

**WALDPOR CITY COUNCIL
OCTOBER 9, 2014
MEETING NOTICE AND AGENDA**

The Waldport City Council will meet at 2:00 p.m. on Thursday, October 9, 2014 in the City Council Meeting Room, 125 Alsea Highway to take up the following agenda:

1. CALL TO ORDER AND ROLL CALL
2. MINUTES: *September 11, 2014*
3. PUBLIC COMMENTS/PRESENTATIONS:
4. DISCUSSION/ACTION ITEMS
 - A) *Proclamations: "Breast Cancer Awareness Month" & "Domestic Violence Awareness Month"*
 - B) *Consideration of Ordinance Regarding Alsea Bay Erosion*
 - C) *Consideration of Ordinance Regarding Amending Business License Procedures*
 - D) *Consideration of Resolution Adopting Personnel Rules in Employee Handbook*
 - E) *Consideration of Change to Financial Management Policies*
 - F) *The Annual Financial Report for FY 2013/2014*
 - G) *Other Issues*
5. COUNCIL COMMENTS AND CONCERNS
6. REPORTS:
 - City Manager**
 - Public Works Director*
 - City Librarian*
 - City Planner*
 - Code Compliance Officer*
7. GOOD OF THE ORDER
8. 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 3rd day of October, 2014 - Reda Q. Eckerman, City Recorder

**WALDPORT CITY COUNCIL
SEPTEMBER 11, 2014
MEETING MINUTES**

1. CALL TO ORDER AND ROLL CALL: Mayor Woodruff called the meeting to order at 2:00 p.m. Mayor Woodruff and Councilors Gates, Brown, Cutter and Holland answered the roll. Councilors O'Brien arrived at 2:10 p.m., and Councilor Campbell was excused. A quorum was present.

2. MINUTES: The Council considered the minutes from the August 14, 2014 meeting. Councilor Holland **moved** to approve the minutes as presented. Councilor Cutter **seconded**, and the motion **carried** unanimously on a voice vote.

3. CITIZEN COMMENTS AND CONCERNS: None.

4. DISCUSSION/ACTION ITEMS:

A. Proclamations: Mayor Woodruff read the proclamations for "Cruzin' for Crab" and "Constitution Week" into the record.

B. Consideration of Ordinance Regarding Regulations for Medical Marijuana Dispensaries: City Manager Kemp explained that the ordinance before the Council for consideration included the suggested amendments from the August 14 Council meeting. Discussion ensued regarding further clarification to the section regarding the presence of minors in a facility. Councilor Brown moved to add the language proposed in a letter from Jennifer Versteeg, a Health Education Specialist for Lincoln County Health and Human Services, which had been distributed to the Council at the meeting. The motion was not seconded. Following further discussion, Councilor Cutter **moved** to include language in the ordinance to reference the language contained in OAR 333-008-1200. Councilor Brown **seconded**. The motion **carried**, with Mayor Woodruff and Councilors O'Brien, Brown and Cutter voting "Aye", Councilor Holland voting "Nay", and Councilor Gates abstaining. Hearing no objection, Mayor Woodruff read Ordinance No. 750 by title only for the first and second readings. Councilor Cutter **moved** to adopt the ordinance as amended. Councilor Brown **seconded**, and the motion **carried**, with Mayor Woodruff and Councilors O'Brien, Brown and Cutter voting "Aye", Councilor Holland voting "Nay", and Councilor Gates abstaining.

C. Consideration of Ordinance Regarding Adoption of Oregon Fire Code: City Manager Kemp explained that Central Oregon Coast Fire and Rescue District #7 had recently adopted fire protection codes that established reasonable levels of life safety and property protection. They had asked the City to consider adoption of the same codes so that the District could enforce those codes in the City limits. Hearing no objection, Mayor Woodruff read Ordinance No. 751 by title only for the first and second readings. Councilor Cutter **moved** to adopt Ordinance No. 751. Councilor Holland **seconded**, and the motion **carried** unanimously.

D. Other Issues: None.

5. COUNCIL COMMENTS AND CONCERNS: Councilor Holland extended his appreciation to the Public Works crew for their quick response in replacing an extremely

faded sign on his street. Mayor Woodruff reminded the Council that the Waldport Cleanup Day would be Saturday, September 13. She also gave a brief report on the success of the recent Gravel Epic race, noting that there had been 183 registered riders this year. In last year's race the group had been fairly evenly split between the short and the long courses, this year all but twenty opted to traverse the 70-mile long course.

6. STAFF REPORTS: The written reports from the Public Works Director, City Librarian, City Planner and Code Compliance Officer were included in the packet materials. City Manager Kemp reported that the old bakery had finally been demolished, bringing closure to a long-standing compliance issue. In regard to the open space, the next step in the process will be a soil assessment. Councilor Cutter asked if this would tie into the proposed Lint Slough trail, and also mentioned that it may be time to reopen discussions with Oregon Department of Fish and Wildlife regarding limitations on hunting in the proposed trail area. Mr. Kemp indicated that he and Mr. Lewis will look into this issue. He also gave a brief report on his research into the potential for Scenic Byway status for Highway 34. On the subject of signs, Mr. Kemp noted that the Planning Commission would be taking up the issue of code language at their next meeting, and the City has received and is evaluating two bids for a readerboard sign. The deadline for the November election has now passed, and there are four candidates for the four positions. Mr. Kemp has consulted with legal counsel regarding the Charter language for terms, and clarified that the twelve-year limit was with respect to an individual office.

7. GOOD OF THE ORDER: Nothing further.

8. ADJOURNMENT: At 2:55 p.m., there being no further business to come before the Council, the meeting was adjourned.

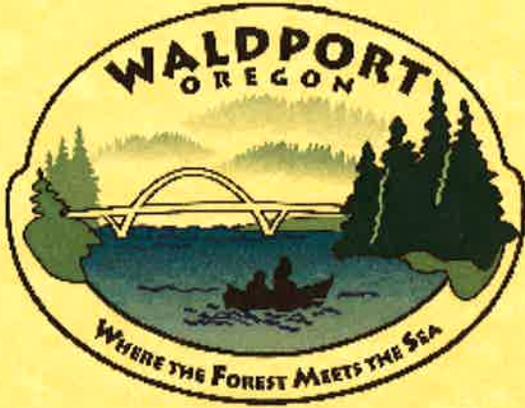
Respectfully submitted,

Reda Q Eckerman, City Recorder

APPROVED by the Waldport City Council this ____ day of _____, 2014.

SIGNED by the Mayor this ____ day of _____, 2014.

Susan Woodruff, Mayor



City of Waldport

P.O. Box 1120
Waldport, Oregon
Phone: (541) 264-7417 Fax: (541) 264-7418
TTY: (800)735-2900

PROCLAMATION

*****HEAR YE*****HEAR YE*****HEAR YE*****

WHEREAS, breast cancer is the second leading cause of cancer-related deaths among American women; and

WHEREAS, research has shown that several factors may increase the risk of developing breast cancer, including family history, age, genetics, and obesity; and

WHEREAS, by making healthy lifestyle choices and exercising regularly, individuals can help reduce the risk of developing breast cancer; and

WHEREAS, early detection is important to ensure the most effective diagnosis and treatment possible and many health plans cover mammograms and other recommended cancer screening without co-pays or deductibles; and

WHEREAS, many extraordinary researchers, scientists, numerous nonprofit organizations and breast cancer survivors are committed to discovering the cure for breast cancer and we wish to acknowledge and support their dedicated efforts to defeat this terrible disease; and

WHEREAS, we also wish to recognize the over two and a half million American breast cancer survivors among us and honor their faith and courage, and the hope they bring of a better future for those who are currently affected by breast cancer;

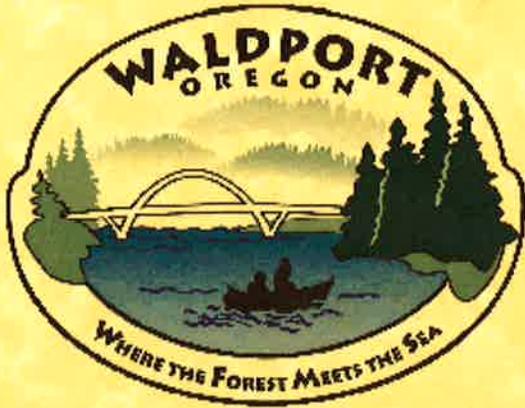
NOW THEREFORE, I, Susan Woodruff, Honorable Mayor, do hereby *PROCLAIM THE FOLLOWING*:

THAT, the month of October, 2014 be declared as *BREAST CANCER AWARENESS MONTH*, and urge our citizens to learn the facts about breast cancer, obtain regular breast cancer screenings, and join in activities to increase awareness of what can be done to prevent breast cancer.

SIGNED, this 9th day of October, 2014.

Susan Woodruff, Mayor





City of Waldport

P.O. Box 1120
Waldport, Oregon
Phone: (541) 264-7417 Fax: (541) 264-7418
TTY: (800)735-2900

PROCLAMATION

*****HEAR YE*****HEAR YE*****HEAR YE*****

WHEREAS. domestic violence is a serious crime that crosses all economic, racial, religious, gender, and cultural barriers; and

WHEREAS. the crime of domestic violence violates an individual's privacy, dignity, security, and humanity due to the use of physical, emotional, sexual, psychological, and economic control or abuse; and

WHEREAS. children who experience domestic violence are at a higher risk of failure in school, emotional distress, and substance abuse, and are more likely to perpetuate the cycle of violence themselves later in life; and

WHEREAS. Domestic Violence Awareness Month provides an opportunity for citizens to learn more about preventing domestic violence and to show support for the numerous organizations and individuals who provide critical advocacy, services and assistance to victims; and

WHEREAS. during Domestic Violence Awareness Month we recognize the significant achievements we have made in reducing domestic violence in America, and we recommit ourselves to the important work still ahead of us; and

WHEREAS. by working together we can break the cycle of violence and build a community that is safe for everyone;

NOW THEREFORE. I, Susan Woodruff, Honorable Mayor, do hereby *PROCLAIM THE FOLLOWING:*

THAT. the month of October, 2014 be declared as *DOMESTIC VIOLENCE AWARENESS MONTH,* and urge our citizens to work together to eliminate domestic violence from our community.

SIGNED. this 9th day of October, 2014.

Susan Woodruff, Mayor





CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Ordinance Regarding Alsea Bay Erosion

REQUESTED BY: City Manager and Port of Alsea

FOR MEETING DATE: October 9, 2014

SUMMARY OF ISSUE:

The Port of Alsea ("Port") has adopted an ordinance restricting the removal of wood from a stretch of beach that extends from the east side of the Alsea Bay Bridge to the boat launch. The Port is requesting that the City of Waldport ("City") adopt these codes as well so that the Lincoln County Sheriff ("Sheriff") may enforce these codes within City limits.

STAFF RECOMMENDATION or ACTION REQUESTED:

Consider and adopt ordinance regarding restricting removing wood along portions of Alsea Bay.

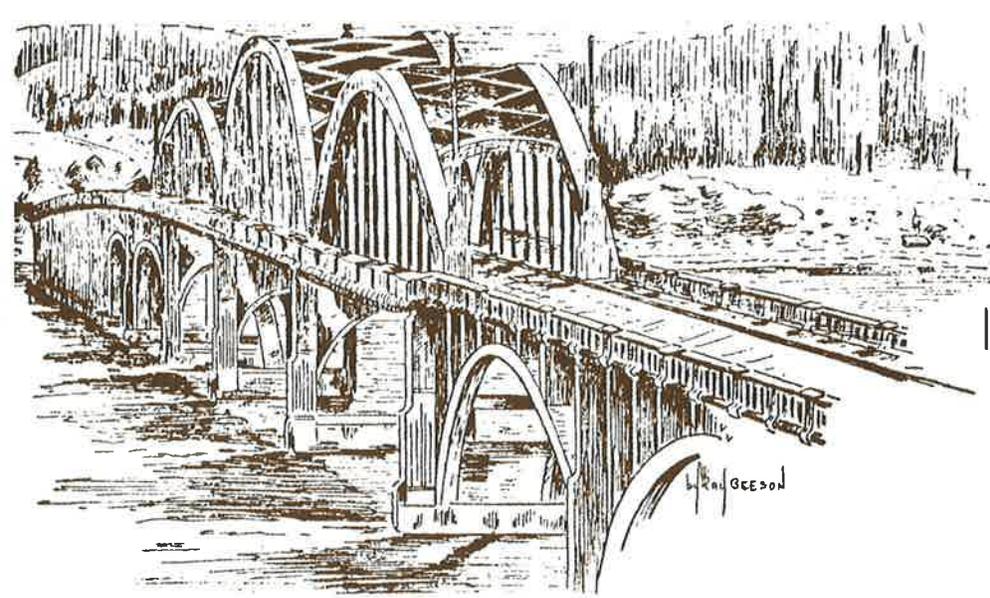
BACKGROUND:

The City has been monitoring the Alsea Bay erosion since 2010. In 2011 the Oregon Department of Geology and Mineral Industries (DOGAMI) completed the Evaluation of Hazard Zones along Alsea Bay between the bridge and the Port properties at the north end of Old Town. The report indicates that erosion is likely to continue over the next several years, particularly along the southern section from the bridge to north of Fayette Street.

A public meeting was held at City Hall in August 2013 to discuss options to mitigate the erosion. Property owners are currently proceeding with permits for the placement of sand and woody debris along a portion of the bluff to help mitigate the erosion. Longer term efforts include possible amendments to the Waldport Comprehensive Plan and Estuary Plan to allow a pebble beach along the southern Alsea Bay frontage.

As part of the erosion program, the Port concluded that restricting wood removal is needed, and adopted its Ordinance on September 25, 2014, with its being effective immediately. In order for the Sheriff to be able to enforce this regulation on Port property within the City, as provided in the Intergovernmental Agreement between the Port and the City (Ordinance 714, adopted in 2007), staff recommends that Section 12.24.090 be added to the Municipal Code:

Enclosures: Letter to City, City Ordinance



PORT OF ALSEA

Post Office Box 1060
Waldport, OR 97394
(541) 563-3872

Kerry Kemp
Waldport City Manager
City of Waldport
P.O. Box 1120
Waldport, OR 97394

Dear Kerry:

The Port of Alsea Board of Commissioners, at their meeting yesterday, adopted an ordinance restricting the removal of wood from a stretch of beach that extends from the east side of the Alsea Bay bridge east to the Port of Alsea launch ramp. The intent of this ordinance is to help control the erosion that has been taking place along that section of beach. A copy of the ordinance is included with this correspondence.

The Port of Alsea and the City of Waldport have an intergovernmental agreement that allows the Lincoln County Sheriff's Department to enforce Port ordinances as adopted into the Municipal Code of the City. Please ask the Council to consider adopting this ordinance. I would be happy to provide any additional information the Council may need regarding this, or any other Port matter.

Sincerely,

Maggie Rivers

Maggie Rivers
Port Manager

Attachments: 1

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE PROVISIONS OF PORT OF ALSEA ORDINANCE NO. 50 AS THE LAW OF THE CITY OF WALDPOR, PROVIDING FOR THE PROSECUTION OF VIOLATION OF SAID ORDINANCE, AMENDING ORDINANCE NO. 714 AND WALDPOR MUNICIPAL CODE CHAPTER 12, SECTION 12.24, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Waldport and the Port of Alsea have entered into an intergovernmental agreement providing for the enforcement by the City of Waldport of Port of Alsea ordinances and providing for the prosecution of violations of said ordinances; and

WHEREAS, the Port has recently adopted Ordinance No. 50 and has requested that the City adopt this ordinance; and

WHEREAS, the City of Waldport, by virtue of Ordinance No. 714, deemed it necessary to adopt the provisions of the current Port of Alsea ordinances so that its law enforcement providers may duly enforce said provisions as the law of the City of Waldport;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Waldport as follows:

- Section 1. Port of Alsea Ordinance No. 50, a copy of which is attached hereto as "Exhibit A" and by this reference incorporated herein, is hereby adopted as the law of the City of Waldport.
- Section 2. Ordinance No. 714 is hereby amended to include Port of Alsea Ordinance No. 50, with all provisions of enforcement and prosecution as stated in Ordinance No. 714.
- Section 3. Waldport Municipal Code Chapter 12, Section 12.24 is hereby amended to add Section 12.24.090, entitled "Restriction on Wood Removal" as attached hereto as "Exhibit B".
- Section 4. This Ordinance being necessary for the public health, safety and welfare, an emergency is declared to exist and this Ordinance shall go into full force and effect immediately upon its passage and approval.

PASSED by the Common Council of the City of Waldport this _____ day of _____, 2014.

Susan Woodruff, Mayor

ATTEST:

Reda Q Eckerman, City Recorder

PORT OF ALSEA
A MUNICIPAL CORPORATION OF THE STATE OF OREGON
ORDINANCE NO. 50

AN ORDINANCE RESTRICTING THE CUTTING AND REMOVAL OF WOOD FROM THE PROPERTY OF THE PORT OF ALSEA, LYING ALONG THE SOUTH SIDE OF ALSEA BAY FROM THE EAST RIGHT OF WAY OF THE ALSEA BAY BRIDGE UP TO, BUT NOT INCLUDING, THE PORT BOAT LAUNCH RAMP.

Section 1. Purpose. In order to promote the public health, safety and welfare, to protect recreation areas, to protect the public using such areas, to protect the property of the Port of Alsea and properties adjoining the Port of Alsea by promoting sand stabilization along the shoreline, Port of Alsea finds it appropriate and desirable to control and regulate the cutting and removal of wood from the property of the Port of Alsea.

Section 2. Definitions.

1. "Wood" means logs, trees, tree stumps or wood debris whether or not growing or washed or placed by actions of the weather or tides.
2. "Property of the Port of Alsea" means all real property owned by the Port of Alsea including all submerged and submersible lands owned by the Port of Alsea lying along the south side of Alsea Bay from the east right of way of the Alsea Bay Bridge up to, but not including, the Port boat launch ramp located at the end of Broadway Street in Waldport, Oregon.

Section 3. Prohibited Act. No person or entity shall, without written permission of the Port of Alsea, remove, sever, cut, or tear apart any wood or wood debris from property owned by the Port of Alsea. This restriction shall not apply to small pieces of wood for personal use carried by one person, without the assistance of any other person or mechanical device, for a souvenir. This restriction shall also not apply to un-embedded wood gathered for personal use as fuel for a beach fire. No wood embedded in the beach or in sand dune banks shall be removed.

Section 4. Penalty. Upon conviction, a violation of this ordinance is punishable by a fine not to exceed \$500.00 per day for each day a person or entity removes wood from Port property. In addition to any fine, the Port may prevent the wood from being removed from Port property or require the return of the wood to the Port of Alsea.

Section 5. Jurisdiction. This ordinance may be enforced by the Port of Alsea, and any law enforcement agency with jurisdiction within the Port District. Jurisdiction to hear, try and decide

any violations alleged under this ordinance shall lie with the Waldport Municipal Court. Any appeals shall follow the same procedure as other citations heard, tried and decided by the Waldport Municipal Court.

Section 6. Emergency Clause. It is hereby determined that this ordinance is necessary for the preservation of the public peace, health and safety, and therefore an emergency is hereby declared to exist, and this ordinance shall be effective immediately upon adoption.

Adopted this 25th day of Sept., 2014.
Ayes: 3
Nays: 0

Approved by the Vice-Chair of the Port Commission of the Port of Alsea this 25th day of September, 2014 /

Port of Alsea Commission

By: [Signature]
Vice-Chair

Attest: Maggie Rivers
Manager

Chapter 12.24

PORT OF ALSEA

Sections:

- 12.24.010 Enforcement.
- 12.24.020 Prosecutions.
- 12.24.030 Persons age twelve and under to wear life preservers on docks.
- 12.24.040 Parking and parking time limitations.
- 12.24.050 Moorage rates and regulations.
- 12.24.060 Disposal of waste.
- 12.24.070 Launch fees and regulations.
- 12.24.080 Speed limit.
- 12.24.090 Restriction on Wood Removal.

12.24.10 Enforcement.

The Lincoln County Sheriff's Department shall enforce the provisions of this chapter according to the terms of the intergovernmental agreement between the City of Waldport and the Port of Alsea. (Ord. 714 § 2, 2007)

12.24.020 Prosecutions.

Violators of this chapter shall be prosecuted in the City of Waldport Municipal Court or such other court as is appropriate. (Ord. 714 § 3, 2007)

12.24.030 Persons age twelve and under to wear life preservers on docks.

- A. Definitions. "Adult" means any person eighteen (18) years of age or older.
- B. Any person twelve (12) years of age and under shall wear a United States Coast Guard-approved personal flotation device when upon any dock owned or operated by the Port of Alsea.
- C. No person twelve (12) years of age and under shall be allowed upon any dock owned or operated by the Port of Alsea unless such person is under the supervision of an adult when upon any dock owned or operated by the Port of Alsea.
- D. Violation of this section shall be punishable by a fine not to exceed forty-eight dollars (\$48.00). (Ord. 714 § 1 (part) Att. 42 §§ 1 - 4, 2007)

12.24.040 Parking and parking time limitations.

- A. Parking of certain vehicles prohibited. No vehicle greater than twenty (20) feet in length is permitted to park on any Port property except for boat-trailer-tow vehicle combinations parked in the boat trailer parking area.
- B. Parking Durations:
 - 1. With the exception of the boat-trailer parking area, no vehicle may be parked on Port property for more than eight (8) consecutive hours.
 - 2. Parking in the boat-trailer parking area shall be limited to no more than twelve (12) consecutive hours during which time all such boat-trailer-tow-vehicle combinations are to conspicuously display either a current launching ramp receipt or a season launch pass.
 - 3. During the time recreational vehicles are parked on Park property they may

not run their engines, generators, or any auxiliary engines or power units except for a period of time reasonably necessary to enter and exit Port property.

C. Waivers. In cases of extreme need, special circumstance or emergency, the above regulations may be waived or suspended by express written approval of the Port.

D. Definitions.

1. "Vehicle" as used herein is defined to mean vehicle as defined in ORS 801.590.

2. "Boat-trailer parking area" as used herein is defined to mean that Port of Alsea parking area bounded by North Broadway Street to the east and the Port of Alsea Launch Ramp and Alsea Bay to the north.

E. Penalties.

1. Any violation of subsections A or B of this section shall be punishable by a fine of not more than two hundred fifty dollars (\$250.00) upon conviction of a first offense.

2. In the event of two or more violations by the same person within a two year period, punishment shall be by fine not to exceed that permitted by law. (Ord. 714 § 1 (part) Att. 43 §§ 1 - 5, 2007)

12.24.050 Moorage rates and regulations.

A. The Board of Commissioners of the Port of Alsea determines that it is necessary to establish certain moorage rates to be charged for mooring at port facilities and establishing other regulations on mooring vessels at port owned docks. Such regulations are necessary for the efficient operation of the port, and for establishing an equitable policy for allowing use of the docks.

The port finds there is increasing use of the docks, and moorage space has become limited. In order to maintain the facilities, the port finds it is appropriate to establish certain moorage rates for boats and watercraft utilizing the dock facility.

B. Rates. The rates charged for mooring boats, vessels and watercraft at port dock facilities shall be those established from time-to-time by resolution of the board of commissioners of the port.

C. Moorage Agreement. Any person, party or entity desiring to rent moorage space from the port shall be required to sign a written rental agreement at or before docking at the port facility. Each renter shall be required to abide by the rules and regulations contained therein or as otherwise adopted by resolution of the board of commissioners of the Port of Alsea.

D. There shall be no written rental agreement requirement for any person mooring boats, vessels and watercraft at port dock facilities for less than twelve (12) consecutive hours.

E. A violation of this section is punishable by a fine of twenty-five dollars (\$25.00) per day for each day or portion thereof the boat or watercraft continues to be moored at the dock without complying with the provisions of this section. (Ord. 714 § 1 (part) Att. 44 §§ 1—5, 2007)

12.24.060 Disposal of waste.

A. The Board of Commissioners of the Port of Alsea determines that disposal of solid and liquid waste on property owned by the Port of Alsea constitutes a nuisance and inconvenience, and detracts from the public health, safety and welfare of port property.

B. Definitions.

"Industrial waste" means any liquid, gaseous or solid waste substances or combination thereof resulting from any process of industry, manufacturing, trade, agriculture or agricultural operation or business, or from the development or recovery of any natural resources which may cause or might reasonably be expected to cause pollution of the property owned or controlled by the Port of Alsea.

"Litter" means any and all types of debris and substances, whether liquid or solid, or a combination thereof, including but not limited to garbage, refuse, rubbish, cans, bottles, paper and paper products, wrappings, decayed wood, sawdust, shavings, bark, cement, lime, cinders, ashes, offal, oil, tar, dyestuffs, acids, chemicals, dead animals or fish carcasses or parts thereof, manure, human or animal wastes, putrid, decaying or deleterious substances or matters, petroleum wastes, or any machinery, appliances or automobiles or parts thereof, or any other substances, which may render the port property unsightly, noxious or otherwise unwholesome or to the detriment of the public health and welfare.

"Sewage" means water, chemical or other liquid carried human or animal waste from vessels, motor vehicles, trailers, residences, buildings, industrial or commercial establishments or other places with such ground water infiltration and surface water as may be present.

"Waste" means sewage, industrial wastes and all other liquid, gaseous, solid or other substances which will or may cause pollution or tend to cause pollution of any port property.

C. No person shall throw, place, leave, deposit or abandon or cause or permit to be thrown, placed, left, deposited or abandoned, any litter on port property except in designated receptacle areas designated by the port for the disposal of such materials or substances. However, no person may dispose of litter in such designated receptacles unless such person is disposing of litter generated as a result of use of or in connection with port facilities.

D. No person shall throw, place, leave, deposit or abandon or cause or permit to be thrown, placed, left, deposited or abandoned, any industrial or other waste or sewage on port property.

E. Violation of this section shall be punishable by a fine not to exceed one hundred fifty dollars (\$150.00). Each act of throwing, placing, leaving depositing or abandoning or causing or permitting to be thrown, placed, left, deposited or abandoned, any litter, industrial or other waste or sewage on port property shall be a separate violation of this section. Violators shall pay for any cleanup costs incurred by the Port. (Ord. 714 § 1 (part) Att. 45 §§ 1 - 5, 2007)

12.24.070 Launch fees and regulations.

A. The Board of Commissioners of the Port of Alsea determines that it is necessary to establish certain launch fees to be charged for launching boats and watercraft at the port launch facility. Such charges are necessary for the efficient operation of the port, for establishing an equitable policy of use, and for generating revenue for the maintenance and upkeep of the launch facility and other port property.

B. "Boat" or "watercraft" means every description of watercraft used or capable of being used as a means of transportation on the water.

C. The rates charged for launching boats and watercraft at the port launch facilities shall be those established from time to time by resolution of the board of commissioners of the port.

D. Any violation of this section is punishable by a fine not to exceed fifty dollars (\$50.00) per violation. Each launch without paying the required fee is a separate violation. Any funds collected under the penalty provision of this section shall inure to the port general fund. (Ord. 714 § 1 (part) Att. 47 §§ 1 - 4, 2007)

12.24.080 Speed limit.

A. The Board of Commissioners of the Port of Alsea finds that it is necessary for the public health, safety and welfare to regulate the speed of motor vehicles operating on port property.

B. "Motor vehicle" means every self-propelled vehicle and vehicle designed for self-propulsion.

C. It is unlawful for any motor vehicle to operate at a speed in excess of fifteen (15) miles per hour while on any port property.

D. Any person convicted of violating subsection B of this section shall be punished by a fine of not to exceed seventy-eight dollars (\$78.00). (Ord. 714 § 1 (part) Att. 48 §§ 1—4, 2007)

12.24.090 Restriction on Wood Removal

A. Purpose. In order to promote the public health, safety and welfare, to protect recreation areas, to protect the public using such areas, to protect the property of the Port of Alsea and properties adjoining the Port of Alsea by promoting sand stabilization along the shoreline, Port of Alsea finds it appropriate and desirable to control and regulate the cutting and removal of wood from the property of the Port of Alsea.

B. Definitions.

1. "Wood" means logs, trees, tree stumps or wood debris whether or not growing or washed or placed by actions of the weather or tides.

2. "Property of the Port of Alsea" means all real property owned by the Port of Alsea including all submerged and submersible lands owned by the Port of Alsea lying along the south side of Alsea Bay from the east right of way of the Alsea Bay Bridge up to, but not including, the Port boat launch ramp located at the end of Broadway Street in Waldport, Oregon.

C. Prohibited Act. No person or entity shall, without written permission of the Port of Alsea, remove, sever, cut or tear apart any wood or wood debris from property owned by the Port of Alsea. This restriction shall not apply to small pieces of wood for personal use carried by one person, without the assistance of any other person or mechanical device, for a souvenir. This restriction shall also not apply to un-embedded wood gathered for personal use as fuel for a beach fire. No wood embedded in the beach or in sand dune banks shall be removed.

D. Penalty. Upon conviction, a violation of this ordinance is punishable by a fine not to exceed \$500.00 per day for each day a person or entity removes wood from Port property. In addition to any fine, the Port may prevent the wood from being removed from Port property or require the return of the wood to the Port of Alsea.

E. Jurisdiction. This ordinance may be enforced by the Port of Alsea, and any

enforcement agency with jurisdiction within the Port District. Jurisdiction to hear, try and decide any violations alleged under this ordinance shall lie with the Waldport Municipal Court. Any appeals shall follow the same procedure as other citations heard, tried and decided by the Waldport Municipal Court. (Ord. § 1 (part) Att. 50 §§ 1—5, 2014)



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Adopting Ordinance Amending Business License Procedures

REQUESTED BY: City Manager

FOR MEETING DATE: October 9, 2014

SUMMARY OF ISSUE:

The Business Licenses provisions in Chapter 5.04 of the Municipal Code are in need of revision and updating with respect to applications, renewals, revocations and the appeal process.

STAFF RECOMMENDATION or ACTION REQUESTED:

Consider and adopt ordinance regarding amendments to Chapter 5.04 of the Municipal Code.

BACKGROUND:

The City's business license ordinance was last amended in 2003. The currently proposed amendments include the following:

- Changing the application process from one that requires a statement under oath to one that requires an application, provides for denial of an application if it is determined that the business does not comply with applicable laws, and provides for an appeal process to the City Council, and
- Changing the revocation process from one that goes to the City Council to one that provides for revocation/suspension of a license by the City Manager and an appeal process to the City Council.

The proposed amendments make the application and revocation process more efficient and effective, but do not reduce any rights or opportunities provided to licensees.

Enclosures: Blackline copy and Ordinance

5.04 Business Licenses

(Language to be removed is ~~lined out~~, new language is **bold and italicized**)

Sections:

- 5.04.010 Definition.
- 5.04.020 License required.
- 5.04.030 Application for license.
- 5.04.033 *Denial of Application***
- 5.04.035 *Review of Renewal, Denial of Renewal***
- 5.04.037 *Revocation/Suspension of License***
- ~~5.04.040~~ **5.04.040** Revocation of license— Appeal.
- ~~5.04.040~~ **5.04.050** Relocation of business— License not assignable.
- 5.04.060 Each business.
- 5.04.070 Employees.
- 5.04.080 Charitable and nonprofit organizations.
- 5.04.090 Fees.
- 5.04.095 Basis and Rate - Adjustments to Rate
- 5.04.096 Specific Requirements
- 5.04.100 Exceptions.
- 5.04.110 Penalties—Inspections— Remedies.
- 5.04.120 Licenses additional to general taxes.
- 5.04.130 Additional remedies.

5.04.010 Definition.

For the purposes of this chapter, the following mean:

A. Apartment house. A building, portion of a building, or group of buildings on a parcel of land within the City containing two or more dwelling units which are rented, leased, let or made available for compensation for sleeping or living purposes. A building containing two dwelling units shall not be deemed an "apartment house" within the provisions of this section if the owner of the building occupies one of the dwelling units. The term "apartment house" shall include a hotel or motel, automobile or tourist court, rooming or lodging house, and mobile home or trailer park. In the case of mobile homes or trailer parks, the term "dwelling unit" shall mean "space" or "stall".

B. Business. A lawful enterprise, establishment, store, shop, activity, profession or undertaking of any nature conducted, either directly or indirectly, for private profit or benefit. The term "business" shall include the ownership, management or operation of an apartment house.

C. Doing, engaging in, or transacting business. Any act or series of acts performed in the course of pursuit of a business activity.

D. Gaming. Any game, played with or without the aid of a machine or device, for which a fee to play is charged.

E. Gaming Device. A device used to play a game, for which a fee to play is charged.

F. Gaming Table. A table used for gaming other than social gaming as defined in Section 5.04.010(1) of this chapter.

G. Itinerant Merchant. A person who sells goods, wares or merchandise,

offering the same for retail sale or offers goods, wares or merchandise from a vehicle, trailer or cart or a temporary apparatus without making said business permanent and continuous in the City. This definition does not include nonprofit organizations established under and operating within the provisions of Chapter 65 of the Oregon Revised Statutes.

H. Mobile Vending Stand. A structure, cart, trailer or stand which is movable from place to place, and is used for the purpose of selling foods, soft drinks or other nonalcoholic beverages to the public directly or indirectly and is equipped to dispense food or beverage and/or prepare the food or beverage for consumption. A mobile vending stand does not contain space for customers to enter the stand to consume products.

I. Social Game. Means:

1. A game other than a lottery, between players in a private home where no house player, house bank or house odds exist and there is no house income from the operation of the social game; and

2. If authorized pursuant to this chapter, a game, other than a lottery, between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game.

J. Sub-Dealer. Any person renting or leasing an area, space or booth from a larger business, such as a mall, for the selling of goods or services, on a personal operation or consignment basis, for the purpose of personal profit.

The word "person," as used in this chapter, means any individual, firm, company, association, copartnership or corporation; and the singular shall include the plural, and the masculine shall include the feminine.

5.04.020 License required.

It is unlawful for any person who is not exempt from buying a license under the provisions of this chapter or expressly exempted by any other State or Federal law to conduct, engage in, carry on or practice any business, trade, occupation, profession or calling within the corporate limits of the City of Waldport, without securing a license from the City Recorder and paying the fee prescribed by City Council resolution.

5.04.030 Application for license.

~~Any person conducting, engaging in, carrying on, or practicing any trade, business, occupation, profession or calling must be licensed and shall, at the time of procuring said license, make application to the City Recorder, and shall state under oath or affirmation such facts as may be applicable to said license to the City Recorder; and upon presentation of the receipts therefor, the Recorder shall issue said license to applicant with a certificate of payment stating all particulars, kind of license issued, amount paid therefor, the period of time thereunder and the location of the place of business at which said business, trade, occupation, profession or calling is to be conducted, engaged in, carried on or practiced.~~

The City Manager or designee may, upon review of a license application, require the applicant to supply information necessary to determine whether the business complies with this code, city ordinance, or state or federal law. If the applicant fails to supply information so required or submits false or misleading information, the license shall be denied. All businesses shall comply with the provisions of this code,

city ordinances, and all state and federal laws before a license may be issued.

5.04.033 Denial of Application. *If, on the basis of the application review under Section 5.04.030, the City Manager or designee determines that the business does not qualify for issuance of the license applied for, the applicant shall be notified of the denial in writing. The notice shall state the reason for denial and inform the applicant of the provisions for appeal in Section 5.04.040.*

5.04.035 Review of Renewal, Denial of Renewal. *If the City has received complaints about the licensee's business, the application for renewal of the license may be reviewed under Section 5.04.030. Denial of the renewal will follow the process outlined in Section 5.04.033.*

5.04.037 Revocation/Suspension of License. *If the City Manager determines that a licensed business is violating this code, city ordinances, or State or federal law, the licensee shall be notified in writing that the license is to be revoked, the notice shall be given at least 30 days before revocation. If the violation ends within the 30 days, the City Manager may discontinue the revocation proceedings. A notice of revocation shall state the reason for the revocation and inform the licensee of the provisions for appeal in Section 5.04.040. Nothing in this section, however, shall prevent the City Manager from suspending the license at once if a licensed business presents an immediate danger to persons or property. A suspension so initiated will take effect immediately upon the notice of suspension being received by the licensee or being delivered to the licensee's business address as stated on the license application. A copy of the notice of suspension shall also be mailed to the licensee if they do not receive it personally, though such mailing will not delay the suspension. Such notice shall state the reason for the suspension and inform the licensee of the provisions for appeal under Section 5.04.040. The suspension may be continued so long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under Section 5.04.040.*

5.04.050 Revocation of license— Appeal.

~~If, at any time, it shall be made to appear to the satisfaction of the common Council, after a hearing, that any licensee or his or her agent or employee with the knowledge of the licensee shall have violated any of the terms or conditions of such license, or shall have been convicted of a violation of any ordinance or law relating to the operation or conduct of any business or occupation for which a license has been issued to any such licensee, or if such licensee shall knowingly permit, tolerate or allow his or her agent or employee to violate any ordinance or law relating to the operation of the licensed business, or if such person shall be convicted of a misdemeanor or felony under Federal law, the laws of the State of Oregon, or the ordinances of this City involving moral turpitude within the City, the common Council may revoke said license of licensee, who shall upon revocation cease to have authority thereunder.~~

5.04.040 Appeal

1. An applicant whose application for a license has been denied or a licensee whose license has been denied renewal, is to be revoked, or has been suspended may,

within 30 days after the notice of denial, revocation or suspension has been received, appeal in writing to the Council.

2. The appeal shall state:

A. The name and address of the appellant.

B. The nature of the determination.

C. The reason the determination is incorrect.

D. What the correct determination of the appeal should be.

3. An appellant who fails to file the statement within the time permitted waives objections and the appeal shall be dismissed. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal by the Council. The Council shall hear and determine the appeal on the basis of the written statement and any additional evidence it considers appropriate. The appellant shall be given written notice of the hearing on the appeal 14 days prior to the hearing. At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the Council after the hearing is final.

5.04.0405.04.050 Relocation of business— License not assignable.

No license granted or issued under any of the provisions of this chapter shall in any manner be assignable or transferable, or shall authorize any person other than the person or entity named therein to do business, or shall authorize any other business than is therein named or mentioned to be done or transacted, or shall authorize the operation or conduct of a business at any place or location other than that set out in said license. In the event that the holder of any license shall desire to move such business to another location, within the City of Waldport prior to the expiration of the license, the holder may apply for and be issued an amended license for the new location, upon surrender of the prior license, for the remainder of the term of the prior license. An applicant for reissuance of an existing license shall not be required to pay a business license fee in the full amount as required in the case of a new or renewal application, but may be required to pay such fee, if any, as the common Council may by resolution establish.

5.04.060 Each business.

The provisions of this chapter shall not be deemed to require a license for each separate business, trade, occupation, calling or profession when that business, trade, occupation, calling or profession is conducted incidental to and as a part of any different business, trade, occupation, calling or profession for which a license has been issued hereunder.

5.04.070 Employees.

For purposes of this chapter, an employee shall be any person considered an employee under The State of Oregon Department of Revenue regulations as of the date of the ordinance codified in this chapter. The number of employees shall be based on an annual average number of employees.

5.04.080 Charitable and nonprofit organizations.

The provisions of this chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage or carry on any business, occupation or

activity from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes, or from which profit is not derived, either directly or indirectly; provided, however, that nothing in this section shall be deemed to exempt any such organization or association from complying with any provisions of law requiring a permit from the City to conduct, manage or carry on any profession, trade, calling or occupation.

For the purposes of this chapter, the operation, rental, maintenance or management of any apartments or other housing facility owned by a housing authority or any other unit or agency of the United States of America, the State of Oregon, Lincoln County, the City of Waldport or any other unit of government or agency thereof shall be deemed an activity carried on for the benefit of charitable purposes and from which profit is not derived, and the same shall be exempt from licensure pursuant to the provisions of this chapter.

5.04.090 Fees.

The fees shall be fixed by the City Council by resolution, and may, in like manner, be amended or altered from time to time, at the discretion of the City Council. The annual fees provided by the City Council shall be assessed on a fiscal year basis, commencing July 1st and ending June 30th, or portion thereof, and shall expire by limitation on June 30th, of each year following the date of issuance thereof. All license fees extracted or imposed hereunder shall be fees for said fiscal period, and no rebate will be made regardless of whether or not the licensee remains in business for such period of time or ever commences business at any time during the fiscal period.

All license fees shall be due July 1st, and shall be delinquent after August 31st. License fees paid after August 31st and on or before September 10th shall have a fifteen (15) percent penalty added and shall be immediately collectible. License fees paid after September 10th shall have an additional ten (10) percent penalty imposed and shall be immediately collectible; provided however, that penalties shall not apply to any person starting a business after August 31st. Nothing in this section shall be construed to prevent enforcement of the license fee requirement by any other means available by law. Persons starting in business between January 1st and June 30th shall pay a license fee of one-half the annual rate.

5.04.095 Basis and Rate: Adjustments to Rate.

A. Except as provided in subsection (B) of this section, the license fee imposed by section 5.04.090 shall be paid on the basis of the following schedule:

1. Application fee: An application fee will be assessed for any business which did not have a City of Waldport business license in the preceding fiscal year.

2. Base license fee: A base license fee will be assessed for each business. In the case of a corporation or a mall, each distinct type of business operation, each sub-dealer and/or each separate business name shall constitute a separate business, and shall require separate applications and separate license fees. In addition to the base license fee, the following fees will be assessed, based on the type of business:

a) A fee for each full-time employee employed or otherwise working full-time at or for the business;

b) A fee for each part-time or seasonal employee employed or otherwise working part-time at or for the business;

- c) A fee for each dwelling unit as defined in section 5.04.010(A);
- d) A fee per gaming device as defined in section 5.04.010(E).
- e) A fee per gaming table as defined in section 5.04.010(F).
- 3. A transient business license fee per quarter may be paid in lieu of (1) and (2)

above.

B. The City Council may adjust the rates imposed by this section at such times as it deems necessary and shall do so by resolution.

5.04.096 Specific Requirements.

A. Mobile Vending Stands. In addition to other requirements imposed by this chapter, the following shall apply to mobile vending stands:

1. No person shall conduct or do business from a mobile vending stand unless proof is submitted to the City that all health and sanitary permits required by the State and County have been obtained.

2. The mobile vending stand must be placed on privately owned property when selling merchandise.

3. Any person operating a mobile vending stand shall pick up any paper, cardboard, wood or plastic containers, wrappers or any litter in any form which is deposited by any person on the sidewalk, street or public property within thirty-five (35) feet of the mobile vending stand at any time the person is conducting business, and shall be responsible for the disposal of the same.

4. Business license requirements shall not apply to mobile vending stands for events sanctioned by Council proclamation.

B. Itinerant Merchant. It is unlawful for any itinerant merchant as defined in Section 5.04.010 of this chapter to engage in such business within the corporate limits of the City of Waldport without first obtaining a business license in compliance with Section 5.04.090 of this chapter. Business license requirements shall not apply to itinerant merchants for events sanctioned by Council proclamation. (Ord. 690 § 1, 2003; Ord. 688, 2003)

C. Social Gaming. Pursuant to ORS 167.121, the City authorizes the playing or conducting of social games by charitable, fraternal and religious organizations.

If applicable, no organization shall conduct the playing of social games without having a business license issued by the City. The license fee shall include any additional fees as outlined in Section 5.04.095 of this Chapter.

5.04.100 Exceptions.

A business license shall not be required to conduct judicial sales by executors, administrators or trustees under court order, nor to sales being held solely for charitable purposes.

5.04.110 Penalties—Inspections— Remedies.

A. Penalties. Any person who violates any of the provisions of this chapter, as now constituted or hereafter amended or revised, commits a Class B 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.

B. Inspection and Right of Entry. Whenever officials responsible for enforcement

or administration of this chapter, or their duly authorized representatives, suspect a violation of any provisions of this chapter, or when necessary to investigate an application for, or revocation of a license under any of the procedures prescribed in this chapter, they may enter on any site or into any structure, for the purpose of investigation, provided they do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless under authority of a warrant or order from a court of competent jurisdiction or other lawful authority.

C. Alternative Remedies. The City may, as an alternative to other remedies that are legally available for enforcing this chapter, institute injunctive, abatement, including summary abatement, or other appropriate proceedings to prevent, enjoin, abate or remove a business that is operating in violation of this chapter.

5.04.120 Licenses additional to general taxes.

The license fees levied and fixed by this chapter shall be in addition to the general ad valorem taxes now or hereafter levied pursuant to law.

5.04.130 Additional remedies.

In addition to the penalty above provided for, and as separate and distinct remedies, the City of Waldport may sue in any court of competent jurisdiction to obtain judgment and enforce collections thereof by execution for any license due under this chapter, and may also sue for an injunction against any person conducting any business, trade, profession or occupation herein scheduled and specified until such license shall have been fully paid. (Ord. 688, 2003)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF WALDPART, OREGON, AMENDING THE WALDPART MUNICIPAL CODE AND DECLARING AN EMERGENCY.

WHEREAS, the City Council of the City of Waldport has determined that Chapter 5.04 of the Waldport Municipal Code, entitled "Business Licenses" is in need of revision and updating regarding applications, renewals, revocations and the appeal process;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WALDPART ORDAINS AS FOLLOWS:

Section 1. Adoption. There is hereby adopted "Chapter 5.04, Business Licenses" as attached hereto as Exhibit "A" and incorporated herein by reference to replace the current section entitled "Business Licenses" in the Waldport Municipal Code.

Section 2. Effect of code on past actions and obligations. The adoption of this amendment does not affect prosecutions for ordinance violations committed prior to the effective date of this amendment, does not waive any fee or penalty due and unpaid on the effective date of this amendment, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

Section 3. Constitutionality. If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this Chapter.

Section 4. Emergency clause. Inasmuch as it is the duty of the City Council to maintain the public health, safety and welfare, and because it is important to implement this Chapter as soon as practicable to avoid confusion, and to resolve any issues of which language applies, now, therefore, an emergency is declared to exist and this Ordinance shall go into full force and effect immediately upon its passage and approval.

PASSED by the Common Council of the City of Waldport this ____ day of _____, 2014.

AYES _____ NAYS _____ ABSENT _____ ABSTAIN _____

SIGNED by the Mayor this ____ day of _____, 2014.

Susan Woodruff, Mayor

ATTEST:

Reda Q Eckerman, City Recorder

5.04 Business Licenses

Sections:

- 5.04.010 Definition.
- 5.04.020 License required.
- 5.04.030 Application for license.
- 5.04.033 Denial of Application
- 5.04.035 Review of Renewal, Denial of Renewal
- 5.04.037 Revocation/Suspension of License
- 5.04.040 Appeal.
- 5.04.050 Relocation of business— License not assignable.
- 5.04.060 Each business.
- 5.04.070 Employees.
- 5.04.080 Charitable and nonprofit organizations.
- 5.04.090 Fees.
- 5.04.095 Basis and Rate - Adjustments to Rate
- 5.04.096 Specific Requirements
- 5.04.100 Exceptions.
- 5.04.110 Penalties—Inspections— Remedies.
- 5.04.120 Licenses additional to general taxes.
- 5.04.130 Additional remedies.

5.04.010 Definition.

For the purposes of this chapter, the following mean:

A. Apartment house. A building, portion of a building, or group of buildings on a parcel of land within the City containing two or more dwelling units which are rented, leased, let or made available for compensation for sleeping or living purposes. A building containing two dwelling units shall not be deemed an "apartment house" within the provisions of this section if the owner of the building occupies one of the dwelling units. The term "apartment house" shall include a hotel or motel, automobile or tourist court, rooming or lodging house, and mobile home or trailer park. In the case of mobile homes or trailer parks, the term "dwelling unit" shall mean "space" or "stall".

B. Business. A lawful enterprise, establishment, store, shop, activity, profession or undertaking of any nature conducted, either directly or indirectly, for private profit or benefit. The term "business" shall include the ownership, management or operation of an apartment house.

C. Doing, engaging in, or transacting business. Any act or series of acts performed in the course of pursuit of a business activity.

D. Gaming. Any game, played with or without the aid of a machine or device, for which a fee to play is charged.

E. Gaming Device. A device used to play a game, for which a fee to play is charged.

F. Gaming Table. A table used for gaming other than social gaming as defined in Section 5.04.010(1) of this chapter.

G. Itinerant Merchant. A person who sells goods, wares or merchandise, offering the same for retail sale or offers goods, wares or merchandise from a vehicle,

trailer or cart or a temporary apparatus without making said business permanent and continuous in the City. This definition does not include nonprofit organizations established under and operating within the provisions of Chapter 65 of the Oregon Revised Statutes.

H. Mobile Vending Stand. A structure, cart, trailer or stand which is movable from place to place, and is used for the purpose of selling foods, soft drinks or other nonalcoholic beverages to the public directly or indirectly and is equipped to dispense food or beverage and/or prepare the food or beverage for consumption. A mobile vending stand does not contain space for customers to enter the stand to consume products.

I. Social Game. Means:

1. A game other than a lottery, between players in a private home where no house player, house bank or house odds exist and there is no house income from the operation of the social game; and

2. If authorized pursuant to this chapter, a game, other than a lottery, between players in a private business, private club or place of public accommodation where no house player, house bank or house odds exist and there is no house income from the operation of the social game.

J. Sub-Dealer. Any person renting or leasing an area, space or booth from a larger business, such as a mall, for the selling of goods or services, on a personal operation or consignment basis, for the purpose of personal profit.

The word "person," as used in this chapter, means any individual, firm, company, association, copartnership or corporation; and the singular shall include the plural, and the masculine shall include the feminine.

5.04.020 License required.

It is unlawful for any person who is not exempt from buying a license under the provisions of this chapter or expressly exempted by any other State or Federal law to conduct, engage in, carry on or practice any business, trade, occupation, profession or calling within the corporate limits of the City of Waldport, without securing a license from the City Recorder and paying the fee prescribed by City Council resolution.

5.04.030 Application for license.

The City Manager or designee may, upon review of a license application, require the applicant to supply information necessary to determine whether the business complies with this code, city ordinance, or state or federal law. If the applicant fails to supply information so required or submits false or misleading information, the license shall be denied. All businesses shall comply with the provisions of this code, city ordinances, and all state and federal laws before a license may be issued.

5.04.033 Denial of Application. If, on the basis of the application review under Section 5.04.030, the City Manager or designee determines that the business does not qualify for issuance of the license applied for, the applicant shall be notified of the denial in writing. The notice shall state the reason for denial and inform the applicant of the provisions for appeal in Section 5.04.040.

5.04.035 Review of Renewal, Denial of Renewal. If the City has received complaints about the licensee's business, the application for renewal of the license may be reviewed

under Section 5.04.030. Denial of the renewal will follow the process outlined in Section 5.04.033.

5.04.037 Revocation/Suspension of License. If the City Manager determines that a licensed business is violating this code, city ordinances, or State or federal law, the licensee shall be notified in writing that the license is to be revoked, the notice shall be given at least 30 days before revocation. If the violation ends within the 30 days, the City Manager may discontinue the revocation proceedings. A notice of revocation shall state the reason for the revocation and inform the licensee of the provisions for appeal in Section 5.04.040. Nothing in this section, however, shall prevent the City Manager from suspending the license at once if a licensed business presents an immediate danger to persons or property. A suspension so initiated will take effect immediately upon the notice of suspension being received by the licensee or being delivered to the licensee's business address as stated on the license application. A copy of the notice of suspension shall also be mailed to the licensee if they do not receive it personally, though such mailing will not delay the suspension. Such notice shall state the reason for the suspension and inform the licensee of the provisions for appeal under Section 5.04.040. The suspension may be continued so long as the reason for the suspension exists or until a determination on appeal regarding the suspension is made under Section 5.04.040.

5.04.040 Appeal

1. An applicant whose application for a license has been denied or a licensee whose license has been denied renewal, is to be revoked, or has been suspended may, within 30 days after the notice of denial, revocation or suspension has been received, appeal in writing to the Council.

2. The appeal shall state:

- A. The name and address of the appellant.
- B. The nature of the determination.
- C. The reason the determination is incorrect.
- D. What the correct determination of the appeal should be.

3. An appellant who fails to file the statement within the time permitted waives objections and the appeal shall be dismissed. If a notice of revocation is appealed, the revocation does not take effect until final determination of the appeal by the Council. The Council shall hear and determine the appeal on the basis of the written statement and any additional evidence it considers appropriate. The appellant shall be given written notice of the hearing on the appeal 14 days prior to the hearing. At the hearing, the appellant may present testimony and oral argument, personally or by counsel, and any additional evidence. The rules of evidence as used by courts of law do not apply, and the decision of the Council after the hearing is final.

5.04.050 Relocation of business— License not assignable.

No license granted or issued under any of the provisions of this chapter shall in any manner be assignable or transferable, or shall authorize any person other than the person or entity named therein to do business, or shall authorize any other business than is therein named or mentioned to be done or transacted, or shall authorize the operation or conduct of a business at any place or location other than that set out in said license. In the event

that the holder of any license shall desire to move such business to another location, within the City of Waldport prior to the expiration of the license, the holder may apply for and be issued an amended license for the new location, upon surrender of the prior license, for the remainder of the term of the prior license. An applicant for reissuance of an existing license shall not be required to pay a business license fee in the full amount as required in the case of a new or renewal application, but may be required to pay such fee, if any, as the common Council may by resolution establish.

5.04.060 Each business.

The provisions of this chapter shall not be deemed to require a license for each separate business, trade, occupation, calling or profession when that business, trade, occupation, calling or profession is conducted incidental to and as a part of any different business, trade, occupation, calling or profession for which a license has been issued hereunder.

5.04.070 Employees.

For purposes of this chapter, an employee shall be any person considered an employee under The State of Oregon Department of Revenue regulations as of the date of the ordinance codified in this chapter. The number of employees shall be based on an annual average number of employees.

5.04.080 Charitable and nonprofit organizations.

The provisions of this chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage or carry on any business, occupation or activity from any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes, or from which profit is not derived, either directly or indirectly; provided, however, that nothing in this section shall be deemed to exempt any such organization or association from complying with any provisions of law requiring a permit from the City to conduct, manage or carry on any profession, trade, calling or occupation.

For the purposes of this chapter, the operation, rental, maintenance or management of any apartments or other housing facility owned by a housing authority or any other unit or agency of the United States of America, the State of Oregon, Lincoln County, the City of Waldport or any other unit of government or agency thereof shall be deemed an activity carried on for the benefit of charitable purposes and from which profit is not derived, and the same shall be exempt from licensure pursuant to the provisions of this chapter.

5.04.090 Fees.

The fees shall be fixed by the City Council by resolution, and may, in like manner, be amended or altered from time to time, at the discretion of the City Council. The annual fees provided by the City Council shall be assessed on a fiscal year basis, commencing July 1st and ending June 30th, or portion thereof, and shall expire by limitation on June 30th, of each year following the date of issuance thereof. All license fees extracted or imposed hereunder shall be fees for said fiscal period, and no rebate will be made regardless of whether or not the licensee remains in business for such period of time or ever commences business at any time during the fiscal period.

All license fees shall be due July 1st, and shall be delinquent after August 31st. License fees paid after August 31st and on or before September 10th shall have a fifteen (15) percent penalty added and shall be immediately collectible. License fees paid after September 10th shall have an additional ten (10) percent penalty imposed and shall be immediately collectible; provided however, that penalties shall not apply to any person starting a business after August 31st. Nothing in this section shall be construed to prevent enforcement of the license fee requirement by any other means available by law. Persons starting in business between January 1st and June 30th shall pay a license fee of one-half the annual rate.

5.04.095 Basis and Rate: Adjustments to Rate.

A. Except as provided in subsection (B) of this section, the license fee imposed by section 5.04.090 shall be paid on the basis of the following schedule:

1. Application fee: An application fee will be assessed for any business which did not have a City of Waldport business license in the preceding fiscal year.

2. Base license fee: A base license fee will be assessed for each business. In the case of a corporation or a mall, each distinct type of business operation, each sub-dealer and/or each separate business name shall constitute a separate business, and shall require separate applications and separate license fees. In addition to the base license fee, the following fees will be assessed, based on the type of business:

a) A fee for each full-time employee employed or otherwise working full-time at or for the business;

b) A fee for each part-time or seasonal employee employed or otherwise working part-time at or for the business;

c) A fee for each dwelling unit as defined in section 5.04.010(A);

d) A fee per gaming device as defined in section 5.04.010(E).

e) A fee per gaming table as defined in section 5.04.010(F).

3. A transient business license fee per quarter may be paid in lieu of (1) and (2) above.

B. The City Council may adjust the rates imposed by this section at such times as it deems necessary and shall do so by resolution.

5.04.096 Specific Requirements.

A. Mobile Vending Stands. In addition to other requirements imposed by this chapter, the following shall apply to mobile vending stands:

1. No person shall conduct or do business from a mobile vending stand unless proof is submitted to the City that all health and sanitary permits required by the State and County have been obtained.

2. The mobile vending stand must be placed on privately owned property when selling merchandise.

3. Any person operating a mobile vending stand shall pick up any paper, cardboard, wood or plastic containers, wrappers or any litter in any form which is deposited by any person on the sidewalk, street or public property within thirty-five (35) feet of the mobile vending stand at any time the person is conducting business, and shall be responsible for the disposal of the same.

4. Business license requirements shall not apply to mobile vending stands for

events sanctioned by Council proclamation.

B. Itinerant Merchant. It is unlawful for any itinerant merchant as defined in Section 5.04.010 of this chapter to engage in such business within the corporate limits of the City of Waldport without first obtaining a business license in compliance with Section 5.04.090 of this chapter. Business license requirements shall not apply to itinerant merchants for events sanctioned by Council proclamation. (Ord. 690 § 1, 2003: Ord. 688, 2003)

C. Social Gaming. Pursuant to ORS 167.121, the City authorizes the playing or conducting of social games by charitable, fraternal and religious organizations.

If applicable, no organization shall conduct the playing of social games without having a business license issued by the City. The license fee shall include any additional fees as outlined in Section 5.04.095 of this Chapter.

5.04.100 Exceptions.

A business license shall not be required to conduct judicial sales by executors, administrators or trustees under court order, nor to sales being held solely for charitable purposes.

5.04.110 Penalties—Inspections— Remedies.

A. Penalties. Any person who violates any of the provisions of this chapter, as now constituted or hereafter amended or revised, commits a Class B 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.

B. Inspection and Right of Entry. Whenever officials responsible for enforcement or administration of this chapter, or their duly authorized representatives, suspect a violation of any provisions of this chapter, or when necessary to investigate an application for, or revocation of a license under any of the procedures prescribed in this chapter, they may enter on any site or into any structure, for the purpose of investigation, provided they do so in a reasonable manner. No secured building shall be entered without the consent of the owner or occupant unless under authority of a warrant or order from a court of competent jurisdiction or other lawful authority.

C. Alternative Remedies. The City may, as an alternative to other remedies that are legally available for enforcing this chapter, institute injunctive, abatement, including summary abatement, or other appropriate proceedings to prevent, enjoin, abate or remove a business that is operating in violation of this chapter.

5.04.120 Licenses additional to general taxes.

The license fees levied and fixed by this chapter shall be in addition to the general ad valorem taxes now or hereafter levied pursuant to law.

5.04.130 Additional remedies.

In addition to the penalty above provided for, and as separate and distinct remedies, the City of Waldport may sue in any court of competent jurisdiction to obtain judgment and enforce collections thereof by execution for any license due under this chapter, and may also sue for an injunction against any person conducting any business, trade, profession or occupation herein scheduled and specified until such license shall have been fully paid.



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Adopting Personnel Rules in Employee Handbook

REQUESTED BY: City Manager

FOR MEETING DATE: October 9, 2014

SUMMARY OF ISSUE:

Citycounty Insurance Services (CIS) recommends regularly updating personnel policies based on current laws and practices. The City last updated its personnel policies in 2012. This up-to-date Employee Handbook is based on the sample handbook prepared by CIS in 2014.

STAFF RECOMMENDATION or ACTION REQUESTED:

Consider and adopt resolution regarding personnel policies in 2014 Employee Handbook.

BACKGROUND:

The City's personnel policies were last amended in 2012. These policies were somewhat dated and included provisions from previous iterations and collective bargaining agreements that are no longer valid, nor relevant, as the City no longer has a labor union.

Therefore, City management staff decided to take a fresh look at our personnel policies, with the latest CIS sample handbook as a template. The newly revised handbook provides standard guidelines to follow in dealing with employees, and lets them know that they will be treated like others under the same circumstances. There is reduced reliance on the handbook as a source for procedures. Rather, it is a streamlined, organized approach to displaying those policies relevant to the City, including integrating existing policies where appropriate. The result is an employee handbook that is in accord with current law, trends and practices. Once approved by the City Council, management will review the Employee Handbook with our employees, who will then acknowledge receipt of same. The handbook will be updated as necessary. All prior resolutions and documents in this regard will be replaced with this new resolution.

Enclosure: Resolution

RESOLUTION NO. _____

A RESOLUTION ADOPTING PERSONNEL RULES, POLICIES AND PROCEDURES FOR THE CITY OF WALDPORT, REPEALING AND REPLACING ALL PREVIOUS RESOLUTIONS REGARDING THE CITY'S PERSONNEL POLICIES

WHEREAS, Citycounty Insurance Services (CIS), the City's insurer and more specifically the Pre-Loss Service has recommended that the City's Personnel Policies be reviewed annually for updates in the law, consistency with current organizational practice, and overall accuracy; and,

WHEREAS, the City Manager and executive staff have performed an extensive comparison with the current Personnel Policies and the model language provided by CIS and have found many revisions which needed to be made in order to comply with current laws and practices;

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Waldport as follows:

Section 1. That the City of Waldport Personnel Policies (Employee Handbook), attached hereto as "Exhibit A" and by reference incorporated herein be adopted by the Waldport City Council.

Section 2. That all previous resolutions regarding the City's Personnel Policies be hereby repealed and replaced.

APPROVED by the Common Council of the City of Waldport this _____ day of _____, 2014.

SIGNED by the Mayor of the City of Waldport this _____ day of _____, 2014.

Susan Woodruff, Mayor

ATTEST:

Reda Q. Eckerman, City Recorder

"Exhibit A"

CITY OF WALDPOR



EMPLOYEE HANDBOOK

(Updated October 2014)

City of Waldport
Employee Handbook

Welcome to the City of Waldport - we're glad to have you on our team. At the City, we believe that our employees are our most valuable asset. In fact, we attribute our success as a city in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with the City you will become a productive and successful member of the City's team.

This employee handbook describes the personnel policies that govern the employment relationship between the City and its employees. The policies stated in this handbook are subject to change at any time at the sole discretion of the City with or without prior notice. This document supersedes any prior written policies of the City that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions, if any. You will receive updated information concerning changes in policy, and those updates should be kept with your copy of this handbook. If you have any questions about any of the provisions in this handbook, or any policies that are issued thereafter, please ask your supervisor.

This handbook does not create a contract of employment between the city and its employees. All employment at the City is "at will." That means that either you or the City may terminate this relationship at any time, for any reason, with or without cause or notice (unless you are subject to a collective bargaining agreement or written contract of employment). No supervisor, manager, or representative of the City other than the City Manager has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by City Manager (or that is included in a collective bargaining agreement).

Sincerely,
Kerry Kemp, City Manager

TABLE OF CONTENTS

TABLE OF CONTENTS	i
PERSONNEL POLICIES	1
1. Equal Employment Opportunity (EEO) Policies.....	1
A. No-Discrimination Policy	1
B. No-Harassment Policy	1
C. Disability Accommodation Policy	3
2. Employment Status	3
A. Employee Classification.....	3
B. The Workweek/Work Day	4
C. Meal Periods and Rest Breaks	4
D. Overtime/On-Call	4
E. Compensatory (Comp) Time	4
F. Timekeeping Requirements	4
G. Employee-Incurred Expenses and Reimbursements.....	5
H. Wage and Salary Policies.....	5
I. Reporting Changes to an Employee’s Personal Data	6
J. Performance Reviews.....	6
3. Time Off and Leaves of Absence	7
A. Attendance, Punctuality and Reporting Absences Policy	7
B. Paid leave	7
C. Holidays	7
D. Family Medical Leave	8
E. Bereavement Leave.....	8
F. Jury and Witness Duty.....	8
G. Religious Observances Leave and Accommodation Policy	9
H. Crime Victim Leave Policy	9
I. Domestic Violence Leave and Accommodation Policy	9
J. Military Leave	10
4. Employee Benefits.....	11
A. Healthcare Benefits.....	11
B. PERS (Public Employees’ Retirement System) Benefits	11
C. Workers’ Compensation and Safety on the Job.....	11
5. Miscellaneous Policies.....	13
A. Alcohol/Drug Use, Abuse and Testing.....	13
B. Cell Phone/Smart Phone Usage	14
C. Use of Email and Electronic Equipment, Facilities and Services	14
D. Social Media	15
E. Workplace Privacy and Confidentiality	15

- F. Ethics16
- G. Outside Employment.....16
- H. Criminal Arrests and Convictions16
- I. Political Activity17
- J. Bad Weather/Emergency Closing17
- K. Driving While on Business17
- L. Workplace Violence17
- M. Smoke-Free Workplace18
- 6. Termination of Employment19
 - A. Workplace Rules and Prohibited Conduct19
 - B. Corrective Action/Discipline Policy20
 - C. Retirement or Resignation20
 - D. References, Recommendations, and Disclosures20
- Employee Acknowledgement21

PERSONNEL POLICIES

1. Equal Employment Opportunity (EEO) Policies

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and bullying. Further, all employees are responsible for respecting the rights of their coworkers and strictly adhering to the letter and spirit of this policy. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or the City Manager, at any time if they have questions relating to the issues of discrimination, harassment, or bullying.

The following EEO Policies apply to all employees. Members of management and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

A. No-Discrimination Policy

The City of Waldport provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, gender, sexual orientation, national origin, age, disability, genetic information, veteran status, marital status, or any other status protected by applicable federal, Oregon, or local law. This EEO policy applies to all aspects of the employment relationship – including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

B. No-Harassment Policy

The City of Waldport prohibits harassment of any kind in the workplace, or harassment outside of the workplace that violates its employees' right to work in a harassment-free workplace.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City-related or City-sponsored trips (such as conferences or work-related travel), and during off-hours when that off-duty conduct creates an unlawful hostile work environment for any of the City's employees. Such harassment is prohibited whether committed by City employees or by non-employees, such as elected officials, members of the community, and vendors.

Sexual Harassment

Sexual harassment has been defined as unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is "welcome"), when:

- submission to such conduct is made either implicitly or explicitly a term or condition of employment;
- submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Other Forms of Prohibited Harassment

Other forms of prohibited harassment under the City's policy and Federal and Oregon law include harassment against an individual based on the individual's race, color, religion, national origin, age,

sexual orientation, marital status, disability, protected activity, and any other status protected by applicable law.

Such harassment may include verbal or physical conduct that denigrates or shows hostility towards an individual because of any protected status, such as jokes, pictures (including drawings), epithets, slurs, negative stereotyping, or threatening, intimidating, or hostile acts that relate to a protected class, or written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

The City strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. The City, therefore, prohibits employees from bullying one another, or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include verbal, nonverbal, and physical conduct.

Complaint Procedure

If an employee believes they have experienced any harassment, discrimination, or bullying, they are expected and required to bring the matter to the attention of their immediate supervisor as soon as possible. If the employee believes that it would be inappropriate to discuss the matter with their immediate supervisor or if they feel uncomfortable discussing the issue with their supervisor, they may bypass the immediate supervisor and report the matter directly to any manager or supervisor, including the City Manager.

In addition, any employee who observes any conduct that he or she believes constitutes harassment, discrimination, or bullying, or who receives information about these types of incidents that may have occurred, must immediately report the matter to the City Manager.

Investigation

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with the City's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, the City will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Protection Against Retaliation

The City prohibits retaliation in any way against any employee because the employee has made a good-faith complaint pursuant to this policy, has reported (in good faith) harassing, discriminatory, or bullying conduct directed at others, or has participated in an investigation of such conduct. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

Confidentiality

All complaints under this policy will be treated as confidentially as is possible under the circumstances and as is consistent with the City's need to investigate and respond to the complaint.

C. Disability Accommodation Policy

The City of Waldport is committed to complying fully with the Americans with Disabilities Act (ADA) and Oregon's disability accommodation and discrimination laws. We are also committed to ensuring equal opportunity in employment for qualified persons with disabilities.

Accommodations

The City will make reasonable efforts to accommodate a qualified applicant or employee with a known disability, unless such accommodation creates an undue hardship on the operation of the City.

Requesting an Accommodation

In recognition of the barriers to full participation faced by this group, and in compliance with the ADA/Oregon law, accommodations may be implemented to the extent that they are not an undue hardship for the City.

A reasonable accommodation is any change or adjustment to a job or work environment that does not cause an undue hardship on the department or unit (or, in some cases, the City) and which permits a qualified applicant or employee with a disability to participate in the job application process, to perform the essential functions of a job, or to enjoy benefits and privileges of employment equal to those enjoyed by employees without disabilities. For example, a reasonable accommodation may include providing or modifying equipment or devices, job restructuring, allowing part-time or modified work schedules, reassigning an individual, adjusting or modifying examinations, modifying training materials or policies, providing readers and interpreters or making the workplace readily accessible to and usable by people with disabilities.

Employees should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to perform the essential duties of a position or participate in the employment process. All requests for accommodation should be made with the employee's supervisor, and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, an employee will need to secure medical verification of his or her need for a reasonable accommodation.

2. Employment Status

A. Employee Classification

The City classifies employees as follows:

Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in the City's benefit programs.

Regular Part-time: Employment requiring less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees are not eligible for benefits including paid time off, leaves or medical insurance.

Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Participation in benefits programs for temporary employees is limited to eligibility for workers' compensation. Temporary employment can either be full-time or part-time.

Additionally, all employees are defined as either “exempt” or “nonexempt,” which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all the City rules and procedures.

B. The Workweek/Work Day

The workweek is a seven-day work period beginning Monday at 12:00 a.m. through Sunday at 11:59 p.m. Employees shall normally work five (5) consecutive eight (8) hour days or four (4) consecutive ten (10) hour days. Other work schedules may be arranged between supervisor and employees upon approval of the City Manager.

C. Meal Periods and Rest Breaks

Depending on hours worked, all nonexempt employees are required to take a paid rest breaks and unpaid meal periods. All employees working more than five (5) consecutive hours in any workday shall receive at least a one-half (½) hour unpaid lunch break. All employees shall receive a 15 minute paid break during each four (4) consecutive hour work period. Any employee working two (2) hours or more overtime in any workday shall receive an additional 15 minute paid break.

D. Overtime/On-Call

The City pays one and one-half times a non-exempt employee’s hourly rate for all hours worked over 40 in any workweek. Non-exempt employees are those who work in positions for which an overtime premium must be paid under Oregon wage and hour law and the Fair Labor Standards Act.

No overtime may be worked by non-exempt employees unless specifically authorized by a supervisor or management. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

On-Call: Non-exempt employees placed on an on-call status will only be required to make themselves accessible by phone and be within a reasonable response time to effectively handle emergencies or other callbacks. Employees are not required nor expected to remain on City premises while they are in on-call status.

Call Back: Non-exempt employees called back to work outside their scheduled work hours, whether or not they’re on-call, will receive a minimum of two (2) hours of compensation at their overtime rate.

E. Compensatory (Comp) Time

In lieu of paid overtime, comp time will be computed at one and one-half times the overtime hours with prior agreement. Employees may accumulate up to 80 hours of compensatory time. Compensatory time off shall be scheduled by mutual agreement. All employees are encouraged to use earned comp time and paid leave. When an employee is separated from employment with the City, any remaining comp time will be paid to the employee.

F. Timekeeping Requirements

All non-exempt employees are required to accurately report the number of hours they work in any given work period. In making the regular report of hours worked during a pay period, all employees must indicate the total number of hours worked or earned compensation (i.e. holiday, paid leave, comp time). Failure to submit a time sheet 24 hours prior to the scheduled pay day may result in a delay.

All employees are required to use the time accounting designated by the City Manager. Each employee will be held accountable to its accuracy. Any employee who falsifies their own or another's time recording will be subject to immediate disciplinary action up to and including termination.

G. Employee-Incurred Expenses and Reimbursements

The City will pay actual and reasonable City-related expenses incurred in the performance of job responsibilities if they are pre-approved by the supervisor before they are incurred. The City will not pay for or reimburse the costs incurred by a spouse, registered domestic partner or travel companion who accompanies the employee on City-approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting their payment or reimbursement.

Some examples of actual and reasonable business-related expenses that the City will reimburse/pay for are:

- Conferences, Workshops, and Education
- Certificates and Licenses: The City shall pay for all continuing certifications and licenses required in connection with City employment, as well as the training and preparation costs.
- Meals: Employees will be reimbursed for the reasonable cost of meals while on City-related travels. The cost of alcoholic beverages will not be reimbursed.
- Mileage and Parking: Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City.
- Clothing and Equipment: The City will supply uniforms, coveralls, safety equipment, special footwear, inclement weather gear, and clothing to those employees who are required to wear/use them. The City will supply and maintain all tools needed for the job.

H. Wage and Salary Policies

The City will issue paychecks on the 16th and the 1st of each month. If the 16th or 1st falls on a weekend, the City Manager may authorize variance from this schedule at his/her discretion.

The City does not provide advance payments of salary, or loans from salary to be earned. A paycheck will be provided unless an employee requests a direct deposit into the employee's bank account. No paychecks will be personally delivered to any person other than the employee named on the paycheck unless the employee provides written permission for someone else to receive the check.

The City makes all efforts to comply with applicable state and federal wage and hour laws. Any perceived errors in calculation should be reported to payroll or the City Manager. The City will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or discrimination because he or she has reported any errors or complaints regarding the City's pay practices.

On July 1st of each year, the salary schedule and employees' wages shall be increased by a percentage equivalent to the January through December increase in the Portland CPI-U. Any increase above six percent or less than two percent shall be reviewed and approved by the City Manager, as shall any increases during a budgetary crisis.

All movement on the salary schedule within a classification will be based on satisfactory performance for one year at each step of the schedule. Employees who have reached the top step of the salary range for their job title shall receive a 1% rate increase on each July 1st after they have been at the top step for at least one year and upon each subsequent July 1st.

Employees required to be on-call will be paid 1/12th of their hourly rate for every hour so assigned.

I. Reporting Changes to an Employee's Personal Data

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current. Employees should notify payroll of changes in name, address, phone number, exemptions, dependents, beneficiary, or other information having a bearing on their employment to assure that the proper updates/paperwork are completed as quickly as possible.

J. Performance Reviews

All City employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention and termination. Any employee who fails to satisfactorily perform the duties of their position is subject to disciplinary action.

An employee's first formal performance evaluation occurs six months following hire or promotion. After the initial evaluation, the City will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments
- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response must be filed not later than thirty days following the date the performance evaluation was received.

Supervisors and managers are encouraged to provide employees with informal evaluations of their employees' work on an as-needed basis.

3. Time Off and Leaves of Absence

A. Attendance, Punctuality and Reporting Absences Policy

Employees are expected to report to work as scheduled, on time and be prepared to start work. Employees are also expected to remain at work for their entire work schedule, except for unpaid break periods or when required to leave on authorized City business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and should be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor before the start of the employee's work day. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show may result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. **A no call/no show lasting three days may be considered job abandonment and may be deemed an employee's voluntary resignation of employment.**

B. Paid leave

It is the policy of the City to provide each full-time employee with paid leave on a periodic basis. The amount of paid leave to which an employee becomes entitled is determined by the employee's length of service as of his or her employment anniversary date. Paid leave is not accumulated while an employee is on a leave of absence without pay. For regular, full-time employees, paid leave accrues as follows:

- 0 thru 4 years: 11.33 hours per month
- 5 thru 9 years: 14.66 hours per month
- 10 or more years: 18 hours per month

Employees may not accrue more than 480 hours of paid leave. Subject to reasonable operational requirements, paid leave will be granted at the time requested by the employee. Priority will be given to those who submit requests for paid leave first.

An employee may cash in accumulated paid leave time, but only on a one-for-one basis. For example, an employee may decide to take 40 hours paid leave and would be eligible to cash in 40 hours of accrued paid leave. This right would be subject to available funds.

C. Holidays

The City recognizes 11 holidays each year. All full-time employees will receive eight hours of compensation for each designated holiday. Regular part-time employees receive four hours of pay for each designated holiday. The holidays celebrated are:

New Year's Day	Martin Luther King Jr Birthday	President's Day
Memorial Day	Independence Day	Labor Day
Veterans' Day	Thanksgiving Day	Friday after Thanksgiving
Christmas Day	Employee's Birthday (must be scheduled in advance and taken within 30 days of birthday or forfeited)	

Holiday Work

Any regular non-exempt employee who works on a designated holiday shall receive one and one-half (1 ½) times their scheduled rate of pay for all hours worked on that holiday. This section does not apply to the employee's birthday.

D. Family Medical Leave

City employees are not eligible for leaves of absence under the Oregon Family Leave Act (OFLA) or the federal Family Medical Leave Act (FMLA) due to the entity's small size. One exception is that the City will honor requests from eligible employees to take a leave of absence under the Oregon Military Family Leave Act. Thus, during a period of military conflict, as defined by law, eligible employees with a spouse or registered same-sex domestic partner who is a member of the Armed Forces, National Guard, or military reserve forces ("Military Spouse"), and who has been notified of an impending call or order to active duty (or who has been deployed) is entitled to a total of 14 days of unpaid leave per deployment after the Military Spouse has been notified of an impending call or order to active duty and before deployment and when the Military Spouse is on leave from deployment. To be an eligible employee and entitled to this leave, the employee must have worked an average of 20 hours per week prior to beginning the requested leave.

E. Bereavement Leave

Bereavement leave will be granted to full-time employees in the event of absence necessitated by the death of a family member. In the event of the death of an employee's spouse, child, parent, or sibling, the employee will be granted three days off work with pay or five days off work with pay for out of state travel. In the event of the death of an employee's grandparent, father- or mother-in-law, or son- or daughter-in-law, the employee will be granted one day off work with pay. Paid or unpaid leave may be used if additional time off is needed. Requests for bereavement leave should be made to the employee's immediate supervisor before the leave is to begin. Regular part-time employees may be granted bereavement leave at the discretion of the City Manager.

For purposes of this policy, "Family Member" is defined to include the employee's spouse, same-sex domestic partner, child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner or spouse.

F. Jury and Witness Duty**Jury Duty**

The City will grant employees paid time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. All compensation, less mileage, will be transferred to the City.

The employee is expected to report for work when doing so does not conflict with court obligations. If the employee is released from duty early, they will return to work. It is the employee's responsibility to keep his or her supervisor informed about the amount of time required for jury duty.

Witness Duty

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to payroll upon receipt.

Except for employee absences covered under the City's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-

related legal proceedings must use any available paid leave to cover their absence from work. If the employee does not have any available paid leave, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

G. Religious Observances Leave and Accommodation Policy

The City respects the religious beliefs and practices of all employees. The City will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business. Employees may use paid or unpaid leave for religious holy days or to participate in a religious observance or practice.

H. Crime Victim Leave Policy

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable leave to attend criminal proceedings if the employee or his or her immediate family member has suffered financial, social, psychological or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault. "Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild or grandparent.

Leave is generally unpaid, but the employee may use any accrued paid leave or similar paid time off while on this type of leave.

Employees who are eligible for crime victim leave must:

- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to his/her supervisor as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, the City may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

I. Domestic Violence Leave and Accommodation Policy

All employees are eligible for reasonable leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his or her minor dependents.

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued paid leave or similar paid time off while on this type of leave.

Notice of need to take leave should be provided by submitting a request for leave in writing to his or her supervisor as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. The City will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a

law enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give the City notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give oral or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any other person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on the City. Please contact the City Manager immediately with requests for reasonable safety accommodations.

J. Military Leave

Employees who wish to serve in the military and take military leave should contact the City Manager for information about their rights before and after such leave. Employees are entitled to reinstatement upon completion of military service, provided the employee returns or applies for reinstatement within the time allowed by law.

4. Employee Benefits

A. Healthcare Benefits

The City offers medical insurance for all of its regular, full-time employees. The City pays the cost of individual and dependent coverage for its regular, full-time employees. Part-time employees are not eligible for health-insurance coverage. Any increase in premiums over the previous year's premiums will be split 50/50 by the City and the employees and the employees' share will automatically be deducted from their paycheck.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by the City. These documents govern all issues relating to employee health insurance. The City also offers vision, dental, life insurance, and long term disability coverage.

The free, confidential Employee Assistance Program (EAP) service is provided to all employees covered by our medical insurance benefits, and their covered dependents who may be experiencing life problems. The website for this service is www.myrbh.com. Enter Oregon when asked for an access code. The 24 hour hotline number is (866) 750-1327.

B. PERS (Public Employees' Retirement System) Benefits

The City participates in the Public Employees Retirement System (PERS); therefore, an employee's designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at (888) 320-7377 or visit their website at www.oregon.gov/PERS. For information about the City's contributions to employee PERS or OPSRP plans, please see payroll.

C. Workers' Compensation and Safety on the Job

Employees are protected by Workers' Compensation Insurance under Oregon law. This insurance covers employees in the case of occupational injury or illness by providing, among other things, medical care and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

Steps to Take If Injured on the Job

To ensure that employees receive any workers' compensation benefits to which they may be entitled, follow all of these steps in a timely manner. Failure to follow these steps may negatively affect benefits.

1. Immediately report any work-related injury to your supervisor. Report the injury at the time it happens, and no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to payroll.

Return to Work

If workers' compensation leave is required, the City will strive to reemploy at the most suitable vacant position available. The employee must first submit an approved medical certificate demonstrating ability to return to work.

When returning from workers' compensation leave, an employee has no greater right to reinstatement than if they had been continuously employed rather than on leave. The City does not discriminate against employees who suffer a workplace injury or illness.

Early Return-to-Work Program

The Return-to-Work program provides guidelines for returning to work at the earliest possible time after an employee has suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable the employee to return to their regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by the City, injured employees and their treating physicians, and workers' compensation insurance carrier claims staff. The goal is to return employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

Following a medical determination that modified work may be performed, the City will attempt to provide the employee with a temporary job assignment for a reasonable period of time until the employee can resume their regular duties (except where provided as an accommodation for a disability). If, due to a work related injury, the employee is offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect compensation. While on modified or transitional work, an employee is still subject to all other City rules and procedures.

Overlap with Other Laws

The City will account for other leave and disability laws that might also apply to an employee's situation, such as the ADA and FMLA or OFLA. If, after returning from a workers' compensation leave, it is determined that an employee is unable to perform the essential functions of the position because of a qualifying disability, the employee may be entitled to a reasonable accommodation, as governed by the Americans with Disabilities Act and/or applicable Oregon laws covering disabilities in the workplace.

5. Miscellaneous Policies

A. Alcohol/Drug Use, Abuse and Testing

The City works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to the City's reputation.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement principles) and applicants for employment. This policy revises and supersedes all previous drug and alcohol testing policies and practices.

The following conduct is strictly prohibited and will result in disciplinary action up to and including termination:

1. Possession, sale and/or use of drugs on the City premises, while in uniform or in City-provided clothes, while on work-related travel, or while on City business;
2. Failure to notify the City of an arrest or conviction under any criminal drug or alcohol statute within two days of the arrest or conviction;
3. Possession and/or consumption of alcoholic beverages or being under the influence of alcohol while on duty, while in City-provided clothes or on City premises, while operating a City vehicle (or while operating a personal vehicle in connection with the performance of City business), or while performing job functions other than at the employee's home;
4. Being under the influence of drugs while on duty, on City premises, on City work time, while in City-provided clothes, while on City business, or while operating a City vehicle (or while operating a personal vehicle in connection with the performance of City business);
5. Refusing to cooperate with any and all tests required by this policy. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

An employee who uses prescription or over-the-counter drugs that may impair the employee's ability to safely perform the job, or that may affect the safety or well-being of others, must notify their supervisor of such use immediately before starting or resuming work.

Employees are asked to report when they observe or are informed, and have reasonable grounds to believe, that another employee is under the influence of alcohol or drugs while on duty, on City premises, on City time, while in City-provided clothes, while on City business, or while operating a City vehicle (or while operating a personal vehicle in connection with the performance of City business).

In order to implement this policy, the City reserves the right to:

- subject applicants who are given a conditional offer of employment in a safety-sensitive position to a drug and/or alcohol test;
- test employees reasonably suspected of using drugs or alcohol in violation of this policy;
- discipline or discharge employees who test positive or otherwise violate this policy; and
- test employees after an accident.

In order to enforce this policy, the City reserves the right to conduct searches of the City property or employees and/or employees' personal property, and to implement other measures necessary to deter and detect abuse of this policy. Any employee who refuses to consent to such searches may be expelled from the property and subjected to discipline, up to and including termination. Any employee that is required to have a current Commercial Driver's License (CDL) shall be subject to all federal and state rules for CDL licensing as established or amended in the future.

Failure to abide by any provision in this policy will result in disciplinary action up to and including termination.

B. Cell Phone/Smart Phone Usage

This policy applies to employee use of cell phones, smart phones (including iPhones, Androids, BlackBerries, and similar devices), PDAs, and similar telecommunication devices, all of which are referred to as "cell phones" in the Cell Phone/Smart Phone Usage Policy.

During working hours, employees should refrain from using personal cell phones except in an emergency or during a meal period or rest break. Cell phones are made available to City employees on a limited basis to conduct the City's business. Determinations as to which employees receive the City-provided cell phones will be made on a case-by-case basis; employees are not guaranteed a cell phone. Employees who receive a cell phone from the City must agree to not use the cell phone for personal use except in emergency situations. Cell phones with cameras shall be used only for work related functions and tasks.

Employees who use personal or the City-provided cell phones may not violate the City's policies against harassment and discrimination. Thus, employees who use a personal or City-provided cell phone to send a text or instant message to another employee or someone not employed by the City that is harassing or otherwise in violation of the City's no-harassment and no-discrimination policies will be subject to discipline up to and including termination.

Cell Phones and Public Records

City-related business conducted on either the City-provided or personal cell phones, may be subject to disclosure under Oregon's Public Records laws.

Cell Phone Use While Driving

The use of a cell phone while driving may present a hazard to the driver, other employees and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law prohibits the use of hand-held cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of the City vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by the City.

C. Use of Email and Electronic Equipment, Facilities and Services

Employees shall not use City property for illegal purposes or for purposes that risk City equipment or jeopardize City interests. Do not abuse the use of City equipment for personal purposes.

Inspection and Monitoring

Employee communications, both business and personal, made using City electronic equipment, facilities, and services are not private. Any data created, received or transmitted using City equipment, facilities or services are the property of the City and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on the City's electronic equipment, facilities or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the City's ownership of the electronic information, electronic equipment, facilities, or services, or the City's right to inspect such information. The City reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail and other such material to monitor the use of all of the City's electronic equipment, facilities and services, including all communications and internet usage and resources visited. The City will override all personal passwords if it becomes necessary to do so for any reason.

Personal Hardware and Software

Employees may not install personal hardware or software on the City's computer systems unless they have administrator privileges. All software installed on the City's computer systems must be licensed.

Unauthorized Access

Employees are not permitted access to the electronic communications of other employees or third parties unless authorized to do so by the City management.

Security

Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception and these methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

Inappropriate Web Sites

The City's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful or other objectionable materials, or that would otherwise violate the City's policies on harassment and discrimination.

D. Social Media

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including personal or social web logs or blogs, journals or diaries, personal or social web sites, web bulletin boards or chat rooms, or any other form of electronic communication.

Employees shall not create and post any text, images links or other media that compromises the City's security or confidentiality, or violates the City's no-harassment and no-discrimination policies, including discriminatory remarks, harassment, or threats of violence, or similar inappropriate or unlawful conduct. Employees may disclose their employment status but shall be explicit that the views expressed are those of the individual, not representative of the organization, its employees or elected officials.

Violation of this policy may result in disciplinary action up to and including termination.

E. Workplace Privacy and Confidentiality

Employees must not access, use or disclose sensitive or confidential information or data except in accordance with the City policies, practices and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use or release confidential information contrary to Oregon or federal

laws may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of the City) may be removed from the premises without permission from the City Manager. Additionally, the contents of records or information otherwise obtained in regard to the City's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

F. Ethics

Employees of the City are subject to the State of Oregon ethics laws. Information on these laws is available at City offices or at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>. If an employee has questions about whether an activity meets Oregon's ethical standards, they should speak with their immediate supervisor.

G. Outside Employment

Generally, employees may obtain employment with a private employer or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules. The City requires employees to report outside employment to their supervisor.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of City time (including the employee's work time), facilities, equipment and supplies, or the prestige or influence of the employee's position with the City. In other words, the employee may not engage in private business interests or other employment activities on the City's time or using the City's property;
- The performance of an act that may later be subject to control, inspection, review or audit by the department for whom the employee works; or
- Receipt of money or other consideration for performance of duties that the employee is required to perform for the City.

H. Criminal Arrests and Convictions

Employees must promptly and fully disclose to their supervisor:

- All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas or diversions that result from conduct which occurred while on duty, on City property, or in a City vehicle;
- All arrests, citations, convictions, guilty pleas, no contest pleas that result from crimes involving the theft or misappropriation of property, including money; or,
- If an employee is arrested, cited or convicted of a violation of any law that will prevent the employee from performing any of the essential functions of their position, including without limitation the loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

I. Political Activity

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

- Be required to give money or services to aid any political committee or any political campaign;
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of City employees to express their personal political views.); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

J. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the City, the City is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond the City's control, such as inclement weather, a national crisis, or other emergencies that make one or more City facilities inaccessible for all or part of a regularly scheduled workday, the City Manager (or his/her designee) will decide whether to and to what extent the City will close and how compensation is handled. All attempts will be made to notify employees of the closure.

In the event of extreme bad weather, the City recognizes that each employee's ability to safely reach work may be different. If an employee cannot safely report to work in such circumstances, they should contact their supervisor. Employees may use paid leave or unpaid leave to cover weather-related absences. If an employee cannot reach the office and is able to work from home, they should do so subject to approval by their supervisor.

K. Driving While on Business

Employees who use their own vehicles for authorized City business should make any necessary arrangements with their insurance carriers. The City may verify the validity of an employee's driver's license and/or driving record. Employees are responsible for notifying their supervisor promptly of any restrictions, limitations, or changes in their driving status.

L. Workplace Violence

Threats and acts of violence made by an employee or member of the public against another person's life, health, well-being, family, or property will be dealt with in a zero tolerance manner. All employees have the express authority to demand members of the public to leave City premises or to contact the sheriff office to handle disruptive behavior.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the City, or that threaten the safety, security or financial interests of the City. Employees should make such reports directly to their supervisor or the City Manager.

The City may conduct an investigation of a current employee where the employee's behavior raises concerns about the safety of co-workers or others, or potentially jeopardizes the security or financial interest of the City. An employee investigation may include, but is not limited to, investigation of criminal records, a search of desks, work areas, file cabinets, voice mail systems, computer systems, and City vehicles and equipment.

All information related to the reports, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances. The City Manager or his/her designee will notify the reporting employee of any action taken in response to the report.

M. Smoke-Free Workplace

The City buildings and vehicles are tobacco-free areas. Oregon law prohibits smoking within 10 feet of building entrances and other openings.

6. Termination of Employment

A. Workplace Rules and Prohibited Conduct

Any violation of the rules or prohibited conduct in this policy may result in discipline, up to and including termination. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and the City's operations, some of which are described elsewhere in this document, may also be grounds for discipline, up to and including termination.

1. Falsification of employment or other City records
2. Theft or the deliberate or careless damage or destruction of any City property, or the property of any other employee, citizen, vendor or third party
3. Unauthorized use of the City equipment, materials or facilities
4. Provoking a fight or fighting during work hours or on City property
5. Carrying unauthorized firearms or any other dangerous weapon on City premises at any time
6. Engaging in criminal conduct while at work
7. Causing, creating or participating in a significant or substantial disruption of work during working hours on City property
8. Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another City employee, customer or vendor
9. Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so
10. Failure to observe work schedules, including rest breaks and meal periods: Employees are expected to be at work on time, remain until the workday ends, and perform the work assigned or requested.
11. Sleeping or malingering on the job
12. Excessive personal telephone calls during working hours
13. Unprofessional appearance during normal business hours
14. Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the City
15. Misrepresentation of City policies, practices, procedures, or status or authority to enter into agreements on behalf of the City: Employees may not use the City's name, logo, likeness, facilities, assets or other resources of the City for personal gain or private interests.
16. Violations of Oregon's Ethics laws
17. Violation of any safety, health, security or City policy, rule or procedure: Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the City or outside regulatory or legislative bodies.
18. Harassment or discrimination that violates the City policy

This statement of prohibited conduct does not alter the City's policy of at-will employment. Either an employee or the City remains free to terminate the employment relationship at any time, with or without cause or notice.

B. Corrective Action/Discipline Policy

Employees are expected to perform to the best of their abilities at all times. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet the City standards, the City will endeavor, when it deems appropriate, to provide the employee a reasonable opportunity to correct the deficiency. This can be accomplished through forms of discipline short of termination, such as (in no particular order) verbal warnings, written warnings, suspensions without pay, and demotions. The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating employment of an employee for serious violations of the City policies, procedures and rules, and for other inappropriate behavior or conduct, the City may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement.

In all cases, the City retains sole discretion to determine the nature and extent of any discipline based upon the circumstances of each individual case. Accordingly, the City reserves the right to proceed directly to a written warning, demotion, last chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when the City deems such action appropriate. At all times, the City retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action.

C. Retirement or Resignation

If choosing to resign or retire, the employee should give the City as much notice as possible, preferably a minimum of two weeks. When giving a two-week notice, paid leave should not be used in lieu of notice. If a two-week notice of intent to leave the City is not given, the employee may not be eligible for re-employment at a later date. Employees who miss three or more consecutive work days without contacting their immediate supervisor are typically considered to have resigned their employment.

Employees must return all City property, including phones, computers, identification cards, credit cards, keys, and manuals, to their supervisor on or before their last day of work. Payment of wages upon termination of employment will be within the provisions of Oregon law.

D. References, Recommendations, and Disclosures

All requests for references, recommendations, or disclosures must be directed to the City Manager or his/her designee. No manager, supervisor or employee is authorized to release references for current or former employees. Managers, supervisors, and employees are expressly prohibited from using a website or the internet to discuss a current or former employee's performance.

By policy, the City discloses only the dates of employment and position(s) held of former employees. Current and former employees who authorize additional disclosures must make a request to do so in writing.

Employee Acknowledgement
Acknowledgment of Receipt of Employee Handbook

I acknowledge that I have received and will read a copy of the City's Personnel Policies. I also understand that a copy of this document is available to me at any time to review in the payroll office.

I understand that the City has adopted the Employee Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in the City's sole discretion. I also understand that the Personnel Policies control over any other contradictory statements. I acknowledge that the Personnel Policies are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either the City or I may terminate my employment relationship at any time, for any or no reason, with or without cause, and with or without advance notice. I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I understand that the City complies with all applicable laws regarding equal employment opportunity and provides a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to my supervisor or the City manager.

During my employment with the City, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new polices as issued, and to ask questions about any interpretation of any of the policies.

I have read this acknowledgement carefully before signing.

Employee Signature

Date

The original of this acknowledgement will be kept in the employee's personnel file. A copy will be provided to the employee upon request.



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: Financial Management Policies

REQUESTED BY: City Manager and City Accountant

FOR MEETING DATE: October 9, 2014

SUMMARY OF ISSUE:

Financial Management Policies were adopted by Council in May of 2000. Capital Assets are defined as having an expected useful life in excess of one year with a cost or value of \$5,000 or more. With the passage of time, we should consider raising the capitalization threshold, thereby expensing, rather than capitalizing, smaller expenditures. Each government has the prerogative to adopt different thresholds for its capital assets.

House Bill 2212 amended ORS 279B (Public Contracting) and raised the threshold for the required three minimum bids from \$5,000 to \$10,000. We may wish to increase the threshold for purchasing and investments as well.

Currently checks over \$2,500 require two signatories. Auditors suggested that we may want to increase this amount. Due to inflation over the previous years, shall we increase the threshold to \$5,000?

STAFF RECOMMENDATION or ACTION REQUESTED:

Recommend increasing threshold from \$5,000 to \$10,000 for capitalization, purchasing, and investments. Recommend increasing threshold from \$2,500 to \$5,000 for checks requiring two signatories.

Attachment: Financial Management Policy changes

CAPITAL ASSETS

Purpose. Stand alone equipment purchased or donated shall have an expected useful life in excess of one year and cost (or estimated fair market value of donated assets) shall be valued at ~~\$5,000~~ **\$10,000** or more. Improvements to an existing capital asset shall extend the life of the asset for more than five years and the cost of the improvement shall be ~~\$5,000~~ **\$10,000** or more. Expenditures of a refurbishing or a repair nature shall not be capitalized. Capitalized assets shall be depreciated on a straight line basis with the following assumed useful life of the asset.

Inventory. Each department is responsible for maintaining control over the capital assets in their area of responsibility. Finance shall provide an updated listing of inventories to each department on a yearly basis. The department head shall verify that the inventory is correct, indicate any adjustments required and the reason for the adjustment, and return a signed copy to finance in a timely manner.

Description	Useful Life	Description	Useful Life
Berms	20 years	Reservoirs, Dams	50 years
Buildings	50 years	Road Signage	10 years
Building Improvements	10 years	Sewer Conveyance Systems	50 years
Equipment, Business	7 years	Sidewalks	30 years
Equipment, Computer	5 years	Storm Systems	50 years
Equipment, Public Works	12 years	Street Lighting	20 years
Equipment, Recreational	15 years	Traffic Lights	20 years
Furniture	20 years	Treatment Plants	100 years
Parking Lots	15 years	Vehicles	6 years
Pathways, Pedestrian	10 years	Water Distribution Systems	50 years

Acquisition. When a new capital item is ordered, finance shall provide the ordering department with an asset number tag and an asset acquisition form. The department shall affix the tag to the item, and verify acceptance of the item by returning the completed asset acquisition form to finance. Finance shall record the asset in the capital asset inventory system.

Transfers. Transfers of assets shall be reported to finance on a capital asset transfer form. This form is to be signed by both receiving and sending department heads.

Disposition. Disposition of assets shall be recorded on asset disposition form noting whether sold, destroyed, or traded. Periodically a list of surplus property shall be submitted for council approval and sale with the Oregon Administrative Services Surplus Property division or other approved means.

Amended by City Council motion June 5, 2003

Amended by City Council motion February 14, 2008

Amended by City Council motion June 14, 2012

INTERNAL CONTROLS

Purpose. In order for the City of Waldport to assure accountability and manage risk, it should build a framework of internal controls. Management has the responsibility to identify risks, prioritize them, and to design internal controls to manage them.

Policy. The city understands that the basic principles of a good internal control framework include segregated duties, design that is simple and practical, design that allows for monitoring and testing, controls that address high priority risks, controls that are written into policies and procedures, consistency, and endorsement from top management. Internal control is the means by which risk can be managed and includes the following controls.

Internal Controls for Receivables/Revenues. Cash is receipted for any amount over five dollars. Receipt books shall contain consecutively numbered receipts. All cash shall be locked in a secure location when unattended. Receipts are recorded for checks received, except for utility billing payments and business licenses. Checks shall be endorsed with city's endorsement stamp. As is feasible with limited staffing, duties are assigned in such a manner to segregate batching and processing from reconciling to detect errors or omissions. Leak adjustments to the utility billing subsidiary ledger are reviewed and approved by City Manager.

Internal Controls for Payables/Expenditures. Purchases of ~~\$5,000~~ \$10,000 to \$150,000 require at least three informally solicited competitive price quotes. If three quotes are not reasonably available, it should be documented. Also purchase orders, with notes and documentation attached, are required for purchases of ~~\$5,000~~ \$10,000 to \$150,000 and shall be submitted to City Manager for approval. Purchase orders are not required for routine purchases and established contract services. Department heads will evaluate quality and pricing of routine purchases periodically. Once goods are received, department head shall approve invoice and designate line item expenditure(s) for payment processing. The City Manager and a Council Member shall review accounts payable invoices and supporting documentation. Checks over ~~\$2,500~~ \$5,000 require two signatories. Vendor checks shall be mailed directly to the payee. A check number log is maintained to account for completeness, and includes accounts payable, payroll, voided and stale checks. Periodically a list of surplus property shall be submitted for council approval.

Additional Internal Controls. Establish sound personnel policies that include well designed job descriptions, background checks, and reference checks. Purchase employee bonding. Monthly bank statements are reconciled in a timely manner, and reviewed and approved by the City Manager. Revenue and expenditure activity, in comparison with budget, is reported to Council monthly. Historical revenue and expenditure activity is prepared for the yearly budget committee and available to the public.

Amended by City Council motion February 14, 2008

INVESTMENTS

Scope. This policy applies to the investment of short term operating funds and capital funds including bond proceeds and bond reserve funds. Deferred compensation funds are placed with a third party for investment and are excluded from this policy. The city will consolidate cash balances from all funds to maximize investment earnings and to increase efficiencies with regard to investment pricing, safekeeping and administration. Investment income will be allocated to the various funds based on their respective participation and in accordance with generally accepted accounting principles.

Safety. Safety of principal is the foremost objective of the investment policy. Investment shall be undertaken in a manner that seeks to ensure the preservation of capital in the overall portfolio. The city will minimize credit risk, the risk of loss due to the financial failure of the security issuer, by limiting investments to the safest types of securities, by diversifying the investment portfolio so that potential losses on individual securities will be minimized, and by pre-qualifying financial institutions, intermediaries, and advisors. The city will minimize interest rate risk, the risk that the market value of securities will fall due to changes in general interest rates, by structuring investments to meet cash requirements for ongoing operations, thereby avoiding the need to sell investments prior to maturity, and investing operating funds primarily in short term securities or short term investment pools.

Liquidity. The investment portfolio shall remain sufficiently liquid to meet all operating requirements that may be reasonably anticipated. This is accomplished by structuring the portfolio so that securities mature concurrent with cash needs to meet anticipated demands (static liquidity). Furthermore, since all possible cash demands cannot be anticipated, the portfolio shall consist largely of securities with active secondary or resale markets (dynamic liquidity).

Yield. The investment portfolio shall be designed with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account the investment risk constraints and liquidity needs. Return on investment is of secondary importance compared to the safety and liquidity objectives. Investments are limited to highly rated/low risk securities in anticipation of earning a fair return relative to the risk being assumed.

Authorized Investments. ORS 294.035 describes investments authorized by law. ORS 294.810 authorizes local governments to place funds with the State Treasurer investment pool (LGIP/OSTF). Due to the size of the city's portfolio, this policy further limits investments to US Treasury securities, the State Treasurer investment pool (LGIP/OSTF), and certificates of deposit and savings accounts held in qualified Oregon depositories in accordance with ORS 295.

Diversification. The city's investments shall be diversified by limiting investments to avoid an over-concentration in securities from a specific issuer or business sector (excluding US Treasury securities), by limiting investment in securities that have high credit risks, and by continuously investing a portion of the portfolio in readily available funds such as the State Treasurer investment pool (LGIP/OSTF).

Maximum Maturities. To the extent possible, the city shall attempt to match its investments with anticipated future cash flow requirements. The maximum maturity shall be the anticipated use of cash or 18 months, whichever is shorter.

Maximum Percentages of Investments. Surplus funds available for investment are those funds not required for immediate expenditure. Balances in checking accounts are not considered surplus funds. Because of inherent difficulties in accurately forecasting cash flow requirements, a portion of the portfolio shall be continuously invested in readily available funds, such as the LGIP/OSTF, or held in bank balances to ensure that appropriate liquidity is maintained to meet ongoing obligations.

The maximum percentages for investments of surplus funds follow. Due to fluctuations in the aggregate surplus funds balance, maximum percentages for a particular issuer or investment type may be exceeded at a point in time

subsequent to the purchase of a particular security. Securities need not be liquidated to realign the portfolio; however, consideration shall be given to this matter when future liquidations are made.

Investment	Limitation	Maximum Maturity
Certificates of Deposit	50%	18 months
Savings Accounts	50%	Not Applicable
State Treasurer investment pool (LGIP/OSTF)	None, except the maximum balance imposed by statute	Not Applicable
US Treasury Obligations	None	18 months

Standards of Care. Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived. Investment officers acting in accordance with this policy and exercising due diligence shall be relieved of personal responsibility for an individual security’s credit risk or market price changes, provided deviations from expectations are reported in a timely fashion. Officers and employees shall, at all times, comply with the State of Oregon Government Standards and Practices code of ethics set forth in ORS 244. The City Manager is directed to manage the investment program. Before any security purchase is initiated, competitive quotes from at least three financial institutions are required for investment transactions of more than ~~\$5,000~~ \$10,000. Council approval is required for new security types and amendments to this policy. This policy shall be reviewed on an annual basis.

Safekeeping and Custody. For safekeeping, the city has determined that use of a third party custodian is not cost effective due to the limited size of the portfolio. Therefore securities should be held by the broker/dealer in the city’s name. Collateralization will be obtained by the institution for any amount exceeding FDIC coverage, in compliance with ORS 295.

References. ORS 244; ORS 294.035 to 294.052, 294.125 to 294.155, and 294.810; ORS 279B; and ORS 295

Amended by City Council motion January 11, 2007

Amended by City Council motion November 13, 2008

PURCHASING PROCEDURE

Purchases of goods or services exceeding ~~\$5,000~~ \$10,000 but not exceeding \$150,000 are subject to an informal bid process. A public improvement contract estimated not to exceed \$100,000 is also subject to an informal bid process. (Public improvement is defined as construction, reconstruction or major renovation on real property.) The purchaser for the city shall seek at least three informally solicited competitive price quotes from prospective contractors. The purchaser shall keep a written record of the sources of the quotes or the proposals received. If three quotes or proposals are not reasonably available, fewer will suffice, but the purchaser shall make a written record of the effort made to obtain quotes.

A purchase order shall be prepared, with notes and documentation attached, and submitted to City Manager for approval. Where there are a limited number of providers of specialty materials and services, submit a purchase order with the notation that "no other providers were found". Upon approval, one copy of the purchase order and documentation will be returned to the purchaser and one copy will be retained with accounts payable.

Purchase orders are not required for routine purchases and established contract services. City Manager and/or department head will evaluate routine purchases periodically. The City Manager may award and execute contracts or change orders to contracts up to but not to exceed \$50,000 and recommend to the City Council whether to approve or not approve contract awards or change orders in excess of \$50,000. (Reference Code 2.28.090)

Once goods are received, department head shall approve invoice and designate line item expenditure(s) for payment processing. The City Manager and a Council Member shall review accounts payable invoices and supporting documentation.

Amended by City Council motion October 2, 2003

Amended by Ordinance No. 700, adopted March 3, 2005

Amended by City Council motion February 14, 2008



CITY COUNCIL MEETING AGENDA COVER SHEET FOR DISCUSSION / ACTION

TITLE OF ISSUE: The Annual Financial Report for fiscal year ending 6/30/2014

REQUESTED BY: City Manager

FOR MEETING DATE: October 9, 2014

SUMMARY OF ISSUE:

The Secretary of State prescribes the minimum standards for conducting audits of municipal corporations, preparing the resulting audit reports and expressing opinions upon the financial condition and results of operation for the period under audit (ORS297.465). A copy of the audit report shall be furnished to each member of the governing body. Other copies shall be furnished as are requested by the governing body or the managing or executive officer. The municipal corporation shall file one copy of its audit report with the Secretary of State.

ORS297.466 provides that the audit shall determine if the municipal corporation has, or has not, followed generally accepted accounting principles in reporting its financial condition and operations, established appropriate accounting systems and internal controls and substantially complied with legal requirements in conducting its financial affairs. The determination shall either be included in the signed expression of opinion or otherwise disclosed in the audit report.

Upon receipt of an audit report under ORS 297.465 the governing body shall determine the measures it considers necessary to correct any deficiencies disclosed in the report. The governing body shall adopt a resolution setting forth the corrective measures it proposes and the period of time estimated to complete them.

No deficiencies were noted. The audit report will be posted on the city's website and filed with the Secretary of State. Upon review of the audit report and management letter, questions concerning information provided in this report or requests for additional financial information should be addressed to the City Manager.

STAFF RECOMMENDATION or ACTION REQUESTED:

The auditor's report concludes with an unqualified opinion. Receive and file.

Attachment: Expense Comparison with neighboring cities

**"Statement of Activities" expenses are compared with neighboring cities' audits
for fiscal year ending June 30, 2013 based upon population.
(Last year, it was suggested that the following comparison be shown on a per capita basis.)**

Expense Comparison by population	Depoe Bay 1,405	Lincoln City 8,380	Newport 10,160	Siletz 1,235	Toledo 3,470	Waldport 2,050	Yachats 715
General Government	198	692	249	88	442	197	719
Public Safety	0	517	532	0	570	183	10
Streets & Highways	135	296	138	74	53	144	144
Community & Recreation	74	349	213	42	158	138	114
Economic Development	7	0	199	5	0	26	0
Interest Expense	0	13	44	0	21	13	44
Water	374	374	217	313	339	229	672
Sewer	516	1,057	363	260	282	290	1,085
Airport	0	0	236	0	0	0	0
Harbor	419	0	0	0	0	0	0
Total	1,724	3,299	2,190	782	1,864	1,221	2,789

Depoe Bay processes sewer effluent for Gleneden Beach.

Lincoln City's sewer operating expenses increased significantly due to a write-off of the prior sewer treatment plant.

Public Works Department Report for the month of September 2014

Water Treatment Plant

Plant Production:	<u>7.65</u>	MG
Rainfall:	<u>2.3</u>	inches

Wastewater Treatment Facility

Effluent Flow:	<u>3.6</u>	MG
Rainfall:	<u>2.2</u>	Inches

Public Works Dept.

Alarm call outs:	<u>2</u>
Locates:	<u>5</u>
Sewer plugs:	<u>1</u>
Water service installations:	<u>0</u>
Sewer connections:	<u>0</u>
Water Leaks:	<u>1</u>

Department General Overview

The public works Dept. has been very busy in September. In addition to their routine maintenance, rounds, street cleaning and plant operations they have been busy with many projects to improve the foundation of the City. They replaced two problem sewer laterals, one of which left the residence of 320 Cedar and dropped through the berry bushes and treacherous ground down the ravine behind Cedar Street. The other Lateral was located on Maple Street and is one of two laterals with large holes in them. We also responded to complaints of garbage waste being flushed down the storm drains by a local grocery store. The situation is being resolved by good cooperation by the local business as well as all the storm drains were flushed at the cost of the business owner. The crew removed a problem tree, and is almost finished with the City Hall sign. Administratively, we are just finishing up the hiring of a new operator, I received a bid on adding lighting to the community center and we are preparing to have an OSHA consultation. We are also continuing organization of our maintenance and scheduling.

**Waldport Public Library
Board of Trustees
Minutes of Regular Meeting
August 12, 2014**

Members Present:

Norm Hooker
Shirley Hanes
Jan Hansen
Vic Bucy
Barbara Smith-Huggins

Others Present:

Jill Tierce, Director
Yvonne Zink

Mr. Hooker called the meeting to order at 9:30. The agenda was adjusted to take Committee Report from Yvonne Zink first. Secondly the Board elected officers.

Committee Reports: The Committee report was taken first. The group had a successful members meeting and election in June. The new VP is Tiffany Miner, who has been active with the library children's programs. Their next meeting is Thursday September 11.

Officers for FY 2014-15 Vic Bucy nominated Norm Hooker chairman. Nomination was seconded by Jan Hansen. All were in favor. Jan nominated Shirley Hanes for Vice Chairman. Nomination was seconded by Vic Bucy. All were in favor.

Minutes for regular meeting June 10, 2014 were approved as presented.

Financial report The end FY 2013-14 financial report was reviewed. The library carried over a beginning balance of \$78,730, \$50,000 for unappropriated contingency fund. The library received \$209,317 in revenues \$162,014 from Lincoln County Library District, \$35,000 from City General Fund, and remainder from grants, fees and donations. The City also contributed \$21,292 for administrative personnel support. Expenditures for the year included \$132,483 for Personnel Services and \$69,780 for materials and services.

Director's Report: The end of year circulation for FY 2013-14 totaled 74,463, a 2.6% increase over last year. Circulation for July totaled 6,718. Public computer sessions totaled 1,344. Thirty new patrons were added in July. Summer Reading Programs continue through August 16. Attendance has been very good. The director will complete the application for the Ready2Read Grant this month and the annual statistical report, in September.

The City Council did approve Jan Hansen for another full term on this board to run from July 2014 through June 2018.

Most publicity this summer has been regarding performers in the county libraries related to Summer Reading Program. The library also runs a weekly note about the programs on the local cable "wheel". In September we hope to get out more press in thanks to supporters of the program to include photos of children and families at performances. It was suggested the library forward photos to News Lincoln County, the local news website as well as local newspapers.

**Waldport Public Library, Board of Trustees
Regular Meeting August 12, 2014**

Lincoln County Library District has determined it will submit a measure on the November ballot to renew the local option tax. Ms. Tierce will be working with a PAC to promote the passage of this bill. Where the library may provide information about the library district and the measure, it must not actively promote the passage of the measure. Ms. Tierce will use personal time for all PAC activities.

The director has been participating in a rewrite of the city employee handbook with other department directors and the City Manager. It has been a good process to get to know Kerry Kemp and to share experiences and perspectives for the various departments.

Old Business: ALA Free Access to Libraries for Minors Statement Ms. Hanes voiced a concern that when affirming rights for children, we should bring parents into the discussion. The library requires parent permissions for library cards and Internet access for children less than 18 years of age. These can become too easily passed over when parents sign applications. Ms. Hanes advises we embolden these statements in the Bill of Rights and on the card application. There was discussion of whether the library would want to implement "Restricted Cards" that would keep children from checking out adult materials. Ms. Tierce will research this option in the Koha library software.

Motion by Vic Bucy to approve the ALA Interpretation of the Library Bill of Rights was seconded by Shirley Hanes. The vote was unanimous to approve.

New Business:

Strategic Planning Ms. Tierce had some materials the board might use to incorporate strategic planning into monthly meetings. Generally, the Standards act as a template for services planning. The Gates planning materials were originally established for technology planning, but could be adapted to review of other aspects of library services.

Schedule of policies for adoption or review The Board chose to begin policy review with those policies that have gone longest without review. September will be review of Bylaws and Mission Statement. The director should compile a list of who is to receive copies of updates once the Board does reviews.

Board members concerns: none

Actions or recommendations to the City Council: none

Public Comment: none

Announcements: Friends Meeting September 11, 2 pm. Library. Moore Room.

Next Regular Meeting: September 9, 2014, 9:30 am.

Adjournment: adjourned 10:40 am.

jt: 09/06/14

Minutes approved as here corrected in regular meeting September 9, 2014.

Waldport Library Summer Reading – Record number of readers! (posted in News Lincoln County Sept. 28, 2014)



From Waldport Library

The Waldport Public Library's Summer Reading Program was a community success this summer with its highest number of participants ever. Not only did the programs bring in enough families to overflow the children's area of the library, but more students reached or went beyond their reading goals than in any year past.

Factors leading to this year's success include large amounts of new give-away books for kids. This was made possible through a generous gift from Pioneer Telephone. Also, Subway of Waldport kept on with their annual tradition of rewarding readers who met their goals with a kids' meal certificate. The Lincoln County Library District, Oregon State Library Ready-to-Read Grant, Oregon Library Association, Oregon College Savings, and the Friends of Waldport Library also continued their support of the Summer Reading Program.

Another factor for this year's success was the science theme of "Fizz, Boom, Read." New performers and returning performers made things lively with tropical birds, reptiles, and scientists bringing information and experiments to the libraries in Lincoln County. The Waldport Library through their Story Times followed up with science themes throughout the summer for infants on up; including a well- attended Science Fair in July.

"Probably the most important factor in this year's success is the kids and families themselves," says Sharon McCrum, Family Outreach Coordinator for the Waldport Library. "This year kids and families took time setting their goals; and most of the participants surpassed their goals. We are really proud of the effort that was put into reading for this year's summer program."

Waldport Public Library
 Monthly Circulation
 July 2014-June 2015

Patron Category	July	Aug	Sept	Oct	Nov	Dec	Feb	March	April	May	June	TOTAL
LCLD-Adult	3,238	3,152	2,686									9,076
LCLD-Youth	167	189	95									451
OCCC	0	1	2									1
Waldport Adult	2,041	1,895	1,586									5,522
Waldport Youth	174	207	112									493
Adult	71	38	43									152
Youth	0	0										0
Temporary 1-year	69	78	59									206
Temporary	111	126	19									256
Oregon Passport	65	41	38									144
Interlibrary loan out	<u>57</u>	<u>53</u>	<u>47</u>									<u>157</u>
Chinook Circ	5,993	5,780	4,687									16,460
Non-cataloged	563	699	658									1,920
Library2Go *	<u>162</u>	<u>196</u>	<u>150</u>									<u>508</u>
	725	895	808									2,428
GRAND TOTAL	6,718	6,675	5,495									18,888
<i>Last Year</i>	6,328	6,533	6,053	6,508	6,252	6,343	6,636	6,087	5,836	5,888	6,089	74,463
Interlibrary loan In	43	36	45									124
Computers	1,344	1,346	1,193									3,883
WiFi	237	251	188									676
Members added	30	40	35									105

*calculated at 47% of month's circ by public libraries

**City of Waldport
2014 LAND USE / BUILDING PERMIT ACTIVITY**

Date	Application/ Activity	Applicant	Zoning	Tax Map/Lot Location	Description	Status
For the Period <u>September 1, 2014</u> through <u>September 31, 2014</u>						
9/5/14	Land Use Compatibility Statement	Port of Alsea	M-W	North of Port St.	20-year Public Facility License renewal w/ the Oregon Dept. of State Lands for the existing public boat launch	Approved 9/5/14
9/5/14	Land Use Compatibility Statement	Port of Alsea	M-W	North of Port St.	20-year Public Facility License renewal w/ the Oregon Dept. of State Lands for the existing transient mooring floats	Approved 9/5/14
9/16/14	Conditional Use	Elaine Correia	D-D	13-11-19CA/300 655 Star Street Handy Haven RV Park	Request to amend conditional use	Pending October 13, 2014 Planning Commission meeting
9/25/14	Manufactured Home Placement Permit	Leasa Harris	R-1	13-12-25AD/1300 Sailfish Loop Ocean Hills	New manufactured home	Approved 9/26/14
9/25/14	Building Permit	Leasa Harris	R-1	13-12-25AD/1300 1110 Sailfish Loop Ocean Hills	New attached garage	Approved 9/26/14

**WALDPORT PLANNING COMMISSION
AUGUST 25, 2014
MEETING MINUTES**

1. CALL TO ORDER AND ROLL CALL: Chair Woodruff called the meeting to order at 2:00 p.m. Chair Woodruff and Commissioners Yorks, Peterson, Hafner, Andrew, Egan and Gordon answered the roll. A quorum was present. Also attending were City Planner Lewis, City Manager Kemp, City Recorder Eckerman, and John Maré.
2. CITIZEN COMMENTS AND CONCERNS: None.
3. COMMISSION COMMENTS AND CONCERNS: None.
4. MINUTES: The Commission considered the minutes from the June 23, 2014 meeting. Commissioner Andrew moved to approve the minutes as presented. Commissioner Peterson **seconded**, and the motion **carried** unanimously on a voice vote.
5. CORRESPONDENCE: City Planner Lewis pointed out that the last page of the staff report was an announcement for Planning Commissioner training to be held on Thursday, September 25 at the Eugene Public Library. It was noted that this was around the same time as the annual League of Oregon Cities conference.
6. DISCUSSION/ACTION ITEMS:
 - A. Work Session - Training Session with Matt Spangler, DLCD: Mr. Lewis introduced Mr. Spangler, who then proceeded to lead the Planning Commission in a workshop session regarding Land Use Planning and the Planning Commission's role in the process. Topics discussed included an overview of the statewide planning system, the duties of the Planning Commission, and the Public Hearing process.
 - B. Other Issues: None.
7. ADJOURNMENT: At 3:40 p.m., there being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,

Reda Q. Eckerman
City Recorder

APPROVED by the Planning Commission this ____ day of _____, 2014.

SIGNED by the Chair this ____ day of _____, 2014.

Ray Woodruff, Chair



City of Waldport

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October 3, 2014

Subject: Monthly Report

As of today, there have been 105 ordinance cases opened in 2014. Of these 76 have been worked to completion.

These cases breakdown into the following:

Attractive Nuisances	25 (Misc. junk on property)
Nuisance Vehicles	27 (Unlicensed/Inoperable vehicles left on public streets)
Structure/Buildings	11 (Dilapidated/Improperly Maintained)
Others	42 (Vegetation, Business License, Fences, Zoning, ect)

In addition to these there is 1 case remaining from 2012 for a total of 30 cases actively being worked at this time.

