



CITY COUNCIL MEETING W/ EXECUTIVE SESSION

April 07, 2026 at 7:00 PM

Boardman City Hall Council Chambers
AGENDA

1. **CALL TO ORDER**
2. **FLAG SALUTE**
3. **ROLL CALL/EXCUSED ABSENCES**
4. **APPROVAL OF MINUTES**
 - [A.](#) City Council Workshop March 3, 2026
 - [B.](#) City Council Meeting March 3, 2026
 - [C.](#) City Council Workshop March 21, 2026
5. **FINANCIAL REPORT**
 - A. Financial Report - February 2026
6. **PUBLIC COMMENT**
 - A. Prearranged Presentation - Morrow County Schools, Boardman
 - [B.](#) Committee Reports - Youth Advisory Committee
 - [C.](#) Prearranged Presentation - PATH Intergovernmental Agreement, City of Umatilla
 - [D.](#) Other Public Comment - Chamber/BCDA Report March 2026
7. **ACTION ITEMS - RESOLUTIONS**
 - [A.](#) Resolution 8-2026 A Resolution Rescinding Resolution No. 4-2026 Which Adopted the City of Boardman Parks Master Plan
 - [B.](#) Resolution 9-2026 A Resolution Delegating To The City Manager Or Designee Authority To Issue Citations And Exercise Code Enforcement Powers
8. **ACTION ITEMS - ORDINANCES**
 - [A.](#) Ordinance 5-2026 An Ordinance Adopting the City of Boardman Parks Master Plan
 - [B.](#) Ordinance 6-2026 An Ordinance Implementing the Moderate-Income Revolving Loan Program and Authorizing the City to Enter Into Agreements With Oregon Housing And Community Services (OHCS)
 - [C.](#) Ordinance 7-2026 An Ordinance Amending the Boardman Municipal Code Title 8 Health And Safety To Amend Chapter 8.04 Nuisances and Add Chapter 8.06 Vegetative Management
9. **ACTION ITEMS - OTHER BUSINESS**
 - [A.](#) Appoint Councilor - Term Ending December 31, 2026
 - [B.](#) Appoint CREZ II Alternate

- C. Appoint CREZ III Member
- D. OLCC License - Wasted Wheelz

10. OTHER PUBLIC COMMENT

INVITATION FOR PUBLIC COMMENT – The mayor will announce that any interested audience members are invited to provide comments. Anyone may speak on any topic other than: a matter in litigation, a quasi-judicial land use matter; or a matter scheduled for public hearing at some future date. The mayor may limit comments to 3 minutes per person for a total of 30 minutes. Please complete a request to speak card prior to the meeting. Speakers may not yield their time to others.

11. DOCUMENT SIGNATURES

12. REPORTS, CORRESPONDENCE, AND DISCUSSION

- A. Police Report
- B. Building Department Report
- C. Public Works Department Report
- D. Planning Department
- E. City Manager Discussion - Water Rate, Municipal Code 1.16 General Penalty and 1.20 Code Compliance & Animal Control Policy
- F. Councilors
- G. Mayor

13. EXECUTIVE SESSION

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

14. ACTION ITEMS - OTHER BUSINESS

- A. Decision from Executive Session

15. ADJOURNMENT

Zoom Meeting Link: <https://us02web.zoom.us/j/2860039400?omn=89202237716>

This meeting is being conducted with public access in-person and virtually in accordance with Oregon Public Meeting Law. If remote access to this meeting experiences technical difficulties or is disconnected and there continues to be a quorum of the council present, the meeting will continue.

The meeting location is accessible to persons with disabilities. Upon request of an individual who is deaf or hard of hearing, accommodations such as sign language or equipment for the hearing impaired must be requested at least 48 hours prior to the meeting. To make your request, please contact the City Clerk at 541-481-9252 (voice), or by e-mail at city.clerk@cityofboardman.com.



CITY COUNCIL WORKSHOP

March 03, 2026 at 6:00 PM

Boardman City Hall Council Chambers MINUTES

1. CALL TO ORDER

Mayor Keefer called the meeting to order at 6:01 PM.

2. ROLL CALL/EXCUSED ABSENCES

Councilors Present: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Brenda Proffitt, Councilor Ethan Salata, Councilor Cristina Cuevas, Councilor Richard Rockwell, Councilor Karen Pettigrew

3. REPORTS, CORRESPONDENCE, AND DISCUSSION

A. Water System Master Plan - Mike Lees, Anderson Perry – Timestamp 0:25
City Engineer, Mike Lees - Anderson Perry, gave a presentation

B. Water Rate - Mike Lees, Anderson Perry – Timestamp 11:00

City Manager Hammond, Public Works Director Drago and Engineer Mike Lees led a discussion.

4. ADJOURNMENT

Mayor Keefer adjourned the meeting at 6:58 PM.

Paul Keefer, Mayor

Amanda Mickles, City Clerk



CITY COUNCIL MEETING

March 03, 2026 at 7:05 PM

Boardman City Hall Council Chambers
MINUTES

1. CALL TO ORDER

Mayor Keefer called the meeting to order at 7:08 PM.

2. FLAG SALUTE

3. ROLL CALL/EXCUSED ABSENCES

Councilors Present: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Brenda Profitt, Councilor Ethan Salata, Councilor Cristina Cuevas, Councilor Richard Rockwell, Councilor Karen Pettigrew

4. APPROVAL OF MINUTES

A. City Council Workshop February 3, 2026 – Timestamp 1:12

Motion to approve the City Council Workshop Minutes February 3, 2026 as presented.

Motion made by Councilor Baumgartner, Seconded by Councilor Cuevas.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

B. City Council Meeting February 3, 2026 – Timestamp 1:37

Motion to approve the City Council Meeting Minutes February 3, 2026 as presented.

Motion made by Councilor Salata, Seconded by Councilor Profitt.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Profitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

5. FINANCIAL REPORT

A. Financial Report - January 2026 – Timestamp 1:56

Finance Director Barajas gave her report.

B. City of Boardman Audit 2023-2024 – Timestamp 4:07

Finance Director Barajas gave a report on the Audit for 2023-24, a clear audit, no findings. Audit for 2024-25 is underway.

6. PUBLIC COMMENT

A. Prearranged Presentation - Naming Contest Winners – Timestamp 5:31

Mayor Keefer announced the winners of the Naming Contest, and the design contest.

B. Prearranged Presentation - Morrow County Schools, Boardman – Timestamp 10:46

Students from Sam Boardman and Windy River Elementary Schools gave an update on what's happening in their schools.

C. Prearranged Presentation - NE Front Street, Mike Lees - Anderson Perry – Timestamp 19:34

Mike Lees - Anderson Perry, gave a presentation on the upcoming project.

7. ACTION ITEMS - ORDINANCES

- A. Ordinance 4-2026 An Ordinance Implementing the Moderate-Income Revolving Loan Program and authorizing the City to enter into agreements with the Oregon Housing and Community Services (OHCS) – Timestamp 39:44

Motion to approve the reading by title only of Ordinance 4-2026 An Ordinance Implementing the Moderate-Income Revolving Loan Program and authorizing the City to enter into agreements with the Oregon Housing and Community Services.

Motion made by Councilor Rockwell, Seconded by Councilor Proffitt.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Proffitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

City Manager read Ordinance 4-2026 An Ordinance Implementing the Moderate-Income Revolving Loan Program and authorizing the City to enter into agreements with the Oregon Housing and Community Services.

Motion to adopt Ordinance 4-2026 An Ordinance Implementing the Moderate-Income Revolving Loan Program and authorizing the City to enter into agreements with the Oregon Housing and Community Services

Motion made by Councilor Baumgartner, Seconded by Councilor Proffitt.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Proffitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

8. ACTION ITEMS - RESOLUTIONS

- A. Resolution 7-2026 A Resolution Establishing Building Permit Fees for Construction Permits Issued, Adopting the State of Oregon Building Valuation Data by Reference and Repealing Resolution 21-2022 – Timestamp 43:20

Motion to approve Resolution 7-2026 A Resolution Establishing Building Permit Fees for Construction Permits Issued, Adopting the State of Oregon Building Valuation Data by Reference and Repealing Resolution 21-2022.

Motion made by Councilor Rockwell, Seconded by Councilor Proffitt.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Proffitt, Councilor Salata, Councilor Cuevas, Councilor Rockwell, Councilor Pettigrew

9. OTHER PUBLIC COMMENT

Timestamp 48:52

Smokey Joe Wightman spoke about the Fire Safety Committee report.

10. DOCUMENT SIGNATURES

11. REPORTS, CORRESPONDENCE, AND DISCUSSION

- A. Police Report – Timestamp 57:41

Police Chief Stokoe gave his report.

- B. Building Department Report – Timestamp 1:13:30

Building Official McIntire gave his report.

- C. Public Works Department Report – Timestamp 1:14:25

Public Works Director Drago gave his report.

D. Planning Department Report – Timestamp 1:16:44

Planning Official McLane gave her report.

E. Committee Reports - Fire Safety Committee, Chief Stokoe – Timestamp 1:20:01

Fire Safety Committee Member Police Chief Stokoe gave a report.

F. City Manager - Interactive Map Hub & Council Rules Discussion

Mayor Keefer stated the report is in the packet and moved on.

G. Councilors – Timestamp 1:52:52

Councilors offered comment. Councilor Salata turned in his letter of resignation, effective Wednesday, March 4, 2026.

H. Mayor – Timestamp 1:56:53

Mayor Keefer gave comments regarding council vacancy, election deadline, and City Manager performance evaluation.

12. EXECUTIVE SESSION

- A. Executive Session 192.660 (2)(e) To conduct deliberations with persons designated by the governing body to negotiate real property transactions. – Timestamp 1:59:13

13. ADJOURNMENT

Mayor Keefer adjourned the meeting at 9:08 PM.

Paul Keefer, Mayor

Amanda Mickles, City Clerk



**CITY COUNCIL
WORKSHOP**

March 21, 2026 at 10:00 AM

**Boardman City Hall Council Chambers
MINUTES**

DRIVING TOUR

Driving Tour began at 10:00.

A. Housing Development and Future Street Improvements

Locations for Housing and Future Street Improvements included Unity Loop, Paul Smith Road, Chaparral Subdivision, Oregon Trail Blvd, Sunset Park, Kinkade Road, and NE Front Street.

B. Wastewater System

Location for the Wastewater System included the lagoons.

C. Simple Treatment Water Distribution System

Location for the Simple Treatment Water Distribution System included Collector 3 along with the bank stabilization project, and Water Building (all facilities).

WORKSHOP

1. CALL TO ORDER

Council President Cuevas called the workshop to order at 11:30 AM.

2. FLAG SALUTE

3. ROLL CALL/EXCUSED ABSENCES

Councilors Present: Mayor Paul Keefer, Councilor Heather Baumgartner, Councilor Brenda Proffitt, Councilor Cristina Cuevas, Councilor Richard Rockwell, Councilor Karen Pettigrew

4. REPORTS, CORRESPONDENCE, AND DISCUSSION

A. Vegetation Management – Timestamp 1:00

City Manager Hammond continued the discussion on the proposed Vegetation Management code.

B. Water Rate Discussion – Timestamp 23:45

City Manager Hammond continued the discussion on the water rate.

5. ADJOURNMENT

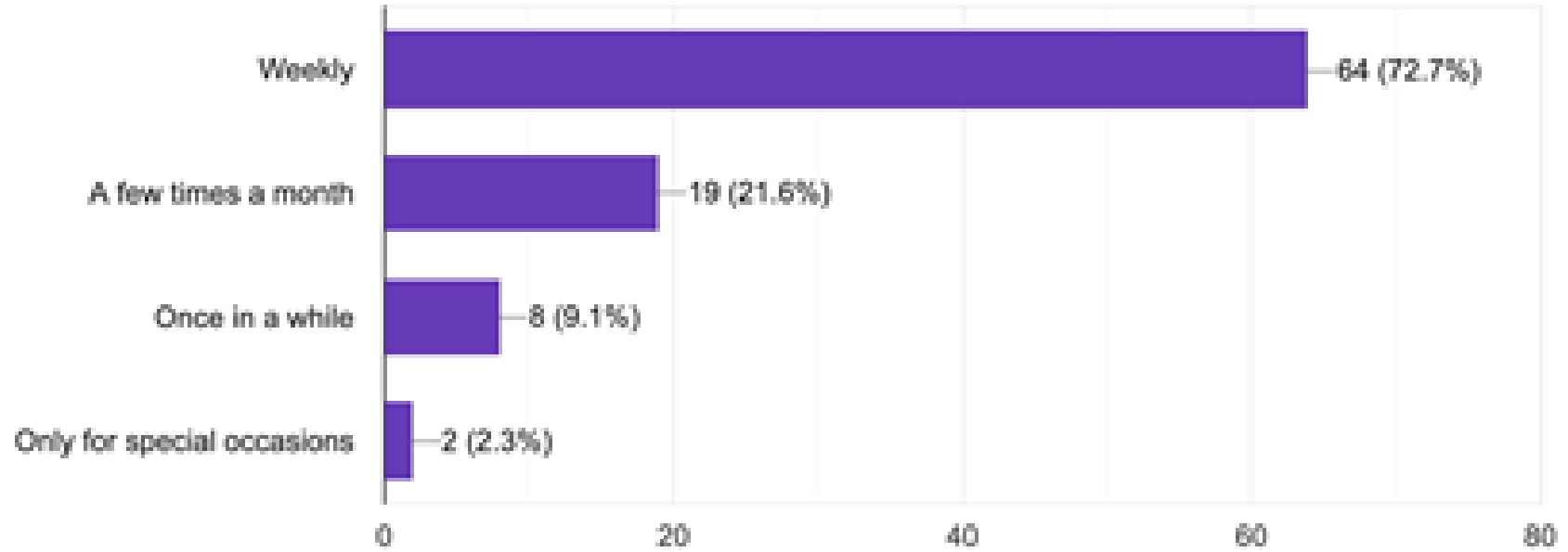
Council President Cuevas adjourned the meeting at 12:32 PM.

Cristina Cuevas, Council President

Amanda Mickles, City Clerk

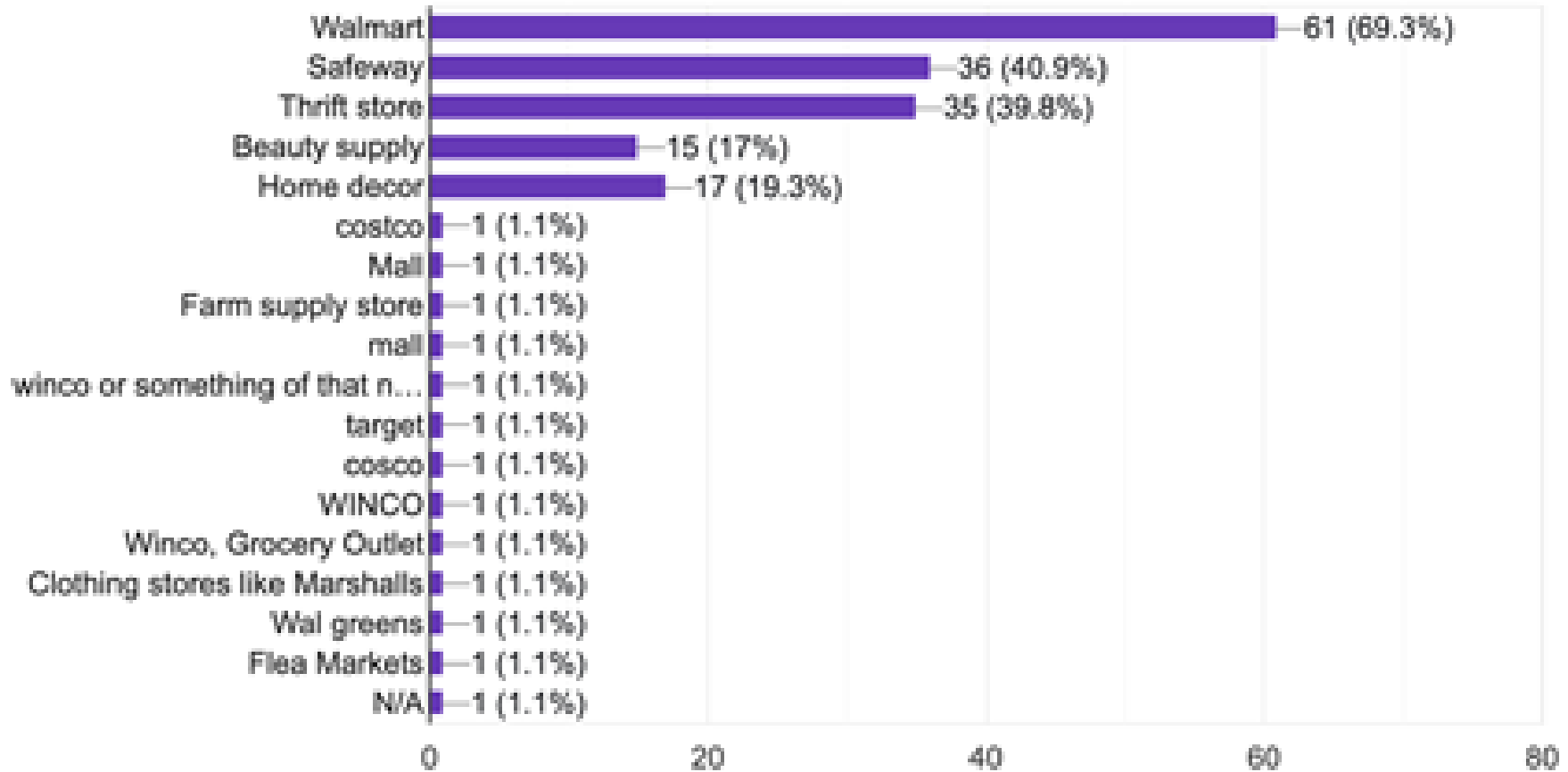
How often do you leave town

88 responses



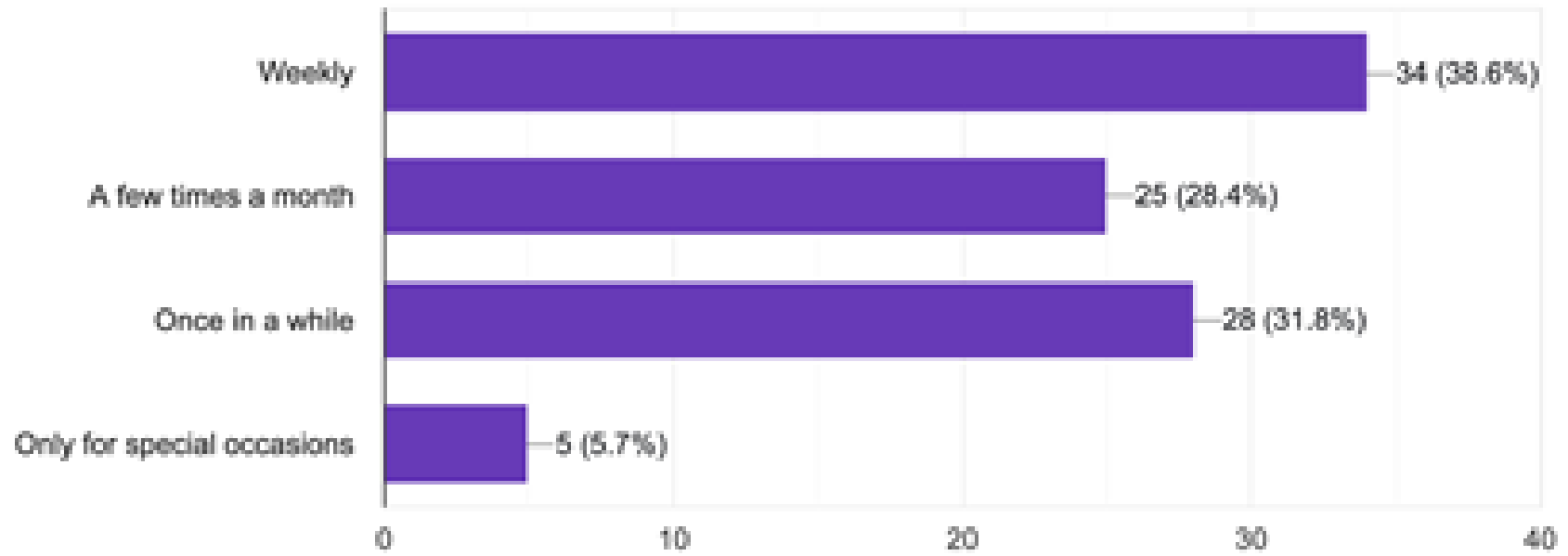
If you chose shops, what kind

88 responses



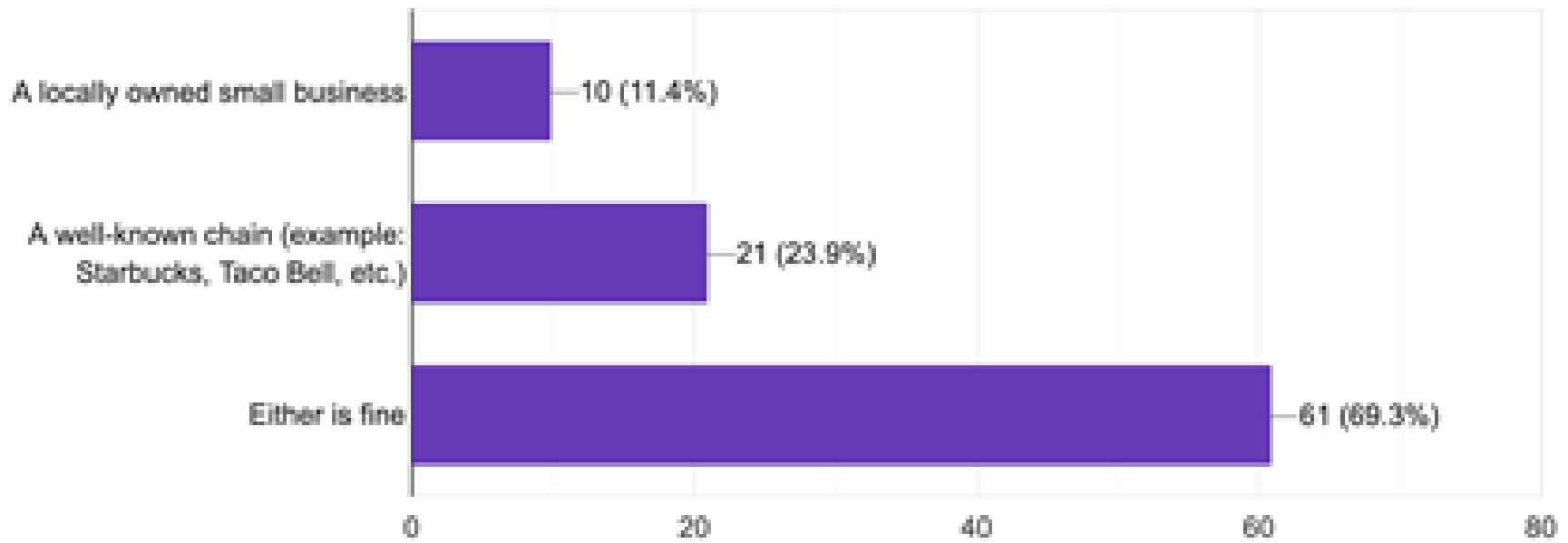
How often would you support a new local business?

88 responses



Would you prefer:

88 responses



What businesses do you currently have to leave town for?

88 responses

The mall

Safeway, Walmart, McDonalds etc

Walmart and Safeway

Fun

shoping or food

Walmart, fast food, entertainment

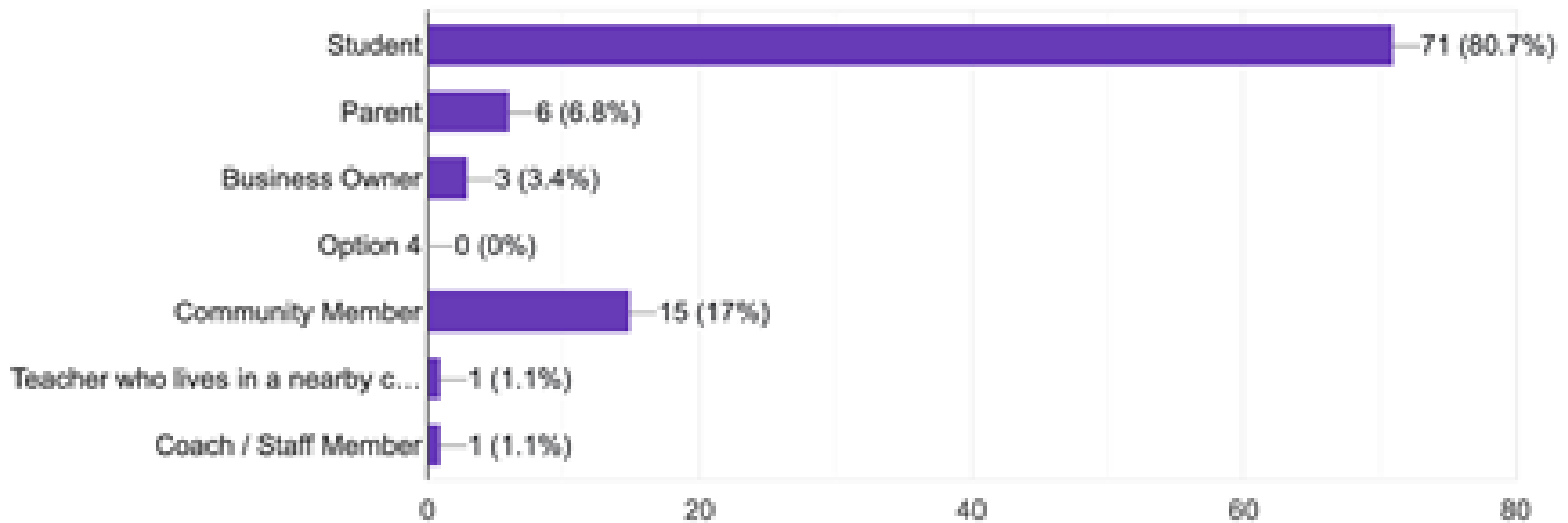
AMC theaters

Costco

Healthy, organic produce

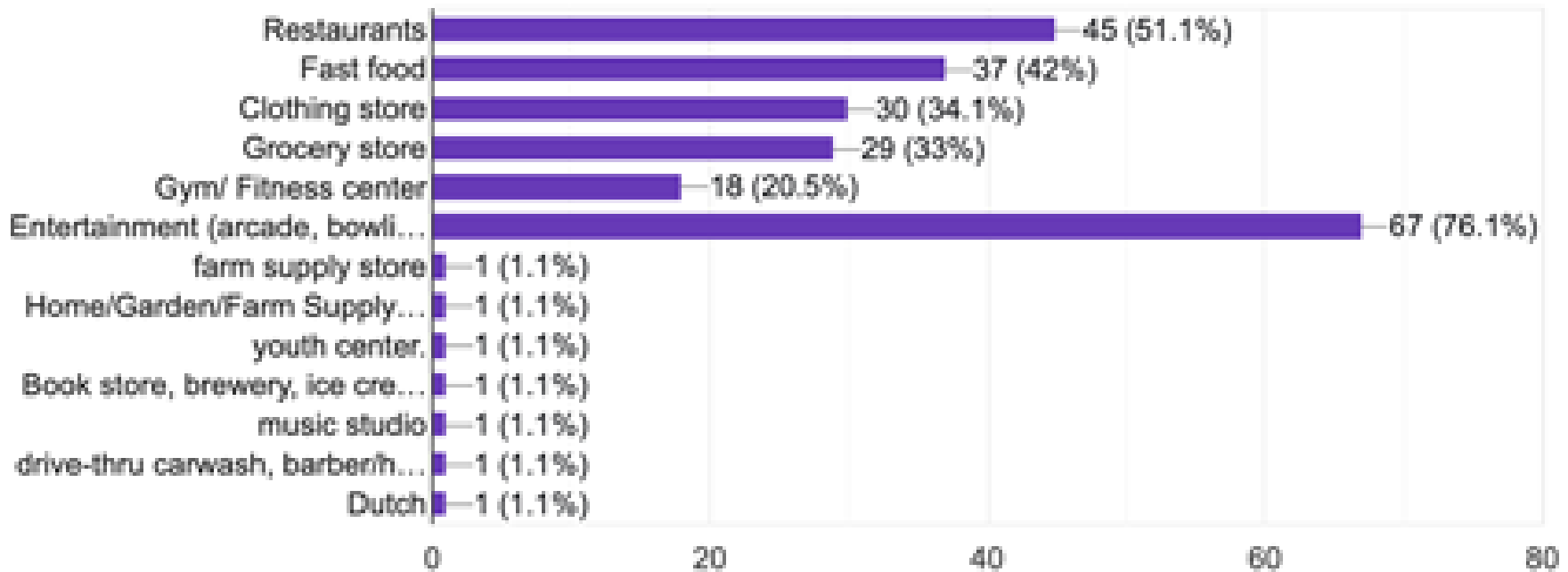
Are you:

88 responses



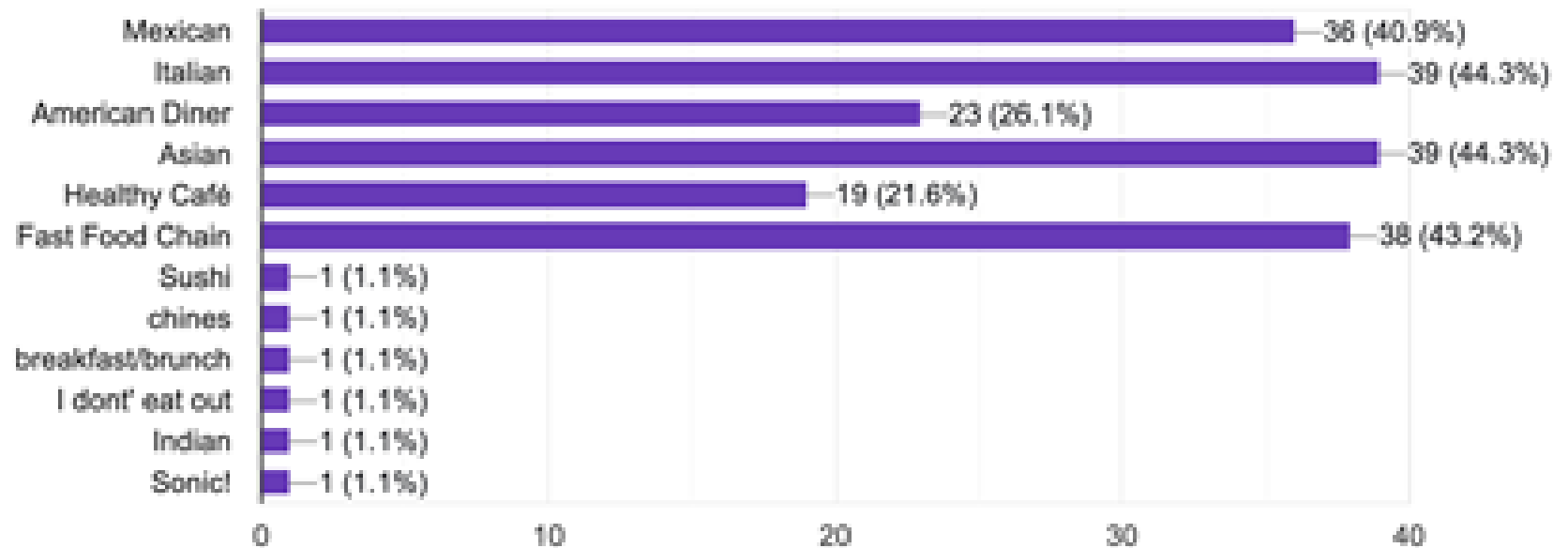
What type of new business would you like to see MOST in our town?

88 responses



If you chose restaurant or food, what kind?

88 responses



INTERGOVERNMENTAL AGREEMENT

This INTERGOVERNMENTAL AGREEMENT (this "Agreement") is entered into by and between Umatilla County, a political subdivision of the State of Oregon ("County"), the City of Umatilla, an Oregon municipal corporation ("Umatilla"), City of Hermiston, an Oregon municipal corporation ("Hermiston"), City of Echo, an Oregon municipal corporation ("Echo"), City of Stanfield, an Oregon municipal corporation, ("Stanfield"), City of Boardman, an Oregon municipal corporation ("Boardman"), and the City of Irrigon, an Oregon municipal corporation ("Irrigon), and collectively with Umatilla, Hermiston, Echo, Stanfield, Boardman, and the city of Irrigon, the "Cities"; County and the Cities shall hereinafter be referred to collectively as the "Parties" and each, a "Party") as of the date the last party signs this Agreement (the "Effective Date").

RECITALS

WHEREAS, ORS 190.010 authorizes units of local government to enter into intergovernmental agreements for the performance of any or all functions which a Party has the authority to perform; and

WHEREAS, County previously received a one-time grant from the State of Oregon under HB4123 to establish a coordinated homeless response system consisting of the Parties. Those funds have now been fully expended; and

WHEREAS, The Parties implemented HB 4123 and established a coordinated homeless response system consisting of the County and the Cities ("Project PATH"); and

WHEREAS, the initial funding provided under HB 4123 enabled the Parties to design and implement a coordinated, regional homeless response system that has demonstrated measurable success, accountability, and strong community support since its inception; and

WHEREAS, since implementation of Project PATH, the coordinated response system has facilitated thousands of overnight shelter stays annually, served hundreds of unique individuals, and successfully transitioned numerous participants into permanent housing, demonstrating that this collaborative model is both effective and results-driven; and

WHEREAS, the partnership with Stepping Stones Alliance of Hermiston, Inc., an Oregon nonprofit corporation, has strengthened Project PATH by providing experienced operational leadership, low-barrier shelter services, navigation services, outreach, and case management that complement the governmental oversight and policy guidance of the Parties; and

WHEREAS, the partnership structure allows Project PATH to access diversified funding streams, including private donations, foundation grants, fundraising revenues, and community-based sponsorships, which would otherwise be unavailable or significantly limited if operated solely as a governmental program; and

WHEREAS, the intergovernmental structure of Project PATH further enables eligibility for and participation in state and federal funding opportunities, including Oregon Continuum of Care funding, legislative appropriations, and other public grant resources intended to support coordinated homeless response systems; and

WHEREAS, by combining nonprofit funding opportunities, local government appropriations, and eligibility for state, federal, and Continuum of Care funding, Project PATH creates the most comprehensive and financially efficient model available to the Parties, leveraging public dollars with private investment and maximizing regional return on investment; and

WHEREAS, the Parties acknowledge that homelessness is a regional issue requiring a coordinated regional response with leadership, shared responsibility, and unified strategic planning across jurisdictional boundaries, and that continuation of Project PATH reflects a shared commitment to addressing homelessness in a humane, fiscally responsible, and community-centered manner; and

WHEREAS, the Parties find that entering into and continuing this Agreement is in the best interest of their respective communities, promotes public health and safety, protects vulnerable populations, supports economic stability, and preserves the long-term sustainability of a coordinated homeless response system in western Umatilla County and eastern Morrow County.

NOW, THEREFORE, County and the Cities, on the terms and conditions set forth herein, and for consideration of which the existence and sufficiency is mutually acknowledged, enter into the following Agreement:

AGREEMENT

1. **Project PATH.** Project PATH shall, at a minimum, satisfy the requirements set forth in Exhibit A, attached hereto.
2. **Homeless Response Office.** The Homeless Response Office (required to be established by Exhibit A, Section I(a)) (the "Office") shall be organized as follows and shall perform the following functions:
 - (a) The Office will operate under the general policy guidance of the Homeless Response Advisory Board (required to be established by Exhibit A, Section I(b)) (the "Advisory Board").
 - (b) The Office will primarily consist of a Director selected by Umatilla and approved by the Advisory Board. Umatilla may contract for the services provided by the Director. The Director may be any individual or entity duly qualified and willing to serve in the role.
 - (c) The Office will coordinate with and develop partnerships with local and regional stakeholders, including plans for coordination with any local continuum of care receiving funding under 24 C.F.R. part 578.
 - (d) The Office will be managed by the Director who will report to Umatilla and the Advisory Board or their respective designees. The Director will be charged with the general operation of the Office, and shall work to coordinate with Umatilla and the Advisory Board and all Parties to implement the elements described in the adopted Strategic Plan and endeavor to meet the project goals set forth in Exhibit A.

3. Homeless Advisory Board. The Advisory Board shall be organized as follows and shall perform the following functions:
- (a) The Advisory Board members shall consist of a representative from each Party, and shall be formed for the purposes of providing general guidance to the Office.
 - (b) The Advisory Board members shall have the opportunity to make important decisions, including approving recommendations to the Parties for amendments to the Strategic Plan.
 - (c) Given that the Advisory Board is authorized by statute and governed by this Agreement with the authority to make formal advice and recommendations on public policy and administration, the Advisory Board is considered a public body for the purposes of Oregon Public Meetings Law, and will hold noticed meetings open to the public, and otherwise act in accordance with Oregon Public Meetings Law.
 - (d) The Advisory Board shall adopt formal Bylaws sufficient to ensure compliance with Oregon Public Meetings Law and the orderly functioning of the Advisory Board. The Bylaws will establish a regular meeting schedule to be observed by the Advisory Board.
4. Obligations of the Parties.
- (a) The Parties shall support the Office until this Agreement is terminated.
 - (b) The Parties shall cooperate in good faith to ensure that the goals of Project PATH are achieved. The Parties shall work in good faith to amend this Agreement when necessary to achieve the goals set forth in Exhibit A.
 - (c) Project PATH will be funded in part with the \$1 grant from the State of Oregon to County referenced in Recital B, which County will transfer in its entirety to Umatilla upon County's receipt from the State of Oregon and execution of this agreement.
 - (d) (i). If this Agreement is terminated, then each Party shall promptly pay a termination fee to Umatilla as set forth in Exhibit B *Termination Fee Schedule* calculated as of the effective date of such termination; or
(ii). if any Party withdraws from this Agreement, then such withdrawing Party shall be obligated to pay the termination fee to Umatilla as set forth in Exhibit B *Termination Fee Schedule* calculated as of the effective date of such withdrawal promptly upon Umatilla's request.
 - (e) Umatilla shall serve as the fiscal agent responsible for funding Project PATH's operations. Umatilla will retain fiscal and managerial oversight of Project PATH, including the Office and the Director.
 - (f) Effective Fiscal Year 2026 (July 1, 2025 through June 30, 2026), each party agrees to contribute financially to Project PATH's ongoing operations. The total annual operation should not exceed Seven Hundred Fifty Thousand Dollars (\$750,000). Financial contributions from each Party shall be calculated based on mutually agreed-upon actuals and determined annually by the fiscal agent.
 - (g) Each party's estimated annual contribution is as follows:
 - City of Umatilla –31%
 - City of Hermiston –31%
 - City of Stanfield – 1.5%

- City of Echo- 1%
- City of Boardman-3%
- City of Irrigon-1.5%
- Umatilla County-31%

For Fiscal Year 2027, the total annual operating budget shall not exceed Seven Hundred Eighty-Seven Thousand Five Hundred Dollars (\$787,500), reflecting a five percent (5%) increase.

Each party’s estimated annual proportional contribution for FY27 shall remain as follows:

FY27 – Total \$787,500 (5% increase)

- City of Umatilla – 31%
- City of Hermiston – 31%
- City of Stanfield – 1.5%
- City of Echo – 1%
- City of Boardman – 3%
- City of Irrigon – 1.5%
- Umatilla County – 31%

For Fiscal Year 2028, the total annual operating budget shall not exceed Eight Hundred Twenty Six Thousand Eight Hundred Seventy Five Dollars (\$826,875), reflecting a five percent (5%) increase.

Each party’s estimated annual proportional contribution for FY28 shall remain as follows:

FY28 – Total \$826,875 (5% increase)

- City of Umatilla – 31%
- City of Hermiston – 31%
- City of Stanfield – 1.5%
- City of Echo – 1%
- City of Boardman – 3%
- City of Irrigon – 1.5%
- Umatilla County – 31%

(h) In the event PATH were to receive State, Federal, or private grants or other awards for operational costs, that amount received will be reduced from the annual total costs from these agreed upon amounts for FY26 through FY28, respectively, and each partner would contribute according to their proportionate share above to the adjusted downward net cost (FY cost – award = adjusted downward net cost). This would include direct appropriations from the Continuum of Care or other direct legislative or grant awards for PATH, but may not include direct donor or other direct grant awards to the Director.

- (i) Each party shall remit its share to the fiscal agent within (30) days of receiving an invoice unless otherwise agreed in writing. These contributions are essential to ensure Project PATH is operational.
- (j) Under the recommendation of the Advisory Board, Umatilla is authorized to and will select a Director to manage the Office. Umatilla is authorized to terminate the Director, and in such an event, Umatilla is authorized to and will select a new Director. This Agreement does not create any employment or contractual relationship between the Parties or the Office or Director.
- (k) Umatilla is authorized to and will be responsible for all contracting, procurement, or other activities necessary to operate Project PATH, including engaging any third-party service providers as Umatilla determines is reasonably necessary.
- (l) Umatilla has currently entered into a Services Agreement with Stepping Stones of Hermiston Inc., an Oregon nonprofit corporation, to provide Director services that further the objectives of Project PATH, which Services Agreement is subject to review and corresponding recommendation for approval by the Advisory Board, not to be unreasonably withheld, conditioned, or delayed.
- (m) Each of the Parties, the Office, and the Advisory Board shall cooperate with respect to all matters described herein and shall execute such notifications and other documents as may be reasonably requested for the purpose of giving effect to, or evidencing or giving notice of, the provisions of this Agreement.
- (n) Umatilla's legal counsel may be called upon to provide legal advice to the Advisory Committee and the Office as necessary.
- (o) Effective FY27, Umatilla shall establish a Special Revenue Fund in association with PATH that will include all revenues and expenditures and accounting as required by Oregon budget law. It shall be noted that all fund appropriations from the Continuum of Care are required to go directly to the Director and will not appear in this Fund.

5. General Terms.

(a) Notice. The designated representatives of the Parties for the administration of this Agreement are as follows. Notice shall be deemed delivered upon sending an email to all of the Parties.

- (i) Umatilla County: Dan Dorrان, County Commissioner
Phone: 541-278-6201
Email: dan.dorrان@umatillacounty.gov
- (ii) City of Umatilla: David Stockdale, City Manager.
Phone: 541-922-3226
Email: david@umatilla-city.org
- (iii) City of Hermiston: Byron Smith, City Manager
Phone: 541-567-5521
Email: bsmith@hermiston.or.us
- (iv) City of Echo: Mike Gonzalez, City Administrator
Phone: 541-376-6038
Email: CityManager@echo-oregon.com
- (v) City of Stanfield: Darla Linker, City Manager
Phone: 541-449-3831
Email: dlinker@cityofstanfield.com

- (vi) City of Boardman: Brandon Hammond, City Manager
Phone: 541-481-9252
Email: HammondB@cityofboardman.com
- (vii) City of Irrigon: Aaron Palmquist
Phone: 541-922-3047
Email: manager@ci.irrigon.or.us

Entire Agreement. This Agreement, together with the recitals above and exhibit attached hereto, which are incorporated herein by this reference, constitute the entire agreement among the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written not specified herein regarding such subject matter. No waiver, consent modification or change of terms of this Agreement shall bind any Party unless in writing and signed by all Parties. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given.

- (b) Severability. The determination that any provision of this Agreement is invalid or unenforceable will not affect the validity or enforceability of the remaining provisions or of that provision under other circumstances. Any invalid or unenforceable provision will be enforced to the maximum extent permitted by law.
- (c) Term; Termination. The initial term of this Agreement shall commence on **July 1st, 2025** ("Commencement Date"), and end on **June 30, 2028** (the "Initial Term"). County, Umatilla, Hermiston, Echo, Stanfield, Boardman and Irrigon may not voluntarily terminate or withdraw from this Agreement during the Initial Term. The term of this Agreement shall automatically renew for additional successive 24-month periods, subject to the termination and withdrawal rights provided herein. After the Initial Term, any Party may withdraw from this Agreement upon 180 days' prior written notice to the other Parties. Additionally, Umatilla may terminate this Agreement effective immediately or force a breaching Party to withdraw from this Agreement upon the material breach of any other Party. If any Party shall file or suffer the filing of a bankruptcy or similar proceeding, such filing shall constitute a material breach of this Agreement. Any termination of or withdrawal from this Agreement is subject to the termination fees described in Section 4(d).
- (e) Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Execution of this Agreement by electronic means intended to preserve the original pictorial appearance of this Agreement or by industry standard electronic signature software shall have the same legal force and effect as execution by original signatures.
- (f) Access to Records/Record Retention. The Parties shall maintain fiscal records and all other records pertinent to this Agreement.

- (i) All fiscal records shall be maintained pursuant to generally accepted accounting standards, and other records shall be maintained to the extent necessary to clearly reflect actions taken.
 - (ii) All records shall be retained and kept accessible for at least three years, or as otherwise required to be retained by Oregon law.
 - (iii) If an audit, litigation or other action involving this Agreement is started before the end of the three-year period, the records shall be retained until all issues arising out of the action are resolved or until the end of the three- year period, whichever is later.
 - (iv) The Parties and their authorized representatives shall have the right to access all of associated books, documents, papers and records related to this Agreement for the purpose of conducting audits and examinations and making copies, excerpts and transcripts.
- (g) Indemnification. Subject to the limits of the Oregon Tort Claims Act and the Oregon Constitution, each Party shall defend, indemnify, and hold each other Party, and its officers, agents, employees and volunteers, harmless against all liability, claims, losses, demands, suits, fees and judgments (collectively referred to as "claims") that may be based on, or arise out of, damage or injury (including death) to persons or property to the extent caused by or resulting from the indemnifying Party's: (1) negligence or willful misconduct in connection with the performance of this Agreement or by conditions created thereby; (2) breach of this Agreement; or (3) violation of any statute, ordinance or regulation. The Parties are not agents of each other and are not entitled to indemnification and defense under ORS 30.285 and ORS 30.287.
- (h) Survival. All covenants, indemnifications, and agreements contained in this Agreement that contemplate performance subsequent to the expiration or earlier termination of this Agreement, or that cannot be ascertained or fully performed until after expiration or earlier termination of this Agreement, shall survive such expiration or termination.

[Signature page follows]

UMATILLA COUNTY:

By: _____

Name: Daniel N. Dorrn
Title: Umatilla Board of Commissioners
Date:

CITY OF UMATILLA:

By: _____

Name: David Stockdale
Title: Board Chair, City Manager
Date:

CITY OF HERMISTON:

By: _____

Name: Byron Smith
Title: City Manager
Date:

CITY OF ECHO:

By: _____

Name: Mike Gonzalez
Title: City Administrator
Date:

CITY OF STANFIELD:

By: _____

Name: Darla Linker
Title: City Manager
Date:

CITY OF BOARDMAN:

By: _____

Name: Brandon Hammond
Title: City Manager
Date:

CITY OF IRRIGON:

By: _____

Name: Michelle Patton
Title: Mayor
Date:

Exhibit A

Project PATH Description
[Attached.]

Exhibit B
Termination Fee Schedule

Calendar Year Termination Occurs	Total Termination Fee	Party	Party's Termination Fee Percentage	Party's Termination Fee Amount
2026	\$534,000	Umatilla	27%	\$144,180
		County	27%	\$144,180
		Hermiston	27 %	\$144,180
		Stanfield	6%	\$32,040
		Echo	4%	\$21,360
		Boardman	6%	\$32,040
		Irrigon	3%	\$16,020
2027	\$445,000	Umatilla	27%	\$120,150
		County	27%	\$120,150
		Hermiston	27%	\$120,150
		Stanfield	6%	\$26,700
		Echo	4%	\$17,800
		Boardman	6%	\$26,700
		Irrigon	3%	\$13,350
2028	\$356,000	Umatilla	27%	\$96,120
		County	27%	\$96,120
		Hermiston	27%	\$96,120
		Stanfield	6%	\$21,360
		Echo	4%	\$14,240
		Boardman	6%	\$21,360
		Irrigon	3%	\$10,680
2029	\$267,000	Umatilla	27%	\$72,090
		County	27%	\$72,090
		Hermiston	27%	\$72,090
		Stanfield	6%	\$16,020
		Echo	4%	\$10,680
		Boardman	6%	\$16,020
		Irrigon	3%	\$8,010
2030	\$178,000	Umatilla	27%	\$48,060
		County	27%	\$48,060
		Hermiston	27%	\$48,060
		Stanfield	6%	\$10,680
		Echo	4%	\$7,120
		Boardman	6%	\$10,680
		Irrigon	3%	\$5,340

2031	\$89,000	Umatilla	27%	\$24,030
		County	27%	\$24,030
		Hermiston	27%	\$24,030
		Stanfield	6%	\$5,340
		Echo	4%	\$3,560
		Boardman	6%	\$5,340
		Irrigon	3%	\$2,670
2032	\$0.00	Umatilla	27%	\$0.00
		County	27%	\$0.00
		Hermiston	27%	\$0.00
		Stanfield	6%	\$0.00
		Echo	4%	\$0.00
		Boardman	6%	\$0.00
		Irrigon	3%	\$0.00



March 2026 Report

Upcoming Events and Programs

Membership Renewals

As we move further into 2026, membership renewals continue to be a priority. Renewals allow the Chamber to fulfill our mission of promoting Boardman through Visibility, Voice, and Value across business, community, and tourism partnerships. Members receive renewal invoices by email or mail. Your continued investment ensures we can sustain our signature events, scholarship programs, and business advocacy efforts throughout the year.

2026 Signature Event Sponsorships

Sponsorship opportunities for 2026 remain available for businesses wishing to align with the Chamber's high-visibility community events. Sponsorship revenue directly supports youth scholarships, Chamber Champion programs, community celebrations, and small business engagement. Businesses are encouraged to secure sponsorship early to maximize promotional benefits throughout the year.

36th Annual Distinguished Citizens Awards Banquet – March 11, 2026

The Chamber will host the 36th Annual Distinguished Citizens Awards Banquet at the SAGE Event Center. This signature event honors individuals who have made significant contributions to our community. Planning and promotion are well underway, and we look forward to celebrating this year's outstanding honorees. To purchase tickets for this event can be found on our event calendar on the chamber's website. www.boardmanchamber.org

1st Quarter Luncheon – March 18, 2026

Our 1st Quarter Luncheon will serve as our Annual Membership Luncheon. We are proud to have Umatilla Electric Cooperative as our Title Sponsor. Attendees will hear a legislative update from Rep Greg Smith, presentation from FBLA President Abrianna Lomeli, and a Chamber recap

of 2025 accomplishments along with strategic priorities for 2026. This event offers excellent networking and engagement opportunities for members.

Ryan Neal Invitational Golf Tournament – May 8 & 9, 2026

The Ryan Neal Invitational (RNI) is a premier two-day charity golf tournament benefiting Riverside High School senior scholarships. Registration is open, and sponsorships are currently available. This regional event draws strong participation and generates scholarship funding for local students. Get your team entered today!

Boardman 4th of July Celebration – July 4, 2026

One of Boardman’s largest annual community events, the 4th of July Celebration drives tourism, supports local vendors, and provides family-friendly activities culminating in fireworks over the Columbia River sponsored by MCURD. Vendor opportunities and parade participation links will be announced soon.

End of Summer Celebration – August 28, 2026

The End of Summer Celebration brings the community together to close out the season with live entertainment, ice cream, and free food for families to enjoy. This event also highlights and honors our local first responders, creating meaningful opportunities for community members to build stronger connections with those who serve and protect our region. The evening concludes with a beautiful fireworks show over the Columbia River. All event costs are fully covered through a sponsorship from the Morrow County Unified Recreation District (MCURD), allowing the celebration to remain free and accessible to the community.

Upcoming Chamber/BCDA Events

- 36th Annual Distinguished Citizens Awards Banquet – March 11, 2026
- 1st Quarter Luncheon – March 18, 2026
- RNI Golf Tournament – May 8 & 9, 2026
- 2nd Quarter Luncheon – June 17, 2026
- 4th of July Celebration – July 4, 2026
- End of Summer Celebration – August 28, 2026
- 3rd Quarter Luncheon – September 16, 2026
- 4th Quarter Luncheon – December 16, 2026

For more information, please contact **Torrie Griggs, CEO**, at **541-571-2394** or email torrie@boardmanchamber.org. Visit www.boardmanchamber.org or call our office at **541-481-3014** for further details.



BCDA 2026 Project Priorities & Strategic Investment Overview

The Boardman Community Development Association (BCDA) enters 2026 with a focused investment strategy designed to leverage partnerships, maximize outside funding, and strengthen long-term economic stability in Boardman. The 2026 Project Priority List reflects a balanced approach to housing, business development, recreation, education, and infrastructure—ensuring both immediate community needs and future growth are addressed.

Major Capital & Leveraged Investments

Business Opportunity Incubator

BCDA continues advancing the approximately \$6 million Business Incubator project, supported by a secured \$1.5 million U.S. Small Business Administration grant. This two-story facility will include retail space, executive offices, medical service opportunities, and incubator suites designed to support small businesses, particularly women-, minority-, and low-income-owned enterprises. Additional financing mechanisms are being explored to complete the capital stack.

Pickleball Court Development

Planning continues for the 8-court pickleball complex, a \$600,000 estimated project supported by \$300,000 from MCURD and \$50,000 from AWS. This regional recreational asset will promote active living and enhance Boardman’s quality-of-life amenities.

Homebuyer Grant Program

BCDA has allocated \$250,000 in 2026 to continue the Homebuyer Incentive Program, providing \$5,000 grants per qualifying homeowner within the 97818 zip code. This investment directly supports workforce housing availability and community stability.

Annual Community Investments

BCDA maintains ongoing annual commitments that directly impact families and workforce development:

- \$90,000 to support youth recreation and programming partnerships
- \$30,000 annual contribution to Families First Child Care

- \$20,000 sponsorship to the Annual BAM Fishing Tournament held in conjunction with our End of Summer event.
- \$90,000 allocated for program administration through the Chamber partnership

Overall, BCDA's 2026 priorities are structured to leverage outside funding, strengthen housing and business growth, invest in youth and workforce stability, and enhance infrastructure that supports long-term economic vitality in Boardman.

AGENDA BILL

City Council Meeting – April 7, 2026

Subject: Resolution 8-2026 A resolution rescinding resolution NO. 4-2026 which adopted the City of Boardman parks master plan

Category: Action Items- Resolution

Staff Contacts: Carla McLane, Planning Official

Summary:

Resolution No. 8-2026 rescinds the City of Boardman’s earlier Resolution No. 4-2026, which had adopted the Parks Master Plan, because the city later determined that the plan should have been adopted by ordinance rather than by resolution.

Attachment:

Resolution 8-2026

Budget/Fiscal Impact:

NA

Recommendation: Approve

Proposed Council Motion:

I move to approve Resolution 8-2026 A Resolution Rescinding Resolution No. 4-2026 Which Adopted the City of Boardman Parks Master Plan.

**CITY OF BOARDMAN
RESOLUTION NO. 8-2026**

**A RESOLUTION RESCINDING RESOLUTION NO. 4-2026 WHICH ADOPTED THE CITY OF
BOARDMAN PARKS MASTER PLAN**

WHEREAS, the City of Boardman has authority granted by the Boardman Charter of 2024;
and

WHEREAS, the Boardman City Council held a public hearing on January 13, 2026, to
accept the recommendation of the Planning Commission to adopt the proposed Parks Master Plan
and moved to do so adopting Resolution No. 4-2026; and

WHEREAS, it has been determined that the Parks Master Plan should have been adopted
by Ordinance not Resolution.

NOW THEREFORE, BE IT RESOLVED, by the Boardman City Council that Resolution No.
4-2026 A Resolution Adopting The City of Boardman Parks Master Plan is now rescinded.

Passed by the Council this 7th day of April 2026.

Mayor – Paul Keefer

Councilor – VACANT

Councilor – Cristina Cuevas

Councilor – Karen Pettigrew

Councilor – Brenda Proffitt

Councilor – Heather Baumgartner

Councilor – Richard Rockwell

ATTEST:

Amanda Mickles – City Clerk

AGENDA BILL

City Council Meeting – April 7, 2026

Subject: Resolution 9-2026 A resolution delegating to the city manager or designee authority to issue citations and exercise code enforcement powers

Category: Action Items- Resolution

Staff Contacts: Brandon Hammond, City Manager

Summary:

Resolution No. 9-2026 authorizes the City Manager, or a designee, to enforce the Boardman Municipal Code and Development Code by issuing citations and using all related code-enforcement powers allowed under Oregon law, ORS Chapter 153, and City code, including future amendments, with the goal of handling violations more efficiently and consistently.

Attachment:

Resolution 9-2026

Budget/Fiscal Impact:

NA

Recommendation:

Approve

Proposed Council Motion:

I move to approve Resolution 9-2026 A Resolution Delegating To The City Manager Or Designee Authority To Issue Citations And Exercise Code Enforcement Powers.

**CITY OF BOARDMAN
RESOLUTION NO. 9-2026**

**A RESOLUTION DELEGATING TO THE CITY MANAGER OR DESIGNEE AUTHORITY
TO ISSUE CITATIONS AND EXERCISE CODE ENFORCEMENT POWERS**

WHEREAS, the City of Boardman has authority under its Charter and applicable Oregon law to enforce the Boardman Municipal Code and the Boardman Development Code; and

WHEREAS, ORS chapter 153 provides procedures and enforcement authority for violations, including the issuance of citations for certain code violations; and

WHEREAS, the City Council finds it is in the best interest of the City to delegate code enforcement citation authority and related enforcement powers to the City Manager, or designee thereof, so that violations may be addressed efficiently and consistently; and

WHEREAS, the City Council intends that this delegation include the authority to issue citations for violations of City code and all code enforcement powers provided under ORS 153, the Boardman Municipal Code, and the Boardman Development Code, including as amended; and now, therefore

THEREFORE BE IT RESOLVED, by the Boardman City Council that the City Manager, or designee thereof, is hereby delegated:

1. The authority to issue citations for the commission of violations of the Boardman Municipal Code and the Boardman Development Code, including as amended; and is further delegated
2. All code enforcement powers provided under ORS 153, the Boardman Municipal Code, and the Boardman Development Code, including as amended.

Passed by the Council this 7th day of April 2026.

CITY OF BOARDMAN

Mayor – Paul Keefer

Councilor – Vacant

Councilor – Cristina Cuevas

Councilor – Karen Pettigrew

Councilor – Brenda Profitt

Councilor – Heather Baumgartner

Councilor – Richard Rockwell

ATTEST:

Amanda Mickles – City Clerk

AGENDA BILL

City Council Meeting – April 7, 2026

Subject: Ordinance 5-2026 An ordinance adopting the City of Boardman parks master plan

Category: Action Items- Ordinances

Staff Contacts: Brandon Hammond, City Manager

Summary:

Ordinance No. 5-2026 officially adopts the City of Boardman Parks Master Plan, including its appendices and Planning Commission findings, as part of the city’s Comprehensive Plan; the ordinance explains that the plan was developed to guide park improvements, support future park system development charges, and inform updates to recreation and park/trail standards, and that it was shaped through public advisory meetings, open houses, surveys, and hearings before the Planning Commission and City Council. It also corrects the city’s earlier action of adopting the plan by resolution, stating that because the Parks Master Plan is a legislative component of the Comprehensive Plan, Oregon law requires it to be adopted by ordinance instead. The ordinance was passed on April 7, 2026, and takes effect on May 7, 2026.

Attachment:

Ordinance 5-2026

Recommendation:

Approve

Proposed Council Motion:

Step 1 – Reading into the record

I move to approve the reading by title only of Ordinance 5-2026 An Ordinance Adopting the City of Boardman Parks Master Plan.

Step 2 – Staff member reads title of ordinance

Ordinance 5-2026 An Ordinance Adopting the City of Boardman Parks Master Plan.

Step 3 – Adoption

I move to adopt Ordinance 5-2026 An Ordinance Adopting the City of Boardman Parks Master Plan.

**CITY OF BOARDMAN
ORDINANCE NO. 5-2026**

AN ORDINANCE ADOPTING THE CITY OF BOARDMAN PARKS MASTER PLAN

WHEREAS, the City of Boardman has authority granted by the Boardman Charter of 2024; and

WHEREAS, the City of Boardman has an acknowledged Comprehensive Plan and Development Code; and

WHEREAS, the City of Boardman owns land that is developed as parks throughout the city; and

WHEREAS, the City of Boardman desired to add parks to its system development charge program and to accomplish adding parks to the system development charge program an inventory of park projects was needed; and

WHEREAS, the City of Boardman intends to utilize the Parks Master Plan to inform an ongoing update to the Comprehensive Plan and Development Code related to Goal 8 Recreation and park and trail dedication standards; and

WHEREAS, the City engaged a consultant team to develop a Parks Master Plan and appointed a Public Advisory Committee to support the process; and

WHEREAS, five Public Advisory Committee meetings, two community open houses, a community survey, and several smaller focus group events were held to inform the public about the Parks Master Plan and to assure that decision makers were aware of the project and the Parks Master Plan that was being drafted; and

WHEREAS, a Notice of Proposed Amendment was submitted electronically to the Oregon Department of Land Conservation and Development on October 15, 2025; and

WHEREAS, notice for the public hearing before the Planning Commission was published on October 29, 2025, and the notice for the public hearing before the City Council was published on December 24, 2025, both in the East Oregonian; and

WHEREAS, the Planning Commission held a public hearing on November 20, 2025; and

WHEREAS, the Planning Commission, based on the staff report, recommended that the City Council adopt the Parks Master Plan; and

WHEREAS, the Boardman City Council held a public hearing on January 13, 2026, and received the recommendation of the Boardman Planning Commission and heard testimony from the public; and

WHEREAS, the Boardman City Council did accept the recommendation of the Planning Commission to adopt the proposed Parks Master Plan and moved to do so by Resolution No. 4-2026 A Resolution Adopting the City of Boardman Parks Master Plan; and

WHEREAS, it has been determined that the Parks Master Plan should have been adopted by Ordinance not Resolution; and

WHEREAS, the Parks Master Plan is a component of the Boardman Comprehensive Plan, a legislative document, therefore it requires adoption as an ordinance under Oregon Revised Statute 227.186(2).

NOW THEREFORE, BE IT ORDAINED, by the Boardman City Council that:

Section 1 Affected Document. The City Council of the City of Boardman adopts the Parks Master Plan to include the Plan and the appendices. The City Council also adopts as part of the record the Planning Commission Findings to be retained in the Planning Office.

Section 2 Effective Date. This Ordinance and the attached Parks Master Plan shall take effect May 7, 2026.

Section 3 Attached Document. Attached to this Ordinance is the proposed Parks Master Plan and its appendices.

Passed by the Council this 7th day of April 2026.

WHEREAS,

Paul Keefer, Mayor

ATTEST:

Amanda Mickles, City Clerk

AGENDA BILL

City Council Meeting – April 7, 2026

Subject: Ordinance 6-2026 An ordinance implementing the Moderate-Income-Revolving-Loan Program and authorizing the City to enter into agreements with Oregon Housing and Community Services (OHCS)

Category: Action Items- Ordinances

Staff Contacts: Brandon Hammond, City Manager

Summary:

Ordinance No. 6-2026 creates the City of Boardman’s local Moderate-Income Revolving Loan (MIRL) Program to support new affordable and moderate-income housing by providing grants or loans to eligible housing developments with funding obtained through Oregon Housing and Community Services. It defines the program’s key terms and requirements, limits eligibility to qualifying housing projects that meet state law, local site approval, and affordability standards, and assigns the City Manager responsibility for administering applications, monitoring compliance, and reporting to the state. The ordinance also requires recordkeeping, annual compliance reporting, and recorded affordability covenants to ensure long-term affordability, outlines how utility allowances and tax-related calculations will be handled, authorizes the City Manager to enter into master and project-specific agreements with OHCS, repeals and replaces Ordinance No. 4-2026 due to errors, and takes effect immediately upon adoption.

Attachment:

Ordinance 6-2026

Budget/Fiscal Impact:

The City will create a new fund to house these monies. The budget will increase based on monies received from the state.

Recommendation:

Approve

Proposed Council Motion:

Step 1 – Reading into the record

I move to approve the reading by title only of Ordinance 6-2026 An Ordinance Implementing the Moderate-Income Revolving Loan Program and Authorizing the City to Enter Into Agreements With Oregon Housing And Community Services (OHCS).

Step 2 – Staff member reads title of ordinance

Ordinance 6-2026 An Ordinance Implementing the Moderate-Income Revolving Loan Program and Authorizing the City to Enter Into Agreements With Oregon Housing And Community Services (OHCS).

Step 3 – Adoption

I move to adopt Ordinance 6-2026 An Ordinance Implementing the Moderate-Income Revolving Loan Program and Authorizing the City to Enter Into Agreements With Oregon Housing And Community Services (OHCS).

**CITY OF BOARDMAN
ORDINANCE NO. 6-2026**

AN ORDINANCE IMPLEMENTING THE MODERATE-INCOME REVOLVING LOAN PROGRAM AND AUTHORIZING THE CITY TO ENTER INTO AGREEMENTS WITH OREGON HOUSING AND COMMUNITY SERVICES (OHCS)

WHEREAS, the City of Boardman (City), as a “Sponsoring Jurisdiction” under 2024 SB 1537, as amended under 2025 SB 48 (the “legislative bills”), desires to establish a Moderate-Income Revolving Loan (MIRL) Housing Project Grant Program (“MIRL Program”) to spur certain housing development activities within the City using a tax increment financing-based resource structure capitalized by the State of Oregon, or alternatively using a loan-based resource structure as set forth under 2025 SB 48; and

WHEREAS, the City desires to establish a local MIRL Grant Program (the “Local MIRL Program”) to provide financial assistance to developers for “Eligible Housing Projects”, as defined under the legislative bills, following state established income level guidelines and using funds obtained through the MIRL Program; and

WHEREAS, the City seeks to facilitate the development of a diverse range of housing types to increase affordability and housing availability within the City.

NOW, THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:

SECTION 1: DEFINITIONS

For purposes of this Ordinance, the following definitions apply:

1. **Affordability Requirements:** The income and affordability restrictions applicable to housing projects receiving funding under the local MIRL Grant Program.
 - a. If For-Sale / Homeownership Housing: Affordable to, and sold or offered for sale to, households with very low income, low income, or moderate income, as those terms are defined in ORS 458.610, continuously from initial sale for a period set forth in a Loan Agreement of not less than the Loan Term.
 - b. If Rental Housing: Rented to households with very low income, low income, or moderate income, as those terms are defined in ORS 458.610, and rented at a monthly rate (rent plus a utility allowance set by the Sponsoring Jurisdiction) that is affordable to households with very low income, low income, or moderate income, such affordability to be maintained for a period set forth in a Loan Agreement of not less than the Loan Term.

2. **Annual Increment:** The amount that results when the County Tax Officer takes the amount in paragraph (A) of this definition and subtracts from it the amount in paragraph (B):
 - a. Using the last certified assessment roll for the property tax year in which an application for MIRL Program Funds is received, the County Tax Officer determines the amount of property taxes assessed against all tax accounts that include the Eligible Housing Project Property, and then subtracts the amount of operating taxes as defined in ORS 310.055 and local option taxes as defined in ORS 310.202 levied by fire districts.
 - b. For the first property tax year for which the completed Eligible Housing Project Property is estimated to be taken into account, the County Tax Officer determines the estimated amount of property taxes that will be assessed against all tax accounts that include the Eligible Housing Project Property and subtracts the estimated amount of operating taxes and local option taxes levied by fire districts.
3. **Eligible Housing Project:** A project that constructs new housing or converts a non-residential building into housing and that meets MIRL Program requirements as set forth in applicable statutes and administrative rules (Oregon Administrative Rules chapter 813, division 410).
4. **Grant Agreement:** A legally binding contract between the City and a developer outlining the use of Grant Funds.
5. **Grant Funds:** The project grant moneys that a Sponsoring Jurisdiction awards to a developer via a Grant Agreement.
6. **Project Loan:** Any loan made by the Sponsoring Jurisdiction to a developer under the provisions of Section 10, Oregon Senate Bill 48.
7. **Loan Term:** The presumptive number of years that a Sponsoring Jurisdiction has to repay a Program Loan to OHCS. The Loan Term is multiplied by the Annual Increment to determine the maximum Project Grant award. As a result of the way in which the Program Fee is calculated, in most instances, the Sponsoring Jurisdiction will repay the Program Loan to OHCS before the end of the Loan Term. The Loan Term may not exceed the greater of:
 - a. Ten years following July 1 of the first property tax year for which the completed Eligible Housing Project Property is estimated to be taken into account; or
 - b. If agreed to by the Sponsoring Jurisdiction and OHCS, and if authorized by the Sponsoring Jurisdiction's Originating Ordinance or Resolution, the period of time required for the Program Loan to be repaid in full.

8. **Local Site Approval:** a finding by the City that a proposed housing project:
 - a. Complies with applicable zoning and building codes;
 - b. Has adequate infrastructure capacity, or that developers can show that they will build to accommodate added capacity as part of the project;
 - c. Aligns with the City’s Comprehensive Plan and housing goals; and
 - d. Has or is eligible to receive all necessary land use entitlements and approvals.
9. **Program Loan:** The loan provided by OHCS to the City for the purpose of funding Project Grants and Project Loans.
10. **Sponsoring Jurisdiction:** The City of Boardman (also referred to herein as the “City”).

SECTION 2: ESTABLISHMENT OF PROJECT FUNDING PROGRAM

The City hereby establishes a local MIRL Project Funding Program, which is intended to conform in all respects to the provisions of the MIRL Program, including SB 1537, SB 48, and OAR chapter 813, division 410. This local MIRL Project Funding Program shall provide financial assistance through either loans or grants to developers for Eligible Housing Projects using funds obtained through Program Loans from OHCS.

SECTION 3: COMPLIANCE PLAN

The City shall enforce Affordability Requirements and compliance measures through the following Compliance Plan, which may be amended by City Council as needed via resolution. To ensure affordability and compliance with MIRL requirements, the following measures are adopted:

1. Recordkeeping: It is the responsibility of the developer, initial property owner, or any successive owner, to maintain all compliance related records in a readily available format for inspection or audit at any time by City, County, or State officials.
2. Annual Reporting: It shall be the responsibility of the property owner or any successive owner to submit an annual compliance report [JG6.1] verifying continued adherence to affordability requirements. This report shall be submitted before June 30th of each calendar year to the City's designated program manager and shall also be provided to the City Manager and the County Assessor, both as applicable, for their review. Failure to report shall result in a financial penalty of \$25 per day, with a max of \$2,500.
3. Affordability Covenant: The developer shall record a covenant or deed restriction ensuring affordability for the Loan Term or ten (10) years, whichever is longer.

4. Monitoring: The City's Program Manager, or their designee, shall conduct periodic reviews of submitted documentation and inspect properties as necessary to ensure compliance.

SECTION 4: PROJECT FUNDING ELIGIBILITY & LIMITATIONS

To qualify for the local MIRL Funding Program, a project must:

1. Be an Eligible Housing Project;
2. Be as required by SB 1537, SEC. 25(2)(a): for-sale property (a single-family dwelling, middle housing as defined in ORS 197A.420, or a multifamily dwelling) or rental property (middle housing as defined in ORS 197A.420, a multifamily dwelling, an accessory dwelling unit as defined in ORS 215.501, or any other form of affordable housing or moderate income housing);
3. Comply with all MIRL Program requirements, including the provisions of SB 1537, SB 48, and OAR chapter 813, division 410; and
4. Meet Local Site Approval as defined above.

SECTION 5: PROGRAM ADMINISTRATION

The City Manager, or their designee, shall be responsible for the administration of the local MIRL Program, including:

- Developing a MIRL application process consistent with this Ordinance and all MIRL Program requirements;
- Reviewing and provisionally approving project applications;
- Project monitoring and compliance;
- Ensuring compliance with OHCS requirements; and
- Submitting required reports to OHCS.

SECTION 6: UTILITY ALLOWANCE CALCULATION FOR RENTAL HOUSING

The City shall determine utility allowances for rental units using the HUD Utility Schedule Model, actual usage data, or comparable jurisdiction schedules. The City shall apply a tiered utility allowance scale that is inversely proportional to household income level, such that households earning closer to 50% of Area Median Income (AMI) are eligible for a higher utility allowance, while households closer to 120% AMI shall receive a lower utility allowance. This tiered approach shall promote equitable affordability across income levels.

SECTION 7: TAX EXEMPTION

With respect to the Grant Program, the City will work with the Morrow County Tax Assessor to establish a process for exempting property taxes for the approved projects. The City will also coordinate with the Morrow County Tax Assessor to determine the program fee for each project. With respect to project loans, the City will work with Morrow County Tax Assessor to determine the tax increment applicable to the project, which will be used to set the upper limit of the project loan amount from the City. Tax estimations and exemption amounts will be determined using OHCS-provided proformas and amortizations schedules in accordance with MIRL Program requirements.

SECTION 8: AGREEMENTS WITH OHCS

By adoption of this ordinance, the City Council authorizes the City Manager to enter into a Master Agreement with OHCS to establish the terms under which the City will receive Program Loans and Grant Funds. The City Manager shall also enter into an Agreement with OHCS for each approved project.

SECTION 9: SEVERABILITY

If any provision of this Ordinance is found to be invalid, the remaining provisions shall continue in full force and effect.

SECTION 10: REPEAL AND REPLACE

This Ordinance will repeal and replace Ordinance No. 4-2026 adopted on March 3, 2026, due to identified inconsistencies and inaccuracies.

SECTION 11: EFFECTIVE DATE

This ordinance shall take effect immediately upon adoption to maintain program implementation.

Passed by the Council and approved by the Mayor this 7th day of April 2026.

Paul Keefer, Mayor

ATTEST:

Amanda Mickles, City Clerk

AGENDA BILL

City Council Meeting – April 7, 2026

Subject: Ordinance 7-2026 An ordinance amending the Boardman Municipal code Title 8 Health and Safety to amend Chapter 8.04 Nuisances and add Chapter 8.06 Vegetative Management

Category: Action Items- Ordinances

Staff Contacts: Brandon Hammond, City Manager

Summary:

Ordinance No. 7-2026 updates the Boardman Municipal Code to strengthen local fire-risk prevention measures. It amends Title 8, Health and Safety, by revising Chapter 8.04 on nuisances and creating a new Chapter 8.06 on vegetative management. The changes follow recommendations from a City Council working group formed after the 2025 conflagration, along with public input at the March 3, 2026 Council meeting and further Council review at a March 21, 2026 workshop.

Attachments:

Ordinance 7-2026
Chapter 8.04 Nuisances
Chapter 8.06 Vegetation Management

Budget/Fiscal Impact: NA

Recommendation:

Approve

Proposed Council Motion:

Step 1 – Reading into the record

I move to approve the reading by title only of Ordinance 7-2026 An Ordinance Amending the Boardman Municipal Code Title 8 Health And Safety To Amend Chapter 8.04 Nuisances and Add Chapter 8.06 Vegetative Management.

Step 2 – Staff member reads title of ordinance

Ordinance 7-2026 An Ordinance Amending the Boardman Municipal Code Title 8 Health And Safety To Amend Chapter 8.04 Nuisances and Add Chapter 8.06 Vegetative Management.

Step 3 – Adoption

I move to adopt Ordinance 7-2026 An Ordinance Amending the Boardman Municipal Code Title 8 Health And Safety To Amend Chapter 8.04 Nuisances and Add Chapter 8.06 Vegetative Management.

**CITY OF BOARDMAN
ORDINANCE NO. 7-2026**

**AN ORDINANCE AMENDING THE BOARDMAN MUNICIPAL CODE
TITLE 8 HEALTH AND SAFETY TO AMEND CHAPTER 8.04 NUISANCES AND ADD
CHAPTER 8.06 VEGETATIVE MANAGEMENT**

WHEREAS, the City of Boardman ("City") has authority granted by the Boardman Charter of 2024; and

WHEREAS, the City has an adopted Municipal Code; and

WHEREAS, the City has identified a need to amend provisions of the Boardman Municipal Code, amending Title 8 Health and Safety, to amend provisions to regulate property by reducing fire risk; and

WHEREAS, the Boardman City Council appointed a working group to discuss fire safety provisions after the conflagration of 2025 which provided proposed changes which were discussed at the March 3, 2026, City Council meeting where public input was provided; and

WHEREAS, the Boardman City Council reviewed proposed amendments during a workshop on Saturday, March 21, 2026.

NOW THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:

Section 1 Affected and Attached Documents. After full consideration of the matter, the City Council of the City of Boardman adopts the amendment to Title 8 Health and Safety including amendments to Chapter 8.04 Nuisances and the inclusion of the new Chapter 8.06 Vegetative Management of the Boardman Municipal Code attached as Exhibits A and B.

Section 2 Emergency Clause. The City Council declares an emergency as fire season has begun and this is designed to mitigate fire risk.

Section 3 Effective Date. This ordinance shall take effect May 7, 2026.

Passed by the Council and approved by the Mayor, this 7th day of April, 2026.

Paul Keefer, Mayor

ATTEST:

Amanda Mickles, City Clerk

Chapter 8.04 NUISANCES

8.04.010 Definitions.

For purposes of this chapter:

"Person" means a natural person, firm, partnership, association or corporation.

"Person in charge of property" means an agent, occupant, lessee, contract purchaser or other person having possession or control of property or the supervision of any construction project.

Person responsible. The person responsible for abating a nuisance shall include:

- A. The owner;
- B. The person in charge of property, as defined in this section;
- C. The person who caused to come into or continue in existence a nuisance as defined in this chapter or another ordinance of this city.

"Public place" means a building, way, place or accommodation, whether publicly or privately owned, open and available to the general public.

(Prior code § 4-1.1)

8.04.020 Nuisances affecting the public health.

No person may permit or cause a nuisance affecting public health. The following are nuisances affecting the public health and may be abated as provided in this chapter:

- A. Privies. An open vault or privy constructed and maintained within the city, except those constructed or maintained in connection with construction projects in accordance with the Oregon State Board of Health regulations.
- B. Debris or Private Property. Accumulations of debris, rubbish, manure, and other refuse located on private property that are not removed within a reasonable time and that affect the health, safety, or welfare of the city.
- C. Stagnant Water. Stagnant water which affords a breeding place for mosquitoes and other insect pests.
- D. Water Pollution. Pollution of a body of water, well, spring, stream, or drainage ditch by sewage, industrial wastes, or other substances placed in or near such water in a manner that will cause harmful material to pollute the water.
- E. Food. Decayed or unwholesome food which is offered for human consumption.
- F. Odor. Premises which are in such a state or condition as to cause an offensive odor or which are in an unsanitary condition.
- G. Surface Drainage. Drainage of liquid wastes from private premises.

(Prior code § 4-1.2)

8.04.030 Abandoned iceboxes.

No person may leave in a place accessible to children an abandoned, unattended or discarded icebox, refrigerator, or similar container which has an airtight door with a lock, snap lock, or other mechanism which may not be released for opening from the inside, without first removing such lock or door from such icebox, refrigerator, or similar container.

(Prior code § 4-1.3)

8.04.040 Attractive nuisances.

- A. No owner or person in charge of property may permit:
 - 1. Unguarded machinery, equipment, or other devices on such property which are attractive, dangerous, and accessible to children;
 - 2. Lumber, logs, or piling placed or stored on such property in a manner so as to be attractive, dangerous, and accessible to children;
 - 3. An open pit, quarry, cistern, or other excavation without erecting adequate safeguards or barrier to prevent such places from being used by children.
- B. This section shall not apply to authorized construction projects, if during the course of construction reasonable safeguards are maintained to prevent injury or death to playing children.

(Prior code § 4-1.4)

8.04.050 Snow and ice removal.

No owner or person in charge of property, improved or unimproved, abutting on a public sidewalk may permit:

- A. Snow to remain on the sidewalk for a period longer than the first two hours of daylight after the snow has fallen.
- B. Ice to cover or remain on a sidewalk after the first two hours of daylight after the ice has formed.

Such person shall remove ice accumulating on the sidewalk or cover the ice with sand, ashes, or other suitable material to assure safe travel.

(Prior code § 4-1.5)

8.04.060 Illegal residential occupancy.

No owner, or person in charge of property, shall allow an illegal residential occupancy, consisting of occupancy of tents, campers, motor homes, recreational vehicles, or other structures or spaces not intended for permanent residential use or occupancy of spaces constructed or converted with permit. Illegal residential occupancy shall be abated or the structure brought into compliance with the provisions of the city's development code.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016)

Editor's note(s)—Ord. No. 2-2016, §§ 2, 3(Exh. A), adopted Sept. 6, 2016, added a new § 8.04.060 as set out herein and renumbered former §§ 8.04.060—8.04.220 as §§ 8.04.070—8.04.230. The historical notes of said sections have been preserved for reference purposes.

~~8.04.070 Weeds and noxious growth.~~

~~No owner or person in charge of property may permit weeds or other noxious vegetation to grow upon his or her property. It is the duty of an owner or person in charge of property to cut down or to destroy weeds or other noxious vegetation as often as needed in order to prevent the weeds or noxious vegetation from becoming unsightly, from becoming a fire hazard, from maturing, or from going to seed.~~

~~(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.6)~~

~~Note(s)—See note at § 8.04.060.~~

~~8.04.071 Large lot vegetative growth creating fire hazards.~~

~~Owners of large parcels (two acres or greater) or owners of vacant parcels as part of many lots where vegetative growth presents a structural (fences, buildings, etc.), fire hazard exposure, as determined by the city manager, after consultation with the fire chief, shall mow a twenty-foot firebreak to reduce this structural fire hazard.~~

~~(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Ord. No. 4-2013, § 3(Exh. A), 6-18-2013)~~

~~Note(s)—See note at § 8.04.060.~~

8.04.080 Scattering rubbish.

No person may throw, dump, or deposit upon public or private property an injurious or offensive substance of any kind of rubbish, trash, debris, refuse, or any substance that would mar the appearance, create a stench, detract from the uncleanliness or safety of such property, or would be likely to injure an animal, vehicle, or person traveling upon a public way.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.7)

Note(s)—See note at § 8.04.060.

8.04.090 Trees.

- A. No owner or person in charge of property that abuts upon any street or sidewalk may permit trees or bushes on his or her property to interfere with street or sidewalk traffic. It is the duty of an owner or person in charge of property that abuts upon a street or sidewalk to keep all trees and bushes on his or her premises and on the adjoining parking strip trimmed to a height of not less than eight feet above the sidewalks and not less than ten (10) feet above the streets.
- B. No owner or person in charge of property may allow to stand any dead or decaying tree that is a hazard to the public or to person or property on or near the property.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.8)

Note(s)—See note at § 8.04.060.

8.04.100 Fences.

- A. No person may construct or maintain a barbed-wire fence or allow barbed-wire to remain as a part of a fence along a sidewalk or public way, unless such wire is placed not less than six inches above the top of a board or picket fence which is not less than six feet high.
- B. No person may install, maintain, or operate an electric fence along a street or sidewalk, or along the adjoining property line of another person.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.9)

Note(s)—See note at § 8.04.060.

8.04.110 Surface waters, drainage.

- A. No owner or person in charge of any building or structure may suffer or permit rainwater, ice, or snow to fall from such building or structure onto a street or public sidewalk or to flow across such sidewalk.
- B. The owner or person in charge of property shall install and maintain in a proper state of repair adequate drainpipes or a drainage system so that any overflow water accumulating on the roof or about such building is not carried across or upon the sidewalk.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.10)

Note(s)—See note at § 8.04.060.

8.04.120 Dirt, dust, sand.

- A. No owner or person in charge of property, improved or unimproved, shall permit dirt, dust or sand to erode or blow from the property. To reduce erosion and dust, a suitable groundcover shall be maintained on the property.
- B. No person, whether or not he or she is the owner of the property, may perform acts of construction, alteration, or repair upon the property in such a manner as to permit dirt, dust or sand to erode or blow from the property.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.11)

Note(s)—See note at § 8.04.060.

8.04.130 Radio and television interference.

- A. No person may operate or use an electrical, mechanical, or other device, apparatus, instrument, or machine that causes reasonably preventable interference with radio or television reception, provided that the radio or television receiver interfered with is of good engineering design.
- B. This section does not apply to electrical and radio devices licensed, approved and operated under the rules and regulations of the Federal Communication Commission.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.12)

Note(s)—See note at § 8.04.060.

8.04.140 Unnecessary noise.

- A. No person may make, assist in making, continue, or cause to be made any loud, disturbing, or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others.
- B. Loud, disturbing, and unnecessary noises in violation of this section include, but are not limited to the following:
1. The keeping of any bird or animal which by causing frequent or long-continued noise shall disturb the comfort and repose of any person in the vicinity;
 2. The attaching of a bell to an animal or allowing a bell to remain on an animal;
 3. The use of a vehicle or engine, either stationary or moving, so out of repair, loaded, or operated as to create any loud or unnecessary grating, grinding, rattling, or other noise;
 4. The sounding of a horn or signaling device on a vehicle on a street, public place, or private place, except as a necessary warning of danger;
 5. The blowing of a steam whistle attached to a stationary boiler, except to give notice of the time to begin or stop work, as a warning of danger, or upon request of proper city authorities;
 6. The use of a mechanical device operated by compressed air, steam, or otherwise, unless the noise thereby created is effectively muffled;
 7. The erection, including excavation, demolition, alteration, or repair of a building in residential districts, other than between the hours of seven a.m. and six p.m., except in case of urgent necessity in the interest of the public welfare and safety and then only with a permit granted by the city clerk for a period not to exceed ten (10) days. Such permit may be renewed for periods of five days while such emergency continues to exist. If the council determines that the public health, safety, and welfare will not be impaired by the erection, demolition, alteration, or repair of any building between the hours of six p.m. and seven a.m. and if the council shall further determine that loss or inconvenience would result to any person unless such work were permitted within those hours, the council may grant permission for such work to be done within the hours of six p.m. and seven a.m. upon application therefor being made at the time the permit for the work is awarded or during the progress of the work.

The actual owner of property may do work on property actually occupied by him or her between the hours of six p.m. and ten p.m. without obtaining a permit as herein required;
 8. The use of a gong or siren upon a vehicle, other than police, fire, or other emergency vehicle;
 9. The creation of excessive noise on a street adjacent to a school, institution of learning, church, or court of justice, while the same are in use, or on a street adjacent to a hospital, nursing home, or other institution for the care of the sick or infirm, which unreasonably interferes with the operation of such institution or disturbs or unduly annoys patients;
 10. The discharge in the open air of the exhaust of a steam engine, internal combustion engine, motorboat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises and the emission of annoying smoke;
 11. The use or operation of an automatic or electric piano, phonograph, gramophone, victrola, radio, television, loudspeaker, or any instrument for sound producing or any sound-amplifying device so loudly as to disturb persons in the vicinity thereof or in such a manner as renders the use thereof a nuisance. However, upon application to the council, permits may be granted to responsible persons or organizations for the broadcast or amplification of programs of music, news, speeches, or general

entertainment as a part of a national, state, or city event, public festivals, or outstanding events of a noncommercial nature. The broadcast or amplification shall not be audible for a distance of more than one thousand (1,000) feet from the instrument, speaker, or amplifier and in no event shall a permit be granted where any obstruction to the free and uninterrupted traffic, both vehicular and pedestrian, will result;

12. The making of a noise by crying, calling, or shouting or by means of a whistle, rattle, bell, gong, clapper, horn, hammer, drum, musical instrument, or other device for the purpose of advertising goods, wares, or merchandise, attracting attention, or inviting patronage of a person to a business. However, newsboys may sell newspapers and magazines by public outcry;
13. The conducting, operating, or maintaining of a garage within one hundred (100) feet of a private residence, apartment, rooming house, or hotel in such manner as to cause loud or disturbing noises to be emitted therefrom between the hours of eleven p.m. and seven a.m.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.13)

Note(s)—See note at § 8.04.060.

8.04.150 Notices and advertisements.

No person may affix or cause to be affixed any placard, bill, advertisement, or poster upon real or personal property, public or private property, without first securing permission from the owner or person in control of the property. This section shall not be construed as an amendment to or a repeal of any regulation now or hereafter adopted by the city regulating the use of and the location of signs and advertising.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Ord. 3-2001 § 2 (part); prior code § 4-1.14)

Note(s)—See note at § 8.04.060.

8.04.160 Declaration of nuisance, general nuisance.

- A. These acts, conditions, or objects specifically enumerated and defined in Section 8.04.020 through Section 8.04.140 are declared to be public nuisances and such acts, conditions, or objects may be abated by any of the procedures set forth in Section 8.04.160 through Section 8.04.200 of this chapter.
- B. In addition to those nuisances specifically enumerated within this chapter, every other thing, substance, or act which is determined by the city council to be injurious or detrimental to the public health, safety, or welfare of the city is declared to be a nuisance and may be abated as provided in this chapter.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.15)

Note(s)—See note at § 8.04.060.

8.04.170 Abatement procedure—Notice.

- A. Upon determination by the city manager that a nuisance exists, the administrator shall cause a notice to be posted on the premises or at the site of the nuisance, directing the person responsible to abate the nuisance.
- B. At the time of posting, the city clerk shall cause a copy of the notice to be forwarded by registered or certified mail, postage prepaid, to the person responsible at his or her last-known address.
- C. The notice to abate shall contain:
 1. A description of the real property, by street address or otherwise, on which the nuisance exists;

2. A direction to abate the nuisance within ten (10) days from the date of the notice;
 3. A description of the nuisance;
 4. A statement that, unless the nuisance is removed, the city may abate the nuisance and the cost of abatement will be charged to the person responsible;
 5. A statement that failure to abate a nuisance may warrant imposition of a fine or jail sentence;
 6. A statement that the person responsible may protest the order to abate by giving notice to the city clerk within ten (10) days from the date of the notice.
- D. If the person responsible is not the owner, an additional notice shall be sent to the owner stating that the cost of abatement not paid by the person responsible may be assessed to and become a lien on the property.
- E. Upon completion of the posting and mailing, the persons posting and mailing shall execute and file certificates stating the date and place of the mailing and posting, respectively.
- F. An error in the name or address of the person responsible shall not make the notice void, and in such case the posted notice shall be sufficient.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Amended during 11-01 supplement; Prior code § 4-1.16)

Note(s)—See note at § 8.04.060.

8.04.180 Abatement by the person responsible.

- A. 1. Within ten (10) days after the posting and mailing of such notice, as provided in Section 8.04.160, the person responsible shall remove the nuisance or show that no nuisance exists.
2. A person responsible, protesting that no nuisance exists, shall file with the city clerk a written statement which shall specify the basis for protesting.
 3. The statement shall be referred to the city council as a part of its regular agenda at its next succeeding meeting. At the time set for consideration of the abatement, the person protesting may appear and be heard by the council. The council shall determine whether or not a nuisance in fact exists, and the determination shall be entered in the official minutes of the council. Council determination shall be required only in those cases where a written statement has been filed as provided.
 4. If the council determines that a nuisance does in fact exist, the person responsible shall, within ten (10) days after the council determination, abate the nuisance.
- B. Joint Responsibility. If more than one person is a person responsible, they shall be jointly and severally liable for abating the nuisance or for the costs incurred by the city in abating the nuisance.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.17)

Note(s)—See note at § 8.04.060.

8.04.190 Abatement by the city.

- A. If within the time allowed, the nuisance has not been abated by the owner or person in charge of the property, the council may cause the nuisance to be abated.
- B. The officer charged with abatement of such nuisance shall have the right at reasonable times to enter into or upon property to investigate or cause the removal of a nuisance.

- C. The city clerk shall keep an accurate record of the expense incurred by the city in abating the nuisance and shall include therein a charge of five percent of the expense for administrative overhead.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Ord. No. 1-2016, §§ 2, 3(Exh. A), 4-5-2016; Prior code § 4-1.18)

Note(s)—See note at § 8.04.060.

8.04.200 Assessment of costs.

- A. The city clerk, by registered or certified mail, postage prepaid, shall forward to the owner and person in charge of the property a notice stating:
1. The total cost of abatement, including the administrative overhead;
 2. That the cost as indicated will be assessed to and become a lien against the property unless paid within thirty (30) days from the date of the notice;
 3. That if the owner or person in charge of the property objects to the cost of the abatement as indicated, he or she may file a notice of objection with the city clerk not more than ten (10) days from the date of the notice.
- B. Upon the expiration of ten (10) days after the date of the notice, the council in the regular course of business shall hear and determine the objections to the costs to be assessed.
- C. If the costs of the abatement are not paid within thirty (30) days from the date of the notice, an assessment of the costs as stated or as determined by the council shall be made by resolution and shall thereupon be entered in the docket of city liens, and, upon such entry being made, shall constitute a lien upon the property from which the nuisance was removed or abated.
- D. The lien shall be enforced in the same manner as liens for street improvements are enforced, and shall bear interest at a percentage rate determined by the city council on a per annum basis. Such interest shall commence to run from date of the entry of the lien in the lien docket.
- E. An error in the name of the owner or person in charge of the property shall not void the assessment, nor will a failure to receive the notice of the proposed assessment render the assessment void, but it shall remain a valid lien against the property.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Ord. No. 1-2016, §§ 2, 3(Exh. A), 4-5-2016; Prior code § 4-1.19)

Note(s)—See note at § 8.04.060.

8.04.210 Summary abatement.

The procedure provided by this chapter is not exclusive but is in addition to procedure provided by other ordinances and the health officer, the chief of the fire department, or chief of police may proceed summarily to abate a health or other nuisance which unmistakably exists and from which there is imminent danger to human life or property.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Prior code § 4-1.20)

Note(s)—See note at § 8.04.060.

8.04.220 Penalties.

A person violating any of the provisions of this chapter shall, upon conviction thereof, be issued a citation to appear in court for a Class D violation consistent with Boardman Municipal Code Chapter 1.16.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Ord. No. 4-2013, § 3(Exh. A), 6-18-2013; Prior code § 4-1.21)

Note(s)—See note at § 8.04.060.

8.04.230 Separate violations.

- A. Each day's violation of a provision of this chapter constitutes a separate offense.
- B. The abatement of a nuisance is not a penalty for violating this chapter, but is an additional remedy. This imposition of a citation does not relieve a person of the duty to abate a nuisance.

(Ord. No. 2-2016, §§ 2, 3(Exh. A), 9-6-2016; Ord. No. 4-2013, § 3(Exh. A), 6-18-2013; Prior code § 4-1.22)

Note(s)—See note at § 8.04.060.

Chapter 8.06 VEGETATION MANAGEMENT

Sections:

8.06.010	Purpose.
8.06.020	Definitions.
8.06.030	Noxious vegetation declared nuisance.
8.06.040	Prohibited vegetation declared nuisance.
8.06.050	Exemptions to nuisance.
8.06.060	Notice of violation.
8.06.070	Issuance of citation and abatement.
8.06.080	Penalty.
8.06.090	Separate violations.

8.06.010 Purpose.

The purpose of this chapter is to reduce the risk of damage to property and persons by fire and to reduce hazards to public health, agriculture, recreation, and wildlife by controlling the growth of prohibited and noxious vegetation. The city intends to prioritize enforcement and abatement under this chapter based upon the degree of fire risk or other hazard caused by the violation and the availability of resources.

Permitting such noxious or prohibited vegetation is unreasonable in an urban area and constitutes a public nuisance. Any person who owns or has the right to control real property assumes an obligation to the rest of the community and is therefore chargeable with knowledge of the growth of noxious vegetation on that property and has a duty to remove any nuisance which reasonable inspection would reveal.

8.06.020 Definitions.

For purposes of this chapter, the following definitions shall apply:

“20-Foot fire break” is a strip of untilled bare land, green belt of vegetation not to exceed six inches, or gravel that slows down fire. Firebreaks help protect soil, water, air, plant, animal, and human resources by preventing the spread of wildfire or controlling prescribed fires.

“100-foot fire break” is a strip of land that has been mowed to control vegetation to a height of 6 inches during the summer season and 10 inches during the non-summer season.

“Fire hazard” is as determined by the city manager, in consultation with the City Fire Chief, when the quality, condition, and/or location of vegetation creates a risk of fire.

“Non-summer season” is November 1 through March 31 of any given year.

“Noxious vegetation” means:

1. Puncture vine;

2. Poison oak, poison ivy, or other poisonous or dangerous vegetation that is a health hazard;
3. Blackberry bushes, bamboo, cacti, Russian olive, or similar invasive vegetation that extend into a public right-of-way, crosses a property line, obstructs travel, or creates concealment conducive to unlawful occupancy; or
4. Any other vegetation listed on the Morrow County Weed List.

Noxious Vegetation does not include an agricultural crop or decorative residential landscaping.

“Occupant” means any person in lawful possession of, or with a lawful right to store or keep personal property on, any real property; or, in case of corporate ownership, that officer, employee or agent of a corporate owner having the authority or duty to control or operate the property on behalf of the corporation.

“Owner” shall mean and include any person holding an ownership, leasehold, or other possessory interest, of record or otherwise, which gives them, either alone or jointly with others, a right to occupy, possess or control real property. Any person who appears as owner on the records of the county assessor shall be presumed to be one of the owners of the property; but such presumption may be rebutted.

“Person” means any natural person, partnership or corporation.

“Prohibited Vegetation” means:

1. Weeds or grass more than six inches high in the summer season;
2. Weeds or grass more than 10 inches high in the non-summer season;
3. Vegetation that is a fire hazard;
4. Vegetation that is a traffic hazard because it impairs the view of a public thoroughfare or otherwise makes use of the thoroughfare hazardous.

“Summer season” is from April 1 through October 31 of any given year.

8.06.030 Noxious vegetation declared nuisance.

- A. Noxious vegetation is hereby declared a nuisance. No owner(s) or occupant(s) of real property in Boardman shall allow noxious vegetation to grow on such real property.
- B. The owner(s) and/or occupant(s) of any real property within the limits of the city of Boardman shall remove noxious vegetation growing thereon, including on adjacent and abutting rights-of-way, throughout the year.

8.06.040 Prohibited vegetation declared nuisance.

- A. It shall be unlawful for any owner(s) or occupant(s) of real property in Boardman to allow prohibited vegetation to remain upon such real property. Prohibited vegetation is hereby declared a nuisance.

- B. The owner(s) and/or occupant(s) of any real property within the limits of the city of Boardman shall mow, or otherwise trim, prohibited vegetation growing thereon, including on adjacent and abutting rights-of-way, throughout the year.
- C. For vacant lots or parcels over one acre in size (43,560 square feet), it shall be a requirement for any owner(s) or occupant(s) of real property in Boardman to establish and maintain a 20-foot fire break along property boundaries, fences, and structures, with a 100-foot fire break further required running adjacent to all such 20-foot fire breaks.

8.06.050 Exemptions to nuisance.

- A. It shall not be a violation of this chapter for property owners to maintain wetland or upland native vegetation in its natural state either on their property or in common areas when required to do so pursuant to the requirements of state law, city ordinance or land use approval.
- B. Nothing herein prohibits a property owner from preserving native vegetation in its natural state in excess of the requirements of state law or city ordinance, provided the owner prepares and implements a management plan for maintenance of the natural area and said plan is approved and on file with the planning department.

8.06.060 Notice of violation.

- A. *Notices During Summer Season.*
 1. **First Notice:** Prior to the start of the summer season, the city shall cause to be published in a newspaper of general circulation, in the city utility bill, and on the city website a notice that the conditions prescribed in BMC [8.06.030](#) constitute a public health and safety hazard, and directing that all growth which constitutes such a nuisance be cut or removed prior to the start of the summer season as defined in BMC [8.06.020](#). This notice shall serve as the first notice of record.
 2. **Second and Final Notice:** Owner(s) and/or occupant(s) of any real property that have been determined to be out of compliance with this chapter during the summer season shall be given a second and final notice of violation by door hanger, or other posted notice on the property, and by certified mail to the owner(s) and/or occupant(s) of the violating property by first class mail, at the address identified in records of the county assessor of Morrow County, Oregon, or those of the city of Boardman's utility billing system. Subsequent violations on the same property shall be treated as a continuation of the initial violation and shall receive no additional warning. The second and final notice shall state that the owner or occupant is unlawfully allowing a public nuisance to remain upon real property under their ownership or control, or within the improved right-of-way or a public thoroughfare abutting the property, and the city requires immediate abatement as provided in this chapter. The second and final notice shall further include the following:

Occupied Properties. Conditions shall be corrected within 7 days from the date of the notice, or the owner(s) and/or occupant(s) may be cited for violation in

accordance with BMC [8.06.070](#). If the occupant(s) are not the owner, the owner shall be notified via certified mail of the citation issued to the occupant(s).

Vacant Properties. Conditions shall be corrected within 14 days from the service thereof, or the owner(s) may be cited for violation in accordance with BMC [8.06.070](#).

- B. *Non-summer Season.* During the non-summer season, prohibited vegetation and noxious vegetation violations shall be handled on a complaint basis. Once an official written complaint has been received, the city manager or designee shall send notice to the owner(s) and/or occupant(s) of the violating property by first class mail, at the address identified in records of the county assessor of Morrow County, Oregon, or those of the city of Boardman's utility billing system. The notice shall:
1. Be directed to the owner(s) and/or occupant(s);
 2. Refer to the premises involved with convenient certainty, the street address(es), if any, and the map and tax lot number;
 3. Notify the owner or occupant that they are unlawfully allowing a public nuisance to remain upon real property under their ownership or control, or within the improved right-of-way or a public thoroughfare abutting the property, and the city requires immediate abatement as provided in this chapter; and
 4. Inform the owner(s) and/or occupant(s) that, if the nuisance is not abated within 14 days from the date of service, the owner(s) and/or occupant(s) may be prosecuted for violation in accordance with BMC [8.06.090](#); and
 5. Advise that the city may, at its discretion, proceed with abating the nuisance and charging the owner or occupant with the reasonable cost of such abatement in accordance with the city's abatement procedures.

8.06.070 Issuance of citation and abatement.

If the nuisance is not corrected, the city manager or designee may proceed as follows:

- A. Direct the Code Enforcement Officer to issue a citation to occupant(s) in accordance with Title 1 General Provisions Chapter 1.16 General Penalty, Violations and Fines of the Boardman Municipal Code. If the occupant(s) are not the owner, the owner shall be notified via certified mail of the citation issued to the occupant(s).
- B. Determine it to be necessary for the city to abate the nuisance by removing the noxious vegetation from the property in accordance with Title 1 General Provisions Chapter 1.20 Code Compliance of the Boardman Municipal Code.

8.06.080 Penalty.

A person violating a provision of this chapter shall, upon conviction thereof, be assessed a fine in accordance with a Class D Violation as outlined in Title 1 General Provisions Chapter 1.16 General Penalty, Violations and Fines of the Boardman Municipal Code

8.06.090 Separate violations.

- A. Each day's violation of a provision of this chapter constitutes a separate offense.

- B. The abatement of a nuisance is not a penalty for violating this chapter but is an additional remedy. The imposition of a penalty does not relieve a person of the duty to abate the nuisance; however, abatement of a nuisance within 14 days of the date of the notice to abate, or if a written protest has been filed, then abatement within 14 days of City Council's determination that a nuisance exists, will relieve the person responsible from the imposition of any fine.

AGENDA BILL

City Council Meeting – April 7, 2026

Subject: Appoint Councilor- Term Ending December 31, 2026

Category: Action Item-Other Business

Staff Contacts: Brandon Hammond, City Manager

Summary:

Due to a vacancy on the City Council, it is necessary for the Council to appoint a new councilor to fill the open position. To ensure a fair and transparent process, the Council will hear from each candidate, ask questions regarding their interest and qualifications, and then make an appointment following the question session. This process allows the Council to consider each applicant before selecting the individual to serve in the vacant seat.

Attachment:

Letters of Interest: Frankie Lezama, Isavel Gonzalez, Jose Ortiz, Michael Hughes

Budget/Fiscal Impact: NA

Recommendation: NA

Proposed Council Motion:

I move to appoint _____ as a Council Member for the remainder of the term ending December 31, 2026.

MICHAEL A. HUGHES

March 7, 2026
City of Boardman
200 City Center Circle
Boardman, OR 97818

RE: City of Boardman – Council Member

Dear Members of the Selection Committee,

I am writing to express my strong interest in serving on the City Council. Public service has been the focus of my professional career, and I am committed to helping guide thoughtful decisions that strengthen our community today while preparing responsibly for the future.

Since March of 2020, I have served as Fire Chief for our Fire District. In this role, I oversee all emergency operations and fire prevention efforts to ensure the safety and well-being of our residents. I am responsible for developing and implementing policies, leading strategic planning initiatives, and managing the district's budget to ensure resources are used efficiently and responsibly. These responsibilities require sound judgment, transparency, and the ability to balance immediate operational needs with long-term planning—skills that translate directly to the work of a City Council member.

As Fire Chief, I regularly collaborate with local agencies, regional partners, and community stakeholders to address complex challenges and deliver effective public services. This experience has given me a deep appreciation for the importance of communication, collaboration, and practical problem-solving in local government. I understand how critical it is for leaders to listen to residents, work cooperatively across organizations, and make decisions that reflect both community priorities and fiscal responsibility.

I believe strongly in the values that make our community a great place to live: public safety, responsible growth, and a shared commitment to supporting local families and businesses. Economic development and infrastructure investment must be approached thoughtfully so that growth strengthens our community while preserving

the character and quality of life residents expect. I am committed to working collaboratively with fellow council members, staff, and community partners to support sustainable economic opportunities and long-term community prosperity.

Serving our community has been one of the greatest privileges of my career, and I would welcome the opportunity to continue that service on the City Council. I am confident that my experience in leadership, policy development, emergency management, and budget oversight would allow me to contribute meaningfully to the council's work and to the future of our city.

Thank you for your time and consideration.

Sincerely,

Michael Hughes



Fw: Open Council Position

From Brandon Hammond <HammondB@cityofboardman.com>
Date Thu 3/5/2026 2:01 PM
To Amanda Mickles <micklesa@cityofboardman.com>

Get [Outlook for iOS](#)

From: Jose Ortiz <jose.tz.ortiz@gmail.com>
Sent: Thursday, March 5, 2026 1:49:21 PM
To: Brandon Hammond <hammondb@cityofboardman.com>
Subject: Open Council Position

You don't often get email from jose.tz.ortiz@gmail.com. [Learn why this is important](#)

Dear City Manager,

I am writing to express my interest in being considered for appointment to the Boardman City Commission. Since moving to Boardman in 2020, my family and I have been proud to call this community home. My wife, our children, and our pets have built our lives here, and I am committed to contributing to the continued growth and well-being of our city.

Professionally, I have worked in education and mental health services in Oregon since 2020, exclusively within nonprofit and government roles. This work has given me firsthand experience supporting individuals and families during difficult moments and navigating the systems that help communities function effectively. These experiences have strengthened my understanding of how local government decisions directly affect quality of life.

Prior to my work in Oregon, I served in the United States Marine Corps and deployed to Iraq in 2007. My military service instilled in me a deep sense of duty, accountability, and commitment to serving others—values that continue to guide my professional and personal life. Since my Honorable Discharge in 2009, I have worked almost exclusively for non-profits and government agencies. This includes a time as a Asst. Park Manager in Florida.

I also hold a Master of Public Administration as well as a Bachelor's degree in Business Administration and Finance. These academic experiences have given me a strong foundation in public policy, budgeting, and organizational management, which I believe are essential for responsible municipal governance.

If selected to serve, I would bring a focus on quality-of-life issues that matter to families in our community. I am particularly interested in supporting efforts that strengthen parks and recreation

opportunities, expand access to healthcare resources, and help ensure that Boardman remains an affordable and welcoming place for working families.

Boardman is a growing community with tremendous potential, and I would be honored to contribute my experience and perspective in service to our residents. Thank you for your time and consideration, and I would welcome the opportunity to discuss my interest further.

Respectfully,

Jose Ortiz
212 SW Eagle Ct
Boardman, OR 97818
407.533.9277

127 NW Columbia Avenue
Boardman, OR 97818
Gonzalezisavel@gmail.com

Dear Boardman City Council,

I am writing to express my interest in serving on the Boardman City Council. As a lifelong resident of Boardman, having grown up and attended schools here, my connection to this town is not only personal but also grounded in a strong commitment to its continued growth and success.

Throughout my life, I have remained actively involved in the community. I have spent four years coaching Little League softball. I have served on the Boardman Chamber of Commerce Board for the past three years and currently hold the position of Vice President.

I am also proud to serve on the advisory committee for the Clean Water Consortium, where I contribute to efforts aimed at ensuring access to clean and reliable drinking water for residents in the unincorporated areas of Morrow County.

I care deeply about Boardman and the people who call it home, and I am committed to helping guide our town toward a strong and sustainable future. I believe my background, dedication, and collaborative approach would allow me to effectively serve and represent our residents.

Thank you for your time and consideration. I would be honored to contribute to the continued success of Boardman through service on the City Council.

Sincerely,

Isavel Gonzalez

Frankie Lezama

705 Paul Smith Rd Spc 79

Boardman, OR 97818

Lezamafrankie@icloud.com

541-561-3361

3/25/2026

Dear City of Boardman City Council Selection Committee,

I am writing to let you know I'm interested in serving on the City of Boardman City Council. I care about this community and want to help make it a great place for everyone who lives here.

Living in Boardman, I see the needs of our town and the people in it. I want to be someone who listens, speaks up for others, and helps make good decisions for our community. I believe in being honest, showing up, and working together to get things done.

I'm especially interested in supporting local schools, families, and helping our town continue to grow in a positive way while keeping what makes Boardman special.

I am ready to put in the time and effort to do this job well and be someone the community can count on.

Thank you for your time and consideration.

Sincerely,

Frankie Lezama

AGENDA BILL
City Council Meeting – April 7, 2026

Subject: CREZ II Alternate Appoint

Category: Action Item-Other Business

Staff Contacts: Brandon Hammond, City Manager

Summary:

The City Council will discuss and appoint an alternate to CREZ II.
(currently appointed: Mayor Keefer, Karen Pettigrew, Alternate: Ethan Salata)

Attachment: NA

Budget/Fiscal Impact: NA

Recommendation: NA

Proposed Council Motion:

I move to appoint _____ as the alternate member of CREZ II

AGENDA BILL City Council Meeting – April 7, 2026

Subject: CREZ III Member Appointment

Category: Action Item-Other Business

Staff Contacts: Brandon Hammond, City Manager

Summary:

The City Council will discuss and appoint a member to CREZ III.
(currently appointed: Councilor Rockwell, Councilor Salata, Mayor Keefer, Alternate:
Councilor Profitt)

Attachment: NA

Budget/Fiscal Impact: NA

Recommendation: NA

Proposed Council Motion:

I move to appoint _____ as a Member of CREZ III

AGENDA BILL

City Council Meeting – April 7, 2026

Subject: OLCC License-Wasted Wheelz Review

Category: Action Item-Other Business

Staff Contacts: Brandon Hammond, City Manager

Summary:

A city council may review a liquor license application and submit an unfavorable recommendation to the OLCC, but it cannot deny the license itself. The council's recommendation is most likely to carry weight when it is based on recognized legal grounds and supported by reliable facts, such as concerns about the applicant's qualifications, compliance history, or serious and persistent problems tied to the premises.

By contrast, concerns about parking, traffic, too many nearby licenses, entertainment type, generalized noise, or zoning issues alone are generally not enough to justify denial. In the end, the OLCC makes the licensing decision. The council's role is to raise documented concerns that fit the legal criteria, not to exercise independent authority over the final outcome.

Attachment:

OLCC Application
OLCC Guidelines

Budget/Fiscal Impact: NA

Recommendation: NA

Proposed Council Motion:

I move to authorize Police Chief Stokoe to complete the OLCC Local Government Recommendation for a liquor license for Wasted Wheelz.



OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

Per OAR 845-005-0304(3): The Commission requires an applicant for issuance of a new license issued under ORS chapter 471, to provide written notice of the application to the local government in the form of a complete, accurate, and legible Commission form.

The local government is as follows:

- (a) If the address of the premises proposed to be licensed is within a city's limits, the local government is the city.
- (b) If the address of the premises proposed to be licensed is not within a city's limits, the local government is the county.

INSTRUCTIONS:

Step 1: Applicant completes all of Section 1 (including top of Page 2).

Step 2: Applicant submits both pages of the form to the appropriate local government. NOTE: The local government may require additional forms and/or fees.

Step 3: Local government completes at least Section 2 and returns all pages of the form, or a copy thereof, to the applicant. The local government is allowed up to 45 days to complete Section 3.

Step 4: Applicant takes the form with at least Sections 1 and 2 completed and includes it with their CAMP application to meet the Local Government Recommendation document requirement. Submissions that do not have at least Sections 1 and 2 completed will not be accepted.

Step 5: The local government issues its final recommendation in Section 3 and returns the completed form to the applicant. If the applicant has already submitted their initial application via CAMP, they hold on to the final recommendation and provide it to their investigator, when requested. If they have not already submitted their application, they upload the fully completed Local Government Recommendation form with their initial application submission.

Applicants within the city of Portland ONLY: After completing the attached form, please follow these steps to complete the Local Government Recommendation process:

- Apply via the [City of Portland website](#).
- Once you have completed the application with the City of Portland, you will receive an email notifying you that your application has been accepted, usually within two business days. The email will contain an attachment titled "ABC Public Notice."
- Upload the ABC Public Notice document with your CAMP application to meet the Local Government Recommendation document requirement.

NOTE: This document only provides proof of submission. Once you receive your final recommendation from the City of Portland, you will need to provide that to your assigned OLCC investigator.



OREGON LIQUOR & CANNABIS COMMISSION Local Government Recommendation – Liquor License

Annual Liquor License Types	
Off-Premises Sales	Brewery-Public House
Limited On-Premises Sales	Brewery
Full On-Premises, Caterer	Distillery
Full On-Premises, Commercial	Grower Sales Privilege
Full On-Premises, For Profit Private Club	Winery
Full On-Premises, Non Profit Private Club	Wholesale Malt Beverage & Wine
Full On-Premises, Other Public Location	Warehouse
Full On-Premises, Public Passenger Carrier	

Section 1 – Submission – To be completed by Applicant:

License Information

Legal Entity/Individual Applicant Name(s): Juan Llamas and Amaranta Llamas

Proposed Trade Name: Wasted Wheelz

Premises Address: 101 SE Front ST Unit:

City: Boardman County: Morrow Zip: 97818

Application Type: New License Application Change of Ownership Change of Location

License Type: Limited on Premises Sales Additional Location for an Existing License

Application Contact Information

Contact Name: Juan Llamas Phone: 541-720-3067

Mailing Address: 5126 Meteor St

City: Salem State: OR Zip: 97305

Email Address: wastedwheelz@gmail.com

Business Details

Please check all that apply to your proposed business operations at this location:

Manufacturing/Production

Retail Off-Premises Sales

Retail On-Premises Sales & Consumption

If there will be On-Premises Consumption at this location:

Indoor Consumption Outdoor Consumption

Proposing to Allow Minors

Section 1 continued on next page



OREGON LIQUOR & CANNABIS COMMISSION

Local Government Recommendation – Liquor License

Section 1 Continued – Submission - To be completed by Applicant:

Legal Entity/Individual Applicant Name(s): Juan Llamas and Amaranta Llamas
Proposed Trade Name: Wasted Wheelz
IMPORTANT: You MUST submit this form to the local government PRIOR to submitting to OLCC. Section 2 must be completed by the local government for this form to be accepted with your CAMP application.

Section 2 – Acceptance - To be completed by Local Government:

Local Government Recommendation Proof of Acceptance
After accepting this form, please return a copy to the applicant with received and accepted information
City or County Name: Optional Date Received Stamp
Date Application Received:
Received by:

Section 3 – Recommendation - To be completed by Local Government:

Recommend this license be granted
Recommend this license be denied (Please include documentation that meets OAR 845-005-0308)
No Recommendation/Neutral
Name of Reviewing Official:
Title:
Date:
Signature:
After providing your recommendation and signature, please return this form to the applicant.

PROPERTY USE AGREEMENT (OLCC)

This agreement is made on February 1, 2026 between:

Property Owner: Michael Torres

Applicant / Licensee: Wasted Wheelz LLC

The Property Owner grants Wasted Wheelz LLC permission to occupy and control a designated area located at:

101 SE Front St. Boardman, OR 97818

for the purpose of operating a stationary alcohol service.

The premises will be used solely for the sale and service of malt beverages and wine, including prosecco, in accordance with Oregon Liquor and Cannabis Commission (OLCC) regulations. No distilled spirits will be sold.

This agreement is month-to-month, beginning 3/1/2026, and may be terminated by either party

with 30 days written notice.

The Applicant is responsible for obtaining and maintaining all required OLCC licenses and permits

and for compliance with all applicable laws.

Property Owner

Signature: E-SIGNED by Michael Torres
on 2026-02-24 21:12:17 GMT

Date: February 24, 2026

Wasted Wheelz LLC

Signature: E-SIGNED by Juan Antonio Llamas
on 2026-02-02 00:58:28 GMT

Date: February 02, 2026

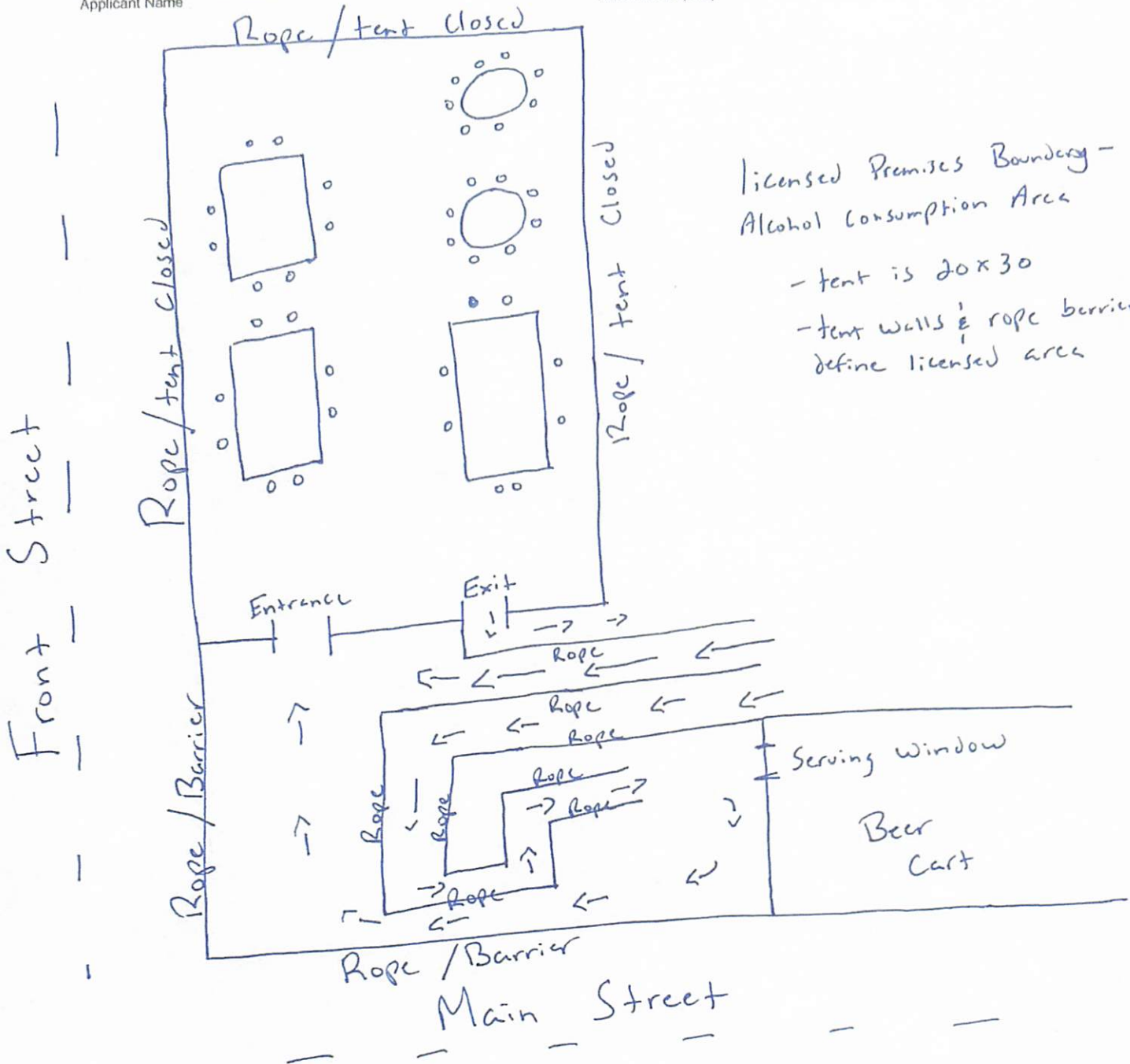


OREGON LIQUOR & CANNABIS COMMISSION FLOOR PLAN FORM

Your floor plan must be submitted on this form

Juan Llano
Applicant Name

Wasted Wheelz
Trade Name (dba)



licensed Premises Boundary -
Alcohol Consumption Area

- tent is 20x30
- tent walls & rope barrier define licensed area

.....OLCC USE ONLY.....
MINOR POSTING ASSIGNMENT(S)

Date:

Initials:

REASONS WE MAY DENY OR RESTRICT A LICENSE
ORS 471.313(1)(2), OAR 845-005-0320, 845-005-0321, 845-005-0322
845-005-0325, 845-005-0326(1)(2) or 845-005-0355

The following is a list of problems relating to the **APPLICANT** or **BUSINESS** that OLCC *can* consider to refuse or restrict a license:

1. Applicant has a habit of using alcohol or drugs to excess
2. Applicant makes a false statement to OLCC (must be related to a refusal basis)
3. Applicant has been convicted of local, state or federal laws that are substantially related to the fitness of holding a liquor license
4. Applicant has demonstrated poor moral character
5. Applicant has a poor record of compliance when previously licensed by OLCC
6. Applicant is not the legitimate owner of the business
7. The business has a history of serious and persistent problems at this location.

The problems can include:

- Obtrusive or excessive noise, music or sound vibrations
- Public drunkenness
- Fights or altercations
- Harassment
- Unlawful drug sales
- Alcohol or related litter

OLCC is *not* able to consider the following issues when deciding to renew a liquor license:

- Lack of parking
- Increase in traffic
- Too many licenses in a specific area (saturation)
- Entertainment type - nude dancing, gambling, live bands, etc.
- Increased noise
- Zoning issues

Visit www.oregon.gov/olcc/ to see the full text of ORS and OAR referenced above. In order for an unfavorable recommendation from a local government to be valid, the grounds must be found in the license refusal bases of ORS 471.313(1), 471.313(2), OAR 845-005-0320, 845-005-0321, 845-005-0322, 845-005-0325 or 845-005-0326(1)(2) or the license restriction bases of OAR 845-005-0355, and must be supported by reliable factual information.

471.313 Grounds for refusing to issue license, certificate or permit, or for issuing restricted

certificate or permit. (1) The Oregon Liquor and Cannabis Commission may refuse to issue a license, or may issue a restricted license, to any applicant under the provisions of this chapter if the commission has reasonable ground to believe any of the following to be true:

(a) That there are sufficient licensed premises in the locality set out in the application, or that the granting of a license in the locality set out in the application is not demanded by public interest or convenience. In determining whether there are sufficient licensed premises in the locality, the commission shall consider seasonal fluctuations in the population of the locality and shall ensure that there are adequate licensed premises to serve the needs of the locality during the peak seasons.

(b) That the applicant has not furnished an acceptable bond as required by ORS 471.311 or is not maintaining the insurance or bond required by ORS 471.168.

(c) That, except as allowed by ORS 471.392 to 471.400, any applicant to sell at retail for consumption on the premises has been financed or furnished with money or property by, or has any connection with, or is a manufacturer of, or wholesale dealer in, alcoholic liquor.

(d) That the applicant:

(A) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.

(B) Has made false statements to the commission.

(C) Is incompetent or physically unable to carry on the management of the establishment proposed to be licensed.

(D) Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license.

(E) Has maintained an insanitary establishment.

(F) Is not of good repute and moral character.

(G) Has failed to comply with ORS 459A.700 to 459A.754, 474.005 to 474.095, 474.115, 475C.005 to 475C.525, 475C.540 to 475C.586 or 475C.770 to 475C.919 or this chapter or ORS chapter 473 or rules adopted by the commission pursuant to ORS 459A.700 to 459A.754, 474.005 to 474.095, 474.115, 475C.005 to 475C.525, 475C.540 to 475C.586 or 475C.770 to 475C.919 or this chapter or ORS chapter 473.

(H) Is not the legitimate owner of the business proposed to be licensed, or other persons have ownership interests in the business which have not been disclosed.

(I) Is not possessed of or has not demonstrated financial responsibility sufficient to adequately meet the requirements of the business proposed to be licensed.

(J) Is unable to read or write the English language or to understand the laws of Oregon relating to alcoholic liquor or the rules of the commission.

(e) That there is a history of serious and persistent problems involving disturbances, lewd or unlawful activities or noise either in the premises proposed to be licensed or involving patrons of the establishment in the immediate vicinity of the premises if the activities in the immediate vicinity of the premises are related to the sale or service of alcohol under the exercise of the license privilege. Behavior that is grounds for refusal of a license under this section, where so related to the sale or service of alcohol, includes, but is not limited to obtrusive or excessive noise, music or sound vibrations; public drunkenness; fights; altercations; harassment; unlawful drug sales; alcohol or related litter; trespassing on private property; and public urination. Histories from premises currently or previously operated by the applicant may be considered when reasonable inference may be made that similar activities will occur as to the premises proposed to be licensed. The applicant may overcome the history by showing that the problems are not serious or persistent or that the applicant demonstrates a willingness and ability to control adequately the premises proposed to be licensed and patrons' behavior in the immediate vicinity of the premises that is related to the licensee's sale or service of alcohol under the licensee's exercise of the license privilege.

(f) If the application is for a license that authorizes the sale or service of alcoholic beverages for consumption on the premises and the applicant intends to offer the sale or service of alcoholic beverages for consumption on the premises, that the applicant does not hold a valid service permit or temporary service permit issued under ORS 471.375 and has not designated an individual who:

(A) Holds a valid service permit or temporary service permit issued under ORS 471.375; and

(B) Exercises, or is entitled to exercise, control or responsibility over setting, implementing and changing applicant's practices for selling and serving alcoholic beverages at the premises.

(2) The commission may refuse to issue a certificate under ORS 471.244 or permit under ORS 471.282, or may issue a restricted certificate or permit, if the commission has reasonable grounds to believe that the applicant:

(a) Is in the habit of using alcoholic beverages, habit-forming drugs or controlled substances to excess.

(b) Has made false statements to the commission.

(c) Has been convicted of violating a general or local law of this state or another state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities related to the certificate or permit.

(d) Has failed to comply with ORS 459A.700 to 459A.754, 474.005 to 474.095, 474.115, 475C.005 to 475C.525, 475C.540 to 475C.586 or 475C.770 to 475C.919 or this chapter or ORS chapter 473 or rules adopted by the commission pursuant to ORS 459A.700 to 459A.754, 474.005 to 474.095, 474.115, 475C.005 to 475C.525, 475C.540 to 475C.586 or 475C.770 to 475C.919 or this chapter or ORS chapter 473.

(e) Does not have a good record of compliance with the alcoholic liquor laws and rules of any other jurisdiction. [Formerly 471.295; 2001 c.785 §1; 2011 c.165 §1; 2013 c.149 §1; 2017 c.533 §11; 2021 c.351 §75; 2023 c.391 §13; 2024 c.40 §8]

845-005-0320**License Refusal Reasons that Can Not Be Overcome**

The following criteria will preclude issuing or renewing a license. Intervening circumstances do not apply to these criteria.

- (1) The applicant has or would have an interest in another liquor business that ORS 471.313(1)(c), 471.394, or 471.396 prohibits and no exception applies.
- (2) The applicant seeks a license that requires food service and is unable to show in writing that the applicant will comply with the food service requirements set by the rules of the Commission for that license.
- (3) The applicant seeks a Full On-Premises Sales license as an "other public location" as allowed by ORS 471.175(2)(d) and will not allow public access to its premises.
- (4) The applicant is a retail sales agent of the Commission. Despite this requirement, a retail sales agent may obtain a license as allowed by Commission rules.
- (5) The applicant for a license that authorizes the sale or service of alcoholic beverages for consumption on the premises and intends to do so; and
 - (a) Does not hold a valid service permit or a valid temporary service permit under ORS 471.375; and
 - (b) Has not designated as part of their initial application an alcohol service permit designee, defined as an individual who holds a valid service permit or valid temporary service permit and is authorized by the applicant to exercise control or responsibility over setting, implementing and changing the applicant's practices for selling and serving alcoholic beverages at the premises.
- (6) The applicant has not paid an outstanding fine to the Commission.
- (7) The applicant who is subject to the bonding requirements of ORS 471.155(1) has failed to post a tax bond or the equivalent as required.
- (8) The applicant who is subject to the liquor liability insurance requirements of OAR 845-005-0400 has failed to obtain or maintain liquor liability insurance or bond as required.
- (9) The applicant for an initial license has not completed Commission-given law orientation or been granted a waiver by the Commission
- (10) An applicant or licensee has failed to define the boundaries of the licensed premises as required by ORS 471.159(1).
- (11) An applicant or licensee holds a full on-premises, caterer license issued under ORS 471.175(2)(e) and serves, or will serve, alcoholic beverages for consumption on the annually licensed premises.

Statutory/Other Authority: ORS 471.030, 471.040, 471.730 (1) & 471.730 (5)

Statutes/Other Implemented: ORS 471.168, 471.313, 2024 OL Ch. 40 Sec. 8 & 2024 OL Ch. 40 Sec. 9

History:

OLCC 13-2024, amend filed 12/20/2024, effective 03/31/2025
 OLCC 8-2023, amend filed 12/18/2023, effective 01/02/2024
 OLCC 203-2022, amend filed 12/19/2022, effective 02/01/2023
 OLCC 6-2009, f. 6-22-09, cert. ef. 7-1-09
 OLCC 12-2008, f. 10-13-08, cert. ef. 11-1-08
 OLCC 14-2002, f. 10-25-02 cert. ef. 11-1-02
 OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01

845-005-0321**Additional License Refusal Reasons for a Full On-Premises Sales License for a Nonprofit Private Club**

- (1) ORS 471.175 allows the Commission to issue a full on-premises sales license to a nonprofit private club as described in 471.175. This rule sets criteria to refuse to issue or renew a Full On-Premises Sales License for a Nonprofit Private Club. These criteria are in addition to other refusal criteria set out in ORS Chapter 471 and OAR chapter 845 divisions 5 and 6.
- (2) Definitions. For this rule:

(a) "Auxiliary Member" means a living individual that has met the eligibility requirements as set out in the nonprofit corporation's bylaws to be an auxiliary member and has been designated as an auxiliary member with certain limited membership privileges by the nonprofit corporation.

(b) "Full Member" means a living individual that has met the eligibility requirements as set out in the nonprofit bylaws to be a full member and has been designated as a full member by the nonprofit corporation. A full member dues to the club, have full-time membership privileges equal to all other full members of the club, and be entitled to vote in all elections for directors of the nonprofit corporation licensee of the club.

(c) "Nonmember" means an individual who is not a full member or auxiliary member and who is at the club for the purpose of benefiting from the club's services or facility.

(d) "Nonprofit Corporation" means a mutual benefit corporation, a public benefit corporation, or religious corporation as defined in ORS Chapter 65.

(3) The Commission may refuse to issue or renew a Full On-Premises Sales License for a Nonprofit Private Club when the applicant:

(a) Is not a nonprofit corporation currently registered as such with Oregon's Office of the Secretary of State; or

(b) At the time of initial application for licensure, has not been registered as a nonprofit corporation with Oregon's Office of the Secretary of State for a minimum of one year immediately prior to the date of the application; or

(c) Does not have a minimum of 100 full members.

Statutory/Other Authority: ORS 471.030, 471.040, ORS 471.175, 471.730(1) & 471.730(5)

Statutes/Other Implemented: ORS 471.175

History:

OLCC 203-2022, amend filed 12/19/2022, effective 02/01/2023

OLCC 13-2010, f. 10-18-10, cert. ef. 11-1-10

OLCC 6-2009, f. 6-22-09, cert. ef. 7-1-09

845-005-0322

Additional License Refusal Reasons for a Full On-Premises Sales License for a For-Profit Private Club

ORS 471.175 allows the Commission to issue a full on-premises sales license to a for-profit private club as described in the definition of a "commercial establishment" in ORS 471.001(2). This rule sets criteria to refuse to issue or renew a Full On-Premises Sales License for a For-Profit Private Club. These criteria are in addition to other refusal criteria set out in ORS Chapter 471 and OAR chapter 845, division 5.

(1) Definitions. For this rule and OAR 845-006-0495:

(a) "Member" means a living individual that has been accepted by the club as a member, pays dues to the club, and has full-time membership privileges.

(b) "Nonmember" means an individual who is not a member and who is at the club for the purpose of benefiting from the club's services or facility.

(2) The Commission may refuse to issue or renew a Full On-Premises Sales License for a For-Profit Private Club when the applicant does not have a minimum of 100 members.

Statutory/Other Authority: ORS 471, 471.001, 471.030, 471.040, 471.175, 471.730(1) & (5)

Statutes/Other Implemented: ORS 471.001 & 471.175

History:

OLCC 13-2010, f. 10-18-10, cert. ef. 11-1-10

845-005-0325

License Refusal Reasons: Applicant Qualifications

The Commission may refuse to license an applicant if any of the criteria in this rule apply. Upon a finding that a license should be refused, the Commission will consider intervening circumstances to determine whether the refusal basis is supported or overcome. The intervening circumstances may have occurred before or after the incident or incidents that are relevant to the specific criterion. The intervening circumstances may be weighed in favor of the applicant, weighed against the applicant, or weighed neither for nor against the applicant. The criteria are as follows:

(1) The applicant has a recent history or record of using alcohol or controlled substances to excess. Some of the records the Commission may use to evaluate this criterion include: court documents; Department of Motor Vehicles reports; police records; or medical records. Some of the intervening circumstances the Commission considers in determining whether the refusal basis is supported or overcome include: successful participation in treatment program(s); severity of the applicant's

record; passage of time since last relevant incident; and the applicant's previous record of compliance with the Commission.

(2) The applicant has been convicted of violating any general or local law of this state, or any other state, or of violating a federal law, if the conviction is substantially related to the fitness and ability of the applicant to lawfully carry out activities under the license. In determining whether the applicant presents an acceptable future risk of compliance, the Commission will consider applicable intervening circumstances that have occurred before or after the relevant incident or incidents.

(a) Definitions. For this subsection:

(A) "Compliance risk factors" means factors related to the individual's moral character or that show the individual's tendency to disobey laws, rules, and regulations; such as probation and parole violations and non-relevant convictions.

(B) "Relevant conviction" means a conviction that involved violence or the threat of violence; dishonesty or deception; drugs, alcohol, or other regulated substances; or a conviction as a felon in possession of a weapon.

(C) "Successful treatment" means:

(i) The Commission receives written confirmation from the individual's licensed treatment provider that the individual completed treatment that is related to a relevant conviction and the Commission has determined that the individual has not had another conviction for a similar incident since the completion of the treatment; or

(ii) The individual is still in a treatment program that is related to a relevant conviction; however, the Commission receives written confirmation from the individual's licensed treatment provider that the individual has demonstrated sufficient success towards stopping the behavior that led to the conviction and the Commission has determined that the individual has not had another conviction for a similar incident since the date the provider determined that the individual demonstrated sufficient success towards stopping the behavior that led to the conviction.

(b) Upon the Commission's determination that a basis to refuse the application has been established under this criterion, the Commission may consider the following intervening circumstances and may consider other intervening circumstances, depending on the facts of the case:

(A) Passage of time from the date of the most recent incident that led to a relevant conviction or from the date of the most recent compliance risk factor, whichever date is later. In calculating the passage of time, the Commission does not count time spent incarcerated after the date of the most recent incident that led to a relevant conviction or after the date of the most recent compliance risk factor, whichever date is later.

(B) Compliance risk factors.

(C) Successful treatment.

(D) The severity of the individual's relevant conviction record as shown by both the number of convictions and whether a conviction was a felony or non-felony.

(E) The individual's record of compliance with the Commission.

(3) The applicant provides material false or misleading information to the Commission or omits material information that should have been provided to the Commission. Upon the Commission's determination that a basis to refuse the application has been established under this criterion, the Commission may consider the following intervening circumstances and may consider other intervening circumstances, depending on the facts of the case:

(a) The number of false statements or omissions.

(b) Whether or not false statements or omission were repeated.

(c) The applicant's provision of conflicting reasons for a false statement or omission.

(d) If there are language or other communication issues between the applicant and the Commission.

(e) If the applicant has been warned or cautioned about the need for truthfulness.

(4) The applicant is under 21 years of age. The applicant may establish a basis to overcome this criterion by demonstrating that the applicant will not participate in the management or control of any alcohol-related business decisions or any employees responsible for the sale or service of alcoholic beverages.

(5) The applicant does not have a good record of compliance with ORS Chapter 471, 473, 474, 475C, or any rules adopted thereunder. Upon the Commission's determination that a basis to refuse the application has been established under this

criterion, the Commission may consider the following intervening circumstances and may consider other intervening circumstances, depending on the facts of the case:

- (a) The passage of time since the most recent violation.
- (b) The seriousness of the applicant's violation record.
- (c) The personal involvement in a violation by the applicant.
- (d) Whether the applicant immediately implemented control measures that effectively prevented future violations.
- (e) Whether a violation was aggravated or mitigated.
- (f) The applicant's acceptance of any relevant license restriction.

Statutory/Other Authority: ORS 471.030, 471.040, 471.730 (1) & 471.730 (5)

Statutes/Other Implemented: ORS 471.313

History:

- OLCC 13-2024, amend filed 12/20/2024, effective 03/31/2025
- OLCC 203-2022, amend filed 12/19/2022, effective 02/01/2023
- OLCC 4-2022, minor correction filed 02/25/2022, effective 02/25/2022
- OLCC 11-2019, amend filed 07/22/2019, effective 09/01/2019
- OLCC 7-2014, f. & cert. ef. 8-15-14
- OLCC 8-2012, f. 10-30-12, cert. ef. 11-1-12
- OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01

845-005-0326

License Not Demanded by Public Interest or Convenience

ORS 471.313(1) allows the Commission to deny a license that public interest or convenience does not demand. The following are some of the public interest or convenience reasons for which the Commission may deny a license unless intervening circumstances exist to overcome the criteria:

(1) Proximity to Facilities:

(a) The licensed premises:

(A) Will be located within 500 feet within a city's limits or within 1,500 feet outside a city's limits of the boundary (measured property line to property line) of a licensed child care facility, elementary or secondary school, a church, a hospital, nursing care facility or convalescent care facility, a park or children-oriented recreational facility, or alcohol and other drug treatment or rehabilitation facility; and

(B) The facility shows the exercise of the license privileges at the licensed premises will interfere or conflict with the specialized activities of the facility.

(b) Some of the intervening circumstances the Commission considers in determining whether the refusal basis is supported or overcome is the applicant's control plan addressing its willingness and ability to control the proposed premises and patrons' behavior in the immediate vicinity of the premises.

(c) This criterion does not apply to renewal applications or to changes of ownership with no change in license privileges or operation.

(2) Problem Areas:

(a) The licensed premises will be located in an area that, within 500 feet of the premises and in the past 12 months, has at least 50 documented incidents of public drunkenness, fights, altercations, harassment, unlawful drug sales, alcohol-related litter, trespassing on private property, or public urination. These problems need not be alcohol-related;

(b) Some of the intervening circumstances the Commission considers in determining whether the refusal basis is supported or overcome are:

(A) The applicant's control plan showing that alcoholic beverage sale or service at the premises will not contribute to the problems, and

(B) The applicant's control plan addressing its willingness and ability to control the proposed premises and patrons' behavior in the immediate vicinity of the premises.

(c) This criterion does not apply to renewal applications or to changes of ownership with no change in license operation.

Statutory/Other Authority: ORS 471.030, 471.040, 471.730(1) & 471.730(5)

Statutes/Other Implemented: ORS 471.313

History:

OLCC 203-2022, amend filed 12/19/2022, effective 02/01/2023

OLCC 2-2007, f. 2-20-07, cert. ef. 3-1-07

OLCC 12-2004, f. 10-15-04 cert. ef. 11-1-04

OLCC 12-2001, f. 12-18-01, cert. ef. 1-1-02

OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01

845-005-0355**Restricting License Privileges and Conduct of Operations**

(1) The Commission may restrict a license, service permit, or temporary service permit when:

(a) In the absence of a restriction, the Commission has a basis to cancel, suspend/fine or deny the license, service permit, or temporary service permit;

(b) In addition to all or part of a suspension or fine, a restriction may prevent the recurrence of the problem(s) that caused the violation(s);

(c) The Commission determines that a restriction is in the public interest or convenience; or

(d) The Commission has a basis to refuse the license and the applicant or licensee has submitted a qualifying control or operating plan as good cause to overcome the refusal basis. In these circumstances the Commission shall impose as restrictions those elements of the control or operating plan that the Commission determines are essential to overcoming the refusal basis.

(2) In determining public interest or convenience reasons to restrict a license or permit, the Commission considers factors that include but are not limited to:

(a) The character or environment of the neighborhood in which the licensed premises operate;

(b) The need to eliminate or prevent conditions that have contributed to or that the Commission reasonably believes will contribute to liquor or criminal law violations by the licensee, patrons of the licensed premises or the public, including conditions that have or are likely to contribute to noise, music or sound vibrations from inside or outside the premises that a reasonable person would consider excessive or obtrusive; or

(c) The need to limit the availability of alcohol to minors, visibly intoxicated persons or street drinkers.

(3) The Commission has determined that it is not in the public interest or convenience to issue or renew:

(a) A license that allows off-premises sales in an area frequented by street drinkers, unless the Commission restricts the sales of the alcoholic beverages associated with street drinkers;

(b) A license to a relative or associate of a person whose license was cancelled, surrendered or not renewed because of problems at the premises that involved the person, unless the Commission restricts the relative or associate from permitting the person from being on the premises;

(c) A license or permit to a person who has a recent history or record of alcohol or drug problems, unless the Commission requires the person to complete an alcohol/drug treatment program and follow the program's recommendations regarding alcohol/drug use or to abstain from alcohol/drug use.

(4) When the Commission restricts a license, service permit, or temporary service permit, it notifies the licensee or permittee. If the licensee or permittee disagrees with the license or permit restriction, the licensee or permittee has the right to a hearing under the procedures in ORS Chapter 183; OAR chapter 137, division 3; and chapter 845, division 3.

(5) A licensee or permittee who has a restricted license or permit must exercise license or permit privileges only in compliance with the restriction(s). Failure to comply with the restriction(s) is a Category I violation.

(6) A restriction remains in effect until the Commission removes it. The licensee or permittee may ask the Commission to remove or modify a restriction. The written request must explain why the licensee or permittee believes the Commission should remove or modify the restriction. The Commission will notify the licensee or permittee, in writing, of its decision to approve or deny the request and the basis for its decision. If the Commission denies the request, the licensee or permittee has the right to a hearing under the procedures in ORS Chapter 183; OAR chapter 137, division 003; and chapter 845, division 003.

(7) As used in subsections (2)(c) and (3)(a) of this rule, "street drinkers" means people who drink unlawfully in streets, alleys, parks and other similar public places.

(8) As used in subsection (2)(b) of this rule, "conditions" means conditions in the immediate vicinity of the premises that are related to the exercise of the license privileges and conditions in the premises or in the areas around the premises that the applicant/licensee controls.

Statutory/Other Authority: ORS 471.030, 471.040, 471.730 (1), 471.730 (5), 471.385 & 2024 OL Ch.40 Sec. 13

Statutes/Other Implemented: ORS 471.313 & 471.405 (1)

History:

OLCC 13-2024, amend filed 12/20/2024, effective 03/31/2025
OLCC 2-2011, f. 2-23-11, cert. ef. 3-1-11
OLCC 13-2006, f. 10-19-06, cert. ef. 12-12-06
OLCC 7-2006(Temp), f. & cert. ef. 6-15-06 thru 12-11-06
OLCC 6-2001, f. 8-15-01, cert. ef. 9-1-01
OLCC 19-2000, f. 12-6-00, cert. ef. 1-1-01

Section 9, Item D.

Boardman Police Department

Monthly Report to City Council

Reporting Period: March 2026
Prepared By: Chief Rick Stokoe
Date: March 23, 2026

Overview

During February 2026, the Boardman Police Department continued to provide consistent law enforcement services with an emphasis on public safety, proactive patrol, and visible community presence. Officers balanced calls for service with a strong level of officer-initiated activity, particularly through traffic enforcement and patrol contacts.

Note: Statistics reflect activity from February 23, 2026, through March 22, 2026.

Calls for Service and Patrol Activity

Total Incidents: 337
Calls for Service: 158
Officer-Initiated Incidents: 179

Officers maintained proactive patrols while continuing to respond effectively to citizen-generated calls for service.

Proactive Enforcement Activity

Traffic Stops: 131
Vehicle / Pedestrian Checks: 35
Bus / Building Checks: 2
Other Officer-Initiated Incidents: 48
Field Interviews: 1

These activities reflect continued efforts to deter criminal activity, address traffic concerns, and maintain a visible police presence throughout the community.

Cases Generated

Total Officer Cases: 43
Agency Assist Cases: 2
CIS Conversion Cases: 0

Crash Cases: 2
Felony Cases: 3
Information Cases: 10
Misdemeanor Cases: 14
Search and Rescue Cases: 0
Violation Cases: 5
Voided Cases: 1
Unclassified Cases: 6

Arrest Activity

Total Misdemeanor and Felony Arrests: 12
Misdemeanor Arrests: 10
 Adult Misdemeanor Arrests: 8
 Juvenile Misdemeanor Arrests: 2
Felony Arrests: 2
 Adult Felony Arrests: 2
 Juvenile Felony Arrests: 0


Citations Issued

Total Citations: 17
Violation Citations: 16
Unclassified Citations: 1
No criminal or code enforcement citations were issued during this reporting period.

Summary

The Boardman Police Department maintained steady operational performance throughout March 2026. Officers demonstrated strong proactive enforcement activity while continuing to respond to community needs. Department operations remained stable, with no significant staffing or equipment issues to report.

Respectfully submitted,
Rick Stokoe
Chief of Police
Boardman Police Department

 BOARDMAN POLICE DEPARTMENT PATROL STATISTICS (UNAUDITED) CALENDER YEAR 2026													
Statistics	Jan.	Feb.	Mar.	Apr.	May	Jun.	July	Aug.	Sep.	Oct.	Nov.	Dec.	Annual Total
Total Incidents	304	346	337										
Calls for Service	186	145	158										
Officer Initiated Incidents	118	201	179										
Traffic stops	75	137	131										
Other OIA Incidents	43	64	48										
Bus/Building Checks	2	1	2										
Veh/Ped check	32	35	35										
Total Officer Reports	33	36	43										
CIS Converstion	0	0	0										
Crash	1	1	2										
Felony	4	3	3										
Information Case	8	12	10										
Misdemeanor	15	14	14										
Violation	0	3	5										
Voided	0	0	1										
Unclaissified Reports	5	2	6										
Total Misdemeanor & Felony Arrest	13	11	12										
Misdemeanor Arrests	10	11	10										
Felony Arrests	3	0	2										
Total Citations	21	20	17										
Code	0	0	0										
Criminal	0	0	0										
Violation	21	20	16										
Unclassified	0	0	1										
FI's	1	0	1										

Note: Stats are from the 23rd of prior month to 22nd of current month.

Note: Calender year end summary report will project slight different totals due to RIMS variations,.

Building Report March 2026

March 2026 building activity was materially higher than March 2025, with the strongest concentration in **Morrow County 97818** and a solid increase in **Boardman**. Total permits across the report increased from **40** in March 2025 to **82** in March 2026.

Boardman recorded **18 permits sold** in March 2026, up from **7** in March 2025, a **157.1%** increase. New home construction in Boardman was **3** in both periods, so the year-over-year gain came from broader permit activity rather than additional new home starts. Boardman accounted for **22.0%** of all permits issued in March 2026.

Morrow County 97818 posted the sharpest increase, rising to **39 permits sold** in March 2026 from **9** in March 2025, a **333.3%** increase. The data shows **0** manufactured placement permits, **0** multi-family units, and **0** new home construction in both March periods, indicating the increase was driven by other permit categories captured within total permits sold. 97818 alone represented **47.6%** of all permits issued in March 2026.

Combined, **Boardman and Morrow County 97818** generated **57 permits** in March 2026 versus **16** in March 2025, an increase of **256.2%**. Their combined share of total reported permits rose from **40.0%** in March 2025 to **69.5%** in March 2026, showing that these two areas were the primary drivers of permit activity in the current March reporting period.

2025 - 2026	25-Mar	25-Apr	25-May	25-Jun	25-Jul	25-Aug	25-Sep	Oct-25	Nov-25	Dec-25	Jan-26	Feb-26	Mar-26	Totals
Total Permits Sold	40	100	83	38	89	54	59	47	41	65	52	117	82	846
Boardman														
Permits Sold	7	14	27	3	14	21	8	12	23	18	8	53	18	226
Manufactured Placement Permit	0	1	1	0	0	16	6	12	0	16	0	6	0	58
New Home Construction	3	3	7	1	2	0	0	0	3	0	1	0	3	23
Multi Family Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Morrow County (Excludes 97818)														
Permits Sold	5	12	8	5	11	7	16	5	12	16	6	6	10	119
Manufactured Placement Permit	0	1	0	0	0	1	0	0	1	0	0	0	0	3
New Home Construction	1	0	1	0	0	0	3	1	0	0	0	0	1	7
Multi - Family (units)	0	2	0	0	0	0	0	2	0	0	0	0	0	4
Morrow County - 97818														
Permits Sold	9	50	32	4	39	12	22	18	1	22	28	45	39	321
Manufactured Placement Permit	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Home Construction	0	2	0	0	0	0	0	0	0	0	0	0	0	2
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Irrigon														
Permits Sold	5	7	11	5	13	4	8	7	3	4	5	5	8	85
Manufactured Placement Permit	0	0	0	0	0	0	0	1	0	0	0	0	0	1
New Home Construction	0	4	1	1	2	0	0	2	0	4	0	0	6	20
Multi - Family (units)	0	0	6	2	0	0	0	0	0	0	0	0	0	8
State Electrical														
Permits Sold	1	1	3	2	4	1	1	1	1	2	1	2	1	21
Gilliam County														
Permits Sold	13	16	2	19	8	9	4	4	1	3	4	6	6	95
Manufactured Placement Permit	0	1	0	0	0	2	0	0	0	0	0	0	0	3
New Home Construction	0	0	0	0	0	0	0	1	1	0	0	0	1	3
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0

- Duplex Mobile Homes (12 Units)
- Duplex Mobile Homes (24 Units)
- Duplex Mobile Homes (32 Units)
- Duplex Mobile Homes (12 Units)

City of Boardman

Public Works Department – Monthly Report

March 2026

Water Department

- Continue working on Main Street irrigation.
 - Continue working on dog park irrigation, fencing, and grounding.
 - Preparing irrigation systems at all City facilities and parks.
 - Continue troubleshooting and replacing inoperable meters throughout city.
 - Located two water leaks at residences, neither were on Cities side
 - Retreat for water rate structure and tour City facilities.
 - Repairing irrigation system at SW Front Street.
-

Wastewater / Collections

- Continue lift station washdowns.
 - Continue rodding and jetting of sewer system manholes.
 - Started chlorine system at lagoon and tested.
 - Preparing for new head works at lagoon.
 - Started irrigation from wastewater lagoons.
 - Continue receiving waste water to lagoon from AWS by truck.
 - Started collections survey throughout City mapping pipe size and material.
-

Streets, Parks & Facilities

- Continue work on street lamps and irrigation for Main Street.
 - Completed concrete collars for valves and man holes on new streets.
 - Work on old water building infrastructure, prep for storage.
 - Resume irrigation at city parks and started mowing.
 - Preparing for NE Front Street improvements.
 - Preparing for Boardman Ave, 3rd Street, and 4th Street connections.
-

Fleet & Equipment

- Maintained and serviced equipment.
- Serviced two **police vehicles and repaired another.**
- Purchased 4” trash pump for water transfer at lagoons.

- Pictures at schools with the newly wrapped street sweeper and Big Boy vac truck.
-

Training & Certifications

- Continuing CIS training for 2026.
 - Employees started winter term schooling.
 - Continue iamGIS training for work orders and GIS mapping.
-

Code & Animal Control

- Assisted Code Enforcement and Animal Control (2 dog calls).
 - Working with local vendors on compliance with permitting.
-

General Operations

Public Works completed daily tasks including locates, utility checks, work orders, rounds and regular system monitoring to keep city operations running smoothly. Working with contractors on Main Street improvement, and with contractors on Collector 2 improvements.

MEMORANDUM

To: Mayor Keefer and members of the City Council
Cc: Brandon Hammond, City Manager
From: Carla McLane, Planning Official
Date: March 27, 2026
RE: Planning Department Monthly Update

Spring has sprung! And we are seeing that in an uptick of interest in development and requests for Development Review Permits for new homes. Which will be followed by permits for fences and sheds. Lions, and Tigers, and Bears, oh my!

Strategic Planning Program: You can follow these projects at [this location](#) on the City’s website. For more information on the various projects, see below:

Completed or Nearly Completed Projects:

- **Transportation System Plan (TSP):** Morrow County is in the long, slow process of co-adopting the TSP. The Morrow County Board of Commissioners should conclude with a final public hearing to be held next Wednesday, April 1. My hope is to be able to report at the City Council meeting that they have co-adopted. The ordinance adoption process will most likely take us to mid-April and without an emergency clause it won’t be effective until mid-July. You can follow the next steps of the TSP Update [here](#).
- **Parks Master Plan (PMP):** We are working to correct a procedural error in the adoption process which you will have noticed on the agenda as the adopting Resolution is being rescinded with adoption occurring by Ordinance. Any questions will be addressed as part of the City Council actions.
- **Economic Opportunity Analysis (EOA):** The adoption documents are posted [here](#). As shared last month it has been appealed to LUBA.

Projects Underway or Soon To Be:

- **Boardman Development Code (BDC) and Comprehensive Plan (CP):** We are reengaged on this project. The next PAC meeting and an Open House will be held on May 19. You can follow the CP/BDC PAC [here](#).
- **Housing Capacity Analysis (HCA):** The first PAC meeting has been held, and the first two draft deliverables have been reviewed. We are waiting for some input on infrastructure availability which will come in April as part of the draft water management planning process. You can follow the HCA [here](#).
- **Main Street Interchange Area Management Plan Refinement (MS IAMP):** By the time you receive this the Notice of Intent to Award should have been released.

Other Programmatic work: Work is also progressing on other projects with a planning focus. Those include the:

- **System Development Charge (SDC) Update:** An internal ‘kickoff’ meeting has been held, and we are working on responses to the consultant’s data request.
- **Boardman Municipal Code (BMC):** One of the first components that we are focusing on is the enforcement and abatement process. After that, who knows!?

Planning Reviews and Approvals: My intent here will be to add Planning Department actions that end in an approval for development. I will be cautious to protect the City Council’s role as the appeal body for any local decisions. And if there haven’t been any decisions this section may be blank.

- ✓ **Homes, homes, and more homes:** Other than Development Review Permit requests for new homes, not a lot has changed since last month’s update. We have received a number of requests to allow development of Accessory Dwelling Units, which will require an amendment to the Development Code. Work on that will start soon.
- ✓ **Community Development:** We have received a subdivision application on commercially zoned land in the southwest quadrant of the Main Street interchange. With that we are also anticipating development applications within that same quadrant.



City Manager March Report

The following March report will give an overview of the objectives accomplished this past month, as well as future plans:

Road Ahead!

A major street improvement project is planned for NE Front Street, with contractors expected to be selected at the beginning of April. Once selected, a construction timeline will be distributed. Construction is currently estimated to begin in May 2026. The project will include the addition of NE 3rd Street and NE 4th Street, along with a new connection linking Boardman Avenue to Olson Road. This work is expected to improve traffic circulation, strengthen neighborhood connectivity, and support future development in the surrounding area. Once completed, the project will provide better access for residents, businesses, and visitors while helping prepare Boardman’s transportation network for continued growth.

Quality Services

Notary services remain an important public service the City provides to the community, helping residents complete essential documents in a timely and reliable manner, supporting access to business and legal transactions, and offering a convenient local resource for those who may otherwise have limited options. Providing these services through the City also promotes trust, accessibility, and customer service for community members who need assistance with official document verification. To continue offering this service effectively, notary services will now need to be **scheduled by appointment** to ensure qualified personnel are available, reduce wait times, and allow staff to better balance notary requests with other City responsibilities while maintaining access to this important community service.

Clerical Update

In the September Council meeting, the City Council approved a resolution updating the Personnel Policy, which included the addition of de minimis language in section 4.8. A subsequent Personnel Policy update was approved at the December Council meeting; however, that later update did not include de minimis language. The December-approved policy will also include the de minimis language that was adopted with the September update, ensuring the December version reflects that provision as part of the Personnel Policy.

Betterment of our Community

This will be a regular section that I will include with each report. This is a way for myself and the council to keep in mind the importance of ongoing outreach to our community and highlight what has been done and will be upcoming for the future.

- | | |
|--|---|
| A. Stakeholder Listening Session | M. Chief Prosperity Office Mtg. |
| B. Morrow County Road Dept. | N. LOC Legislative Update |
| C. Splash Pad Installation Mtg. | O. Fire Extinguisher Training |
| D. Morrow County Administration | P. Main Street Interchange Mtg |
| E. NEACT | Q. Morrow-Umatilla Water Steering Committee |
| F. Regional Development Mtg. | R. Boardman Housing Committee |
| G. Clean Water Consortium | S. Boardman Chamber Quarterly Luncheon |
| H. Fire District Board | T. City Council Workshop |
| I. MIRL Application Review | U. LPSCC Mtg. |
| J. Port of Morrow Mtg | V. PATH Advisory Board Mtg. |
| K. BCDA Monthly Mtg | W. Youth Advisory Committee Mtg. |
| L. Project Clearwater Basin Introduction | |

CAPITAL IMPROVEMENT PROJECTS

2025-26

General	Status	Timeline	Cost Estimate
BPA Greenspace	Completed	Fall 2025	\$390,000
Splash Pad	In Progress	Current	\$550,000
Planning			
Economic Opportunity Analysis	Completed	Feb-26	\$60,000
Transportation System Plan	Completed	Jan-26	Grant Funded
Parks Master Plan	Completed	Jan-26	\$40,000
Development Code/Comp Plan	In Progress	December 2026	\$150,000
Municipal Code	In Progress	December 2026	-----
Streets/Sidewalk			
S Main Project	In Progress	Current	\$5,400,000
Annual Street Improvements	Bid Process	Current	\$2,000,000
Storm Water Flow	Bid Process	Current	\$600,000
Water/Wastewater			
NE Front Sewer	Completed	Jul-26	\$160,000
Bio Solids Removal	Construction	Summer 2026	\$1,250,000
Headworks Screen & Septage Receiving Station	Bid Process	Current	\$1,050,000
Hypochlorite System	Completed	Dec-25	\$380,000
Collector 2 Improvements	Completed	Current	\$150,000
Kunze Well	In Design	Current	\$1,000,000

FIXED RATE

Under the new Boardman water rate structure (effective July 1, 2026 onward), the **FIXED RATE** charge (also called the base or meter charge) includes:

- Zero gallons of water — all water used (from the very first gallon) is billed separately at the consumption rate.
- Readiness-to-serve (keeping water available at your property 24/7, scaled by meter size/capacity)
- Water meter installation, maintenance, reading, and replacement
- Billing, customer service, and administrative costs (the built-in \$2.50 billing adjustment in larger-meter calculations)
- Your share of the utility's fixed costs (pipes, pumps, treatment facilities, etc.)

In short: the fixed charge pays for access and infrastructure readiness only — nothing for actual water volume.

5-Year Water Rate Schedule for City of Boardman (Effective July 1 each year)

Key Changes Implemented Starting 7/1/2026:

- **No water included in fixed/base charge** for any customer type—all consumption is billed at the applicable per-1,000-gallon rate.
- **Fixed charges standardized by meter size** (unified across residential, commercial, schools/churches, and other customers). 3/4" residential base starts at \$16.50 and phases with the residential rate increases. Larger meters use the formula: (3/4" base – \$2.50 billing adjustment) × capacity factor + \$2.50, rounded to the nearest cent each year.
- **Capacity Multiplier** (as specified): 1" = 1.67, 1.5" = 3.33, 2" = 5.33, 3" = 10.67, 4" = 16.67, 6" = 33.33, 8" = 53.33.
- **Commercial consumption** phases down from near-current (\$0.84) to match residential \$0.73 by 7/1/2030.
- **Schools/Churches consumption** phases up from near-current (\$0.28) to match \$0.73 by 7/1/2030.
- By 7/1/2030, **all consumption rates are identical** (\$0.73) and **all fixed charges are fully standardized** by meter size. Outside City and wholesale (Port) rates continue per existing policy/ratio unless otherwise directed.

CONSUMPTION RATE

Consumption Rates (\$ per 1,000 gallons – all water now billed)

Customer Type 7/1/2026 7/1/2027 7/1/2028 7/1/2029 7/1/2030

Residential	\$0.50	\$0.55	\$0.61	\$0.67	\$0.73
Commercial	\$0.81	\$0.78	\$0.75	\$0.72	\$0.73
Schools/Churches	\$0.39	\$0.50	\$0.61	\$0.72	\$0.73

Fixed Meter Charges by Meter Size (same for all customer types)

Meter Size 7/1/2026 7/1/2027 7/1/2028 7/1/2029 7/1/2030

3/4"	\$16.50	\$18.15	\$19.97	\$21.17	\$22.44
1"	\$25.88	\$28.64	\$31.67	\$33.68	\$35.80
1.5"	\$49.12	\$54.61	\$60.68	\$64.67	\$68.90
2"	\$77.12	\$85.91	\$95.62	\$102.01	\$108.78
3"	\$151.88	\$169.49	\$188.90	\$201.71	\$215.26
4"	\$235.88	\$263.39	\$293.72	\$313.73	\$334.90
6"	\$469.12	\$524.11	\$584.78	\$624.77	\$667.10
8"	\$749.12	\$837.11	\$934.18	\$998.17	\$1,065.90

These rates are designed to align with the Water Fund Forecasts model (revenue needs ~\$102,000 for retail in 2026 and beyond) while delivering the requested phase-in. The structure fully unifies by 2030, eliminates free water allowances, and scales larger meters appropriately.

CHAPTER 1.16: CODE ENFORCEMENT

1.16.010 Purpose

The purpose of this chapter is to assist the citizens of the community to comply with the provisions of the Boardman Municipal Code and the Boardman Development Code. Further, this chapter is intended to protect the citizens from unhealthy or dangerous conditions; to protect the property values of the homes and businesses within the community; to carry out the policies of the city as they are embodied elsewhere in this code; to provide a fast, fair, and impartial adjudication of alleged city code violations; and to provide persons adversely impacted by administrative determinations and decisions with an effective and impartial appeal and review of the legality and appropriateness of the determination.

1.16.020 Code Provisions Enforceable Under this Chapter.

The following code provisions shall be enforced under the provisions of this chapter:

- (1) XXX
- (2)

1.16.030 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates otherwise:

- (1) "City" means the City of Boardman.
- (2) "Code violation" means commission of an act or omission to act that constitutes a violation of a provision of the code and which is required to be enforced in accordance with the procedures established under this chapter.
- (3) "Code" means the Boardman Municipal Code and Boardman Development Code, including as amended.
- (4) "Code enforcement officer" means a designated employee or contractor of the city who enforces code violations under this chapter.
- (5) "Person" means any natural person or persons, firm, partnership, association or corporation.
- (6) "Responsible party" means the person(s) responsible for curing or remedying a code violation and may include:
 - (a) The owner(s) of the property or the owner's manager or agent or other person in control of the property on behalf of the owner;
 - (b) The person(s) occupying the property including bailee, lessee, tenant or other person having possession; and/or
 - (c) The person(s) alleged to have committed or authorized the commission of the code violation

1.16.040 Complaint of Code Violations.

Whenever a violation of the code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the code enforcement officer. The code enforcement officer shall record properly such complaint, immediately investigate, and take action thereon as provided in this chapter.

1.16.050 Investigation; Notice.

A. Inspections. The code enforcement officer shall have authority to inspect and investigate potential code violations. The provisions of this chapter shall not be deemed to restrict the right of the city to inspect any property pursuant to any applicable federal, state, or local laws or regulations.

B. Entering Private Property; Administrative Warrants. The code enforcement officer may enter any property or building at any reasonable time for the purpose of inspection of an alleged code violation. The code enforcement officer must obtain the consent of the legal occupant of the property before entering private property or a private building. If the code enforcement officer cannot obtain consent, the code enforcement officer shall seek an administrative warrant from the Morrow County Justice Court to inspect the property based upon cause, supported by an affidavit and motion describing with particularity:

1. The position and authority of the person applying for the administrative inspection warrant;
2. The code or other legal authority requiring or authorizing the inspection or investigation;
3. The place, building or property to be inspected or investigated; and
4. The purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect or investigate.
 - ii. Cause shall be deemed to exist when there is probable cause to believe that a code violation exists.
 - iii. Prior to seeking an administrative inspection warrant, the code enforcement official shall consult with the city attorney and obtain approval and assistance in preparing the affidavit and warrant documents.

B. Notice of Violation. Upon becoming aware of a code violation, the code enforcement officer shall serve notice of such violation on the responsible party via first class and classified mail. If the responsible party is not the property owner, a copy of the notice shall also be sent to the owner. Such notice shall, at minimum, contain the following:

1. A description of the real property, by street address or otherwise, on which the violation is occurring;
2. A description of the alleged violation and the relevant code provisions;
3. A description of the corrective action required;
3. A deadline to complete the corrective actions;

4. A statement that, unless the violation has been corrected by the stated deadline, the city may initiate a formal complaint as provided in Section 1.20; and

5. Contact information for the code enforcement officer.

1.16.060 Voluntary Compliance.

A. The city promotes voluntary compliance and prompt correction of violations in a consistent and fair practice. The code enforcement officer may enter into a written agreement with the responsible party to resolve the problems which gave rise to the reported code violation. The agreement shall be known as a voluntary compliance agreement. A voluntary compliance agreement shall be binding on the responsible party.

B. If the responsible party enters into a voluntary compliance agreement, the responsible party's signing of such agreement shall not be considered an admission of having committed an infraction for any purpose.

C. The city shall hold further processing of the alleged code violation in abeyance for the responsible party to complete the necessary correction action during the time specified in the voluntary compliance agreement. If all terms of the voluntary compliance agreement are satisfied during the time specified, the city shall take no further action concerning the alleged code violation other than the steps necessary to terminate the case.

D. All voluntary compliance agreements shall be reviewed by the city manager prior to execution.

E.. The failure to comply with any term of the voluntary compliance agreement constitutes a code violation and shall be handled in accordance with the procedures established in this chapter.

1.16.070 Failure to Correct.

If a responsible party fails to correct a code violation as required, or otherwise fails to comply with the provisions of a voluntary compliance agreement authorized hereunder, the code enforcement officer may initiate a formal complaint against the responsible party as provided in Section 1.20.

CHAPTER 1.20: CODE HEARINGS OFFICER

1.20.010 Established.

The position of “code hearings officer” is hereby created. The code hearings officer shall be appointed by the city manager or designee. The appointment of a code hearings officer may be for a specific term, for a particular proceeding, or for a group of proceedings. If the city elects not to fill the code hearings officer position, the city council shall serve as the decision-making authority. The city council retains the right to designate a proceeding, or types of proceedings, to be heard by the city council in lieu of the code hearings officer.

1.20.020 Jurisdiction.

The code hearings officer shall have jurisdiction over decisions and appeals as provided in this chapter, including, but not limited to, complaints for code violations as defined hereunder. Notwithstanding the foregoing, prior to issuance of the decision of the code hearings officer, the city manager or designee retains jurisdiction to informally resolve or settle any citation, enforcement matter, or city appeal pending before the code hearings officer, or to settle or resolve an appeal with the consent of the party who filed the appeal, in which case the matter shall be dismissed.

1.20.030 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates otherwise:

- (1) “City” means the City of Boardman.
- (2) “Code violation” means commission of an act or omission to act that constitutes a violation of a provision of the code and which is required to be enforced in accordance with the procedures established under this chapter.
- (3) “Code” means the Boardman Municipal Code and the Boardman Development Code, including as amended.
- (4) “Code enforcement officer” means a designated employee or contractor of the city who enforces code violations of the code under this chapter.
- (5) “Code hearings officer” means the appointee designated to hear appeals of violations as set forth under this chapter.
- (6) “Complaint” means the document initiating an action to enforce a provision of the code under this chapter, as further described in 1.20.040.
- (7) “Penalty” means a monetary penalty as set forth in 1.20.130.
- (8) “Person” means any natural person or persons, firm, partnership, association or corporation.
- (9) “Responsible party” means the person(s) responsible for curing or remedying a code violation and may include:
 - (a) The owner(s) of the property or the owner's manager or agent or other person in control of the property on behalf of the owner;
 - (b) The person(s) occupying the property including bailee, lessee, tenant or other person having possession; and/or
 - (c) The person(s) alleged to have committed or authorized the commission of the code violation

1.20.040 Initiation of Proceeding.

In lieu of citing into municipal or circuit court, a proceeding before the code hearings officer shall be initiated as provided in this section.

A. Complaint Issuance. Any action to enforce the code before the code hearings officer shall be initiated by the filing of a complaint with the code hearings officer on forms proscribed by the city. At minimum, the complaint shall consist of the following:

1. The name of the city;
2. The name of the responsible party;
3. A short and plain statement of the alleged code violation, including a reference to the specific code provision(s) being violated, that can be readily understood by a person making a reasonable effort to do so;
4. The nature of the relief sought by the city; and
5. A form of verification that the code enforcement officer swears that they have reasonable grounds to believe, and does so believe, that the responsible party committed the code violation.

B. Setting of Hearings.

1. Upon filing of a complaint, the code hearings officer shall specify a time, date, and place for a hearing on the complaint and the matters alleged therein.
2. The date set for hearing shall be not less than 14 days nor more than 30 days after the date the complaint is filed, except that the code hearings officer may specify a date for hearing less than 14 days after the complaint is filed where it appears that the alleged code violation poses an immediate and serious hazard to the public health, safety, or welfare or to the life, health, safety, welfare, or property of any person.
3. The code hearings officer may postpone, continue, set over, or reschedule any hearing on their authority, with the consent of all parties, or on the motion of any party for good cause shown.

C. Notice of Hearing.

1. The city shall give notice of the hearing, together with a copy of the complaint, to the named responsible party not less than 14 calendar days prior to the date set for hearing, except that the code hearings officer may set a shorter period when it appears that the alleged code violation poses an immediate and serious hazard to the public health, safety, or welfare or the life, health, safety, welfare, or property of any person.
2. The notice of the hearing shall specify the time, date, and place set for the hearing.

3. Notice may be served by:
 - i. Personally delivering the notice to the party;
 - ii. Any class of mail or commercial delivery service, with service deemed complete upon deposit in the mail or dispatch to the commercial delivery service provider; or
 - iii. Any method otherwise authorized by the Oregon Rules of Civil Procedure for the service of summons.
4. If the property is alleged to constitute a nuisance, or may be subject to an order to abate, close, demolish or vacate the property, notice of the hearing shall also be posted on the property.
5. The code hearings officer may require that notice of the hearing shall also be given to any other person who reasonably appears to have an interest in the property or who otherwise is reasonably determined to may be adversely affected by any determination, decision, or order of the code hearings officer.
6. Except as otherwise provided by law, the failure of any person to receive actual notice of the proceeding shall not invalidate the hearing or any determination, decision, or order of the code hearings officer.

1.20.050 Notice; Rights; Procedure.

- A. Prior to the commencement of a hearing, the code hearings officer shall provide written confirmation to each party of the following matters:
 1. A general description of the hearing procedure including the order of presentation of evidence, what kinds of evidence are admissible, whether objections may be made to the introduction of evidence and what kind of objections may be made, and an explanation of the burdens of proof or burdens going forward with the evidence. In the case of a citation, that the person is not required to be a witness.
 2. That a record will be made of the proceedings and the manner of making the record and its availability to the parties.
 3. The function of the record-making with respect to the perpetuation of the testimony and evidence and with respect to any appeal from the determination or order of the code hearings officer.
 4. Whether an attorney will represent the city in the matters to be heard and whether the parties ordinarily and customarily are represented by an attorney.
 5. The title and function of the code hearings officer, including the effect and authority of the code hearings officer's determination.

6. In the event a party is not represented by an attorney, whether the party may, during the course of proceedings, request a recess if at that point the party determines that representation by an attorney is necessary to the protection of the party's rights.

7. Whether there exists an opportunity for an adjournment at the end of the case and the party then determines that additional evidence should be brought to the attention of the code hearings officer and the hearing is reopened.

8. Whether there exists an opportunity after the hearing and prior to the final determination or order of the code hearings officer to review and object to any proposed findings of fact, conclusions of law, summary of evidence, or order of the code hearings officer.

9. A description of the appeal or judicial review process from the determination or order of the code hearings officer.

B. The information required to be given to a party to a hearing under subsection (A) of this section may be given in writing or orally before commencement of the hearing.

C. The failure to give notice of any item specified in subsection (A) of this section or other procedural irregularity shall not invalidate any determination or order of the code hearings officer unless on appeal from or review of the determination or order a court finds that the failure substantially prejudices the rights of the complaining party. In the event of such a finding, a reviewing court shall, at the request of the city or the court, may on its own authority, remand the matter to the code hearings officer for a reopening of the hearing and shall direct the code hearings officer as to what steps shall be taken to remedy the prejudice to the rights of the complaining party.

1.20.060 Hearing.

A. Unless precluded by law, informal disposition of any proceeding may be made, with or without a hearing by stipulation, consent order, agreed settlement, or default

B. Every hearing that is held before the code hearings officer to determine whether a code violation has been committed shall be held solely before the code hearings officer; no jury will be present.

C. The city shall have the burden of proving the alleged code violation by a preponderance of the evidence.

D. Parties may elect to be represented by counsel and to respond to and present evidence and argument on all issues involved.

E. Testimony shall be taken upon oath or affirmation of the witness from whom received. The code hearings officer may administer oaths or affirmations to witnesses.

F. The record in a hearing proceeding before the code hearings officer shall be maintained by the city and shall include, at minimum:

1. All pleadings, motions, and intermediate rulings;

2. A verbatim, written, mechanical, or electronic record for all verbal motions, rulings, and testimony;
3. Evidence received or considered;
4. Stipulations and matters officially noticed;
5. Questions and offers of proof, objections, and rulings thereon;
6. Proposed findings and exceptions; and
7. Any proposed, intermediate, or final order prepared by the code hearings officer.

G. After due consideration of the evidence and arguments presented at the hearing, the code hearings officer shall determine whether the code violation as alleged in the complaint was committed.

1. When the code violation has not been proven, an order dismissing the complaint shall be entered in the record, and a copy of the order shall be delivered to the person named in the order personally or by mail.
2. When the code hearings officer finds that the violation was committed, the order shall include a brief statement of the necessary findings of fact to establish the code violation alleged. Upon a finding that a code violation has occurred, the code hearings officer shall assess a penalty pursuant to this chapter, plus hearing costs, costs for the city's attorney, and witness fees, if any. The code hearings officer is further authorized to set by order reasonable hearing costs, including hearing fees incurred by the code hearings officer.

H. A party may request transcription of the record for the purposes of court review upon payment of the reasonable costs of preparing the transcript. If the party prevails on such review, the reasonable costs of preparing the transcript shall be allowed as a part of that party's costs in such action.

I. Judicial review of an order issued pursuant to this section may be sought through filing a writ of review pursuant to ORS 34 in Morrow County Circuit Court.

1.20.070 Subpoenas; Discovery; Evidence.

A. Subpoenas.

1. The code hearings officer may, in their discretion, issue subpoenas upon a showing that issuance is necessary to obtain relevant testimony not otherwise available. Witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the city, shall receive fees and mileage as prescribed by law for witnesses in civil actions.
2. If any person fails to comply with any subpoena so issued or any party or witness refuses to testify on any matters on which they may be lawfully interrogated, the judge of the Circuit Court of any county, on the application of the city, or of the party requesting the issuance of the subpoena, shall compel obedience by proceedings for contempt as in

the case of disobedience of the requirements of subpoena issued from such court or a refusal to testify therein.

B. Discovery.

1. In a prosecution of a code violation, the city shall provide discovery as required by law.
2. On petition of any party and a showing of the general relevance of the documents or things sought, the code hearings officer may enter an order directing any party to produce and make available to the petitioning party to inspect and copy any documents or to inspect and copy, test, or sample any things which are in the possession of a party.
3. The order directing a party to produce and make available documents or things may require the petitioning party to pay the party producing documents and things that party's reasonable costs associated with such production.
4. The code hearings officer shall not enter an order requiring a party to produce any document or thing which is privileged under the rules of privilege recognized by law or which is subject to an exemption from disclosure under the Oregon Public Records Law.

C. Evidence.

1. Irrelevant, immaterial, or unduly repetitious evidence shall be excluded. Erroneous rulings on evidence shall not preclude action by the code hearings officer on the record unless shown to have substantially prejudiced the rights of a party. All other evidence of a type commonly relied upon by reasonably prudent persons in the conduct of their serious affairs shall be admissible.
2. The code hearings officer shall give effect to the rules of privilege recognized by law. Objections to evidence may be received in written form.
3. All evidence shall be offered and made a part of the record in the case, and except for matters stipulated to and except as provided in subsection (4) of this section, no other factual information or evidence shall be considered in the determination of the case. Documentary evidence may be received in the form of copies of excerpts, or by incorporation by reference.
4. The code hearings officer may take notice of judicially recognizable facts, and the code hearings officer may take official notice of general, technical, or scientific facts within the specialized knowledge of city employees. Parties shall be notified at any time during the proceeding, but in any event prior to the final decision, of material officially noticed and they shall be afforded an opportunity to contest the facts so noticed.
5. No sanction shall be imposed or order be issued except upon consideration of the whole record as supported by, and in accordance with reliable, probative, and substantial evidence.

1.20.080 Code Hearings Officer Authority

A. In addition to any authority otherwise granted in the code, the code hearings officer may order a responsible party found to not be in compliance with the code, or any applicable rule, regulation, or agreement issued thereunder, to comply with the provisions of the code, or any applicable rule, regulation, or agreement issued thereunder, within such time as the code hearings officer may by order allow. The order may include, but is not limited to, requiring the responsible party to do any and all of the following:

1. Make any and all necessary repairs, modifications, or improvements to the structure, real property, or equipment involved.
2. Abate or remove any nuisance.
3. Change the use of the building, structure, or real property involved.
4. Install any equipment necessary to achieve compliance.
5. Pay a civil penalty in the amount of the presumptive fine or fine provided for in the applicable chapter of the code.
6. Pay costs and attorney fees if otherwise authorized by this code.
7. Take any other action reasonably necessary to correct the violation or mitigate the effects thereof.

B. The responsible party shall cooperate with city officials, including not preventing the code enforcement officer, and any other persons employed or contracted by the city, from entering the property to determine compliance with the code and any orders to abate.

B. If the code hearings officer determines that the responsible party is unwilling, unable, refuses, or fails to comply with an order to abate or mitigate a nuisance, including, but not limited to, vacating or demolishing a building or structure, the code hearings officer may authorize the city to take such actions as the code hearings officer determines are reasonably necessary, including abatement, and that the person found in violation pay the city's reasonable costs thereof.

1.20.090 Proposed and Final Orders; Petition for Reconsideration

A. The code hearings officer shall prepare and mail to all parties a final order as provided herein. The code hearings officer may issue a proposed order and provide the parties not less than ten days to review and comment before issuance of a final order.

B. A final order shall become effective on the date mailed unless specified otherwise in the order.

C. Every order shall be in writing or stated in the record and may be accompanied by an opinion.

D. Unless otherwise stipulated, a final order shall be accompanied by findings of fact and conclusions of law. The findings of fact shall consist of a concise statement of the underlying facts supporting the findings as to each contested issue of fact and as to each ultimate fact required to support the code hearings officer's order.

E. Every final order shall include a citation of the code provision(s) under which the order may be judicially reviewed.

F. Upon receipt of a final order, a party may file a petition for reconsideration or rehearing with the code hearings officer within ten days after the date the order was mailed. The party filing the petition shall serve the petition on all parties.

1. The petition shall set forth the specific ground or grounds for requesting the reconsideration or rehearing. The petition may be supported by written argument.

2. The code hearings officer may grant a request for reconsideration if good and sufficient reason therefor appears. If the petition is granted, an amended order shall be issued.

3. The code hearings officer may order a rehearing if good and sufficient reason therefor appears. The rehearing may be limited by the code hearings officer to specific matters. If a rehearing is held, an amended order may be issued.

4. The filing of a petition for reconsideration or rehearing shall not stay the effectiveness of the order unless the code hearings officer orders otherwise.

5. Denial of a petition for reconsideration or rehearing is not separately appealable.

6. The code hearings officer, at any time prior to judicial review under section 1.20.110, may set aside, modify, vacate, or stay any final order, or reopen any proceeding for additional hearing when necessary to prevent a clear and manifest injustice to a party or other person adversely affected by such order.

1.20.100 Enforcement of an Order

A. If a party fails to appear at a scheduled hearing as provided herein, a default judgment shall be noted for the penalty applicable to the charged violation.

B. Any penalty assessed is to be paid no later than thirty (30) calendar days after the receipt of the final order declaring that penalty. Such period may be extended upon order of the code hearings officer.

C. Delinquent penalties and those brought to default judgment which were assessed for code violations may in addition to any other method be collected or enforced pursuant to ORS 30.310 or 30.315.

1.20.110 Judicial Review

Unless expressly provided otherwise in this code, review of the final order of a code hearings officer under this chapter by any aggrieved party, including the city, shall be by writ of review to the Circuit Court of Morrow County, Oregon, as provided in ORS 34.010 through 34.100.

1.20.120 Non-Exclusive Remedy

The procedures and remedies contained in this chapter shall not be read to prohibit in any way any alternative remedies set out in local ordinances or state law which are intended to alleviate code violations or abate nuisances, and the procedures set forth in this chapter shall not be prerequisites for utilizing any of said alternative remedies. The powers conferred by this chapter shall be in addition to and supplemental to the powers conferred by any other law. If the city determines immediate action is necessary to protect the public health and safety or the environment, such action may be taken or be ordered to be taken and any person to whom such an order is directed shall comply immediately.

1.20.130 Penalties; Liens.

A. An assessment of a penalty for a code violation shall not exceed the maximum extent permitted by applicable law. An unclassified violation is a Class B violation as described in ORS 153.015 and ORS 153.018.

B. In determining the amount of the civil penalty to be assessed against the responsible party, the code hearings officer may consider some or all of the following factors:

1. The duration of the code violation;
2. The frequency or recurrence of the code violation;
3. The seriousness of the code violation;
4. The history of the code violation;
5. The responsible party's conduct after issuance of the notice and order;
6. The good faith effort by the responsible party to comply;
7. The impact of the code violation upon the community; and
8. Whether the code violation is the result of a commercial gain on behalf of the responsible party.

C. Any unpaid monetary obligation or civil penalty imposed by the code hearings officer, including, but not limited to: reimbursement of city costs of abatement, demolishing a building or structure or relocating occupants, is debt due and owing to the city and shall, upon filing or recording as provided by law, be an judgement lien upon the property subject to the order as set forth in ORS 18.162.

D. It shall be the responsibility of the code enforcement officer to create and maintain a lien record abstract as prescribed under ORS 18.170 that otherwise identifies: 1) the responsible party, 2) the amount and date of any expenses incurred by the city to correct or abate the violation, 3) the amount of any civil penalty issued by the code hearings officer, and 4) the amount and date of any payments made by the responsible party in response to a final order issued hereunder. The enforcement officer shall thereafter record the lien record abstract, along with a copy of the final order, with the Morrow County Clerk under the official county lien record.

CITY OF BOARDMAN

PERSONNEL POLICY



Adopted December 2, 2025

Resolution 29-2025

Prior Editions:

- Resolution 12-1982
- Resolution 10-1998 (addition)
- Resolution 17-2002 (addition)
- Resolution 13-2005
- Resolution 20-2019
- Resolution 5-2020 (addition)
- Resolution 6-2023
- Resolution 25-2025

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CHAPTER 1 – GENERAL

1.1 SCOPE

- A. The City of Boardman Personnel Policy Manual (the “Manual”) is a general informational guide to the City’s current employment policies and shall not be construed as a contract. The City reserves the right to amend, delete, supplement, or rescind any of the provisions of this manual as the City deems necessary and appropriate. These policies shall not be construed to create contractual rights or any type of promise or guarantee of specific treatment upon which any employee may rely. The City also reserves the right to deviate from these policies in individual situations, particularly in an emergency, or to achieve its primary mission of providing orderly and cost-efficient services to its citizens.
- B. These personnel policies shall apply to all City employees. In the event of conflict between any provision of this manual and any provision of a valid and effective collective bargaining agreement (CBA), the CBA shall govern. In all other cases, these policies shall govern.
- C. Unless specific rights are granted to them in employment contracts, or elsewhere, all employees of the City are subject to termination from City employment at any time, for any lawful reason, including those reasons set forth in this Manual. Employees at the City of Boardman are employed “at will,” unless they are employed subject to a collective bargaining agreement or an express employment contract with the City that provides otherwise.
- D. These policies are the basic personnel policies of the City. Individual departments may request Manager/Council approval of additional departmental policies and/or operating procedures. Individual department policies and operating procedures must be consistent with the policies in this Manual and may be subject to budgeting and fiscal limitations of the City.

1.2 EQUAL EMPLOYMENT OPPORTUNITY (EEO)

- A. The following EEO Policies (See Section 1.3) 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.
- B. All employees are encouraged to discuss these EEO Policies with the City Manager at any time if they have questions relating to the issues of discrimination, harassment, or bullying.
- C. 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.

D. Statement Regarding Pay Equity

The City supports Oregon’s Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees, on the basis of a protected class (as defined by Oregon or federal law), in the payment of wages, or other compensation for work of comparable character. Employees who believe they are receiving wages, or other compensation, at a rate less than that at which the City pays wages or other compensation to other employees, for work of comparable character, are encouraged to discuss the issue with Human Resources.

See also Section 4.7 - Statement Regarding Pay Practices.

1.3 NON-DISCRIMINATION, NO-RETRALIATION POLICY

The City provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under federal, Oregon, or local law. The City also recognizes an employee’s right to engage in protected activity under federal and Oregon law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

For purposes of this and all other City policies, “race” is defined to include physical characteristics that are historically associated with race, including but not limited to natural hair, hair texture, hair type, and protective hairstyles. Further, “protective hairstyles” is defined as a hairstyle, hair color or manner of wearing hair, including braids (regardless of whether the braids are created with extensions or styled with adornments, locs, and twists).

1.4 NO-HARASSMENT POLICY

The City prohibits harassment and sexual assault in the workplace, or harassment and sexual assault outside of the workplace that violates its employees, volunteers and interns’ right to work in a harassment-free workplace. Specifically, the City prohibits harassment or conduct related to an individual’s race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and are to refrain from engaging in conduct prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with Human Resources, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits, sexual or other forms of harassment, that occur during working hours, during City-related or –sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of the City’s employees.

A. Sexual Harassment

Sexual harassment includes 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; or
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
- 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.

Some examples of conduct that could give rise to sexual harassment or unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual’s body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

B. Other Forms of Prohibited Harassment

City policy also prohibits harassment against an individual based on the individual’s race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

City policy also prohibits harassment such as verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual’s protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs; or
- Negative stereotyping; or
- Displaying racist symbols anywhere on City property; or
- “Teasing” or mimicking the characteristics of someone with a physical or mental disability; or
- Criticizing or making fun of another person’s religious beliefs, or “pushing” your religious beliefs on someone who doesn’t have them; or
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status; or
- Negative comments or teasing a person about their natural hair, hair texture, hair type or hair style. Employees may not touch another employee’s hair without permission to do so, even if the touch is extended out of curiosity or as a compliment.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of unprofessional conduct.

C. Complaint-Reporting Procedure

Employees, volunteers or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of Human Resources, or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that they want it to stop.

D. Investigation and Confidentiality

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.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although the City cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City, the employee must provide a written notice of the claim within 180 days of the act or omission the employee claims have caused him/her harm. When an employee can prove harm, as a result of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).

E. Protection Against Retaliation

The City prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to Human Resources or any supervisor or member of management. 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.

See also the Non-Discrimination, No-Retaliation Policy, above, and the Reporting Improper or Unlawful Conduct Policy.

F. Other Resources Available to Employees

The City provides an Employee Assistance Program (EAP) through Canopy to employees and dependents who are enrolled in the City’s medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to canopywell.com. The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information:
<https://www.osbar.org/public/>.

G. Other Employee Rights

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing their/their experience.

The City is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City regarding their experience and/or employment status, the employee should contact the City Manager. The employee’s request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City and employee do reach an agreement, the City will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about their experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City or making comments that would lower the City in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement are terms that the City and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

H. No Bullying

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” includes repeated verbal and/or non-verbal conduct that is malicious, vindictive, cruel, or deliberately hurtful, etc. It also has the effect or purpose of threatening, embarrassing, humiliating, intimidating, insulting, offending or sabotaging/undermining another employee; and/or interfering with an employee’s performance. Bullying does not include legitimate workplace discipline or other corrective action by your supervisor or management. Examples of bullying include:

- Verbal Bullying: slandering, ridiculing or maligning a person or their family; persistent name calling which is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.

- Physical Bullying: pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person’s work area or property.
- Gesture Bullying: non-verbal threatening gestures, glances that can convey threatening messages.
- Exclusion Bullying: socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
- Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyber-bullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on web sites for co-workers, managers or supervisors or elected officials.

Employees who have experienced bullying in violation of this policy, who have witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred, the City will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

1.5 DISABILITY ACCOMMODATION POLICY

The City 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.

A. 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 City’s operations.

B. Requesting an Accommodation

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 that 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, 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 accommodation as soon as it becomes apparent that 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 to the City Manager and should specify which essential functions of the employee's job cannot be performed without reasonable accommodation. In most cases, an employee will need to secure medical verification of their need for reasonable accommodation. If the employee feels that the accommodation made is not effective, they should notify their supervisor/manager promptly. It may be concluded that no reasonable accommodation is available that will enable the employee to perform their current job in a safe and satisfactory manner. In that case, the City will explore other options consistent with applicable law.

1.6 PREGNANCY ACCOMMODATION POLICY

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact Human Resources to discuss their options for continuing to work and, if necessary, leave of absence options. The City will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City's operations.

Although this policy refers to "employees," the City will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth or a related medical condition.

A. Requesting Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth, or related medical condition will limit their ability to perform their duties should request accommodation as soon as it becomes apparent that reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made to Human Resources and should specify which essential functions of the employee's job cannot be performed without reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the City and the employee to find effective accommodation, or to verify the employee's need for accommodation. Both the City and the employee must monitor the employee's accommodation situation and make adjustments as needed.

B. No Discrimination, No Retaliation

The City prohibits retaliation or discrimination against any employee who, under this policy: (a) asked for information about or requested accommodation; (b) used accommodation provided by the City; or (c) needed accommodation.

Employees who ask about, request, or use accommodations under this policy and applicable Oregon law have the right to refuse accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use sick leave, or OFLA leave if reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City. Also, no employee will be denied employment opportunities if the denial is based on the need of the City to make reasonable accommodations under this policy.

C. Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under Oregon’s sick leave law, Paid Leave Oregon, the Oregon Family Leave Act and the Family Medical Leave Act. Please speak with Human Resources for more information.

1.7 REPORTING IMPROPER OR UNLAWFUL CONDUCT — NO RETALIATION

Employees may report concerns about the City’s compliance with any law, regulation or policy, using one of the methods identified in this policy. The City will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules or regulations by the City; or
- A violation of law, regulation, or standard pertaining to safety and health in the place of employment; or
- Mismanagement, gross waste of funds, abuse of authority; or
- A substantial and specific danger to public health and safety resulting from actions of the City or one of its employees; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City will not prohibit an employee from discussing the activities of a public body, or a person authorized to act on behalf of a public body, with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county, or metropolitan service district.

A. Employee Reporting Options

In addition to the City’s Complaint Reporting Procedures (see section 8.13) employees who wish to report improper or unlawful conduct should first talk to their supervisor. If employees are not comfortable speaking with their supervisor, or are not satisfied with supervisor’s response, they are encouraged to speak with Human Resources. Supervisors and managers are required to inform Human Resources about reports of improper or unlawful conduct they receive from employees. Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

B. Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the City’s violation of law will have an “affirmative defense” to any civil or criminal charges related to the disclosure. For this defense to apply, the employee’s disclosure must relate to the conduct of their coworker or supervisor acting within the course and scope of their employment. The disclosure must have been made to:

(1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the City; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

C. Policy Against Retaliation

The City will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes they are disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City policy).

In addition, the City prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City employee will be adversely affected because they refused to carry out a directive that constitutes fraud or is a violation of federal, Oregon, local, or other applicable law, or regulations. The City may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of their misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

1.8 AUTHORITY/CHAIN OF COMMAND AND THE ROLE OF MANAGER AND COUNCIL

The City Manager is the Chief Executive of the City and as such is responsible for the overall administration of the City. The City Council is a policy-making body only. Council members may not direct the actions of City personnel. The City Manager is responsible to the mayor and council for the proper administration of all city business. All other employees report through the Chain-of-Command to the City Manager as indicated in the City's organizational chart and job descriptions.

1.9 DEFINITIONS

- A. DEPARTMENT HEAD: An employee who has responsibility for directing one or more departments.
- B. REGULAR FULL-TIME EMPLOYEE: An employee who has completed their probationary period and who regularly works a minimum of forty (40) hours per week on a continuing basis.
- C. REGULAR PART-TIME EMPLOYEE: An employee who regularly works less than thirty (30) hours but at least twenty (20) hours per week on a continuing basis is not eligible for pro-rated City benefits unless otherwise required by law.

- D. TEMPORARY EMPLOYEE: An employee who holds jobs of limited duration arising out of special projects, abnormal workloads, or emergencies. Temporary employees are not eligible for City benefits unless otherwise required by law.
- E. VOLUNTEER: Non-paid staff recruited to assist with specific City programs/services.

1.10 EMPLOYEE PERSONNEL RECORDS

- A. A personnel file for each employee is kept in the Human Resources office and access is limited. An employee's personnel file contains the employee's name, title and/or position held, job description, department to which the employee is assigned, salary, changes in employment status, training received, performance evaluations, personnel actions affecting the employee (including discipline), and other information the City is required by law to maintain.
- B. An employee has the right to review and or request a copy of their file with proper administration staff. The employee may not remove anything from their respective personnel files, but they may file a written rebuttal statement regarding anything in the personnel file, and the written rebuttal will be placed in their file.

1.11 REFERENCES

- A. The City does not give references, other than to confirm the dates of employment, title and/or position(s) held, and the last salary without the express written consent of the employee.
- B. Only the City Manager or Human Resources will provide employment references on current or former regular City employees or volunteers. The Chief of Police will provide employment references on current or former police department employees or volunteers. No manager, supervisor, or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination.

CHAPTER 2 - HOURS AND ATTENDANCE

2.1 WORKING HOURS

- A. The City’s standard work week is Monday through Friday from 8:00 a.m. – 5:00 p.m. with a one-hour unpaid meal period. The law requires an uninterrupted meal period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform their supervisor before the end of the shift so that the City may pay the employee for that work. See also “Breaks and meal periods” below.
- B. Different work schedules, such as in the case of Police employees, may be established by the City to meet job assignments and provide necessary City services. Each employee’s department head will advise the employee regarding their specific working hours.
- C. A normal working schedule for regular, full-time employees consists of forty (40) hours each work week.
- D. Part-time and temporary employees will work hours as specified by their department heads.

2.2 HOURS OF WORK AND OVERTIME

- A. All City positions are designated as either "exempt" or "non-exempt" according to the Fair Labor Standards Act ("FLSA") regulations.
- B. For City employees, the established work period is forty (40) hours within a seven (7) day work week, which shall be considered Sunday (12:00 am) through Saturday (11:59 pm). Shift employees’ work week shall be assigned by their Supervisor.
- C. Non-represented non-exempt employees are entitled to overtime wages when they work more than 40 hours in a work week, or as offered in writing to the employee. There is no pyramiding of overtime.
- D. All overtime is subject to authorization in advance by the employee's department head. Employees who work unauthorized overtime may be subject to discipline up to and including termination.
- E. Overtime pay is calculated at one and one-half times the employee's regular rate of pay.
- F. When computing overtime, holidays, sick leave, and vacation time are not counted as hours worked.
- G. Exempt employees do not receive neither overtime pay nor compensatory time regardless of the number of hours worked.
- H. Employees may be required to work overtime hours and on holidays.

2.3 COMPENSATORY TIME

- A. At the election of the City, a non-represented non-exempt employee may be entitled to receive compensatory time off instead of additional overtime wages. This is approved on a case-by-case basis by the employee’s department head. If the compensatory time option is exercised, the employee is credited with one and one-half times the hours worked as overtime. The annual maximum accrual of compensatory time shall be limited to forty (40) hours or as offered in writing to the employee. Any compensatory time not used by the end of the calendar year will be paid out to the employee, in the pay period following year-end. Compensatory time shall not be carried over from one calendar year to the next.
- B. Employees may use compensatory time with approval of the department head unless doing so would unduly disrupt City operations. Compensatory time should be used for short-term absences from work, during times mutually agreed to by the employee and their department head. Accumulation of compensatory time to be used as a substitute for extended vacation time off is not normally permitted.
- C. If an employee is unable to use accrued compensatory time within a reasonable timeframe, usually ninety (90) days, the employee will be paid the original overtime wage.

2.4 ATTENDANCE

- A. Punctual and consistent attendance is a condition of employment. Department heads are responsible for maintaining an accurate attendance record of their employees.
- B. Employees unable to work, or unable to report to work on time, should notify their supervisor as soon as possible, ordinarily before the workday begins or within thirty minutes of the employee's usual starting time. If an absence continues beyond one day, the employee is responsible for reporting each day. If the supervisor is unavailable, the employee may leave a message with the manager or their designated representative, stating the reason for being late or unable to report to work. A doctor’s certificate may be required when an employee is absent in excess of three (3) workdays, due to illness, or if the City believes sick leave abuse is occurring.
- C. Employees are expected to be at work even during inclement weather. Department heads may allow employees to be absent, late or leave early during severe weather conditions. However, non- attendance may be counted as absence from work and may be charged to accrued vacation time.
- D. An employee who is absent without authorization or timely notification is subject to disciplinary action, up to and including termination.

2.5 OCCASIONAL REMOTE WORK (NON-REPRESENTED EMPLOYEES ONLY)

Occasional remote work arrangements for short periods (i.e., partial days or 1 – 2 days) allow non--represented employees to work at home or at some other off-site location for all or some of their regularly scheduled work hours. Determination of eligibility will be made by the City Manager.

- A. Employees may be allowed occasional remote work, only if their job duties permit it (i.e. specific project or time sensitive task).

- B. Employees must be able to carry out the same duties, assignments, and other work obligations at their off-site location (i.e. home office) as they do when working on the City's premises.
- C. Employees are expected to be available to their supervisors, managers, and co-workers during agreed upon work hours.
- D. Employees will need to ensure that they can be reached through telephone (office, home, mobile) instant messaging, or other communication tools (i.e. e-mail, etc.)
- E. Employees are expected to maintain all city devices, documents, and pertinent information with highest regard to confidentiality and security.

2.6 BREAKS AND MEAL PERIODS

- A. Nonexempt employees must take one (1), fifteen-minute (15) rest break, for every four (4) hours worked. All rest breaks shall be arranged so they do not interfere with City business or service to the public. Meal periods shall be scheduled by the employee's supervisor. The scheduling of meal periods may vary depending on the department's workload. Meal periods are unpaid and usually one hour in length.
- B. Meal periods and rest breaks are mandatory and are not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest breaks may not be "skipped," in order to come in late or leave early. An employee who fails to abide by this policy and applicable laws may be subject to discipline, up to and including termination. For non-exempt employees required to work during a meal period due to an unforeseen or unanticipated circumstance requiring an employee's attendance, the employee will either be provided with a delayed lunch period, paid for the meal period, or relieved of duty early.
- C. Rest breaks for expression of breast milk
 - 1. The City will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express milk.
 - 2. The City will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.
 - 3. If an employee takes unpaid rest breaks, the City may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The City will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

4. The City will make a reasonable effort to provide the employee with a private location within close proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, in close proximity to the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.
5. If a private location is not within close proximity to the employee's work area, the City will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.
6. Notice: An employee who intends to express milk during work hours must give their supervisor or Human Resources reasonable oral or written notice of her intention to do so, in order to allow the City time to make any preparations necessary for compliance with this rule.
7. Storage: Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work, to store the expressed milk. If an office provides access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

2.7 CALLBACKS

All employees are subject to callbacks, in emergencies or as needed by the City, to provide necessary services to the public. A refusal to respond to a callback, without acceptable reasoning, as determined by the City Manager, is grounds for disciplinary action. Non-exempt employees who are called back to duty will be paid their appropriate rate of pay for hours worked.

2.8 PAYROLL RECORDS

- A. The Payroll Office keeps the official payroll records.
- B. All non-exempt employees must accurately record time worked on an electronic timesheet for payroll purposes (as directed by their Department Head).
- C. Each department head shall review their employees' electronic timesheets noting hours worked, leave taken, and overtime worked. At the end of each pay period, and after having been reviewed, the timesheets shall be approved electronically by the department head.
- D. The Payroll Office will review the electronic timesheets for accuracy and submit them to the City Manager, or their designee, for final review and approval. The Payroll Office will then process payroll.
- E. Filling out another employee's timesheet, allowing another employee to fill out your timesheet, or altering any timesheet will be grounds for discipline up to and including termination. An employee who fails to record their own time may be subjected to discipline as well.

CHAPTER 3 – EMPLOYEES

3.1 TEMPORARY EMPLOYEES

- A. With approval of the City Manager, temporary employees may be used for special projects, during emergencies, peak workload periods, or to temporarily replace regular employees absent due to disability, illness, vacation, or other approved leave, or to temporarily fill a vacancy until a regular employee is hired.
- B. Temporary employees may be hired without competitive recruitment or examination.
- C. Temporary employees may not work more than the equivalency of “full-time” for twelve weeks, in a twelve (12) month period.
- D. Temporary employees are eligible for overtime pay as required by law.
- E. Temporary employees accrue sick leave at the rate of one hour per every twenty-five hours worked.
- F. Temporary employees are not eligible and do not receive retirement, vacation, health insurance, holiday, or any other benefits during their employment unless otherwise required by law.
- G. An employee promoted or hired to fill a vacancy, created by a person on military or other leave, is appointed to the position subject to the return of the absent employee. A replacement/temporary employee is subject to layoff.

3.2 PROBATIONARY PERIOD

- A. All newly hired employees, or former employees who have been rehired, or employees promoted to a new classification, enter a probationary period which is considered an integral part of the selection and evaluation process. During the probationary period, an employee is required to demonstrate suitability for the position through actual work performance.
- B. The normal probationary period is six months from the employee’s date of hire, re-hire, or promotion; however, longer periods may be established for positions requiring technical, professional, specialized, unusual, or unique skills or qualifications.
- C. An employee’s probationary period may be extended, for up to an additional six months, when needed, due to circumstances such as extended illness or a need to properly evaluate the employee’s performance. The probationary period will not be shortened for any reason.
- D. During, or at the end of the probationary period, the employee may be terminated at any time without recourse. Employees are not guaranteed any length of employment upon hire, transfer, or promotion.

- E. When a department head determines an employee has successfully completed the probationary period, the department head shall prepare a written performance evaluation, that will be reviewed by the City Manager.
- F. If the probationary period is satisfactorily completed, the employee may be certified to regular employment status. Completion of the probationary period or continuation of employment after the probationary period does not entitle you to remain employed by the City of Boardman for any definite period of time. Both you and the City are free to terminate the employment relationship at any time, with or without notice, and for any reason not prohibited by law or applicable collective bargaining agreement.

3.3 EMPLOYMENT OF RELATIVES (NEPOTISM)

An employee's relatives will not be employed by the City under any of the following circumstances:

- 1. Where one of the parties would have authority or practical power to supervise, appoint, remove, or discipline the other; or
- 2. Where one party would be responsible for auditing the work of the other; or
- 3. Where other circumstances might lead to potential conflict among the parties or conflict between the interest of one or both parties and the best interests of the City; or
- 4. Where one of the parties is a policy level official of the City. These are the City Manager and Chief of Police.

"Relatives" include an employee's parent, child, spouse, domestic partner (regardless of registration status), brother, sister, in-laws, and step relatives.

If two employees marry, become related, or begin sharing living quarters with one another, and in the City's judgment, the potential problems noted above exist or reasonably could exist, only one of the employees will be permitted to stay with the City unless an adjustment, as determined by the City Manager or the designee, can be made to eliminate the potential conflict. The decision as to which relative will remain with the City must be made by the two employees within thirty calendar days of the date they marry, become related, or begin sharing living quarters with each other. If no decision has been made during this time the City reserves the right to terminate either employee.

3.4 PROMOTIONS AND TRANSFERS

- A. The City encourages current City employees to apply for vacant City positions for which they are qualified. Promotions and transfers are based on the department head's recommendation, workforce requirements, performance evaluations, job descriptions, and related City requirements.
- B. Regular employees are eligible for promotion, transfer, or voluntary demotion. To be considered for another position, an employee must have satisfactorily completed their probationary period and possessed the qualifications for the vacant position, unless such requirements are waived by the City Manager in the best interests of the City.

CHAPTER 4 – COMPENSATION

4.1 SALARY CLASSIFICATION AND GRADES

Each job title within the City is classified into one of the City's classifications for salary purposes, based on job qualifications, level of responsibility, difficulty, working conditions, skill, hazard, and amount of supervision given and received for the specific job title. Each classification is designated a particular salary or salary range shown on the City salary and wage schedule.

4.2 EMPLOYEE PAY RATES

- A. Employees shall be paid within the limits of the wage range to which their positions are assigned. Law, council policy, and collective bargaining agreements shall establish the type and amount of benefits paid for each position.
- B. Usually, new employees will start their employment at the entry level wage rate for their classification. However, a new employee may be employed at a higher rate than the minimum, when the employee's relevant experience, education, training, or proven capability warrant a starting rate greater than the entry level. This determination is made by the City Manager and in compliance with Oregon's Pay Equity Law.
- C. Pay increases are contingent on satisfactory performance. If an employee's performance is unsatisfactory, the City Manager may defer a scheduled pay increase, for a stipulated period of time, or until the employee's job performance is satisfactory.
- D. The City provides additional compensation to employees who attain certain city and department pertinent certifications. Employees who attain these certifications must submit a copy of their certification to Human Resources. The additional compensation will be effective the pay period after submission of the certificate.
- E. The City Manager may propose, and the City Council may grant an across-the-board pay adjustment or cost-of-living increase from time to time, raising the salaries of all positions by a specified amount within a defined group of classifications. Such adjustments, if any, will not change an employee's employment anniversary date. (Represented employees should consult their collective bargaining agreement.)
- F. Employees temporarily assigned to positions, with a higher pay range, for a period of five (5) consecutive work days or more, and who perform all the job duties of such a position, shall be paid at the first step of the higher pay range or may receive a one-step increase, whichever is higher, for the full period worked in the temporary assignment.
- G. Employees are not paid for absences during their workweek, when they perform no work. The City offers paid leave banks for a determined amount of time off work, as a benefit to the employees, up to their regular rate weekly wage. An employee must charge their paid leave banks (i.e. Sick Leave for an illness, Vacation Leave for personal time, etc.) up to their 40-hour wage equivalent, in thirty (30) minute increments.

4.3 PAYDAY

- A. City employees are paid monthly, through pay period ending December 21, 2024, on the last business day of each month. If a regularly scheduled payday falls on Saturday or Sunday or on a Holiday, payroll vouchers and checks will be distributed on the previous scheduled working day.
- B. As of December 22, 2024, the City will pay employees bi-weekly, on the Friday following the end of the first bi-weekly period, and every other Friday, from then on. If a regularly scheduled payday falls on a federal holiday, payroll vouchers and checks will be distributed on the previously scheduled working day.
- C. The City does not provide advance payments of salary or loans from salary to be earned.

4.4 TRAVEL AWAY FROM THE CITY

Travel time will be considered hours worked for approved work-required travel (regardless of whether the employee is the driver or passenger). Work-required travel expenses should be considered the lowest reasonable travel expense and avoid impropriety or the appearance of impropriety. If available, employees will check out a credit card for these purposes.

4.5 TRAVEL EXPENSE REIMBURSEMENT

- A. City employees will be reimbursed for meals (breakfast, lunch, dinner) expenses, including tips not to exceed 18%, if the trip includes an overnight stay. Alcoholic beverages do not qualify for reimbursement.
- B. Employees are reimbursed for actual expenses incurred for the meals deemed "business meals." Reimbursement requests need to specify the date, amount, and purpose of the meeting, accompanied by detailed receipts.
- C. Reasonable and customary travel expenses including lodging, taxis or ride-share services, baggage handling, and other travel expenses are reimbursable.
- D. Requests for reimbursement require detailed receipts and shall be submitted to the department head. Upon approval, they shall be submitted to accounts payable for processing.

4.6 COMPENSATION UPON TERMINATION

- A. When an employee's employment with the City is terminated, whether voluntary or involuntary, the employee will receive the following compensation in their final paycheck:
 - 1. Regular and overtime wages for all hours worked up to the time of termination, which have not been previously paid; and
 - 2. Any compensation time or holiday pay due; and
 - 3. Any paid time off (PTO) due; and
 - 4. A lump sum payment of any accrued but unused vacation.

4.7 STATEMENT REGARDING PAY PRACTICES

The City makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event an employee believes that the City has made any improper deductions, has failed to pay them for all hours worked or for overtime, has failed to pay them in accordance with the law, or has failed to properly calculate their wages in any way, the employee must immediately report the error to the Payroll Specialist. The City will investigate all reports of improper pay practices and will remediate the employee, in their next paycheck, for any improper deductions or omissions. No employee will suffer retaliation or discrimination for reporting an error or complaint regarding the City’s pay practices.

See also Section 1.2 (D) - Statement Regarding Pay Equity.

4.8 DI MINIMUS BENEFITS

As part of each employee’s compensation, the City may, at its discretion, provide di minimis fringe food and beverages for work related functions and for work purposes. Such provisions are considered insubstantial. This provision will also include elected and appointed officials.

CHAPTER 5 - PERFORMANCE EVALUATIONS, TRAINING AND RECOGNITION

5.1 PERFORMANCE EVALUATIONS

- A. To achieve the City's goal to train, promote, and retain the best qualified employee for every job, the City conducts periodic performance evaluations for all positions.
- B. The City Manager is responsible for developing and maintaining the City's performance evaluation program.
- C. Employees are to be formally evaluated by their department heads at least once prior to completion of their probationary period and department heads should strive to provide a performance evaluation at least once every 12 months thereafter.
- D. The evaluation of an employee's performance shall be one of the factors in determining a temporary employee's conversion to regular status, whether the employee receives a wage increase, or is to be promoted, transferred, demoted, laid off, or terminated.

5.2 TRAINING POLICY

- A. The City seeks, within the limits of available resources, to offer training to increase an employee's skills, knowledge, and abilities that are directly related to City employment, to obtain or maintain required licenses and certifications, and to develop staff resources. Opportunities may include, but are not limited to, on-the-job training, in-house workshops, and seminars sponsored by other agencies or organizations.
- B. For "work required" certification/training, the City, after approval by the City Manager, will pay all costs associated with coursework, testing, and wages for employees while attending classes and testing, as well as any travel and meal related expenses. See 4.5 Travel Expense Reimbursement.
- C. For "work related/relevant" certification/training, related to potential future advancement, the employee, with the approval of the City Manager, may treat the time attending classes and testing as time worked, however, it won't result in overtime pay and the employee may be required to flex their schedule. The employee shall be responsible for their own costs associated with coursework, testing, and any travel and meal-related expenses incurred.

5.3 EMPLOYEE RECOGNITION PROGRAM

The City may establish an employee recognition program to be administered by the City Manager or their designee.

CHAPTER 6 – BENEFITS

6.1 RETIREMENT BENEFITS

- A. The City makes contributions on behalf of all eligible employees to the Social Security system in addition to those contributions made by the employee through FICA payroll deductions.
- B. All regular full-time and eligible part-time employees are covered under the Public Employees Retirement System (PERS). The State of Oregon sets contribution rates, benefit levels, and participation requirements.
- C. The City contributes, on behalf of all eligible employees, to a 457 Plan (deferred compensation plan). Employees are responsible for establishing their individual account. The contribution is a percentage of the employees' base salary or hourly rate for their normally scheduled hours (2080 hours), per calendar year. The contribution is set by the City, as available resources permit, but no less than 1%. Overtime hours, premium pay, certification pay, etc. are not eligible for this contribution. Employees may pay additional pre-tax contributions at their election, subject to plan rules.
- D. Employees intending to retire are requested to notify their department head, of their intent to retire, at least three (3) months prior to the date of retirement.

6.2 WORKERS COMPENSATION AND SAFETY ON THE JOB

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

A. Steps to take if you are injured

To ensure that you receive any worker's compensation benefits to which you may be entitled, you must do all of the following:

- 1. Immediately report any work-related injury to your supervisor. You must report the injury at the time it happens and no later than 24 hours after injury.
- 2. Promptly complete a written Employee's Claim Form (Form 801) and return it to Human Resources.
- 3. Seek medical treatment, if needed, and follow-up care, if required.
 - If medical treatment is obtained, you will need to complete a Worker's and Health Care Provider's Report for Worker's Compensation Claims (Form 827), at the treating medical facility.
- 4. Failure to timely follow these steps may negatively affect your ability to receive benefits.

B. Return to work

1. If you require worker’s compensation leave, under most circumstances and consistent with the law, you will be reinstated to the same position that you held at the time your leave began, or to an equivalent position, if available. However, you must first submit an approved medical certificate demonstrating your ability to return to work.
2. When returning from a workers’ compensation leave, you have no greater right to reinstatement than if you had been continuously employed in lieu of leave. For example, if you would have been laid off or if your position would have been eliminated and no equivalent or comparable positions were available, then you may not be entitled to reinstatement. These are only examples, and all reinstatement/reemployment decisions are subject to applicable law and the terms of any applicable collective bargaining agreement. The City of Boardman does not discriminate against employees who suffer a workplace injury or illness.

C. Workers’ compensation leave

1. The City will grant you a leave of absence for an illness and injury incurred on-the-job, in accordance with applicable law. If you are absent from work due to an accepted work-related illness or injury, you will be eligible to receive workers’ compensation benefits. And if so, you may use any accrued paid leave benefits to supplement the difference between workers’ compensation benefits and your regular wages. (See Section 6.3 below for more information regarding continuation of insurance benefits while on a workers’ compensation leave.)
2. While you are on a workers’ compensation leave of absence, you will be required to report to Human Resources on your status, progress, and anticipated date of return to work at least once a week, unless, you have received written approval to be absent until a specific date or report less frequently. Reporting to a co-worker or another person is not sufficient to comply with this reporting requirement.
3. When you are released to return to work from an on-the-job injury or illness, you must request return-to-work, as soon as possible, but no later than seven (7) calendar days after receipt of notice, by certified mail, from the City’s workers' compensation insurer that you have been released to return-to-work by your doctor. The City complies with applicable reinstatement and reemployment laws for any employee who is absent due to a work-related illness or injury.

D. Early return-to-work program

1. Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time, after you have 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 you to return to your regular job, in a reasonable period of time.
2. The Return-to-Work Program for job-related injuries consists of a team effort by the City, the injured/ill employee, their treating physicians, and our Worker’s Compensation

Insurance Carrier Claims staff. The goal is to return the employee to full employment, at the earliest possible date, that is consistent with their medical condition, and the advice of the treating physician.

3. If the employee's attending physician determines that an employee is able to perform modified work, the City will attempt to provide the employee with a temporary job assignment for, a reasonable period of time, until they can resume regular duties. If, due to a work-related injury/illness, employees are offered a modified position that has been medically approved, failure to phone in, or report at the designated time and place, may affect compensation and employment with the City. While the employee is on modified or transitional work, they are still subject to all other City rules and procedures.

E. Overlap with other laws

1. The City will account for other leave and disability laws that might also apply to the employee's situation, such as the Americans with Disabilities Act ("ADA") and Family and Medical Leave Act ("FMLA").
2. The City provisionally designates all workers' compensation-related absences as family leave under FMLA (FMLA leave), for all eligible employees, in accordance with applicable FMLA rules. All workers' compensation and FMLA leaves run concurrently with accepted workers' compensation absences. Please contact Human Resources for further information about family leaves leave.
3. If, after returning from a workers' compensation leave, it is determined that the employee is unable to perform the essential functions of their position because of a qualifying disability, they may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace and leaves of absence.
4. Employees are ineligible for Paid Leave Oregon benefits if eligible to receive Workers' Compensation benefits, according to applicable law.

6.3 INSURANCE BENEFITS

- A. Regular and probationary period employees are eligible to participate in the City's insurance programs. In accordance with insurance regulations, employees must have a regular work schedule of 30 hours or more per week to qualify for coverage. The programs and criteria for eligibility will be explained at the time the employee becomes eligible to join. The City reserves the right to make changes in the carriers and provisions of these programs when deemed necessary or advisable.
- B. The City participates in a Voluntary Employee Benefit Association (VEBA) for employee medical reimbursements. VEBA is made available to all eligible, regular full-time employees. Police Department employees are required to contribute \$150 per month, through a payroll deduction, prorated by pay period and the City will match the employees' contributions. For all other employees, the City will contribute \$150 per month, to each employees' individual HRA/VEBA account, prorated by pay period. No additional employee contributions are

allowed.

- C. The City provides a free, confidential Employee Assistance Program (EAP), through Canopy, to employees and dependents who are enrolled in the City's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to canopywell.com. The EAP program provides confidential counseling services for concerns such as marital conflict, conflict at work, depression, stress management, family relationships, anxiety, alcohol or drug abuse, and grieving a loss, and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and others. You may contact Canopy directly at 1-800-433-2320 or at my.canopywell.com.
- D. Life Insurance and AD&D Insurance. The City covers the premium of providing a \$10,000 benefit for Standard Term Life Insurance and Accidental Death & Dismemberment Insurance, each, to regular and probationary full-time employees.
- E. Long Term Disability. The City provides to its regular and probationary full-time employees, Long Term Disability coverage. The coverage has a 90 day exclusion period, 50% of salary up to \$3,000 monthly, subject to carrier eligibility requirements.
- F. Life Flight. The City provides to its regular and probationary full-time employees and their household members, annual Life Flight membership, subject to carrier requirements.
- G. While an employee is receiving Worker's Compensation benefits, the City will continue to pay the employee's health insurance premiums while they are off from work for up to three (3) months. Employee will remain responsible for the employee portion of the premiums.
- H. If an employee is on approved FMLA, OFLA, or PLO leave, the City will continue the employee's health insurance, on the same terms as if the employee had continued to work. The employee will remain responsible for the employee portion of the premiums.
- I. In cases where employees are no longer eligible for health insurance (i.e. after three (3) months on Worker's Compensation leave) or upon an employee's termination from City employment, at the employee's option and expense, the employee may elect to continue City health insurance benefits to the extent provided under COBRA.
- J. An administrative handling fee over and above the cost of the insurance premium may be charged to the employee or their dependents who elect to exercise their COBRA continuation rights.

6.4 ADDITIONAL INSURANCE

The City participates in additional voluntary/supplemental insurance, at employee's option and expense, through CIS and AFLAC. More information is available with Human Resources.

CHAPTER 7 - LEAVES OF ABSENCE AND TIME OFF

7.1 VACATION

- A. Each regular full-time employee who has completed the probationary period of service is entitled to vacation leave as follows:

<u>Years of Employment</u>	<u>Vacation Hours Earned</u>
0 - 5 years (60 months)	8.0 hours per month
6 years - 10 years (120 months)	10.0 hours per month
11 years – 15 years (180 months)	12.0 hours per month
16 years +	13.33 hours per month

- B. Vacation leave is for use by employees when they are absent for a partial or full day of employment for personal reasons other than sickness or disability. Employees wishing to take vacation leave must schedule it with their supervisor. Vacation leave shall be taken in half-hour (30 minute) increments.
- C. Each department head is responsible for scheduling its employees' vacation without undue disruption of department operations. Leave requests shall be submitted by employees at least two (2) weeks prior to the vacation dates requested. Employees may be denied permission to take vacation if it would unduly disrupt operations.
- D. Employees are encouraged to use vacation time annually, upon approval from their department head. The maximum number of accrued vacation hours, at any time, is 300 hours (unless otherwise provided in a collective bargaining agreement). In cases where City operations have made it impractical for an employee to use vacation time, the City Manager may authorize a two (2) month extension from the date the maximum number of accrued hours is reached. Employees may be paid for unused vacation time upon termination of employment. See Section 4.6, "Compensation Upon Termination".
- E. Employees who fail to return to work on the date specified on the leave request, without receiving an extension in advance, are subject to disciplinary action up to and including termination.
- F. Vacation Accrual compensation: In November each year, employees may request compensation for up to 40 hours from their vacation accrual per year, so long as the employee retains at least 80 hours. Payment is made in the normal payroll process.

7.2 PAID TIME OFF (NON-REPRESENTED EMPLOYEES ONLY)

- A. Out of recognition that non-represented employees may be required to work irregular and extended hours, non-represented employees will be eligible to receive paid time off, granted on a fiscal annual basis, per City Manager discretion.
- B. Paid time off is meant to be used and will not be carried over into the next fiscal year.

- C. Up to 40 hours of paid time off may be cashed out annually, if not used by the end of the fiscal year by the employee, or upon separation from employment.
- D. Paid time off must be scheduled in such a way to avoid undue disruption of department operations.
- E. Paid time off requests of greater than forty (40) hours shall be submitted by an employee at least two (2) weeks prior to the dates requested off. An employee may be denied permission to take paid time off if it would unduly disrupt operations.

7.3 SICK LEAVE

- A. The City provides eligible employees with sick leave in accordance with Oregon’s Paid Sick Leave Law.
- B. Employees with questions about this policy may contact their immediate supervisor. Please also refer to the Oregon Sick Leave Law poster that is posted in the break room and is incorporated here by reference.
- C. Eligibility, accrual, and use of paid sick leave
 - 1. Under Oregon’s Paid Sick Leave Law and this policy, “employee” includes part-time, full-time, hourly, salaried, exempt, and non-exempt employees.
 - 2. Employees begin to accrue paid sick leave on the first day of employment but may not use paid sick leave until the 91st day of employment. Sick leave is accrued at 8 hours per month, prorated amongst the pay periods. After the 91st day of employment, paid sick leave may be used as it is accrued.
 - 3. The sick leave accrual cap is 960 hours with no accrual occurring past the cap. Paid sick leave shall be taken in half-hour (30 minute) increments.
 - 4. Except as otherwise provided in a collective bargaining agreement, sick leave hours will not count toward hours worked for purposes of overtime.
- D. Pay rate and carryover
 - 1. Paid sick leave will be paid at the employee’s regular rate of pay. Exempt employees are presumed to work 40 hours in each workweek, for purpose of their sick time accrual, unless their normal workweek is less than 40 hours, in which case, sick time is accrued based on the employee’s normal workweek. Employees will not be paid for lost overtime. Generally, sick time pay will be included in the paycheck for the next payroll period after sick time is used, provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as allowed by law.
 - 2. Sick time is meant to be used or carried over; any unused sick time has no compensable value upon separation and will not be cashed out upon separation from employment.
- E. Use of sick leave
 - 1. Accrued paid sick leave may be used for the following reasons:

- For the diagnosis, care, or treatment of a mental or physical illness, injury, or health condition, or need for preventative medical care. This is available for the employee or their covered family member. (As defined by applicable law).
 - For the diagnosis, care, treatment, or preventive medical care of a family member (as defined by applicable law) with an illness, injury, or health condition.
 - If the employee or the employee's minor child or dependent is the victim of domestic violence, harassment, sexual assault, or stalking as defined by Oregon Law and requires leave for any of the purposes specified under Oregon's Domestic Violence Leave Law (ORS 659A.272).
 - In the event of certain health emergencies or other reasons specified under Oregon's Sick Leave Law (ORS 653.601-653.661).
 - For any other purpose allowed under applicable law, including Oregon Family Leave Act ("OFLA"), bereavement leave, FMLA, or under Paid Leave Oregon ("PLO"). Consistent with the Paid Family Leave and Medical Insurance Act, PLO contributions will be paid by both the City and employees. The City will pay 40% and employees will pay 60% of the contribution rate to the state fund as provided in ORS 657B.150.
2. Employees absent from work for a qualifying reason, must use accrued sick time hours for that reason, and on each subsequent day of absence, for that reason, until all accrued sick time has been used.

F. Employee notice – need for sick leave

1. Foreseeable Sick Leave. If the need for sick leave is foreseeable, an employee must notify their immediate supervisor, as soon as practicable before the leave, using the City's call-in/notification procedures (see Policy 2.4, "Attendance"). Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the city. Employees must notify their immediate supervisor of any change in the expected duration of sick leave as soon as is practicable.
2. Unforeseeable Sick Leave. If the need for sick leave is unforeseeable, the employee must notify their immediate supervisor as soon as practicable and comply generally with the city's call-in procedures. See 2.4(b). Generally, an employee should notify their immediate supervisor of unforeseeable sick leave at least 30 minutes prior to the beginning of their shift, unless physically unable to do so, at which time notice should be given as soon as possible.
3. An employee must contact their supervisor daily while on sick leave, unless, an extended period of sick leave has been prearranged with the supervisor or when off, on protected leave. The employee shall inform their supervisor of any change in the duration of sick leave as soon as practicable.
4. The consequences for failing to provide proper notice or to make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the business and

operations, are that the city may require verification of the employee's need to use sick leave, prior to paying any sick time.

G. Sick leave verification

The City may seek verification of an employee's need to sick leave for the following reasons:

1. If an employee takes more than three consecutively scheduled workdays as sick leave, the city may require reasonable documentation showing that the employee was absent for an approved reason.
2. If the city has reason to suspect an employee of sick leave abuse, including but not limited to repeated use of unscheduled sick time or repeated use of sick time adjacent to weekends, holidays, vacations, and paydays, the city may require reasonable documentation from a healthcare provider. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.
3. For any other purpose allowed under applicable law or collective bargaining agreement.
4. Reasonable documentation for purposes of this section includes documentation signed by a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault, or stalking.

7.4 LEAVE WITHOUT PAY

- A. The City Manager, at their discretion, may grant leaves of absence without pay for absence from work not covered by protected leave laws (such as, FMLA, OFLA, PLO) and if other leave balances are exhausted. Examples of situations for which leave without pay may be granted include time off work for personal reasons, such as illness or injury, parenting, caring for an ill family member, pursuing an education, or fulfilling a military obligation in excess of twenty-one (21) days per year.
- B. Only regular full-time and part-time employees who have satisfactorily completed their probationary period are eligible for leave without pay for non-medical issues; all employees may request leave without pay for medical reasons, once the employee has exhausted all available leave under FMLA, OFLA, or PLO. The following requirements apply:
 1. Leave may be granted to an employee for a period of up to ninety (90) days upon the approval of the City Manager.
 2. An employee's benefits are suspended during the period of unpaid leave until the employee returns to work.
 3. Vacation, sick leave, holiday accrual, and/or any other leave benefits do not accrue while an employee is on leave without pay.
 4. In certain circumstances, self-payment of benefits may apply. See Section 6.3 on "Insurance Benefits".

5. An employee who fails to report promptly at the end of the unpaid leave is presumed to have resigned. An employee returning at the end of the unpaid leave may, at the City's option, return to the same position or similar position at a comparable rate of pay.
6. If the leave without pay is due to an employee's own disability, the City may require medical verification of the need for unpaid leave. (The scope of the inquiry will be to confirm the employee is disabled and to determine whether the employee could be provided other accommodations instead of leave.) At the end of the approved leave, the employee will be required to submit a doctor's certificate confirming that the employee is capable of returning to work and performing the essential functions of the employee's position, with or without accommodation, before the employee will be allowed to return to work. Requests for leave without pay, due to the employee's disability, may be granted in periods for longer than 90 days depending on the employee's situation, the availability of other accommodations, and whether the additional time off would create an "undue hardship" for the City.

7.5 JURY AND WITNESS LEAVE

Employees may be granted time off with pay to serve on a jury or as a court witness. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. If an employee is summoned during a critical work period, the City may ask the employee to request a waiver from jury duty. The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep their supervisor or department head informed about the amount of time required for jury duty.

7.6 ADMINISTRATIVE LEAVE

On a case-by-case basis, the City may place an employee on administrative leave with or without pay, as determined by the City Manager, to be in the best interests of the City, whether it be during an investigation or other administrative proceeding, or other reason consistent with the policies in this Manual.

7.7 NATIONAL SERVICE & MILITARY LEAVES

- A. Employees who serve in the U.S. Armed Forces, National Guard or Reserves, Commissioned Corps of The Public Health Service, or other qualifying military/services branches are granted leaves of absence for the period of their military service, including training and other duties, as well as reinstatement of employment in accordance with applicable law. Except as provided below, military leaves are unpaid. Employees may, however, elect to use any earned and unused paid vacation, compensatory time, like-time and/or paid personal day benefits during military leaves. Employees who need a military leave of absence should notify the City as far in advance as reasonably possible under the circumstances. For more information, please contact Human Resources. The City appreciates the contributions of those who serve in the military and encourages anyone who serves to exercise their reinstatement rights.

- B. An employee who has completed six continuous months of service with the City and who is absent from work for active duty or inactive duty for training, state active duty and duty under Title 10 or 32 of the United States Code as a member of the National Guard, National Guard Reserve or any reserve component of the Armed Forces of the United State or of the United States Public Health Service, is provided with a paid leave of absence for such training as required by law. Each training year (the federal fiscal year for any particular unit of the National Guard or reserve component), eligible employees are provided paid time off for up to 21 workdays, in accordance with applicable state law.

- C. OREGON MILITARY FAMILY LEAVES. Employees who work an average of at least 20 hours per week are eligible to take time off to spend time with a spouse or registered domestic partner who is a member of the Armed Forces of the United States, the National Guard, or the military reserve forces of the United States and has been notified of an impending call or order to active duty or who is on leave from active duty during a period of military conflict. Eligible employees may take up to 14 workdays of Family Military Leave per deployment, which may be taken intermittently. Periods of Family Military Leave are counted against an employee's entitlement to OFLA when the employee is also eligible for OLFA and are unpaid. Employees may, however, elect (but are not required) to use any earned paid leave benefits during periods of Family Military Leave. Employees who need Family Military Leave must request leave within 5 business days of receipt of the official notice of a call to duty or leave. If official notice is provided less than five business days in advance, you must request the leave as soon as practicable. A copy of the call or leave orders is required.

7.8 BEREAVEMENT LEAVE

The City defines bereavement leave for an employee who is absent because of a death in the immediate family (defined as spouse, domestic partner, child, parent, brother, sister, parent of present living spouse, grandparents, grandchildren, step children, step parent, step brother, step sister, brother-in-law and sister-in-law), the employee shall be reimbursed for such lost work for a period of three (3) days (total of 24 hours), which may be extended to five (5) days (total of 40 hours), should extensive travel in excess of five hundred (500) miles one-way is required.

Leave provided under this section is concurrent with any leave taken under OFLA. Employees who wish to extend their period of bereavement may also use other accrued leaves for bereavement leave, consistent with OFLA. Please contact Human Resources for more information.

7.9 HOLIDAYS

A. The City of Boardman recognizes eleven (11) paid holidays for eligible employees each year. Established holidays are as follows:

New Year's Day	January 1
Martin Luther King's Birthday	3rd Monday in January
President's Day	3rd Monday in February
Memorial Day	Last Monday in May
Juneteenth	June 19
Independence Day	July 4
Labor Day	1st Monday in September
Veteran's Day	November 11
Thanksgiving Day	4th Thursday in November
Day after Thanksgiving	Day after Thanksgiving
Christmas Day	December 25

B. Any holiday on Saturday will be celebrated on the preceding Friday. Any holiday falling on Sunday will be celebrated the following Monday.

C. Non-exempt regular full-time or part-time employees will be paid for the holiday plus one and one-half times their regular rate of pay for any time worked on the holiday. Such time must be pre-authorized by the supervisor.

D. Temporary employees are not eligible for paid holidays. If scheduled to work on the day of the recognized holiday, they will be paid at their regular straight-time rate for any hours worked.

E. The City will make, upon request, accommodation for the religious beliefs and observances when reasonable accommodation is available that does not create an undue hardship on the City's business. Employees may use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with your supervisor/manager.

7.10 LEAVE OF ABSENCES GENERALLY

The City recognizes that personal circumstances occasionally require employees to take temporary periods of absence from employment. Employees who believe they need a leave of absence from employment are encouraged to contact Human Resources. Leaves of absence must generally be requested by the employee in writing and approved by the City Manager and Department Head to allow the department to plan for proper staffing during the employee's absence.

The following rules apply to all types of leave except as expressly outlined below or required by applicable law:

1. During any unpaid leave of absence, no wages or benefits are accrued or paid, unless specifically stated in this Manual, required by an applicable CBA, or applicable law.
2. Employees must use all earned and unused paid leave benefits during periods of leave, except when provided otherwise by applicable law.
3. Employees who wish to continue their medical insurance benefits during an unpaid leave of absence should consult Human Resources and review the Health Insurance section of this Manual and their collective bargaining agreement for an explanation of how long the City continues to pay its portion of the insurance contribution.
4. An employee may be entitled to more than one type of leave for the same absence (e.g., OFLA, PLO, Sick leave, etc.). If so, all leave under these, and any other applicable policies (whether paid or unpaid) will automatically run concurrently unless prohibited by law.
5. Employees who do not notify the City and do not obtain approval for leaves of absence are generally considered absent without authorization and subject to discipline or discharge except as otherwise protected by applicable law.

7.11 FMLA/OFLA POLICY

The City provides Family and Medical Leaves to employees in accordance with applicable law. Family leave benefits provide unpaid leave to eligible employees who have a qualifying need for family, medical, safe, sick child and/or bereavement leave(s), etc. The City also complies with the requirements of the Oregon Family and Medical Leave Insurance program, also known as Paid Leave Oregon (PLO), a mandatory statewide insurance program that provides eligible Oregon employees with paid time off to give or receive care during certain family, medical, and safe leave circumstances.

This policy has been developed to provide employees with important information about the City's current Family and Medical leave policies and procedures as well as resources to obtain additional information. In all circumstances, the City interprets and applies its policy in accordance with applicable law, including updates as they occur.

A. Oregon Family Leave Act (OFLA)

1. Eligibility: Except as outlined below during a public health emergency, to be eligible for OFLA leave, an employee:
 - Must have been employed by the City for at least one hundred eighty (180) days before the date on which the leave would begin; and
 - Must have worked* an average of twenty-five (25) hours per week during that time.
 - Eligibility requirements during a period of a public health emergency. Different eligibility requirements apply during a period of a "public health emergency." For purposes of this policy, "public health emergency" means a public health emergency declared by the Governor pursuant to ORS 433.441, or a state of emergency declared by the Governor under ORS 401.165 that is related to a "public health emergency."

- To be eligible for OFLA leave under this section, an employee need only have been employed at least thirty (30) days before the date on which the leave would begin. An employee also must have worked* an average of twenty-five (25) hours per week during those thirty (30) days.
- Eligibility for Employees Who Are Re-employed or Rehired by the City. An employee is also eligible for OFLA leave if:
 - The employee separated from employment with the City for any reason, was eligible for OFLA leave at the time of separation, and is re-employed by the City within 180 days; or
 - The employee began a temporary cessation of scheduled hours, was eligible for OFLA leave when the temporary cessation began, the temporary cessation ends within 180 days, and the employee returns to work for the City within that time.

**Note: Hours worked for purposes of determining OFLA eligibility includes all hours actually worked as well as hours of protected leave taken, including OFLA leave to the extent required by applicable law.*

2. Any family leave taken by the employee under this section within the leave year continues to count against the length of family leave time to which the employee is entitled. The amount of time that an employee is deemed to have worked for the City prior to a separation from employment or a temporary cessation of scheduled hours is credited to the employee for purposes of OFLA eligibility requirements if the employee is reemployed or returns to work within 180 days.

3. Amount and Qualifying Reasons for OFLA

The City uses a *Measured Forward* leave year for OFLA, (measured forward from the Sunday before the date the employee first takes leave) and provides eligible employees with the following amounts of OFLA each leave year:

- a. Up to 2 workweeks of time off to effectuate the legal process required for placement of a foster child or the adoption of a child (Note: this leave is available under OFLA, only until January 1, 2025), and
- b. Up to 12 workweeks of time off due to pregnancy disability, including prenatal care, recovery from childbirth, and childbirth related conditions, and
- c. Up to 12 workweeks, *combined* for:
 - Sick Child Leave, and
 - To care for a child of the employee who requires home care for an illness, injury or condition; or
 - To care for a child of the employee who requires home care due to the closure of the child’s school or childcare provider as a result of a public health emergency.

4. For Bereavement purposes. This means leave to attend bereavement services for a family member, to make arrangements necessitated by the death of the family member, or to grieve the death of the family member. OFLA for bereavement purposes is limited to 2 weeks per death (up to 4 weeks per leave year) and must be completed within 60 days after the date on which the employee receives notice of the death. Family member means:
- The spouse or domestic partner of the employee.
 - A child of the employee or the child’s spouse or domestic partner.
 - A parent of the employee or the parent’s spouse or domestic partner.
 - A grandparent of the employee or the grandparent’s spouse or domestic partner.
 - A grandchild of the employee or the grandchild’s spouse or domestic partner.
 - A sibling or stepsibling of the employee, or the sibling’s or stepsiblings’ spouse or domestic partner.
 - Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship as provided by applicable law and regulations. Attestation of the relationship is required.

In addition, the City also provided city-paid bereavement leave upon the death of certain family members. City-paid bereavement leave, if used, runs concurrent with OFLA bereavement leave.

5. For Oregon Family Military Leaves. (See Section 7.7)
For more information, please contact Human Resources.
6. Leave Usage
- a. Continuous or Intermittent: OFLA leave may be taken intermittently whenever needed.
 - b. Concurrent Leaves: OFLA leaves do not run concurrently with Paid Leave Oregon (PLO) or workers’ compensation leaves. Please contact Human Resources for more information. All other types of leave that apply to the same absence, whether paid and unpaid (e.g., FMLA, OFLA, PLO, Sick Leave, etc.) will run concurrently unless prohibited by law.
7. Requesting OFLA
Request for OFLA must generally be made in the same way that an employee requests time off for FMLA leaves:
- a. If the need for the leave is known in advance, the employee must give 30 days’ advance notice in writing. If the leave is not known 30 days in advance, the employee must give notice as soon as possible before the beginning of the leave.
 - b. For unplanned/unanticipated leave (such as for incidents of unanticipated intermittent leave or OFLA sick child leave), the employee must follow the normal attendance call-in/reporting procedures for their department.

- c. If an employee is not able to contact the City directly, the employee is encouraged to have their personal representative call Human Resources.
 - d. Employees needing OFLA leave must provide sufficient information for the employer to determine if the leave may qualify for OFLA protection and the anticipated timing and duration of the leave. Sufficient information may include that the employee's child is sick, etc.
 - e. Employees must also notify the City if the requested leave is for a reason that has already been approved/designated as OFLA. This includes when calling out or leaving early for unplanned absences under the attendance reporting policy.
8. Medical Certification Requirements During OFLA
Employees who are absent for reasons that may qualify for OFLA are generally required to provide medical certification of the need for leave in accordance with applicable OFLA rules. This includes medical verification of the need for sick child leave (note: verification is not required until after the 3rd absence for sick child leave in a leave year in accordance with applicable OFLA rules).

Medical information relating to OFLA leaves, whether verbal or written, is kept confidential and maintained in the employee's confidential medical file.

9. Wages and Benefits During OFLA
Like FMLA, OFLA Leaves are not paid by the City and employees must generally use their accrued paid leave benefits during a period of OFLA leave in accordance with City policy and applicable CBA provisions. Accrued sick leave must be used first.

Note: The use of paid leave does not increase, in whole or in part, the amount of OFLA leave available to an employee. All OFLA leave runs concurrently with any paid leaves as well as PLO, FMLA and other forms of leave in accordance with applicable law.

Employees (including salaried exempt employees) who have exhausted their accrued paid leave benefits will not be paid by the City except when required by applicable law.

Time taken for leave covered under OFLA must be entered on the employee's timesheet regardless of how the employee is being paid for that time. For additional information on how to record OFLA leave on the timesheet, contact the Payroll Department.

The City also maintains group health insurance coverage for an employee on OFLA leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work. In some instances, the City may recover premiums they paid to maintain health coverage for an employee who fails to return to work from OFLA leave.

10. Reinstatement and Return From OFLA
In order to have reinstatement rights when returning from family leave, employees must request reinstatement immediately upon the expiration of leave. Employees who timely returning from OFLA leaves are reinstated to their former position in accordance with applicable law. Employees who cannot be reinstated to their former position because

that position no longer exists are reinstated to an available, equivalent position (if one exists) in accordance with applicable law.

B. Family Medical Leave Under Federal Law (FMLA)

As a public employer, the City is a covered employer for federal FMLA purposes. However, due to our size, City employees are not eligible for federal FMLA benefits. For more information on the FMLA, please see the Appendix for more information.

C. Paid Leave Oregon Benefits (PLO)

City employees may be eligible to receive full or partially paid family and medical leave time off from work through a statewide paid family leave insurance program. The following policy has been developed to provide employees with additional information about this benefit and how it interacts with other City leaves. Please be aware however, that Paid Family Leave (PLO) benefits are administered by and through the State of Oregon and not by the City directly. Consistent with the Paid Family Leave and Medical Insurance Act, PLO contributions will be paid by both the City and employees. The City will pay 40% and employees will pay 60% of the contribution rate to the state fund as provided in ORS 657B.150. Consistent with the Paid Family Leave and Medical Insurance Act, PLO contributions will be paid by both the City and employees. The City will pay 40% and employees will pay 60% of the contribution rate to the state fund as provided in ORS 657B.150.

1. Eligibility

Generally, to receive PLO benefits through the Oregon paid family leave program, employees must:

- Earn at least \$1,000 in subject wages during the base year or alternative base year (as determined by the state) and have contributed to the state fund in accordance with applicable law (e.g., through payroll withholdings),
- Apply for paid family and medical leave benefits with the State of Oregon for a qualifying reason, and
- Be approved by the State for those benefits.

2. Amount and Qualifying Reasons for State PLO

Oregon PLO provides eligible employees with up to 12 weeks of paid leave benefits each leave year (Measured Forward from the Sunday of the week the employee first takes leave) for the following purposes:

a. Family Leave, which includes:

- Leave taken to care for or bond with a child during the first year after the child's birth or the first year after placement through adoption or foster care.
- Child includes the biological, adopted, foster, stepchild, legal ward, or in loco parentis child of an employee or the child of an employee's registered domestic partner.
- Leave taken to care for a family member with a Serious Health Condition.

b. Family member means:

- The spouse or domestic partner of the employee.

- A child of the employee or the child’s spouse or domestic partner.
 - A parent of the employee or the parent’s spouse or domestic partner.
 - A grandparent of the employee or the grandparent’s spouse or domestic partner.
 - A grandchild of the employee or the grandchild’s spouse or domestic partner.
 - A sibling or stepsibling of the employee, or the sibling’s or stepsiblings’ spouse or domestic partner.
 - Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship as provided by applicable law and regulations.
- c. Medical leave means: to recover from, or seek treatment for, an employee’s own serious health condition, including periods of disability related to pregnancy or childbirth. *Note:* the PLO program also allows an employee to take an additional two weeks of paid leave for pregnancy, childbirth, or related medical conditions.
- d. To take leave covered by Oregon domestic violence leave rules. For more information, see Section 7.13 or speak with Human Resources.

Note: Employees are not eligible to receive workers’ compensation time loss and state PLO benefits for the same absence. However, as noted above, eligibility for PLO benefits and leave, weekly PLO benefit amounts, and the number of weeks of benefits and leave an employee may receive under PLO are determined by the State of Oregon.

3. Coordination of Other Benefits During State PLO Leaves

- a. While on approved PLO leave, employees may use accrued paid leaves not in excess of the value of a workday.
- b. While on approved PLO leave, employees receiving PLO benefits are considered on “authorized paid leave” for purposes of seniority accrual regardless of whether the employee uses accrued leave to supplement their PLO benefit.
- c. Employees on any type of unpaid leave during which they are not using accrued paid leaves are not eligible to accrue sick or vacation benefits. This includes but is not limited to time off under family leave, PLO, or other unpaid leaves for any reason.
- d. The City will report all supplemental benefits paid to employees to the state in accordance with applicable rules. It should also be understood that the City is not responsible for an employee’s PLO repayment obligations, penalties, or reduction in benefits assessed by the State due to the employee’s decision to use City leave accruals.
- e. Health Insurance Benefits During PLO Leave: The City maintains group health insurance coverage for an employee on an approved PLO leave whenever such insurance was provided before the leave was taken and on the same terms as if the employee had continued to work in accordance with applicable PLO requirements.

4. How to Request PLO Leave

Employees who wish to request Oregon PLO benefits are required to comply with all of the following:

- a. Notify the City.
- b. Notice must be provided, in writing, at least 30 days before the leave is scheduled to begin if the need for leave is known in advance. If the need for leave is not known at least 30 days in advance, the employee must give written notice as soon as possible before the leave is scheduled to begin.
- c. For unplanned/unanticipated leave, the employee is expected to follow the normal attendance call-in/reporting procedures for their department.
- d. If notice is not possible prior to beginning leave, then verbal notice is required within 24 hours of the beginning of the leave, followed by confirmation in writing within 3 working days after the employee's return to work.
- e. If an employee is not able to contact the City themselves, the employee is encouraged to have their personal representative call Human Resources.
- f. Notice to the City must include an explanation of the need for leave.
- g. *Penalties under PLO for Failure to Timely Notify City.* If the Oregon Employment Department (OED) determines that the employee did not provide the required leave notice to the City, the OED may impose a penalty by issuing a decision and reducing the first weekly benefit amount payable by 25%. The penalty is taken from the first payment (or considered an overpayment that must be repaid if the first payment has already been made). If the first payment is less than the entire amount of the reduction, subsequent payments will be reduced until the entire reduction has been subtracted.
- h. Apply for PLO benefits through the state of Oregon and comply with any medical certification or other verification requirements as directed by the state. For more information, please see: <https://paidleave.oregon.gov/Pages/default.aspx>

5. Job Restoration & Verification of PLO Leaves

Employees who have been employed with the City for at least 90 days and are approved for state PLO leave benefits leave are eligible to be reinstated to their former position in accordance with applicable law. Employees who cannot be reinstated to their former position because that position no longer exists are eligible to be reinstated to an available, equivalent position (if one exists) in accordance with applicable law.

Verification of the dates and amount of PLO benefits used/claimed with the state may be required as the City determines necessary to ensure compliance with its policies, procedures and legal obligations including but not limited to leave tracking, reinstatement, and other benefits obligations.

More Information: For more information about Oregon Paid Family Leave benefits, please contact Human Resources or visit: <https://paidleave.oregon.gov/Pages/default.aspx>

D. ADDITIONAL INFORMATION

For additional information and assistance with these leave of absence policies as well as clarification of how they may apply to your individual situation, please contact Human Resources or the City Manager.

7.12 SHARED LEAVE

The purpose of the Shared Leave Program is to allow an employee to aid a fellow city employee who is suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition and has already exhausted their accrued leave and/or any benefits available under Paid Leave Oregon or other available disability benefit. In order to receive Shared Leave for the employee’s own illness or injury, the employee must also not be receiving disability benefits from any other source.

A. When An Employee May Receive Shared Leave

Human Resources, with the City Manager’s approval, may permit an employee to receive shared leave under this chapter, if at the conclusion of the employee’s PLO leave (or upon exhaustion of all accrued leaves, whichever comes later), the employee is not cleared to return to work. The employee’s request is subject to the following requirements:

1. The employee has completed six months of employment with the city.
2. The employee suffers from an illness, injury, impairment, or physical or mental condition, or to care for a minor dependent with a serious health condition that is PLO qualifying and has exhausted any benefits available under PLO. (See Section 7.4 “Leave Without Pay”)
3. The employee has depleted or will shortly deplete their total of accrued vacation, sick leave, compensatory time, holiday time and/or other paid leave.
4. Prior to the use of shared leave, the employee has abided by the City’s sick leave policy.
5. The use of shared leave will not significantly increase the City’s costs, except for those costs which would otherwise be incurred in the administration of this program or which would otherwise be incurred by the employee’s department.

B. Shared Leave Use

1. Human Resources, with the concurrence of the City Manager, or in the case of the City Manager, the Mayor, shall determine the amount of leave, if any, which an employee may receive under this section.
2. An employee shall not receive a total of more than two hundred sixty-one days of shared leave throughout the employee’s employment with the city and may not use more than 90 days of shared leave at any one time.
3. To the extent possible, shared leave should be used on a consecutive basis.
4. Human Resources, or Mayor in the case of the City Manager, shall require the employee

to submit, prior to approval or disapproval, a medical certificate from a healthcare provider verifying the employee's need to remain off work, which may require providing an explanation of how the employee's illness or injury prevents them from performing the essential functions of their position (with or without accommodation), and the expected date of return-to-work status.

C. Conditions For Employees Who Wish to Donate Shared Leave

1. Employees may request the transfer of a specified amount of accrued sick leave or accrued vacation leave to an employee who has been authorized to receive shared leave, subject to the following conditions:
 - a) Transfers shall be in increments of one (1) day leave, equivalent to the recipient employee's regularly scheduled workday.
 - b) To be eligible to donate vacation time, the donating employee must retain a total of more than ten (10) days of accrued vacation leave or have taken at least ten (10) days of vacation leave within the calendar year, or have a total of accrued and used vacation leave of greater than ten (10) days for the calendar year, after the transfer of shared leave.
 - c) To be eligible to donate sick leave, the donating employee must retain 25% of their accrued sick leave, but not less than ten (10) days for the calendar year, after the transfer of shared leave.
 - d) The transfer of leave from a donating employee shall not exceed the amount specified by the employee requesting leave.
 - e) All donations of shared leave shall be entirely voluntary.

D. Interdepartmental Transfers of Leave

Shared leave may be transferred without regard to the department in which donating employees and donor employees may be assigned.

E. Employment Status of Employees Using Shared Leave

While an employee is using shared leave, they shall continue to be classified as a city employee and shall receive the same treatment, with respect to salary and benefits, as the employee would otherwise receive if they were using their own sick leave or vacation leave.

1. All salary benefit payments made to the employee on a shared leave basis shall be made by the department employing the person using the shared leave.
2. The employee's regular rate, total wages, and earned leave shall not change as a result of being on shared leave nor, under any circumstances, shall the total of the employee's wages and other benefits (including, but not limited to, City County Insurance Services or any other benefit received as a result of payments by the city to an insurer or pension system), exceed the total of wages and benefits which the employee would have received had they been in a regular pay status.

F. Leave Transfer Rate

1. Sick leave and vacation leave shall be transferred on a dollar-for-dollar basis.
2. The value of the leave shall be determined by the current hourly wage of the transferor and the leave available to the receiving employee shall be calculated at the receiving employee's wage.

G. Return Of Unused Shared Leave

The value of any leave transferred, which remains unused, shall be returned to the donating employee, at a rate determined by the Finance Director. Human Resources shall determine when shared leave is no longer needed.

H. Monitoring Of Program

The Payroll Specialist shall monitor the use of shared leave to ensure equivalent treatment for all employees of the city. Inappropriate use or treatment of the shared leave provision may result in the cancellation of the donated leave or use of shared leave.

7.13 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, unpaid leave to attend criminal proceedings if the employee or their immediate family member (defined below) 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 domestic partner, father, mother, sibling, child, stepchild or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation or sick leave during the leave period; and
- Provide as much advance notice as is practicable of their intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to the City Manager 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.

7.14 DOMESTIC VIOLENCE LEAVE (SAFE LEAVES) AND ACCOMMODATIONS POLICY

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

- A. 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.

- B. Leave is generally unpaid, but the employee may use any accrued vacation or sick leave while on this type of leave. (The employee may also be eligible to apply for PLO benefits while on leave. This is referred to as “Safe Leave.” See also Section 7.11)

- C. Requesting Leave: Employees should provide as much advance notice as is practicable of their intention to take leave (unless giving advance notice is not feasible).
 - Employee should submit a request for the leave in writing to the City Manager as far in advance as possible, indicating the amount of 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 person on the employee’s behalf.

- D. Reasonable Safety Accommodation: 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 accommodation.

CHAPTER 8 - EMPLOYEE RESPONSIBILITIES AND CONDUCT

8.1 GENERAL POLICY

- A. All City employees are expected to represent the City in a professional manner which is courteous, efficient, and helpful. Employees must maintain a clean, neat, and professional appearance appropriate to their work assignment, as determined by their position and their department head. Fridays may be designated as a casual day for administrative staff. Department heads will ensure all employees treat all members of the public in a civil manner and represent the city in a professional manner.

- B. Dress Standards: Public relations are an integral part of each employee's job. All employees are expected to present themselves in a way that helps generate trust, confidence, and respect from the public they serve. As a result, all employees are required to be neatly groomed and wear clothing that is clean, in good repair, fits properly (including properly covering chest, stomach, back and other intimate areas), and is professional and appropriate for their position and job duties, whether in the office, a City vehicle, or other worksite.

Some positions within the City may be required to wear a uniform or other job specific attire. An employee will be informed if their position has any specific uniform or dress code requirements. For positions that are required to wear a uniform, the City provides employees with uniforms at City expense. City uniforms and attire (with City logo, etc.) may not be worn off-duty except in the normal course of travel to and from work. All City uniforms and attire must be returned on separation from employment.

In the event a concern arises regarding employee compliance with this policy, the City will make the final determination regarding what is appropriate dress for the workplace in its discretion. In addition to discipline, employees arriving for work with an appearance that significantly disregards City standards or creates a safety hazard may be asked to return home for immediate correction. If you have any questions regarding the specific standards for your job, please contact your supervisor.

- C. Because, the proper working relationship between employees and the City depends on each employee's on-going job performance, professional conduct and behavior, the City has established certain minimum standards of conduct. Among the City's expectations are:
 - 1. Basic tact and courtesy towards the public, fellow employees, and elected officials
 - 2. Comply with directions from supervisors
 - 3. Preserve and protect the City's equipment, grounds, facilities, and resources
 - 4. Provide orderly and cost-efficient services to the public

- D. City of Boardman employees will not collect any money from residents wishing to pay bills or sums owed to the City outside normal business hours. If a resident or citizen needs to pay any fees, employees must advise that individual to come to the City Hall during normal business hours.

8.2 OUTSIDE EMPLOYMENT AND CONFLICTS OF INTEREST

- A. Employees shall not, directly or indirectly, engage in outside employment or financial interest which may conflict, in the City's opinion, with the best interests of the City or interfere with the employee's ability to perform their assigned City job. Examples include, but are not limited to, outside employment which:
 - 1. Prevents the employee from being available for work beyond normal working hours, such as for emergencies or peak working periods, when such availability is a regular part of the employee's job; or
 - 2. Is conducted during the employee's working hours; or
 - 3. Utilizes City telephones, computers, supplies, or any other resources, facilities, or equipment paid for or owned by the City; or
 - 4. Is employed with a firm or company which has contracts with or does business with the City; or
 - 5. May reasonably be perceived by members of the public as a conflict of interest or otherwise discredits public service.

- B. An employee who chooses to hold outside employment (including an additional job, contractual commitment, or self-employment), must obtain written approval from the City Manager prior to accepting or starting the outside employment. The City Manager reserves the right to rescind a previously granted approval of outside employment.

8.3 POLITICAL ACTIVITIES

- A. City employees may participate in political or partisan activities of their choosing, provided that, City resources and property are not utilized, and the activity does not adversely affect or prevent employees from performing the responsibilities of their positions. Employees may not campaign on City time, or in a City uniform, or while representing the City in any way. Employees may not allow others to use City facilities or funds for political activities.

- B. City employees may not wear or display any campaign or candidate button, badge, or sticker during working hours, while performing work-related activities, or while wearing City provided clothing

- C. Employees shall not solicit on City property or City time for a contribution for a partisan political cause.

- D. Except as noted in this policy, city employees are otherwise free to fully exercise their Constitutional First Amendments Rights.

8.4 NO SMOKING POLICY

- A. The City provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars, vape pens, and e-cigarettes), and the use of oral tobacco products or "chew/spit" tobacco. This policy applies to employees, contractors, volunteers, and any visitors to City of Boardman property, vehicles, facilities, or buildings.
- B. City buildings and vehicles are tobacco-free areas. Further, the City prohibits tobacco use in or around City vehicles and equipment or machinery. Employees may smoke during non-working hours, such as during rest breaks or meal periods.
- C. If employees wish to smoke, they must do so outside of the City's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings including second-story windows. The City has established employee smoking areas that are located outside the back of the building, by the fence.

8.5 USE OF ELECTRONIC EQUIPMENT AND SOCIAL MEDIA

The City uses multiple types of electronic equipment, facilities, and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, cell phones (including text messaging), the Internet, and any new technologies used in the future. This policy governs employee use of the City's property. This policy does not supersede Police Department policy.

- A. Ownership
All information and communications in any format, stored by any means on or received, via City's electronic equipment, facilities, or services is the sole property of the City.
- B. Use
All of City's electronic equipment, facilities, and services are provided and intended for City business purposes only and not for personal matters, communications, or entertainment. Access to the Internet, websites, and other electronic services, paid for by the City, are to be used for City business only. This means, for example, that employees may not use the City-provided Internet, or the City's electronic equipment, facilities, and services to:
 - Display or store any sexually explicit images or documents, or any images or documents that would violate the City's no-harassment, no-discrimination or no bullying policies; or
 - Play games (including social media games) or use apps of any kind; or
 - Engage in any activity that violates the rights of any person or the City, and that is protected by copyright, trade secrets, patent, or other intellectual property (or similar laws or regulations); or
 - Engage in any activity that violates the rights to privacy of protected healthcare information or other City-specific confidential information; or
 - Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g. viruses, worms, Trojan horses); or

- Download or view streaming videos for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.
- City equipment, including vehicles, shall be used by employees for City business only. An employee's misuse of City services, telephones, vehicles, equipment or supplies can result in disciplinary action including termination.
- Further, employees may not use City-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). City email addresses for professional-based social media accounts, such as LinkedIn, may be allowed with the approval of the employee's supervisor.

C. 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, location features, and other such material to monitor the use of all 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.

D. Personal Hardware and Software

Employees may not install personal hardware or software on the City's computer systems without prior written authorization from the City Manager. All software installed on the City's computer systems must be licensed. Copying or transferring City-owned software may be done only with the written authorization of the City Manager. Employees must make their request to the City Manager, in writing.

E. Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by City management. No employee can examine, change, or use another person's files, output, or username unless they have explicit authorization from the City Manager to do so.

F. Security

Many forms of electronic communication are not secure. 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.

G. 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.

H. Use of personal electronic devices for work purposes

If using a personal electronic device (i.e. cell phone, tablet, or computer) for communications in a manner reasonably related to the business of the City, those communications are subject to public records disclosure, and inspection and review, by the City. Employees should have no expectation of privacy, in electronic communications reasonably related to the business of the City, regardless of using a personal or work issued electronic communication device.

If an employee is issued an electronic communication device (i.e.: cell phone or similar, laptop, etc.) for work purposes, the employee is directed to use the City issued device and not their personal device for work duties and/or communications.

Use of a personally owned electronic communication device for at work or for work-related business constitutes consent for the City to access the device to inspect and copy data to meet the needs of the City, which may include litigation, public records retention, and release obligations, and internal investigations.

All work-related documents, emails, photographs, recordings, or other public records created or received on a member's personally owned electronic device should be transferred to the City and deleted from the member's own device as soon as reasonably practicable. (for example: work related photos, emails (not already cc'd to the City), voicemails, etc.)

When using a personal electronic communication device for work purposes, the City accepts no responsibility for loss or damage to the device. The employee is solely responsible for any costs associated with the purchase, use, and service plan costs when using a personally owned device.

I. Off-Duty Communications

Except with prior express authorization from a department head, FLSA non-exempt employees are not obligated or required to carry, access, monitor, or respond to electronic communications using a personally owned device while off-duty, with the exception of an "on-call" assignment for public works. If an employee is in an authorized status that allows for appropriate compensation consistent with policy or existing collective bargaining agreements, or if the member has prior express authorization from their department head, the member may engage in department business-related communications.

Should employees engage in such approved off-duty communications or work, FLSA non-exempt employees, entitled to their regular hourly compensation, will promptly document the time worked and communicate the information to their supervisors to ensure appropriate compensation. Compensation may not apply for an occasional di minimis call (i.e. a call about a change in work schedule). Exempt and non-represented (non-union) employees may be required to respond to calls and work duties outside of regular work hours without further compensation.

Using a City issued or personal electronic device for work purposes to harass, threaten, coerce or otherwise engage in inappropriate conduct with any City employee, volunteer, member or City associated third party is prohibited. Any employee having knowledge of such conduct will promptly notify the Department Head.

When using a personal electronic communication device for work purposes, the City accepts no responsibility for loss or damage to the device. The employee is solely responsible for any costs associated with the purchase, use and service plan costs when using a personally owned device.

J. **Personal Phone Payment:** A non-represented (non-union) employee may be eligible for a monthly payment for use of their personal electronic communication device (phone) when approved for the purposes of work. The payment is \$40 per month, subject to change at the sole discretion of the City.

K. **Use While Driving**

The use of a personal electronic communication device while driving is regulated by state law and can adversely affect safety, cause unnecessary distractions, and present a negative image to the public. Except in an emergency where you cannot stop safely, employees will not use a personal electronic communication device while driving when engaged in City business unless the device is specifically designed and configured to allow hands-free use (ORS 811.507).

8.6 EMPLOYEE PHOTOGRAPHS

Employee photographs may be posted in publications for local events, up to and including, City websites. Photo release forms will be provided for employee signatures and placed in their personnel files.

8.7 BULLETIN BOARDS

Information of special interest to all employees is posted regularly on the City bulletin boards. Employees may not post any information on these bulletin boards without the authorization of the City Manager.

8.8 CONTACT WITH NEWS MEDIA

The Mayor, City Manager, or Police Chief shall be responsible for all official City contacts with the news media, including answering questions from the media. The Mayor, City Manager, or Police Chief may designate specific employees to give out procedural, factual, or historical information on particular subjects.

8.9 DRIVERS LICENSE REQUIREMENTS

A. As part of the requirements and essential functions of certain City positions, an employee may be required to possess a valid driver's license.

- B. For employees in a job that requires driving as an essential function, if an employee's license is revoked, suspended, or lost, or is in any way not current, valid, and in the employee's possession, the employee shall notify their department head within 48 hours of the license revocation/suspension/loss and will be immediately suspended from driving duties. The employee may not resume driving until proof of a valid, current license is provided to their department head. Said employee may be suspended without pay until the license is renewed or be subject to the provision of Section (c) below.
- C. Depending on the duration and circumstances of the license suspension, revocation or other inability to drive, an employee who is required to possess a valid driver's license may be subject to disciplinary action, including termination. Alternatively, an employee may be terminated for failure to perform the essential functions of their job (i.e. being unable to drive City-owned vehicles).

8.10 DRIVING WHILE ON BUSINESS

- A. The City of Boardman may provide a City-owned vehicle for purposes of conducting City business. The City vehicles are for business purposes only. Vehicles are not to be used for personal use, excluding de minimus use.
- B. Employees using a private vehicle to conduct City of Boardman's business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized City of Boardman business use should make any necessary arrangements with their insurance carriers.
- C. The City receives automated reports from the Department of Motor Vehicles (DMV). The reports notify the City of Boardman when there are transactions on employees' driving records, such as speeding tickets and citations. As part of the requirements and essential functions of certain City positions, an employee may be required to possess a valid driver's license and such reports will be generated.
- D. While on City of Boardman business, employee-drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Employee-drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Employee-drivers are to ensure that the use of prescribed or over the counter drugs do not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 48 hours of the change or new restrictions/limitations, if their job requires driving as an essential function.
- E. Employees who receive a ticket or citation while driving a City-owned vehicle or while on City business will be responsible for paying the fine (if any) associated with the ticket or citation and may face discipline up to and including termination.
- F. Oregon law prohibits cell phone use while driving a vehicle, regardless of whether the driver is moving, or stopped at a traffic signal, or stuck in a traffic jam. City of Boardman

employees may not use cell phones while in City vehicles, or in personal vehicles on City time, unless the employee uses Bluetooth/hands-free technology to make and receive calls and text messages.

8.11 SAFETY

Every employee is responsible for maintaining a safe work environment and following the City's safety rules. Each employee shall promptly report all unsafe or potentially hazardous conditions to their department head. The City will make every effort to resolve safety problems as quickly as possible.

When at City Hall, in case of an emergency or the need of immediate assistance, a panic button is available on all desktop phones listed as "city hall paging".

In case of an accident involving a personal injury, regardless of how serious, employees shall immediately notify their supervisor.

8.12 SUBSTANCE ABUSE

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.

The City expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and/or alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and/or drugs, to coworkers and others.

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

B. Prohibited Conduct

Possession, transfer, use or being under the influence of any alcohol while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations, or safety, or City employees, or others. This prohibition does not apply to employees engaged in law-enforcement work.

1. The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree or the employee's blood alcohol content exceeds .02%, the employee will be deemed "under the influence" for purposes of this rule.

2. Possession, distribution, dispensing, sale, attempted sale, use, manufacture, or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees. (This prohibition does not apply to employees engaged in law-enforcement work.) Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance in their system while on City property or on City time.
3. The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
4. As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana regardless of recreational or medicinal use that is otherwise lawful to use under Oregon, Washington, or any other state's law.
5. Bringing to City property, or possessing items or objects on City property, that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. This prohibition does not apply to employees engaged in law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in City property.
6. Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and/or other drug paraphernalia are strictly prohibited. This prohibition does not apply to employees engaged in law-enforcement work.
7. Bringing equipment, products, or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City property is strictly prohibited. This prohibition does not apply to employees engaged in law-enforcement work.

C. Prescription Drugs and Medical Marijuana

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or City operations.

Employees must inform their supervisor about any prescription or over-the-counter drugs that they are using which could adversely affect their physical or mental faculties to any perceptible degree. The employee is not required to present the name of the medication to the supervisor/manager, only information about the side effects is required. If an

employee's use of such prescription or over-the-counter drugs could adversely affect City operations or safety of City employees or other persons, the City may reassign the employee using the drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report the side effects of prescription or over-the-counter drugs covered by this rule will subject an employee to disciplinary action, up to and including termination.

The use of marijuana, which is a Schedule I controlled substance under Federal Law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their supervisor other means of accommodating the disability in the workplace, as the City will not agree to allow an employee to use medical marijuana as an accommodation. (See Section 1.4 - "Disability Accommodation Policy")

D. Reasonable Cause Testing

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol, during work hours, or has used drugs or alcohol in violation of this policy, the City may require the employee to undergo testing for controlled substances or alcohol.

1. The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, psychoneurological examinations and other tests of saliva, blood, and urine. No testing shall be performed under this rule without the approval of the City Manager or the City Manager's designee.
2. "Reasonable cause," as used in this policy, means an articulable belief, based on specific facts, and reasonable inferences drawn from those facts, that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
 - A pattern of abnormal or erratic behavior
 - Information provided by a reliable and credible source
 - A work-related accident (described below)
 - Direct observation of drug or alcohol use
 - Presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes)
 - Unexplained significant deterioration in individual job performance
 - Unexplained or suspicious absenteeism or tardiness
 - Employee admissions regarding drug or alcohol use
 - Unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity

Supervisors should detail in writing the specific facts, symptoms, or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or

controlled substance testing of an employee or a search. This documentation shall be forwarded to the City Manager. Whenever possible, supervisors should locate a second supervisor or management employee to corroborate their "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results, in writing, by the City Manager. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification but such testing will be paid for by the employee.

E. Post-Accident Testing

Employees are subject to testing when they cause or contribute to accidents that seriously damage a City vehicle, machinery, equipment, or property, or result in an injury to themselves or another person requiring offsite medical attention.

F. Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City property, or has otherwise violated provisions of this rule regarding possession, sale, or use of controlled substances or alcohol, the City may search the employee's locker, desk, and any other equipment or storage areas provided by the City for the employee's use. Employees should have no expectation of privacy in any items they bring to City property, or in property, equipment, or supplies provided by the City to the employee.

G. Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any and all tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, refusing to test, 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.

H. Crimes Involving Drugs and/or Alcohol

Employees shall report any criminal arrest or conviction for drug or alcohol related activity within 48 hours of the arrest or conviction, entry into a drug court or diversion program, or loss or limitation of driving privileges, when the employee's job is identified as requiring a valid driver's license (regular or CDL). Failure to report as required will result in disciplinary action up to and including termination.

I. Drug and Alcohol Treatment

The City recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. The City is willing to help such employees obtain appropriate treatment.

An employee who believes that they have a problem involving the use of alcohol or drugs should ask a supervisor or the City Manager for assistance.

The City will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and the City to the extent its existing benefits package covers some or all of the program costs.

Although the City recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance before drug or alcohol problems lead to disciplinary action. Once a violation of the City's policy is discovered, the employee's willingness to seek the City or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

J. Discipline and Consequences of Prohibited Conduct

An employee who tests positive for drugs or alcohol, in accordance with this policy, will be subject to either termination or a last chance agreement. A last-chance agreement is an agreement, whereby an employee who would otherwise be terminated is provided an opportunity to address their substance abuse issue and/or performance or safety issues. The Last Chance Agreement shall be written to inform the employee of the problems noted with their performance, and to specify the performance required for the employee to achieve, in order to continue to be employed by the City. Violation of the provisions of a Last Chance Agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

K. Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need-to-know are to be informed of test results. Disclosure of such information to any other person, agency, or organization is prohibited unless written authorization is obtained from the employee.

8.13 COMPLAINT-REPORTING PROCEDURES

The City recognizes that sometimes situations arise in which an employee feels that they have not been treated fairly or in accordance with City rules and procedures. For this reason, the City provides its employees with procedures for resolving complaints. This complaint procedure should not be construed as, and may not be used as, an appeal process for employees who disagree with a discipline or termination decision. This section does not apply to represented employees.

1. Step 1: An employee should first try to resolve any problem or complaint with their supervisor.

2. Step 2: If Step 1. is not successful, or when an employee has a problem or complaint regarding their supervisor, or when an employee disagrees with the application of City policies and procedures, the employee shall file a written complaint within ten (10) working days of the occurrence to their department head. The department head will respond to the employee in writing within five (5) working days after receipt of the complaint and after meeting with the employee, if possible. The written complaint must be filed within ten (10) working days of the occurrence leading to the complaint. If the complaint is not timely filed, it is forever waived and lost.
3. Step 3: If the employee is not satisfied with the response from the department head, the employee may submit the complaint in writing within ten (10) working days of the Step 2 response from the department head described in Step 2 to the City Manager. The written complaint must contain, at a minimum:
 - A description of the problem; and
 - A specific policy or procedure which the employee believes has been violated or misapplied; and
 - The date of the circumstances leading to the complaint or the date when the employee first became aware of those circumstances; and
 - The remedy sought by the employee to resolve the complaint; and
 - The department head's response to the complaint
4. Step 4: The City Manager may meet with the parties, either individually or together, and will respond in writing to the aggrieved employee within ten (10) working days of the meeting. The City Manager's response and decision shall be final and binding.
5. Employees represented by a bargaining unit should follow grievance procedures set out in their respective labor contracts. In all other cases, the procedures described in this section shall be used. Under no circumstances shall an employee have the right to utilize both this process and any other complaint or appeal procedure that may be available to an employee.

8.14 VIDEO SURVEILLANCE IN THE WORKPLACE POLICY

The City uses video surveillance in public areas of City Hall to provide safety and security to its employees and to monitor activity that may be in violation of City policy or Oregon or federal law. Video cameras are posted in public areas and do not record sound; they are in open view.

8.15 WORKPLACE VIOLENCE POLICY

This policy applies when an employee is "on duty". For purposes of this policy, "on duty" means when an employee is being paid by the City to perform City work, while representing the City in their capacity as a City employee, or while in or on City owned, leased, managed, or controlled premises or vehicle for reasons related to their employment.

A. Prohibited Weapons

No employee (other than those employed in the City's Police Department) may possess, carry, or have in their physical possession a loaded or unloaded firearm or any other dangerous weapon while on duty, or at any other time while in any City owned, leased, managed, or controlled premises, which includes City buildings and properties, indoor and outdoor job sites, and vehicles. While on duty, employees may not possess a loaded or unloaded firearm in their personal vehicle when it is parked on a City parking lot that is adjacent to a City building or while at another worksite for a reason related to their employment. This policy takes precedence over any employee's permit to carry a concealed handgun.

B. Definitions

For purposes of this policy, the following definitions apply:

1. Dangerous weapon. Any weapon, device, instrument, material or substance, which under the circumstances in which it is used, attempted to be used, or threatened to be used, is readily capable of causing death or serious physical injury, which includes but is not limited to a loaded or unloaded firearm.
2. Possess. To have physical possession or otherwise to exercise dominion or control over property (e.g., a weapon located in an employee's car parked on City property, City desk or locker, etc.).
3. Workplace Violence. Any act of physical, verbal, or written aggression by an individual in or related to the workplace. This includes, but is not limited to, verbal or physical threats or intimidation, assault or battery, and destruction or abuse of property. "Aggression" means more extreme, malicious, hostile behavior that can take the form of violent action, or place others in reasonable fear of violent action. Aggression is not to be confused with "aggressiveness" by an employee or supervisor and does not take the form of violent action, or place others in reasonable fear of violent action. For example, an employee who puts their face within two inches of a co-worker's face during a heated exchange is acting aggressively in violation of this policy. An employee who engages in a spirited disagreement with a co-worker, while staying seated across the table, who does not physically invade the co-worker's personal space, make any physical gestures toward the co-worker, or otherwise engage in threatening behavior does not violate this policy.
4. Threat. An expression by word or conduct, of intent to commit violence, that reasonably places the listener or reader in fear of imminent bodily harm or is of such a character that another individual could be reasonably placed in fear of imminent or future bodily harm. The overall context of a statement, including nonverbal communications, will be taken into account to determine if such an expression is a threat covered by this rule. There are generally three types of threats recognized by the City: veiled, conditional, and direct.
 - Veiled Threat: A veiled threat involves reference to a violent act and an association with the present situation.
 - Conditional Threat: A conditional threat contains words such as "if" or "or" and

references a violent act with the condition.

- Direct Threat: A direct threat is a warning of a pending violent act.

Employees will be subject to discipline up to and including discharge for violations of this policy.

Again, this prohibition on possessing dangerous weapons does not apply to those employees having specific statutory and City authority to possess Department approved weapon(s) in the performance of their job duties.

C. Search of Property

When reasonable suspicion exists to believe an employee possesses a dangerous weapon on City property or has otherwise violated provision(s) of this policy regarding possession of a dangerous weapon on City property or at a City worksite, the City may request to search the employee's locker, toolbox, desk, and any other storage areas provided by the City for the employee's use, including City-provided vehicles.

However, the City will not ask to search a private vehicle. Employees shall have no expectation of privacy in any property, furniture, equipment, vehicle, or supplies provided by the City to its employees, which includes, but is not limited to desks, files, file cabinets, offices, drawers, toolboxes, lockers, City-provided clothing, and City-owned vehicles. Such items are subject to inspection by the City or its agents at any time and without notice.

Reasonable suspicion exists when an employee admits they are in possession of a dangerous weapon; the City has reports of first-hand observations by other employees who saw the employee with a dangerous weapon in violation of this policy; or other credible and reliable information exists that gives rise to suspicion that an employee is in violation of this policy. If an employee refuses an appropriate request under this policy to search their person or personal belongings for a dangerous weapon, the employee will be sent home for the remainder of the day (possibly longer, on either paid or unpaid Administrative Leave, while the City conducts an investigation).

D. Prohibition of Workplace Violence

The City recognizes the importance of a safe workplace for employees, customers, volunteers, vendors, contractors, and the general public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee or member of the public against another person's life, health, well-being, family, friend, significant other, or property are a serious violation of this policy and will be dealt with accordingly. In the event the City determines that an employee has violated this policy, appropriate disciplinary action up to and including discharge will be taken.

For the purposes of this rule, workplace violence does not include the appropriate use of force or weapons by law enforcement officers, duly assigned security guards, or others acting lawfully and within City/Department policy to protect and defend life and property.

CHAPTER 9 - DISCIPLINE AND TERMINATIONS

9.1 DISCIPLINE

The City is an at will employer. Employees may be separated from employment at any time, for any lawful reason, with or without cause and/or notice given (other than those employees represented by a union or association).

- A. All employees are expected to exercise good judgment, loyalty, common sense, dedication, and courtesy in the performance of their duties. The primary mission of every employee is to provide courteous, orderly, efficient, and economic delivery of services to members of the public.
- B. Acts, errors, or omissions which discredit the public service or impair the provision of orderly services to the citizens of the City may result in discipline and termination.
- C. The City Manager or Police Chief, as appropriate, has full discretion and authority to impose disciplinary action in accordance with City policy and the circumstances of the particular case.
- D. The following are examples of the type of behavior which may result in disciplinary action including termination:
 - 1. Drinking alcohol or the abuse of non-prescription or prescription drugs or other controlled substances on the job or arriving on the job under the influence of or while in possession of alcohol, drugs, or other controlled substances or having drugs or alcohol, or controlled substances in one's system as detected by drug testing or alcohol testing.
 - 2. Violation of a lawful duty or directive from a supervisor.
 - 3. Insubordination.
 - 4. Absence from work without first notifying and securing permission from the supervisor.
 - 5. Repeated absence or tardiness for any unexcused reason.
 - 6. Sexual harassment or other forms of harassment and bullying as prohibited by these policies.
 - 7. Unsatisfactory job performance, including untruthfulness, or other, as determined by the City.
 - 8. Conviction of a felony or a misdemeanor, which could affect work performance or reflect negatively on the City, as determined by the City Manager.
 - 9. Acceptance of fees, gratuities, or other valuable items in the performance of the employee's official duties for the City, in violation of Oregon's ethics laws.
 - 10. Inability, refusal, or failure to perform the duties of the assigned job.
 - 11. Employees who fail to return to work, on the date specified on the leave request, without receiving an extension in advance.
 - 12. Violation of duties or rules imposed by this manual, or by any other City rule, regulation, or administrative order.

This list is not all-inclusive, but only serves as a general guide. The City may discipline or terminate employees for other reasons not stated above.

- E. In the event that discipline is necessary, the following types of disciplinary actions may be used, depending on the particular situation. These actions do not have to be taken in the sequence written and all will be documented and added to the employee's personnel file.
 - 1. A coaching and counseling session is a conversation (which may be documented) between the employee's supervisor and the employee on the subject of the employee's conduct and performance, or their failure to observe a rule, regulation, or administrative instruction. It is intended to increase an employee's efficiency and value to the City by changing the employee's conduct, habits, or work methods. (A coaching and counseling are not considered disciplinary.)
 - 2. Reprimand. A reprimand is a formal written disciplinary action for misconduct, inadequate performance, or repeated lesser infractions.
 - 3. Last Chance Agreements. In lieu of terminating employment of an employee for serious violations of 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.
 - 4. Suspension without pay. This type of suspension is a temporary unpaid absence from duty which may be imposed as a penalty for significant misconduct or repeated lesser infractions.
 - 5. Suspensions with pay. When the employee is placed on Administrative Leave, which may be utilized by the Police Chief or City Manager, pending the results of an investigation or disciplinary action, where the department head determines that factors such as public confidence, the safety of the employees, or the efficient functioning of the City, call for such a suspension.
- F. 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. 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 (other than those employees who are subject to a collective bargaining agreement or contract of employment).

9.2 LAYOFF

The City Manager may lay off employees for lack of work, budgetary restrictions, re-organization, or other changes that have taken place.

In determining who is to be laid off, consideration will be given to individual performance and the qualifications required for the remaining jobs. Seniority will be considered when performance and qualifications are equal.

Employees who are laid off may be eligible to be re-employed if a vacancy occurs in a position for which they are qualified. Such recall opportunity is for a maximum of six (6) months.

9.3 RESIGNATION

In order to be considered having resigned in good standing, an employee should provide two (2) weeks' notice of resignation. This time limit may be waived by the City Manager.

9.4 DEATH

Upon death of an employee, all compensations due shall be paid to the surviving spouse or the estate of the employee.