would prefer to operate. It was the consensus of the Public Works Crew that a Jet Tech SBR would be the best suited for the City's needs. Councilor Hansen was directed by the Council to ask the City Engineer to answer the questions which the Public Works crew was unable to answer.

Meeting adjourned.

July 8, 1993 City Council Minutes

Roll Call: Mayor Fred O. Boehme; Council President Pat Tryon; Councilor Matt Pompel, Ken Train (absent), John Atkinson (absent), George Russell, Jan Hansen; City Attorney Dave Gordon; City Recorder Marsha Baillie.

Minutes: Councilor Russell moved to adopt the minutes as presented. Councilor Pompel asked that the minutes be corrected to show that his name is spelled with one "L". Councilor Hansen asked that in the minutes of the June 10th meeting under Citizens Concerns the questions asked of Mr. Bob Akers be listed along with the answers he gave. Councilor Hansen seconded and the motion carried 4-0 with 2 absent.

Financial Report: City Recorder Marsha Baillie reported that the year-end financial report would be completed soon and presented at the next regular Council meeting.

Committee Reports:

General Administration - Councilor Tryon, Chair: Councilor Tryon moved that the City Council sign the CRSN agreement with the Library Board. Councilor Pompel seconded and the motion carried 4-0 with 2 absent. Councilor Russell moved that the City Council support the Public Library and Youth Center in their efforts to have the old City Hall building painted. Councilor Hansen seconded and the motion carried 4-0 with 2 absent.

Public Works Committee - Councilor Hansen, Chair: Councilor Hansen requested that an Urban Renewal Board meeting be scheduled to discuss the cleaning of Red Ditch. Councilor Tryon said she would schedule the requested meeting. Councilor Hansen moved for the adoption of Resolution 726. Councilor Russell seconded and the motion carried 4-0 with 2 absent.

Public Safety Committee - Councilor Russell, Chair: Councilor Russell moved to approve the purchase of a new vehicle for the Police Department with a price not to exceed \$5,000. Councilor Pompel seconded and the motion carried 4-0 with 2 absent. Councilor Hansen moved for the adoption of Resolution 717. Councilor Tryon seconded and the motion carried 4-0 with 2 absent.

Parks and Recreation Committee - Councilor Hansen, Chair: Councilor Hansen moved to allow the Waldport Chamber of Commerce to purchase a "Welcome to Waldport" sign which the Public Works department would install at Keady Wayside. Councilor Russell seconded and the motion carried 4-0 with 2 absent.

Staff Report: City Attorney Dave Gordon had no report. City Recorder Marsha Baillie had no report.

Citizens Concerns: Mr. Michael Grimm of the Oregon Department of Human Resources addressed the City Council regarding new standards for water quality adopted by the State on July 1, 1993. Mr. Grimm explained how these new standards would affect Waldport's water production and what the City will be required to do to meet the new standards. Mr. Grimm addressed questions from the City Council.

Mrs. Eveline Rhoades of 960 NE Mill Street made a request to the City Council on behalf of the South Lincoln Senior Center regarding landscaping at the Senior Center building. Mrs. Rhoades asked that a sign bearing the Senior Center name be installed, that protective posts be installed around the heat pump, that a flag pole be installed, two benches be placed and that the landscaping be completed.

Mrs. Trudi Rhoades stated that the top soil for the landscaping at the Senior Center would be donated by Thompson's Nursery.

Mrs. Roxie DeLap of 450 Alder Street asked the City Council to respond to information she had received regarding wages and benefits which the City budgeted for but is refusing to pay. Mayor Boehme informed Mrs. DeLap that this is not a matter for public discussion. Mrs. DeLap asked the same question of City employees who were in attendance at the meeting. Mayor Boehme called for order and asked if there were any more citizens concerns.

Suzanne Lulay of 280 Alsea Highway made a statement regarding the Waldport Chamber of Commerce membership drive.

Gary Wiebe of 2460 Fairway Circle asked Public Safety Committee Chair George Russell why no mention of Police Officer Brad Winkler's resignation was made during the Public Safety Committee report. Councilor Russell stated that because the resignation was mentioned in the local paper he saw no reason to make a public announcement.

Mayor Boehme announced that Mr. Matt Jarvis of KORC radio will be changing the station's format to 24 hours a day.

Correspondence: None.

Public Hearing: None.

Old Business: None.

New Business: Mayor Boehme read the "Celebrate Waldport" proclamation. Councilor Russell moved to endorse Celebrate Waldport. Councilor Hansen seconded and the motion carried 4-0 with 2 absent.

The appointment of a new Planning Commissioner was addressed by the City Council. Janice Victoria and George Woods were the only two citizens to submit their names for consideration. Janice Victoria received 3 votes and George Woods received 2 votes. Janice Victoria was selected to fill the vacant seat on the Planning Commission.

Ordinances/Resolutions: Resolution No. 727 regarding the sale of bonds was moved for approval by Councilor Hansen. Councilor Tryon seconded and the motion carried 4-0 with 2 absent.

Ordinance No. 603 regarding the Yaquina John Point sewer assessments was discussed by the City Council. Two residents of Yaquina John Point, Mrs. Isabelle Booth and Mr. Vincent Lundstrom, expressed their disappointment in the assessment.

In response to resident's complaints, Councilor Tryon moved to change the assessment to an equal distribution between the 40 tax lots. Councilor Russell seconded and the motion failed 0-4 with 2 absent.

Councilor Tryon moved to accept the assessment at a base fee of \$3,500 with the balance being assessed by square footage. Councilor Pompel seconded and the motion carried 4-0 with 2 absent.

Councilor Hansen moved for the adoption of Ordinance No. 603. Councilor Pompel seconded the original motion and moved for an amendment to the Ordinance in Section 1 as per

the City Attorney Dave Gordon and Exhibit A. Councilor Russell seconded the amendment and the amendment carried 4-0 with 2 absent. The amended motion carried 4-0 with 2 absent.

Wastewater Project: After extensive discussion of the wastewater project, Councilor Hansen moved to approve Jet-Tech for the SBR design. Councilor Russell seconded and the motion carried 4-0 with 2 absent.

Meeting Adjourned.

Marsha Baillie, City Recorder