



# CITY COUNCIL MEETING W/EXECUTIVE SESSION

July 07, 2026 at 7:00 PM

Boardman City Hall Council Chambers  
**AGENDA**

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](mailto:city.clerk@cityofboardman.com).

## 1. CALL TO ORDER

## 2. FLAG SALUTE

## 3. ROLL CALL

## 4. INTRODUCTIONS

- A. David Mayoral, Building Inspector 1
- B. Erendira "Elizabeth" Cortes, Community Engagement Specialist
- C. Jacob Case, Public Works Worker 1

## 5. PREARRANGED PRESENTATIONS

- A. Boardman Police Department Accreditation
- B. Civic Center - Anderson Perry

## 6. COMMITTEE REPORTS

- A. Housing Advisory Committee Report

## 7. 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.

- A. Boardman Chamber/BCDA June 2026 Report Only

**8. CONSENT AGENDA**

- [A.](#) Consent Agenda
- [B.](#) Minutes - Council Meeting June 2, 2026
- [C.](#) Minutes - Council Workshop June 2, 2026
- [D.](#) Minutes - Council Special Meeting June 9, 2026

**9. ACTION ITEMS - ORDINANCES**

- [A.](#) Ordinance 12-2026 An Ordinance Amending The Boardman Municipal Code Title 1 General Provisions To Repeal Chapters 1.16 General Penalty; Violations And Fines; Procedure In Criminal Matters Generally And 1.20 Code Compliance/Animal Control Program Policies And Replace Them With Chapters 1.16 Code Compliance And 1.20 Code Hearings Officer

**10. ACTION ITEMS - RESOLUTIONS**

- [A.](#) Resolution 18-2026 A Resolution Adopting the Operating Unmanned Aircraft Systems Policy
- [B.](#) Resolution 19-2026 A Resolution Relating to the City of Boardman 457 Deferred Compensation Plan Through Mission Square Retirement and Adopting Amended Plan Provisions

**11. ACTION ITEMS - OTHER BUSINESS**

- [A.](#) Appoint Councilor to Housing Advisory Committee

**12. FINANCIAL REPORT**

- [A.](#) Finance Report - May 2026

**13. CITY MANAGER REPORT**

- [A.](#) City Manager Report
- [B.](#) Targeted Grazing
- [C.](#) OLCC Licensing Policy

**14. MAYOR AND COUNCIL COMMENTS**

**15. EXECUTIVE SESSION**

- [A.](#) 192.660(2)(d) To conduct deliberations with persons designated by the governing body to carry on labor negotiations.

**16. ADJOURNMENT**

## **Boardman Civic Center**

### **Purpose**

Review the predesign findings, confirm project priorities, discuss the preferred facility concept, and establish direction for the next phase of work.

### **Agenda**

#### **1. Existing Conditions & Project Need**

- Current facility challenges
- Operational and service impacts
- Growth and long-term facility needs
- Key findings from the predesign study

#### **2. Project Drivers & Community Priorities**

- Security
- Function and operational efficiency
- Growth and flexibility
- Civic presence and community identity
- Community values and stakeholder input

#### **3. Preferred Facility Concept**

- Site organization
- Building program and departmental relationships
- Circulation and security strategy
- Benefits of a unified civic facility

#### **4. Project Impacts & Community Benefits**

- Improved public service delivery
- Enhanced safety and security
- Increased operational efficiency
- Long-term adaptability and sustainability

#### **5. Consequences of Maintaining Existing Conditions**

- Continued operational inefficiencies
- Facility limitations
- Security and circulation challenges
- Escalating future costs

#### **6. Project Budget Overview**

- Overall project cost
- Major cost components
- Assumptions and contingencies

#### **7. Next Steps & Discussion**

- Project direction
- Funding considerations
- Schedule and implementation strategy
- Questions and feedback

# Boardman Civic Center

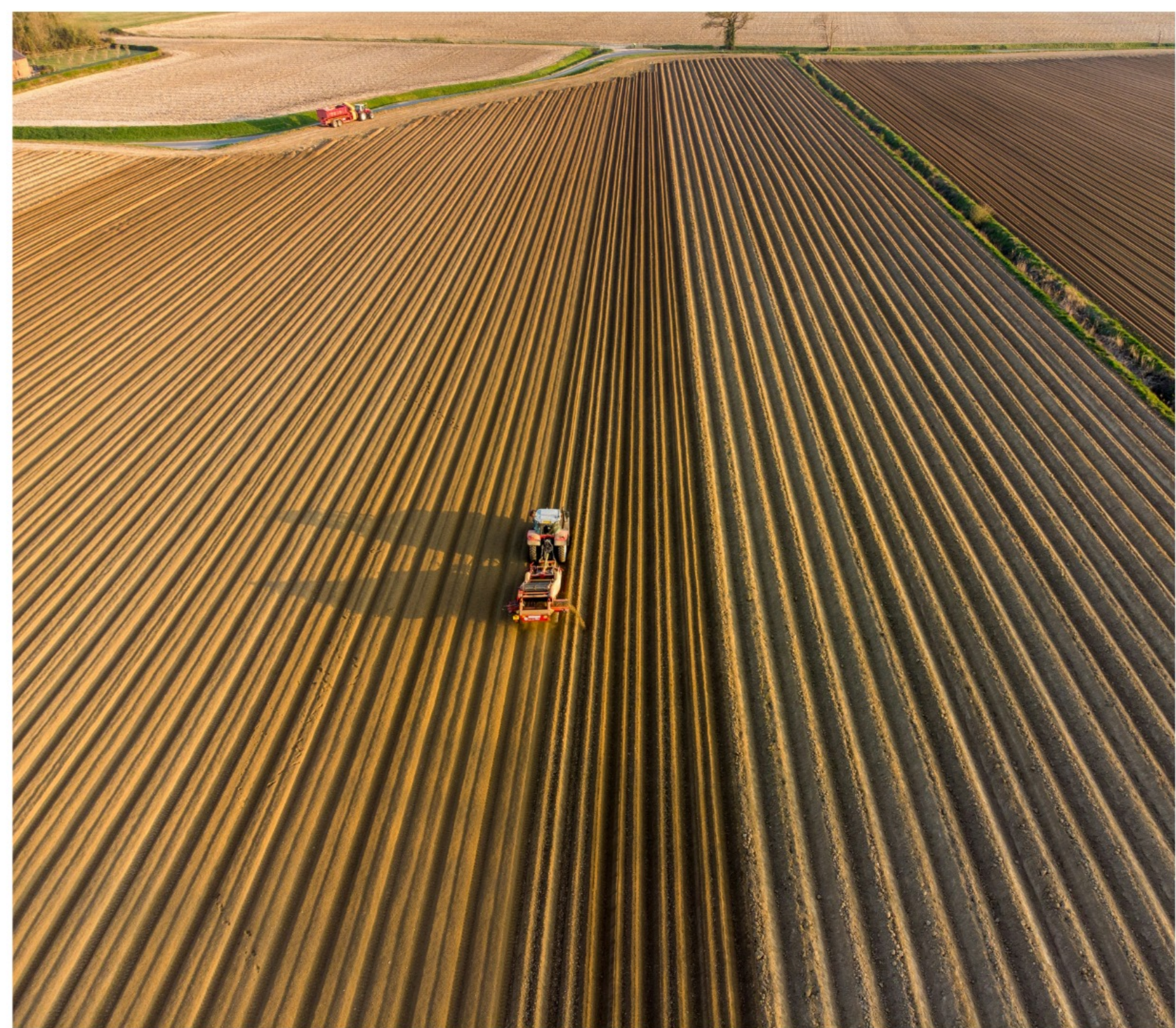
## Design Input Survey Results

06.22.2026

# Boardman Context



Columbia River Landscape 100% of respondents



Agriculture 42.9% of respondents



Wind Energy



Industry/ Data Centers

# Building Character



WELCOMING

BALANCED

FORMAL



57.2% of respondents

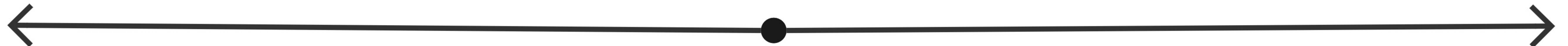
# Material Expression



WOOD/NATURALL

BALANCED

CONCRETE/MASONRY



57.2% of respondents

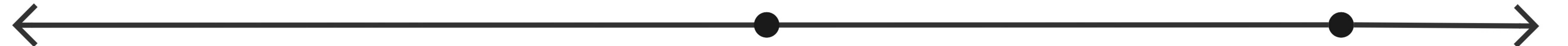
# Transparency vs Security



OPEN/TRANSPARENT

BALANCED

SOLID/SECURE



42.9% of respondents

42.9% of respondents

# Civic Presence



MODEST/COMMUNITY SCALE

BALANCED/CIVIC

LANDMARK / MONUMENTAL



71.5% of respondents

# Regional Identity



PACIFIC NORTHWEST

BALANCED / REGIONAL

COLUMBIA PLATEAU/HIGH DESERT



71.5% of respondents

# Which qualities are most important to this building (top 3)

**Durable and long-lasting**

85.7%

**Civic and formal**

57.1%

**Welcoming to the community**

57.1%

**MEMO: Boardman City Council**

From: Boardman Housing Committee via Missing Middle Housing Fund (consultants)  
Re: Tax reimbursement proposal for future development projects

June 30, 2026

For discussion (not action) at the July 7, 2026 City Council Meeting; action recommended at August 4, 2026 City Council Meeting. Formal recommendation from Housing Committee at that time. This memo is for informational purposes.

Cobalt, a regional developer, is proposing to build 240 apartment units in Boardman. As a part of their development, they are proposing a 25% CITY tax reimbursement for 10 years as an incentive to deliver the units. The tax reimbursements make the development more viable in an era of higher development costs (labor, materials, borrowing costs/rates, etc.) making it more possible to deliver highly needed units to Boardman.

Essentially, the owner of the development pays their taxes like normal, proves they paid them, and then the City gives them a reimbursement for some portion of the taxes, for some number of years. It's not an uncommon tool for cities to use to incentivize development, costs the City no upfront capital, and only costs a portion of future revenues. (Of course the City gets no future tax revenues if nothing is built – which is the current status of the land in question). It should be noted that this proposal only concerns CITY taxes – no other taxing bodies are involved.

Hermiston has a similar but different tax reimbursement program (you can read more about it [here](#)), where they give a gradually descending reimbursement over a 5 year period.

When the developer made this proposal to the Housing Committee, the Committee determined it would best to recommend a tool like this for ALL future developments, rather than a single development, for fairness and simplicity reasons. The tool could then be revisited from time to time.

Some notes:

- The Housing Committee does not yet have a formal recommendation, but will discuss at their next meeting on July 21, and aims to have a recommendation for this Council then, in time for your next meeting on August 4.
- The Housing Committee recently went through a “Developer 101” training in order to better understand developers’ financial realities, motivations, and processes, sponsored by the Oregon Community Foundation and delivered by the Missing Middle Housing Fund (MMHF).



- A month later, the Housing Committee got feedback from 10 developers and land owners who have done work in Boardman on what is helpful and what causes delays and additional costs for their projects. The MMHF is compiling a report on this feedback for the July 21 Housing Committee meeting.

A comparison between the Cobalt Proposal and Hermiston’s Model

COBALT	HERMISTON
25% tax reimbursement on CITY taxes for 10 years	100% tax reimbursement on CITY taxes for years 1 and 2
	75% tax reimbursement on CITY taxes for year 3
	50% tax reimbursement on CITY taxes for years 4 and 5
	25% tax reimbursement on CITY taxes for year 6

Since COBALT will take several years to develop the 240 units in phases, their tax bill will change and grow over time. Hermiston’s was structured with a higher reimbursement early to reflect that the development would not generate any income for the developers in the first year plus, and take a while to lease up.

The Housing Committee will look at these models plus more over the next month and make a recommendation – but fundamentally believes this is a useful tool for the City to formalize; AND believes that the City should make a tool like this available to any developer building commercial and/or housing developments, with whatever guardrails the Committee and Council find appropriate.

- It costs the City no on-hand cash (only taxes the currently non-existent development would pay if it was built)
- It helps make projects “pencil” in a high cost era and environment
- It helps deliver the types of projects the City wants



## June 2026 Report

### Recap of Events and Programs

#### Scholarship Breakfast – June 1, 2026

The Boardman Chamber of Commerce proudly hosted its annual Scholarship Breakfast to recognize and celebrate graduating seniors from Riverside High School. Through the generous support of sponsors, fundraising events, and community partnerships, the Chamber awarded \$18,000 in scholarships to local students pursuing higher education and career opportunities. This event continues to highlight the Chamber’s commitment to investing in youth development, workforce readiness, and the future success of our community.

Applicant	Scholarship Amount
Kaylee Christy	\$ 3,500.00
Maddyn Morton	\$ 2,500.00
Eleazar Salas	\$ 2,500.00
Abrianna Lomeli	\$ 1,500.00
Alondra Cortes-Madriral	\$ 1,500.00
Kambree Gomez	\$ 1,000.00
Elaina Salgado	\$ 1,000.00
America Garcia	\$ 1,000.00
Ethan Beaty	\$ 1,000.00
Adalia Chavez	\$ 750.00
Alajandra Lopez-Corona	\$ 750.00
Jessica Afanador	\$ 750.00
Miley Chavez	\$ 500.00
Analy Franco	\$ 500.00
Valeria Madrigal	\$ 250.00
Ingrid Adrianna Amaya	\$ 250.00
Miagros Regalado	\$ 150.00
Giselle Pacheco	\$ 150.00

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

What an incredible year for the Ryan Neal Invitational Golf Tournament! 🏌️

Thank you to our amazing sponsors, golfers, volunteers, raffle donors, and community partners for helping make this year’s event another huge success. With 26 teams participating in our two-day tournament, the event once again showcased the incredible support our community has for Riverside High School seniors and local scholarship opportunities.

From the Yellow Ball Challenge and Hole-in-One Contest to raffle baskets donated by local businesses, participants helped raise additional funds that will directly support student scholarships and workforce development opportunities for local youth.

We are grateful to everyone who helped continue this meaningful community tradition and invested in the future of our students. Thank you for making a difference!

**Upcoming Events and Programs**

**2<sup>nd</sup> Quarter Chamber Luncheon – June 17, 2026**

The Boardman Chamber of Commerce is pleased to host our 2nd Quarter Luncheon on June 17 from 12:00 p.m. to 1:30 p.m. at the SAGE Event Center, proudly presented by Title Sponsor Threemile Canyon Farms. This quarterly gathering provides an opportunity for business leaders, community partners, and stakeholders to connect, share updates, and stay engaged in the continued growth of our region.

We are excited to welcome Umatilla Electric Cooperative (UEC) as our featured guest speaker, who will provide insights on regional energy initiatives, infrastructure, and future planning that support economic development. In addition, the Riverside FFA Chapter will be joining us to highlight the importance of agricultural education and showcase the next generation of industry leaders.

Registration to participate can be found on the Chamber’s Event Calendar. We look forward to bringing our business and community members together for this informative and engaging luncheon.

**Boardman 4th of July Celebration – July 4, 2026**

As one of Boardman’s largest annual events, the 4th of July Celebration is a cornerstone of our **tourism strategy**, attracting visitors from across the region.

The event features:

- A community parade
- Live entertainment and family activities
- Vendor marketplace supporting local and small businesses
- A fireworks display over the Columbia River, sponsored by MCURD

This event plays a critical role in showcasing Boardman as a destination to **Live, Work & Play**, while generating economic activity and community pride.

### **End of Summer Celebration – August 28, 2026**

The End of Summer Celebration brings residents and visitors together for an evening of connection and appreciation. The event includes live entertainment, complimentary food and ice cream, and recognition of our first responders.

Fully sponsored by the Morrow County Unified Recreation District (MCURD), this event remains free and accessible, reinforcing Boardman’s commitment to quality of life and community engagement. The evening concludes with a fireworks display over the Columbia River, further enhancing the visitor’s experience.

### **Tourism & Community Visibility Impact**

Through these events and programs, the Chamber continues to advance its mission by:

- Increasing **visibility** of Boardman as a regional destination
- Strengthening the **voice** of business through advocacy and engagement
- Delivering **value** through economic impact, tourism activity, and community investment

Signature events drive measurable outcomes including increased visitation, support for local businesses, and enhanced community identity—directly aligning with the City of Boardman’s Transient Lodging Tax (TLT) investment and tourism development goals.

### **Upcoming Chamber Events**

- 2<sup>nd</sup> Quarter Luncheon | Title Sponsor Threemile Canyon Farms – June 17, 2026
- 4<sup>th</sup> of July Celebration – July 4, 2026
- End of Summer Celebration – August 28, 2026
- 3<sup>rd</sup> Quarter Luncheon | Title Sponsor Lamb Weston – September 16, 2026
- 4th Quarter Luncheon | Title Sponsor Tillamook – December 16, 2026

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



## Major Capital & Leveraged Investments

### Business Opportunity Incubator

BCDA continues to advance the approximately \$6 million Business Opportunity Incubator, anchored by a secured \$1.5 million U.S. Small Business Administration grant. This transformative project will provide a two-story, mixed-use facility featuring retail storefronts, executive office space, medical and service-based opportunities, and dedicated incubator suites. The project is designed to support small business development, with a focus on women-, minority-, and low-income entrepreneurs, while strengthening Boardman’s local economy. Additional funding partnerships and financing tools are being pursued to complete the full project investment. *Below you will find a conceptual design of the project, this design has not been finalized at this point.*



### Homebuyer Incentive Program

As of this reporting period, 27 applications totaling approximately \$135,000 have already been reserved through the 2026 Homebuyer Incentive Program, reflecting continued strong demand for housing assistance and residential growth within the Boardman area. To address ongoing housing needs, the Boardman Community Development Association has committed \$250,000 in

2026 to continue the program. The Homebuyer Incentive Program provides a \$5,000 grant to qualifying homebuyers within the 97818-zip code, directly supporting workforce housing, encouraging homeownership, and contributing to long-term community stability. Since its inception in 2016, the program has invested more than \$2.5 million into the community.

**Pickleball Court Development**

The Boardman Community Development Association is continuing to advance plans for an 8-court pickleball complex, with the estimated project investment now totaling approximately \$950,000 as project expenses and infrastructure needs continue to expand. Current committed funding includes \$500,000 from Morrow County Unified Recreation District, including an additional \$200,000 recently awarded to support rising project costs, along with \$50,000 from Amazon Web Services. BCDA continues to pursue additional grants, sponsorships, and community donations to help fully fund this important community recreation project. Once completed, the pickleball complex will serve as a valuable recreational asset that promotes community wellness, enhances livability, and attracts visitors and regional tournaments to Boardman. *Below you will find a conceptual design of the project, this design has not been finalized at this point.*



**Strategic Impact on our Community**

BCDA’s 2026 priorities reflect a disciplined and impactful investment strategy focused on leveraging outside resources, advancing housing solutions, supporting business development, and enhancing community amenities. These efforts collectively contribute to a stronger, more resilient Boardman—supporting economic vitality, workforce sustainability, and an enhanced quality of life for residents and visitors alike.

## AGENDA BILL

### City Council Meeting – July 7, 2026

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**Subject:** Consent Agenda

**Category:** Consent Agenda

**Staff Contacts:** Brandon Hammond, City Manager

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**Summary:**

The consent agenda is used for routine items that do not typically require separate discussion by the City Council. Items listed on the consent agenda may be approved together with one motion, unless a Council member requests that an item be removed for separate consideration.

The consent agenda includes approval of the Minutes from the June 2, 2026 Council Meeting, the Minutes from the June 2, 2026 Council Workshop, and the Minutes from the June 9, 2026 Council Special Meeting. Approval of these minutes provides the official record of the meetings and actions taken by the City Council.

**Attachment:**

Minutes - Council Meeting June 2, 2026  
Minutes - Council Workshop June 2, 2026  
Minutes - Council Special Meeting June 9, 2026

**Recommendation:**

Approve

**Proposed Council Motion:**

I move to approve the consent agenda as presented



# CITY COUNCIL MEETING W/PUBLIC HEARING & EXECUTIVE SESSION

June 02, 2026 at 7:10 PM

Boardman City Hall Council Chambers

## MINUTES

### 1. CALL TO ORDER

Mayor Keefer called the meeting to order at 7:10 PM.

### 2. FLAG SALUTE

### 3. ROLL CALL/EXCUSED ABSENCES

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

Councilors Absent: Councilor Richard Rockwell

### 4. CERTIFICATE OF APPRECIATION - ETHAN SALATA – Timestamp 1:00

Mayor Keefer presented a certificate of appreciate to Ethan Salata for his time served on the City Council.

### 5. APPROVAL OF MINUTES

#### A. City Council Meeting Minutes May 5, 2026 – Timestamp 2:19

Motion to approve the minutes of May 5, 2026 City Council Regular Meeting as presented.

Motion made by Councilor Proffitt, Seconded by Councilor Hughes.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

#### B. Budget Committee Meeting Minutes May 12, 2026 – Timestamp 2:46

Motion to approve the minutes of May 12, 2026 Budget Committee Meeting as presented.

Motion made by Councilor Baumgartner, Seconded by Councilor Proffitt.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

#### C. City Council Workshop Minutes May 13, 2026 – a Timestamp 3:08

Motion to approve the minutes of May 13, 2026 City Council Workshop as presented.

Motion made by Councilor Proffitt, Seconded by Councilor Baumgartner.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

### 6. FINANCIAL REPORT

#### A. Finance Report - April 2026 – Timestamp 3:27

Finance Director Barajas gave the staff report.

## 7. FORMAL PROCEEDINGS

### A. Public Hearing - Street Naming – Timestamp 4:48

Mayor Keefer opened the public hearing at 7:15 PM.

Mayor Keefer asked councilors to disclose any conflicts of interest. There was none.

Finance Director Barajas gave the staff report.

Mayor Keefer asked for any testimony in favor, opposition, or neutral. There was none.

Mayor Keefer closed the public hearing at 7:24 PM.

## 8. PUBLIC COMMENT

### A. Prearranged Presentation - Morrow County Schools, Boardman – Timestamp 14:31

Mayor Keefer stated there will be no presentation from the schools as they were unable to attend.

## 9. ACTION ITEMS - ORDINANCES

### A. Ordinance 8-2026 An Ordinance Renaming The Portion Of SW Eagle Drive South Of Goldfinch Lane To Cardinal Drive Within The City Of Boardman – Timestamp 14:47

I move to approve the reading by title only of Ordinance 8-2026 An Ordinance Renaming the Portion Of SW Eagle Drive South of Goldfinch Lane to Cardinal Drive Within The City of Boardman.

Motion made by Councilor Baumgartner, Seconded by Councilor Cuevas.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

City Manager Hammond read Ordinance 8-2026 An Ordinance Renaming The Portion Of SW Eagle Drive South Of Goldfinch Lane To Cardinal Drive Within The City Of Boardman.

Motion to adopt Ordinance 8-2026 An Ordinance Renaming The Portion Of SW Eagle Drive South Of Goldfinch Lane To Cardinal Drive Within The City Of Boardman.

Motion made by Councilor Baumgartner, Seconded by Councilor Hughes.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

### B. Ordinance 9-2026 An Ordinance Establishing Council Rules and Repealing Ordinance No. 3-2023 – Timestamp 16:57

Motion to approve the reading by title only of Ordinance 9-2026 An Ordinance Establishing Council Rules and Repealing Ordinance No. 3-2023.

Motion made by Councilor Proffitt, Seconded by Councilor Baumgartner.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

City Manager Hammond read Ordinance 9-2026 An Ordinance Establishing Council Rules and Repealing Ordinance No. 3-2023.

Motion to adopt Ordinance 9-2026 An Ordinance Establishing Council Rules and Repealing Ordinance No. 3-2023

Motion made by Councilor Baumgartner, Seconded by Councilor Hughes.  
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

- C. Ordinance 10-2026 An Ordinance Renaming A Portion Of SW Mount Hood Avenue To SW Mesquite Street Within The City Of Boardman – Timestamp 21:31

Motion to approve the reading by title only of Ordinance 10-2026 An Ordinance Renaming A Portion Of SW Mount Hood Avenue To SW Mesquite Street Within The City Of Boardman.

Motion made by Councilor Baumgartner, Seconded by Councilor Proffitt.  
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

City Manager Hammond read Ordinance 10-2026 An Ordinance Renaming A Portion Of SW Mount Hood Avenue To SW Mesquite Street Within The City Of Boardman.

Motion to adopt Ordinance 10-2026 An Ordinance Renaming A Portion Of SW Mount Hood Avenue To SW Mesquite Street Within The City Of Boardman.

Motion made by Councilor Baumgartner, Seconded by Councilor Proffitt.  
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

**10. ACTION ITEMS - RESOLUTIONS**

- A. Resolution 15-2026 Declaring City of Boardman Personal Property as Excess – Timestamp 22:52

Motion to approve Resolution 15-2026 a Resolution Declaring City of Boardman Personal Property as Excess.

Motion made by Councilor Baumgartner, Seconded by Councilor Hughes.  
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

- B. Resolution 16-2026 Increasing the Rate Structure for Solid Waste Collection in the City of Boardman – Timestamp 24:46

Motion to approve Resolution 16-2026 a resolution Increasing the Rate Structure for Solid Waste Collection in the City of Boardman.

Motion made by Councilor Proffitt, Seconded by Councilor Baumgartner.  
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

- C. Resolution 17-2026 Dissolution of West URA – Timestamp 29:44

Motion to approve Resolution 17-2026 a resolution terminating the tax increment collections for the West Urban Renewal District.

Motion made by Councilor Proffitt, Seconded by Councilor Baumgartner.  
Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Proffitt

**11. ACTION ITEMS - OTHER BUSINESS**

A. Appoint Main Street Interchange Area Management Plan Public Advisory Committee and Technical Advisory Committee – Timestamp 32:02

Motion to appoint Heather Baumgartner, David Jones, Marci Rodelo, Hardeep Singh, Bob Dayal, Jennifer Leighton, Alex Hattenhauer, and George Shimer to the Main Street Interchange Area Management Plan Public Advisory Committee and Jacob Cain, Tim Helbig, Marlo Stanton, Brian Wood, Dawn Hert, Steven Davis, Jeremy Gierke, Rick Stokoe/Loren Dieter, and Andy Lindsey to the Technical Advisory Committee until the completion of the project in January 2027.

Motion made by Councilor Cuevas, Seconded by Councilor Profitt.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Profitt

B. Dissolve Holiday Decorating Committee – Timestamp 37:14

Motion to dissolve the Holiday Decorating Committee.

Motion made by Councilor Profitt, Seconded by Councilor Hughes.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Profitt

C. Update Account Signers and Custodians – Timestamp 37:41

Motion to update the account signers and custodians on City of Boardman accounts at Banner Bank and Money Market Account at the Bank of Eastern Oregon by removing Ethan Salata and adding Michael Hughes.

Motion made by Councilor Profitt, Seconded by Councilor Baumgartner.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Profitt

D. Intergovernmental Agreement - Lane Council of Governments (LCOG) for Hearings Officer – Timestamp 38:34

Motion to authorize City Manager Hammond sign the Intergovernmental Agreement with Lane Council of Government for a Hearings Officer.

Motion made by Councilor Profitt, Seconded by Councilor Baumgartner.

Voting Yea: Mayor Keefer, Councilor Baumgartner, Councilor Cuevas, Councilor Hughes, Councilor Pettigrew, Councilor Profitt

**12. 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.

A. Public Comment – Timestamp 45:29

There was none.

**13. DOCUMENT SIGNATURES**

**14. REPORTS, CORRESPONDENCE, AND DISCUSSION**

A. Police Report – Timestamp 46:20

Police Chief Stokoe gave his report.

B. Building Department Report – Timestamp 56:32

Building Official McIntire gave his report.

C. Public Works Department Report – Timestamp 1:01:17

Public Works Director Drago gave his report.

D. Planning Department – Timestamp 1:04:05

Planning Official McLane gave her report.

E. Committee Reports

F. City Manager - Drone Program – Timestamp 1:07:56

City Manager Hammond and Assistant Building Official Jose Fernandez discussed the new drone program.

G. Councilors – Timestamp 1:15:1

Councilors gave comment.

H. Mayor – Timestamp 1:16:33

Mayor Keefer had no comment.

**15. EXECUTIVE SESSION** – Timestamp 1:16:40

Mayor Keefer stated the purpose of the Executive Session and announced there would be no action.

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

**16. ADJOURNMENT**

Mayor Keefer adjourned the meeting at 8:28 PM.

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Paul Keefer, Mayor

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Amanda Mickles, City Clerk



# CITY COUNCIL WORKSHOP

June 02, 2026 at 6:00 PM

Boardman City Hall Council Chambers  
**MINUTES**

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**1. CALL TO ORDER**

Council President Cuevas called the meeting to order at 6:00 PM.

**2. FLAG SALUTE**

**3. ROLL CALL/EXCUSED ABSENCES**

Councilors present: Councilor Heather Baumgartner, Councilor Cristina Cuevas, Councilor Michael Hughes, Councilor Karen Pettigrew, Councilor Brenda Profitt, Councilor Richard Rockwell

Councilors absent: Mayor Paul Keefer

**4. REPORTS, CORRESPONDENCE, AND DISCUSSION**

A. Wastewater Facility Plan - Mike Lees, Anderson Perry

Mike Lees, Engineer - Anderson Perry, gave a presentation about the progress of the Wastewater Facility Plan and Collection System Studies.

B. Collection System Studies - Mike Lees, Anderson Perry

**5. ADJOURNMENT**

Council President Cuevas closed the meeting at 6:40 PM.

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Cristina Cuevas, Council President

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Amanda Mickles, City Clerk



# CITY COUNCIL SPECIAL MEETING W/ PUBLIC HEARING

June 09, 2026 at 7:00 PM

Boardman City Hall Council Chambers

## MINUTES

### 1. CALL TO ORDER

Mayor Keefer called the meeting to order at 7:00 PM.

### 2. FLAG SALUTE

### 3. ROLL CALL/EXCUSED ABSENCES

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

### 4. FORMAL PROCEEDINGS

#### A. Public Hearing - 2026-2027 Budget Hearing – Timestamp 0:55

Mayor Keefer opened the public hearing at 7:01 PM.

Mayor Keefer asked if any commissioners had a conflict of interest. There were none. Finance Director Barajas gave the staff report.

Mayor Keefer asked for any testimony in favor, opposed, or neutral. There were none. Mayor Keefer closed the public hearing at 7:06 PM.

### 5. ACTION ITEMS - RESOLUTIONS

#### A. Resolution 11-2026 Adopting the Budget and Making Appropriations for 2026-2027 – Timestamp 5:55

Motion to approve Resolution 11-2026 Adopting the Budget and Making Appropriations for 2026-2027.

Motion made by Councilor Baumgartner, Seconded by Councilor Hughes.

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

#### B. Resolution 12-2026 Imposing and Categorizing Taxes for the 2026-2027 Fiscal Year – Timestamp 6:36

Motion to approve Resolution 12-2026 Imposing and Categorizing Taxes for the 2026-2027 Fiscal Year.

Motion made by Councilor Profitt, Seconded by Councilor Baumgartner.

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

#### C. Resolution 13-2026 Appointing Morrow County Treasurer as Custodial Officer – Timestamp 7:10

Motion to approve Resolution 13-2026 Appointing Morrow County Treasurer as Custodial Officer.

Motion made by Councilor Hughes, Seconded by Councilor Cuevas.

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

- D. Resolution 14-2026 Declaring the City's Election to Receive State Shared Revenues – Timestamp 7:43

Motion to approve Resolution 14-2026 Declaring the City's Election to Receive State Shared Revenues.

Motion made by Councilor Baumgartner, Seconded by Councilor Cuevas.

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

**6. ACTION ITEMS - OTHER BUSINESS**

- A. Intergovernmental Agreement - Morrow County – Timestamp 8:21

Mayor Keefer stated this item was pulled from the agenda and will not be discussed at this time.

**7. OTHER PUBLIC COMMENT**

- A. Public Comment – Timestamp 8:55

Mayor Keefer stated there were written public comments included in the packet.

Jonathan Tallman gave comment.

**8. ADJOURNMENT**

Mayor Keefer adjourned the meeting at 7:11 PM.

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Paul Keefer, Mayor

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Amanda Mickles, City Clerk

## AGENDA BILL

### City Council Meeting – July 7, 2026

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**Subject:** Ordinance 12-2026 An ordinance Amending the Boardman Municipal Code Title 1 General Provisions To Repeal Chapters 1.16 General Penalty; Violations And Fines; Procedure In Criminal Matters Generally And 1.20 Code Compliance/Animal Control Program Policies And Replace Them With Chapters 1.16 Code Compliance And 1.20 Code Hearings Officer

**Category:** Action Items- Ordinances

**Staff Contacts:** Brandon Hammond, City Manager

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**Summary:**

Ordinance 12-2026 amends Title 1 of the Boardman Municipal Code by repealing the existing Chapter 1.16, General Penalty; Violations and Fines; Procedure in Criminal Matters Generally, and Chapter 1.20, Code Compliance/Animal Control Program Policies, and replacing them with updated Chapter 1.16, Code Compliance, and Chapter 1.20, Code Hearings Officer. The purpose of the amendment is to create a clearer and more consistent process for code compliance and enforcement, including procedures for complaints, investigations, notices of violation, voluntary compliance agreements, and failure to correct violations.

The proposed Chapter 1.16 establishes the City’s code compliance process and identifies code areas that may be enforced under the chapter, including transient merchants, animal control, public nuisances, water and sewer systems, solid waste, and building code violations. It also clarifies that code compliance staff will be assigned by the City Manager and that police officers may continue to enforce certain areas of the municipal code under the oversight of the Police Chief.

The proposed Chapter 1.20 creates the position of Code Hearings Officer to hear code violation complaints and appeals. The chapter outlines the hearing process, notice requirements, rights of parties, evidence procedures, authority of the hearings officer, issuance and enforcement of orders, judicial review, penalties, and liens. If the City does not appoint a hearings officer, the City Council would serve as the decision-making authority, and the Council retains the ability to hear certain matters itself.

Adoption of Ordinance 12-2026 will provide the City with a more formal, fair, and efficient process for addressing code violations, supporting public health, safety, property maintenance, and consistent enforcement of the Boardman Municipal Code and Boardman Development Code. The ordinance is scheduled to take effect August 6, 2026.

**Attachments:**

Ordinance 12-2026  
Exhibit A  
Exhibit B  
Exhibit C  
Exhibit D  
Exhibit E

**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 12-2026 An Ordinance Amending The Boardman Municipal Code Title 1 General Provisions To Repeal Chapters 1.16 General Penalty; Violations And Fines; Procedure In Criminal Matters Generally And 1.20 Code Compliance/Animal Control Program Policies And Replace Them With Chapters 1.16 Code Compliance And 1.20 Code Hearings Officer.

**Step 2 - Staff member reads title of the Ordinance**

**Step 3 - Adoption**

I move to adopt Ordinance 12-2026 An Ordinance Amending The Boardman Municipal Code Title 1 General Provisions To Repeal Chapters 1.16 General Penalty; Violations And Fines; Procedure In Criminal Matters Generally And 1.20 Code Compliance/Animal Control Program Policies And Replace Them With Chapters 1.16 Code Compliance And 1.20 Code Hearings Officer.

**CITY OF BOARDMAN  
ORDINANCE NO. 12-2026**

**AN ORDINANCE AMENDING THE BOARDMAN MUNICIPAL CODE  
TITLE 1 GENERAL PROVISIONS TO REPEAL CHAPTERS 1.16 GENERAL PENALTY;  
VIOLATIONS AND FINES; PROCEDURE IN CRIMINAL MATTERS GENERALLY AND 1.20  
CODE COMPLIANCE/ANIMAL CONTROL PROGRAM POLICIES AND REPLACE THEM  
WITH CHAPTERS 1.16 CODE COMPLIANCE AND 1.20 CODE HEARINGS OFFICER**

**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 1 General Provisions, to adopt clear process for code compliance and a hearings officer; and

**WHEREAS**, the Boardman City Council was informed and discussed potential changes to Chapters 1.16 and 1.20 as part of discussions concerning vacant lots, noxious weeds, and fire risk that culminated in the Vegetation Management ordinance.

**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 1 General Provisions that includes repealing Chapter 1.16 General Penalty; Violations and Fines; Procedure in Criminal Matters Generally and Chapter 1.20 Code Compliance/Animal Control Program Policies which are attached as Exhibits A and B, respectfully, and shown as ~~striketrough~~ and adopting Chapters 1.16 Code Compliance and 1.20 Code Hearings Officer which are attached as Exhibits C and D, respectfully.

The City Council of the City of Boardman also adopts the changes necessary to amend other provisions within the Boardman Municipal Code to assure consistent application of the changes within Chapters 1.16 and 1.20 which are attached as Exhibit E.

**Section 2 Effective Date.** This ordinance shall take effect August 6, 2026.

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

\_\_\_\_\_  
Paul Keefer, Mayor

ATTEST:

\_\_\_\_\_  
Amanda Mickles, City Clerk

## ***Chapter 1.16 GENERAL PENALTY; VIOLATIONS AND FINES; PROCEDURE IN CRIMINAL MATTERS GENERALLY***

Violations

Classes of Offenses

### VIOLATIONS

#### **~~1.16.010 Definitions.~~**

As used in this chapter:

"Enforcement officer" means:

- A. ~~— A member of the Oregon State Police.~~
- B. ~~— A sheriff or deputy sheriff.~~
- C. ~~— A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.~~
- D. ~~— A police officer commissioned by a university under ORS 352.383.~~
- E. ~~— An investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or any other state.~~
- F. ~~— An investigator of the Criminal Justice Division of the Department of Justice of the state of Oregon.~~
- G. ~~— A Port of Portland peace officer.~~
- H. ~~— An authorized tribal police officer as defined in section 1, chapter 644, Oregon Laws 2011.~~
- I. ~~— Any other person specifically authorized by law to issue citations for the commission of violations.~~

~~"Traffic offense" has the meaning given that term in ORS 801.555.~~

~~"Violation" means an offense described in ORS 153.008.~~

~~"Violation proceeding" means a judicial proceeding initiated by issuance of a citation that charges a person with commission of a violation.~~

~~(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)~~

#### **1.16.010[A] Definitions [2015].**

Note: The amendments to 153.005 by section 45, chapter 644, Oregon Laws 2011, become operative July 1, 2015. See section 58, chapter 644, Oregon Laws 2011, as amended by section 77, chapter 644, Oregon Laws 2011. The text that is operative on and after July 1, 2015, is set forth for the user's convenience.

As used in this chapter:

"Enforcement officer" means:

- A. — A member of the Oregon State Police.
- B. — A sheriff or deputy sheriff.
- C. — A city marshal or a member of the police of a city, municipal or quasi-municipal corporation.

- D. — A police officer commissioned by a university under ORS 352.383.
  - E. — An investigator of a district attorney's office if the investigator is or has been certified as a peace officer in this or any other state.
  - F. — An investigator of the Criminal Justice Division of the Department of Justice of the state of Oregon.
  - G. — A Port of Portland peace officer.
  - H. — Any other person specifically authorized by law to issue citations for the commission of violations.
- "Traffic offense" has the meaning given that term in ORS 801.555.
- "Violation" means an offense described in ORS 153.008.

"Violation proceeding" means a judicial proceeding initiated by issuance of a citation that charges a person with commission of a violation.

(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)

**1.16.020 Violations described.**

- A. — Except as provided in subsection B. of this section, an offense is a violation if any of the following apply:
  1. — The offense is designated as a violation in the statute defining the offense.
  2. — The statute prescribing the penalty for the offense provides that the offense is punishable by a fine but does not provide that the offense is punishable by a term of imprisonment. The statute may provide for punishment in addition to a fine as long as the punishment does not include a term of imprisonment.
  3. — The offense is created by an ordinance of a county, city, district or other political subdivision of this state with authority to create offenses, and the ordinance provides that violation of the ordinance is punishable by a fine but does not provide that the offense is punishable by a term of imprisonment. The ordinance may provide for punishment in addition to a fine as long as the punishment does not include a term of imprisonment.
  4. — The prosecuting attorney has elected to treat the offense as a violation for purposes of a particular case in the manner provided by ORS 161.566.
  5. — The court has elected to treat the offense as a violation for purposes of a particular case in the manner provided by ORS 161.568.
- B. — Conviction of a violation does not give rise to any disability or legal disadvantage based on conviction of a crime.

(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)

**1.16.030 Violation categories.**

Violations are classified for the purpose of sentencing into the following categories:

- A. — Class A violations;
- B. — Class B violations;
- C. — Class C violations;
- D. — Class D violations;

E. — Unclassified violations as described in ORS 153.015; and

F. — Specific fine violations as described in ORS 153.015.

(Ord. No. 7 2013, § 3(Exh. A), 11-18-2013)

**1.16.040 Unclassified and specific fine violations.**

A. — An offense described in the Oregon Revised Statutes that is designated as a violation but does not specify the classification of the violation is an unclassified violation. An unclassified violation is a Class B violation.

B. — A specific fine violation is any offense described in the Oregon Revised Statutes that is designated as a specific fine violation or:

1. — Is not designated as a crime or as a Class A, B, C or D violation;

2. — Is not punishable by a term of imprisonment as a penalty for committing the offense; and

3. — Is punishable by a specific fine as the penalty for committing the offense.

(Ord. No. 7 2013, § 3(Exh. A), 11-18-2013)

**1.16.050 Maximum fines.**

A. — The penalty for committing a violation is a fine. The law creating a violation may impose other penalties in addition to a fine but may not impose a term of imprisonment.

B. — Except as otherwise provided by law, the maximum fine for a violation committed by an individual is:

1. — Two thousand dollars (\$2,000.00) for a Class A violation.

2. — One thousand dollars (\$1,000.00) for a Class B violation.

3. — Five hundred dollars (\$500.00) for a Class C violation.

4. — Two hundred fifty dollars (\$250.00) for a Class D violation.

5. — Two thousand dollars (\$2,000.00) for a specific fine violation, or the maximum amount otherwise established by law for the specific fine violation.

C. — If a special corporate fine is specified in the law creating the violation, the sentence to pay a fine shall be governed by the law creating the violation.

Except as otherwise provided by law, if a special corporate fine is not specified in the law creating the violation, the maximum fine for a violation committed by a corporation is:

1. — Four thousand dollars (\$4,000.00) for a Class A violation.

2. — Two thousand dollars (\$2,000.00) for a Class B violation.

3. — One thousand dollars (\$1,000.00) for a Class C violation.

4. — Five hundred dollars (\$500.00) for a Class D violation.

(Ord. No. 7 2013, § 3(Exh. A), 11-18-2013)

**1.16.060 Presumptive fines; generally.**

A. — Except as provided in ORS 153.020, the presumptive fines for violations are:

1. ~~Four hundred thirty five dollars (\$435.00) for a Class A violation.~~
2. ~~Two hundred sixty dollars (\$260.00) for a Class B violation.~~
3. ~~One hundred sixty dollars (\$160.00) for a Class C violation.~~
4. ~~One hundred ten dollars (\$110.00) for a Class D violation.~~

B. ~~The presumptive fine for a specific fine violation is:~~

1. ~~The amount specified by statute as the presumptive fine for the violation; or~~
2. ~~An amount equal to the greater of twenty (20) percent of the maximum fine prescribed for the violation, or the minimum fine prescribed by statute for the violation.~~

(Ord. No. 7 2013, § 3(Exh. A), 11-18-2013)

### **1.16.070 Presumptive fines; highway work zones, school zones and safety corridors.**

A. ~~If an individual is charged with a traffic violation, as defined in ORS 801.557, and the enforcement officer issuing the citation notes on the citation that the offense occurred in a highway work zone and is subject to the provisions of ORS 811.230, occurred in a posted school zone and is subject to the provisions of ORS 811.235, or occurred in a safety corridor and is subject to the provisions of ORS 811.483, the presumptive fine for the violation is:~~

1. ~~Eight hundred seventy dollars (\$870.00) for a Class A violation.~~
2. ~~Five hundred twenty dollars (\$520.00) for a Class B violation.~~
3. ~~Three hundred twenty dollars (\$320.00) for a Class C violation.~~
4. ~~Two hundred twenty dollars (\$220.00) for a Class D violation.~~

B. ~~The presumptive fine for a specific fine violation that is subject to this section is an amount equal to twice the presumptive fine determined for the violation under ORS 153.019(2).~~

(Ord. No. 7 2013, § 3(Exh. A), 11-18-2013)

### **1.16.080 Minimum fines.**

A. ~~Except as otherwise provided by law, a court may not defer, waive, suspend or otherwise reduce the fine for a violation that is subject to the presumptive fines established by ORS 153.019 (1) or 153.020 (1) to an amount that is less than:~~

1. ~~Two hundred twenty dollars (\$220.00) for a Class A violation.~~
2. ~~One hundred thirty dollars (\$130.00) for a Class B violation.~~
3. ~~Eighty dollars (\$80.00) for a Class C violation.~~
4. ~~Sixty dollars (\$60.00) for a Class D violation.~~

B. ~~Except as otherwise provided by law, a court may not defer, waive, suspend or otherwise reduce the fine for a specific fine violation to an amount that is less than twenty (20) percent of the presumptive fine for the violation.~~

C. ~~This section does not affect the manner in which a court imposes or reduces monetary obligations other than fines.~~

D. — The Department of Revenue or Secretary of State may audit any court to determine whether the court is complying with the requirements of this section. In addition, the Department of Revenue or Secretary of State may audit any court to determine whether the court is complying with the requirements of ORS 137.289 to 137.297 and 153.640 to 153.680. The Department of Revenue or Secretary of State may file an action under ORS 34.105 to 34.240 to enforce the requirements of this section and of ORS 137.289 to 137.297 and 153.640 to 153.680.

(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)

### **~~1.16.090 Authority of agency to specify rule violation as particular level of violation.~~**

If a statute provides that violation of the rules of an agency constitutes an offense, as described in ORS 161.505, the agency may by rule specify that violation of a specific rule of the agency is subject to a specific fine, or a specific maximum fine, that is less in amount than the maximum fine for the offense specified by the statute. In addition, the agency may specify that violation of the specific rule is a Class A, B, C or D violation under the provisions of ORS 153.012 as long as the class specified in the rule is lower than the statutory classification for the offense.

(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)

### **~~1.16.100 Authority of political subdivision to specify ordinance violation as particular level of violation.~~**

A. — If a statute provides that violation of the ordinances of a political subdivision of this state constitutes an offense, as described in ORS 161.505, the political subdivision may by ordinance specify that violation of a specific ordinance of the political subdivision is subject to a specific fine, or a specific maximum fine, that is less in amount than the maximum fine for the offense specified by the statute. In addition, the political subdivision may specify that violation of the specific ordinance is a Class A, B, C or D violation under the provisions of ORS 153.012 as long as the class specified in the ordinance is lower than the statutory classification for the offense.

B. — Nothing in this section requires a political subdivision to use the classifications established by ORS 153.012 or to use the presumptive fines established under ORS 153.019 and 153.020 for violations of ordinances adopted by the political subdivision.

(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)

#### CLASSES OF OFFENSES

### **~~1.16.110 "Offense" described.~~**

An offense is conduct for which a sentence to a term of imprisonment or to a fine is provided by any law of this state or by any law or ordinance of a political subdivision of this state. An offense is either a crime, as described in ORS 161.515, or a violation, as described in ORS 153.008.

(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)

### **~~1.16.120 "Crime" described.~~**

A. — A crime is an offense for which a sentence of imprisonment is authorized.

~~B. — A crime is either a felony or a misdemeanor.~~

~~(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)~~

### ~~1.16.130 "Felony" described.~~

~~Except as provided in ORS 161.585 and 161.705, a crime is a felony if it is so designated in any statute of this state or if a person convicted under a statute of this state may be sentenced to a maximum term of imprisonment of more than one year.~~

~~(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)~~

### ~~1.16.140 Classification of felonies.~~

~~A. — Felonies are classified for the purpose of sentence into the following categories:~~

- ~~1. — Class A felonies;~~
- ~~2. — Class B felonies;~~
- ~~3. — Class C felonies; and~~
- ~~4. — Unclassified felonies.~~

~~B. — The particular classification of each felony defined in the Oregon Criminal Code, except murder under ORS 163.115 and treason under ORS 166.005, is expressly designated in the section defining the crime. An offense defined outside this code which, because of the express sentence provided is within the definition of ORS 161.525, shall be considered an unclassified felony.~~

~~(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)~~

### ~~1.16.150 "Misdemeanor" described.~~

~~A crime is a misdemeanor if it is so designated in any statute of this state or if a person convicted thereof may be sentenced to a maximum term of imprisonment of not more than one year.~~

~~(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)~~

### ~~1.16.160 Classification of misdemeanors.~~

~~A. — Misdemeanors are classified for the purpose of sentence into the following categories:~~

- ~~1. — Class A misdemeanors;~~
- ~~2. — Class B misdemeanors;~~
- ~~3. — Class C misdemeanors; and~~
- ~~4. — Unclassified misdemeanors.~~

~~B. — The particular classification of each misdemeanor defined in the Oregon Criminal Code is expressly designated in the section defining the crime. An offense defined outside this code which, because of the express sentence provided is within the definition of ORS 161.545, shall be considered an unclassified misdemeanor.~~

C. — An offense defined by a statute of this state, but without specification as to its classification or as to the penalty authorized upon conviction, shall be considered a Class A misdemeanor.

(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)

**1.16.170 Misdemeanor treated as violation; prosecuting attorney's election.**

A. — Except as provided in subsection D. of this section, a prosecuting attorney may elect to treat any misdemeanor as a Class A violation. The election must be made by the prosecuting attorney orally at the time of the first appearance of the defendant or in writing filed on or before the time scheduled for the first appearance of the defendant. If no election is made within the time allowed, the case shall proceed as a misdemeanor.

B. — If a prosecuting attorney elects to treat a misdemeanor as a Class A violation under this section, the court shall amend the accusatory instrument to reflect the charged offense as a Class A violation and clearly denominate the offense as a Class A violation in any judgment entered in the matter. Notwithstanding ORS 153.018, the fine that a court may impose upon conviction of a violation under this section may not:

1. — Be less than the presumptive fine established by ORS 153.019 for a Class A violation; or
2. — Exceed the amount provided in ORS 161.635 for the class of misdemeanor receiving violation treatment.

C. — If a prosecuting attorney elects to treat a misdemeanor as a Class A violation under this section, and the defendant fails to make any required appearance in the matter, the court may enter a default judgment against the defendant in the manner provided by ORS 153.102. Notwithstanding ORS 153.018, the fine that the court may impose under a default judgment entered pursuant to ORS 153.102 may not:

1. — Be less than the presumptive fine established by ORS 153.019 for a Class A violation; or
2. — Exceed the maximum fine for the class of misdemeanor receiving violation treatment.

D. — A prosecuting attorney may not elect to treat misdemeanors created under ORS 811.540 or 813.010 as violations under the provisions of this section.

E. — The election provided for in this section may be made by a city attorney acting as prosecuting attorney in the case of municipal ordinance offenses, a county counsel acting as prosecuting attorney under a county charter in the case of county ordinance offenses, and the attorney general acting as prosecuting attorney in those criminal actions or proceedings within the jurisdiction of the attorney general.

(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)

**1.16.180 Misdemeanor treated as violation; court's election.**

A. — Except as provided in subsection D. of this section, a court may elect to treat any misdemeanor as a Class A violation for the purpose of entering a default judgment under ORS 153.102 if:

1. — A complaint or information has been filed with the court for the misdemeanor;
2. — The defendant has failed to make an appearance in the proceedings required by the court or by law; and
3. — The court has given notice to the district attorney for the county and the district attorney has informed the court that the district attorney does not object to treating the misdemeanor as a Class A violation.

- B. If the court treats a misdemeanor as a Class A violation under this section, the court shall amend the accusatory instrument to reflect the charged offense as a Class A violation and clearly denominate the offense as a Class A violation in the judgment entered in the matter.
- C. Notwithstanding ORS 153.018, if the court treats a misdemeanor as a Class A violation under this section, the fine that the court may impose under a default judgment entered pursuant to ORS 153.102 may not:
1. Be less than the presumptive fine established by ORS 153.019 for a Class A violation; or
  2. Exceed the maximum fine for the class of misdemeanor receiving violation treatment.
- D. A court may not treat misdemeanors created under ORS 811.540 or 813.010 as violations under the provisions of this section.

(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)

### **1.16.190 Felony treated as misdemeanor.**

- A. As used in this section, "nonperson felony" has the meaning given that term in the rules of the Oregon Criminal Justice Commission.
- B. A district attorney may elect to treat a Class C nonperson felony or a violation of ORS 475.752(3)(a), 475.854, 475.864(2) or 475.874 as a Class A misdemeanor. The election must be made by the district attorney orally or in writing at the time of the first appearance of the defendant. If a district attorney elects to treat a Class C felony or a violation of ORS 475.752(3)(a), 475.854, 475.864(2) or 475.874 as a Class A misdemeanor under this subsection, the court shall amend the accusatory instrument to reflect the charged offense as a Class A misdemeanor.
- C. If, at some time after the first appearance of a defendant charged with a Class C nonperson felony or a violation of ORS 475.752(3)(a), 475.854, 475.864(2) or 475.874, the district attorney and the defendant agree to treat the charged offense as a Class A misdemeanor, the court may allow the offense to be treated as a Class A misdemeanor by stipulation of the parties.
- D. If a Class C felony or a violation of ORS 475.752(3)(a), 475.854, 475.864(2) or 475.874 is treated as a Class A misdemeanor under this section, the court shall clearly denominate the offense as a Class A misdemeanor in any judgment entered in the matter.
- E. If no election or stipulation is made under this section, the case proceeds as a felony.
- F. Before a district attorney may make an election under subsection B. of this section, the district attorney shall adopt written guidelines for determining when and under what circumstances the election may be made. The district attorney shall apply the guidelines uniformly.
- G. Notwithstanding ORS 161.635, the fine that a court may impose upon conviction of a misdemeanor under this section may not:
1. Be less than the minimum fine established by ORS 137.286 for a felony; or
  2. Exceed the amount provided in ORS 161.625 for the class of felony receiving Class A misdemeanor treatment.

(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)

**1.16.200 Classification of certain crimes determined by punishment.**

- A. ~~When a crime punishable as a felony is also punishable by imprisonment for a maximum term of one year or by a fine, the crime shall be classed as a misdemeanor if the court imposes a punishment other than imprisonment under ORS 137.124(1).~~
- B. ~~Notwithstanding the provisions of ORS 161.525, upon conviction of a crime punishable as described in subsection A. of this section, the crime is a felony for all purposes until one of the following events occurs, after which occurrence the crime is a misdemeanor for all purposes:~~
1. ~~Without imposing a sentence of probation, the court imposes a sentence of imprisonment other than to the legal and physical custody of the Department of Corrections.~~
  2. ~~Without imposing a sentence of probation, the court imposes a fine.~~
  3. ~~Upon revocation of probation, the court imposes a sentence of imprisonment other than to the legal and physical custody of the Department of Corrections.~~
  4. ~~Upon revocation of probation, the court imposes a fine.~~
  5. ~~The court declares the offense to be a misdemeanor, either at the time of imposing a sentence of probation, upon suspension of imposition of a part of a sentence, or on application of defendant or the parole and probation officer of the defendant thereafter.~~
  6. ~~The court imposes a sentence of probation on the defendant without imposition of any other sentence upon conviction and defendant is thereafter discharged without any other sentence.~~
  7. ~~Without imposing a sentence of probation and without imposing any other sentence, the court declares the offense to be a misdemeanor and discharges the defendant.~~
- C. ~~The provisions of this section shall apply only to persons convicted of a felony committed prior to November 1, 1989.~~

~~(Ord. No. 7-2013, § 3(Exh. A), 11-18-2013)~~

## **~~Chapter 1.20 CODE COMPLIANCE/ANIMAL CONTROL PROGRAM POLICIES~~**

### **~~1.20.010 Purpose.~~**

~~The purpose of the code compliance program is to assist the citizens of the community to comply with the provisions of the Boardman Municipal Code and Boardman Development Code. The overall goals of meeting the city council's strategic goal of beautification of the city, to protect the citizens from unhealthy or dangerous conditions, to protect the property values of the homes and businesses within the community and to provide a fair and reasonable method for the citizens to meet their responsibilities to other citizens in the community is the basis for the code compliance program. This policy will identify the purpose, scope, and process of the city's code compliance program and to provide a clear direction of city council desires to administer this program.~~

~~(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)~~

### **~~1.20.020 Responsibility of code compliance division.~~**

- ~~A. — It is the responsibility of the code compliance program to treat all citizens with professionalism and courtesy in all dealings of the division.~~
- ~~B. — It is the responsibility of the code compliance program to provide assistance in citizen understanding of the rules of the city as defined by the Boardman Municipal Code and Boardman Development Code.~~
- ~~C. — It is the responsibility of the code compliance program to investigate all code violation complaints for the validity of the complaint by review of applicable codes to assess the nature of the alleged violation.~~
- ~~D. — It is the responsibility of the code compliance program to provide suggested changes to the municipal code and development code in areas of the code identified to be confusing, contrary to state or federal law, and where the changes will provide for better fairness and reduced conflict in administration of the program.~~
- ~~E. — It will be the responsibility of the code compliance program to assure compliance with the provisions of all applicable chapters of the Boardman Municipal Code and Boardman Development Code, to issue citations or initiate abatement procedures identified within the code when significant violations go un-addressed after contact, or when conditions warrant, and protection of public safety or health when dangerous conditions exist.~~
- ~~F. — It will be the responsibility of the police chief and community development director to coordinate enforcement and compliance cases taken by each department.~~

~~(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)~~

### **~~1.20.030 Division staffing.~~**

- ~~A. — Staff for the code compliance program will be assigned by the city manager. The lead role in administration and oversight of the code compliance program shall be vested in the city manager who may assign the lead role to a city department head.~~
- ~~B. — Police department officers will also enforce certain areas of the Boardman Municipal Code under the oversight of the police chief of the Boardman Police Department. Police officers shall report to their designated supervisors within the police department.~~

~~(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013; Ord. No. 1-2026, § 1(Exh. A), 1-6-2026)~~

### **1.20.040 Code compliance program process.**

The code compliance program processes are broken into three distinct categories. The categories are minor, moderate and urgent. Determination of the category of a code violation is placed in is based upon the risk of injury or potential public health violations. Each category has a specific process to follow for resolution of the violation.

#### **A. Minor Violations:**

1. Complaint is taken or possible violation is identified and complaint form is completed.
2. Code compliance official shall deliver a copy of the complaint notice prepared after the complaint is made and before an investigation has been initiated. A copy of the applicable municipal code chapter or Boardman Development Code pertaining to the alleged violation shall be delivered to the property representative and/or property owner along with the complaint notice.
3. The code compliance official shall investigate the alleged violation by determining existing property zone allowable uses to determine if a violation exists.
4. If the use is allowed the code compliance official will contact the complainant and report the results of the investigation.
5. If use is not allowed the code compliance official shall initiate contact with the property representative and/or property owner and to discuss the violation noted in the investigation, methods to attain compliance, possible resources to assist in attaining compliance, and the possibility of citation or abatement processes allowed by applicable code language. All applicable codes are provided to the property representative and/or property owner at the time of contact.
6. The property representative and/or property owner is given a thirty-day verbal notice upon this contact to abate the violation.
7. In the case of a property owner living outside of the area a thirty-day code violation notice, a letter of explanation of the applicable code chapter, copies of any photographic images of the violations, and copies of all applicable code chapters are provided for review and discussion.
8. At the expiration of the thirty-day verbal notice, without abatement of the violation, the code compliance official will make contact with the property representative and/or property owner to complete a "code compliance agreement form" where the code compliance official and the property representative and/or property owner agree to a date the violation will be abated, signed by both parties. The agreement shall not be for a period greater than sixty (60) days from the date the agreement is signed.
9. At the expiration date of the agreement the code compliance official shall perform a follow-up to determine if the violation has been abated. If the violation has not been abated the code compliance official shall either issue a citation to appear in court concerning the violations or begin the nuisance abatement process in accordance with provisions of the municipal code. The abatement and hearing process can be up to twenty (20) days. For inoperable vehicles there is an additional five-day period where the vehicle is tagged prior to removal.

#### **B. Moderate Violations:**

1. Complaint is taken or possible violation is identified and complaint form is completed.
2. Code compliance official shall deliver a copy of the complaint notice prepared after the complaint is made and before an investigation has been initiated. A copy of the applicable Municipal Code or Boardman Development Code Chapter(s) pertaining to the alleged violations shall be delivered to the property representative and/or property owner along with the complaint notice.

3. ~~The code compliance official shall investigate the alleged violations by determining existing property zone allowable uses to determine if violations exist.~~
  4. ~~If use is allowed the code compliance official will contact the complainant and report the results of the investigation.~~
  5. ~~If uses are not allowed the code compliance official shall initiate contact with the property representative and/or property owner to discuss the violations noted in the investigation, methods to attain compliance, possible resources to assist in attaining compliance, and the possibility of citation or abatement processes allowed by applicable code language. All applicable codes are provided to the property representative and/or property owner at the time of contact.~~
  6. ~~The property representative and/or property owner is given a thirty-day verbal notice upon this contact to abate the violations.~~
  7. ~~In the case of a property owner living outside of the area a thirty-day code violation notice, a letter of explanation of the applicable code chapter, copies of any photographic images of the violations, and copies of all applicable code chapters are provided for review and discussion.~~
  8. ~~At the expiration of the thirty-day verbal notice, without abatement of the violations, the code compliance official will make contact with the property representative and/or property owner to complete a "code compliance agreement form" where the code compliance official and the property representative and/or property owner agree to a date the violations will be abated, signed by both parties. The agreement shall not be for a period greater than thirty days from the date the agreement is signed.~~
  9. ~~At the expiration date of the agreement the code compliance official shall perform a follow-up to determine if the violation has been abated. If the violation has not been abated the code compliance official may grant one extension of agreement for an additional thirty-day period if significant progress towards abatement of the violations has occurred in the judgment of the code compliance official and their supervisor. If significant progress towards abatement has not been made the code compliance official shall either issue a citation to appear in court concerning the violations or begin the nuisance abatement process identified in this municipal code chapter. The abatement and hearing process can be up to twenty (20) days. For inoperable vehicles there is an addition five-day period where the vehicle is tagged prior to removal.~~
- C. ~~Urgent Violations:~~
1. ~~Complaint is taken or possible violation is identified and complaint form is completed.~~
  2. ~~The code compliance official shall investigate the alleged violations by determining existing property zone allowable uses to determine if violations exist.~~
  3. ~~The code compliance official shall initiate contact with the property representative and/or property owner and to discuss the violation(s) noted in the investigation, methods to attain compliance/possible resources to assist in attaining compliance, and the possibility of citation or abatement processes allowed by applicable code language. All applicable codes are provided to the property representative and/or property owner at the time of contact. The code compliance official and the property representative and/or property owner will complete a "code compliance agreement form" where the code compliance official and the property representative and/or property owner agree to a date the violations will be abated, signed by both parties. The agreement shall not be for a period greater than ten (10) days from the date the agreement is signed.~~

4. In extreme cases, such as menacing or dangerous animals, the code compliance official may impound the animal, at the owner's expense, while abatement of the conditions of the initial violation are completed, consistent with provision of Boardman Municipal Code Chapter 6.08.
5. At the expiration date of the agreement the code compliance official shall perform a follow up to determine if the violation has been abated. If the violation has not been abated the code compliance official may grant one extension of agreement for an additional ten-day period if significant progress towards abatement of the violations has occurred in the judgment of the code compliance official and their supervisor. If significant progress towards abatement has not been made the code compliance official shall either issue a citation to appear in court concerning the violations or begin the nuisance abatement process identified in accordance with provisions in the Boardman Municipal Code. The abatement and hearing process can be up to twenty (20) days. For inoperable vehicles there is an additional five-day period where the vehicle is tagged prior to removal.

D. Chronic Violations:

1. Three repetitive violations of this code, where citations are issued in any twelve-month period, shall be referred to the court as a chronic violation and be subject to penalties from the court in accordance with the penalty provisions of Boardman Municipal Code Chapter 1.16 and Oregon Revised Statutes Chapter 153.
2. The court may also impose additional penalties including criminal charges, orders to abate and court-ordered payments for abatement of violations.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)

### **1.20.050 Process for violations of time-sensitive nature.**

Certain provisions of the Boardman Municipal Code and Boardman Development Code, inconsistent with the "Urgent Violations" process identified in [Section] 1.20.040(C) because they are not an immediate risk to public safety or public health, are still time-sensitive in nature. Allowing for the process identified in [Section] 1.20.040 would essentially allow these time-sensitive violations to continue without abatement. Examples of these types of violations might include temporary signs, temporary permits, blowing dust conditions, and others which could be event-driven or of short-term duration.

A. In these situations the process identified below will be followed:

1. Contact with the property representative and/or property owner will be initiated in person, by phone or by letter by the code compliance official to inform them of the violation, possible consequences, provide them with a copy of the applicable code chapter(s), and provide possible options for abating the violation. The code compliance official shall complete a "compliance agreement form" with the property representative/property owner identifying the agreed-upon method of abatement and the time abatement will be completed.
2. Each contact to a property representative and/or property owner shall be considered an individual violation.
3. Three repeated violations of the same provisions of a municipal code or development code chapter by a property representative and/or property owner shall be grounds for issuance of a citation to appear in court concerning the violations or for the city to initiate the abatement process identified in this chapter of municipal code.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)

**1.20.060 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 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;
  - 6. A statement that failure to abate a nuisance will warrant issuance of a citation to appear in court.
- 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. 8-2013, § 3(Exh. A), 11-18-2013)

**1.20.070 Abatement by the person responsible.**

- A. Abatement Procedure:
  - 1. Within ten (10) days after the posting and mailing of such notice, as provided in Boardman Municipal Code 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. 8-2013, § 3(Exh. A), 11-18-2013)

### **1.20.080 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 city official(s) 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 twenty (20) percent of the expense for administrative overhead.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)

### **1.20.090 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 the rate of ten (10) percent per annum. 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. 8-2013, § 3(Exh. A), 11-18-2013)

### **1.20.100 Summary abatement.**

The procedure provided by this policy is not exclusive but is in addition to procedure provided by other ordinances and the city manager, code compliance official, the chief of the fire department, building official 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. 8-2013, § 3(Exh. A), 11-18-2013)

**1.20.110 Penalties.**

All penalties shall be consistent with the provisions of Boardman Municipal Code Chapter 1.16 and Oregon Revised Statutes Chapter 153.

(Ord. No. 8-2013, § 3(Exh. A), 11-18-2013)

## CHAPTER 1.16: CODE COMPLIANCE

### 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 (BMC) and the Boardman Development Code (BDC). 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; Division Staffing.

- A. The following code provisions shall be enforced under the provisions of this chapter:
  - 1. Transient Merchants under Section 5.04 of the BMC;
  - 2. Animal Control under Section 6.04 of the BMC;
  - 3. Public Nuisances under Section 8.04 of the BMC;
  - 4. Water Service System under Section 13.04 of the BMC;
  - 5. Sewer Service System under Section 13.08 of the BMC;
  - 6. Underground Wiring Control District under Section 13.12 of the BMC;
  - 7. Solid Waste under Section 13.20 of the BMC; and
  - 8. Building Code under Section 15.04 of the BMC.
- B. Division Staffing.
  - 1. Staff for the code compliance program will be assigned by the city manager. The lead role in administration and oversight of the code compliance program shall be vested in the city manager who may assign the lead role to a city department head.
  - 2. Police department officers will also enforce certain areas of the Boardman Municipal Code under the oversight of the police chief of the Boardman Police Department. Police officers shall report to their designated supervisors within the police department.

### 1.16.030 Definitions.

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

“City” means the City of Boardman.

“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.

“Code” means the Boardman Municipal Code (BMC) and Boardman Development Code (BDC), including as amended.

“Code compliance officer” means a designated employee or contractor of the city who works to ensure code compliance and otherwise enforce against code violations under this chapter.

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

“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 compliance officer. The code compliance officer shall record properly such complaint, immediately investigate, and take action thereon as provided in this chapter.

#### **1.16.050 Investigation; Notice.**

Inspections. The code compliance 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.

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

- A. The position and authority of the person applying for the administrative inspection warrant;
- B. The code or other legal authority requiring or authorizing the inspection or investigation;
- C. The place, building or property to be inspected or investigated; and
- D. The purpose for which the inspection or investigation is to be made including the basis upon which cause exists to inspect or investigate.
  1. Cause shall be deemed to exist when there is probable cause to believe that a code violation exists.
  2. 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.

Notice of Violation. Upon becoming aware of a code violation, the code compliance 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:

- A. A description of the real property, by street address or otherwise, on which the violation is occurring;
- B. A description of the alleged violation and the relevant code provisions;
- C. A description of the corrective action required;
- D. A deadline to complete the corrective actions;
- E. 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
- F. Contact information for the code compliance 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 compliance 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.**

Hearings Officer Complaint. 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 compliance officer may initiate a formal complaint against the responsible party as provided in Section 1.20.

Citation under ORS 153. In lieu of a Hearings Officer Complaint as provided in Section 1.20, the city may cite into a court of competent jurisdiction any responsible party that fails to correct a code violation hereunder pursuant to the provisions of ORS 153.

## 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:

“City” means the City of Boardman.

“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.

“Code” means the Boardman Municipal Code and the Boardman Development Code, including as amended.

“Code compliance officer” means a designated employee or contractor of the city who enforces code violations of the code under this chapter.

“Code hearings officer” means the appointee designated to hear appeals of violations as set forth under this chapter.

“Complaint” means the document initiating an action to enforce a provision of the code under this chapter, as further described in 1.20.040.

“Penalty” means a monetary penalty as set forth in 1.20.130.

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

“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 may be initiated as provided in this section.

- A. Complaint Issuance. Any action to enforce the code before the code hearings officer may 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 compliance 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:
    - a. Personally delivering the notice to the party;
    - b. 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
    - c. 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 compliance 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.

- C. 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 by the city, 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 therefore 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 compliance 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, including any administrative overhead fees, 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 code compliance 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.

### **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 1.161.20](#).

### **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 Compliance](#) Officer to issue a citation to occupant(s) in accordance with Title 1 General Provisions Chapter 1.16 ~~General Penalty, Violations and Fines~~ [Code Compliance](#) 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~~ [1.16](#) 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](#) [1.20 Code Hearings Officer](#) of the Boardman Municipal Code.

### **9.04.030 - Penalties.**

Any person who shall violate any of the provisions of this title shall upon conviction thereof be assessed penalties consistent with [Chapter 1.161.20](#) of the Boardman Municipal Code or applicable Oregon Revised Statutes.

### **12.04.050 - Penalty for violation of obstruction of sidewalks.**

A violation of obstruction of sidewalks shall constitute a ~~Class D~~ violation as defined in [Chapter 1.161.20](#) ~~General Penalty, Violations and Fines; Procedure in Criminal Matters~~ [Generally](#) [Code Hearings Officer](#) of this Municipal Code and the fine for such a violation shall be as set forth in that same chapter for a ~~Class D~~ violation as presently defined or as hereafter amended.

**12.12.040 - Penalty for violation of obstruction of streets or curbs.**

A violation of obstruction of street or curbs shall constitute a ~~Class D~~-violation as defined in ~~Chapter 1.161.20 General Penalty; Violations and Fines; Procedure in Criminal Matters Generally~~~~Code Hearings Officer~~ of this Municipal Code and the fine for such a violation shall be as set forth in that same chapter for a ~~Class D~~-violation as presently defined or as hereafter amended.

**12.16.090 - General provisions.**

(...)

C. Penalties. Any person violating any of the provisions of this chapter is liable for a citation for a ~~Class B~~-violation consistent with Boardman Municipal Code ~~Chapter 1.161.20~~

(...)

**12.20.060 - Penalty for violation of obstruction of drainage swales.**

A violation of obstruction of drainage swales shall constitute a ~~Class D~~-violation as defined in ~~Chapter 1.20 General Penalty; Violations and Fines; Procedure in Criminal Matters Generally~~~~Code Hearings Officer~~ of this Municipal Code and the fine for such a violation shall be as set forth in that same chapter for a ~~Class D~~-violation as presently defined or as hereafter amended.

## AGENDA BILL

### City Council Meeting – July 7, 2026

---

**Subject:** Resolution 18-2026 A Resolution Adopting The Operating Unmanned Aircraft Systems Policy

**Category:** Action Items- Resolution

**Staff Contacts:** Brandon Hammond, City Manager

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**Summary:**

Resolution 18-2026 adopts the City of Boardman’s Operating Unmanned Aircraft Systems Policy. The policy establishes standards and procedures for the lawful, safe, and effective use of unmanned aircraft systems, commonly referred to as drones, in support of City operations. Potential uses include building inspections, emergency response, damage assessment, and other authorized City functions. The policy also requires City staff operating unmanned aircraft systems to comply with applicable federal and state laws and regulations, including FAA Part 107 requirements, Oregon statutes, and records retention requirements. Adoption of this resolution provides formal City Council approval of the policy and creates clear guidance for future drone use by City staff.

**Attachment:**

Resolution 18-2026  
Exhibit A

**Budget/Fiscal Impact:**

NA

**Recommendation:**

Approve

**Proposed Council Motion:**

I move to approve Resolution 18-2026 A Resolution Adopting The Operating Unmanned Aircraft Systems Policy.

**CITY OF BOARDMAN  
RESOLUTION 18-2026**

**A RESOLUTION ADOPTING THE OPERATING UNMANNED AIRCRAFT SYSTEMS  
POLICY**

**WHEREAS**, the City of Boardman (City) desires to establish clear standards and procedures for the lawful, safe, and effective use of unmanned aircraft systems, commonly referred to as drones, in support of City operations that would include building inspections and, when authorized, for emergency response, damage assessment, and other City functions; and

**WHEREAS**, the policy requires City staff operating unmanned aircraft systems to comply with applicable federal and state laws and regulations, including FAA Part 107 requirements and applicable Oregon statutes and records retention requirements.

**NOW, THEREFORE BE IT RESOLVED**, that the Boardman City Council adopts the Operating Unmanned Aircraft Systems Policy, attached hereto as Exhibit A and incorporated herein by this reference.

Passed by the Boardman City Council this 7<sup>th</sup> day of July 2026.

CITY OF BOARDMAN

\_\_\_\_\_  
Mayor – Paul Keefer

\_\_\_\_\_  
Councilor – Heather Baumgartner

\_\_\_\_\_  
Councilor – Karen Pettigrew

\_\_\_\_\_  
Councilor – Cristina Cuevas

\_\_\_\_\_  
Councilor – Brenda Profitt

\_\_\_\_\_  
Councilor – Michael Hughes

\_\_\_\_\_  
Councilor – Richard Rockwell

ATTEST:

\_\_\_\_\_  
Amanda Mickles – City Clerk

# POLICY

Cancels:

Approved by: City Council

See Also:

## OPERATING UNMANNED AIRCRAFT SYSTEMS

### Summary

This policy outlines the City of Boardman Building Department's conditions and guidelines for the use of UAS (Unmanned Aircraft Systems), commonly referred to as drones, as a tool for completing building department inspections and occasionally assisting other City of Boardman departments such as emergency response, damage assessment, or other authorized city functions.

All City of Boardman staff operating UAS equipment must comply with all applicable laws, regulations, and this policy.

### Background

UAS are becoming an essential tool for conducting certain types of building inspections. As this technology continues to evolve, jurisdictions are increasingly adopting it due to significant advantages, including:

- Speed and time savings
- Improved inspector safety
- Enhanced visual clarity and inspection accuracy
- Effective use in post-disaster response

The City of Boardman Building Department has established a UAS program to support safe, efficient, and compliant building inspection operations. UAS technology is intended to supplement - not replace - traditional inspection methods.

Inspectors should use conventional inspection methods when safe and practical. UAS should be used when conditions present safety risks or access limitations.

Applicable laws, regulations, and standards to the Building Department's UAS program include:

- CFR Title 14, Part 107 <https://www.ecfr.gov/current/title-14/chapter-I/subchapter-F/part-107>
- ORS 837.360 [https://oregon.public.law/statutes/ors\\_837.360](https://oregon.public.law/statutes/ors_837.360)
- ORS 837.362 [https://oregon.public.law/statutes/ors\\_837.362](https://oregon.public.law/statutes/ors_837.362)
- ORS 192.345 [https://oregon.public.law/statutes/ors\\_192.345](https://oregon.public.law/statutes/ors_192.345)
- OAR 166-200-250  
<https://secure.sos.state.or.us/oard/viewSingleRule.action?ruleVrsnRsn=325634>
- NFPA 2400 (2024 Edition) <https://www.nfpa.org/codes-and-standards/nfpa-2400-standard-development/2400>
- CIS Unmanned Aircraft Flight Operations

# POLICY

Cancels:

Approved by: City Council

See Also:

## OPERATING UNMANNED AIRCRAFT SYSTEMS

Manual UAS program resources include:

- FAA Part 107 Remote Pilot in Command - Student Study Guide [https://www.faa.gov/sites/faa.gov/files/regulations\\_policies/handbooks\\_manuals/aviation/remote\\_pilot\\_study\\_guide.pdf](https://www.faa.gov/sites/faa.gov/files/regulations_policies/handbooks_manuals/aviation/remote_pilot_study_guide.pdf)
- FAA Part 107 Remote Pilot in Command - UAS Airman Certification Standards [https://www.faa.gov/sites/faa.gov/files/training\\_testing/testing/acs/uas\\_acs.pdf](https://www.faa.gov/sites/faa.gov/files/training_testing/testing/acs/uas_acs.pdf)
- NIST standards for flight proficiency <https://www.nist.gov/el/intelligent-systems-division-73500/level-1-3-open-test-lane-and-scenarios>
- NIST course guidelines <https://www.nist.gov/el/intelligent-systems-division-73500/level-1-3-open-test-lane-and-scenarios>
- UAS User Guide and Maintenance

### Key Personnel Roles

- Remote Pilot in Command (RPIC): FAA-certified pilot responsible for all flight operations, including pre-flight and post-flight activities. This individual is the person responsible for all aspects of the flight.
- UAS Coordinator: The Building Official or Designee (in most cases the RPIC).
- Crew Members: City staff assisting with operations, safety, or logistics.
- Visual Observer: Assists the RPIC in maintaining visual line of sight and situational awareness.

### Pilot Standards

- All UAS operators must hold a valid FAA Part 107 Remote Pilot Certificate. Once certified, each UAS drone pilot must complete the NIST (National Institute of Standards and Technology) agility training to demonstrate piloting proficiency skills.
- All UAS pilots must complete continuing education to maintain the FAA Part 107 license. A UAS pilot may complete NIST agility and proficiency training on an annual basis in-house or through a qualified third party.

### Operational Constraints

All flights must comply with FAA regulations, including:

- Airspace restrictions
- Weather conditions
- Visual line-of-sight requirements
- Avoidance of manned aircraft

# POLICY

Cancels:

Approved by: City Council

See Also:

## OPERATING UNMANNED AIRCRAFT SYSTEMS

### Flights and Operations

UAS may be used for inspections including, but not limited to:

- Roof inspections and nailing verification
- Solar installations
- Cell tower antennae installation and replacement
- Structural framing
- High-Piled storage warehouse inspections
- Fire sprinkler systems
- Rooftop mechanical systems
- Final inspections

### Altitude Limits

Flights are limited to 400 feet Above Ground Level (AGL) or no more than 400 feet above the top of structures like communications towers.

Special consideration must be given to airports or restricted airspace near the intended flight path.

### Operations Over People

UAS operations must NOT:

- Fly over unprotected individuals unless a specific waiver is requested through FAA.
- Pose hazards to people, property, or aircraft.
- Be conducted recklessly.

If safety conditions cannot be met, the flight must not occur or must be terminated.

### Insurance

Coverage is subject to the terms, conditions, and exclusions under the CIS Liability Coverage Document.

### Training, Certification, and Licensing

Training, certification, and licensing records for all operators shall be maintained by the City.

### Website

The Building Department maintains a webpage with information for the public about the use of UAS.

# POLICY

Cancels:

Approved by: City Council

See Also:

## OPERATING UNMANNED AIRCRAFT SYSTEMS

### Privacy

The City recognizes the privacy protections established under Oregon law and will ensure that UAS operations are conducted only for lawful governmental purposes associated with building inspection activities, emergency response, damage assessment, or other authorized city functions.

Photos and videos may be taken during UAS operations when necessary for official inspections or other authorized purposes. UAS operators will take reasonable precautions to avoid inadvertently recording or transmitting images where there is reasonable expectation of privacy unless otherwise authorized by law.

Photos, videos, and other records obtained through UAS operations shall be retained in accordance with Oregon public records retention schedules, including OAR Chapter 166. Unless otherwise required for enforcement, litigation, or permanent building records:

- Final inspection images and records shall be retained for the life of the structure.
- Routine inspection images and videos shall be retained for a minimum of two (2) years.
- Records associated with active investigations, claims, or litigation shall be retained until final resolution.

### Data Storage

UAS data, including photos and video, is stored on the City's shared drive and in Laserfiche, the City's third-party records management and storage platform.

Building Department enters into intergovernmental agreements for building services, records and data are available to authorized representatives.

### Community Concerns

The City of Boardman recognizes public concerns regarding drone use. The Building Department inspectors ascribe to high ethical standards, including the ICC Code of Ethics (<https://www.iccsafe.org/wp-content/uploads/CodeOfEthics.pdf>), in the conduct of their duties as public officials. All complaints relating to the use of UAS technology will be taken seriously. Alternative inspection methods will be considered when feasible.

## AGENDA BILL

### City Council Meeting – July 7, 2026

---

**Subject:** Resolution 19-2026 A Resolution Relating To The City Of Boardman 457 Deferred Compensation Plan Through Mission Square Retirement And Adopting Amended Plan Provisions

**Category:** Action Items- Resolution

**Staff Contacts:** Marta Barajas, Finance Director

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**Summary:**

Resolution 19-2026 adopts amended provisions for the City of Boardman’s 457 Deferred Compensation Plan through Mission Square Retirement. The resolution updates the City’s previous plan adoption under Resolution 6-2004, recognizes Mission Square Retirement as the successor to ICMA Retirement Corporation, and adopts the amended plan documents for Plan Number 305579. The updated provisions include SECURE 2.0 changes, Roth deferrals and in-plan Roth conversions, age 60-63 catch-up contributions, domestic abuse victim withdrawals, removal of the “first day of the month” rule for 457(b) deferral changes, and other plan administration updates. The resolution also confirms that all employees are eligible to participate, loans are not permitted, and the City Manager or designee will serve as the program coordinator. Adoption of this resolution helps maintain the City’s deferred compensation plan for the benefit of employees and supports employee recruitment, retention, and retirement security.

**Attachment:**

Resolution 19-2026

**Recommendation:**

Approve

**Proposed Council Motion:**

I move to approve Resolution 19-2026 A Resolution Relating To The City Of Boardman 457 Deferred Compensation Plan Through Mission Square Retirement And Adopting Amended Plan Provisions

**CITY OF BOARDMAN  
RESOLUTION 19-2026**

**A RESOLUTION RELATING TO THE CITY OF BOARDMAN 457 DEFERRED  
COMPENSATION PLAN THROUGH MISSION SQUARE RETIREMENT AND ADOPTING  
AMENDED PLAN PROVISIONS**

Plan Number: 305579  
Employer Plan Name: City of Boardman

**WHEREAS**, the City of Boardman (City) has employees rendering valuable services to the City and the community; and

**WHEREAS**, the establishment and maintenance of a 457 deferred compensation plan serves the interests of the City by providing reasonable retirement security for employees, increasing flexibility in the City's personnel management system, and assisting in the attraction and retention of competent personnel; and

**WHEREAS**, the City previously adopted a 457 deferred compensation plan by Resolution No. 6-2004, originally administered by ICMA Retirement Corporation; and

**WHEREAS**, MissionSquare Retirement is the successor name for ICMA Retirement Corporation and serves as the non-discretionary Plan Administrator in accordance with the terms and conditions of the Mission Square Retirement Corporation 457 Governmental Deferred Compensation Plan and Trust; and

**WHEREAS**, MissionSquare Retirement provided an amended plan document package for the City's Plan Number 305579, including Optional Provisions Elections and SECURE Act 2.0, with an effective date of April 17, 2025; and

**WHEREAS**, the amended plan provisions include the SECURE 2.0 provisions, with the addition of Roth deferrals and in-plan Roth conversions, age 60-63 catch-up contributions, domestic abuse victim withdrawals, elimination of the "first day of the month" rule for 457(b) deferral changes, and the addition of the Mission Square Retirement Income Advantage in-service portability; in-service distributions at age 70.5, unforeseeable emergency withdrawals; and

**WHEREAS**, the plan year shall be January 1 through December 31, all employees are eligible to participate in the plan, and loans are not permitted under the plan; and

**WHEREAS**, the City desires to clarify the current non-elective contribution structure, including contributions for the Boardman Police Officers Association union group, Teamsters union group, and unrepresented employee group, as negotiated; and

**WHEREAS**, the City Council finds that adoption of the amended plan provisions is in the best interests of the City and its employees.

**NOW, THEREFORE BE IT RESOLVED**, that the City Council of the City of Boardman hereby adopts the amended 457 Governmental Deferred Compensation Plan and Trust provisions for City of Boardman Plan Number 305579, in substantially the form provided by Mission Square Retirement and effective April 17, 2025.

**BE IT FURTHER RESOLVED**, that Mission Square Retirement is appointed as the non-discretionary Plan Administrator in accordance with the terms and conditions of the Mission Square Retirement Corporation 457 Governmental Deferred Compensation Plan and Trust, and all references in prior City documents to ICMA Retirement Corporation or ICMA-RC shall be deemed to refer to Mission Square Retirement, as applicable.

**BE IT FURTHER RESOLVED**, that the Plan shall continue to be maintained for the exclusive benefit of Plan participants and their beneficiaries, and Plan assets shall not be diverted to any other purpose.

**BE IT FURTHER RESOLVED**, that loans are not permitted under the Plan.

**BE IT FURTHER RESOLVED**, that the City Manager, or designee, shall serve as the program coordinator; shall receive necessary reports, notices, and communications from Mission Square Retirement; may assign administrative duties necessary to carry out the Plan to appropriate City departments; and is authorized to execute all documents, elections, agreements, and amendments necessary or convenient to administer the Plan and implement this Resolution.

**BE IT FURTHER RESOLVED**, this Resolution supersedes Resolution No. 6-2004 to the extent of any conflict, while preserving the City's prior adoption of a 457 deferred compensation plan and any prior plan documents necessary for recordkeeping or legal compliance.

Passed by the Boardman City Council this 7<sup>th</sup> day of July 2026.

CITY OF BOARDMAN

\_\_\_\_\_  
Mayor – Paul Keefer

\_\_\_\_\_  
Councilor – Heather Baumgartner

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Councilor – Karen Pettigrew

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Councilor – Cristina Cuevas

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Councilor – Brenda Profitt

\_\_\_\_\_  
Councilor – Michael Hughes

\_\_\_\_\_  
Councilor – Richard Rockwell

ATTEST:

\_\_\_\_\_  
Amanda Mickles – City Clerk

## AGENDA BILL

### City Council Meeting – July 7, 2026

---

**Subject:** Appoint Councilor to Housing Advisory Committee

**Category:** Action Item-Other Business

**Staff Contacts:** Brandon Hammond, City Manager

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**Summary:**

In December 2024, the Housing Advisory Committee was appointed. The committee began meeting in May 2025, and its work is ongoing. A Council member serving on the committee has since submitted a resignation, and Council may now accept nominations for a replacement. A motion to appoint the selected nominee will make the appointment official.

**Attachment:** NA

**Budget/Fiscal Impact:** NA

**Recommendation:** NA

**Proposed Council Motion:**

I move to appoint \_\_\_\_\_ to the Housing Advisory Committee.

**City of Boardman**  
**Notes to the Finance Report**  
 As of May 31, 2026

**General Fund:** Most of the revenues received were from the following:

- Property Taxes: \$7,749.08 (received monthly, amount varies)
- Transient Room Tax: \$24,835.55 (received quarterly, amount varies)
- Franchise Fees: \$479,026.75 (received quarterly, amount varies)
- Oregon Department of Revenue Long-Term Enterprise Zone Funds: \$113,023.33 (annually)
- Interest Income: \$93,015.26 (received monthly, amount varies)

**Sewer Fund:** There was a contractor who requested dumping privileges of effluent water into our lagoon, they are a hauling company that provides this type of service. Their use will be for the month of May and a part of June. This brought in approximately \$511,000 in additional sewer fund revenues.

**Building Fund:** Collected payments of approximately \$895,300 from several permits, fire safety reviews, and building review fees. Most of these are located in the Morrow County jurisdiction.

**General Reserve Fund:** The funds received this month are from a refund of \$9,322, and interest income. The refund was due to a payment that was ultimately not the city’s financial responsibility.

**Water Reserve Fund:** Collected \$12,522 in System Development Charges, and interest income.

**Sewer Reserve Fund:** Collected \$10,698 in System Development Charges, and interest income.

**Street Reserve Fund:** Received a \$400,000 transfer from the Central Urban Renewal District, which was a budgeted interfund transfer, as a payment for the upfronted money for the SE Front St and 1<sup>st</sup> St project. The other revenues were interest income.

**Central Urban Renewal District (CURD):** Below is a summary of the money owed to the City of Boardman, as of May 31, 2026, as reimbursement for projects of the district. Since 2014, the total of all CURD projects has been \$3,352,311. Its maximum indebtedness is \$7,375,000, with \$4,022,689 remaining.

<b>PROJECTS</b>	<b>General Fund 100</b>	<b>Water Reserve 320</b>	<b>Sewer Reserve 330</b>	<b>Street Reserve 350</b>	<b>Total</b>
<b>Description</b>					
Greenspace Land Purchase	601,235.22				601,235.22
SE Front St & 1st St	395,045.00	22,726.89	172,000.00	1,578,608.94	2,168,380.83
2025-2026 Budgeted Transfer: prior yr ex	-			400,000	400,000
<b>TOTAL PAYMENTS</b>	<b>20,299</b>	<b>374,064</b>	<b>101,905</b>	<b>486,727</b>	<b>982,995</b>
<b>TOTAL DUE TO COB</b>	<b>996,280</b>	<b>22,727</b>	<b>172,000</b>	<b>1,178,609</b>	<b>2,369,616</b>

**CITY OF BOARDMAN**  
**Monthly Council Financial Statement**  
 Period Ending May 31, 2026  
 Fiscal Year Elapsed 91.67%

Section 12, Item A.

FISCAL YEAR 2025-2026

REVENUE

EXPENDITURES

FUND #	CITY Fund Description	2025-2026 BUDGET	REVENUE				(A-D) Remaining		EXPENDITURES		(A-G) Unexpended		(D-G) Fund	
			Beginning Cash C/Over	Revenue Received This Month	Year to Date Revenue	(B+C) Total Revenue	Expectations (over budget)	(D/A) % of Budget Received	This Month	Year to Date Expenditures	Budget	% of Budget	Balance	#
100	General Government	1,073,010						45,791	925,006	148,004	86.21%		100	
110	Public Safety - Police	3,634,175						265,923	3,113,996	520,179	85.69%		110	
125	Code Compliance	152,415						(2,035)	92,223	60,192	60.51%		125	
130	Planning	476,075						46,063	316,513	159,562	66.48%		130	
180	Facilities	382,100						(3,913)	265,385	116,715	69.45%		180	
195	Non-Departmental	7,312,225						0	5,106,114	2,206,111	69.83%		195	
100	GENERAL FUND	13,030,000	1,706,484	730,087	14,014,512	15,720,997	(2,690,997)	351,829	9,819,236	3,210,764	75.36%	5,901,760	100	
220	WATER FUND	1,779,200	348,253	81,870	1,175,408	1,523,660	255,540	102,356	1,158,616	620,584	65.12%	365,044	220	
230	SEWER FUND	1,310,250	151,400	594,788	1,901,836	2,053,236	(742,986)	92,917	858,270	451,980	65.50%	1,194,966	230	
240	GARBAGE FUND	1,671,000	453,732	127,807	1,269,025	1,722,757	(51,757)	130,671	1,160,390	510,610	69.44%	562,367	240	
250	STREET FUND	712,800	452,382	39,327	480,801	933,182	(220,382)	35,764	449,492	263,308	63.06%	483,690	250	
260	BUILDING FUND	26,423,100	16,920,846	895,309	8,719,334	25,640,180	782,920	123,438	5,956,758	20,466,342	22.54%	19,683,422	260	
300	GENERAL RESERVE FUND	14,090,000	9,286,602	34,857	3,583,673	12,870,275	1,219,725	9,322	5,197,989	8,892,011	36.89%	7,672,286	300	
320	WATER RESERVE FUND	2,074,500	1,545,203	17,181	721,527	2,266,730	(192,230)	6,659	949,187	1,125,313	45.75%	1,317,543	320	
330	SEWER RESERVE FUND	4,825,000	3,237,965	17,681	251,718	3,489,683	1,335,317	12,334	1,393,160	3,431,840	28.87%	2,096,523	330	
350	STREET RESERVE FUND	19,095,000	12,969,099	434,887	3,838,015	16,807,114	2,287,886	0	5,924,889	13,170,111	31.03%	10,882,225	350	
415	CONGRESSIONAL CMTY PJCT FU	1,575,900	1,545,325	5,337	58,387	1,603,712	(27,812)	0	0	1,575,900	0.00%	1,603,712.37	415	
418	HOUSING INICIATIVE FUND	1,033,000	0	3,212	1,029,986	1,029,986	3,014	5,000	70,000	963,000	6.78%	959,986	418	
510	GO BOND FUND	1,647,050	264,170	2,926	1,352,858	1,617,028	30,022	0	278,666	1,368,384	16.92%	1,338,363	510	
<b>CITY TOTAL</b>		<b>89,266,800</b>	<b>48,881,461</b>	<b>2,985,268</b>	<b>38,397,079</b>	<b>87,278,540</b>	<b>1,988,260</b>	<b>870,289</b>	<b>33,216,654</b>	<b>56,050,146</b>	<b>37.21%</b>	<b>54,061,886</b>		
815	CENTRAL UR DISTRICT	7,946,400	505,558	2,664	209,719	715,277	7,231,123	400,000	400,626	7,545,774	5.04%	314,652	815	
816	NORTH UR DISTRICT	4,314,350	86,875	1,182	164,946	251,821	4,062,529	0	5,939	4,308,411	0.14%	245,882	816	
819	WEST UR DISTRICT	209,125	102,241	426	5,369	107,610	101,515	0	30,693	178,432	14.68%	76,916	819	
<b>URA TOTAL</b>		<b>12,469,875</b>	<b>694,674</b>	<b>4,272</b>	<b>380,034</b>	<b>1,074,708</b>	<b>11,395,167</b>	<b>400,000</b>	<b>437,258</b>	<b>12,032,617</b>	<b>3.51%</b>	<b>637,450</b>		
<b>CITY OF BOARDMAN GRAND TOTALS</b>		<b>101,736,675</b>	<b>49,576,136</b>	<b>2,989,540</b>	<b>38,777,113</b>	<b>88,353,248</b>	<b>13,383,427</b>	<b>1,270,289.06</b>	<b>33,653,912.50</b>	<b>68,082,762.50</b>	<b>40.72%</b>	<b>54,699,336</b>		

Current Month Net Cash Change (No URA) 2,114,979

Year to Date Net Cash Change 5,123,200

CASH REPORT:

	Amount	as of 5/31/26 Interest Rate
Bank of Eastern Oregon Police	\$7,563	4.00%
Banner Bank Checking	\$1,592,918	-
Banner Bank Savings	\$251,730	4.24%
Bank of Eastern Oregon	\$252,518	5.00%
OR Government Pool	\$51,048,208	4.00%
Bank of Eastern Oregon SBA	\$5,000	-
CURD Government Pool	\$318,383	4.00%
NURD Government Pool	\$243,507	4.00%
WURD Government Pool	\$107,831	4.00%
Xpress Online Clearing	\$871,679	-
Bank of Eastern Oregon - R&G	\$0	0.10%
Bank of Eastern Oregon - 2KG	\$0	0.10%
Bank of Eastern Oregon - Rotschy	\$0	0.10%
Bank of Eastern Oregon - Granite	\$0	0.10%
Bank of Eastern Oregon - Silver Cree	\$0	0.10%
Bank of Eastern Oregon - Culbert	\$0	0.10%
<b>TOTAL CASH</b>	<b>\$54,699,336</b>	
Cash Clearing - Utilities	\$0.00	
<b>Total</b>	<b>\$54,699,336</b>	

Summary of Budgeted Interfund Transfers, as of 04/30/2026

City Budgeted Interfund Transfers From:		City Budgeted Interfund Transfers To:	
100-General Fund	5,106,114	100-General Fund	36,000
220-Water Fund	18,000	260-Building Fund	146,114
230-Sewer Fund	18,000	300-General Reserve Fund	3,360,000
260-Building Fund	1,600,000	320-Water Reserve Fund	500,000
300-General Reserve Fund	76,000	350-Street Reserve Fund	2,776,000
330-Sewer Reserve Fund	1,000,000	418-Housing Initiative Fund	1,000,000
<b>TOTAL TRANSFERS FROM</b>	<b>7,818,114</b>	<b>TOTAL TRANSFERS TO</b>	<b>7,818,114</b>

Summary of Budgeted Interfund Transfers, as of 05/31/2026

Budgeted Interfund Transfers From:		Budgeted Interfund Transfers To:	
815-Central Urban Renewal District	400,000	350-Street Reserve Fund	400,000

### **Keep Boardman Clean**

As part of my goal to become more involved in community outreach and education, I attended the Sam Boardman Elementary safety event and had the opportunity to share water education information with students in Kindergarten through 3rd grade. The presentation focused on helping students understand where our water comes from, why clean water is important, and how each of us can help protect this valuable resource. The students learned about simple actions they can take at home, at school, and in the community to help keep our water clean and safe. This was a great opportunity to connect with young students, answer their questions, and encourage them to take pride in caring for Boardman's water and environment.

### **Capital Update**

The City's splash pad project is moving forward at City Park. City staff have started the first phase of work by removing grass and preparing the area for the piping and setup phase of the project. This preparation work is an important step in getting the site ready for the next phase, which is expected to begin around July 13.

Once completed, the new splash pad will be a great addition to City Park and will provide a fun, family-friendly place for residents and visitors to enjoy during the warmer months. This project will help improve the park experience, create another recreational opportunity for children and families, and continue the City's efforts to invest in community spaces that bring people together. We are excited to see this project moving forward and look forward to sharing additional updates as work continues.

### **Community Involvement**

The City recently held an appreciation dinner to thank community members who served on public advisory committees, including the Parks Master Plan Committee, Economic Opportunity Analysis Committee, and Transportation System Plan Committee. The City greatly appreciates the time, effort, and thoughtful input these community members provided. Their participation helped guide important planning efforts related to parks, transportation, economic development, and the future growth of Boardman. Public involvement is an important part of building a strong community, and the City is grateful for each individual who volunteered their time and shared their ideas to help move these projects forward.

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## **BUILDING DEPARTMENT**

In June 2026, Boardman and the 97818 area were much busier with permits than they were the year before. Together, there were 53 permits sold, compared to only 7 permits in June 2025. Boardman increased from 3 permits to 14 permits, while the 97818 area grew from 4 permits to 39 permits. Even with this big jump in permits, new home construction stayed the same, with 1 new home in both June 2025 and June 2026. There were also no manufactured home placements or multi-family units in either month. Overall, the

numbers show that June 2026 brought a lot more permit activity to our area, while new home building stayed steady.

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## **PLANNING DEPARTMENT**

I write this on my last day as the Planning Official for the City of Boardman. While I will still be in the building for a bit yet wrapping up the strategic planning efforts, it is somewhat bittersweet as my role changes. There is excitement to see Stephanie assume the role of Planning Official and Arely grow into more responsibility as Planner II. Boardman is in good hands to shepherd and oversee the growth that continues to occur. And as the strategic planning effort concludes Boardman will be well positioned to tackle what comes next. As I close this introduction, I want to thank Karen Pettigrew and Rick Stokoe for the confidence they had in me when I originally joined the Boardman team and Brandon for taking the risk of tackling the strategic planning effort.

**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):** Both the City's TSP and the County's co-adoption have been appealed. You can follow the TSP Update [here](#).
- **Parks Master Plan (PMP):** The PMP has been appealed. You can follow the PMP [here](#). You can find the new Parks Page on the City of Boardman website [here!](#)
- **Economic Opportunity Analysis (EOA):** The adoption documents are posted [here](#).

### **Projects Underway or Soon To Be:**

- **Boardman Development Code (BDC) and Comprehensive Plan (CP):** The next PAC meeting will be on July 30, which will be a joint meeting with the Planning Commission. It is tentatively planned to start at 5:00 pm and run about two hours. You can follow the CP/BDC PAC [here](#).
- **Housing Capacity Analysis (HCA):** The next step of this work relies on inputs concerning water, wastewater, and transportation so we are a bit delayed waiting for some final input from our City Engineer and the various projects that are being led by him. You can follow the HCA [here](#).
- **Main Street Interchange Area Management Plan Refinement (MS IAMP):** A lot has happened in just a month with this project. The appointed Technical Advisory Committee (TAC) and PAC have had their first meeting, and we have finalized the first technical memorandum. The next meeting is tentatively scheduled for late July. You can follow the MS IAMP project [here](#).

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

- **System Development Charge (SDC) Update:** The next staff level meeting with the consultant team will be held in late July. Information from flow from that conversation to the City Council later this summer.
- **Boardman Municipal Code (BMC):** With the Code Compliance and Hearings Officer work on the July City Council agenda we are moving into a period of concerted effort on updates to the BMC.

**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.

- Work continues in the Planning Department with both residential and commercial activity.
- The Planning Commission approved a 240-unit multi-family development on Wilson Lane at their regular meeting on June 18.
- Planning staff is looking at how food trucks and pods have been historically approved with the outcome to be a review and approval purpose that will include clear and objective standards.

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## **POLICE DEPARTMENT**

The Boardman Police Department remained highly active during the June reporting period, responding to 695 total incidents. Officers responded to 226 calls for service while generating 469 officer-initiated incidents, demonstrating a continued emphasis on proactive policing, traffic safety, and crime prevention.

### **Calls for Service & Patrol Activity**

- Total Incidents: 695
- Calls for Service: 226
- Officer-Initiated Incidents: 469
  - Traffic Stops: 376
  - Other Officer-Initiated Activity: 93
- Vehicle/Pedestrian Checks: 73
- Business Checks: 2

Officers completed 48 cases during the reporting period.

- Felony Cases: 1
- Misdemeanor Cases: 20
- Violation Cases: 19
- Information Cases: 6
- Voided Case: 1

Officers made 18 custodial arrests.

- Felony Arrests: 4
- Misdemeanor Arrests: 14

**Traffic enforcement** remained a priority throughout the month.

- Traffic Stops: 376
- Citations Issued: 49
  - Traffic/Violation Citations: 34
  - Criminal Citations: 0
  - Code Enforcement Citations: 0

### **Community Engagement**

Officers continued to maintain a visible presence throughout the community through proactive patrols, neighborhood contacts, business checks, and traffic enforcement. These efforts help deter criminal activity, improve traffic safety, and strengthen relationships with residents and local businesses.

### **Significant Incidents**

No major incidents requiring extended public notification occurred during the reporting period. Officers continued to investigate criminal activity, respond to emergencies, and work collaboratively with regional law enforcement partners when needed.

### **Training and Administrative Activities**

Department personnel continued required training, policy review, and administrative responsibilities while maintaining full patrol operations and emergency response capabilities.

### **Closing**

The Boardman Police Department remains committed to providing professional, responsive, and community-focused law enforcement services. Through proactive policing, partnerships with the community, and dedicated service, the department continues its mission of protecting the residents and visitors of Boardman.

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## **PUBLIC WORKS DEPARTMENT**

### **General Operations**

Overall, Public Works completed daily locates, utility checks, work orders, rounds, and regular system monitoring to keep City operations running smoothly. Staff also continued coordinating with contractors on NE Front Street, Columbia View, and North Main Street lighting. During the month, one Public Works employee left for a new opportunity, and the City hired a replacement for that position.

Public Works staff continued CIS training, water and wastewater treatment training, and training on the new i-pearl meters and auto-read system. One employee also obtained a Wastewater Collection 2 Certificate.

### **Water/Wastewater**

In June, the Water Department replaced multiple bad meters throughout the City, completed water system tie-ins on NE Boardman Avenue to Olsen Road, supported the City Park splash pad tie-in, addressed water pressure concerns on Mt. Adams and Blalock Court, and completed repairs to the Collector 1 line.

Wastewater and collections work included continued lift station washdowns, preparation for the new lagoon headworks, assistance with irrigation system automation at the Circle 52 pivot, continued lagoon irrigation, and installation of five new stormwater wet wells at Anderson, Locust, Juniper, Eagle Court, and Old Main Street.

### **Streets, Parks, Facilities & Equipment**

Crews continued work on NE Front Street improvements, North Main Street lighting and irrigation, sidewalk installation on Mt. Hood, brush hogging City properties, and regular park maintenance. Staff also continued mowing more than 20 acres of grass each week, began using the newly delivered mower, completed paving on NE Boardman Avenue, NE 3rd Street, and NE 4th Street connections, and installed five new cameras at City Hall.

Fleet staff maintained and serviced equipment, including five police vehicles and three Public Works vehicles. Staff also prepared the vacuum truck, street sweeper, and Genie lift for the July 4th parade.

### **Animal Control**

Animal Control responded to multiple dog calls and transports, coordinated weed spraying at the lagoons, and worked with residents regarding the new sidewalks on Mt. Hood.

**Betterment of our Community – City Manager Outreach**

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. LOC Executive Director                        | K. Fire District Board        |
| B. Low-Cost Rabies Clinic                        | L. Boardman Chamber Board     |
| C. Boardman Housing Committee                    | M. Sam Boardman Safety Day    |
| D. Regional Solutions Coordinator                | N. BMCC Graduation            |
| E. Regional Leadership                           | O. BCDA Economic Development  |
| F. Department of Land Conservation & Development | P. Boardman Housing Committee |
| G. Moderate-Income Revolving Loan                | Q. Rec District Board         |
| H. Columbia View Development                     | R. Civic Center Review        |
| I. First Aid/CPR                                 | S. Senior Center Presentation |
| J. Clean Water Consortium                        | T. PAC Appreciation Dinner    |
|  | U. Health District Board      |
|  | V.                            |

## CAPITAL IMPROVEMENT PROJECTS 2025-26

<b>General</b>	<b>Status</b>	<b>Timeline</b>	<b>Cost Estimate</b>
BPA Greenspace	Completed	Fall 2025	\$390,000
Splash Pad	In Progress	Current	\$700,000
 <b>Planning</b>			
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	-----
 <b>Streets/Sidewalk</b>			
S Main Project	Completed	May-26	\$5,400,000
Annual Street Improvements	Bid Process	Current	\$2,000,000
Storm Water Flow	In Progress	Current	\$300,000
 <b>Water/Wastewater</b>			
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

2025 - 2026	25-Jun	25-Jul	25-Aug	25-Sep	Oct-25	Nov-25	Dec-25	Jan-26	Feb-26	Mar-26	Apr-26	May-26	Jun-26	Jul-26
<b>Total Permits Sold</b>	38	89	54	59	47	41	65	52	117	82	46	68	71	804
<b>Boardman</b>														
Permits Sold	3	14	21	8	12	23	18	8	53	18	10	23	14	225
Manufactured Placement Permit	0	0	16	6	12	0	16	0	6	0	0	0	0	56
New Home Construction	1	2	0	0	0	3	0	1	0	3	1	5	1	17
Multi Family Units	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Morrow County (Excludes 97818)</b>														
Permits Sold	5	11	7	16	5	12	16	6	6	10	10	12	6	122
Manufactured Placement Permit	0	0	1	0	0	1	0	0	0	0	0	2	0	4
New Home Construction	0	0	0	3	1	0	0	0	0	1	0	0	0	5
Multi - Family (units)	0	0	0	0	2	0	0	0	0	0	0	0	0	2
<b>Morrow County - 97818</b>														
Permits Sold	4	39	12	22	18	1	22	28	45	39	11	8	39	288
Manufactured Placement Permit	0	0	0	0	0	0	0	0	0	0	0	0	0	0
New Home Construction	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>Irrigon</b>														
Permits Sold	5	13	4	8	7	3	4	5	5	8	5	7	3	77
Manufactured Placement Permit	0	0	0	0	1	0	0	0	0	0	0	0	0	1
New Home Construction	1	2	0	0	2	0	4	0	0	6	1	1	0	17
Multi - Family (units)	2	0	0	0	0	0	0	0	0	0	0	0	0	2
<b>State Electrical</b>														
Permits Sold	2	4	1	1	1	1	2	1	2	1	2	4	3	25
<b>Gilliam County</b>														
Permits Sold	19	8	9	4	4	1	3	4	6	6	8	14	6	92
Manufactured Placement Permit	0	0	2	0	0	0	0	0	0	0	0	0	0	2
New Home Construction	0	0	0	0	1	1	0	0	0	1	0	0	0	3
Multi - Family (units)	0	0	0	0	0	0	0	0	0	0	0	0	0	0

Section 13, Item A.

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



**BOARDMAN POLICE DEPARTMENT**

Section 13, Item A.

**PATROL STATISTICS**  
**REPORTING PERIOD: 05/23/2026 - 06/22/2026**

06/25/2026

<b>Statistic</b>	<b>Count</b>
Total Incidents	695
Calls for Service	226
Officer Initiated Incidents	469
Traffic Stops	376
Other OIA Incidents	93
Bus/Building checks	2
Veh/Ped Check	73
Total Officer Cases	48
Agency Assist	0
Cis Conversion	0
Crash	1
Felony	6
Information Case	20
Misdemeanor	19
Search and Rescue	0
Violation	1
Voided	1
Unclassified Cases	0
Total Misdemeanor & Felony Arrests	18
Misdemeanor Arrests	14
Adult	14
Juvenile	0
Felony Arrests	4
Adult	4
Juvenile	0
Citations	49
Moving	13
Violation	34
Void	2
FIs	0



**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	472	445	695							
Calls for Service	186	145	158	192	229	226							
Officer Initiated Incidents	118	201	179	280	216	469							
Traffic stops	75	137	131	182	144	376							
Other OIA Incidents	43	64	48	98	72	93							
Bus/Building Checks	2	1	2	5	22	2							
Veh/Ped check	32	35	35	68	48	73							
Total Officer Reports	33	36	43	36	52	48							
CIS Conversion	0	0	0	0	0	0							
Crash	1	1	2	1	0	0							
Felony	4	3	3	0	2	1							
Information Case	8	12	10	18	23	6							
Misdemeanor	15	14	14	9	18	20							
Violation	0	3	5	2	2	19							
Voided	0	0	1	0	0	1							
Unclassified Reports	5	2	6	6	6	0							
Total Misdemeanor & Felony Arrest	13	11	12	8	15	18							
Misdemeanor Arrests	10	11	10	8	15	14							
Felony Arrests	3	0	2	0	0	4							
Total Citations	21	20	17	24	19	49							
Code	0	0	0	0	0	0							
Criminal	0	0	0	1	0	0							
Violation	21	20	16	21	19	34							
Unclassified	0	0	1	0	0	0							
FI's	1	0	1	0	0	0							

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,.

Title 6 ANIMAL CONTROL

**Title 6 ANIMAL CONTROL<sup>1</sup>**

**Chapter 6.04 ANIMAL CONTROL<sup>2</sup>**

**6.04.010 Purpose.**

The purpose of this title is to establish regulations for the keeping of animals within the city of Boardman including standards and enforcement authority. Specific animals addressed within this title are dogs and chickens. (Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

**6.04.020 Definitions.**

As used in this chapter, except where the context indicates otherwise:

"Aggressive dog" means any dog that has been found to have engaged in any of the behaviors specified in BMC 6.04.080(A)(1).

"Animal shelter" means facility designated or recognized by the city of Boardman for the purpose of impounding and caring for animals.

"At-large" means that a dog is off or outside of the premises from which the keeper of the dog may lawfully exclude others, or is not in the company of and under the control of its keeper.

"Chicken" means the common domestic fowl or its young.

"Chicken run" means an outdoor enclosed or fenced area where chickens feed or exercise.

"City" means the city of Boardman, Oregon.

"Coop" means a cage or roofed enclosure in which chickens are kept.

"Council" means the governing body of the city.

"Dangerous animal" means any animal, other than a dog, that constitutes a physical threat to human beings or domestic animals.

"Dangerous dog" means any dog that has been found to have engaged in any of the behaviors specified in BMC 6.04.080(A)(2).

<sup>1</sup>Editor's note(s)—Ord. No. 2-2024, § 1(Exh. A), adopted Feb. 6, 2024, amended Tit. 6 in its entirety, in effect repealing and reenacting said Tit. 6 to read as set out herein. The former Tit. 6, §§ 6.04.010—6.04.110, 6.08.010—6.08.090, pertained to Animals and derived from Ord. 141 §§ 1—11, adopted 1985; Ord. 1-2005 §§ 1, 2 (part), adopted 2004; Ord. 2-2007 § 3 (part), adopted 2007.

<sup>2</sup>Editor's note(s)—Ord. No. 6-2025, § 1(Exh. A), adopted Aug. 5, 2025, amended Ch. 6.04 in its entirety, in effect repealing and reenacting said Ch. 6.04 to read as set out herein. The former Ch. 6.04, §§ 6.04.010—6.04.110, pertained to similar subject matter and derived from Ord. No. 2-2024, § 1(Exh. A), adopted Feb. 6, 2024.

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"Dog run" means a secured structure not less than twelve (12) feet by five feet in size with a concrete floor, fencing surrounding and secured into the concrete and over the top of the enclosure, lockable gate and provisions for maintaining the animal in a humane manner.

"Euthanized" means put to death in a humane manner by a licensed veterinarian or certified euthanasia technician.

"Exotic animal" means any lion, tiger, leopard, cheetah, ocelot or any other cat not indigenous to Oregon, except the species *Felis catus* (domestic cat); any monkey, ape, gorilla or other nonhuman primate; any wolf or any canine not indigenous to Oregon, except the species *Canis familiaris* (domestic dog); any bear except the black bear (*Ursus americanus*); any venomous or poisonous reptile, any reptile of the order Crocodylia (crocodiles, alligators and caimans), or any snake of the family Pythonidae or Boinae capable of obtaining eight feet or more in length.

"Hen" means a female adult chicken.

"Kennel" means an establishment kept for the purpose of breeding, selling or boarding dogs or engaged in training dogs.

"Licensing authority" means the agency or department of the city of Boardman or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this chapter.

"Livestock" includes, but is not limited to, any horse, mule, burro, llama, cow, goat, sheep, swine, or poultry such as roosters, chickens, geese, turkeys, or other domestic fowl, regardless of age.

"Minimum care" means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

- A. Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.
- B. Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Access to snow or ice is not adequate access to potable water.
- C. For a domestic animal other than a dog engaged in herding or protecting livestock, access to adequate shelter.
- D. Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.
- E. Domestic animal shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animal to rest. The air temperature in a confinement area must be suitable for the animal involved. Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health.

"Neutered" or "Spayed" means rendered permanently incapable of reproduction.

"Officer" means any person employed by the city of Boardman as a Police Officer, Code Compliance Officer, or Animal Control Officer.

"Owner" or "keeper" means any person, firm, association or corporation that owns, possesses, controls or otherwise has charge of a dog.

"Pet" or "domestic animal" means an animal, other than livestock or equines, that is owned or possessed by a person, that lives and breeds in a tame condition and can be handled by an owner to the extent that minimum care is provided.

"Physical control device" means a sufficiently strong collar connected to a leash or tether made of chain links, or other material as strong, or fenced or enclosed in a structure so as to prevent the escape of an animal by breaking of the device.

"Physical injury" means impairment of physical condition or substantial pain.

"Possess" means to have physical possession or otherwise to exercise dominion or control over property. The act of providing food and water for feral animals is not sufficient grounds to claim possessory right.

"Public nuisance" means a dog is a public nuisance if it:

- A. Bites a person;
- B. Chases or menaces persons or chases vehicles on-premises other than premises occupied exclusively by the keeper of the dog;
- C. Damages or destroys property of persons other than the keeper of the dog;
- D. Scatters garbage on-premises other than premises occupied exclusively by the keeper of the dog;
- E. Trespasses on private property of persons other than the keeper of the dog;
- F. Disturbs any person by frequent or prolonged noises;
- G. Is a female in heat and running at large; or
- H. Injures or kills a domestic animal.

"Restraint" means a dog will be considered under "restraint" if it is within the real property limits of the keeper of the dog and is under control of a responsible person, or it is contained with a fence that maintains control of the animal. While off of the property of the keeper of the dog, the animal must be on a leash or lead under control of a responsible person or be contained within a portable kennel. If the dog has been determined, by the city, to be a dangerous or aggressive dog, consistent with the definitions of this chapter, restraint shall mean contained by means of city approved kennel or dog run, chained and muzzled, securely fenced and muzzled, inside of a secure structure, or leashed and muzzled when off the premises of the premises occupied by the keeper of the dog.

"Rooster" means a male adult chicken.

"Serious physical injury" means physical injury, which creates a substantial risk of death or that causes protracted disfigurement, protracted impairment of health or protracted loss or impairment of the function of a limb or bodily organ.

"Targeted grazing" means the application of goats [or sheep] to accomplish a defined vegetation or landscape goal.

"Targeted grazing area" means the area within a specific property on which targeted grazing occurs.

"Targeted grazing days per acre" means the number of goats [or sheep] applied to a specific property for targeted grazing multiplied by the number of days of targeted grazing on that property and divided by the size of the grazing area in that property in acres. For example, forty goats that graze a five-acre grazing area for ten days is eighty targeting days per acre.

"Tethering" means to restrain a domestic animal by tying the domestic animal to any object or structure by any means. Tethering does not include using a handheld leash for the purpose of walking a domestic animal.

"Wildlife" means any undomesticated wild mammal or reptile that is wild by nature.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

**Commented [EG1]:** Industry standard definition. I've included [or sheep] in brackets here and throughout because sheep are also used for targeted grazing. Feel free to omit or retain sheep.

**Commented [EG2]:** See sample language for explanation of this "grazing days per acre" measurement.

**6.04.030 Licensing and rabies vaccinations for dogs.**

- A. No person shall own, keep, or harbor any unvaccinated or unlicensed dog over six months of age within the city unless a licensed veterinary doctor provides written documentation stating reasons the doctor will not vaccinate the dog. In no instance will an unvaccinated or unlicensed dog over one year of age be allowed within the city. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter.
- B. All dogs shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization published by the National Association of State Public Health Veterinarians.
- C. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the compendium. Each keeper of a dog shall also receive a durable vaccination tag indicating the year in which it was issued.
- D. 1. Application for a license must be made within thirty (30) days after obtaining a dog over six months of age, except that this requirement will not apply to a nonresident keeping a vaccinated dog within the city of Boardman for no longer than sixty (60) days.  
2. Application for a dog license can be made to the city on the city of Boardman dog license application form online via Citizenseve, which includes the name, address, phone and other contact information of the keeper of the dog and the name, breed, color, age, sex and history of the dog. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.
- E. The standard licensing period shall be for two years. License renewal may be applied for within sixty (60) days prior to the expiration date. New residents must apply for a license within thirty (30) days of establishing residence.
- F. A dog determined, by the city or designee, to be a dangerous or aggressive dog as defined by Section 6.04.010 of the Boardman Municipal Code shall have a licensing period of six months. Proof of liability insurance or a bond in the amount of ten thousand dollars (\$10,000.00) covering the actions of the dog is required for the length of the licensing period. Failure to renew the license for a dangerous or aggressive dog will be a violation of this code and the keeper of the dog can be issued a citation with penalties which can include humane euthanizing of the dog.
- G. Upon acceptance of the license application and fee, the city shall issue a durable license tag including an identifying number. Both rabies and license tags must be attached to the collar of the dog. Tags must be worn at all times and are not transferable. The city shall maintain a record of all licenses issued.
- H. A license shall be issued after payment of a fee in an amount established by resolution of the city council. Persons who fail to obtain a license as required within the time period specified will be subjected to a delinquent fee.
- I. The city may revoke any license if the person holding the license refuses or fails to comply with this chapter, the regulations promulgated by the city or any other law governing the protection and keeping of animals.
- J. If any applicant is shown to have withheld or falsified any material information on the application, the city may refuse to issue or may revoke a license. The city will attempt to notify the respective license holder by certified mail within ten (10) working days after refusing to issue a license, or revoking any license previously issued.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

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**6.04.040 Standards for chickens in residential use zones.**

The keeping and raising of chickens shall be allowed on properties zoned Residential subject to the following conditions and limitations:

- A. Hens are allowed only in a fully fenced rear yard and shall be always confined within a coop, pen, or chicken run, except when under the direct personal supervision of an owner or custodian.
- B. Roosters are prohibited.
- C. A coop shall not exceed eighty (80) square feet in area and will not exceed eight feet in height. It shall be set back at least three feet from any building on the subject property and five feet from all neighboring property lines. It must have a secure roof to prevent the escape of the chickens and the intrusion of predators.
- D. Coops and runs, depending on the size, may be subject to development review through the planning department.
- E. Coops and runs shall be kept clean, free of vermin, and in good condition. Coops shall be kept dry. Chicken feed will be kept in waterproof containers and secured from pests. Noticeable odors will be found to be a nuisance.
- F. The maximum number of hens shall be six.
- G. The raising of chickens is for the personal use of the owner and the selling of eggs, poultry breeding, or fertilizer production is prohibited.
- H. Poultry may not be slaughtered on property except pursuant to the lawful order of state or county health officials, or for the purpose of euthanasia.
- I. The city will not be responsible for at large chickens.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

**6.04.050 Disease control.**

- A. No owner shall permit any animal or bird that is afflicted with a communicable disease to come in contact with another animal, bird, or human that is susceptible to the affliction.
- B. No owner shall permit the body of an animal to remain upon the public streets or private property for a period of time longer than is reasonably necessary to remove such carcass.
- C. Any owner or person having custody or control of an animal shall immediately remove excrement or other solid waste deposited by the animal on public or private property. Nothing in this chapter authorizes a trespass by an animal or its owner onto private property of another or the creation of an unsanitary condition on private property of another or on public property. Excrement shall be removed from primary enclosures and areas as often as necessary to prevent contamination, reduce disease hazards and minimize odors.
- D. No owner shall cause or allow any place or location where an animal is or may be kept, to become unclean or unwholesome. Storage of food supplies and bedding materials shall be designed to prevent vermin infestation.
- E. An animal that is placed under quarantine by the city shall be kept separated from any other animals or people other than the owner's family or pets for a period of not less than ten (10) days.

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(Supp. No. 15)

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- F. Whenever any animal bites a person, the owner of said animal shall immediately notify animal control. Animal control shall order the animal held on the owner's premises or shall have it impounded for a period of not less than ten (10) days if it has been determined that there is no proof of proper rabies inoculation which is current.
  - G. No person shall own, keep, or harbor any dog over six months of age unless the dog is vaccinated for rabies.
- (Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

**6.04.060 Owner responsibility.**

- A. All dogs shall be kept under restraint as defined in this chapter.
- B. Every dog determined by the city to be a dangerous or aggressive dog shall be confined by the keeper of the dog, within a secure building, secure kennel or dog run. Whenever off the premises, the dog shall be securely muzzled and leashed or muzzled and caged.
- C. No dog shall be allowed to cause a public nuisance. The keeper of every dog shall be held responsible for every behavior of such dog under the provisions of this chapter.
- D. Any person responsible for any dog, shall remove excrement deposited by the dog:
  - 1. In any public area not specifically designated to receive those wastes, including, but not limited to, streets, sidewalks, parking strips, city parks, trails or pathways paralleling swales, ditches, culverts or other similar facilities operated by the city; or
  - 2. On any private property, other than property owned by or controlled by the owner or keeper of the dog, without prior permission by any other property owner where said excrement is deposited by the dog.
- E. A person commits the offense of unlawful tethering if the person tethers a domestic animal in the person's custody or control:
  - 1. With a tether that is not reasonable length given the size of the domestic animal and available space that allows the domestic animal to become entangled in a manner that risks the health or safety of the domestic animal;
  - 2. With a collar that pinches or chokes the domestic animal when pulled;
  - 3. For more than ten (10) hours in a twenty-four (24) hour period; or
  - 4. For more than fifteen (15) hours in a twenty-four (24) hour period if the tether is attached to a running line, pulley or trolley system.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

**6.04.070 Animal restrictions and prohibitions.**

- A. Exotic Animals. No person shall possess, maintain, or keep any exotic animal in the city limits.
- B. Livestock. No person shall possess, maintain, or keep any livestock in the city limits except for those outlined within this title.
- C. Wildlife. No person shall possess, maintain, or keep any wildlife in the city limits.
- D. Dangerous Animals. No person shall possess, maintain, or keep any dangerous animals inside city limits.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

(Supp. No. 15)

**6.04.080 Dangerous or aggressive dog.**

- A. Classification of Levels of Dangerousness of Dogs.
  - 1. A dog shall be classified as aggressive if it bites, causes physical injury, or otherwise threatens or endangers the safety of any person or domestic animal while:
    - a. It is at-large;
    - b. It is off the property of the owner and on a physical control device;
    - c. It is on the property of the owner but not restrained or contained in a manner that would reasonably prevent incidental contact by any person; or
    - d. It is in or on a motor vehicle and not restrained or otherwise physically prevented from reaching any area outside the perimeter of the vehicle.
  - 2. A dog shall be classified as dangerous if:
    - a. It causes the serious physical injury or death of any person;
    - b. While at-large or off the property of the owner it kills any domestic animal; or
    - c. Causes physical injury to any person after the owner has received notice of the aggressive dog classification because of causing physical injury to a person.
  - 3. A dog shall not be classified as dangerous or aggressive, even if the dog has engaged in these behaviors, upon a determination that the behavior was caused by abuse or torment of the dog, or criminal activity on the part of any victim.
  - 4. No dog shall be found to be dangerous or aggressive if it is a dog trained for law enforcement purposes and is on duty under the control of an officer.
- B. Identification of Dangerous or Aggressive Dogs—Appeals—Restrictions Pending Appeal.
  - 1. An officer shall determine whether any dog has engaged in the behaviors specified in subsection A of this section. The determination shall be based upon an investigation that includes observation of the dog's behavior by an officer, or by other witnesses who personally observed the behavior. Observations must be in writing attesting to the observed behavior.
  - 2. The officer shall give the dog's owner written notice by certified mail or personal service that includes;
    - a. The dog's specific behavior;
    - b. The dog's classification as a dangerous or aggressive dog; and
    - c. Additional restrictions applicable because of the dog's classification.
    - d. The owner may appeal the officer's decision to the city clerk by filing within ten (10) days of the date the notice was mailed or the owner was personally served, a written request for a hearing with the city council.
- C. Regulation of Aggressive Dogs. In addition to complying with all other requirements of this section, the owner of an aggressive dog shall comply with the following by:
  - 1. Restraining the dog to prevent it from interfering with the public's legal access to the owner's property or from reaching any public sidewalk or road or adjoining property;
  - 2. Notifying the city where the dog is kept and renotify within ten (10) days of any change; and

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- 3. Posting warning signs in a conspicuous place visible from the public sidewalk, the road adjoining the property, or the boundary line of the property where access is provided to the property.
  - 4. The requirements of this section shall apply to any person who is transferred ownership or who keeps an aggressive dog within city limits.
  - D. Euthanasia for Dangerous Dogs. Any dangerous dog causing serious physical injury to a person shall be euthanized. The court may order that any dangerous dog be euthanized in addition to penalties for separate chapter violations.
  - E. Dog Owner Regulations. It is unlawful for any person to:
    - 1. Be an owner of a dangerous dog;
    - 2. Fail to comply with the requirements applicable to aggressive dogs.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

**6.04.090 Declassification of aggressive dogs.**

- A. An owner or keeper of an aggressive dog may file a petition with the city clerk requesting an order declassifying a dog as aggressive if the following conditions have been met:
  - 1. The dog has been classified for one year without further incident; and
  - 2. There have been no violations of the animal control regulations; and
  - 3. All other conditions ordered at the time of classification have been met.
- B. The city clerk shall forward such petition to an officer who may condition declassification on the following provisions:
  - 1. The owner or keeper provides the officer with written certification of satisfactory completion of obedience training for the dog classified;
  - 2. The officer may require the dog owner or keeper to provide written verification that the classified dog has been spayed or neutered.
- C. If the request is denied. The owner may appeal the officer's decision to the city clerk, by filing within ten (10) days of the date the notice was mailed or the owner was personally served, a written request for a hearing with the city council.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

**6.04.100 Impoundment.**

- A. A dog found running at large may be impounded by the city, and restrained in the city's designated animal shelter. Within a reasonable time following the impounding of a dog, the city shall make every reasonable effort to notify the keeper of the dog and inform the keeper of the dog of the conditions for release of the animal. Any animal not claimed by the keeper of the dog within a period of five full days in which the shelter is open to the public shall become the property of the city.
- B. In the event that the city finds dogs to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the expense of the keeper of the dog or to euthanize them, at the expense of the keeper of the dog, when necessary to prevent further suffering. Return to the keeper of the dog may be withheld until the keeper of the dog shall have made full payment for all expenses so incurred.

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- C. In the event the city determines a dog to be a dangerous or aggressive dog as defined in this chapter, the city may impound the dog from the premises of the keeper of the dog to prevent further attacks on domestic animals or humans.
- D. Disposal of an animal by any method specified herein does not relieve the keeper of the dog of liability for violations and any accrued charges.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

**6.04.110 Redemption.**

- A. Any animal impounded may be redeemed by the keeper of the dog thereof within five days of impounding upon payment of an impoundment fee.
- B. Any animal confined for rabies quarantine, evidence, dangerous or aggressive dog as defined in this chapter, or other purpose may be redeemed by the keeper of the dog, after release is authorized by the investigating officer, upon payment of an impoundment fee, which may include all associated costs at the impoundment or veterinary facility.
- C. No animal required to be licensed or vaccinated under this chapter may be redeemed until the animal has been vaccinated and the appropriate license has been issued by the city.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

**6.04.120 Interference.**

- A. A person commits the crime of interfering with an officer if the person, knowing that another person is an officer as defined in this chapter.
  - 1. Intentionally acts in a manner that prevents, or attempts to prevent, the officer from performing the lawful duties of the officer with regards to another person; or
  - 2. Refuses to obey a lawful order by the officer.

Interfering with an officer shall be punishable as a Class A misdemeanor as defined by Oregon Revised Statutes.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

**6.04.130 Targeted Grazing**

Notwithstanding Section 6.04.070(B), goats [or sheep] may be present on [zoning restriction] properties within the City for the purpose of targeted grazing, subject to the following restrictions:

- A. The property is at least [SIZE].
- B. The duration of a targeted grazing period is for no more than 400 consecutive grazing days per acre of grazing area.
- C. There are no more than [two] targeted grazing periods per property per calendar year.
- D. There are at least thirty consecutive calendar days of no targeted grazing between targeted grazing periods.
- E. During targeted grazing, goats [or sheep] must be contained in the grazing area through fencing. [Electric fencing may not be used.]

**Commented [EG3]:** This sample language passively regulates the presence of goats/sheep on properties for the purposes of targeted grazing. It does not create a permit system that would require a person to go apply for a permit to conduct targeted grazing. From my research, I've seen some cities use this passive regulation and others use a permit system. Still others impose a special business license requirement on targeted grazing businesses. There are pros/cons to all of these methods: A method that requires a business license or permit allows more hands-on regulation and enforcement, but is more administratively burdensome. This passive regulation method is less hands-on (enforcement would likely be complaint-driven) but is less administratively burdensome.

**Commented [EG4]:** Can allow targeted grazing only on properties within specific zones.

**Commented [EG5]:** Can require properties to be a certain size in order to be eligible to use targeted grazing. This could be useful to reduce harmful effects on neighboring properties. Note that this would limit the property size, not the size of the grazing area within the property.

**Commented [EG6]:** Industry recommends using "grazing days per acre" to regulate the amount of time spent targeted grazing rather setting a discrete period of time (for example, 21 days no matter what). This is because the negative impacts that grazing has on land are caused more by the amount of time that the animals graze the land rather than the sheer number of animals on the land. Using "grazing days per acre" allows a higher number of animals and then reduces the total amount of time commensurately.

**Commented [EG7]:** Industry recommends at least two targeted grazing periods per year in order to best kill targeted vegetation.

**Commented [EG8]:** This would give neighboring properties a break between targeted grazing periods.

**Commented [EG9]:** Your code generally prohibits electric fencing along a street, sidewalk, or adjoining property line. But that language would not prohibit electric fencing used to contain grazing animals within a grazing area on a property if the grazing area was not along a street, sidewalk, or adjoining property line. If the City wants to prohibit electric fencing used for grazing areas no matter what, would need this specific language here.

F. During targeted grazing, signs must be posted on the property lines of all sides of the property subject to targeted grazing that are adjacent to public property or a public right-of-way. The signs must be legible from the adjacent public property or public right-of-way. The signs must contain the following information:

1. A statement that the property is conducting targeted grazing pursuant to [code reference].
2. A statement that worrying, molesting, harassing, or otherwise interacting with the goats [or sheep] is prohibited.
3. [If electric fencing is used to contain goats [or sheep], a warning that the fence is electrified and must not be touched].
4. The name and contact information of the vendor providing the goats [or sheep] for targeted fencing or of the owner of the goats [or sheep].

G. Only female or castrated male goats [or sheep] may be used for targeted grazing.

H. Sufficient water must be available to goats [or sheep] during targeted grazing.

**6.04.1430 Penalties.**

Any person violating any of the provisions of this chapter is liable for a citation for a Class B violation consistent with Boardman Municipal Code Chapter 1.16.

(Ord. No. 6-2025, § 1(Exh. A), 8-5-2025)

# POLICY

Cancels:

Approved by: City Council

See Also:

## APPROVING OLCC LICENSE APPLICATION POLICY

This policy applies whenever the City receives an Oregon Liquor and Cannabis Commission (OLCC) application to complete the local government recommendation. This includes all new licenses and special event applications.

- 1. The City will process routine OLCC applications administratively.**
- 2. Boardman Police Department (BPD) shall review applications.**
  - a. Conduct background review and public safety assessment consistent with applicable laws.
  - b. Applicants will be provided notice and an opportunity to respond to unfavorable recommendations.
  - c. Complete and return recommendations within the OLCC timeline provided on the application.
- 3. Boardman Police Chief or designee is authorized to sign favorable recommendations.**
- 4. City Clerk will maintain records.**
  - a. Act as the Jurisdictional Contact.
  - b. Maintain a list of all active OLCC licenses.
- 5. City Council will review when legitimate denial criteria is met.**
  - a. Action recommending denial must include the facts and legal criteria supporting the decision.