



CITY COUNCIL

AGENDA

MONDAY, JUNE 26, 2023

Where Life is Sweet

COUNCIL CHAMBERS - 180 NE 2ND ST.

*Other ways of viewing or participating in live meetings are available through:
YouTube at: <https://bit.ly/HermistonYoutube>*

*Zoom with Meeting ID: 862 2614 4112 Passcode: 203345 Telephone number to join is: 1 253
215 8782; or submitting comments to meetings@hermiston.or.us*

1. CALL COUNCIL/CITY MANAGER WORK SESSION MEETING TO ORDER - 6:00 PM

A. Transient Room Tax & Airport

2. ADJOURN WORK SESSION MEETING

3. CALL REGULAR MEETING TO ORDER – 7:00 PM

4. DECLARATION OF QUORUM

5. FLAG SALUTE

6. CITIZEN INPUT ON NON-AGENDA ITEMS

Anyone wishing to bring anything before the council that is not on the agenda is asked to please do the following: 1. Please limit comments to not more than FIVE minutes; 2. State your name and address; 3. Direct your comments to the Chair.

7. CONSENT AGENDA

A. Committee Vacancy Announcements

B. Committee Re-Appointment Recommendation of Mark Gomolski for: Hispanic Advisory Committee Position #1- term ending 06/30/2026

C. Committee Appointment Recommendation of Albert Munoz for: Hispanic Advisory Committee Position #5- term ending 06/30/2025

D. Committee Re-Appointment Recommendation of Jennifer Roberts for: EOTEC Advisory Committee Position #4- term ending 06/30/2026

E. Committee Appointment Recommendation of Drexlyn Bailey for: EOTEC Advisory Committee Position #3- term ending 06/30/2026

- [F.](#) Minutes of the May 8th Public Safety Committee Meeting
- [G.](#) Minutes of the June 12th City Council and HURA Meeting
- [H.](#) Final Plat- Highland Meadows Phase 2 4N2814AA TL 102- 942 E Highland Ave
- [I.](#) Final Plat- View Wood Estates Phase 1 4N2814AD TL 902- 920 E View Drive

8. ITEMS REMOVED FROM CONSENT AGENDA

9. PUBLIC HEARINGS

- A.** Exemption from Public Contracting Competitive Bidding Requirement (Construction Manager/General Contractor) – Downtown Projects (See Resolution 2285)

10. ORDINANCES AND RESOLUTIONS

- [A.](#) Resolution No. 2281- Awarding a contract for the Highland Avenue Overlay Project.
- [B.](#) Resolution No. 2282 - A resolution supporting submission of a grant application to the State of Oregon TGM program for modernization of the Hermiston Transportation System Plan.
- [C.](#) Resolution No. 2283- Establishing “No Parking” on East Fourth Street from Main Street to the alleyways on both the North and South.
- [D.](#) Resolution No. 2284- Award Design Contract for Library, Harkenrider Center, City Hall Projects – Hacker Architects.
- [E.](#) Resolution No. 2285- Authorize Alternative Procurement Method (Construction Manager/General Contractor) – Downtown Projects (Public Hearing)

11. OTHER

- [A.](#) Authorizes a Lease/Option Agreement with Kayak Public Transit on “Lot 7” at the Airport for the purposes of facilitating construction of a Bus Barn.
- [B.](#) Renew a Transportation Services Agreement with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) for the Hermiston HART Bus Route.
- [C.](#) May 2023 Financial Report

12. COMMITTEE REPORTS

- A.** City Committee and Liaison:

Airport Advisory, Budget, Hispanic Advisory, Library Board, Parks and Recreation, Planning Commission, Recreation Projects Fund, Faith-Based Advisory, Community Accountability, Public Safety, Public Infrastructure, Transit Planning, EOTEC, Stepping Stones Alliance (not a City Committee)

- B.** Mayor's Report

- C.** Council Report

D. Youth Advisory Report

E. Manager's Report

13. ADJOURN

**** AMERICANS WITH DISABILITIES ACT NOTICE****

Please contact Hermiston City Hall, 180 NE 2nd Street, Hermiston, OR 97838 (Phone No. 541-567-5521) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTY and TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900 or 711.



PUBLIC ANNOUNCEMENT

The City is accepting applications for the following Committees:

1) Planning Commission

- Position 5: 3-year term ending March, 31, 2026 (Vacant as of 06/15/2023)

2) Faith-Based Advisory Committee

- Position 5: 3-year term ending December 31, 2025 (Advertised as of 11/02/2022)

3) Hispanic Advisory Committee

- Position 2: 3-year term ending June 30, 2026 (Advertised as of 04/11/2023)

4) Library Board

- Position 5: 4-year term ending June 30, 2027 (Advertised as of 04/11/2023)

Deadline to apply for all Committees: Open Until Filled

Interested persons are asked to submit an application to City Hall, 180 NE 2nd Street, Hermiston, or at lalarcon-strong@hermiston.or.us . Application forms are available at City Hall or on the City’s website at <https://hermiston.or.us/volunteer> . If you have questions, please call Lilly Alarcon-Strong at 541-567-5521.

Proposed appointment and confirmation of these positions are made by the City Council. All appointments to city boards and commissions shall be made in accordance with the ordinances and city charter. Appointees shall not be full-time employees of the city, shall not be elected officials of the city, shall not be appointed to more than two boards or commissions at a time, and shall not sell to the city or its boards and commissions over which the council has appointive powers and budget control either directly as a prime contractor or supplier, or indirectly as a first-tier subcontractor or supplier. Sales shall be construed to mean sales, services or fees aggregating \$7,500 or more in any one calendar year. Preference for appointees shall be given to city residents.

May 8, 2023

Councilor Primmer called the meeting to order at 6:15pm. Councilors Hardin (arrived at 6:16pm) and Linton were present. Staff in attendance was: City Manager Byron Smith, Chief Edmiston, Captains Travis Eynon and Scott Clark, Communications Manager Amanda Hartsteen, Sergeants Martin and Maess, Corporals Sandoval, Vega, Miers, and Flatau, Officers Carlson and Jackson, Chaplain Terry Cummings, Lieutenant Guerrero, and City Recorder Lilly Alarcon-Strong.

Police Department

- **Introductions and Personnel Updates**

Hermiston's Police Department (HPD) Chief Edmiston, introduced members of HPD who were in the audience, and gave personnel updates to including the PD will be down 3 positions starting next week including an officer who has been out on injury since December of 2020. In March a conditional offer of employment was accepted with an entry-level officer, however, she will not start at the academy until mid-August.

After nearly 22 years in full-time public service, Sergeant Bill Osborne has made the decision to get out of law enforcement and go to work for a large company in the area. In just the last 2 years, 4 officers have made the decision to get out of public safety and pursue other ventures. That equates to a loss of 71 years of service. In the next 2-3 years, we have 9 officers who will be eligible to retire. That equates to a potential loss of 246 years of service.

- **1st Quarter Team Recognitions**

Chief Edmiston stated Sergeant Chris Martin's team is being recognized this quarter. Attached is his submission showing his team was involved in several incidents that shows the professionalism on display at the Hermiston Police Department.

- **1st Quarter Activity Report**

Chief Edmiston reviewed the 1st quarter activity report (attached) and emphasizes that the department has been busy total crime being up 14% from last year, with felony arrests up a staggering 52%. It is encouraging that violent person crimes are down 17% from last year. But property crimes are up 17%. Larceny is up 12% from last year and up 56% from the 10-year average. Chief Edmiston stated he believes this is due to the continual decriminalization of certain crimes by the Oregon legislature as he stated in a November 2020 guest column, this will and is adversely impacting the livability of our citizens.

Operations

Chief Edmiston stated Captain Clark's summation is spot-on and is concerning. While the City needs to grow the department with the growing community and growing crime, he is more concerned with being able to retain the people HPD has. In his 26 years in law enforcement, he has never seen the competition that is taking place to just retain personnel.

Administration

Chief Edmiston stated Captain Eynon's summation shows a positive note that "One key difference between patrol staffing and administrative staffing this quarter is the Administrative Services division has been fully staffed and all assignments filled for the entire first quarter."

May 8, 2023

But later, he says “Our entire detective section has been as busy as ever.” We know this to be true with kudos we have received from other agencies for providing assistance and from the Umatilla County District Attorney Dan Primus for the upwards of 70 hours of overtime we dedicated to a recent homicide trial and conviction.

Records

Chief Edmiston stated Public Records Requests are up a staggering 158%. What is not captured statistically is the fact that our Communications Manager Amanda Hartsteen is 1 of 4 “super-users” for the bi-county Computer Aided Dispatch and Records Management System; meaning, many other agencies reach out to her first with their questions. I know the amount of time she spends in this capacity is alarming, so I have therefore encouraged Amanda, through Captain Eynon, to start decreasing the hours she works in this capacity. Amanda is also a non-exempt employee who does not turn in overtime slips. So the concern for her is not just be cognizant of the budget but about her burning out in this profession as well.

- **TIP411**

Lieutenant Guerrero presented information regarding TIP411 (attached) stating Hermiston is the third agency to use TIP411 in Oregon allowing users to give information to the PD completely anonymously. TIP411 also allows the user to upload photos and more and can sign up to receive group messages regarding crime and other topics regarding law enforcement.

Lieutenant Guerrero answered specific questions regarding TIP411 from the Council.

- **Past/Upcoming Events**

Chief Edmiston stated a Law Enforcement Proclamation will be read at tonight’s City Council Meeting.

- **Questions, Comments, Concerns**

Chief Edmiston answered questions from the Council regarding mutual aid and crime team agreements, crime statistics, legislative changes, and the increased number of transients.

Adjournment

There was no other business and the meeting was adjourned at 6:36pm.



HERMISTON POLICE DEPARTMENT

Section 7, Item F.



330 S. First Street
Hermiston, Oregon 97838
www.hermiston.or.us/police/home
Sine Metu Sine Gratia

Phone: 541-567-5519
Fax: 541-567-8469
Email: records@hermiston.or.us
Without Fear Without Favor

TO: Chief Jason Edmiston
FROM: Sergeant Chris Martin *cm*
DATE: April 6, 2023
SUBJECT: 1st Quarter Recognition

I am writing this memorandum respectfully requesting your consideration in recognizing my squad for the 1st quarter of 2023. Their hard work, solid decision making and dedication to the citizens of our community are not without merit. Not only have the members of this team led the department in arrests for the quarter, they were also involved in several incidents that demonstrated selflessness and teamwork.

Two members of this squad received the Life Saving Award after they entered the Umatilla river when ambient temperatures were near freezing to rescue a female subject that had fallen in and was unable to get out on her own. One of those same members received a positive OAR after he responded to a shooting well outside the city limits as there were no county deputies on duty. Without hesitation, he and other officers put themselves in harms way to secure the suspect and scene so that EMS could enter the residence and render aid to the victim.

On another incident, the members of this squad responded to what was reported as the sound of breaking glass at Scott's Cycle at 3:30 am. They were able to determine windows had been broken out (causing more than \$2000 in damage), the business had been entered and over \$600 worth of property had been stolen. After speaking with witnesses, the officers remembered seeing the described subjects earlier in the shift. They checked the area and located two male subjects with the stolen property seven blocks away. They obtained full confessions and arrested both of them.

Based on the above-mentioned performance, it is my humble opinion Squad B has earned quarterly recognition.

Thank you for your time and consideration in this matter.

RECEIVED 040623

HERMISTON POLICE DEPARTMENT



Mission Statement

Without fear or favor and in partnership with our diverse community, we will create and maintain a safe environment with the reduction of crime through problem-oriented and community-based policing strategies. The quality of life for those we serve takes precedent over our individual needs.

1st QUARTER ACTIVITY REPORT

2023

Hermiston Police Department 2014-2023 Patrol Stats - January through March

Incident Type	2014	2015	2016	2017	2018	2019	2020	2021	2022	Avg	Normal Range	2023	% Change Avg-'23	% Change '22-'23
Total Incidents	5406	6114	5832	4917	5820	5492	5421	5343	5356	5522	5347-5697	5447	-1%	2%
Calls for Service	3308	2310	2340	2218	2607	2594	2605	2358	2685	2558	2448-2669	2784	9%	4%
Officer Initiated Activity	2098	3804	3492	2699	3213	2898	2816	2985	2671	2964	2783-3145	2663	-10%	0%
Traffic Stops	957	1865	1680	1119	1267	1480	1606	1166	1425	1396	1240-1552	1145	-18%	-20%
Case Investigations	594	788	776	678	818	774	639	551	699	702	607-797	841	20%	20%
Total Arrests	270	370	407	310	326	326	237	201	258	301	251-350	310	3%	20%
Misdemeanor Arrests	194	291	311	237	226	243	147	139	212	222	180-265	240	8%	13%
Felony Arrests	76	79	96	73	100	83	90	62	46	78	59-98	70	-10%	52%
Total Citations	1268	1706	1494	1370	1593	1804	1477	885	1266	1429	1116-1742	1338	-6%	6%

POPULATION	17240	17345	17520	17730	17985	18200	18775	19354	19696
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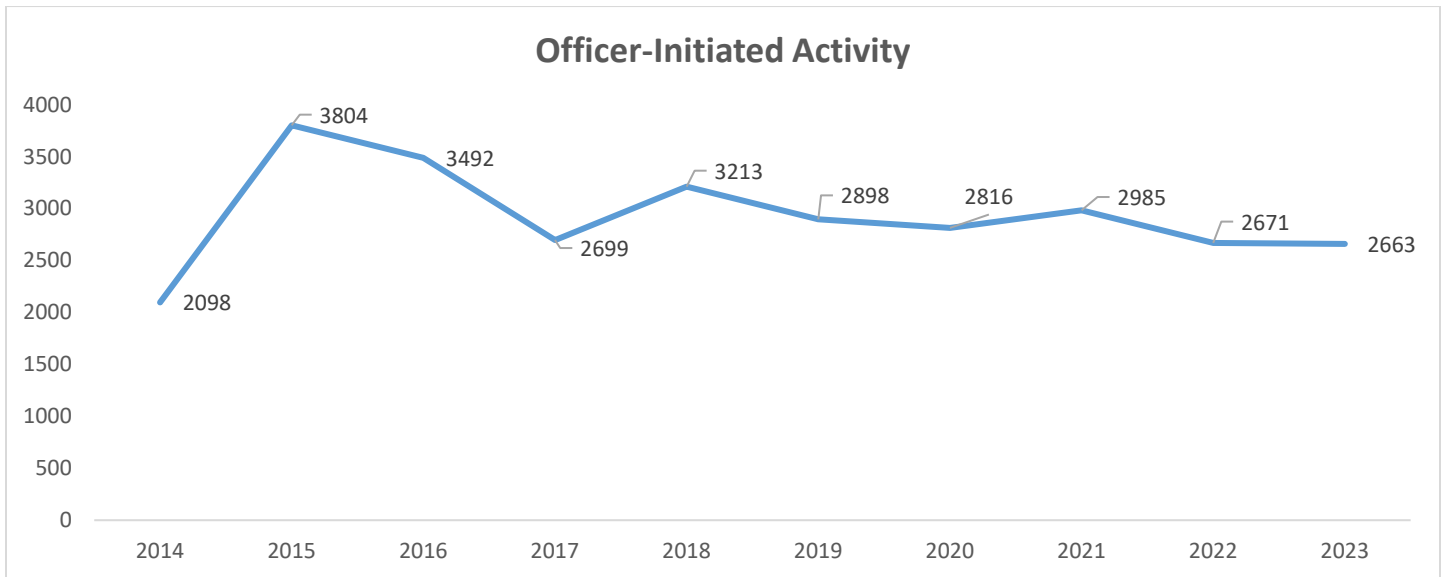
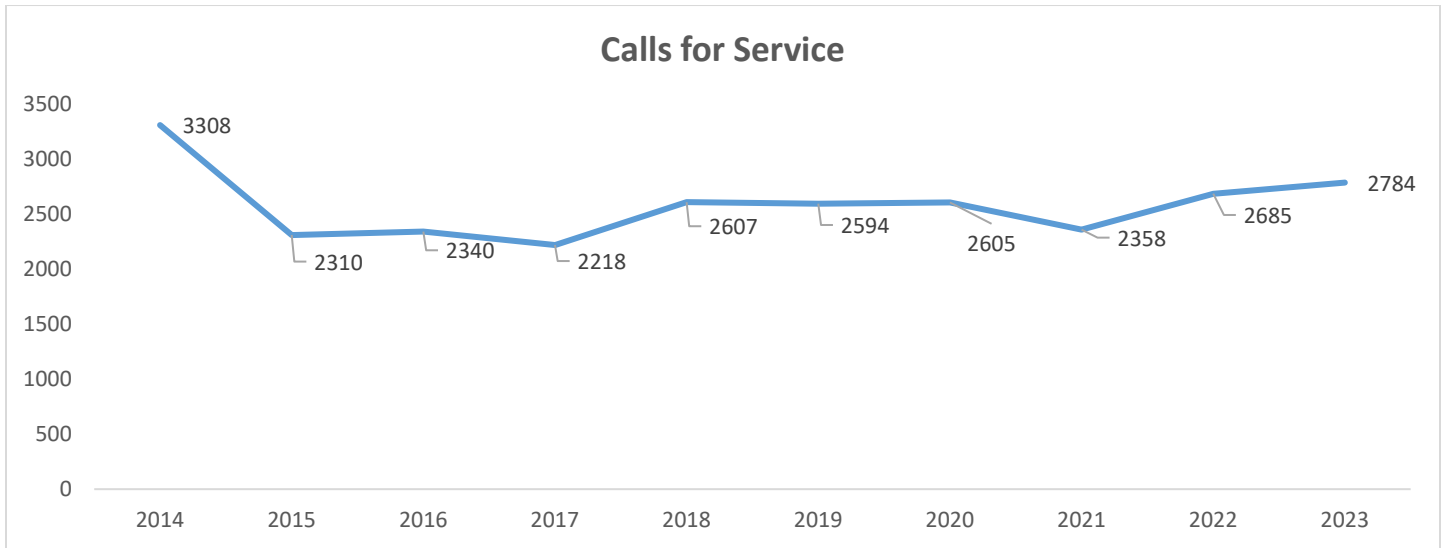
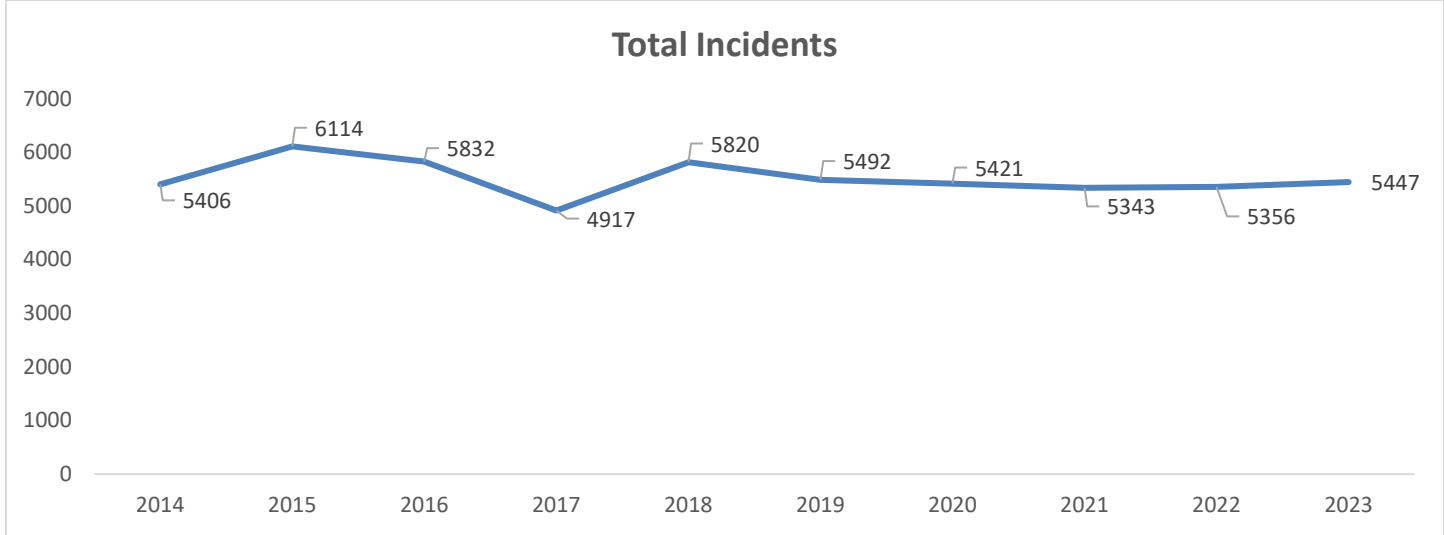
19973

Incident Type	2014	2015	2016	2017	2018	2019	2020	2021	2022	Avg	Normal Range	2023	% Change Avg-'23	% Change '22-'23
Homicide	0	1	0	0	0	0	0	1	0	0	0-1	1	100%	100%
Rape	0	1	0	1	2	2	1	1	3	1	0-2	0	100%	100%
Robbery	3	0	0	1	4	1	4	3	2	2	1-3	3	50%	50%
Aggravated Assault	0	1	4	7	11	6	4	2	7	5	2-8	6	20%	-14%
Burglary	16	9	10	12	26	14	20	18	11	15	10-20	15	0%	36%
Larceny	103	100	116	70	94	104	86	69	137	98	75-120	153	56%	12%
Auto Theft	2	12	7	11	11	10	7	9	14	9	7-12	18	100%	29%
Arson	2	1	0	1	0	0	3	0	0	1	0-2	3	200%	300%
TOTAL	126	125	140	103	148	137	125	103	174	131	108-155	199	52%	14%
TOTAL VIOLENT	3	3	7	9	17	9	9	7	12	8	5-12	10	25%	-17%
TOTAL PROPERTY	123	122	133	94	131	128	116	96	162	123	101-144	189	54%	17%

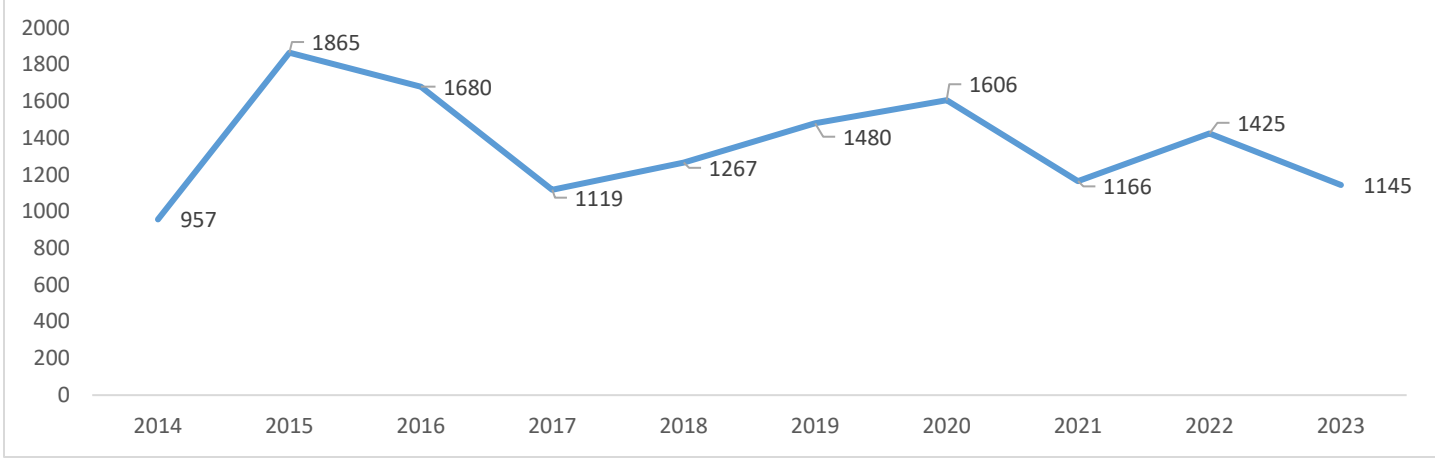
POPULATION	17240	17345	17520	17730	17985	18200	18775	19354	19696
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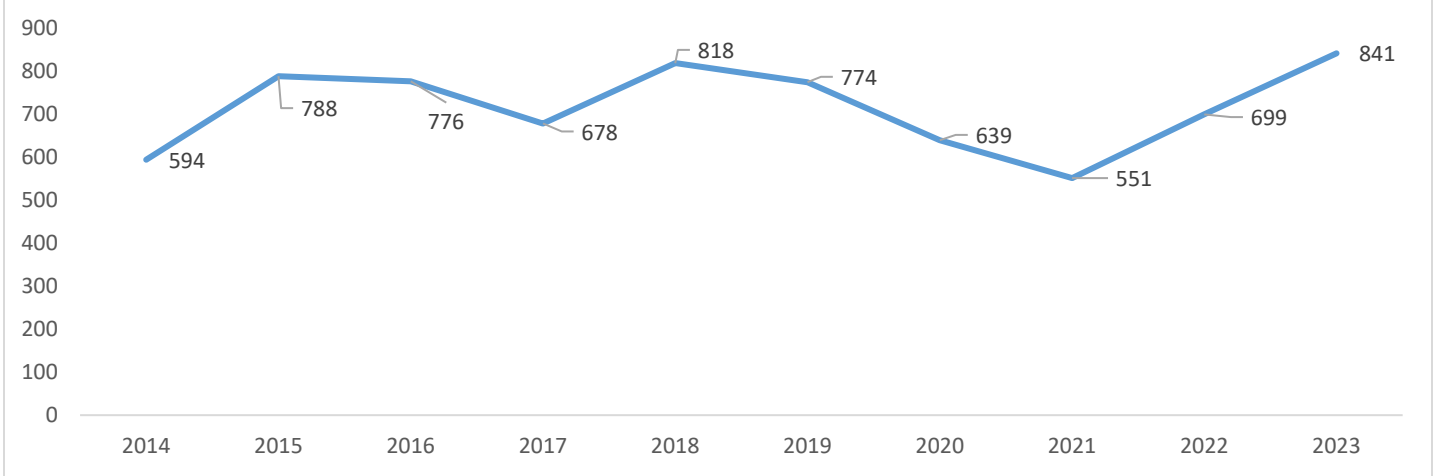
Hermiston Police Department 2014-2023 Crime Stats
January through March 10-year Trends



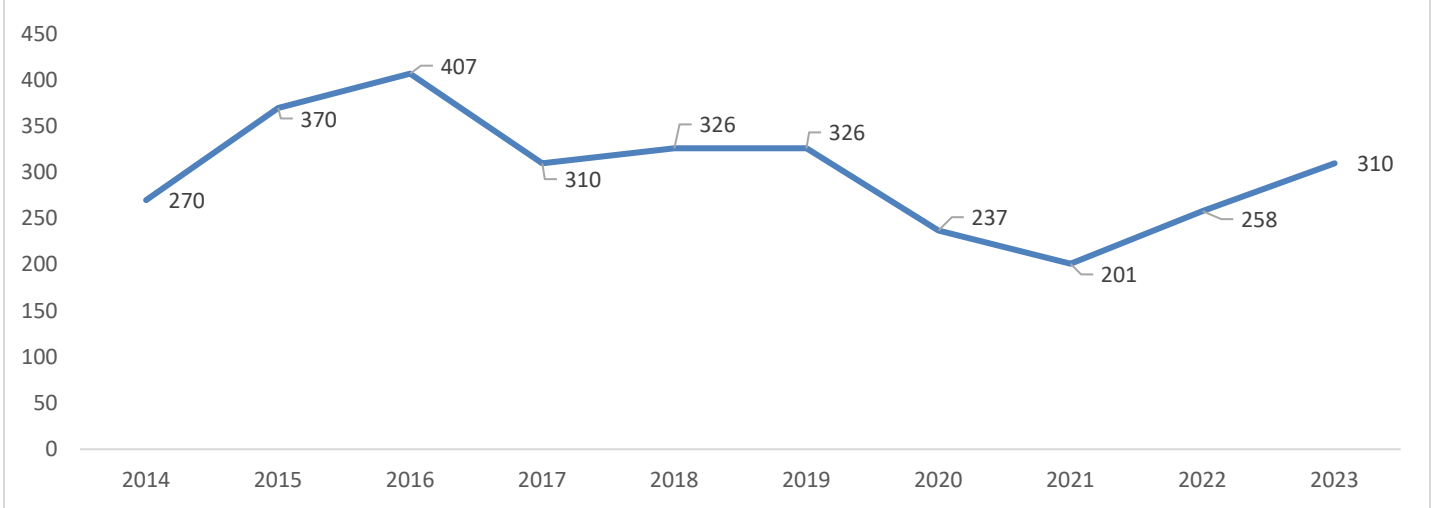
Traffic Stops

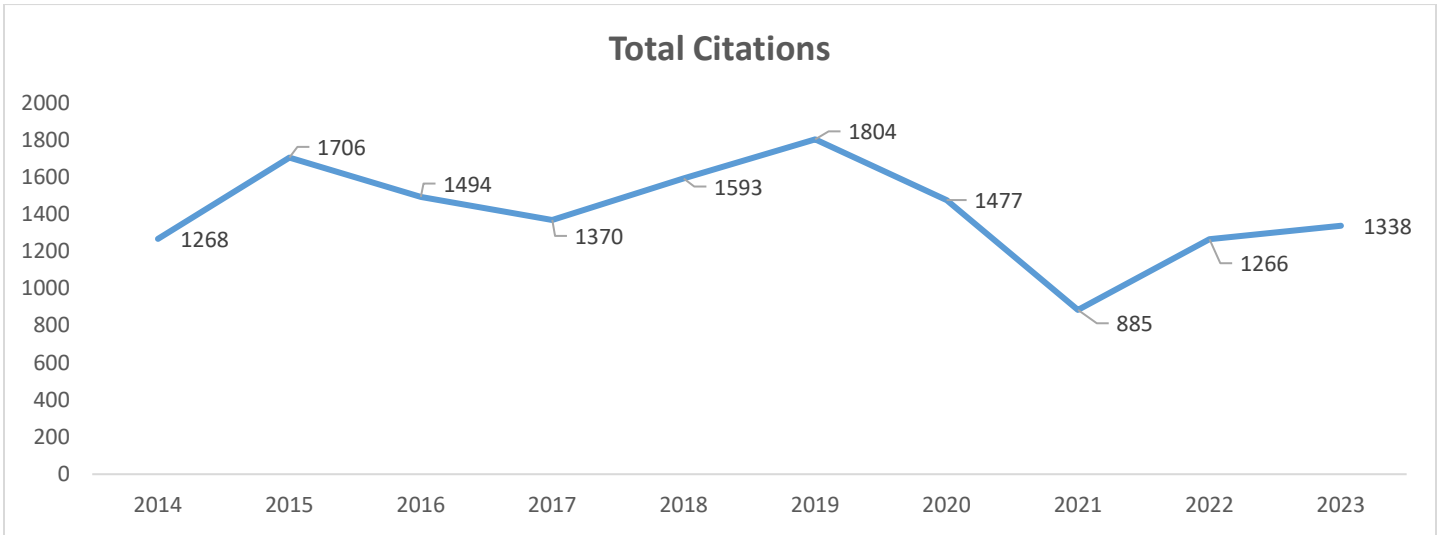
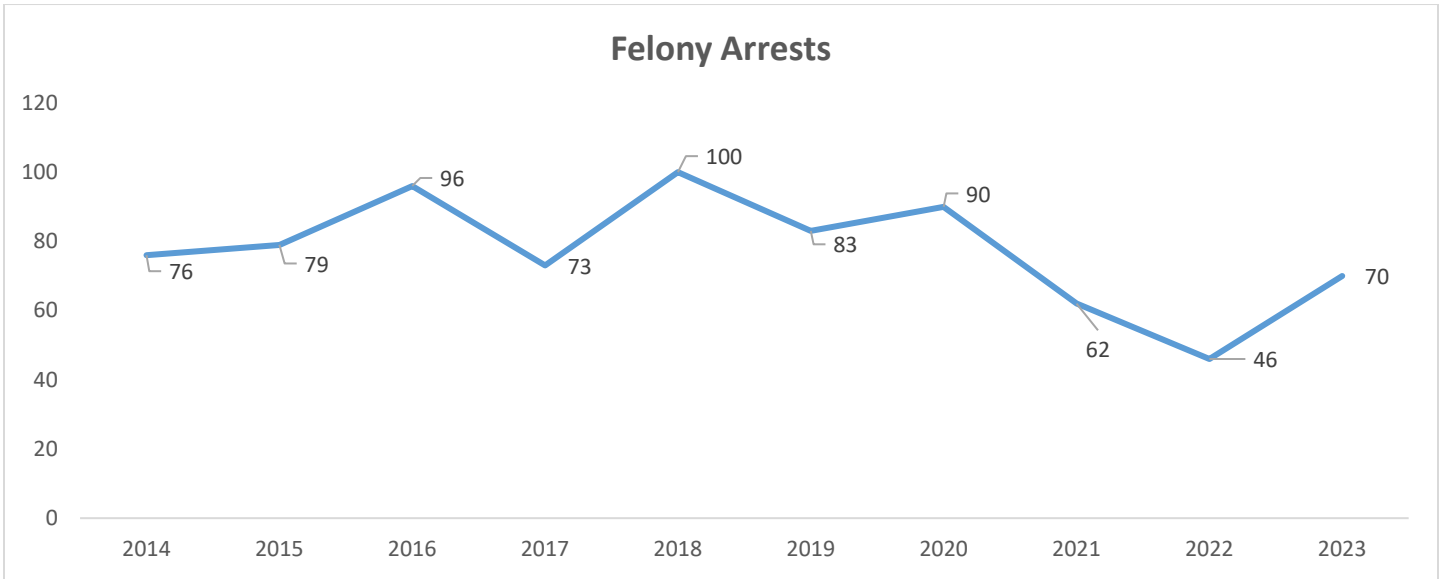
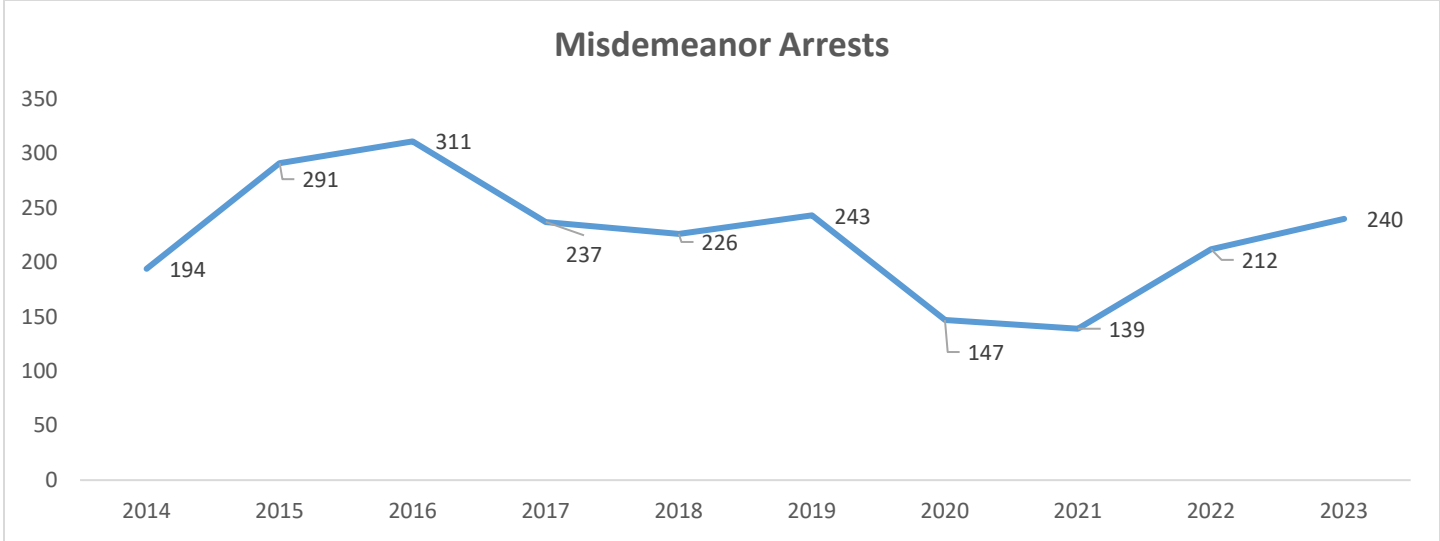


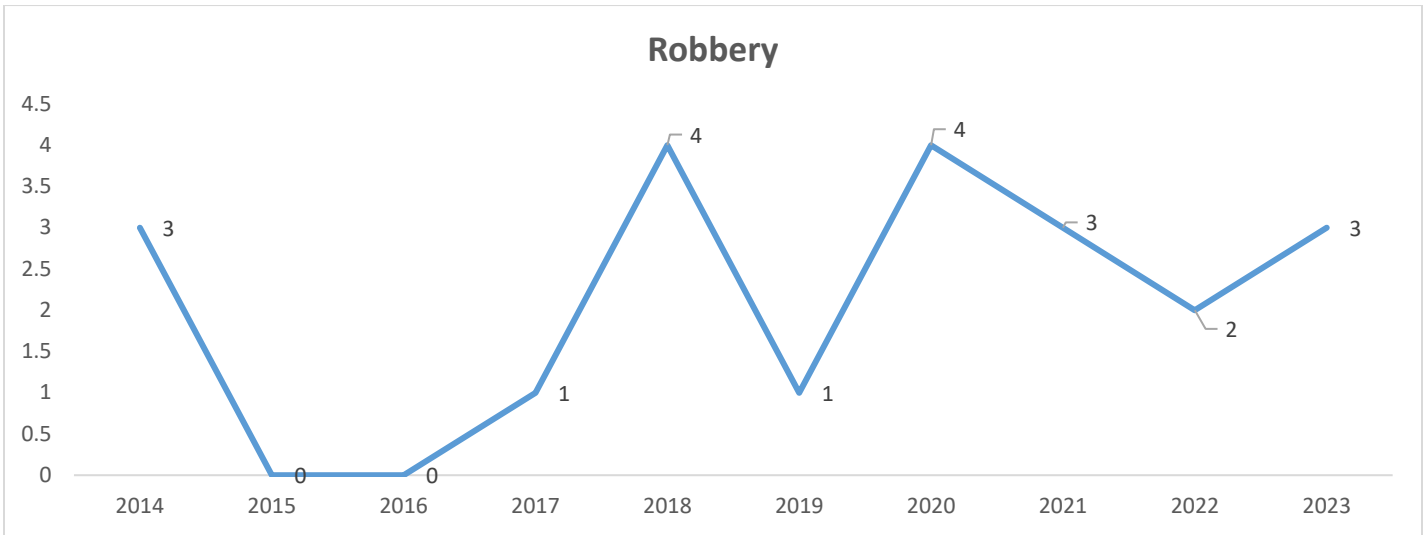
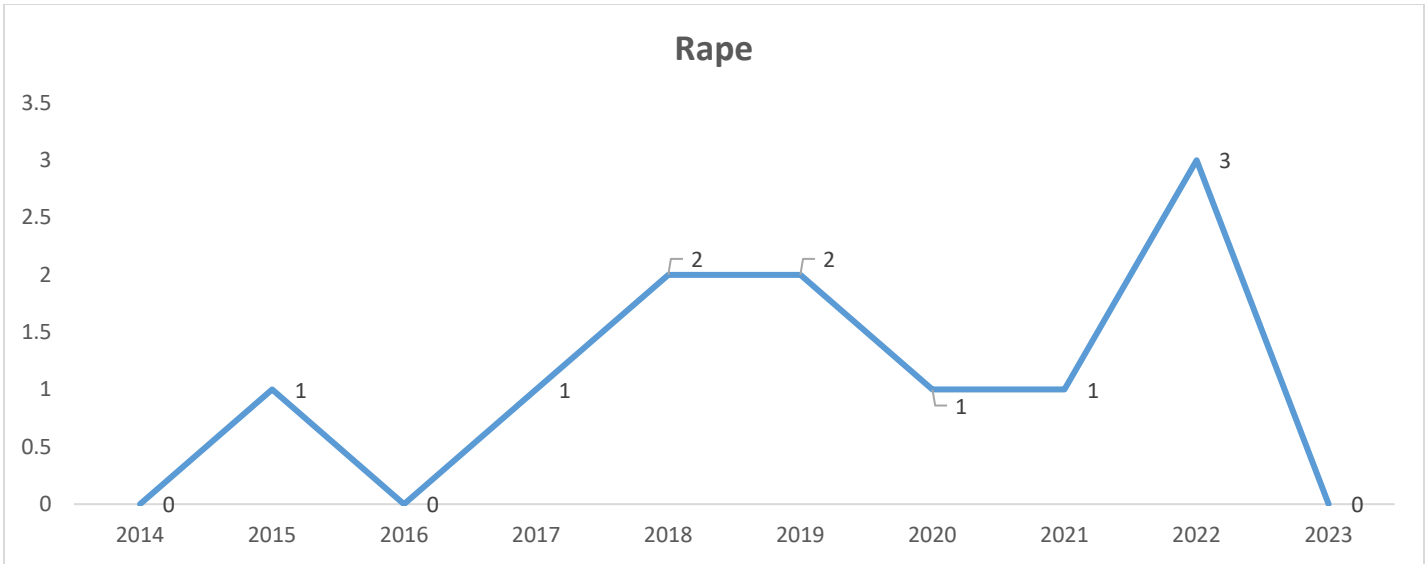
Case Investigations

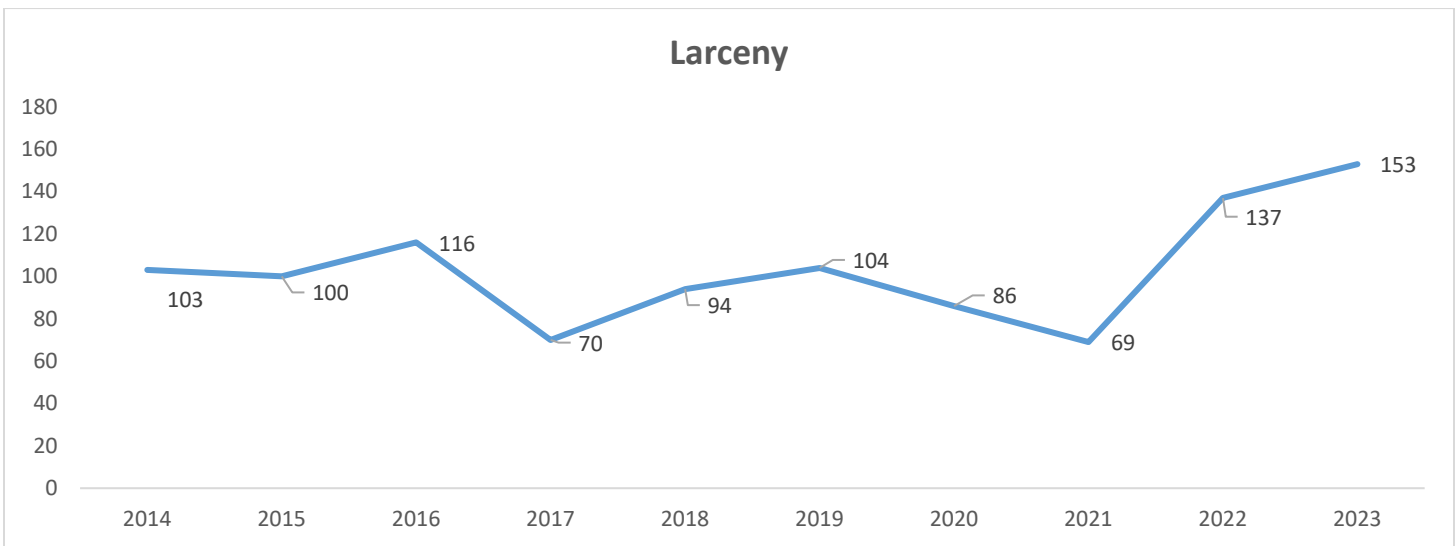
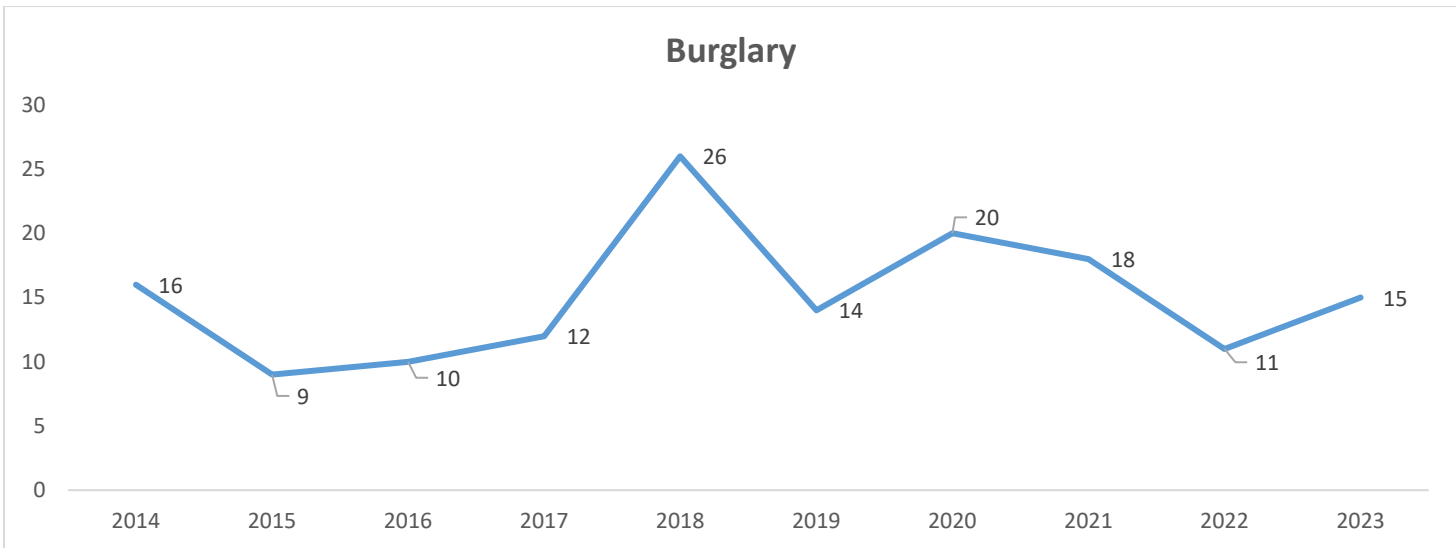
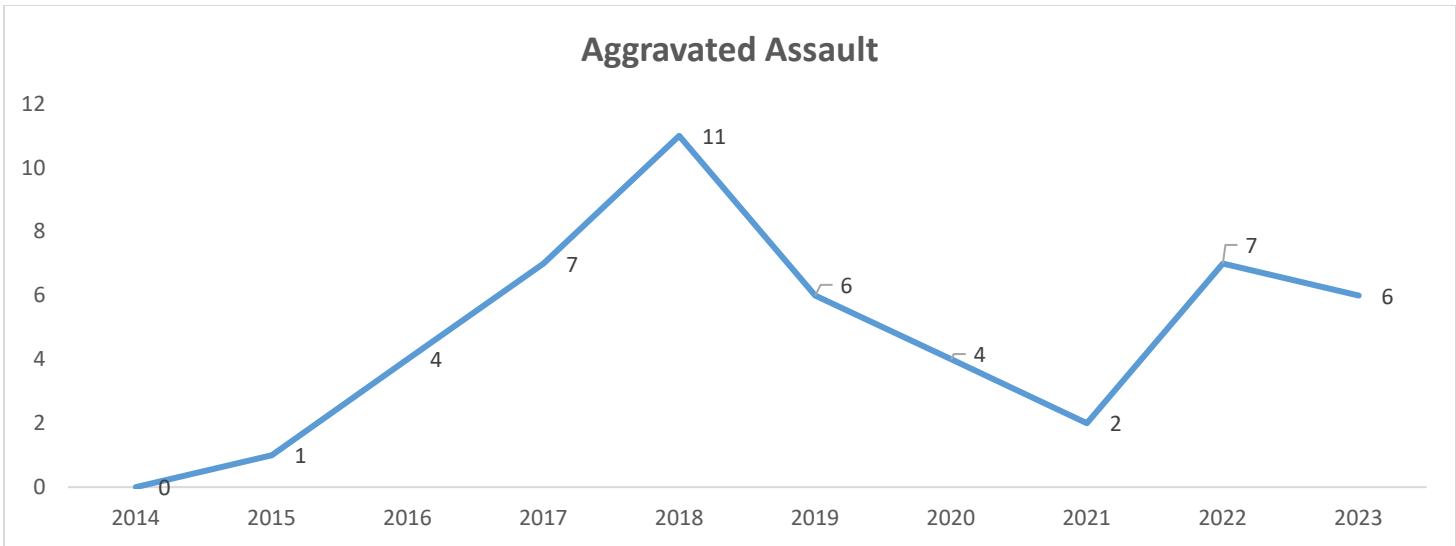


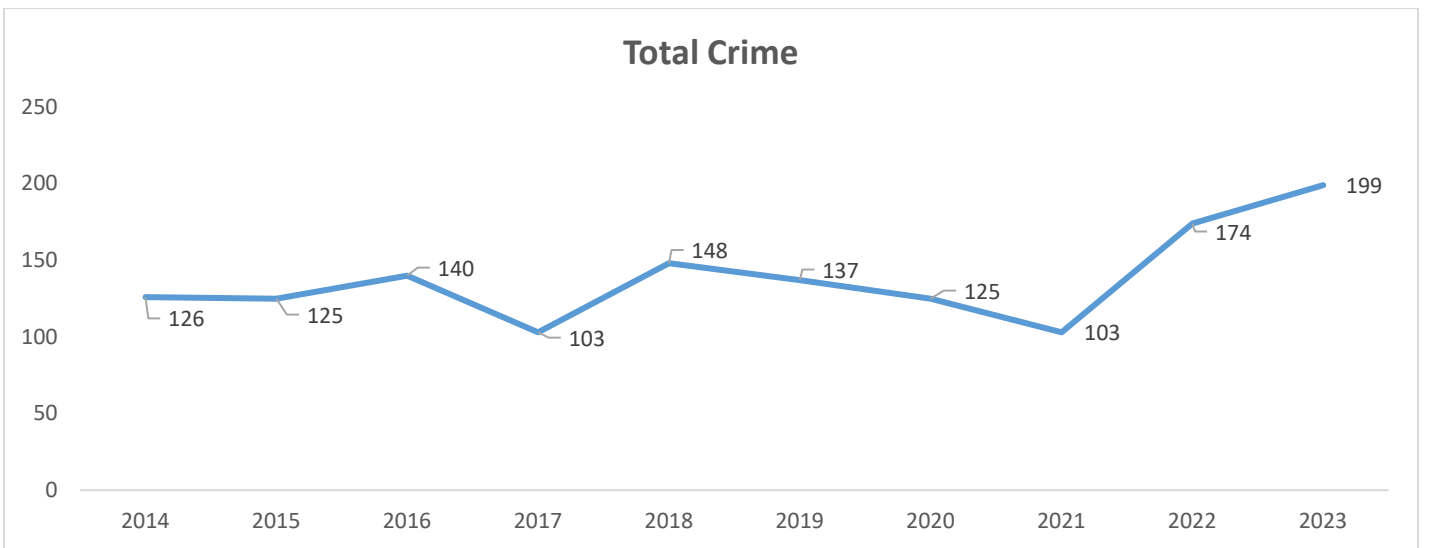
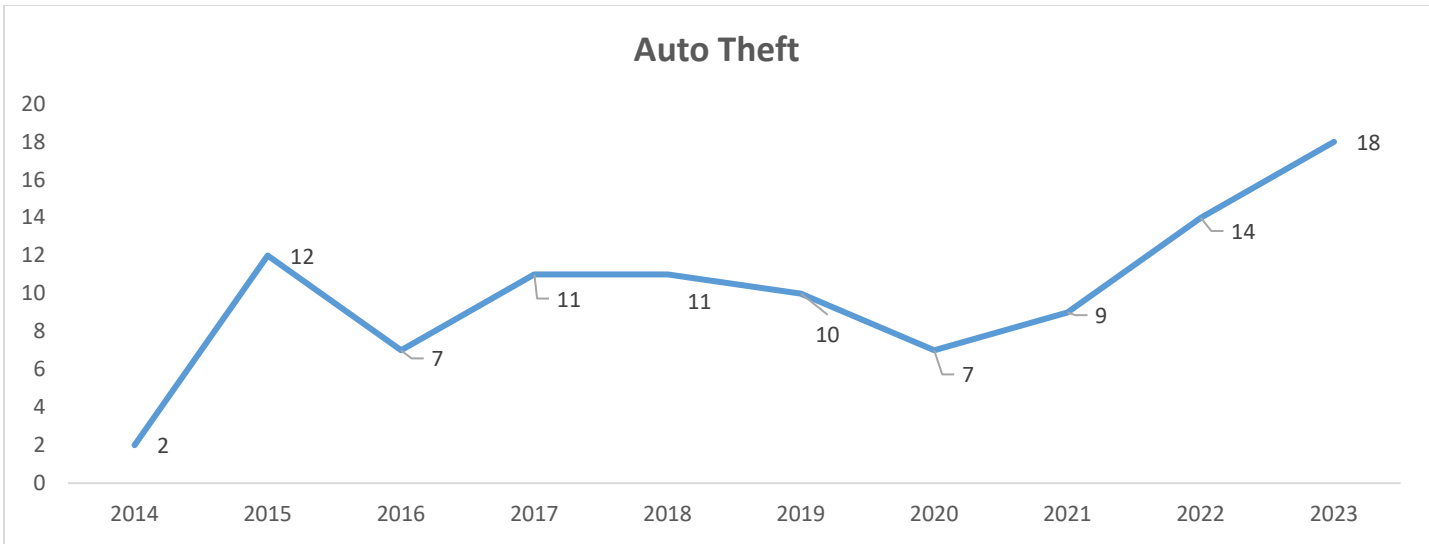
Total Arrests

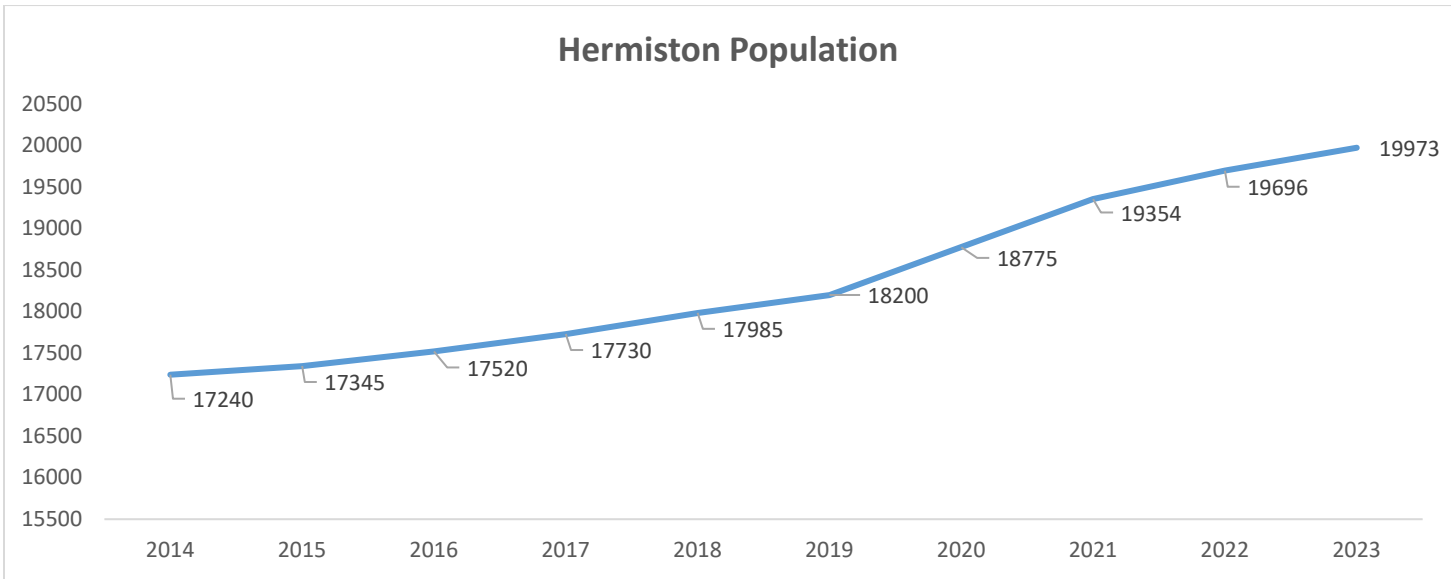
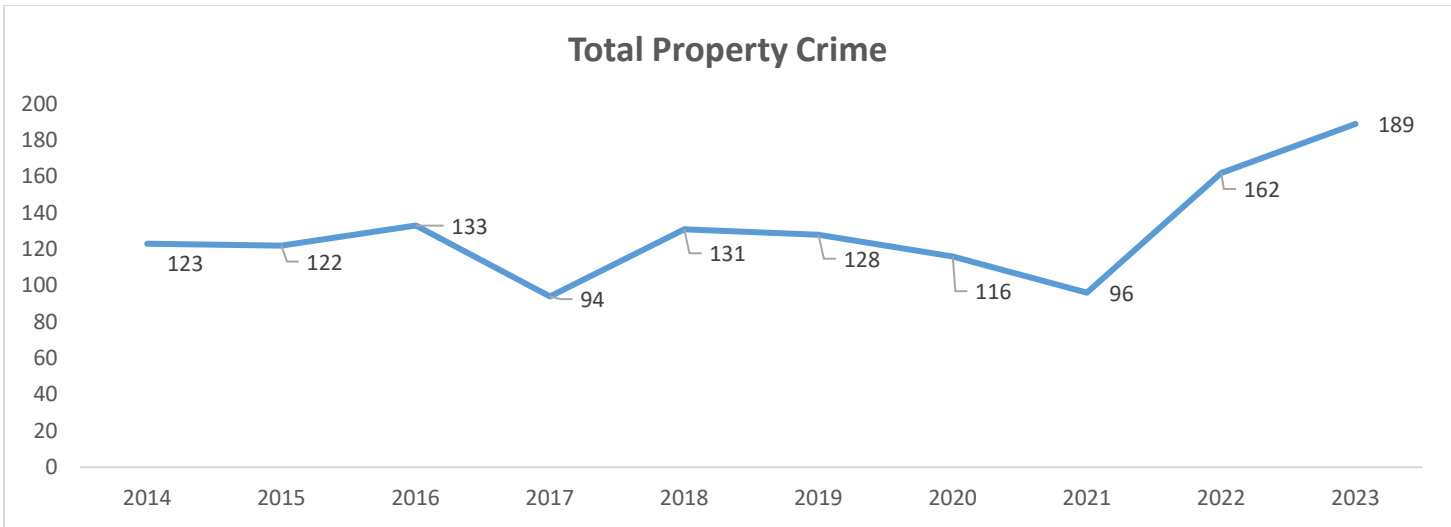
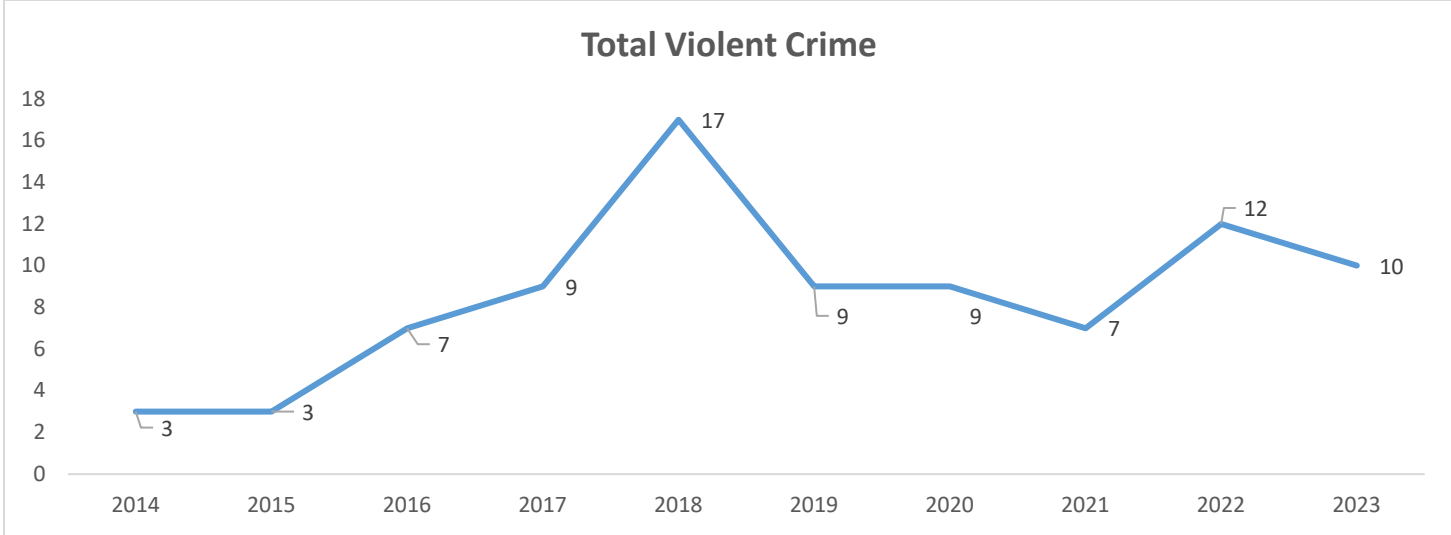












HERMISTON POLICE DEPARTMENT OPERATIONS –FIRST QUARTER 2023 REPORT Captain Scott Clark

Assigned Staff

(1) Captain, (4) Sergeants, (4) Corporals-Patrol, (10) Patrol Officers

Number	Officer	INC	OIA	STOP	Cases	Charges	Patrol	Busy	Other	Days Worked
Sergeants										
51-4	Maess	152	90	13	25	16	16%	33%	51%	36
51-5	Stokoe	198	146	105	29	47	26%	24%	50%	38
51-6	Martin	115	44	17	21	11	20%	17%	63%	45
51-7	Osborne	116	35	6	23	18	19%	26%	55%	37
Patrol										
52-4	Sandoval	304	160	43	42	15	31%	41%	28%	38
52-8	Flatau	344	212	115	67	86	31%	40%	29%	40
52-18	Golter	240	128	89	43	49	33%	29%	38%	43
52-6	Vega	249	130	67	30	97	36%	37%	27%	31
52-1	Jackson	259	144	60	77	81	25%	53%	22%	34
52-3	Wallis	165	57	40	37	34	33%	38%	29%	31
52-10	Zumwalt	275	156	87	41	62	22%	48%	30%	43
52-12	Limburg	218	153	81	50	117	30%	39%	31%	29
52-13	Carlson	344	216	67	63	100	26%	46%	28%	35
52-16	Gill	385	290	148	46	150	29%	50%	21%	33
52-19	Rodriguez	305	151	87	62	82	31%	40%	29%	41
52-21	Jimenez	287	167	77	59	105	25%	42%	33%	41
Total 1st Quarter 23										
		3956	2279	1102	715	1070	27%	38%	35%	37
Total 1st Quarter 22		4048	2417	1410	592	1147				
Difference 22 & 23		-92	-138	-308	123	-77				
Percentage Change		-2.27%	-5.71%	-21.84%	20.78%	-6.71%				

Captain Clark’s first quarter 2023 Summation:

One member of patrol who has been on extended work-related medical leave since late 2020, still has no known projected date/ability for returning to patrol duties. Also, during this first quarter, a probationary member (not yet certified) voluntarily separated their employment with the department on March 3rd. As a result of these continued shift vacancies, we have not been able to utilize our dedicated traffic officer to actively fulfill that role since 2020.

Unfortunately, long-term injuries/vacancies and an extremely limited applicant pool, means our patrol ranks are in a constant state of working from behind. Current hiring trends have forced us to focus efforts of filling vacant positions with (mostly new to law enforcement) recruit officers, as opposed to trained lateral applicants. This (nearly) year-long process (if we are lucky to get someone into the police academy within a reasonable amount of time), means our patrol ranks are in a long, slow mode of building towards full strength. These personnel vacancies, coupled with the regular needs of our members to utilize intermittent sick leave or other personal time off, regularly results in shift teams working at minimum staffing levels (or below) and requiring

HERMISTON POLICE DEPARTMENT
OPERATIONS –FIRST QUARTER 2023 REPORT
Captain Scott Clark

some shifts to be filled through overtime. Even with the constant staffing shortages, our members continue to maintain a positive attitude and are out there working hard to remain an active presence within the community.

In comparison with first quarter 2022, our measured performance numbers saw decreases in nearly all categories. Total Incidents are down 2.2% (-92 less); Officer Initiated Activity is down 5.7% (-138 less); Traffic Stops are down 21.8% (-308 less); Cases are up nearly 20.8% (+123 more); and Charges/Citations are down 6.7% (-77 less).

We have an exceptional group of diverse professionals working here at the Hermiston Police Department. The integrity, dedication, and resilience of those who serve here, magnifies each member’s commitment of providing the best possible service to all community partners.

Special Events:

During this year’s first quarter, Operations Division assisted with the following events:

- The Dr. Martin Luther King Jr. March, which is an event hosted in the downtown area along E. Main Street and Hermiston City Hall. The Hermiston Police Department dedicated (6) uniformed personnel to assist with this event.

Directed Patrol Requests:

A total of (11) directed patrols (in multiple locations for various reasons), were issued during this first quarter. **Year Total: 11**

01/09/2023	01/23/2023	600 Block E. Hurlburt Avenue	Transient Activity
02/10/2023	02/24/2023	760 W. Pine Avenue	Threats
02/13/2023	02/27/2023	800 Block E. Autumn Avenue	Construction Thefts
02/14/2023	02/28/2023	New Hope Church	Transient Activity
02/16/2023	03/01/2023	Sunset Elementary School	Transient Activity
02/17/2023	03/03/2023	222 E. Main Street	Transient Activity
03/03/2023	03/17/2023	1500 Block W. Highland Avenue	Speeding Vehicles
03/08/2023	03/22/2023	900 Block E. Main Street	Speeding Vehicles
03/19/2023	04/02/2023	Spruce Village Apartments	Transient Activity
03/22/2023	04/05/2023	2189 NE 5 th Street	Poss. Gang Activity
03/23/2023	04/06/2023	1075 S. Hwy 395	Threats

Vacation House Checks:

A total of (1) vacation house check was requested during this first quarter. **Year Total: 1**

HERMISTON POLICE DEPARTMENT
ADMINISTRATION – FIRST QUARTER 2023 REPORT
Captain Travis Eynon

Assigned Staff

(1) Captain, (1) Lieutenant (Investigations), (1) Communications Manager, (3) Police Records Specialists, (4) Detectives, (3) School Resource Officers (SRO)

Personnel Issues/Activities

No Personnel Activities

Division Summation for Administrative Services

One key difference between patrol staffing and administrative services staffing this quarter is the Administrative Services division has been fully staffed and all assignments filled for the entire first quarter. This is a much welcome relief.

We have been continuing to ramp up assignments to the Community Services Detective. She has been doing great work in the community. She has also been carrying some caseload while managing the rest of her duties. Our entire detective section has been as busy as ever. This is a very cohesive unit, and they continue to produce stellar work and frequently receive kudos from other agencies and the District Attorney's office. Lieutenant Guerrero has been providing outstanding leadership to this entire section.

Records statistics are once again up in most categories, with the exception of RIMS CAD incidents and non-criminal fingerprint appointments. Citations entered have increased; this follows the trend of our entire department being busier.

The SRO's are nearing the end of their first year with their current team. Officer Mario Cobian joined the team in the fall and immediately hit his stride. The three of them together make a great team. The relationships with school staff and students alike has never been better.

HERMISTON POLICE DEPARTMENT
ADMINISTRATION – FIRST QUARTER 2023 REPORT
Communications Manager Amanda Hartsteen

During the first quarter of 2023, the Records Division processed:

- 229 RIMS CAD incidents. This includes phone calls made directly to our records personnel and lobby walk-ins.
 - 2022 1st Quarter = 327
 - **(yearly total 229 incident entries)**

- 1651 requests for information.
 - Open Records Requests = 263
 - Other Agency Requests = 1351
 - Local Background Checks = 37
 - 2022 1st Quarter = 639
 - **(yearly total 1651 requests)**

- 310 case reports were sent to the Umatilla County District Attorney’s Office, Hermiston City Prosecutor’s Office and Umatilla County Juvenile Department electronically.
 - 2022 1st Quarter = 296
 - **(yearly total 310 cases)**

- 53 non-criminal fingerprinting appointments
 - 2022 1st Quarter = 79
 - **(yearly total 53 appointments)**

- 32 registered sex offenders.
 - 2022 1st Quarter = 21
 - **(yearly total 32 registrations)**

- 352 subpoena notices for officers to appear in court.
 - 2022 1st Quarter = 202
 - **(yearly total 352 subpoena entries)**

- 149 Hermiston Municipal Court warrants entered.
 - 2022 1st Quarter = 63
 - **(yearly total 149 warrants entered)**

- 1338 citations entered.
 - 2022 1st Quarter = 1266
 - **(yearly total 1338 entered citations)**

HERMISTON POLICE DEPARTMENT
ADMINISTRATION – FIRST QUARTER 2023 REPORT
 Officer Derrick Williams

High School Resource Officer (SRO)

Assignments: Hermiston High School

Case Type	New	Follow-up
Person	15	0
Property	7	0
Information	33	0
TOTAL	55	0

Presentation Date	Presentation Topic	# of Attendees
02/21/2023	Parking/Crosswalk Safety	120
Total Classes: 1		Total # of Attendees: 120

Arrests/Custodies	Felony	1
	Misdemeanor	19
	Violation	8
Total Arrests/Custodies: 28		

Traffic	Citations	Warnings
School Zones	1	5
Other Zones	0	0
	Total: 0	Total: 5

<i>Number of School Incidents This Quarter</i>	<i>Total: 147</i>
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HERMISTON POLICE DEPARTMENT
ADMINISTRATION – FIRST QUARTER 2023 REPORT
 School Resource Officer Betty Nava

Section 7, Item F.

Middle School Resource Officer (SRO)

Assignments: Armand Larive Middle School Rocky Heights Elementary School
 West Park Elementary School Desert View Elementary School

Case Type	New	Follow-up
Person	3	5
Property	2	0
Information	8	6
TOTAL	13	11

Presentation Date	Presentation Topic	# of Attendees
02/03/2023	Harassment	25
02/16/2023	Harassment	25
Total Classes: 2		Total # of Attendees: 50

Arrests/Custodies	Felony	#
	Misdemeanor	8
	Violation	5
Total Arrests/Custodies: 13		

Traffic	Citations	Warnings
School Zones	0	1
Other Zones	0	7
Total: 0		Total: 8

<i>Number of School Incidents This Quarter</i>	<i>Total: 94</i>
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Highlights

- Participated in Lock Down Drills and/or Secure in Place at the following schools: West Park Elementary School, Highland Hills Elementary School, Sunset Elementary School and Armand Larive Middle School
- Attended First Responder appreciation at HHS
- Assisted Patrol with 31 calls
- Handed out 7-11 coupons at WPES
- Assisted with MLK March

HERMISTON POLICE DEPARTMENT
ADMINISTRATION – FIRST QUARTER 2023 REPORT
 School Resource Officer Mario Cobian

Elementary School Resource Officer (SRO)

Assignments: Sandstone Middle School Highland Hills Elementary School
 Sunset Elementary School Loma Vista Elementary School

Case Type	New	Follow-up
Person	3	0
Property	4	0
Information	11	0
TOTAL	18	0

Presentation Date	Presentation Topic	# of Attendees
02/03/2023	Drugs	150
02/10/2023	Drugs	125
02/17/2023	Drugs	125
	Total Classes: 3	Total # of Attendees: 400

Arrests/Custodies		
	Felony	0
	Misdemeanor	5
	Violation	1
	Total Arrests/Custodies: 6	

Traffic	Citations	Warnings
School Zones	5	18
Other Zones	1	4
	Total: 6	Total: 22

<i>Number of School Incidents This Quarter</i>	<i>Total: 112</i>
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Highlights

- Participated in Lock Down Drills and/or Secure in Place at several schools.
- Violation Warnings with Vape Educate: 6
- Attended Training for: Harassment/Discrimination on 03/14/2023
- Assisted Patrol with 44 calls for service
- Assisted with MLK event at City Hall on 01/16/2023
- Participated in Loma Vista McTeacher’s night on 03/15/2023
- Participated in Nuestra Futuro event at HHS on 02/24/2023

HERMISTON POLICE DEPARTMENT
ADMINISTRATION – FIRST QUARTER 2023 REPORT
 Investigations Lieutenant Robert Guerrero

Section 7, Item F.

CASE TYPE	CASE NUMBER	DISPOSITION	STATUS/NEEDS
Aggravated Theft I, Burglary	13-2292	Cleared by Exception	Referred to Prosecutor/DA /Prosecution Declined
Murder, Hinder Prosecution, Felon in Possession, Unlawful Use Weapon	15-0574	Pending	Referred to Prosecutor/DA
Rape III, Sex Abuse III, Contributing to Sexual Delinquency of Minor	16-1649	Pending	Referred to Prosecutor/DA
Missing Person	19-2758	Pending	Investigation Continuing
Rape III	21-0965	Inactive	Referred to Prosecutor/DA
Murder, Unlawful Use of Weapon, Tampering with Evidence	21-2633	Cleared by Arrest	Referred to Prosecutor/DA
Unlawful Possession of Firearm	23-0041	Cleared by Arrest	Referred to Prosecutor/DA
Arson I, Crim Mis. I, Dis Con II	23-0610	Cleared by Arrest	Referred to Prosecutor/DA
Menacing	23-0636	Cleared by Arrest	Referred to Prosecutor/DA
Information (Fire)	23-0642	Inactive	Case Closed
Felon in Possession of Weapon	23-0646	Cleared by Arrest	Referred to Prosecutor/DA
Arson II, Crim Mis 1, Crim Tres II	23-0810	Pending	Suspended

HERMISTON POLICE DEPARTMENT
ADMINISTRATION – FIRST QUARTER 2023 REPORT
 Detective Freddy Sotelo

CASE TYPE	CASE NUMBER	DISPOSITION	STATUS/NEEDS
Rape I	12-2456	Pending	Pending
Murder	20-0995	Inactive	Referred to Prosecutor/DA
Death Investigation	22-1072	Inactive	Case Closed
Rape I	22-2162	Open	Investigation Continuing
Sex Abuse III, Harassment	22-2269	Inactive	Referred to Prosecutor/DA
Rape I, Burg I	22-2285	Cleared by Arrest	Referred to Prosecutor/DA
Rape I, Unlawful Sex Pen I	22-2798	Open	Investigation Continuing
Rape III	22-2807	Open	Investigation Continuing
Assault IV, VRO	22-2818	Inactive	Referred to Prosecutor/DA
Assault III, UUW,	23-0002	Open	Investigation Continuing
Online Sex Corruption	23-0013	Cleared by Arrest	Referred to Prosecutor/DA
Information (Phys. Abuse)	23-0082	Inactive	Case Closed
Information (Phys. Abuse)	23-0131	Inactive	Case Closed
UUW, Attempted Murder	23-0204	Open	Investigation Continuing
Information (Phys. Abuse)	23-0339	Inactive	Case Closed
Assault IV	23-0381	Cleared by Arrest	Referred to Prosecutor/DA
False Report	23-0387	Cleared by Arrest	Referred to Prosecutor/DA
Information (Sex Abuse	23-0413	Inactive	Suspended
Information (Agency Assist)	23-0426	Inactive	Case Closed
Information (Agency Assist)	23-0561	Open	Investigation Continuing
Information (Sex Abuse)	23-0596	Open	Investigation Continuing
Information (Phys. Abuse)	23-0609	Inactive	Case Closed
Arson I, Crim Mis. I, Dis Con II	23-0610	Cleared by Arrest	Referred to Prosecutor/DA
Felon In Possession	23-0646	Cleared by Arrest	Case Closed
Information (Phys. Abuse)	23-0655	Inactive	Case Closed
Information (Sex Abuse)	23-0783	Open	Investigation Continuing
Information (Phys. Abuse)	23-0808	Inactive	Case Closed
Information (Phys. Abuse)	23-0816	Inactive	Case Closed

HERMISTON POLICE DEPARTMENT
ADMINISTRATION – FIRST QUARTER 2023 REPORT
 Detective Riley Studebaker

CASE TYPE	CASE NUMBER	DISPOSITION	STATUS/NEEDS
Missing Person	19-2758	Pending	Investigation Continuing
Forgery	21-0509	Inactive	Case Closed
Forgery	22-1684	Inactive	Case Closed
Rape I	22-1890	Cleared by Arrest	Referred to Prosecutor/DA
Sex Abuse	22-2040	Pending	Investigation Continuing
Rape I	22-2285	Cleared by Arrest	Referred to Prosecutor/DA
Information (Sex Abuse)	22-2288	Inactive	Case Closed
Information (Sex Abuse)	22-2326	Pending	Investigation Continuing
Theft I	22-2413	Inactive	Referred to Prosecutor/DA
Sex Abuse	22-2769	Pending	Investigation Continuing
Sex Abuse	22-2784	Suspended	Cleared by Exception
Unlawful Use of a Weapon	23-0002	Pending	Investigation Continuing
Online Sexual Corruption	23-0013	Cleared by Arrest	Referred to Prosecutor/DA
Assault IV (DV)	23-0141	Cleared by Arrest	Referred to Prosecutor/DA
Information (Abuse)	23-0150	Inactive	Case Closed
Information (Abuse)	23-0218	Inactive	Case Closed
Information (Sex Abuse)	23-0239	Pending	Investigation Continuing
Information (Child Abuse)	23-0319	Inactive	Suspended
Assault 2	23-0353	Pending	Investigation Continuing
Information (Sex Abuse)	23-0405	Inactive	Suspended
Strangulation	23-0517	Inactive	Referred to Prosecutor/DA
Information (Hit and Run)	23-0537	Inactive	Case Closed
Sex Abuse	23-0586	Pending	Investigation Continuing
Information (Child Abuse)	23-0609	Inactive	Case Closed
Arson	23-0610	Cleared by Arrest	Referred to Prosecutor/DA
Manslaughter	23-0626	Cleared by Arrest	Referred to Prosecutor/DA
Felon In Possession of Firearm	23-0646	Cleared by Arrest	Referred to Prosecutor/DA
Information (Dissemination of Sexually Explicit Images)	23-0659	Pending	Pending
Information Child Abuse	23-0780	Open	Investigation Continuing

HERMISTON POLICE DEPARTMENT
ADMINISTRATION – FIRST QUARTER 2023 REPORT
 Detective Shelly Studebaker

CASE TYPE	CASE NUMBER	DISPOSITION	STATUS/NEEDS
Sex Abuse	14-2212	Cleared by Exception	Closed (Victim Refused to Cooperate)
Sexual Abuse	22-1356	Pending	Referred to Prosecutor
Sexual Abuse	22-1785	Inactive	Suspended (Victim Refused to Cooperate)
Online Sexual Corruption Information (Suspicious Activity with Child)	23-0013	Cleared by Arrest	Referred to Prosecutor/DA
Information (Assault)	23-0133	Inactive	Case Closed
Information (Assault)	23-0145	Open	Investigation Continuing
Child Abuse	23-0219	Inactive	Suspended (Victim Refused to Cooperate)
DUII/Reckless Driving	23-0304	Cleared by Arrest	Referred to Prosecutor/DA
Information (Cold Sexual Assault)	23-0306	Inactive	Suspended
Information (Possible Human Trafficking)	23-0311	Unfounded	Case Closed
Theft II	23-0326	Inactive	Suspended
Burglary I, Criminal Mischief II	23-0349	Pending	Investigation Continuing
Criminal Mischief I	23-0390	Pending	Pending
Criminal Mischief II	23-0395	Cleared by Arrest	Case Closed
Sexual Abuse I, RO Violation, Theft II	23-0586	Pending	Referred to Prosecutor/DA
Information (Sexual Assault)	23-0650	Inactive	Case Closed
Information (Sexual Assault)	23-0652	Inactive	Suspended (Victim Refused to Cooperate)
Information (Child Abuse/Sexual Abuse)	23-0666	Open	Investigation Continuing
Other Agency Assist (Sexual Abuse)	23-0779	Pending	Pending
Information (Sexual Assault)	23-0870	Open	Investigation Continuing

HERMISTON POLICE DEPARTMENT
ADMINISTRATION – FIRST QUARTER 2023 REPORT
 Detective Shelly Studebaker

COMMUNITY SERVICES PRESENTATIONS

DATE	ENTITY/LOCATION	TOPIC	ATTENDEES
01/01/2023 – 03/31/2023	Community Partner re: J. Hanna	Meetings with community partners regarding secure placement	12 >/<
01/01/2023 – 03/31/2023	Safer Neighborhoods Residential Rental Properties Identified	12/31/2022 – 461 Properties identified; 03/31/2023 – 534 Properties identified	
01/01/2023 – 03/31/2023	Safer Neighborhoods Notifications	20 Safer Neighborhoods notification emails sent, some with multiple incidents/properties with common management.	
01/02/2023	Stepping Stones, Kathy Lloyd	Communication regarding client pickup/drop off issues	2
01/10/2023	Community Contact Requested	Re: suspicious activity – potential trafficking.	1
01/11/2023	Tip 411	Training info and initial set up meeting re: tip411	3
01/24/2023	Community Partner Meeting Request	Blue Mountain Resource Network, drug rehab	3
02/22/2023	Storage Unit Facility Notifications	Contacted Hermiston businesses re: recent burglaries	5

HERMISTON POLICE DEPARTMENT
ADMINISTRATION – FIRST QUARTER 2023 REPORT
 Chaplain Terry Cummings

Service Coordinators Report 2023

	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter	Yearly Total
Call Outs					
FD	2	0	0	0	2
PD	1	0	0	0	1
Other	0	0	0	0	3
Ride Alongs					
FD	7	0	0	0	7
PD	5	0	0	0	5
Training					
Events	2	0	0	0	2
Hours	49	0	0	0	49
CAB Meetings					
	0	0	0	0	0
Counseling Sessions					
	7	0	0	0	7
It's Just Dinner					
Meetings	0	0	0	0	0
Mentor Couples	4	0	0	0	4
Chaplain Service Hours					
*SC Cummings	291	0	0	0	291
Johnson	19	0	0	0	19
Ramirez	14	0	0	0	14
Finn	66	0	0	0	66
Community Involvement Hours **					
*SC Cummings	4	0	0	0	4
Johnson	0	0	0	0	0
Ramirez	2	0	0	0	2
Finn	0	0	0	0	0
Miles Driven - Personal Vehicles					
*SC Cummings	0	0	0	0	0
Johnson	280	0	0	0	280
Ramirez	60	0	0	0	60
Finn	347	0	0	0	347
Total Miles (POV)					
	687	0	0	0	687
Total Events					
	24	0	0	0	24
Total Hours					
	445	0	0	0	445

Hermiston Police Department



Anonymous tip reporting via tip411

Coming May 12, 2023




Benefits of tip411

- Significantly improves the public's access to our department.
- New crime-fighting tool
- Hermiston PD app
- Other uses



How the public can utilize tip411

- Free Hermiston PD app
- Available via Google Play Store or iTunes App Store
- Accessibility for those without a smartphone: *Text to 847411 and begin the message with HPDTIP*




DOWNLOAD
FREE

Hermiston PD
app

for
iPhone
or
Android

tip 411

A service of
**Hermiston Police
Department**



33



tip 411

HELP FIGHT CRIME.

Send anonymous tips to the Hermiston Police Department. Text keyword HPDTIP to 847411, add a space, type in your tip information, and hit send.



A service of
Hermiston Police Department



tip 411

HELP FIGHT CRIME.

Send anonymous tips to Hermiston Police Department. Text keyword HPDTIP to 847411, add a space, type in your tip information, and hit send.



Where Life is Sweet

CITY COUNCIL

Work Session Meeting Minutes June 12, 2023

Mayor Drotzmann called the regular meeting to order at 6:04pm. Present were Councilors Hardin, Primmer, Barron, Duron, Linton, Myers, and McCarthy. Councilor Peterson was excused. City staff in attendance included: City Manager Byron D. Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Chief Edmiston, Planning Director Clint Spencer, Finance Director Mark Krawczyk, Court Administrator Jillian Viles, Parks and Recreation Director Brandon Artz, and City Recorder Lilly Alarcon-Strong.

Council Rules Review & Discussion

City Manager Smith presented information (attached) regarding the current Council Rules and proposed updates to consider as suggested by the City Attorney, City Recorder, and City Manager. The Council reviewed the proposed changes from pages 1-6, to include Rosenberg’s Rules of Order as a consideration to replace Roberts Rules of Oder, as Rosenberg’s Rules are more common motions, easier to understand and follow for Council members and the general public.

The Council gave input regarding recommended changes as reviewed in the Council Rules that they felt should or should not be made, as well as other edits to the document, and asked staff to research specific items to better help them make decisions on those matters.

City Manager Smith stated work sessions on Council Rules will continue to be reviewed until the entire document has been evaluated.

Adjournment

Mayor Drotzmann adjourned the work session meeting at 6:58pm and stated the Council will take a short break before starting the regular City Council meeting at 7:04pm.

DRAFT

~~Current~~

Proposed

Rules of Order and Procedure
For the City Council
Of
The City of Hermiston, Oregon

Adopted June 24, 1991
Revised April 13, 1992
Revised April 27, 1992
Revised February 28, 1994
Revised February 24, 2003
Revised December 23, 2013
Revised March 9, 2015
Revised December 12, 2016
Revised May 29, 2018

I. RULES

1. AUTHORITY

The City of Hermiston City Charter, Section 11, provides that the Council shall adopt Council Rules by resolution to govern its meetings and proceedings. The following Council Rules shall be in effect upon their adoption by the Council until they are amended, or new Council Rules are adopted. These Council Rules shall be presented to all Councilmembers prior to participating in their first meeting after taking office, each appointed or elected Councilor shall sign that they have reviewed and received a copy of these Council Rules. The City Recorder shall retain the signature copy. These rules apply to the City Council but also to the Council's role as the governing body of the Hermiston Urban Renewal Agency.

4.2. RULES OF ORDER

~~—All meetings of the council shall be conducted in accordance with, and pursuant to, the provisions of Roberts Rosenberg's Rules of Order, will be used as revised, which said rules are herewith adopted by reference thereto the guideline for conduct of Council meetings, except as the same may be where these Rules specifically varied apply. The City Attorney or changed herein or hereafter. City Manager, in the absence of the City Attorney, shall act as parliamentarian for the Council.~~

2.3. PUBLIC MEETINGS LAW

All council, committee, commission or board meetings ~~shall~~ will be held ~~pursuant to in accordance with~~ the Oregon Public Meetings Law ~~of (pursuant to ORS 192). No final action by the State of Oregon Council shall have legal effect, unless the motion and vote by which it is disposed of take place at a proceeding that is open to the public.~~

3.4. SUSPENSION OF RULES

Any provision of these rules not governed by the charter or law may be temporarily suspended at any meeting of the council, by a majority vote of the council. The vote on any such suspension shall be taken by YES and NO and entered upon the record. If the motion is carried, the rules shall be suspended for that item only.

5. AMENDMENT OF RULES

Amendments, deletions, or additions to these Council Rules shall be by Resolution approved by the City Council.

II. MEETINGS

4.6. REGULAR COUNCIL MEETINGS

Pursuant to City Charter, Section 12 the City Council must meet at least once a month at a time and place designated by its rules. The City Council shall convene will meet in the council chambers at City Hall, 180 NE 2nd Avenue, or at another place in the City which the Council designates.

The City Council will meet in regular session on the second and fourth Mondays of each month. Unless otherwise specified all, with the exception of designated holidays and/or council cancellations of meetings.

The City Council meeting will generally be in the council chambers in city hall and held from 7:00-10:00p.m. The express approval of a majority of a quorum of the Council is necessary to extend the regular session past 10:00p.m. Meetings shall be called to order adjourned at 7:10:00 p.m. (Amended 2/24/03), if the Council is still in session at 9:30 p.m., the Council will decide whether to continue with the agenda, allowing for one-hour increment extensions upon a majority vote of the council, or move items to a future agenda.

5.7. QUORUM

Pursuant to City Charter, Section 13, Five members of the Council shall constitute a quorum. In case a lesser number than a quorum shall convene at a regular or special meeting, the majority of the members present are authorized to send a police officer or other person for any or all absent members, as such majority of members shall agree, to conduct business. In the event a quorum cannot be obtained, the meeting may be adjourned as provided for in Rule 1314, those in attendance will be recorded, and the Presiding Officer or City Recorder will adjourn the meeting.

8. WORK SESSIONS

The City Council may hold a work session on the second Monday or fourth Monday of each month immediately preceding the Regular scheduled City Council meeting. Unless otherwise specified, all work sessions will be held in the council chambers at city hall and begin at 6:00p.m. Work sessions are to be scheduled by the City Manager. Such sessions allow the Council an opportunity to review forthcoming projects of the City, determine goals for the ensuing year, receive progress reports on current programs or projects, or to hold open discussions on any City-related subject, provided that all discussions thereon shall be informal with no vote or formal action taken. The City Manager will invite any relevant staff to attend work sessions.

In case of a joint work session, the Presiding Officer shall call the session to order and turn the session over to the appropriate facilitator. If the group has no facilitator, the Presiding Officer may act as facilitator.

All work sessions shall be open to the public, however an opportunity for public testimony will only be allowed at the discretion of the Presiding Officer or by a majority vote of the Councilors in attendance.

All work sessions are subject to Oregon’s Public Meeting’s Law and must be noticed accordingly.

9. EXECUTIVE SESSIONS

Executive sessions shall be held in accordance with ORS 192.660. Matters discussed in executive session shall be exempt from public disclosure pursuant to ORS 192.660. Executive session of the City Council may be called by the Mayor, two Council members, the City Attorney, or the City Manager.

Prior to opening an executive session, the Presiding Officer shall:

Announce the purpose of the executive session and the ORS Statute authorizing the executive session.

Announce that “Representatives of the news media and designated staff may attend Executive Sessions. Representatives of the news media are specifically directed not to report on any of the deliberations during the Executive Session, except to state the general subject of the session as previously announced. No Executive Session may be held for the purpose of taking final action or making any final decision.”

Announce if the Council intends to return to an open meeting at the conclusion of the executive session.

Executive sessions shall be closed to all persons except the City Council; the City Manager, unless directed otherwise by the Council; the City Attorney; the City Recorder; City staff persons reporting to Council on the subject of the executive session; news media representatives, unless excluded by the Oregon Public Meetings Law (media representatives may be excluded for discussions regarding labor negotiations or if the media or representative is a party to the litigation being discussed); and other persons authorized by the City Council to attend. The term "news media representative" is interpreted by the Oregon Attorney General to include "news gathering representatives", meaning reporters of news gathering media which ordinarily report activities of the public body (39 Op. Att'y Gen. 600 (1979)).

The following entities are recognized as news media organizations eligible to attend executive sessions:

A general or associate member newspaper of the Oregon Newspaper Publishers Association, a broadcast member of the Oregon Association of Broadcasters or a member of the Associated Press; or

A newspaper that the City uses for publication of public notices and that meets the requirements of ORS 193.020; or

An entity recognized by the City as being a news source that: Is organized and operated to regularly and continuously publish, broadcast, transmit via the Internet or otherwise disseminate news to the public, and that regularly reports on activities of the City of Hermiston or matters of the nature under consideration by the City of Hermiston; and

Is a well-established entity that is committed to complying with the requirement that confidential executive session information be undisclosed. In making this determination, the City may consider and weigh any factors that it deems to be relevant, including whether the entity has an available process for correcting errors, including violations of executive session statutes, by a person with authority to take corrective measures.

The entity seeking recognition as a News Media Organization has the burden of proof to establish that it meets the standards of this section. A determination that the entity is not recognized shall be based upon written findings addressing the criteria in this section.

In making its determination whether to recognize the person as a representative of the news media organization, the City may require: A press badge or identification issued by the recognized news media organization, plus proof of identity (such as a driver's license); or a recently published news article in the recognized news media organization publication or broadcast, with the person's byline, or a masthead showing the person's name as a member of the news gathering staff of the news media organization, plus proof of identity; or a letter on letterhead from an editor of the recognized news media organization in which the editor states that the reporter is covering the meeting for the news media organization, plus proof of identity.

The City may consider any relevant evidence provided or gathered in making its decision as to whether a person shall be recognized as a representative of a recognized news media organization.

Executive sessions may be held during regular, special or emergency meetings, so long as appropriate statutory requirements are met.

Pursuant to ORS 192.660(6), no final action or final decision may be taken during an executive session; however, an opinion or consensus of the Council may be gathered. All final actions or final decisions must be made in a public session.

Minutes or a recording of the executive session is required.

6-10. SPECIAL MEETINGS

Special meetings may be called by request of two or more council members, ~~or by~~ the mayor upon his own motion, ~~or the city manager.~~ The city recorder shall prepare ~~and post~~ notice of the special session stating time, place and ~~object~~subject, and ~~this notice shall be delivered to~~notify each council member, the mayor and the city manager ~~or left at their usual place or residence or business at least twenty four hours before the time of the meeting, except in the event of an emergency meeting.~~ It shall also be the duty of the city recorder, immediately upon receipt of written request, to make diligent effort to notify each council member in person, either by telephone~~by phone~~ or otherwise, ~~of such special session.~~ Special Meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place pursuant to ORS 192.640(3). Only matters set forth in the notice of the meeting shall be discussed at such meeting.

Executive sessions

11. EMERGENCY MEETINGS

An emergency meeting of the city Council may be called by the Mayor, ~~two council members or~~ City Manager on less than 24 hours' notice provided that an actual emergency exists. The city recorder shall immediately prepare and post notice of the emergency meeting stating time, place, and subject, and notify each council member, the mayor and the city manager, ~~but shall be confined~~ immediately, by phone or otherwise, before the time of the meeting. The minutes of the meeting must describe the emergency justifying less than 24 hours' notice pursuant to ~~subject matters as provided by~~ ORS 192.660, 640(3).

12. OTHER MEETINGS

Training, goal setting, or other meetings may be held at the convenience of the Council at a time when as many members as possible can attend.

Training meetings may be held periodically to offer city councilors education on their duties and responsibilities as city elected officials.

Goal Setting. The Council will align its goal setting process to coincide with the development of the annual budget. The goal setting process may include any of the following elements but none of them are required: Input from any public engagement efforts conducted by the City; Input from City staff and Councilors; Reports on the status of key projects; Reports on the financial status of the City; Reports on any changes in State law or regulations affecting city operations; or Reports on the status of prior Council Goals.

13. MEETINGS OPEN TO THE PUBLIC AND SERIAL COMMUNICATIONS

All meetings of the City Council shall be open to the public and all persons shall be permitted to attend any meeting except as otherwise provided by ORS 192. A quorum of the Council is prohibited from meeting in private to make decisions or deliberate on matters of City business that fall within the scope of the Council's

jurisdiction. This prohibition includes in-person meetings where a quorum exists as well as serial communications that may occur over e-mail, text message, social media, and through conduits such as staff.

One-on-one or small group (non-quorum) conversations or communications regarding City business are generally permitted as long as the views or thoughts of a quorum of the Council are not shared during those conversations. As a result, Councilors should share only their personal views on City business being discussed in one-on-one or non-quorum conversations and not discuss the views or opinions of other Councilors who are not involved in the discussion.

Councilors should avoid “replying all” to informational e-mails sent to the entire Council or a quorum of Councilors regarding City business that occur outside of a Council meeting. Although one-way information sharing on administrative items (i.e., agenda topics and meeting availability) is permissible outside of a Council meeting, Councilors should avoid back and forth conversations between a quorum of members via e-mail.

Councilors should be cognizant that a “serial” meeting can occur through the use of social media if a quorum of the Council engages in discussions regarding City business on a social media platform. As a result, Councilors should be careful not to comment or engage in a social media conversation regarding City business that other members of the Council have already participated in.

14. CANCELLATION OF MEETING

Council Meetings may be cancelled in the following ways: Upon a majority vote of the Councilors present at any council meeting, a future regular Council meeting may be canceled when deemed appropriate; or If there is no business to transact or a quorum of the Council cannot attend and there is no urgent necessity to have a meeting, the Mayor upon the recommendation of the City Manager may cancel the meeting. Notice of cancellation shall be posted on the City’s website.

15. NOTICE OF MEETING

The City Recorder shall provide notice of all meetings in accordance with Oregon’s public meeting law. Notice of a meeting shall be posted on the City’s website and may be distributed to Councilors, media representatives, and other interested parties upon written request.

16. ATTENDANCE amended

It is the duty of each Councilor to attend all meetings of the Council. (Hemiston City Charter, Section 33(b)(2)) When a Councilor cannot attend a meeting, the member shall notify the City Recorder and/or the City Manager, who will notify the Presiding Officer, prior to the meeting. Lack of notification will constitute an unexcused absence.

17. TELEPHONIC/ELECTRONIC ATTENDANCE

Telephonic/Electronic Meetings may be held in compliance with the Oregon Public Meetings law. Councilors may participate and vote in Council meetings via telephone, electronically, or by other means consistent with the Oregon Public Meetings Law.

7-18. EXCUSAL DURING MEETING

No member shall leave the council chamber during council meetings without the permission of the presiding officer.

8-19. SEATING ARRANGEMENT

Members shall occupy seats in the council chambers assigned to them by the mayor, ~~but any two or more members may exchange seats by joining in a written notice to the mayor to that effect.~~

20. ADJOURNED SESSIONS

Any session of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.

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III. MEETING AGENDA

21. COUNCIL MEETING AGENDA

9.1. COUNCIL MEETING AGENDA

~~—All reports, communications, ordinances, resolutions, documents, or other matters to come before the council for consideration must be filed with the city manager’s office by end of business of the Wednesday before the next regular meeting of the council.—The City Manager, or designee, shall prepare the final Council Meeting Agenda for each meeting, specifying the time, place, and purpose of the meeting and listing the subjects anticipated to be considered at the meeting.~~

City staff shall furnish a copy of the agenda and related packet to each council member, the mayor, and such other persons as required, at least 10 business hours three (3) days before the council meeting or as far in advance of the meeting as time for preparation will permit. All agenda items filed with the city manager’s office for council action shall be arranged according to the order of business, and must be accompanied by an explanation sheet in such form as the city manager shall require. Any items not filed with the manager’s office by the time specified shall be.Agendas will generally be set to allow meetings to end no later than 10:00p.m.

A member of Council who wishes to have an item placed on thean agenda only by must bring the matter before the Council at a regular scheduled meeting. As a guiding matter, the Council will not add an item to the agenda on the same night as the item was first submitted by a member of Council for consideration by the full Council. Adding a matter to an agenda requires a majority vote of the council members of Council present at the council meeting.

22. ORDER OF BUSINESS

10.1. ORDER OF BUSINESS

The business of all regular meetings of the council shall be transacted in the following order, unless the council by a vote of a majority of the members present shall suspend the rules and change the order (Amended 2/24/03):

CALL MEETING TO ORDER

The Presiding officer shall call the meeting to order

DECLARATION OF QUORUM

FLAG SALUTE/The Presiding Officer shall note each Councilor’s attendance or absence in the record and shall declare that a quorum is present to conduct business.

FLAG SALUTE/PLEDGE OF ALLEGIANCE

The Presiding Officer shall lead the Council and audience in the Pledge of Allegiance.

PROCLAMATIONS, PRESENTATIONS, REGOGNITIONS (IF NEEDED)

Proclamations, PRESENTATIONS, REGOGNITIONS (IF NEEDED) will be read and presented by the Presiding Officer or designee.

CITIZEN INPUT/PUBLIC COMMENT ON NON-AGENDA ITEMS

Items discussed under this section follow the rules stated in Rule 25B

CONSENT AGENDA

Items on NON-AGENDA ITEMS

the Consent Agenda are considered routine and will be adopted with a single motion, without separate consideration.

Items of routine nature, not requiring Council discussion or direction, may be included on the Consent Agenda at the discretion of the City Manager. Items requiring a Public Hearing shall not be included on the Consent Agenda. Consent items may include but are not limited to the following: minutes, liquor licenses, commission/committee appointments, etc. (ITEMS CAN BE REMOVED BY ANY COUNCILOR OR MAYOR)

ITEMS REMOVED Any Councilmember may request to remove an item(s) from the Consent Agenda (IF NEEDED) prior to the motion to approve the item(s). Any item(s) removed from the Consent Agenda will be discussed and acted upon following the approval of the Consent Agenda.

- PUBLIC HEARINGS (IF NEEDED)
- RESOLUTIONS AND ORDINANCES (IF NEEDED)
- OTHER (CONTRACTS, AGREEMENTS, FINANCIAL REPORT, ETC.)
- COMMITTEE/COMMISSION REPORTS
- MAYOR'S REPORT
- COUNCIL REPORTS
- MANAGER'S REPORT
- ADJOURNMENT

4. SPECIAL ORDER

—To make any subject a special order shall require ITEMS REMOVED FROM THE CONSENT AGENDA (IF NEEDED)

- PUBLIC HEARINGS (IF NEEDED)
- RESOLUTIONS AND ORDINANCES (IF NEEDED)
- OTHER (CONTRACTS, AGREEMENTS, FINANCIAL REPORT, ETC.)
- COMMITTEE/COMMISSION REPORTS
- MAYOR'S REPORT

Time provided for the consent of a Mayor to present a brief summary of matters of interest to the Council.

COUNCILOR REPORT

Time provided for Councilors to present a brief summary of matters of interest to the Council.

CITY MANAGER REPORT

Time provided for the City Manager to present a brief summary of matters of interest to the Council.

ADJOURNMENT

Following the completion of all matters listed on the agenda, the Presiding Officer shall declare the meeting adjourned.

23. RECESS

The Presiding Officer may recess any meeting of the Council upon consensus of the majority of the Councilors present. The Presiding Officer shall announce the time in which the meeting will reconvene.

24. CHANGING ORDER OF BUSINESS

At any meeting of the Council, the order of the business may be changed or any part thereof suspended for such meeting upon consensus of the majority of the Councilors present.

IV. PUBLIC COMMENTS & HEARINGS

25. PUBLIC COMMENT

A. Electronic Comment - Whenever public comment is allowed in person, to the extent reasonably possible, public comment must be taken electronically as well. That public comment must follow the following procedure:

- 1. A public zoom meeting link will be provided and anyone wishing to comment must utilize that link.
- 2. The City Recorder or other city staff will mute all speakers.
- 3. As the item the participant wishes to address begins the participant must utilize the software's raise hand feature and raise their hand, or similar feature to notify city staff that they wish to speak.
- 4. When time comes for public comments, the presiding officer will ask staff if any hands are raised, and each hand raised will be given the opportunity to comment. The same five (5) minute time limit apply unless an extension is granted by the presiding officer.

B. Non-Agenda Items - Time provided for anyone wishing to speak to the City Council on an item not on the agenda may be heard at this time. Written comments to City Council received during a specific meeting will be distributed to the Council and included in the official record of that meeting.

- 1. **Persons wishing to speak during public comment shall be called upon by the Presiding Officer.**
- 2. Comments may be limited to five (5) minutes, unless additional time is granted by the Presiding Officer.
- 3. Speakers will identify themselves by their names and by their place of residence.
- 4. The Mayor and Council should avoid immediate or protracted response to citizen comments (verbal or written), however, Councilmembers may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option and shall attempt to limit their questioning to no more than two (2) minutes per speaker.
- 5. The public comment period shall not exceed thirty (30) minutes unless a majority of councilmembers present vote to extend the time.
- 6. If a member of the public wishes to speak on an item that is on the current agenda, the speaker shall wait until that agenda item. The procedures outlined for a public hearing will apply if necessary.
- 7. When any citizen brings a complaint before or makes a suggestion to the Council, other than for items on the current meeting agenda, the Presiding Officer may refer the complaint or suggestion directly to the City Manager for review.

26. PUBLIC HEARINGS

Public Hearings shall be held on each matter required by State law or City policy. Quasi-judicial

hearing procedures shall be conducted in accordance with ORS 197.797, *Conduct of Local Quasi-judicial Land Use Hearings, Notice Requirements, Hearing Requirements*, unless otherwise provided in the Development Code. The Presiding Officer shall preside over the hearing, announce the purpose and type of hearing. City staff shall summarize the guidelines for the conduct of the hearing.

Public Hearings Generally

A public hearing may be held on any matter upon majority vote of the council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.

The presiding officer shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.

Each person shall, prior to giving testimony, give their name, shall indicate whether they are a resident of the city and give their address. All remarks shall be addressed to the council as a body and not to any member thereof.

Speakers at hearings on legislative or administrative matters, other than legislative land use matters, will be limited to five (5) minutes. Speakers at a hearing on a quasi-judicial matter, other than a quasi-judicial land use matter, shall be subject to the following time limits:

1. Staff presentation
2. Applicant or affected party. Quasi-judicial hearing only.
3. Appellant, if other than applicant. Quasi-judicial hearing only.
4. Other interested persons
5. Questions of staff .
6. Rebuttal by applicant or party. The scope of rebuttal is limited to matters which were introduced during the hearing.

Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed their testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by city councilors should be to provide clarification or additional information on testimony provided.

The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition, or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the approval of the council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal

or those in opposition to rise and direct the city recorder to note the numbers in the minutes.

At the end of public testimony and questions of staff, the council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the council shall have the opportunity to comment on or discuss testimony given during the public hearing.

A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the city recorder at or before the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.

Documents submitted to the city as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to their personal safety, and who wishes to exempt their address, including email address, and telephone number from disclosure must submit a written request for non-disclosure to the city recorder pursuant to ORS 192.368(1).

27. LAND USE HEARINGS

General Conduct of Hearings.

- A. Any party may speak in person, through an attorney, or another representative present the party's case.
- B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes their presentation. If the testimony or evidence is not submitted to the city recorder, it shall not be included in the record for the proceeding.
- C. No person may speak more than once without obtaining permission from the presiding officer.
- D. Upon being recognized by the presiding officer, any member of the council, the city manager, planning director or the city attorney may question any person who testifies.
- E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
- F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder shall note the numbers of such persons for the record in the minutes.

II. Quasi-Judicial Land Use Matters.

- A. Scope of Review. All appeals and council-initiated review in quasi-judicial land use proceedings shall be new (de novo) and shall be held on the record.
- B. Conflicts of Interest.
 - a. A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 - The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the city charter.
 - b. The member was not present during the public hearing; provided, however, the member may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.
 - c. Members of the council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.
- C. Burden of Proof. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
 - 1. The decision of the council shall be based on the applicable standards and criteria as set forth in the city's municipal code, the city's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
 - 2. The proponent, any opponents, and/or city staff may submit to the council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.
- D. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
 - 1. Land Use Hearing Disclosure Statement. The city manager or staff designee shall read the land use hearing disclose statement, which shall include:
 - a. A list of the applicable criteria;
 - b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
 - d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the council has had ex parte contacts. Any member of the council announcing an ex parte contact shall state for the record the nature and content of the contact.
3. Call for abstentions. The presiding officer shall inquire whether any member of the council must abstain from participating in the hearing due to a conflict of interest. Any member of the council announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.
4. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
5. Presentation of the Case.
 - a. Proponent's case. Twenty minutes total.
 - b. Persons in favor. Five minutes per person.
 - c. Persons opposed. Five minutes per person.
 - d. Other interested persons. Five minutes per person.
 - e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
6. Close of hearing. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.
7. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
8. Findings and Order. The council may approve or reject the proposal.
 - a. The council shall adopt findings to support its decision.
 - b. The council may incorporate findings proposed by the proponent, the opponent or staff in its decision.
- E. Continuances. Only one continuance is available by right. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

III. Legislative Land Use Matters.

- A. Hearings Procedures. The order of procedures for hearings on legislative land use

matters shall be:

1. Call for abstentions. Inquire whether any member of the council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case.
 - a. Proponent’s case. Twenty minutes total.
 - b. Persons in favor. Five minutes per person.
 - c. Persons opposed. Five minutes per person.
 - d. Other interested persons. Five minutes per person.
4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

28. ORDINANCES, RESOLUTIONS AND ORDERS

Ordinance

Ordinances -- Pursuant to City Charter, Section 16, Council will exercise its legislative authority by adopting ordinances. The enacting clause for all ordinances must state “The City of Hermiston ordains as follows:”

Ordinance Enactment – Pursuant to City Charter, Section 17, ordinances will be adopted as follows:

1. Except as authorized by subsection (b), adoption of an ordinance requires approval by at least five (5) members present of the Council at two (2) meetings.

11.1. ADJOURNED SESSIONS

~~Any session of the council may be continued or adjourned from day to day, or for more than one day, but no adjournment shall be for a longer period than until the next regular meeting.~~

2. The council may adopt an ordinance at a single meeting by the unanimous approval of all councilors present, provided at least five members of the council are present and the proposed ordinance is available in writing to the public at least three business days before the meeting.
3. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the Council adopts the ordinance at that meeting.
4. After the adoption of an ordinance, the vote of each member must be entered into the Council minutes.

5. After adoption of an ordinance, the city custodian of records must endorse it with the date of adoption and the custodian's name and title.
Ordinance Effective Date – Pursuant to City Charter, Section 18, ordinances take effect on the 30th day after adoption, or on a later day provided in the ordinance. An ordinance may take effect as soon as adopted or other date less than 30 days after enactment if the ordinance contains an emergency clause.

Resolution

Resolutions – Pursuant to City Charter, Section 19, Council will exercise its administrative authority by adopting resolutions or motions. The adopting clause for all resolutions may state “The City of Hermiston resolves as follows:”

Resolution Adoption – Pursuant to City Charter, Section 20, resolutions will be enacted as follows:

1. Approval of a resolution or any other Council administrative decision requires approval by the Council at one (1) meeting.
2. Any substantive amendment to a resolution must be read aloud or made available in writing to the public before the Council adopts the resolution at that meeting.
3. After approval of a resolution or other administrative decision, the vote of each member must be entered into the Council minutes.
4. After approval of a resolution, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Resolution Effective Date – Pursuant to City Charter, Section 21, resolutions and other administrative decisions take effect on the date of approval, or on a later day provided in the resolution.

Orders (Quasi-Judicial Authority)

Orders – Pursuant to City Charter, Section 22, Council will exercise its quasi-judicial authority by approving orders. The approving clause for all orders may state “The City of Hermiston orders as follows:”

Order Adoption – Pursuant to City Charter, Section 23, orders will be enacted as follows:

1. Approval of an order or any other Council quasi-judicial decision requires approval by the Council at one (1) meeting.
2. Any substantive amendment to an order must be read aloud or made available in writing to the public at the meeting before the Council adopts the order.
3. After approval of an order or other Council quasi-judicial decision, the vote of each member must be entered in the Council minutes.
4. After approval of an order, the city custodian of records must endorse it with the date of approval and the custodian's name and title.

Orders Effective Date – Pursuant to City Charter, Section 24, orders and other quasi-judicial decisions take effect on the date of final adoption, or on a later day provided in the order.

III.V. MINUTES

29. GENERALLY

2. All minutes ~~ATTENDANCE RECORD~~

~~The city recorder~~ shall ~~enter~~ be in ~~the minutes~~ written form, with an electronic copy of the meeting maintained by the city recorder in accordance with ORS 192.650. All minutes or recordings shall be available to the ~~names of the council~~ public within a reasonable time after the meeting, and shall include at least the following information:

1. All members of the governing body present;

3. DISTRIBUTION OF MINUTES

2. ~~Prior to~~ All motions, proposals, resolutions, orders, ordinances and measures proposed and their disposition;

3. The results of all votes and if the vote is not unanimous, the vote of each ~~meeting the city recorder shall furnish each council member, the mayor and the city manager with a copy of the minutes of~~ by name;

4. The substance of any discussion on any matter;

- ~~2.5.~~ and a reference to any document discussed at the ~~preceding~~ meeting.

12.30. APPROVAL OF MINUTES

The council shall approve all minutes of any meeting. The draft minutes shall be submitted to the council as part of the council's packet prior to the meeting where they will be discussed. Any member of the council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes. If no objection is made to the minutes of the preceding meeting, the same shall be approved.

IV.VI.PRESIDING OFFICER

4. CALL TO ORDER

31. GENERALLY

The mayor, or in ~~his~~their absence, the president of the council, shall take the chair at the hour appointed for the council to meet, and shall immediately call the members to order. The mayor or the presiding officer shall conduct the council meetings and exercise his authority as to the rules of order and conduct.

32. MAYOR

The Mayor shall preside over and facilitate council meetings, preserve order, enforce council rules, and determine the order of business under Council Rules, Section 22. The Mayor has no veto authority and shall sign all ordinances passed by the council within ten days after their passage. The Mayor has no vote on council matters unless there is a tie vote, and in the case of a tie vote on any matter before the council, the Mayor shall cast the deciding vote. The Mayor shall be deemed a member of the Council for the purposes of any voting requirements set forth in the Charter whenever the Mayor votes to break a tie on any matter before the Council. The Mayor must sign all approved records of council proceedings. The Mayor shall appoint members of the council to commissions, boards and committees that are established by state law, ordinance, council rules, resolution or motion, and with the consent of council, shall appoint non-council members to commissions, boards and committees established by state law, ordinance or resolution. The Mayor serves as the political head of the city government.

13.33. COUNCIL PRESIDENT OF THE COUNCIL

~~At its~~Pursuant to City Charter, Section 10, at the first meeting ~~of~~in each odd -numbered year, the Council shall ~~appoint~~elect a Council President from its ~~council members.~~ ~~Except in voting on questions before the council, the president shall function~~membership. The Council President presides in the absence of the Mayor and acts as Mayor when the Mayor is: ~~(a) absent from the council meeting, or (b) unable to function as mayor.~~

5. COUNCIL PRESIDENT PRIVILEGES

~~perform duties on account of absence, illness, or other cause.~~ The president retains the right to vote on all matters while presiding over the council but does not have authority to cast an additional vote to break a tie. The president of the council may move, second and debate from the chair, subject only to limitations of debate as are by these rules imposed on all members and shall not be deprived of any of the rights and privileges of a council member by reason of acting as the presiding officer.

14.34. TEMPORARY CHAIRMAN

In case of the absence of the mayor and the president of the council, the city recorder shall call the council to order and take the roll of the members. If a quorum is found to be present, the council shall proceed to elect, by majority vote of those present, a chairman of the meeting, to act either until the mayor or the president of the council appears.

V-VII. ELECTED AND APPOINTED OFFICIALS

35. GENERALLY

All elected (Mayor and Councilors) officials shall conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Elected officials should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefitting any individual or special interest group at the expense of the City as a whole. Elected officials should likewise do everything in their power to insure impartial application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, social station or economic position.

All City Officials should strive to carry out their duties based on the ideals expressed in Exhibit A related to Servant-Leadership.

36. MAYOR

The mayor occupies a position of public trust. The mayor acts as spokesman for the council and release for publication all council decisions, information of policy matters, information on controversial matters and general publicity releases. The mayor, or their delegate, shall take care of all welcoming of distinguished visitors, opening of conventions, laying of corner stones, and other public relations work of that nature. The mayor shall bear in mind at all times that they are the first citizen in the minds of the public and should conduct themselves in such a manner as to bring only credit to themselves and their office.

37. COUNCILORS

Councilors occupy positions of public trust. The basic function of the city council is that of establishing policy for the operation of the city. This means that the council is responsible for determining what is to be done, while the problem of how it is to be done is primarily that of the city manager.

Decisions in the establishing of policy for city government may be derived at by following these four steps:

1. *WHAT IS NEEDED?* Sources of this information may come from the council member's own observations, from individual citizen requests, citizen group requests, or from the recommendations of the city manager.
2. *WHAT IS THE WILL OF THE PEOPLE?* Much of what the public wants may be learned by careful listening to comments of individuals, representatives of interested groups, and from the council members' own reactions.
3. *WHAT CAN BE DONE?* A council member's moral obligation to the public is to render decisions that are practical and economically feasible. The back-ground experience of the city manager, his staff, and technical experts should be considered carefully.
4. *TAKE ACTION.* After determining the best policy, put your decisions to work by adopting, defeating, or modifying ordinances or resolutions.

Policy and its administration cannot always be clearly defined; thus, the council and the city manager must work together as a closely knit team. Inasmuch as the city council selects and hires the city manager, it is their responsibility to see that the manager has a chance to administer policy properly and to evaluate their administrative accomplishments.

A council member shall not give, or cause to be given, any direct order to the city manager or their subordinates. Such directives shall come only from the council as a whole. A council member shall not interfere in the

administration of departments or exercise individual authority in any operation under the city manager.

A council member shall not take up the cause for an applicant for an appointive office and shall direct an aspirant to take their cause directly to the city manager on their own merits and not those of the council member.

A council member, when approached with a complaint or criticism, shall refer said complaint or criticism to the city manager telling the complainant that the city manager is better informed on that subject and can give an answer or solution to the problem. Also, the council member should bring the complaint to the attention of the city manager for follow up.

6. COUNCIL MEMBERS

~~—The mayor and the council members occupy positions of public trust. All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion. Such officials shall adhere to Oregon Laws on Government Ethics. After the mayor or council member declares a conflict of interest, that official shall leave the council chambers and not return during any discussion, debate or vote on any such matter. After the conclusions of such discussion, debate or vote, the presiding officer shall advise the official with the conflict of interest so that they may return to the council chambers. However, in those cases where all council members would have an equal conflict of interest, for example where the discussion of residential water rates which are set by the city is taking place, after declaring a potential conflict of interest, each of the council members may participate in the discussion, debate or vote on such issue. If after the mayor or council member declares a conflict of interest that official is uncertain as to whether to leave the council chambers and requests the advice of the council, or if after another member of the council or mayor points out a potential conflict of another official, then the issue of the conflict of interest shall be referred to the council for their decision as to the conflict of interest. A majority vote of the council members present, not including the official whose conflict of interest is being questioned, shall be the final authority as to whether a conflict of interest exists. If the majority of the council members decide that an official has a conflict of interest, then that official shall leave the council chambers during any discussion, debate or vote on any such matter as described above. Council members and the mayor shall refrain from making use of, or discussing outside the council chambers, any special knowledge or information before it is made available to the general public and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as they may be issued in the normal and lawful discharge of the duties of those officers.~~

Council shall listen to criticism with interest and concern for the problem presented.

Council members are urged to educate themselves about local government. To that end, and as funding allows, Council members are urged to attend the League of Oregon Cities functions at City expense. Requests to attend other government related conferences, training seminars and meetings will be presented to the City Manager for evaluation of the adequacy of budgeted funds.

Councilors occupy positions of public trust. They should make their best efforts to attend all council meetings and when they are unable to attend, they should follow Rule 16.

Councilors have no authority when acting as individuals. Authority to make decisions and/or create policy for the City resides solely with the majority vote of the Council. Council decisions which are not unanimous are still the official policy of the City.

Councilors are encouraged to conduct themselves so as to bring credit upon the City as a whole, and to set an example of good ethical conduct for all citizens of the community. Councilors should constantly bear in mind these responsibilities to the entire electorate, and refrain from actions benefiting any individual or interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to insure impartial

application of the law to all citizens, and equal treatment of each citizen before the law, without regard to race, national origin, sex, age, gender, social station or economic position.

All Council members are individually responsible for compliance with the Oregon Revised Statutes Chapter 244, governing the ethical conduct of public employees and officials. Violation of these statutes may result in personal liability.

15.38. CITY MANAGER

The city manager shall attend all meetings of the council, unless excused by the council; shall keep the council fully advised as to the financial condition and needs of the city; may make recommendations to the council and may take part in discussions of all matters concerning the welfare of the city; and shall have a seat but no vote in the meetings of the council.

16.39. CITY RECORDER

The city recorder or their designee shall serve as clerk of the council and shall keep minutes of the meetings and perform such other and further duties in the meeting as may be ~~ordered by the mayor, council or city manager~~ needed for the orderly conduct of meetings.

17.40. CITY ATTORNEY

The city attorney shall, either in person or by deputy, attend all meetings of the council, unless excused by the city manager. ~~Any council member may at any time call upon the city attorney for an oral or written opinion to decide any question of law, with the approval of the council, but not to decide upon any parliamentary rules; however, the attorney may advise the presiding officer on parliamentary matters.~~ The City Attorney will have the right to take part in Council discussion, and will, upon request, give an opinion, either written or oral, on legal questions. The City Attorney, if requested, shall act as the Council's parliamentarian, but will have no vote.

VI.VIII. DECORUM AND ORDER

41. DECORUM AND ORDER

The presiding officer shall preserve decorum and decide all questions of order, subject to appeal to council. All participants in the meeting should act in a way to bring credit upon the City.

Councilors

During council meetings, ~~council members~~ councilors shall preserve order and decorum and shall neither by conversation or otherwise, delay or interrupt the proceedings nor refuse to obey the orders of the presiding officer or the rules of the council. No member shall address the chair or demand the floor while any vote is being taken. Every ~~council member~~ councilor desiring to speak shall address the chair, and upon recognition by the presiding officer, shall confine remarks to the question under debate and shall avoid all personalities and indecorous language, and refrain from impugning the motives of any other member's argument or vote. Every council member desiring to question the administrative staff shall address questions to the city manager who shall be entitled either to answer the inquiries or designate some staff member to do so. ~~A council member once recognized shall not be interrupted while speaking unless called to order by the presiding officer unless a point of order is raised by another member or unless the speaker chooses to yield to questions from another member. A council member called to order while speaking shall immediately cease speaking until the question of order is determined. If ruled to be in order, the member shall be permitted to proceed, or if ruled to be not in order, shall remain silent or shall alter any remarks so as to comply with the rules of the council.~~ All members shall accord the utmost courtesy to each other and refrain at all times from rude and derogatory remarks, reflections as to integrity, abusive comments, and statements as to motives and personalities. ~~Members~~ Councilors shall confine their questions to the particular matters before the ~~assembly~~ council and in debate shall confine their remarks to the issue before the council. ~~Members shall be removed from the meeting for failure to comply with the decisions of the presiding officer and/or for continued violations of the rules of the council. If the presiding officer fails to act, any member may move to require said officer to enforce the rules and the affirmative vote of a majority of the council shall require the presiding officer to act.~~

Members of the Administrative Staff and Employees

~~City staff and employees of the city~~ shall observe the same rules of procedure and decorum applicable to ~~members of the council.~~ councilors. While the presiding officer shall have the authority to preserve decorum in meetings as far as staff members and city employees are concerned, the city manager also shall be responsible for the orderly conduct and decorum of all city employees under ~~his~~ their direction and control. The city manager shall take such disciplinary action as may be necessary to ensure that such decorum is always preserved ~~at all times~~ by city employees in council meetings. The city manager or any staff member desiring to address the council or members of the public shall be recognized by the chair, shall state their name for the record, and shall limit remarks to the matter under discussion. All remarks and questions addressed to the council shall be addressed to the council as a whole and not to any individual member thereof. No staff members, other than staff members having the floor, shall enter into any discussion either directly or indirectly without permission of the presiding officer.

Public

A. ~~Public members attending council meetings shall also observe the same rules of propriety, decorum, and good conduct applicable to council members. Any person making personal, impertinent, and slanderous remarks or who becomes boisterous while addressing the council or while attending the council meeting shall be removed from the room as directed by the presiding officer, and such person shall be barred from further audience before the council and not be permitted to return to the meeting unless permission has been granted by a majority vote of the council members present. The removal shall be effected by whomever the presiding officer designates. Unauthorized~~

~~remarks from the audience, stamping of feet, whistles, yells and similar demonstrations shall not be permitted by the presiding officer, who shall direct the removal of such offenders from the room. Aggravated cases shall be prosecuted as provided by ordinance. In case the presiding officer shall fail to act, any member of the council may move to require said officer to act to enforce the rules, and the affirmative vote of the majority of the council shall require the presiding officer to act.~~

Any public member desiring to address the council shall be recognized by the chair, shall state their name and address in an audible tone for the record, and shall limit remarks to the question under discussion. All remarks and questions shall be addressed to the ~~council as a whole and not to an individual member thereof. All remarks and questions addressed to the administration of the city shall be addressed to the city manager and not to any individual city employee.~~ presiding officer. No person other than council members and the person having the floor shall enter into any discussion either directly or through a ~~council member~~councilor without permission of the presiding officer.

7. PERMISSION REQUIRED TO ADDRESS COUNCIL

~~Persons other than council members and city officers shall not be permitted to address council except upon either introduction or invitation by the presiding officer or by the chairman of the appropriate committee.~~

Removal

The Presiding Officer may eject from the meeting any person in attendance, including any Councilor, who becomes disorderly, abusive, or disruptive, or who fails or refuses to obey the rules of decorum and order. The Presiding Officer may summon the assistance of the City Police to assist in maintaining order.

42. CONFLICT OF INTEREST

All business transactions of such officials dealing in any manner with public funds, either directly or indirectly, must be subject to the scrutiny of public opinion. Such officials shall adhere to Oregon Laws on Government Ethics. After the mayor or council member declares a conflict of interest, that official shall leave the council chambers and not return during any discussion, debate or vote on any such matter. After the conclusions of such discussion, debate or vote, the presiding officer shall advise the official with the conflict of interest so that they may return to the council chambers. However, in those cases where all council members would have an equal conflict of interest, for example where the discussion of residential water rates which are set by the city is taking place, after declaring a potential conflict of interest, each of the council members may participate in the discussion, debate or vote on such issue.

Council members and the mayor shall refrain from making use of, or discussing outside the council chambers, any special knowledge or information before it is made available to the general public and shall comply with all lawful actions, directives and orders of duly constituted municipal officers as they may be issued in the normal and lawful discharge of the duties of those officers.

18-43. OFFICERS AND EMPLOYEES TO ATTEND

The head of any department, or any officer or employee of the city, when requested by the city manager or the council, shall attend any regular, adjourned or special meeting and confer with the council on all matters relating to the city.

8. RIGHT OF APPEAL

~~Any council member may appeal to the council from a ruling of the presiding officer. If the appeal is seconded, the member making the appeal may briefly state the reason for the same, and the presiding officer may briefly explain the ruling; but there shall be no debate on the appeal, and no other member shall participate in the discussion. The presiding officer shall then put the question, "shall the decision of the chair be sustained?" If a majority of the members vote YES, the ruling of the chair is sustained; otherwise it is overruled.~~

19.44. LIMITATION OF DEBATE

No member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon shall have spoken, and no member shall speak more than twice upon any one subject, nor for a longer time than five minutes without leave of council.

9. QUESTION OF PRIVILEGE

- A. ~~PRIVILEGE OF THE ASSEMBLY.~~ Any member may address the council on a Question of Privilege relating to the organization of the council, comfort of members, conduct of members and employees, punishing members for disorderly conduct, conduct of the news media, heating, lighting or ventilation of the council chambers, or any general disturbance.
- B. ~~PERSONAL PRIVILEGE.~~ Any member may address the council on a Question of Privilege relating to that member's personal comfort, ability to hear or otherwise take part in council proceedings, as well as on discussion which questions that member's integrity, character or motives.

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45. CENSURE

The Council has the inherent right to make and enforce its own rules and to ensure compliance with those laws generally applicable to public bodies. Should any Councilor act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Councilor to the extent provided by law, including public reprimand.

The Council has the right to investigate the actions of any member of the Council. Such investigation shall be referred to the full Council upon a finding that a reasonable ground exists that a substantial violation has occurred.

The full Council shall investigate the actions in executive session under ORS 192.660(2)(b), unless the Councilor requests the matter to be held in an open meeting. If held in an executive session, neither the full Council nor any member thereof shall have the right to make public any information obtained through such investigation.

Any member accused of a substantial violation of Council rules or any other general law shall have the right to present a defense to the allegations, including the right to present rebuttal evidence, and to have representation by counsel. Upon finding, by a moral certainty, that a substantial violation has occurred, and that such violation affects the Councilor's ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of Councilors other than the Councilor subject to censure proceedings, impose a proper sanction.

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VII.IX. VOTING

46. VOTE REQUIRED

Pursuant to City Charter, Section 14, the express approval of a majority of a quorum of the Council is necessary for any Council decision, except when the Charter or Council Rules requires approval by a majority of the Council.

20-47. VOTING

Every member present when a question is put shall vote, unless the council shall, for special reason, excuse a member from voting. Application to be excused from voting must be made before the votes are called for. The member having briefly stated the reason for the request, the decision thereon shall be made without debate.

21-48. RECORDING OF VOTE

The roll call vote shall be put by a vocal response FOR the question, and then AGAINST the question. The vote shall be recorded by name unless ~~unanimously~~unanimous.

22-49. PERSONAL INTEREST

No member stopped from voting by personal interest shall remain in the council chambers during the debate and vote on any such matter.

23-50. EXPLANATION OF VOTE DURING ROLL CALL

It shall not be in order for members to explain their vote during the roll call.

24-51. TIE VOTE

In case of a tie vote on any matter before the council, the mayor shall cast the deciding vote.

25-52. VOTING ON ORDINANCES OR RESOLUTIONS

When an ordinance or resolution is voted upon by the council and does not receive a council majority of YES or NO votes said resolution or ordinance shall automatically be reconsidered at the following council meeting, and successive meetings, if necessary, until such time as a majority vote of the council is achieved.

VIII.X. COMMITTEES

26-53. GENERALLY

The City Council may create standing citizen advisory boards, committees or commissions to aid the Council in the conduct of public affairs. The City Council may also create ad hoc citizen committees to accomplish a specific task or project. All standing citizen advisory boards, committees and commissions shall be governed by COH Chapter 32, except that if application of a provision of COH Chapter 32 conflicts with an applicable state statute, the state statute shall prevail. This definition does not include committees formed by the City Manager.

27-54. APPOINTMENTS BY THE MAYOR OR COUNCIL

~~Whenever the mayor or a council member shall, at any meeting, submit an appointment to be made, confirmation of such appointment shall be deferred until the next meeting.~~

All appointments, unless specifically waived, shall appear on two council agendas, first as a nomination and second as confirmation.

28-55. APPOINTMENTS TO MUNICIPAL BOARDS AND COMMISSIONS

All appointments to city boards and commissions shall be made in accordance with the ordinances and city charter. Appointees shall not be full-time employees of the city, shall not be elected officials of the city, shall not be appointed to more than two boards or commissions at a time, and shall not sell to the city or its boards and commissions over which the council has appointive powers and budget control either directly as a prime contractor or supplier, or indirectly as a first-tier subcontractor or supplier. Sales shall be construed to mean sales, services or fees aggregating **\$7,500** (revised 02/28/94) or more in any one calendar year. Preference for appointees shall be given to city residents. With the consent of the Council, the Mayor may remove a citizen from a City Board, Commission or Committee prior to the expiration of the term of office.

29-56. STANDING COMMITTEES

These committees are defined by city ordinance and their members are from the public with council liaisons. The mayor shall appoint all committees, subject to confirmation by the council, except as provided otherwise by state statutes or city ordinances. An appointment to fill a vacancy shall be for the unexpired term. Preference for appointments shall be given to city residents.

57. COMMITTEE LIAISONS

The Mayor shall assign a Councilor to act as liaison to boards, commissions, committees or other bodies that advise the Council. Councilors interested in a particular subject area should inform the Mayor of their interest. The Mayor should take the expression of interest and/or a Councilor's preference into account when making appointment decisions when possible. Liaison appointments are generally made on an annual basis.

Council liaisons should make every effort to attend all meetings of the committees, boards and commissions to which they have been assigned. In the event a Council liaison is unable to attend a meeting of the board, commission or committee, the liaison may contact another Councilor to attend the meeting in their stead. If a substitute is not found the councilor may ask the city staff assigned to that committee, commission or board to give them a summary of the meeting they missed. If a liaison fails to attend more than three consecutive meetings of the same committee, commission or board, they may be replaced.

When serving as a liaison to a City board, commission or committee as liaison, Council members will:

1. Not attempt to lobby or influence the board, commission or committee on any item under its consideration. It is important for the advisory body to make objective recommendations to the Council on items before them.

- 2. The liaison's communications shall reflect the majority position held by the Council on matters referred to the board, commission or committee to the extent such a Council position is known and articulated, or Council's expectations in light of Council adopted goals. The liaison's role is limited to explaining that position or Council expectations for the body.
- 3. Not vote at the body's meeting on any item.
- 4. This rule does not apply to non-city bodies when the Council member is the representative of the City.

30-58. TERMS AND VACANCIES

Terms for standing committees shall be ~~three years, defined in their enabling ordinance~~ beginning and terminating on established dates unless otherwise designated by law. Positions shall be staggered so as to provide continuity. All standing committee vacancies will be handled the same with term expiration constituting a vacancy. ~~Vacancies will be advertised by position number only.~~ Members of city advisory boards, committees or commissions may request a leave of absence from their positions of up to nine months.

31-59. APPLICATION

All applications for standing committees must be in writing, on a form provided by the City, addressed to the mayor and delivered before the expiration date established ~~by the council.~~ A basic volunteer background check will be performed on all potential committee members and results will be delivered to the selection committee. A selection committee composed of the mayor and two councilors will review the applications and make recommendations to the council. The two councilors serving on the committee may be rotated annually. The selection committee will select members for all openings including ~~a temporary vacancy~~ caused by a leave of absence.

32-60. SPECIAL COMMITTEE APPOINTMENTS

Special committees for particular purposes may be appointed by the presiding officer, subject to confirmation by the council. There shall be at least three members on each special committee, whether composed of council members, public members, or jointly composed. The presiding officer shall designate the member who is to serve as chairman of the committee. Vacancies occurring on any committee shall be filled in a like manner.

33-61. MEETINGS

Special committees shall meet on call of the chairman, or any two members, and shall report to the council without unnecessary delay upon matters referred to them. A majority of the members of a committee shall constitute a quorum.

34-62. NOTICE

It shall be the duty of the ~~chairman of staff member assigned to each~~ special ~~committees~~committee to give notice of the time and place of meetings as required by ordinance or state law.

35-63. REPORTS

When a committee to which a matter has been referred, with instructions to report at a time in the order of reference, is not ready to report at such time, the matter so referred shall, unless further time be granted, be considered as though reported back without recommendation. In such case, the committee shall forthwith return to the city recorder the documents pertaining to the matter, and the matter shall take its proper place in the Order of Business.

36-64. REPORTS TO BE IN WRITING

The reports of committees shall be in writing, agreed to in committee assembled. Copies of the report shall be

available to each member of such committee, council members, mayor and the city manager. Documents referred to the committee shall be returned with the report. Nothing in this rule shall be construed to prohibit the introduction of minority reports.

37.65. RELIEVING FROM FURTHER CONSIDERATION

Upon motion, council may by a majority vote relieve a committee of further consideration of a matter referred to it, and order the same placed on the calendar.

38.66. POWERS

No committee shall have the power to employ any person for, or on behalf of, the city, or incur any expense, unless specially authorized by the council. ~~Every committee shall have power and authority to send for persons and papers and examine witnesses under oath, pursuant to the laws of the state, in any matter or proceedings referred to, or before them, and such examination, together with all papers and proceedings, shall be returned to the council-city manager or designee.~~

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I. MOTIONS

10. PRECEDENCE OF MOTIONS

~~When a question is before the council, no motion shall be entertained, except: (a) to adjourn, (b) recess, (c) appeal a decision from the chair, (d) suspend the rules, (e) object to consideration, (f) to lay on the table, (g) for the previous question, (h) limit debate, (i) to postpone to a set time, (j) to refer to committee, (k) to amend, and (l) to postpone indefinitely. These motions shall have precedence in the order indicated. Any such motion except motions to postpone to a set time, to refer to committee, or to amend, shall be put to a vote without debate.~~

11. MOTIONS TO BE STATED BY CHAIR

~~When a motion is made and seconded, it shall be stated by the chair before debate. Any member may demand that it be put in writing~~

12. WITHDRAWAL

~~A motion may not be withdrawn by the mover without the consent of the member seconding it and the approval of the council.~~

13. MOTIONS OUT OF ORDER

~~The presiding officer may at any time by a majority vote of the members permit a member to introduce an ordinance, resolution, or motion out of the regular order.~~

14. MOTION TO ADJOURN

~~A motion to adjourn shall be in order at any time, except as follows: (a) when repeated without intervening business or discussion, (b) when made as an interruption of a member while speaking, (c) when the previous question has been ordered, and (d) while a vote is being taken. A motion to adjourn is debatable only as to the time to which the meeting is adjourned.~~

15. MOTION TO LAY ON THE TABLE

~~A motion to lay on the table shall preclude all amendments or debate of the subject under consideration. If the motion shall prevail, the consideration of the subject may be resumed only upon motion of a member voting with the majority and with the consent of two thirds of the members present.~~

16. THE PREVIOUS QUESTION

~~When the previous question is moved and seconded by one other member, it shall be put as follows: "Shall the main question now be voted on?"~~

17. DIVISION OF QUESTION

~~If the question contains two or more divisible propositions, the presiding officer may, and upon request of a member shall, divide the same.~~

18. AMEND: TO STRIKE OUT

~~On an amendment to "strike out and insert", the paragraph to be amended shall first be read as it stands, then the words proposed to be stricken out and those to be inserted shall be read, and finally the paragraph as it would stand if so amended shall be read.~~

19. AMEND AN AMENDMENT

~~A motion to amend an amendment shall be in order, but one to amend an amendment to an amendment shall not be introduced. An amendment modifying, but not changing, the intention of a motion shall be in order, but an amendment relating to a different matter shall not be in order.~~

20. MOTION TO POSTPONE

All motions to postpone, except a motion to postpone indefinitely, may be amended as to time. If a motion to postpone indefinitely is carried, the principal question shall be declared lost.

21. VOTING ON ORDINANCES AND RESOLUTIONS

On the passage of every ordinance and resolution, the vote shall be taken by YES and NO and entered in full upon the record.

22. RECONSIDERATION

After the decision on any question any member who voted with the majority may move a reconsideration of any action at the same or the next succeeding meeting; provided, however, that a resolution authorizing or relating to any contract may be reconsidered at any time before the final execution thereof. A motion to reconsider shall require a majority vote of the council. After a motion for reconsideration has once been acted on, no other motion for reconsideration thereof shall be made without unanimous consent.

23. DISSENTS AND PROTESTS

Any member shall have the right to express dissent from or protest against any ordinance or resolution of council and have the reason therefor entered in the minutes. Such dissent or protest must be filed in writing, couched in respectful language, and presented to council not later than the next regular meeting following the date of passage of the ordinance.

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IX.XI.

MISCELLANEOUS

67. STATEMENTS TO MEDIA AND OTHER ORGANIZATIONS

Representing City. If a member of the Council, to include the mayor, appears as an authorized representative of the City before another governmental agency, the media, or an organization to give a statement on an issue, the member may only state the official position of the City, as approved by a majority of the Council.

Personal Opinions. If a member of the Council, to include the mayor, appears in their personal capacity (not as an authorized representative of the City) before another governmental agency, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the City before giving their statement.

Use of Letterhead. Councilmembers may use City letterhead for individual letters of thank you, congratulations, and condolences without the express permission of the Council.

68. ELECTED OFFICIALS' INVOLVEMENT WITH STAFF

A. All Council members will respect the separation between the Council's role and the City Manager's responsibilities by:

1. Not interfering with the day-to-day administration of City business, which is the responsibility of the City Manager.
2. Working together as a team within a spirit of mutual confidence and support.
3. Respecting the administrative functions of the City Manager and department heads and refraining from actions that would undermine the authority of the City Manager or department heads. The Council will abide by the City Charter in its dealings with the City Manager.
4. Limiting individual inquiries and requests for information from staff or department heads to those questions that may be answered readily as part of staff's day-to-day responsibilities. Questions of a more complex nature will be directed to the City Manager. Questions from individual Council members requiring significant staff time or resources (two hours or more) should normally require approval of the Council, although the City Manager may determine to follow up on requests from individual Councilors. Council members should normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by Council members acting in their individual capacity rather than as Council members, nor to questions regarding conflict of interest or similar issues particular to the Council member.
5. Limiting individual contacts with City officers and employees so as to not influence staff decisions or recommendations, so as to not interfere with staff work performance, and so as to not undermine the authority of the City Manager, department heads and other managerial and supervisory employees.
6. Councilors should never express concerns about the performance of a City employee in public, to the employee directly, or other city employees. Comments about staff performance should only be made to the City Manager through private correspondence or conversation.
7. Respecting staff and their roles and responsibilities, even if expressing criticism of an action.
8. Nothing in this section or these rules precludes Council members from obtaining information and asking questions during Council meetings or from evaluating the performance of the City Manager.

B. When any elected officials desire to understand the operations of any city department better, that person should schedule time with the appropriate department head through the City Manager. If the elected official desires to have that time without the City Manager present that needs to be stated when the request is made. Exceptions to this policy are as follows:

1. The elected official visiting a city department location on a matter of personal business with the department, in which case the elected officials shall present themselves at the front counter area and conduct the matter of business in a timely manner with appropriate personnel;
2. The elected official is present conducting business for their employer;

- 3. The elected official is present for the purpose of the elected official performing a volunteer service for the department, which service shall have the prior written acknowledgment of the City Manager; and,
- 4. The elected official participating in the police "ride-along" program or similar program in other departments, which participation shall be limited to not more than one time per quarter per member in any calendar year.

69. ANONYMOUS COMMUNICATIONS

39.1. ANONYMOUS COMMUNICATIONS

Unsigned communications shall not be introduced in council meetings.

70. PROCEDURE FOR FILLING COUNCIL VACANCIES

See Chapter VII-Section 34 Hermiston City Charter

71. COMPLAINTS

40.1. PROCEDURE FOR FILLING COUNCIL VACANCIES

Upon receipt of a resignation of a council member, the council will:

- A. Accept the resignation by motion.

Advertise the vacancy in a local newspaper for two weeks stating that the city council is accepting applications for the position and establishing a deadline for applying.

- B. The mayor will appoint a council committee, approved by the council, to review applications.
- C. The committee will recommend an individual from the applications to fill the vacancy.
- D. The council will approve the recommendation.
- E. The oath of office will be administered at the next regular council meetings.

41.1. COMPLAINTS

The procedure for complaints shall be:

All complaints involving municipal policies shall be referred to the city council for appropriate action, and except in the most unusual cases, such action shall be preceded by report and recommendation of the city manager who shall have been given ample time and opportunity in which to investigate and to render a report.

All complaints involving charges of unfair hearings or improper hearings or inadequate hearings before advisory boards and commissions shall be processed in the manner provided by state statute.

All complaints with respect to the management of the city shall be referred to the city manager for the necessary or appropriate action in each individual case. In the case of those complaints involving the management of the city wherein the council desires further information, the city manager, when so requested by a majority of the council, shall be given adequate time in which to make the necessary investigation and report.

24. AMENDMENT TO RULES OR ORDER AND PROCEDURE

These rules may be amended or new rules adopted by a majority vote of the council (Amended 02/24/03)

25. PRESCENCE AT THE POLICE DEPARTMENT

- A. Neither the Mayor or any member of the City Council shall be present at the Hermiston Police Department or in a patrol vehicle with any police officer unless at least one of the following two conditions is met:

The Police Chief or a Police Lieutenant (now Captain) is present and accompanies the Mayor or member of

~~the City Council while said official is at the Department or in a patrol vehicle with any officer; or,
The Mayor or member of the City Council is accompanied by at least one of their fellow elected officials while
said official is at the Department or in a patrol vehicle with any officer.~~

~~The following shall be the only exceptions to this policy:~~

- ~~a. The Mayor or any member of the City Council is present at the Police Department on a matter of personal business with the Department, in which case the Mayor or member of the City Council shall present him- or herself at the front counter area and conduct the matter of business in a timely manner with appropriate duty personnel;~~
- ~~b. The Mayor or any member of the City Council is present at the Police Department on business for her or his employer;~~
- ~~c. The Mayor or any member of the City Council is present at the Police Department for the purpose of performing a volunteer service for the Department, which service shall have the prior written acknowledgment of the City Manager; and,~~
- ~~d. The Mayor or any member of the City Council is participating in the police "ride-along" program, which participation shall be limited to not more than one time per quarter per member in any calendar year.~~

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II. DUTIES OF THE COUNCIL MEMBER

26. COUNCIL DUTIES

~~The basic function of the city council is that of establishing policy for the operation of the city. This means that the council is responsible for determining what is to be done, while the problem of how it is to be done is primarily that of the city manager.~~

~~Decisions in the establishing of policy for city government may be derived at by following these four steps:~~

- ~~1. WHAT IS NEEDED? Sources of this information may come from the council member's own observations, from individual citizen requests, citizen group requests, or from the recommendations of the city manager.~~
- ~~2.1. WHAT IS THE WILL OF THE PEOPLE? Much of what the public wants may be learned by careful listening to comments of individuals, representatives of interested groups, and from the council members' own reactions.~~
- ~~3.1. WHAT CAN BE DONE? A council member's moral obligation to the public is to render decisions that are practical and economically feasible. The back ground experience of the city manager, his staff, and technical experts should be considered carefully.~~

~~TAKE ACTION. After determining the best policy, put your~~



Exhibit A -Servant-Leadership

- I will base my decisions on the next generation more than the next election, committed to the ideal that my loyalty must be to the entire community (both now and in the future) and not merely to those who got me elected.

A. I will focus on mission, vision and values as the benchmark for my decisions to work by adopting, defeating, or modifying ordinances or resolutions.

~~Policy and its administration cannot always be clearly defined, thus the council and the city manager must work together as a closely knit team.~~

~~Inasmuch as the city council selects and hires the city manager, it is its and recognize that my responsibility to see that the manager has a chance to administer policy properly and to evaluate his administrative accomplishments.~~

~~A council member shall is the pursuit of the greatest good for the entire community and not give, or cause to be given, any direct order to the city manager or his subordinates. Such directives shall come only from the council as a whole. A council member shall not interfere in the administration of departments or exercise individual authority in any operation under the city manager.~~

~~A council member shall not take up the cause for an applicant for an appointive office and shall direct an aspirant to take his cause directly to the city manager on his own merits and not those of the council member.~~

- ~~A council member, when wishing to bring up a citizen complaint, shall first advise the city manager in time to have it put on the the satisfaction of any particular group's agenda for the next regular meeting of the council, thereby giving the city manager time to gather together pertinent facts concerning the complaint or observation and/or solve the problem.~~

~~A council member, when approached with a complaint or criticism, shall refer said complaint or criticism to the city manager telling the complainant that the city manager is better informed on that subject and can give an answer or solution to the problem. Also, the council member should bring the complaint to the attention of the city manager for follow up.~~

~~No decision should be made by council, on any matter, until the city manager has had time to delve into it and give his opinion. Any new business brought up in the meeting, except an emergency measure, should be tabled until the next meeting to give the city manager and council time to ponder its effect.~~

- The council shall try to keep pace with the sentiments of the public by investigating sources of dissatisfaction and discontent. I will make decisions based on fact-based evidence and not allow myself to be manipulated into bad decisions for the future based on the decibel level of critics.

- I will recognize that "it takes a smart leader to know where they are stupid" and have the wisdom to be smart. Accordingly, I will value those who have the courage to tell me what they really think and will listen sincerely to those who disagree with me to truly understand their perspective, recognizing that understanding other perspectives makes me a better leader.

- I will embrace my responsibility to govern rather than to manage, recognizing that if I am doing staff's job I am not doing my job, while also understanding and embracing the appropriately exercised governance role of holding staff accountable.

- I will place a greater emphasis on solutions than on problems, while refusing to offer solutions before I understand the problem.

- I will understand that mutual trust is the foundation for everything and that if I refuse to trust others they will be unable to trust me.

- I will protect the integrity of the process more than the rightness of my position; I will fight hard for my issue but then unify behind the governing body when the decision is made because the decision was made with integrity of process, even if

I disagree with the outcome.

- I will understand that my deeply held beliefs, values and positions will be strengthened, not compromised by courteous, respectful and civil discourse. I will not treat someone as the enemy just because we disagree.
- I will treat everyone with dignity and respect because of who I am as a leader... not because of how they treat me or what I think about them.
- I will be a role model for civility. I will not treat my colleagues or staff in any way that I would be embarrassed if my five year old child treated someone the same way.
- I will never forget – it is not about me and it is not about now.

(As quoted from Strategic Government Resources (SGR) Website on December 28, 2021.) ~~Council shall listen to criticism with interest and concern for the problem presented.~~

DRAFT

III. DUTIES OF THE MAYOR OR PRESIDING OFFICER

27. MAYOR/PRESIDING OFFICER DUTIES

~~The mayor or the presiding officer shall conduct the council meetings and exercise his authority as to the rules of order and conduct.~~

~~The mayor shall act as spokesman for the council and release for publication all council decisions, information of policy matters, information on controversial matters and general publicity releases.~~

~~The mayor, or his delegate, shall take care of all welcoming of distinguished visitors, opening of conventions, laying of corner stones, and other public relations work of that nature.~~

~~The mayor shall bear in mind at all times that he is the first citizen in the minds of the public and should conduct himself in such a manner as to bring only credit to himself and his office.~~

DRAFT

Rosenberg's Rules of Order: Simple Parliamentary Procedures for the 21st Century



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Western City is the League of California Cities’ monthly magazine. *Western City* provides lively, interdisciplinary analyses of issues affecting local governance. Its goal is to offer immediately practical ideas, information and bigger-picture policy issues and trends. For more information, visit www.westerncity.com.

“Rosenberg’s Rules of Order” first appeared in *Western City* magazine in August and September 2003.

About the Author

Dave Rosenberg is an elected county supervisor representing the 4th District in Yolo County. He also serves as director of community and intergovernmental relations, director of operations, and senior advisor to the governor of California. He has served as a member and chair of numerous state and local boards, both appointed and elected, and also served on the Davis City Council for 12 years, including two terms as mayor. He has taught classes on parliamentary procedure and has served as parliamentarian for large and small governing bodies. In the fall of 2003, Gov. Davis appointed Rosenberg as a judge of the Yolo County Superior Court.

Rosenberg’s Rules of Order: Simple Parliamentary Procedures for the 21st Century

by Dave Rosenberg

The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that hasn’t always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules, *Robert’s Rules of Order*, which are embodied in a small but complex book. Virtually no one I know has actually read this book cover to cover.

Worse yet, the book was written for another time and purpose. If you are running the British Parliament, *Robert’s Rules of Order* is a dandy and quite useful handbook. On the other hand, if you’re running a meeting of a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order. Hence, the birth of “Rosenberg’s Rules of Order.”

This publication covers the rules of parliamentary procedure based on my 20 years of experience chairing meetings in state and local government. These rules have been simplified and slimmed down for 21st century meetings, yet they retain the basic tenets of order to which we are accustomed.

“Rosenberg’s Rules of Order” are supported by the following four principles:

1. Rules should establish order. The first purpose of the rules of parliamentary procedure is to establish a

framework for the orderly conduct of meetings.

2. Rules should be clear. Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate and those who do not fully understand and do not fully participate.

3. Rules should be user-friendly. That is, the rules must be simple enough that citizens feel they have been able to participate in the process.

4. Rules should enforce the will of the majority while protecting the rights of the minority. The ultimate purpose of the rules of procedure is to encourage discussion and to facilitate decision-making by the body. In a democracy, the majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself (but not dominate) and fully participate in the process.

The Chairperson Should Take a Back Seat During Discussions

While all members of the governing body should know and understand the rules of parliamentary procedure, it is the chairperson (chair) who is charged with applying the rules of conduct. The chair should be well versed in those

rules, because the chair, for all intents and purposes, makes the final ruling on the rules. In fact, all decisions by the chair are final unless overruled by the governing body itself.

Because the chair conducts the meeting, it is common courtesy for the chair to take a less active role than other members of the body in debates and discussions. This does *not* mean that the chair should not participate in the debate or discussion. On the contrary, as a member of the body, the chair has full rights to participate in debates, discussions and decision-making. The chair should, however, strive to be the last to speak at the discussion and debate stage, and should not make or second a motion unless he or she is convinced that no other member of the body will do so.

The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, published agenda; informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body’s agreed-upon road map for the meeting. And each agenda item can be handled by the chair in the following basic format.

First, the chair should clearly announce the agenda item number and should clearly state what the subject is. The chair should then announce the format that will be followed.

Second, following that agenda format, the chair should invite the appropriate people to report on the item, including any recommendation they might have. The appropriate person may be the chair, a member of the governing body,

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire to move on.

a staff person, or a committee chair charged with providing information about the agenda item.

Third, the chair should ask members of the body if they have any technical questions for clarification. At this point, members of the governing body may ask clarifying questions to the people who reported on the item, and they should be given time to respond.

Fourth, the chair should invite public comments or, if appropriate at a formal meeting, open the meeting to public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of each public speaker. At the conclusion of the public comments, the chair should announce that public input has concluded (or that the public hearing, as the case may be, is closed).

Fifth, the chair should invite a motion from the governing body members. The chair should announce the name of the member who makes the motion.

Sixth, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member who seconds the motion. It is normally good practice for a motion to require a second before proceeding with it, to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and a vote on the motion even when there is no second. This is a matter left to the discretion of the chair.

Seventh, if the motion is made and seconded, the chair should make sure everyone understands the motion. This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

Eighth, the chair should now invite discussion of the motion by the members of the governing body. If there is no desired discussion or the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or a very brief discussion, the vote should proceed immediately, and there is no need to repeat the motion. If there has been substantial discussion, it is normally best to make sure everyone understands the motion by repeating it.

Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Ninth, the chair takes a vote. Simply asking for the “ayes” and then the “nays” is normally sufficient. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise or unless a super-majority is required (as delineated later in these rules), a simple majority determines whether the motion passes or is defeated.

Tenth, the chair should announce the result of the vote and should announce what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring 10 days’ notice for all future meetings of this governing body.”

Motions in General

Motions are the vehicles for decision-making. It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus on the motion before them.

Motions are made in a simple two-step process. First, the chair recognizes the member. Second, the member makes a motion by preceding the member’s desired approach with the words: “I move ...” A typical motion might be: “I move that we give 10 days’ notice in the future for all our meetings.”

The chair usually initiates the motion by:

1. Inviting the members to make a motion: “A motion at this time would be in order.”
2. Suggesting a motion to the members: “A motion would be in order that we give 10-days’ notice in the future for all our meetings.”
3. Making the motion.

As noted, the chair has every right as a member of the body to make a motion, but normally should do so only if he or she wishes a motion to be made but no other member seems willing to do so.

The Three Basic Motions

Three motions are the most common:

1. **The basic motion.** The basic motion is the one that puts forward a decision for consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”
2. **The motion to amend.** If a member wants to change a basic motion that is under discussion, he or she would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

- 3. The substitute motion.** If a member wants to completely do away with the basic motion under discussion and put a new motion before the governing body, he or she would “move a substitute motion.” A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

A motion to amend seeks to retain the basic motion on the floor, but to modify it in some way.

A substitute motion seeks to throw out the basic motion on the floor and substitute a new and different motion for it.

The decision as to whether a motion is really a motion to amend or a substitute motion is left to the chair. So that if a member makes what that member calls a motion to amend, but the chair determines it is really a substitute motion, the chair's designation governs.

When Multiple Motions Are Before The Governing Body

Up to three motions may be on the floor simultaneously. The chair may reject a fourth motion until the three that are on the floor have been resolved.

When two or three motions are on the floor (after motions and seconds) at the same time, the *first* vote should be on the *last* motion made. So, for example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee, to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows.

First, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passes*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be complete. No vote would be taken on the first or second motions. On the other hand, if the substitute motion (the third motion) *failed*, the chair would proceed to consideration of the second (now the last) motion on the floor, the motion to amend.

If the substitute motion failed, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would now move to consider the main motion (the first motion) as *amended*. If the motion to amend failed, the chair would now move to consider the main motion (the first motion) in its original format, not amended.

The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items.

Third, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee) or, if amended, would be in its amended format (10-member committee). And the question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

To Debate or Not to Debate

The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are *not* debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

A motion to adjourn. This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. This motion requires a simple majority vote.

A motion to recess. This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess, which may range from a few minutes to an hour. It requires a simple majority vote.

A motion to fix the time to adjourn.

This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.

A motion to table. This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to

be placed on "hold." The motion may contain a specific time in which the item can come back to the body: "I move we table this item until our regular meeting in October." Or the motion may contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

A motion to limit debate. The most common form of this motion is to say: "I move the previous question" or "I move the question" or "I call for the question." When a member of the body makes such a motion, the member is really saying: "I've had enough debate. Let's get on with the vote." When such a motion is made, the chair should ask for a second to the motion, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body. Note that a motion to limit debate could include a time limit. For example: "I move we limit debate on this agenda item to 15 minutes." Even in this format, the

the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions occur when the body is taking an action that effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super-majority) to pass:

Motion to limit debate. Whether a member says, "I move the previous question," "I move the question," "I call for the question" or "I move to limit debate," it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

Motion to close nominations. When choosing officers of the body, such as the chair, nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers, and it requires a two-thirds vote to pass.

pend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself: the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to reconsider is made.

A motion to reconsider requires a majority vote to pass, but there are two special rules that apply only to the motion to reconsider.

First is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon or at the very next meeting of the body. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted *in the majority* on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body may second the motion). If a member who voted *in the minority* seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of the minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If you are running the British Parliament, Robert's Rules of Order is a dandy and quite useful handbook.

motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

Majority and Super-Majority Votes

In a democracy, decisions are made with a simple majority vote. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means

Motion to object to the consideration of a question. Normally, such a motion is unnecessary, because the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

Motion to suspend the rules. This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to sus-

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.

Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. And at the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every

It is usually best to have a motion before the governing body prior to discussing an agenda item, to help everyone focus.

lege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person's ability to hear.

Order. The proper interruption would be: "Point of order." Again, the chair would ask the interrupter to "state your point." Appropriate points of order

Withdraw a motion. During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

Special Notes About Public Input

The rules outlined here help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

Rule One: Tell the public what the body will be doing.

Rule Two: Keep the public informed while the body is doing it.

Rule Three: When the body has acted, tell the public what the body did.

Public input is essential to a healthy democracy, and community participation in public meetings is an important element of that input. The challenge for anyone chairing a public meeting is to accommodate public input in a timely and time-sensitive way, while maintaining steady progress through the agenda items. The rules presented here for conducting a meeting are offered as tools for effective leadership and as a means of developing sound public policy. ■

Motions to amend and substitute motions are often confused. But they are quite different, and so is their effect, if passed.

speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focus on the item and the policy in question, not on the personalities of the members of the body. Debate on policy is healthy; debate on personalities is not. The chair has the right to cut off discussion that is too personal, too loud or too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body. Can a member of the body interrupt the speaker? The general rule is no. There are, however, exceptions. A speaker may be interrupted for the following reasons:

Privilege. The proper interruption would be: "Point of privilege." The chair would then ask the interrupter to "state your point." Appropriate points of privi

relate to anything that would not be considered appropriate conduct of the meeting; for example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

Appeal. If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

Call for orders of the day. This is simply another way of saying, "Let's return to the agenda." If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair's determination may be appealed.

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CITY COUNCIL & URBAN RENEWAL AGENCY

Regular Meeting Minutes
June 12, 2023

Mayor Drotzmann called the regular meeting to order at 7:04pm. Present were Councilors Barron, Duron, Linton, Hardin, Primmer, McCarthy, and Myers. Councilor Peterson was excused. Municipal Court Judge Bendixsen was in attendance, as well as City Staff to include: City Manager Byron Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Chief Edmiston, Planning Director Clint Spencer, Court Administrator Jillian Viles, Parks and Recreation Director Brandon Artz, and City Recorder Lilly Alarcon-Strong. The pledge of allegiance was given.

Presentation- Hermiston School District Updates

Assistant HSD Superintendent Jake Bacon gave information: Enrollment and registration for next year, graduation information and scholarships received, end of school year dates, construction updates, free lunches available all summer for K-12 students, free breakfast and lunch will also be available for all students throughout the school year next year, as well other information.

Citizen Input on Non-Agenda Items

Ronald Caudell, 420 SE 8th Street- stated neighbors are frustrated with a certain homeowner on their street who has many code violations. The Code Enforcement Official and Police Department have been notified, he has seen Officers speak with the specific neighbor and issues are resolved temporarily for a few days and then revert to the same code violations, however, the Code Enforcement Official does nothing. Mr. Caudell asked that the City enforce the code for everyone not only those who comply, and suggested the City invest in video cameras throughout the City for video evidence.

Virginia Garcia-Rome, Hermiston- Invited all to attend the Juneteenth event on Saturday, June 17th at 4:00pm at McKenzie Park where there will be free food and entertainment for all.

Consent Agenda Items

Councilor Linton moved and Councilor McCarthy seconded to approve Consent Agenda items A-G, to include:

- A. Committee Vacancy Announcements
- B. Committee Re-Appointment Recommendation of Mark Gomolski for: Hispanic Advisory Committee Position #1- term ending 06/30/2027
- C. Committee Appointment Recommendation of Albert Munoz for: Hispanic Advisory Committee Position #5- term ending 06/30/2025
- D. Liquor License Application for Grocery Outlet
- E. Minutes of the May 11th Budget Committee Meeting for the City of Hermiston and Hermiston Urban Renewal Agency
- F. Minutes of the May 22 City Council and Urban Renewal Agency Meeting
- G. Minutes of the May 31st Budget Committee Meeting for the City of Hermiston and Hermiston Urban Renewal Agency

Motion carried unanimously.

Public Hearing- City of Hermiston 2023-24 Fiscal Budget (Resolutions 2277, 2278, 2279, & 2280)

Hearing no conflicts of interest from the Council, City Manager Smith read the hearing guidelines and Mayor Drotzmann opened the hearing at 7:22pm.



CITY COUNCIL & URBAN RENEWAL AGENCY

Regular Meeting Minutes
June 12, 2023

City Manager Smith gave information regarding meetings held by the Budget Committee and their recommendation to the Council to adopt the proposed resolutions for the 2023-24 fiscal year budget.

There were no persons present who wished to give public testimony and the hearing was closed at 7:24pm.

Resolution No. 2273– Authorizing an Intergovernmental Agreement with Umatilla County Fire District #1 regarding renovations/additions to the Public Safety Center. - City Manager Smith presented information regarding the \$2.5 million grant awarded to the City for the proposed renovation.

After further discuss, Councilor Primmer moved and Councilor Hardin seconded to adopt Resolution No. 2273 and lay upon the record. Motion carried unanimously.

Resolution No. 2274 – Authorizing an Information Technology Services Agreement with the City of Pilot Rock & Resolution No. 2275 – Authorizing an Information Technology Services Agreement with the City of Milton-Freewater- Mayor Drotzmann asked that these items be combined as they are very similar. The Council agreed.

City Manager Smith stated both City’s have current IT services though IMESD who will no longer be providing services to non-school districts after June 30, 2023. The City has been approached by both entities to provide them with service.

After further discussion, Councilor Duron moved and Councilor Myers seconded to adopt Resolutions. 2274 and 2275 and lay upon the record. Motion carried unanimously.

Resolution No. 2276- Establishing “No Parking” on SW 3rd Between Orchard Ave. and Locust Ave. Assistant City Manager Mark Morgan stated the proposed “No Parking” areas are being requested by the Confederated Tribes of the Umatilla Indian Reservation through their Kayak Public Transit Department as these areas are bus stops for Hermiston Hopper and Hermiston HART.

After further discussion, Councilor Primmer moved and Councilor Linton seconded to adopt Resolution No. 2276 and lay upon the record. Motion carried unanimously.

Resolutions (2277, 2278, 2279, & 2280) Related to the adoption of FY 2023-24 City of Hermiston Budget City Manager Smith stated these resolutions to adopt the FY 2023-24 budget were discussed during the public hearing and provided in the agenda packet. There have been many layers of transparency built into the budget process, to include: two Budget Committee Meetings and the many different opportunities for the public to participate and be informed via the website, newspaper, and at City Council meetings.

Resolution No. 2277- Declaring the City of Hermiston’s Election to Receive State Revenues Councilor Duron moved and Councilor Hardin seconded to adopt Resolution No. 2277 and lay upon the record. Motion carried unanimously.



CITY COUNCIL & URBAN RENEWAL AGENCY

Regular Meeting Minutes
June 12, 2023

Resolution No. 2278 – Adopting the City of Hermiston’s Budget, make appropriations, and impose and categorize taxes for FY 2023-24- Councilor McCarthy moved and Councilor Myers seconded to adopt Resolution No. 2278 and lay upon the record. Councilors McCarthy, Hardin, Barron, Primmer, Duron, and Myers voted in favor, Councilor Linton voted against; Motion carried 6-1.

Resolution No. 2279- Establishes Reserve Funds for the City of Hermiston for FY 2023-2024
Councilor Primmer moved and Councilor Hardin seconded to adopt Resolution No. 2279 and lay upon the record. Motion carried unanimously.

Resolution No. 2280- Adopting the Compensation Plan for City of Hermiston Employees for FY 2023-2024
Councilor Linton moved and Councilor Duron seconded to adopt Resolution No. 2280 and lay upon the record. Motion carried unanimously.

(Municipal Judge Bendixsen exited the meeting at 7:58pm)

Committee Reports

Parks & Recreation Advisory Committee- Councilor Myers spoke regarding the Teen Adventure Park Groundbreaking event.

Budget Committee- Councilor Barron thanked all Committee members for their efforts to review and approve the proposed budgets.

EOTEC Advisory Committee- Councilors Primmer and Barron spoke regarding barn and field expansions, event operation updates, branding updates, financial reports and information on generating revenues to help EOTEC break even, and Fair and Rodeo parking at the Municipal Airport.

Public Infrastructure Committee- Mayor Drotzmann and Assistant City Manager Morgan gave information regarding: No Parking information that will be coming before the Council, Geer Road Realignment, Backflow prevention, FOG Program.

Stepping Stones Alliance (not a City Committee)- Mayor Drotzmann stated the Committee is looking to expand its membership to individuals that do not live in Hermiston as there are already many Hermiston members and the cities of Boardman and Irrigon have been added to the PATH partnership, 21 shelters have been built and another 2 ADA shelters are scheduled to be completed, thanked Marlette Homes for being a great community partner in this project, and asked that the City add PATH/Stepping Stones information on it’s website for those interested in learning more.

Mayor’s Report

Mayor Drotzmann spoke regarding:

- Confirmed his announcement of running for the Senate, District 29 seat with the primary election in May 2024 and taking office in January 2025 if successful.
- Will not be running for another term as Mayor
- Recent meetings with USDA RD about programs the City can qualify for and Senator Wyden’s staff regarding Hermiston’s happenings and resource priorities



CITY COUNCIL & URBAN RENEWAL AGENCY

Regular Meeting Minutes
June 12, 2023

Council Reports

Councilor Linton thanked the Police Department and all those involved in tearing down the rundown building at 125 W Cherry stating neighbors are very happy seeing the positive impact this has had in the area.

Councilor Primmer gave information regarding the memorial service for Jan Good, a Search and Rescue Coordinator and Retired Police Officer from the Umatilla County Sheriff’s Office at the Vert Auditorium in Pendleton on June 21st at 11am. Ms. Good was one of the first female law enforcement officers in the State and served in many roles with the Umatilla County Sheriff’s Office. Councilor Primmer thanked her and her family for her service and leadership.

Councilor Barron thanked Mayor Drotzmann for his work representing the City at the government level stating he will be a tough act to follow and wished him well in his campaign.

Councilor McCarthy gave information regarding events to be held on Festival Street this summer to include: the recent Art Festival, Melon Fest held on Aug 19, and Cork & Barrell held on October 7.

Youth Advisory Report

None Present.

City Manager’s Report

City Manager Smith showcased the winning CGI Banners from each division, to include the Adult Division winner Roger Pope and Youth Division winner Manuel Salazar (a City Youth Advisor). Both winners were recognized at the Art Festival.

Adjourn City Council Meeting and Convene Hermiston Urban Renewal Agency (HURA) Meeting

At 8:27pm Mayor Drotzmann adjourned the City Council Meeting as there was no other business and convened the Urban Renewal Agency Meeting.

Public Hearing- HURA 2023-24 Fiscal Budget (Resolution 19)

Hearing no conflicts of interest from the members, City Manager Smith read the hearing guidelines and Chair Drotzmann opened the hearing at 8:28pm.

City Manager Smith gave information regarding meetings held by the Budget Committee and their recommendation to the Agency to adopt the proposed resolution 19. for the 2023-24 fiscal year budget.

There were no persons present who wished to give public testimony and the hearing was closed at 8:29pm.

HURA Resolution No. 19- Adopting the FY 2023-2024 Budget for the Hermiston Urban Renewal Agency

City Manager Smith stated this resolution was discussed during the public hearing and information was provided in the agenda packet.



Where Life is Sweet

CITY COUNCIL & URBAN RENEWAL AGENCY

Regular Meeting Minutes
June 12, 2023

Member Primmer moved and Member Barron seconded to adopt HURA Resolution No. 19 and lay upon the record. Motion carried unanimously.

Adjourn Urban Renewal Agency Meeting

Chair Drotzmann adjourned the HURA meeting at 8:30pm as there was no other HURA business.

SIGNED:

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, City Recorder

DRAFT



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of June 26, 2023

Title/Subject

Final Plat- Highland Meadows Phase 2 4N2814AA TL 102- 942 E Highland Ave

Summary and Background

Robert English of Survey One, LLC. Has submitted a final plat for Phase 2 of the Highland Meadows subdivision. The property is described as 4N2814AA Tax Lot 102 and is zoned Low Density Residential (R-1). This phase creates ten lots ranging from 8,000 to 9.332 square feet in size.

The criteria that are applicable to the decision to accept the final plat are contained in 154.46 of the Hermiston Code of Ordinances which governs the information to be presented on the final plat.

The planning commission’s approval of the preliminary plat was subject to twelve conditions. The final plat findings and conditions of approval are attached to this report as Exhibit A. The final plat as prepared by the surveyor is attached. An aerial photo and property map are also attached.

Tie-In to Council Goals

Approval of final plats is a matter of administration of city ordinances.

Fiscal Information

The 10 R-1 lots will result in 10 new housing units with an average price of \$380,000. Each housing unit will produce an average of \$2,611, in municipal tax revenue. The net result is approximately \$26,110 in tax revenue to the city at full build-out.

Alternatives and Recommendation

Alternatives

The city council may choose to approve or deny the final plat.

Recommended Action/Motion

Staff recommends the city council approve the final plat.

Submitted By:

Clinton Spencer, Planning Director

EXHIBIT A
Conditions of Approval
Highland Meadows Phase 2
June 26, 2023

Conditions of preliminary plat approval adopted December 8, 2021, and modified February 8, 2023.

1. Applicant shall work with and receive certification from the Hermiston Irrigation District prior to final plat approval. Applicant should be aware that the City of Hermiston will not sign the final plat until the irrigation district has been satisfied and signs the final plat.

Finding: This condition shall remain in effect. HID has signed the plat for Phase 1 and will sign the plat for Phase 2 upon satisfaction of HID requirements.

2. Applicant is responsible for addressing and mitigating groundwater within the development and impacts it may create to offsite properties. Groundwater and/or canal leakage shall be directed away from house foundations and appropriately drained away from the development without impacting offsite properties. The city engineer will review and approve all plans for groundwater mitigation.

Finding: The City Engineer has approved the civil plans for the development. The city will assume maintenance duties for the drainage pipe bordering the north and east boundaries of the development.

3. The applicant and City staff shall monitor groundwater mitigation for surface flooding, crawl space flooding, or unplanned groundwater rising to the surface for three years after acceptance of the public improvements or one year after final Certificate of Occupancy for the development is issued, whichever is sooner.

Finding: This condition shall remain in effect. The monitoring for Phase 2 improvements will commence upon acceptance of the public improvements.

4. Applicant must sign an improvement agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for this development. All improvements for each phase shall comply with city standards and specifications and shall receive final approval from the city engineer.

Finding: This condition has been satisfied.

5. Streetlights shall be installed at the applicant's cost. Once installed, the City will assume the monthly service charges.

Finding: This condition has been satisfied.

6. Applicant shall comply with all provisions of 92.12 of the Hermiston Code of Ordinances (relating to the control of blowing dust) during all phases of construction.

Finding: This condition shall remain in effect during housing construction.

7. The new street shall be designated as SE 9th Drive.

Finding: This condition has been satisfied.

8. Easements of at least 10 feet in width shall be provided along all street frontages.

Finding: This condition has been satisfied.

9. A 10-foot utility easement shall connect Phase 1 and Phase 2 as shown on the preliminary plat for Phase 2.

Finding: This condition has been satisfied.

10. The applicant shall place a notation on the plat stating that Lots 1 and 10 shall not establish driveways onto E Highland Ave.

Finding: This condition has been satisfied.

11. The applicant shall place a notation on the plat stating that Lots 4 and 7 shall establish front building lines where the lot width is at least 60 feet.

Finding: This condition has been satisfied.

12. The City shall reserve the right to require additional groundwater improvements should unforeseen conditions warrant or if the proposed improvements do not resolve the groundwater issue.

Finding: This condition shall remain in effect.

§154.46 Final Plat Requirements

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings;
- (B) The lines of all proposed streets and alleys with their width and names;
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use;
- (D) The line of departure of one street from another;
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names;
- (F) All lot lines together with an identification system for all lots and blocks;

(G) The location of all building lines and easements provided for public use, services or utilities;

(H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot;

(I) All necessary curve data;

(J) The location of all survey monuments and bench marks together with their descriptions;

(K) The name of the subdivision, the scale of the plat, points of the compass, and the name of owners or subdivider;

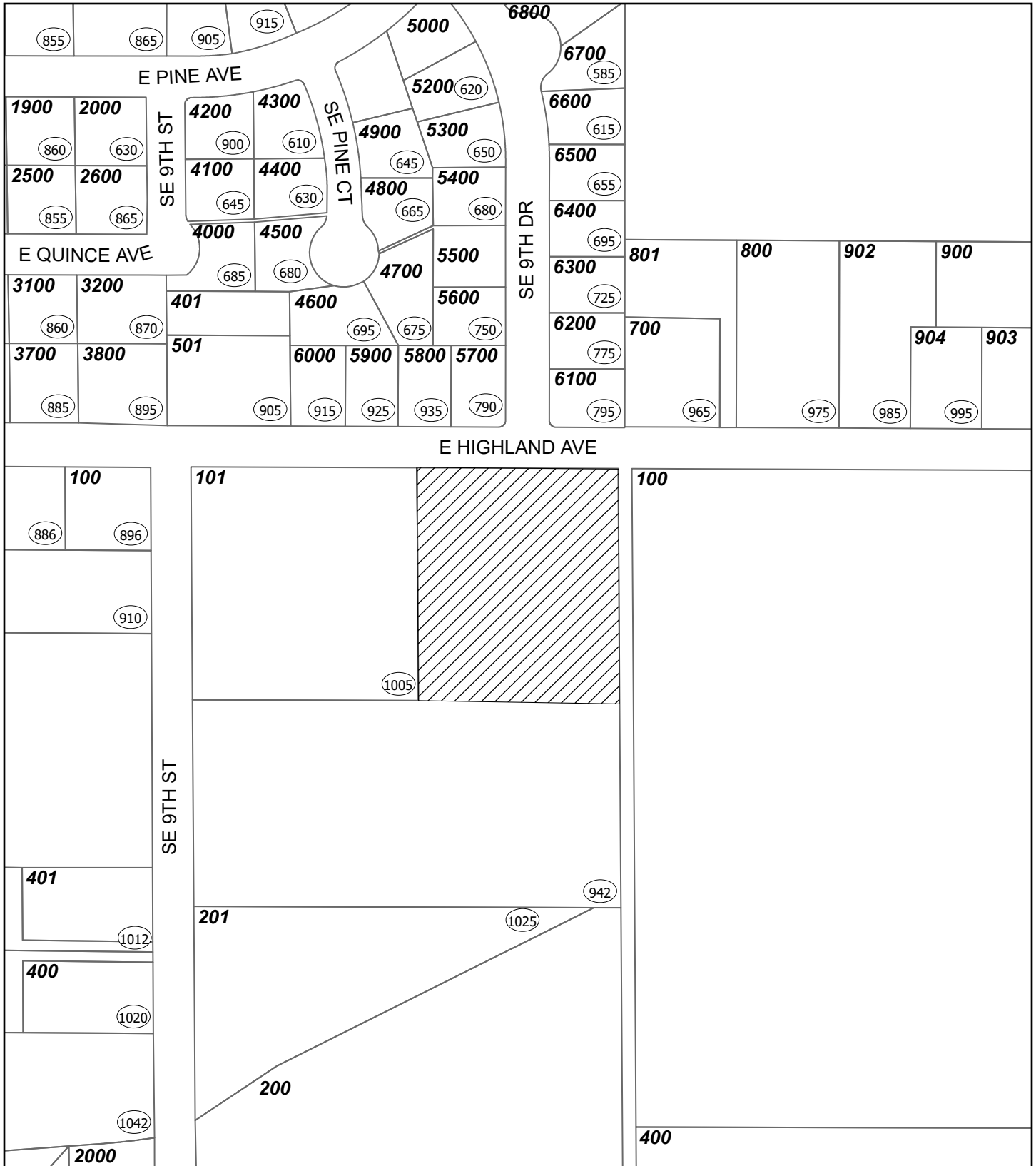
(L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;

(M) Private restrictions and trusts and their periods of existence. Should these restrictions or trusts be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;





(N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required; and

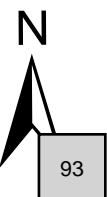
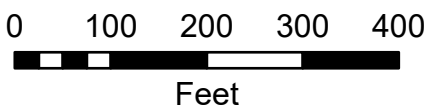
(O) Certificates of approval for endorsement by the City Council and certificate indicating its submission to the Planning Commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes.

Finding: All items required for the final plat are shown on the final plat.



Legend

-  Property Line
-  Area of Proposed Subdivision
-  City Limits
-  Urban Growth Boundary





Oregon Statewide Imagery Program (OSIP) - Oregon Imagery Framework Implementation Team

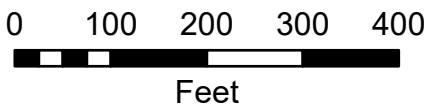
Legend

Property Line

Area of Proposed Subdivision

City Limits

Urban Growth Boundary





Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
 For the Meeting of June 26, 2023

Title/Subject

Final Plat- View Wood Estates Phase 1 4N2814AD TL 902- 920 E View Drive

Summary and Background

Matt Kenny of Kenny Land Surveying has submitted a final plat for Phase 1 of View Wood Estates subdivision. The property is described as 4N2814AD Tax Lot 902 and is zoned Multi-Structure Residential (R-4). This phase creates 12 lots ranging from 7,280 to 229,227 square feet in size.

The criteria that are applicable to the decision to accept the final plat are contained in 154.46 of the Hermiston Code of Ordinances which governs the information to be presented on the final plat.

The planning commission's approval of the preliminary plat was subject to twelve conditions. The final plat findings and conditions of approval are attached to this report as Exhibit A. The final plat as prepared by the surveyor is attached. An aerial photo and property map are also attached.

Tie-In to Council Goals

Approval of final plats is a matter of administration of city ordinances.

Fiscal Information

The twelve (R-4) lots will result in eleven new housing units with an average price of \$375,000. Each housing unit will produce an average of \$2,576 in municipal tax revenue. The net result is approximately \$28,338 in tax revenue to the city at full build-out.

Alternatives and Recommendation

Alternatives

The city council may choose to approve or deny the final plat.

Recommended Action/Motion

Staff recommends the city council approve the final plat.

Section 7, Item 1.

Submitted By:

Clinton Spencer, Planning Director

EXHIBIT A
Conditions of Approval
View Wood Estates Phase 1
June 26, 2023

Conditions of Preliminary Plat Approval November 10, 2021.

1. Applicant shall work with and receive certification from the Hermiston Irrigation District prior to final plat approval. Applicant should be aware that the City of Hermiston will not sign the final plat until the irrigation district has been satisfied and signs the final plat.

Finding: This condition shall remain in effect. The site abuts the A-Line Canal and HID requirements for plat signature shall be satisfied.

2. Applicant shall improve the E View Drive and SE 9th Street frontage of the property with curb, gutter, sidewalk, drainage improvements and half street paving.

Finding: Improvements are under construction. The improvements on SE 9th Street for phase extend the entire length of the development. The improvements for E View Drive extend only along the Lot 11 frontage. The plat will be signed after the improvements have been accepted by the city.

3. Applicant must sign an improvement agreement and shall install grading, storm drainage, curb and gutter, sidewalks, street paving, and all service utilities for this development. All improvements shall comply with the city standards and specifications and shall receive final approval from the city engineer.

Finding: This condition has been satisfied.

4. Streetlights shall be installed at the applicant's cost. Once installed, the City will assume the monthly service charges.

Finding: This condition has been satisfied for Phase 1 and remains in effect for future phases.

5. Applicant shall comply with all provisions of 92.12 of the Hermiston Code of Ordinances (relating to the control of blowing dust) during all phases of construction.

Finding: This condition shall remain in effect during housing construction and Phase 2 construction.

6. All streets shall be designated in accordance with 92.22 of the Hermiston Code of Ordinances as detailed in the findings of fact for Chapter 94. Specifically, "A Street" shall be designated as a SE Drive and "B Street" shall be designated as SE 9th Place.

Finding: This condition has been satisfied for SE Kimber Drive and will remain in effect for future phases.

7. Easements of at least 10 feet in width shall be provided along all street frontages.

Finding: This condition has been satisfied for Phase 1 and will remain in effect for future phases.

8. Lots 11, 12, 30 and 31 shall not establish driveways onto E View Drive.

Finding: This condition has been satisfied by a notation on the final plat.

9. Lot 3 shall not establish a driveway onto "A Street" within 50 feet of the stop sign at the A Street/SE 9th Street intersection.

Finding: This condition has been satisfied by a notation on the final plat.

10. "B Street" shall be reconfigured on the final plat to provide a cul-de-sac tear drop of 50 feet in radius and Lots 33, 34, and 35 shall be reconfigured to provide access to the cul-de-sac compliant with 154.19 of the Hermiston Code of Ordinances.

Finding: This condition is not applicable to Phase 1.

11. Based upon testimony from the Confederated Tribes of the Umatilla Indian Reservation (CTUIR), the developer shall comply with all provisions of ORS 358.900 through 358.961 during all phases of development. In the event an artifact or other item or archaeological significance is discovered, the applicant shall immediately coordinate with CTUIR.

Finding: This condition remains in effect.

12. Applicant shall incorporate Covenants, Conditions, and Restrictions (CC&Rs) as provided to the planning commission on November 10, 2021.

Finding: This condition shall remain in effect.

§154.46 Final Plat Requirements

Per §154.46 of the Hermiston Code of Ordinances, the final plat shall show:

- (A) The boundary lines of the area being subdivided, with accurate distances and bearings;
- (B) The lines of all proposed streets and alleys with their width and names;
- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use;
- (D) The line of departure of one street from another;

- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names;
- (F) All lot lines together with an identification system for all lots and blocks;
- (G) The location of all building lines and easements provided for public use, services or utilities;
- (H) All dimensions, both linear and angular, necessary for locating the boundaries of the subdivision, lots, streets, alleys, easements, and other areas for public or private use. Linear dimensions are to be given to the nearest 1/10 of a foot;
- (I) All necessary curve data;
- (J) The location of all survey monuments and benchmarks together with their descriptions;
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of owners or subdivider;
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown;
- (M) Private restrictions and trusts and their periods of existence. Should these restrictions or trusts be of such length as to make their lettering on the plat impracticable and thus necessitate the preparation of a separate instrument, reference to such instrument shall be made on the plat;
- (N) Acknowledgment of the owner or owners to the plat and restrictions, including dedication to public use of all streets, alleys, parks or other open spaces shown thereon, and the granting of easements required; and
- (O) Certificates of approval for endorsement by the City Council and certificate indicating its submission to the Planning Commission, together with approval for endorsement by other local, county and/or state authority as required by Oregon statutes.

Finding: All items required for the final plat are shown on the final plat.

VIEW WOOD ESTATES PHASE I

A SUBDIVISION OF PARCEL 3, PARTITION PLAT 2021-02
 LOCATED IN THE SE1/4 OF THE NE1/4, SECTION 14
 TOWNSHIP 4 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN
 CITY OF HERMISTON, UMATILLA COUNTY, OR

SURVEY NARRATIVE

THIS SUBDIVISION HAS BEEN PREPARED AT THE REQUEST OF RICHARD WOOD OF SUBDIVISIONS NORTHWEST, LLC. THE PURPOSE IS TO SUBDIVIDE PARCEL 3 OF PARTITION PLAT 2021-02 INTO LOTS AS SHOWN FOR NEW HOME CONSTRUCTION.

MONUMENTATION PER PARTITION PLAT 2021-02 WAS FOUND AND HELD AS SHOWN. THE POINT OF CURVATURE (PC) ALONG THE A-LINE CANAL (DENOTED HEREON AS MONUMENT #3) WAS FOUND BADLY DISTURBED AND SUBSEQUENTLY REMOVED BY CONSTRUCTION ACTIVITY. THIS POSITION WAS COMPUTED BY DISTANCE-DISTANCE INTERSECTION USING HELD PLAT MONUMENTS EAST AND WEST, AND RESET AS SHOWN.

A PK NAIL WAS FOUND AT THE INTERSECTION OF EAST VIEW DRIVE AND SOUTHEAST 9TH STREET. I HOLD THIS NAIL TO BE THE PERPETUATION OF THE 5/8" REBAR THAT PREVIOUSLY EXISTED AS SET IN SURVEY L-019-B. SURVEY 98-092-B AND 11-034-B PROVIDE HISTORY AND RECORD DATA THAT INDICATES THE NAIL OCCUPIES THE SAME POSITION OF THE FORMER 5/8" REBAR. THE NAIL HAS BEEN REPLACED IN THIS PLAT BY A BRASS CAP IN MONUMENT BOX PER CITY STANDARD.

THE MONUMENT AT THE INTERSECTION OF EAST EVELYN AVENUE, SOUTHEAST 9TH STREET, AND KIMBER DRIVE WAS ESTABLISHED 30.00 FEET WESTERLY, AND AT RIGHT ANGLES TO THE WEST LINE OF PARCEL 3 OF PARTITION PLAT 2021-02, AND AT RECORD DISTANCE FROM THE FROM THE AFOREMENTIONED PK NAIL USING DISTANCES REPORTED ON THE PLATS OF SUNNYVALE HEIGHTS AND STARRETT ADDITION, AND FROM RECORD OF SURVEY M-014-B.

THE LOTS, EASEMENTS, AND RIGHTS-OF-WAY BEING PLATTED HEREON HAVE BEEN CREATED AT THE DIRECTION OF MY CLIENT.

THIS SURVEY WAS PERFORMED USING TWO TOPCON HIPER LITE+ GNSS UNITS OPERATED USING RTK METHODS, AND A TOPCON GT-603 TOTAL STATION. THE BASIS OF BEARING IS THE WEST LINE OF PARCEL 3 OF PARTITION PLAT 2021-02 AS ESTABLISHED BY MEASURE BETWEEN FOUND MONUMENTS AS SHOWN.

RECORDS OF REFERENCE

- R1: PARTITION PLAT 2021-02.
- R2: SUNNYVALE HEIGHTS SUBDIVISION, BOOK 10, PAGE 32.
- R3: STARRETT ADDITION, BOOK 10, PAGE 33.
- R4: RECORD OF SURVEY M-014-B.
- R5: RECORD OF SURVEY 00-055-A.

RECORDING INFORMATION

MONUMENT TABLE

- ① FOUND AND HELD 5/8" REBAR WITH YELLOW PLASTIC CAP PER PARTITION PLAT 2021-02.
- ② FOUND AND HELD 5/8" REBAR WITH YELLOW PLASTIC CAP PER PARTITION PLAT 2021-02. THIS MARKER HAS BEEN REMOVED BY CONSTRUCTION.
- ③ FOUND BADLY BENT 5/8" REBAR, NO CAP, PER PARTITION PLAT 2021-02. NOT HELD. REMOVED BY CONSTRUCTION.
- ④ FOUND AND HELD PK NAIL AS REPORTED ON PARTITION PLAT 2021-02 AND SURVEY 11-034-B. DESTROYED BY CONSTRUCTION AND REPLACED WITH BRASS CAP IN MONUMENT BOX PER LEGEND.
- ⑤ FOUND 5/8" REBAR PROTRUDING FROM TREE STUMP/MASS, PER STARRETT ADDITION.
- ⑥ FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP PER SURVEY 00-055-A.
- ⑦ FOUND 5/8" REBAR WITH YELLOW PLASTIC CAP PER SURVEY 19-074-B.

NOTES

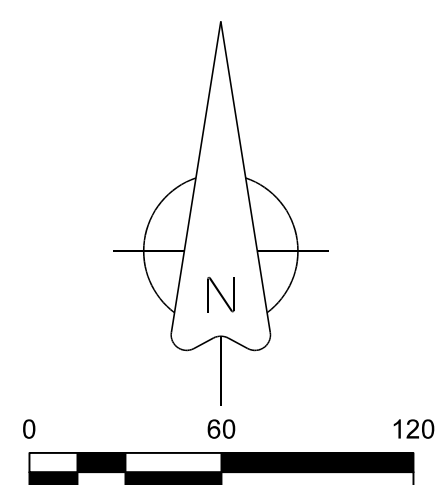
- 1) LOT 11 SHALL NOT ESTABLISH DRIVEWAY ONTO E VIEW DRIVE.
- 2) LOT 3 SHALL NOT ESTABLISH DRIVEWAY ONTO SE KIMBER DRIVE WITHIN 50 FEET OF THE STOP SIGN AT THE INTERSECTION OF SE KIMBER DRIVE AND SE 9TH STREET.

LEGEND

- SET 5/8" X 24" STEEL REBAR WITH 1-1/4" PINK PLASTIC CAP, MARKED "KENNY LS 89374".
- ⊙ SET BRASS CAP IN CONCRETE, IN MONUMENT BOX PER CITY STANDARD ST18
- FOUND MONUMENT. SEE MONUMENT TABLE FOR DESCRIPTION.
- ⊕ MONUMENT IDENTIFIER. SEE TABLE.
- ⊗ COMPUTED POSITION. NOTHING FOUND OR SET, UNLESS NOTED OTHERWISE.
- ()# RECORD DATA IDENTIFIER, SEE RECORDS OF REFERENCE TABLE.
- 10-FOOT PUBLIC UTILITY EASEMENT DEDICATED HEREON.
- PUE PUBLIC UTILITY EASEMENT
- S.F. SQUARE FEET
- AC. ACRES

LINE	BEARING	DISTANCE
L1	S 43°14'25" E	46.63'
L2	S 00°01'08" E	60.00'
L3	S 25°52'37" E	35.48'
L4	S 25°52'37" E	25.00'
L5	S 25°52'37" E	25.00'
L6	S 89°55'00" W	26.11'
L7	N 89°55'00" E	26.22'
L8	S 89°58'52" W	26.30'
L9	S 89°55'00" W	81.16'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	470.72'	151.94'	151.28'	N 43°27'05" E	18°29'39"
(C1)1	470.72'	151.90'	151.24'	N 43°26'32" E	18°29'19"
C2	644.36'	141.81'	141.52'	S 40°27'18" W	12°36'33"
C3	644.36'	174.77'	174.23'	N 54°31'47" E	15°32'25"
C4	644.36'	316.58'	313.40'	N 48°13'30" E	28°08'58"
(C4)1	644.36'	316.57'	313.40'	N 48°16'21" E	28°08'58"
C5	25.00'	39.24'	35.34'	N 44°56'56" E	89°56'08"
C6	100.00'	44.83'	44.46'	N 77°04'24" E	25°41'13"
C7	50.00'	22.32'	22.14'	N 77°07'36" E	25°34'48"
C8	25.00'	39.30'	35.38'	S 45°03'04" E	90°03'52"
C9	50.00'	26.29'	25.99'	S 49°16'31" W	30°07'23"
C10	25.00'	39.62'	35.60'	S 45°22'45" W	90°47'46"
C11	75.00'	33.58'	33.30'	N 77°05'28" E	25°39'04"



**REGISTERED
PROFESSIONAL
LAND SURVEYOR**

FOR REVIEW

OREGON
JAN 12, 2016
MATTHEW PATRICK KENNY
89374PLS
RENEWS: 6-30-25

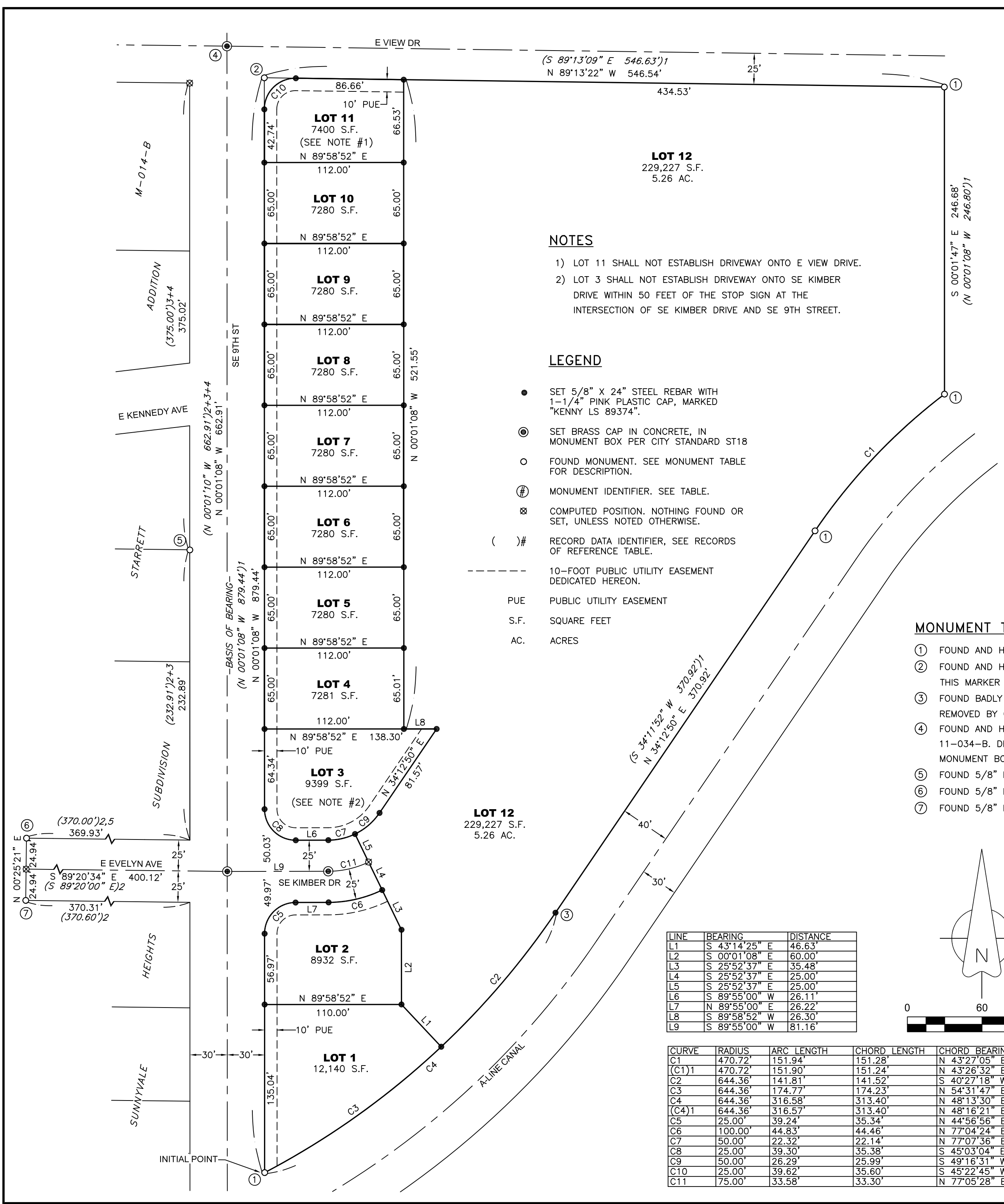
KENNY LAND SURVEYING

P.O. BOX 447, HEPPNER, OR 97836
 541-379-0242
 www.kennylandsurveying.com

SUBDIVISION OF PARCEL 3, PARTITION PLAT 2021-02
 CITY OF HERMISTON, UMATILLA COUNTY, OR

CLIENT: **SUBDIVISIONS NORTHWEST LLC**

PROJECT: 21-28 DR: MPK CH: MPK DATE: JUNE 5, 2023 SHEET 1 OF 2



VIEW WOOD ESTATES PHASE I

A SUBDIVISION OF PARCEL 3, PARTITION PLAT 2021-02
LOCATED IN THE SE1/4 OF THE NE1/4, SECTION 14
TOWNSHIP 4 NORTH, RANGE 28 EAST, WILLAMETTE MERIDIAN
CITY OF HERMISTON, UMATILLA COUNTY, OR

SURVEYOR'S CERTIFICATE

I, MATTHEW PATRICK KENNY, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, DO HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH LEGAL MONUMENTS, THE LAND AS SHOWN HEREON IN ACCORDANCE WITH ORS CHAPTER 92, AS REVISED, AND THE LAND USE CODE OF HERMISTON, OR. I FURTHER CERTIFY THAT THE INITIAL POINT HAS BEEN IDENTIFIED AS THE SET 5/8" REBAR MARKING THE SOUTHWEST CORNER OF LOT 1 OF THIS REPLAT, AS SHOWN HEREON. I FURTHER CERTIFY THAT I HAVE PROVIDED THE TRACT LEGAL DESCRIPTION IN ACCORDANCE WITH ORS 92.070(1), AS SHOWN BELOW.

MATTHEW PATRICK KENNY, PLS DATE
CERTIFICATE NO. 89374

LEGAL DESCRIPTION

(INSTRUMENT NO. 2021-7230016)

PARCEL 3, PARTITION PLAT NO. 2021-02 (INSTRUMENT NO. 2021-7130610, OFFICE OF UMATILLA COUNTY RECORDS) LOCATED IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 14, TOWNSHIP 4 NORTH, RANGE 28 EAST OF THE WILLAMETTE MERIDIAN, UMATILLA COUNTY, OREGON.

SUBJECT TO EASEMENTS AS SHOWN ON PARTITION PLAT NO. 2021-02.

OWNER'S DECLARATION

WE, SUBDIVISIONS NORTHWEST, LLC, OWNERS OF THE LAND BEING DIVIDED BY THIS SUBDIVISION, DO HEREBY ACKNOWLEDGE THAT WE HAVE CAUSED THIS PLAT TO BE PREPARED AND THE PROPERTY SUBDIVIDED AS SHOWN HEREON, IN ACCORDANCE WITH THE PROVISIONS OF ORS CHAPTER 92, AS REVISED, AND THE LAND USE CODE OF THE CITY OF HERMISTON, OR. WE HEREBY DEDICATE TO THE PUBLIC, RIGHT OF WAY AS SHOWN FOR SOUTHEAST 9TH STREET, KIMBER DRIVE, AND EAST VIEW DRIVE AS MAPPED HEREON. WE FURTHER DEDICATE THE PUBLIC UTILITY EASEMENTS AS MAPPED HEREON.

RICHARD WOOD, MANAGER DATE

APPROVALS

UMATILLA COUNTY SURVEYOR

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PLAT, ON THIS

____ DAY OF _____, 2023.

UMATILLA COUNTY SURVEYOR

CITY OF HERMISTON PLANNING COMMISSION

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PLAT, ON THIS

____ DAY OF _____, 2023.

CHAIRMAN-HERMISTON PLANNING COMMISSION

UMATILLA COUNTY ASSESSOR/TAX COLLECTOR

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PLAT. TAXES ARE PAID IN FULL, ON THIS

____ DAY OF _____, 2023.

UMATILLA COUNTY ASSESSOR

UMATILLA COUNTY TAX COLLECTOR

HERMISTON CITY COUNCIL

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PLAT, AND ACCEPT THE PUBLIC DEDICATIONS BEING MADE HEREON, ON THIS

____ DAY OF _____, 2023.

MAYOR, CITY OF HERMISTON

HERMISTON IRRIGATION DISTRICT

I CERTIFY THAT I HAVE EXAMINED AND APPROVED THIS PLAT, ON THIS

____ DAY OF _____, 2023.

MANAGER-HERMISTON IRRIGATION DISTRICT

UMATILLA COUNTY COMMISSIONERS

APPROVED ON THIS

____ DAY OF _____, 2023.

CHAIR

COMMISSIONER

COMMISSIONER

STATE OF _____

COUNTY OF _____

ON THE _____ DAY OF _____, 2023, THE ABOVE NAMED INDIVIDUAL APPEARED PERSONALLY BEFORE ME AND IS KNOWN TO ME TO BE THE IDENTICAL INDIVIDUALS WHO EXECUTED THE OWNER'S DECLARATION AND ACKNOWLEDGED THAT THEY DID SO FREELY AND VOLUNTARILY.

NOTARY PUBLIC FOR THE STATE OF

PRINTED NAME: _____

COMMISSION NUMBER: _____

MY COMMISSION EXPIRES: _____

RECORDING INFORMATION

REGISTERED
PROFESSIONAL
LAND SURVEYOR

FOR REVIEW

OREGON
JAN 12, 2016
MATTHEW PATRICK KENNY
89374PLS

RENEWS: 6-30-25



P.O. BOX 447, HEPPNER, OR 97836
541-379-0242
www.kennylandsurveying.com

SUBDIVISION OF PARCEL 3, PARTITION PLAT 2021-02
CITY OF HERMISTON, UMATILLA COUNTY, OR

CLIENT:

SUBDIVISIONS NORTHWEST LLC

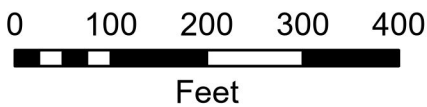
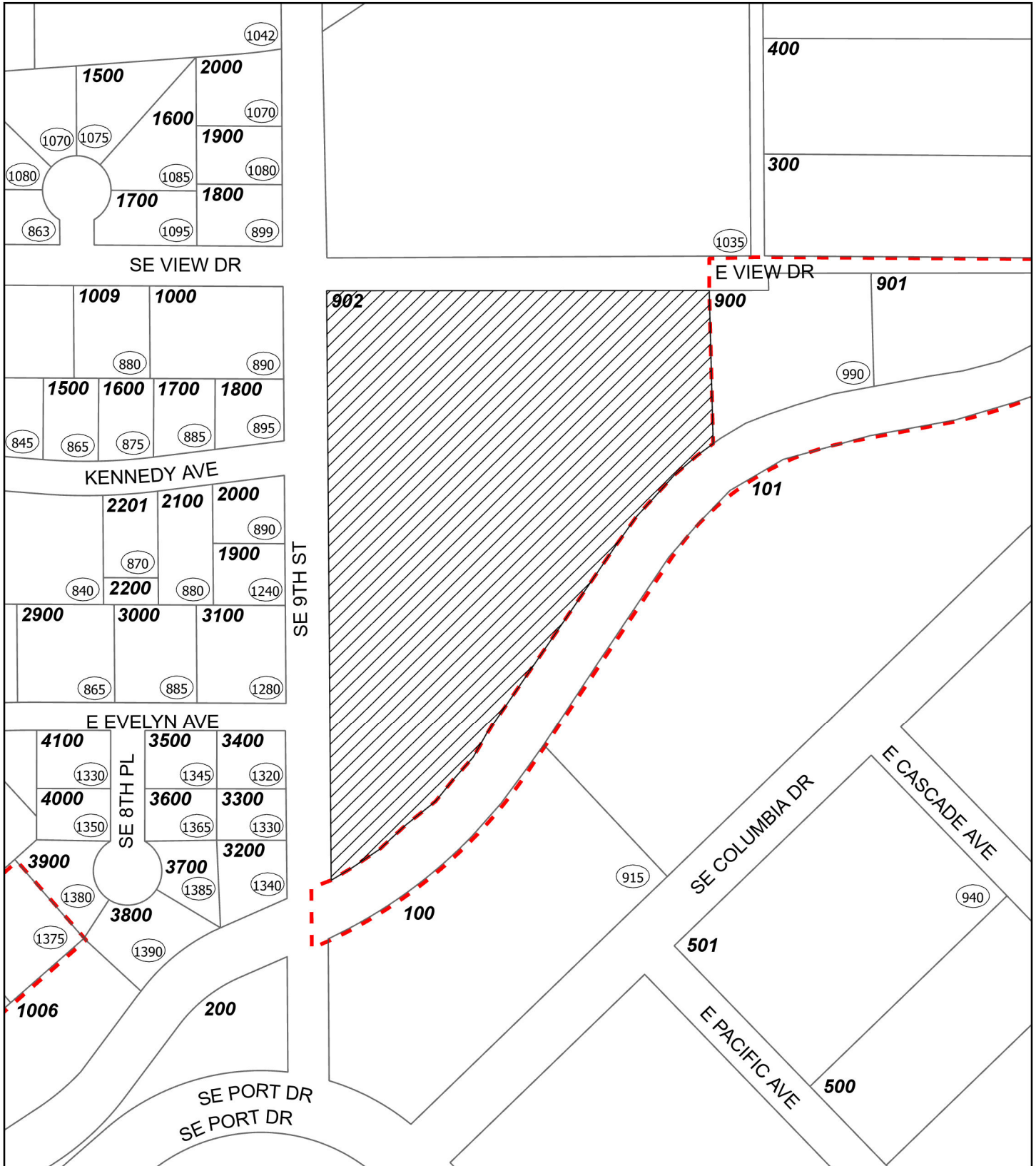
PROJECT: 21-28

DR: MPK

CH: MPK

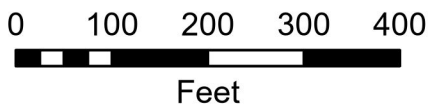
DATE: JUNE 5, 2023

SHEET 2 OF 2



- Legend
- Area of Proposed Plat
 - Property Line
 - City Limits
 - Urban Growth Boundary





Legend

- Area of Proposed Plat
- Property Line
- City Limits
- Urban Growth Boundary





Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of June 26, 2023

Title/Subject

Resolution #2281- Awarding a contract for the Highland Avenue Overlay Project.

Summary and Background

This project will grind out and replace the asphalt from the vehicle travel lanes on West Highland Avenue from Highway 395 to SW 11th (Highway 207).

In 2015, this roadway section received a full-width “slurry seal” overlay which included the bike lanes, parking, etc. all the way from SW 11th to E 8th Street. Due to the volume and type of traffic (i.e. buses & delivery trucks), the section from 11th to 395 has deteriorated more rapidly than the portion east of 395, and the slurry seal overlay has begun to separate from the roadway within the travel lanes. However, the bike lanes and parking areas remain in good condition, which is why this project only recommends treating the travel lanes.

Although a grind and inlay project is disruptive to traffic during the work itself, it is relatively short, with the full grinding process likely to take no more than a day, and the followup paving process not much more than that. With subsequent work of relocating and adjusting utilities (i.e. sewer utility covers, water valves, etc.) taking a few days after that with more targeted disruptions. All work will be completed during the High School’s summer break, and will not impact the Umatilla County Fair Parade.

Tie-In to Council Goals

Transportation: Improve Mobility and Transportation

Fiscal Information

The following bids were received on June 20, 2023:

- Granite Construction, Inc.: \$389,950
- Engineer’s Estimate: \$399,000

This project is included in the adopted FY '24 budget, and is paid for entirely by state gas tax revenue. Although the project only garnered one bidder, it was fully advertised as normal, and the final price came in right in line (slightly under) the engineer's estimate.

A decision not to award this contract in the hopes of gaining more bidders next time is not advised. The nature of this project means that the vast majority of the cost is associated directly with the asphalt materials themselves, with a small amount for the actual work of grinding old and laying new asphalt. There aren't other items such as utility replacement, curbing, etc. to add complexity to the project. Therefore, it is almost certain that any prime contractor bidding on this project was going to be using Granite Paving as the sub-contractor to supply the asphalt for the project anyway.

Not awarding this contract and re-advertising would only really be worthwhile if re-advertisement was held until the winter-time, for next summer's construction season. At that time, it is still very likely that Granite will be the only bidder, and almost certain that Granite will at least be one of only two or three bidders. At that point, we would really only be gambling on the hope that the price of oil comes down, when in reality it has just as much likelihood of going up; in which case, re-advertising is just as likely to cause the cost to go up as down.

Alternatives and Recommendation

Alternatives

1. Approve Resolution #2281
2. Reject Resolution #2281

Recommended Action/Motion

Approve Resolution #2281

Submitted By:

Mark Morgan

RESOLUTION NO. 2281

A RESOLUTION AWARDED A CONTRACT FOR CONSTRUCTION OF THE HIGHLAND AVENUE OVERLAY PROJECT AND AUTHORIZING THE CITY MANAGER TO SIGN ALL NECESSARY DOCUMENTS ON BEHALF OF THE CITY

WHEREAS, the City of Hermiston (“City”) has developed the need for improvements to West Highland Avenue from Highway 395 to SW 11th Street due to the deterioration of the roadway; and

WHEREAS, the Highland Avenue Overlay Project (“project”) will include the grinding out and replacement of the asphalt within the vehicle travel lanes; and

WHEREAS, notice was published, and a bid was received, with Granite Construction, Inc. being the lowest responsible bidder with a bid of an amount not to exceed \$389,950; and

WHEREAS, the City has funds available for this project.

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. That Granite Construction, Inc. is awarded the contract for the Highland Avenue Overlay Project.
2. That the City Manager be, and is, hereby authorized to execute and deliver the contract to Granite Construction, Inc. with such changes, additions, deletions, and modifications as the City Manager may approve.
3. That this resolution is effective immediately upon its passage.

PASSED by the Common Council this 26th day of June 2023.

SIGNED by the Mayor this 26th day of June 2023.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of June 26, 2023

Title/Subject

Resolution No. 2282 - A resolution supporting submission of a grant application to the State of Oregon TGM program for modernization of the Hermiston Transportation System Plan.

Summary and Background

At the 2023 goal setting session, the city council set updating the city's Transportation System Plan (TSP) as a priority. Staff is preparing an application to the Oregon TGM program for a grant to fund modernization of the city's TSP. Grants are administered jointly by ODOT and DLCD.

The city's TSP was adopted in 1999 and has undergone several updates, most recently in 2015. However, many of the underlying assumptions of the 1999 TSP are no longer valid since the city has doubled in population since the adoption of the plan and the effective service life of most planning documents is intended to be 20 years.

The city is requesting \$250,000 from the TGM program to fund TSP modernization work. This is the maximum grant the program will fund. Statewide, \$5,000,000 is available to fund transportation planning projects and this is a competitive grant award. The program requires a 12% local match. The local match was planned for in the municipal budget for FY 23/24.

As part of the application process, a resolution of support for the application from the city council is required. The attached Resolution 2282 affirms the city council's support for submitting an application for funding to update the city's TSP.

If the application is successful, work on updating the TSP will begin in 2024 and will require 18 to 24 months. Applications are due by the end of July, 2023.

Tie-In to Council Goals

The city council established updating the city TSP as a priority for this year.

Fiscal Information

The grant application requests \$250,000 for this project. A 12% local match is also required. The local match will vary depending on the final grant award but may be up to \$30,000. In-kind work by city staff and staff time is eligible for the local match as well.

Alternatives and Recommendation

Alternatives

- 1. Adopt Resolution 2282
- 2. Amend Resolution 2282
- 3. Table Resolution 2282 and request more information

Recommended Action/Motion

Motion to adopt Resolution 2282 as proposed

Submitted By:

Clinton Spencer, Planning Director

RESOLUTION NO. 2282

WHEREAS, the City of Hermiston is required to prepare and adopt a Transportation System Plan (TSP) under OAR 660-012-0015; and

WHEREAS, the existing TSP was adopted by the city in 1999; and

WHEREAS, the city subsequently reviewed and amended the TSP in 2000, 2003, 2014, and 2015; and

WHEREAS, the State of Oregon provides financial assistance to local governments to perform transportation planning activities through the Transportation and Growth Management (TGM) program,

NOW THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS, that it is necessary to protect the health and safety of its citizens through regular updates to the TSP. The City of Hermiston supports the submission of an application to the TGM program for funding to update and modernize the Hermiston TSP.

This resolution shall become effective immediately upon its passage as of the date and year set out below.

PASSED by the Common Council this 26th day of June, 2023

SIGNED by the Mayor this 26th day of June, 2023

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of June 26, 2023

Title/Subject

Resolution 2283- Establishing “No Parking” on East Fourth Street from Main Street to the alleyways on both the North and South.

Summary and Background

This resolution will formally designate both sides of East Fourth Street as “No Parking” in the vicinity of it’s intersection with Main Street, extending north and south to the alleyways. This action will eliminate seven currently marked on-street commercial parking spaces within the area, as well as several in front of a residence. Those spaces are shown in red on the attached sketch.

The purpose for this is to allow for installation of dedicated left-turn lanes for north and southbound traffic on 4th street. This will allow left-turning vehicles to hold in an area which is out of the main North/South travel lanes without impeding that traffic.

Recent, and ongoing, community growth is making this change necessary, including approximately 450 new housing units in development on Diagonal Road. Traffic count data collected in April, 2023 verified that the intersection is nearing capacity in it’s current configuration. Meanwhile, the traffic-sensing equipment embedded in the pavement on the north-leg of the intersection failed this Spring. Therefore, the signal has been switched to a time-based system, which is not responsive to traffic. Knowing that the intersection is already near capacity, now is the time to make the alignment changes so that the correct replacement equipment can be installed to operate this signal.

Adjacent property owners and business operators have been notified of Resolution 2283, and the opportunity for public comment.

Tie-In to Council Goals

Focus Area- Transportation: Improve mobility and transportation

Fiscal Information

Negligible fiscal impact.

Alternatives and Recommendation

Alternatives

Due to the available right of way width, the alternative is either to reconfigure the intersection as presented, with the associated loss of on-street parking, or make no intersection reconfiguration. There is simply not enough space to proceed with the addition of turn-lanes without parking elimination as-shown.

Recommended Action/Motion

Motion to approve Resolution 2283.

Submitted By:

Mark Morgan

RESOLUTION NO. 2283

A RESOLUTION TO ESTABLISH A NO PARKING ZONE

WHEREAS, pursuant to HMC §70.03, the City Council for the City of Hermiston shall exercise all local traffic authority to regulating the parking and standing of vehicles; and

WHEREAS, it has been requested that “No Parking Zones” be established on both sides of East Fourth Street from the intersection with East Main Street north to the alleyways located between East Main Street and East Gladys Avenue and south to the alleyways located between East Main Street and East Hurlburt Avenue to facilitate installation of left-turn lanes on East Fourth Street.

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. That it is expedient and necessary to establish “No Parking Zones” on East Fourth Street at the following locations for vehicular traffic regulation in accordance with the provisions outlined in Section 70.03 of the Hermiston Municipal Code:

<u>Street</u>	<u>Traffic</u>	<u>Length of No Parking Zone</u>
East Fourth Street	North/South Bound	Both sides of the street, north from the intersection with East Main Street to the alleyways located between East Main Street and East Gladys Avenue and south from the intersection with East Main Street to the alleyways located between East Main Street and East Hurlburt Avenue.

2. That this resolution is effective immediately upon its passage.

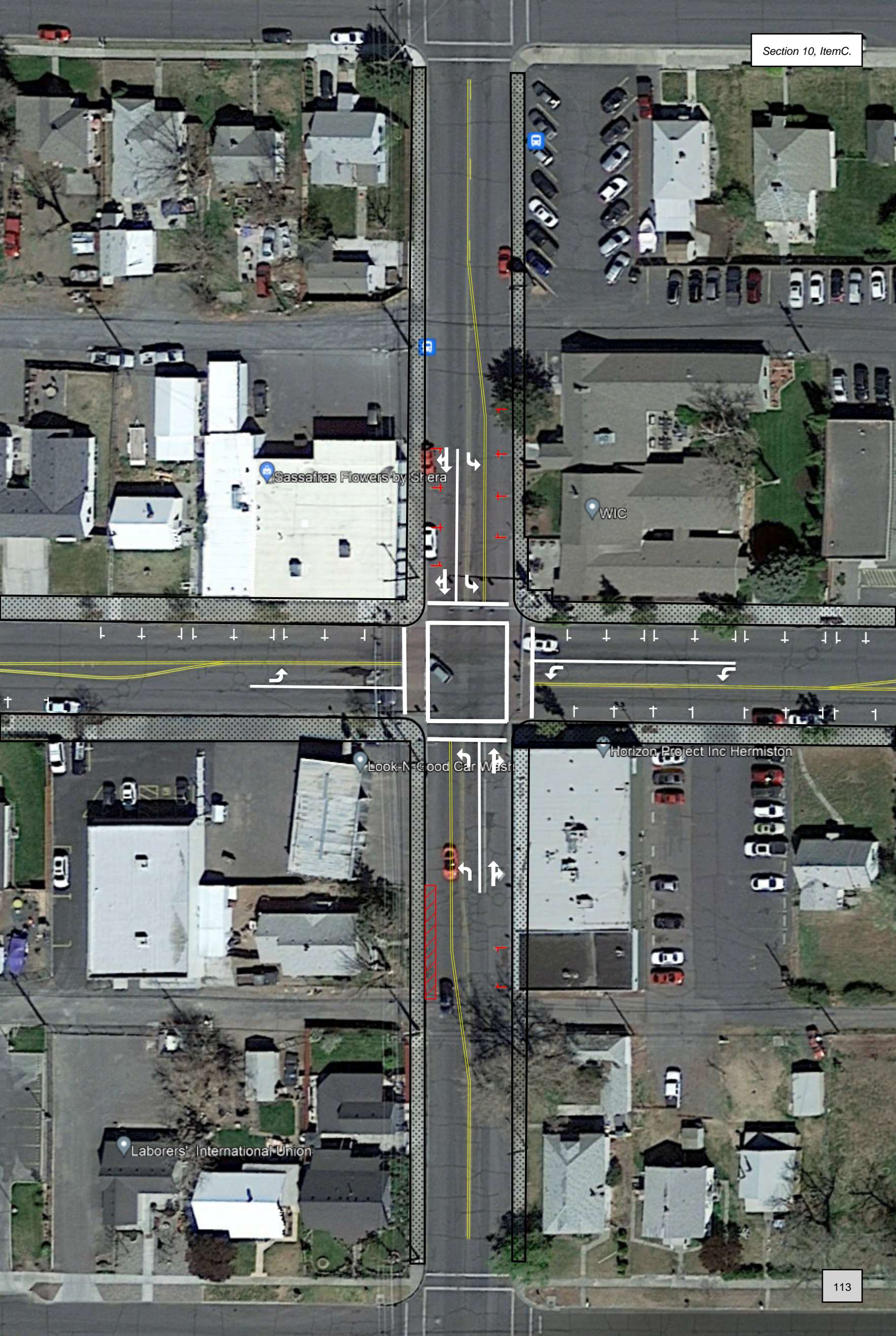
PASSED by the Common Council this 26th day of June 2023.

SIGNED by the Mayor this 26th day of June 2023.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER



Sassafras Flowers by Shera

WIC

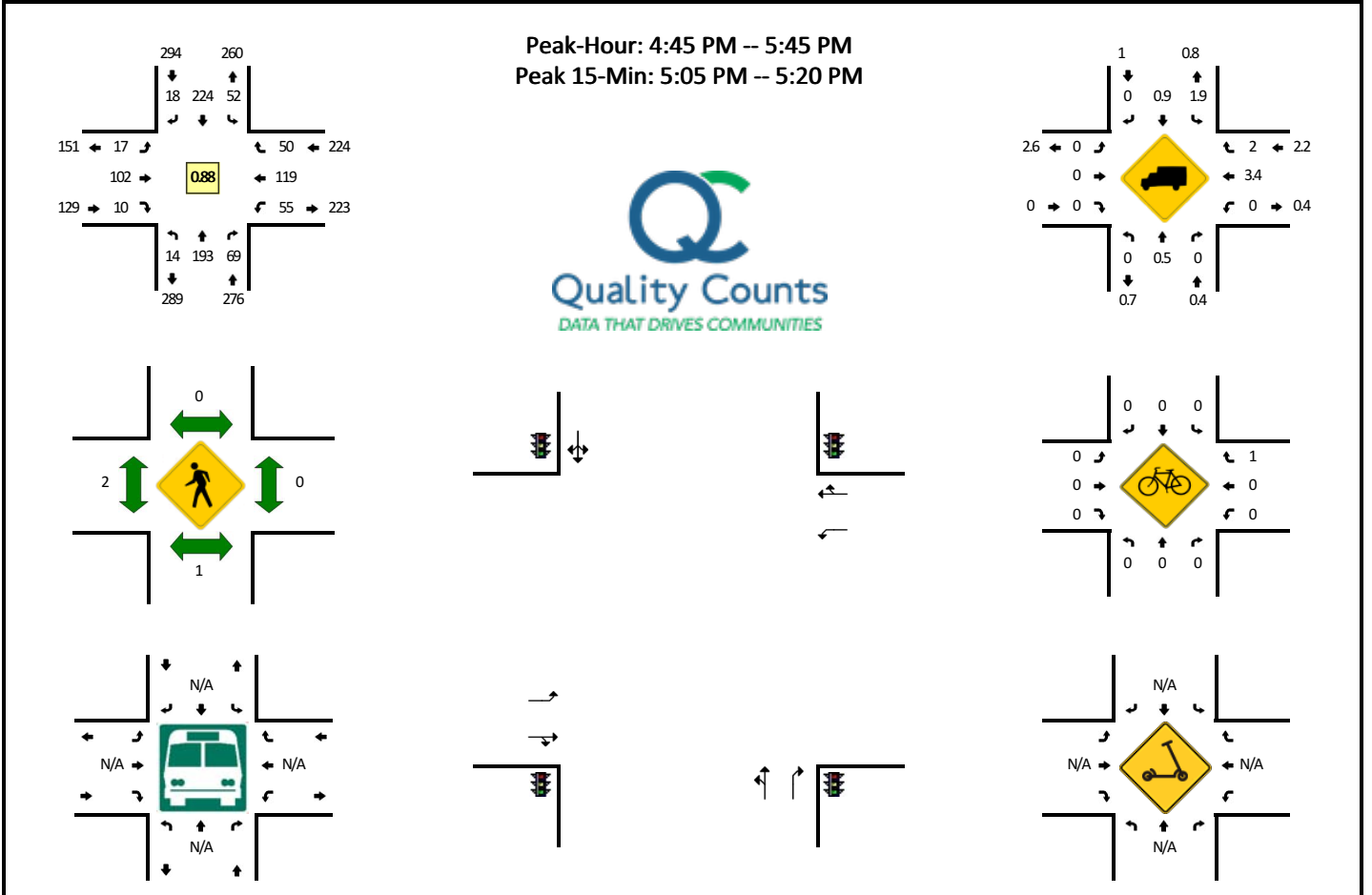
Look-N-Goood Car Wash

Horizon Project Inc Hermiston

Laborers' International Union

LOCATION: NE 4th St/SE 4th St -- E Main St
CITY/STATE: Hermiston, OR

QC JOB #: 16146502
DATE: Wed, Apr 12 2023



5-Min Count Period Beginning At	NE 4th St/SE 4th St (Northbound)				NE 4th St/SE 4th St (Southbound)				E Main St (Eastbound)				E Main St (Westbound)				Total	Hourly Totals
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
4:00 PM	0	16	5	0	2	19	2	0	2	12	2	0	6	10	4	0	80	
4:05 PM	3	12	7	0	1	21	2	0	1	8	0	0	6	10	6	0	77	
4:10 PM	0	14	3	0	1	16	1	0	2	8	0	0	3	4	5	0	57	
4:15 PM	2	18	3	0	2	18	2	0	1	8	0	0	1	4	5	0	64	
4:20 PM	0	12	3	0	2	23	4	0	1	7	3	0	4	6	2	0	67	
4:25 PM	1	16	6	0	1	16	2	0	0	6	1	0	3	8	2	0	62	
4:30 PM	1	14	9	0	3	23	4	0	1	10	0	0	2	3	5	0	75	
4:35 PM	1	16	8	0	0	18	1	0	3	7	1	0	4	5	3	0	67	
4:40 PM	1	13	6	0	4	15	0	0	1	10	0	0	7	7	6	0	70	
4:45 PM	0	10	5	0	5	16	1	0	2	5	1	0	7	12	5	0	69	
4:50 PM	1	13	11	0	2	27	1	0	0	3	0	0	5	11	3	0	77	
4:55 PM	1	24	4	0	3	21	1	0	4	6	1	0	7	7	4	0	83	848
5:00 PM	1	14	4	0	6	14	1	0	3	4	1	0	3	15	3	0	69	837
5:05 PM	1	21	8	0	5	23	3	0	1	15	0	0	3	14	5	0	99	859
5:10 PM	2	19	2	0	4	21	0	0	2	12	0	0	7	8	2	0	79	881
5:15 PM	3	18	6	0	8	17	1	0	1	10	1	0	3	7	8	0	83	900
5:20 PM	1	14	7	0	6	7	4	0	1	9	2	0	5	12	7	0	75	908
5:25 PM	0	15	3	0	2	27	0	0	1	6	1	0	4	6	5	0	70	916
5:30 PM	1	14	7	0	4	19	1	0	1	13	2	0	4	10	2	0	78	919
5:35 PM	1	15	5	0	3	16	2	0	0	8	0	0	2	12	2	0	66	918
5:40 PM	2	16	7	0	4	16	3	0	1	11	1	0	5	5	4	0	75	923
5:45 PM	0	11	4	0	2	18	3	0	2	5	2	0	6	8	3	0	64	918
5:50 PM	1	8	3	0	5	23	1	0	0	5	0	0	2	9	8	0	65	906
5:55 PM	1	9	8	0	6	17	1	0	0	10	2	0	6	11	6	0	77	900
Peak 15-Min Flowrates	Northbound				Southbound				Eastbound				Westbound				Total	
	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U	Left	Thru	Right	U		
All Vehicles	24	232	64	0	68	244	16	0	16	148	4	0	52	116	60	0	1044	
Heavy Trucks	0	0	0		0	4	0		0	0	0		0	4	0		8	
Buses																		
Pedestrians		0				0				0				0			0	
Bicycles	0	0	0		0	0	0		0	0	0		0	0	4		4	
Scoters																		

Comments:



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of June 26, 2023

Title/Subject

Resolution No. 2284- Award Design Contract for Library, Harkenrider, City Hall Projects – Hacker Architects.

Summary and Background

- The City issued a Request For Proposal (RFP) for Architectural and Engineering Services on April 17th, 2023, with Proposals being due on May 09, 2023.
 - The City received (7) proposals.
 - Hacker Architects
 - Robertson Sherwood Architects
 - SHKS Architects & Studio Petretti
 - Architects West Inc.
 - Design West Architects
 - Peter Meijer Architects
 - Meier Architecture
 - The City's Evaluation Committee (Brandon Artz, Mark Rose, Byron Smith) reviewed proposals on May 11.
 - The Committee's two top ranked firms Robertson Sherwood Architects and Hacker Architects were interviewed on Friday, May 12th.
- Hacker Architects was unanimously selected. Some of the reasons for that selection were the following:
 - The Hacker team has completed a host of Library Renovation and other City/Municipal projects throughout Oregon.
 - The Proposed Architectural Team has recently completed a significant renovation of the Salem Public Library and will be transitioning the same team to the City of Hermiston projects.
 - The team is very cohesive and collaborative and is enthusiastic about working with the City of Hermiston

Tie-In to Council Goals

3.1 Conduct public engagement and develop use scenarios for the Carnegie Building and the Library

Fiscal Information

The financial impact of this decision is not known. According to state law, the selection of design professionals (engineers and architects) cannot be done based on price. After this decision a contract will be negotiated. If an agreeable price cannot be negotiated then attempts will be made to negotiate a contract with another firm.

Alternatives and Recommendation

Alternatives

- 1. Approve Resolution 2284 and award the contract to Hacker Architects and authorize the City Manager to proceed with contract negotiations.
- 2. Reject Resolution 2284

Recommended Action/Motion

Motion to approve Resolution 2284

Submitted By:

Byron D. Smith

RESOLUTION NO. 2284

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH HACKER ARCHITECTS FOR ARCHITECTURAL AND ENGINEERING SERVICES

WHEREAS, the City of Hermiston (“City”) has developed the need for architectural and engineering services for projects involving the Hermiston City Library, City Hall, and the Harkenrider Center; and

WHEREAS, the City issued a Request for Proposal (RFP) for Architectural and Engineering Services; and

WHEREAS, proposals were received and reviewed by an evaluation committee with the top two ranked firms receiving interviews; and

WHEREAS, Hacker Architects was selected as the most qualified architectural firm that responded to the RFP.

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

1. That the City Manager be, and is, hereby authorized to negotiate and execute a professional services agreement with Hacker Architects for architectural and engineering services.
2. That this resolution is effective immediately upon its passage.

PASSED by the Common Council this 26th day of June 2023.

SIGNED by the Mayor this 26th day of June 2023.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of June 26, 2023

Title/Subject

Resolution No. 2285- Authorize Alternative Procurement Method (Construction Manager/General Contractor) – Downtown Projects (Public Hearing)

Summary and Background

State procurement law allows for alternative methods of constructing a project. The typical process would be to fully design the project and then hire a contractor to build the project according to the plans and specifications. This method is very good for new construction.

One of the available alternatives in Oregon is called Construction Manager/General Contractor or CMGC. This alternative allows an agency to hire a design professional (engineer/architect) and then to hire a general contractor. Both of those groups then work together to design and then construct the project. This process works very well for renovation projects that have more unknowns and allows the strengths of the architect and the contractor to come together for a more successful project from all aspects including cost.

The City has been working with the Wenaha Group as our owner's representative on this project. They have walked us through the various options and will be available at this meeting to answer any questions. The proposed resolution will authorize staff to go through the process to use this alternative procurement method and select a CMGC to partner with the Architecture firm selected on a previous agenda item.

Tie-In to Council Goals

3.1 Conduct public engagement and develop use scenarios for the Carnegie Building and the Library.

Fiscal Information

The financial impact of this decision is not known. As described above the CMGC process helps to keep project costs down and stay within established budgets.

Alternatives and Recommendation

Alternatives

1. Approve Resolution 2285 and authorize city staff to utilize the CMGC method to work on the three downtown projects and go through a process to select a contractor to participate in the projects.
2. Reject Resolution 2285.

Recommended Action/Motion

Motion to approve Resolution 2285

Submitted By:

Byron D. Smith

RESOLUTION NO. 2285

A RESOLUTION ADOPTING FINDINGS IN SUPPORT OF ALTERNATIVE CONTRACTING METHOD FOR RENOVATION OR REMODEL AT CITY HALL, THE PUBLIC LIBRARY, AND THE HARKENRIDER CENTER

WHEREAS, the City of Hermiston ("City") Council adopted Ordinance No. 2104 on March 28, 2005 and amended by Ordinance No. 2237 on December 14, 2015, designating the City Council as the local contract review board for the City, and providing that the Council, acting as the local contract review board, shall have all the powers granted by the Oregon Revised Statutes; and

WHEREAS, ORS 279C.335(1) provides that all public improvement contracts shall be based upon competitive bids; with certain exceptions including an exemption for a specific contract for a public improvement which is approved in accordance with the provisions of ORS 279C.335(2), (3), (4), and (5); and

WHEREAS, the City's Local Public Contracting Regulations authorize the use of alternative contract methods for public improvement contracts as an alternative to the requirement for competitive bidding; and

WHEREAS, ORS 279C.335(2) requires that certain findings be adopted by the Local Contract Review Board in order to grant an exemption from the competitive bidding requirement for an alternative contract method for public improvement contracts; and

WHEREAS, the City desires to use an alternative contracting method known as Construction Manager/General Contractor ("CM/GC"). The CM/GC contracting method utilizes an integrated team approach applying modern management techniques to the planning, design, preconstruction, and construction phases of a project, to control time and cost and to assure quality for the project owner. Selection of the successful CM/GC contractor is by qualitative-based selection process; that is, evaluation/scoring of written proposals, interviews, and the specified profit margins of all Proposers; and

WHEREAS, pursuant to ORS 279C.335(5)(b), the City published notice of a public hearing for the purpose of taking public comment on the City's draft findings for the exemption from the competitive bidding requirement, for more than 14 days prior the hearing date of June 26, 2023; and

WHEREAS, on June 26, 2023, the City Council acting as the Local Contract Review Board, reviewed the proposed findings, and desires to proceed with granting the exemption from the requirement for competitive bidding pursuant to the provisions of ORS 279C.335 and the City's Local Contract Review Board Rules.

NOW, THEREFORE, THE CITY OF HERMISTON RESOLVES AS FOLLOWS:

- 1. That the findings in support of the requested exemption, as prepared and attached hereto as Exhibit "A", are hereby approved and adopted.
- 2. That based upon the findings set forth in Exhibit "A", the exemption from competitive bidding requirements to allow a Construction Manager/General Contractor method of contracting for the renovations or remodel at City Hall, the Public Library, and the Harkenrider Center is hereby granted.
- 3. That this Resolution goes into effect immediately.

PASSED by the Common Council this 26th day of June 2023.
SIGNED by the Mayor this 26th day of June 2023.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER

**FINDINGS OF FACT FOR THE USE OF
THE CONSTRUCTION MANAGER/GENERAL CONTRACTOR (CM/GC)
CONTRACTING METHOD**

Before the Hermiston City Council

Regarding the Renovations to Existing Facilities

The City of Hermiston (“City”) is in western Umatilla County, Oregon; Hermiston is a rapidly growing, diverse, inclusive community, built on community engagement and partnerships, livability, and fiscal prudence. The current population is 19,696 citizens.

The scope of work and related budget associated with this Exemption includes renovations at several City of Hermiston facilities, including the following:

1. **Hermiston Library:** significant renovation of the existing Public Library; the City has completed limited interior improvements in the basement and the existing northwest exterior entrance, and the City would like to retain the design aesthetic and approach in a major renovation of the remainder of the facility, including the 1st Floor, balance of the basement, and exterior façade; the City would like to address accessibility/ADA concerns and modernization of the elevator as well. Renovations will occur while the Public Library remains open and accessible to the Hermiston Community. Anticipated total budget is \$3,000,000.
2. **Harkenrider Senior Center:** limited Tenant Improvements (TI) to the existing basement, which is currently in a core/shell condition with some utilities already present (i.e. sanitary sewer, domestic water) and other minor improvements; the limited Tenant Improvements are anticipated to include addition of restrooms, storage, T-BAR ceiling with acoustic panels, and with the potential to consider improved exterior access to the green space immediately adjacent to the west. Anticipated total budget is between \$500,000 and \$750,000.
3. **City Hall, Basement IT Expansion:** limited Tenant Improvements (TI) to the existing basement, which is currently in a core/shell condition with HVAC and utilities present; intent would be to provide office space for the City’s new IT department and staff, inclusive of private office space and workspace. Anticipated total budget is \$200,000.

Total anticipated budget for all projects is not to exceed \$3,950,000.

Each of the projects requires attention and diligence from a competent contractor to complete the respective construction projects within budget and in a timeframe that is least disruptive to the City’s daily operations and community use. In consideration of these facts, an alternative method of construction should be considered; therefore, under the Oregon Statutes and based upon the following findings, the City Council is authorizing the use of the Construction Manager/General Contractor (CM/GC) method of construction contracting.

The guiding applicable statute is ORS 279C.335 which requires, with certain exemptions, that all public contracts be based on competitive bidding and be awarded to the lowest responsive and responsible bidder. ORS 279A.060, ORS 279C.335(2) and ORS 279.330 permit the City Council to

act as the public contract review authority and to grant, under certain conditions and upon certain findings, specific exemptions from the requirement for competitive bidding.

Finding of Fact

Use of the CM/GC method to construct the City's projects will: (a) result a in more predictable schedule, ensure the available construction budget aligns with the scope of work, and reduce the financial risk to the City; (b) will allow the City to select a contractor with the specialized expertise required to ensure safety and coordination during construction; and (c) not encourage favoritism nor diminish competition.

Specific findings which substantiate these conclusions are as follows:

1. **Finding:** The City Council finds that the CM/GC method will result in more predictable schedule and construction costs and reduced financial risk to the City.
 - a. **Reduced Financial Risk:** The CM/GC delivery method will result in more predictable costs and less financial risk. Through discussions with the City and the design team, the CM/GC will be able to obtain a complete understanding of the City's needs, the architect's design intent, the scope of the project, the condition of the existing facilities, and the operational needs of the City. With the CM/GC's pre-construction participation, they will offer suggestions for cost savings, value engineering opportunities, and improvements to the design. This will result in a schedule and project scope that fits within the available funds. With the benefit of this knowledge, the CM/GC will be able to establish and affirm a Guaranteed Maximum Price (GMP) for the scope of work.
 - b. **Schedule:** Volatility of supply chain, lack of subcontractor availability, and other critical items are risks to meeting the City's project completion and operational timelines. With the CM/GC's network, understanding of the construction market, and knowledge of project schedule restrictions, the CM/GC can develop a schedule with the City as part of the pre-construction phase.
 - c. **Early Subcontractor Outreach:** The CM/GC will be able to outreach to a network of subcontractors for constructability feedback and schedule development during the pre-construction phase. The CM/GC may opt to pre-qualify subcontractors to ensure that subcontractors have availability, crew size, and financial resources to deliver their work to meet the construction schedule.
 - d. **Fewer Change Orders:** When the CM/GC participates in the design process, fewer change orders will occur during the construction process. This is due to the CM/GC's better understanding of the City's needs and the designer's intent. As a result, the project is more likely to be completed on time and on budget. In addition, fewer change orders reduce project management costs for both the City and the contractor.
 - e. **GMP Change Orders Cost Less:** The traditional Design-Bid-Build method typically results in contractors charging up to 15% mark-up on change orders. The CM/GC method applies predetermined mark-ups. The experience of the industry has been to establish the mark-up in the range of 5% to 10%.

- f. **GMP Savings:** Under the CM/GC method the City will enjoy full savings, if actual costs are below the GMP. When the CM/GC completes the project, any savings between the actual costs and the GMP are returned to the City.
 - g. **Contractor Fee is Less:** Contracts with the CM/GC are designed to create a better working relationship between all parties resulting in reduced risk to the contractor. Therefore, the overhead and profit fee are generally in the 3% to 6% range which is lower than the mark-up usually applied to traditional design-bid-build projects.
- 2. **Finding:** The City Council finds that the CM/GC process will result in a contractor that has the necessary public agency construction experience to minimize the impact to the City’s daily operations and community use. The CM/GC will develop a schedule that accounts for reduced impact during regular City operations and prioritizes staff and the greater public’s needs.
 - a. Construction activities will take place within the City’s existing public facilities. An intense and well-thought-out safety and coordination plan must be implemented to ensure members of the public and staff are kept safe, and City and community use are minimally disrupted. Utilizing the CM/GC process will allow the City to select a contractor who has the sensitivity and experience to safely and successfully work in close proximity and in direct coordination with ongoing activities.
- 3. **Finding:** The City Council finds that there will be no impact on the funding sources as a result of this exemption. The City’s funding sources for this project will remain the same whether accomplished through a traditional design-bid-build process or through the CM/GC process. No adverse impact on the funding source will occur because of this exemption.
- 4. **Finding:** The City Council finds that competition will not be inhibited, nor will favoritism be encouraged because of this exemption. The CM/GC will be selected through a competitive negotiation process in accordance with the cost and qualification-based process authorized by City Administration and Council.
 - a. **Solicitation Process:** Pursuant to ORS 279C.400 the CM/GC Request for Proposal (RFP) solicitation will be advertised in local and regional publications of general and industry specific circulation.
 - b. **Full Disclosure:** To ensure full disclosure of information, the RFP will include the following information:
 - i. Detailed Description of the Project
 - ii. Contractual Terms and Conditions
 - iii. Selection Process
 - iv. Evaluation Criteria
 - v. Role of the Evaluation Committee
 - vi. Provision for Comments
 - vii. Complaint Process and Remedies
 - c. **Selection Process:** Highlights of the selection process will include:
 - i. During the pre-proposal period, interested parties will, at any time prior to seven (7) business days before the close of the solicitation, be able to ask questions and request clarifications if they believe that any of the terms and conditions of the solicitation are unclear, inconsistent with industry standards or unfair and unnecessarily restrictive of competition.

- ii. Sealed proposals will be submitted to the City at a time specified in the advertisements.
 - iii. The following evaluation process will be used:
 - 1. Proposals will be evaluated for completeness and compliance with the requirements of the RFP.
 - 2. Proposals considered complete and responsive will be evaluated to determine if they meet the qualifying criteria of the RFP. If a proposal is unclear, the proposer may be asked to provide written clarification. Those proposals that do not meet the requirements will be rejected.
 - 3. Proposals will be independently scored against predetermined criteria by the voting members of the Evaluation Committee. Scores will be combined and assigned to each proposal.
 - 4. The Evaluation Committee may convene to select from the highest ranked proposals a finalist(s) for interviews.
 - 5. The Evaluation Committee may conduct interviews.
 - 6. The Evaluation Committee may use the interview to confirm the scoring of the proposal and to clarify questions. Based on the revised scoring, the Evaluation Committee will rank the proposals and provide an award recommendation.
 - 7. The City and legal counsel will negotiate a contract with the top ranked firm. If an agreement cannot be reached, the City will have the option to enter into an agreement with the second-ranked firm, and so on.
 - iv. Competing CM/GC firms will be notified in writing of the selection of the apparent successful proposal and will be given seven (7) calendar days after receipt of the notice to review the RFP file and evaluation report at City Hall. Any questions or concerns about the selection process must be delivered to the City within seven (7) calendar days after receipt of the selection notice. No protest of the award selection shall be considered after this time.
 - v. The contract achieved through this process will require the CM/GC to use an open and competitive selection process for all components of the project.
- 5. Finding:** The City Council finds that there will be no adverse impact on the operations, finance, and budget if this exemption is provided. Whether this project is secured through a traditional design-bid-build method or through the CM/GC process, the operations, financial, and budgetary impact will be the same – other than the potential savings mentioned in Finding #1. More importantly, there will be no adverse impact on operations, financial or budgetary data using the CM/GC process.

Conclusion of Findings of Fact

It is in the best interest of the City of Hermiston to utilize the CM/GC project delivery method. The CM/GC method will (a) result a in more predictable schedule, ensure the available construction budget aligns with the scope of work, and reduces financial risk to the City; (b) will allow the City to select a contractor with the specialized expertise required to ensure safety and coordination during construction; and (c) not encourage favoritism nor diminish competition.



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of June 26, 2023

Title/Subject

Authorizes a Lease/Option Agreement with Kayak Public Transit on “Lot 7” at the Airport for the purposes of facilitating construction of a Bus Barn.

Summary and Background

This action would authorize an agreement with Kayak Public Transit to lease approximately 1 acre of light-industrial land north of Airport Way located on the Airport.

The 2020 Airport Master Plan calls for all area north of Airport Way as being available for non-aviation related development. Since 2018 there have been three new commercial/industrial users locate north of Airport Way, on lots 4, 5, and 6. Aside from helping facilitate continued community/economic development, leasing-out this ground helps generate sustainable long-term revenue to assist with the costs of maintaining the airport.

City staff has been in contact with KAYAK for several years about their interest in constructing a bus maintenance/storage facility on the west end of Umatilla County, with specific interest in locating at the airport. KAYAK is now positioned to seek grant funding to construct that facility, and although they are well positioned for the funding, it is never guaranteed. Therefore, this lease is structured in a way to allow for a four year option to lease the area. This allows KAYAK to show funding agencies that they have a site under control, without committing to a full 30-year lease.

This option agreement allows KAYAK four years to exercise the option or walk away, which is equivalent to two funding cycles for transit facility grant funding. In the event that they walk away, then they will owe an amount equal to their rent for the time that they optioned it. In the event that they exercise their option, then this agreement allows KAYAK to recognize the value of the rent from the option-period as Local Match toward their capital facility grant application. Upon exercising the option, KAYAK would begin owing rent the same as other similar current tenants at the Airport.

Lot #7 at the airport is adjacent to all water, sewer, street, power, etc., but will require extending all of those services along it’s frontage in Airport Way to it’s eastern boundary. This agreement clearly makes those obligations of the development. However, there is additional light industrial land (lots 8, 9, etc.) further to the east, which could garner interest during the option period. Therefore, this agreement expressly states that, in the event that additional

development occurs to the east, and extends those services past Lot #7, then KAYAK be required to compensate the other development in an amount proportional to the cost of improvements fronting on Lot #7.

The final exact dimensions of Lot #7 are being surveyed by Anderson Perry currently, and will be added as Exhibit A in a form substantially similar to what is shown in the current planned airport lot layout configuration.

The Airport Advisory Committee reviewed this proposed lease at it's June 7, 2023 meeting, and unanimously recommended City Council approval.

Tie-In to Council Goals

City Facilities: Public facilities that meet the community needs of today and the future

Fiscal Information

- 1. If KAYAK chooses not to exercise their option, they would owe up to \$9,860.
- 2. If KAYAK chooses to exercise their option, they would owe \$2,465 per year through 2032; \$2,958 per year from 2033 through 2037; and \$3,451 per year after that, for a total of \$59,406 over 20 years.
- 3. For context, \$2,465 would increase the Airport's total annual revenue by approximately 1%, and would increase the Airport's lease revenue by approximately 4%.

Alternatives and Recommendation

- 1. Approve the lease as presented.
- 2. Request staff to negotiate revisions to the proposal.
- 3. Reject the lease.

Recommended Motion

Motion to authorize staff to execute a ground lease with Kayak Public Transit for Airport Lot #7 in a form substantially similar to what has been presented.

Submitted By:

Mark Morgan

**HERMISTON MUNICIPAL AIRPORT
Ground Lease**

The City of Hermiston (City) entered into this agreement with _____ (tenant), as follows:

1. Premises: City leases to Tenant and Tenant takes the space described in Exhibit A.
2. Term: The term of this lease is 20 years.
3. Lease Commencement Date: The term of this lease shall commence from the date that tenant exercises the option to lease pursuant to Section 4 below.
4. Option to Lease: Tenant is granted the option to execute this lease until June 30, 2027. During such time, Tenant may enter the property to perform preliminary on-site work such as cultural or environmental reviews, geotechnical boring, surveying, etc., subject to prior notice and approval by City. Tenant may not occupy, or place any equipment, on the property until they exercise the option to lease. In order to exercise the option, Tenant must deliver to the City, prior to June 30, 2027, written notice of the Tenant's intention to exercise the right to lease the Premises.
5. Option Fee: Tenant shall owe an amount equal to the regular rent for the Premises during the option period, initially calculated at \$2,465 per year. City recognizes Tenant's intent to option the Premises in order to pursue construction grant funding. Therefore, the Option Fee shall be due to the City within 30 days of expiration of the option, or any shorter period if Tenant notifies City of its intent not to exercise the option. In the event that Tenant exercises the option, then City shall waive the option fee as an In-Kind contribution toward Tenant's project.
6. Rent: As of July 1, 2023, the annual rent is \$0.05 per square foot, which shall be paid at City Hall on or before the first day of January each year after Tenant exercises its option to lease. Annual rent shall increase to \$0.06 per square foot effective January 1, 2033, and shall increase to \$0.07 per square foot effective January 1, 2038.
7. First Refusal: At the end of the term this lease is terminated. If, in the City's sole discretion, the premises are to be offered for sale or lease, Tenant or successors in interest shall be allowed the right to match the best acceptable offer. The right must be exercised and executed with 60 days of notice by City.
8. Option to Renew: Upon the keeping of all the terms of this agreement, Tenant shall have the option of renewing this lease for one additional ten-year term if City receives a written request for renewal from Tenant no earlier than 5 years before the expiration of the lease, and no later than six months before the expiration of the lease. The renewal shall be on terms to be agreed; however, any changes shall be consistent with this lease.

9. Title to Improvements: Upon expiration or termination for cause or otherwise of the lease or any extensions, title to all structures and improvements shall be vested in Tenant. For this reason, it is expressly agreed by Tenant that the structures will be removed and the property cleared within ninety (90) days of any termination date.
10. Premises As-Is: Premises are leased as-is. Off-site improvements, including extension of street, water, sewer, power, gas, and telecommunications, to the eastern edge of the premises shall be a condition of constructing a facility on the premises, and shall be the sole cost and responsibility of Tenant.
11. Latecomer's Improvements: In the event that any off-site improvements, including street, water, sewer, power, gas, or telecommunications, are installed to serve other users east of the site, then at the time of exercising the option to lease premises, Tenant shall reimburse any and all costs of those improvements in an amount proportional to their benefit to the Premises; which is typically calculated on a per linear foot basis of the frontage of the Premises on to the improvements.
12. Alterations: Tenant will make no alterations in or additions to said Premises or building, including painting, without first obtaining the written consent of the City in order that an overall plan may be followed.
13. Conformance with Law: Tenant will not use or permit in or upon the Premises anything that would violate any City or State or Federal law, code ordinance, or administrative rule. Tenant agrees that any construction on the Premises will conform with all City, State, or Federal laws, codes, or regulations.
14. Taxes and Assessments: If by reason of this lease the real property occupied by Tenant becomes taxable under the laws of the State of Oregon, the obligation to pay the taxes shall be added to the rental obligation of Tenant. The amount to be included in a written notice given Tenant once each year. At present under Oregon law the land is exempt from property taxation.
15. Use of Premises: Tenant agrees that the Premises shall be used for the storage of buses support activities associated with buses. Tenant shall not change the use of Premises without prior written consent of the City.
16. Assignments or Sublease: This agreement may be assigned or sublet, including major ownership change in business entity, only with prior written consent of the City.
17. Right of Entry: The City may enter the Premises in case of emergency. The City shall log any such entry at the Airport Manager's office during normal working hours and notify Tenant.
18. Ground Maintenance: The Tenant shall maintain the grounds and Premises in and around the rental area in reasonably neat, clean, and orderly condition.

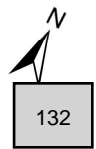
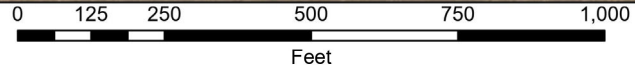
19. Rules and Regulations: The Tenant agrees to abide by the Airport Rules and Regulations, as they now exist or may hereafter be amended in any way by the City. Attached are General Specifications which are incorporated by reference.
20. Airport Operation and Access: City does not agree that it will operate and maintain this airport continuously in the future. Tenant is located on a portion of the airport with no direct access to aviation-related uses at the airport and is not granted any access to aviation-related facilities other than that which is afforded to the general public. Tenant shall not allow any operations to occur which interfere with aviation activities.
21. Airport Security: Tenant must provide for security of the property and City expressly assumes no duty to provide security.
22. Corrective Action by City: In the event of damage by Tenant other than wear and tear the City may make repairs or take any other corrective action necessary for the protection of the property and operation of the lease. City shall first give Tenant ten (10) days written notice and demand for correction except in case of emergency when no notice will be required. Tenant shall pay City for all costs and expenses incurred in curing the defaults or repairs upon presentation of a bill therefore, as additional rent.
23. Insurance: Tenant shall carry premises liability insurance with limits of \$1,000,000.00, in the aggregate; and agrees to adjust the amounts and coverages to meet standards set up in Airport Rules and Regulations and State and Federal Rules, present and future, and to include City as an additional insured (Not less than maximum set in Oregon Tort Claims statute.)
24. Indemnifications: Tenant shall indemnify and hold harmless the City, officers, agents, and employees from and against any and all claims, demands, loss or liability of any kind or nature which the City, officers, agents and employees, or any of them, for injury to or death of persons or damage to property caused by or contributed to by the negligence of Tenant, in the use of the premises described in the Agreement, including the use of the Airport and its facilities.
25. Default: Failure to perform according to the provisions of this Agreement shall constitute a default. In the event of a default, the defaulting party may cure said default with thirty (30) days of written notice thereof by the non-defaulting party. Otherwise, the non-defaulting party may terminate this Agreement immediately upon written notice of termination to the defaulting party. In the event of default by Tenant and failure to cure such default by the specified date after notice as provided for herein, Tenant's right to possess the Premises shall cease, this Agreement shall be terminated, and the parties shall have no further rights, duties or obligations hereunder, except for those obligations which are expressly stated to survive termination. The City may then re-enter and take possession of the Premises or any part thereof, repossess the same, expel Tenant and those claiming through or under Tenant, and remove the effects of both (forcibly, if necessary) without being deemed guilty of any manner of trespass.

Airport Business Park Lot Layout Plan



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

- | | | |
|--------------------|---------------------------------|------------------------------|
| Airport Way | Future Utility Extension | Existing Utility Line |
| — Existing | — Sewer | — Water |
| — Future | — Water | — Sanitary Sewer |





Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of June 26, 2023

Title/Subject

Renew a Transportation Services Agreement with the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) for the Hermiston HART Bus Route.

Summary and Background

CTUIR has been providing an intra-city bus route within Hermiston since early 2018 through its KAYAK Public Transit division. The service has since been expanded over time to operate a full 12 hours per day Monday through Friday 7am to 7pm. This agreement would preserve that service in its current level of service.

The agreement was originally envisioned as the City of Hermiston paying Kayak a certain amount for the service, which could be used as local match against outside operational grant funding. In order to ensure appropriate match, the City's contribution was originally \$150,000 per year from the General Fund. Based on grant funding, that amount was dropped to \$125,000 per year. Then with uncertainties around the COVID-19 Pandemic, the City and Kayak agreed to tap a built-up reserve balance. Since that time, the annual cost to the City from July 1, 2021 through June 30, 2023 has been \$50,000.

The proposed two year agreement for July 1, 2023 through June 30, 2025 is now being recommended at \$25,000 per year, as KAYAK continues to utilize the reserve balance to cover local matching on grant funds. So far KAYAK has done very well in obtaining grant funding to prevent the fund balance from declining over time, so this additional cut-back on the City's contribution is intended to preserve City resources within the General Fund, with an understanding that this cost may be subject to increasing in the future if grant funding is eliminated.

For context, operating a 12 hour per day, 5 day per week service for \$25,000 per year comes out to \$8.01 per hour; which is obviously a bargain when factoring in the costs of driver salaries/benefits, the buses themselves, maintenance, overhead (scheduling, grant management, accounting), etc. Kayak has done very well to leverage this local contribution.

Tie-In to Council Goals

Transportation: Improve mobility and transportation

Fiscal: Maintain service levels, evaluate the current budget and understand options to increase

Fiscal Information

See Background

Alternatives and Recommendation

1. Approve Agreement.
2. Reject Agreement
3. Recommend Changes.

Recommended Motion

Motion to renew the Transportation Services Agreement with the Confederated Tribes of the Umatilla Indian Reservation for the Hermiston HART Bus Route.

Submitted By:

Mark Morgan

TRANSPORTATION SERVICES AGREEMENT BETWEEN
THE CONFEDERATED TRIBES OF THE UMATILLA INDIAN RESRVATION
AND
THE CITY OF HERMISTON

This Services Agreement (this "Agreement") is entered into on June 26, 2023 between the Confederated Tribes of the Umatilla Indian Reservation ("CTUIR"), and the City of Hermiston, a municipal corporation of the State of Oregon ("City").

In consideration of the mutual promises, terms and conditions contained in the agreement, now therefore the parties do hereby agree to the following:

1. SERVICES AND TERM

1.1 Description of Services. The CTUIR will perform the services described in Schedule 1.1 ("Services") and will consult with and advise City on all matters concerning the Services.

1.2 Term. The Services under this Agreement shall commence on July 1, 2023 and termination on June 30, 2025 unless otherwise extended or terminated in accordance with the terms of this Agreement.

2. COMPENSATION/CONSIDERATION AND RELATIONSHIP

2.1 Compensation. City will pay the CTUIR in accordance with the compensation schedule set forth in Schedule 2.1. City will not provide any benefits to CTUIR, and CTUIR will be responsible for obtaining CTUIR's own benefits, including insurance, medical reimbursement, and retirement plans. City's payment of compensation under this Agreement constitutes City's approval and acceptance of the Services to which the payment relates.

2.2 Independent Contractor. The CTUIR agrees to employ, at its own expense, all personnel reasonably necessary to perform the Services required by this agreement. These personnel are not employees of the City. The CTUIR shall ensure that all personnel engaged in performing Services are fully qualified to undertake the work in accordance with applicable tribal, state, or federal laws. The CTUIR is an independent contractor. The CTUIR is not an agent or employee of the City. The CTUIR and the City are not engaged in a joint venture or partnership. Neither party can represent or bind the other.

2.3 Taxes and Licenses. City will not withhold any taxes from any payments made to the CTUIR. The CTUIR is be responsible for paying all taxes arising out of or resulting from the performance of the Services, including, without limitation, income, social security, worker's compensation, and employment insurance taxes. The CTUIR will be responsible for obtaining any and all licenses, approvals, and certificates necessary or appropriate to perform the Services.

2.4 Indemnity. The CTUIR shall indemnify, defend, and hold City and its officers, employees, agents and all other affiliated representatives harmless from all claims, lawsuits and actions of whatever nature brought against those parties which arise from the CTUIR's performance of Services or omissions under this Agreement. The CTUIR is not required to indemnify the City for any liability arising out of negligent acts or omissions of the City, their employees, or representatives.

3. TERMINATION

3.1 Termination by Mutual Agreement or Prior Notice. In addition to the terms in **Exhibit A #10**, this Agreement may be terminated at any time by the mutual written agreement of City and the CTUIR. Either party may terminate this Agreement for any reason or no reason by giving the other party one hundred and twenty (120) days' prior written notice of such termination. Upon termination of this Agreement, City will pay the CTUIR any and all amounts accruing or owing to the CTUIR under this Agreement. Conflict of language between the "Agreement" and "Exhibit A" shall be interpreted with greater weight to the "Agreement," so long as such interpretation is not a violation of the law.

3.2 Remedies. If a party fails to perform any obligations under this Agreement, the non-defaulting party may, in addition to any other remedy provided to the non-defaulting party under this Agreement, pursue any and all remedies available to the non-defaulting party at law or in equity. All available remedies are cumulative and may be exercised singularly or concurrently.

4. FEDERAL REQUIREMENTS

4.1 Federal Funding. Some or all of City's funding for this Agreement comes from certain grand funds from the Oregon Department of Transportation (ODOT), and as such all required federal terms and conditions must be, and hereby are, incorporated into this Agreement.

4.2 Requirements for Pass-Through Entities. The provisions of 2 CFR 200.331(a) pertaining to the obligations of a pass through entity receiving federal funds, are hereby incorporated into this agreement as presently exist or as are amended in the future.

4.3 Certifications and Assurances and FTA Master Agreement.

CTUIR must comply with all applicable federal requirements contained in the Certifications and Assurances available at http://www.fta.dot.gov/grants/1ZSZ5_93.html. The Certifications and Assurances, including as they may be changed during the term of this Agreement, are by this reference incorporated herein.

CTUIR further agrees to comply with all applicable requirements included in the Master Agreement that is signed and attested to by State. This Master Agreement is incorporated by reference and made part of this Agreement. Said Master Agreement is available upon request from State by calling (503) 986-3300, or at <http://www.fta.dot.gov/documents/2.1-Master.pdf>. Without limiting the foregoing, the following is a summary of some requirements applicable to transactions covered by this Agreement and the funds described in Schedule 2.1:

a. CTUIR shall comply with Title VI of the Civil Rights Act of 1964 (78 Stat. 252., 42 U.S.C. § 2000d) and the regulations of the United States Department of Transportation ("US DOT") (49 CFR 2.1, Subtitle A). CTUIR shall exclude no person on the grounds of race, religion, color, sex, age, national origin, or disability from the benefits of aid received under this Agreement. CTUIR will report to City on at least an annual basis the following information: any active lawsuits or complaints, including dates, summary of allegation, status of lawsuit or complaint including whether the parties entered into a consent decree.

b. CTUIR shall comply with FTA regulations in Title 49 CFR 2.7 Nondiscrimination on the Basis of Disability in Programs or Activities Receiving Federal Financial Assistance which implements the Rehabilitation Act of 1973, as amended, the Americans with Disabilities Act of 1990, 49 CFR 37, and 49 CFR 38.

c. CTUIR shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its Disadvantaged Business Enterprise ("DBE") program or the requirements of 49 CFR Part 26. CTUIR shall take all necessary and reasonable steps under 49 CFR Part 2.6 to ensure nondiscrimination in the award and administration of US DOT-assisted contracts. CTUIR's DBE program, if applicable, as required by 49 CFR part 2.6 and as approved by USDOT, is incorporated by reference in this agreement. Implementation of this

program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement.

d. CTUIR shall not discriminate on the basis of race, color, national origin, or sex in the performance of this Agreement. CTUIR shall carry out applicable requirements of 49 CFR Part 2.6 in the performance of this USDOT-assisted contract. Failure by the CTUIR to carry out these requirements is a material breach of this Agreement, which may result in the termination of this Agreement or such other remedy as City deems appropriate.

e. CTUIR, a contractor receiving in excess of \$100,000 in federal funds, must certify to City that they have not and will not use federal funds to pay for influencing or attempting to influence an officer or employee of any federal department or agency, a member of Congress, or an employee of a member of Congress in connection with obtaining any federal grant, cooperative agreement or any other federal award. If non-federal funds have been used to support lobbying activities in connection with the Project, CTUIR shall complete Standard Form LLL, Disclosure Form to Report Lobbying and submit the form to City at the end of each calendar quarter in which there occurs an event that requires disclosure. Restrictions on lobbying do not apply to influencing policy decisions. Examples of prohibited activities include seeking support for a particular application or bid and seeking a congressional earmark

4.4 Federally Mandated Insurance Requirements.

CTUIR shall obtain insurance specified under TYPES AND AMOUNTS and meeting the requirements under ADDITIONAL INSURED, NOTICE OF CANCELLATION OR CHANGE, and CERTIFICATES OF INSURANCE before performance of the Services commences, and ii) maintain the insurance in full force throughout the duration of this Agreement. The insurance must be provided by insurance companies or entities that are authorized to transact the business of insurance and issue coverage in the State of Oregon and that are acceptable to City. City shall not authorize work to begin until the insurance is in full force. Thereafter, City shall monitor continued compliance with the insurance requirements on an annual or more frequent basis. In no event shall City permit work when City is aware that CTUIR is not in compliance with the insurance requirements.

a. TYPES AND AMOUNTS.

i. WORKERS COMPENSATION. Insurance in compliance with ORS 656.017, which requires all employers that employ subject workers, as defined in ORS 656.027, to provide workers' compensation coverage for those workers, unless they meet the requirement for an exemption under ORS 656.126(2). Employers' liability insurance with coverage limits of not less than \$500,000 must be included.

ii. COMMERCIAL GENERAL LIABILITY. Commercial General Liability Insurance covering bodily injury, death, and property damage in a form and with coverages that are satisfactory to City. This insurance shall include personal injury liability, products and completed operations. Coverage shall be written on an occurrence form basis, with not less than the following amounts as determined by City:

Bodily Injury, Death and Property Damage: \$1,500,000 per occurrence (for all claimants for claims, arising out of a single accident or occurrence).

iii. AUTOMOBILE Liability Insurance: Automobile Liability. Automobile Liability Insurance covering all owned, non-owned and hired vehicles. This coverage may be written in combination with the Commercial General Liability Insurance (with separate limits for "Commercial General Liability" and "Automobile Liability"). Automobile Liability Insurance must be in not less than the following amounts as determined by City:

Bodily Injury, Death and Property Damage: \$1,500,000 per occurrence (for all claimants for claims arising out of a single accident or occurrence).

b. ADDITIONAL INSURED. The Commercial General Liability Insurance and Automobile Liability insurance must include City, its officers, employees and agents as Additional Insureds but only with respect to the COIC's activities to be performed under the Project. Coverage must be primary and non-contributory with any other insurance and self-insurance.

c. NOTICE OF CANCELLATION OR CHANGE. CTUIR or its insurer must provide 30 days' written notice to City before cancellation of, material change to, potential exhaustion of aggregate limits of, or non-renewal of the required insurance coverage(s).

d. CERTIFICATE(S) OF INSURANCE. CTUIR shall provide the City a certificate(s) of insurance for all required insurance before the CTUIR performs Services. The certificate(s) or an attached endorsement must specify all entities and individuals who are endorsed on the policy as Additional Insured.

4.5 Federal Regulations and Required Third Party Contract Clauses. The federal regulations and required third party contract clauses outlined in **Exhibit A** are hereby incorporated into this Agreement.

5. MISCELLANEOUS

5.1 Severability. Any provision of this agreement held to be unenforceable will not affect the enforceability of any other provision.

5.2 Notices. All notices must be in writing. A notice is deemed given when personally delivered or delivered by facsimile transmission (with electronic conformation of delivery), or will be deemed given three business days following delivery of the notice by U.S. mail, postage prepaid to the address of the other party shown below (or any other address that a party may designate by notice to the other party), unless that day is a Saturday, Sunday, or legal holiday, in which event it will be deemed delivered on the next following business day.

The CTUIR:

To City:

CTUIR Planning Department
Attn: John David "J.D." Tovey III
46411 Timine Way Pendleton,
OR 97801
Fax: _

City of Hermiston
Attn: Byron Smith
180 NE 2nd St.
Hermiston, OR 97838
Fax:

5.3 No General Waiver. The waiver or failure to enforce, insist upon, or comply with any term in this agreement does not constitute a general waiver or relinquishment of that term.

5.4 Entire Agreement/Integration. This agreement supersedes all prior or contemporaneous oral or written agreements between the parties. This Agreement contains the entire agreement between and among the parties regarding the matters set forth herein and is conclusive and binding on and inures to the benefit of the administrators, representatives, employees, agents and successors of each.

5.5 Assignment and Binding Effect. This agreement is not assignable by the CTUIR and binds any successor.

5.6 Force Majeure. The CTUIR's performance of its obligations under this Agreement will be excused by delays due to strikes, labor disputes, lockouts, labor trouble, inability to procure labor or materials (or reasonable substitutes for them), failure of power, governmental sanctions or requirements, restrictions or laws, fire or other damage, war or civil disorder, or any other causes beyond the reasonable control of the CTUIR (each a "Delay Event"). Notwithstanding anything contained in this Agreement to the contrary, The CTUIR will not be liable for any damages, costs, or expenses suffered by City (or any other party) due to the occurrence of any Delay Event including, without limitation, any damages, costs, or expenses City may suffer as a result of a delay in the performance of the Services.

5.7 Governing Law. This Agreement is governed by the laws of the State of Oregon, and venue for any action concerning this Agreement will lie in Umatilla County.

5.8 Amendment and Additional Provisions. No change, amendment, or modification of this agreement is valid unless it is in writing and executed by the parties.

5.10 Mediation. In addition to **Exhibit A #14**, in the event any claim, dispute, or controversy arising out of or related to this Agreement occurs (a "Dispute"), City and the CTUIR in good faith seek a fair and prompt negotiated resolution of the Dispute and will meet at least once to discuss and seek a resolution of the Dispute. If the Dispute is not resolved by negotiated resolution, the Dispute may be settled by mediation by a mediator mutually agreed upon by the parties.

5.11 Interest. If any payment required to be paid by City under this Agreement is not paid when due, all amounts payable will bear interest at eighteen percent (18%) per annum, commencing on the payment due date and ending on the date payment is made in full.

5.12 Saving Clause. If any provision of this Agreement, or application of a provision to any party or circumstance, is held invalid, the remainder of this Agreement, or the application of that provision to other persons or circumstances, must not be affected thereby.

5.13 Further Assurances. The parties agree to execute and deliver any further documents, tangible items, materials and instruments as are necessary or convenient to carry out the terms and purposes of this Agreement.

This agreement is signed as of the date stated in the introductory clause and may be executed in counterparts or by facsimile.

**CONFEDERATED TRIBES OF THE
UMATILLA INDIAN RESERVATION**

CITY OF HERMISTON

By: _____
Donald G. Sampson
Executive Director

By: _____
[Name, Title]

[INSERT CONTRACTOR'S NAME]

By: _____
[Name, Title]

SCHEDULE 1.1

Description of Services

The CTUIR will perform the following Services:

1. Provide community connector service between Hermiston and other communities within the CTUIR's transportation system Monday through Friday. Specific services include:
 - a. Fixed-Route Intra-City service within Hermiston, which will complete ten circuits through the city between 7am to 7pm daily, Monday through Friday.
 - b. Any and all required Para-Transit Service as is currently, or may in the future be, required by the Federal Transit Authority.
 - c. Intra-City service within Hermiston shall be scheduled so as to connect with a CTUIR transportation system Inter-City service within the Hermiston City Limits at least once per day.

SCHEDULE 2.1

Compensation Schedule

- A. Compensation. The CTUIR will provide the services described in Schedule 1.1 as public transportation services. A majority of the funding to pay for these services shall be through the receipt of additional Oregon Department of Transportation (ODOT/5311) grant money specifically for this service. CTUIR will make all applications for, and be the recipient of, this grant funding, while the City will provide all matching funds to cover any costs of the services not covered through grant funding.
- B. Reserve Balance. The CTUIR and the City have worked collaboratively to provide public transportation services in Hermiston under the compensation arrangement outlined in 2.1.A since July 1, 2017. To ensure adequate matching funds were available for a new service, the City has, since July 1, 2017, paid CTUIR guaranteed annual funding of \$150,000 from July 1, 2017 through June 30, 2019, as well as \$125,000 from July 1, 2019 through June 30, 2020.

As a result of cost containment, and successful outside grant funding acquisition by CTUIR, the City had accrued a reserve balance on-hand with CTUIR of \$246,978.06 through 6/12/2023. In recognition of the potential for reduced City General Fund Revenue caused by the COVID-19 Pandemic, the parties agreed to draw from the reserve balance to make a one-time reduction of the City's quarterly obligation. It is projected that the reserve balance on-hand with CTUIR, after the City makes it's payment for the quarter ending June 30, 2021, will total \$259,478.06.

The City and CTUIR wish to keep a healthy reserve balance to protect this service from future economic downturns, but also wish to scale it to be more commensurate with actual operating costs. Therefore, pricing for the term of this contract will be reduced to more closely align with actual operating costs, and if a shortfall occurs, the difference shall be made-up from the reserve on-hand.

- C. Quarterly Invoicing. The CTUIR's performance of Services will be billed quarterly by the CTUIR at the rate of \$6,250 per quarter, for the period outlined under this agreement, within 30 days following the end of each quarter. Any delayed billing will not alleviate City's obligation to pay for Services provided. The CTUIR will submit quarterly invoices to City for the Services performed during the immediately preceding quarter. City will pay the amount due under each invoice within thirty (30) days after City's receipt of the invoice.

- Quarter 1: July 1 – September 30, 2023
- Quarter 2: October 1 – December 31, 2023
- Quarter 3: January 1 – March 31, 2024
- Quarter 4: April 1 – June 30, 2024
- Quarter 5: July 1 – September 30, 2024
- Quarter 6: October 1 – December 31, 2024
- Quarter 7: January 1 – March 31, 2025
- Quarter 8: April 1 – June 30, 2025

Upon receipt of payment from the City, CTUIR shall deduct the payment amount from the actual cost of service for the quarter. If an amount-owed for the quarter exists, CTUIR shall draw the difference from the reserve balance. If the amount paid exceeds the actual cost of service for the quarter, the difference shall be retained in the reserve fund.

- D. Total Compensation. Total compensation from City for this Agreement shall not exceed \$100,000 between July 1, 2023 and June 30, 2025.



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of June 26, 2023

Title/Subject

May 2023 Financial Report

Summary and Background

This is the monthly overview of the previous month's financial position of the city.

Tie-In to Council Goals

Fiscal Prudence

Fiscal Information

None

Alternatives and Recommendation

Alternatives

None

Recommended Action/Motion

Recommend approval/acceptance of the May 2023 Financial Report as presented.

Request a motion to approve/accept the May 2023 Financial Report as presented.

Submitted By:

Mark Krawczyk
Director of Finance

May 2023 Financial Report



Where Life is Sweet

Department of Finance
May 2023
(Unaudited)

FY2022-2023 Monthly Financial Report

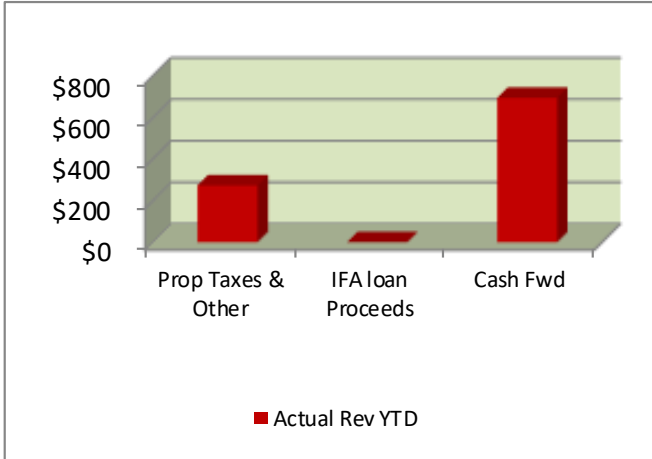
Hermiston Urban Renewal Agency (HURA)

For the Month Ending May 31, 2023

Resources

Through May 31, 2023

by Category



	Annual Proj Rev	Actual Rev YTD	% Var
Prop Taxes & Other	\$ 271	273	101%
IFA loan Proceeds	\$ 496	0	0%
Cash Fwd	\$ 695	695	100%
Total	\$ 1,462	\$ 968	66%

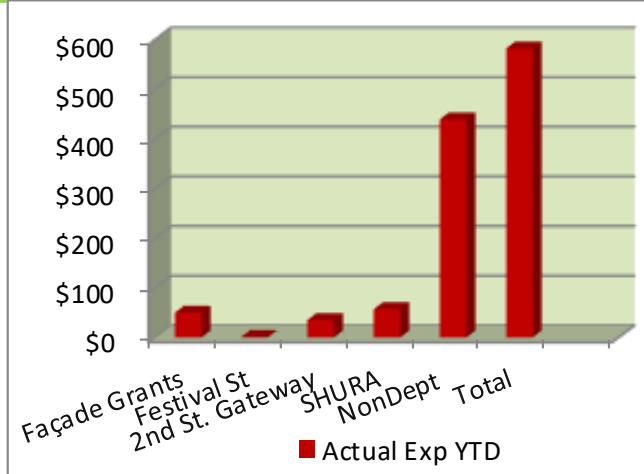
Note: Variance is calculated as % of revenue YTD

Expenditures

Through May 31, 2023

by Character

(in \$1,000)



	Annual Proj Exp	Actual Exp YTD	% Var
Façade Grants	\$ 50	50	100%
Festival St	\$ 5	1	20%
2nd St. Gateway	\$ 400	35	9%
SHURA	\$ 496	57	11%
NonDept	\$ 511	439	86%
Total	\$ 1,462	\$ 582	40%

Note: variance is calculated as % of expenses YTD.

The FY2022-23 budget for the Urban Renewal Agency is \$ 1,461,762. This includes \$50,000 for Façade Grants, \$5,000 for the Festival Street, \$400,000 for construction of the 2nd Street Gateway project, \$496,000 for the beginning of the SHURA project, and \$190,662 for Non-Departmental expenses.

Property tax revenues collection totaled \$808 for May, bringing total revenue collected to date of \$273,054.

FY2022-2023 Monthly Financial Report

Section 11, Item C.

City of Hermiston, Oregon

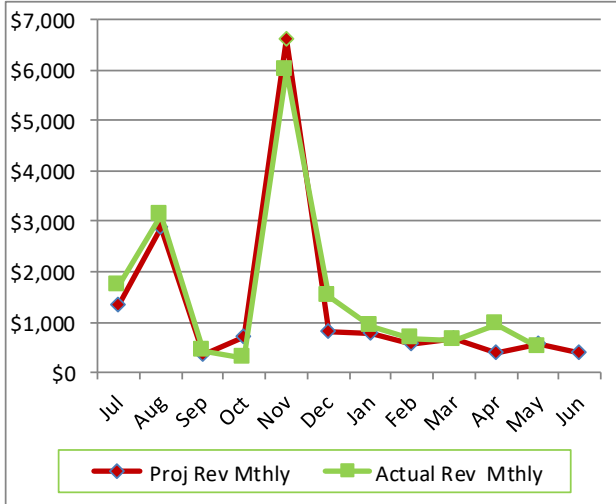
General Fund Resources

For the Month Ending May 31, 2023

General Fund Resources Summary

Through May 31, 2023

(in \$1,000)



	Proj Rev Mthly	Rev Proj Mthly	Actual Rev Mthly	Var Fav/ (Unfav)	% Var
Jul	\$ 1,338	\$ 1,338	\$ 1,731	\$ 393	29%
Aug	\$ 2,870	\$ 2,870	\$ 3,133	\$ 263	9%
Sep	\$ 356	\$ 356	\$ 445	\$ 89	25%
Oct	\$ 704	\$ 704	\$ 295	\$ (409)	-58%
Nov	\$ 6,614	\$ 6,614	\$ 5,983	\$ (632)	-10%
Dec	\$ 815	\$ 815	\$ 1,526	\$ 710	87%
Jan	\$ 793	\$ 793	\$ 903	\$ 110	14%
Feb	\$ 579	\$ 579	\$ 670	\$ 91	16%
Mar	\$ 689	\$ 689	\$ 640	\$ (49)	-7%
Apr	\$ 392	\$ 392	\$ 946	\$ 554	141%
May	\$ 560	\$ 560	\$ 514	\$ (46)	-8%
Jun	\$ 399	\$ -	\$ -	\$ -	
Total YTD	16,112	15,713	16,785	1,074	6.8%
Cash Fwd	1,747	-	-	-	0%
Total	\$ 17,859	\$ 15,713	\$ 16,785	\$ 1,074	6.8%

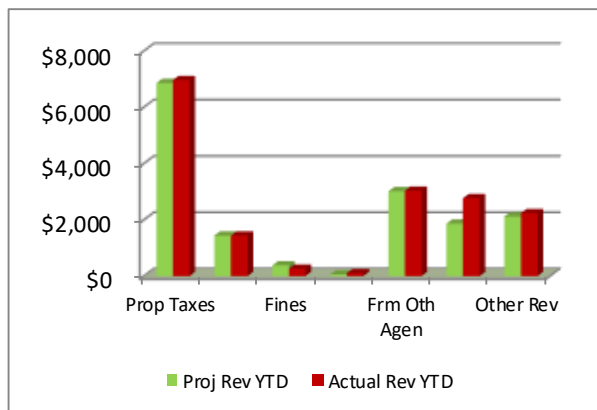
Estimated General Fund revenues for the 2022-23 fiscal year are **\$17,857,838**. Projected revenues for May were **\$559,811**, compared to actual revenues of **\$513,631**, a variance of **(\$46,180.)** The fund is currently **\$1,073,319** more than projected through May YTD.

General Fund - All Resources by Category

Through May 31, 2023

by Category

(in \$1,000)



	Annual Proj Rev	Proj Rev YTD	Actual Rev YTD	Var Fav/ (Unfav)	% Var
Prop Taxes	\$ 6,927	\$ 6,855	\$ 6,855	\$ 109	2%
Lic & Fran	\$ 1,435	\$ 1,434	1,436	2	0%
Fines	\$ 400	\$ 377	257	(120)	-32%
Interest Rev	\$ 62	\$ 59	102	44	75%
Frm Oth Agen	\$ 3,107	\$ 3,012	3,031	19	1%
Svc Chgs	\$ 2,008	\$ 1,862	2,765	903	48%
Other Rev	\$ 2,172	\$ 2,113	2,231	118	6%
Cash Fwd	\$ 1,747	\$ -	-	-	0%
Total	\$17,858	\$ 15,712	\$ 16,785	\$ 1,073	6.8%

Note: variance is calculated as a percent of the projected revenue YTD.

FY2022-2023 Monthly Financial Report

Section 11, Item C.

City of Hermiston, Oregon

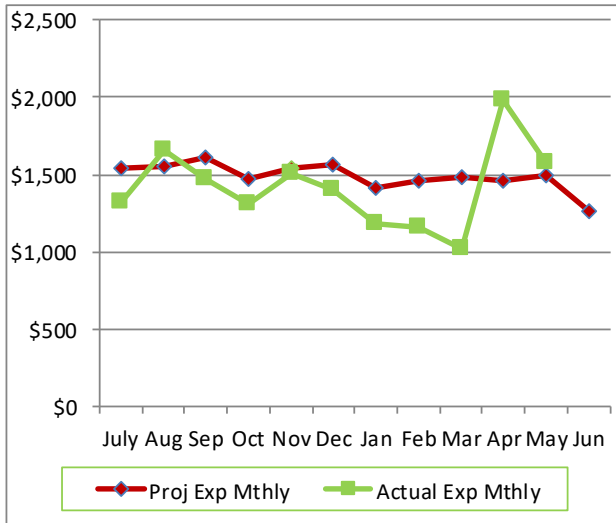
General Fund Expenditures

For the Month Ending May 31, 2023

General Fund Expenditure Summary

Through May 31, 2023

(in \$1,000)



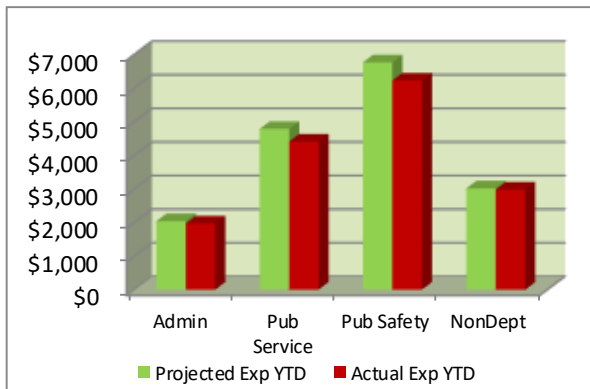
	Proj Exp Mthly	Proj Exp	Actual Exp Mthly	Var Fav/ (Unfav)	% Var
July	\$ 1,545	\$ 1,545	\$ 1,324	\$ 221	14%
Aug	\$ 1,549	\$ 1,549	\$ 1,653	\$ (104)	-7%
Sep	\$ 1,606	\$ 1,606	\$ 1,473	\$ 133	8%
Oct	\$ 1,471	\$ 1,471	\$ 1,304	\$ 168	11%
Nov	\$ 1,541	\$ 1,541	\$ 1,502	\$ 39	3%
Dec	\$ 1,562	\$ 1,562	\$ 1,397	\$ 165	11%
Jan	\$ 1,416	\$ 1,416	\$ 1,185	\$ 231	16%
Feb	\$ 1,465	\$ 1,465	\$ 1,160	\$ 304	21%
Mar	\$ 1,480	\$ 1,480	\$ 1,021	\$ 459	31%
Apr	\$ 1,461	\$ 1,461	\$ 1,979	\$ (517)	-35%
May	\$ 1,500	\$ 1,500	\$ 1,578	\$ (78)	-5%
Jun	\$ 1,260		\$ -	\$ -	
Total YTD	17,858	16,597	15,576	1,021	6.2%
Contngcy		-	-	-	0%
Total	\$ 17,858	\$ 16,597	\$ 15,576	\$ 1,021	6.2%

Projected General Fund monthly expenditures for May were **\$1,499,712**. Actual expenditures were **\$1,577,695**, which is **\$77,983 more** than projected for a **variance of (5.2%)** for the month, and a positive **6.152% year-to-date**.

General Fund Expenditures by Consolidated Department

Through May 31, 2023

(in \$1,000)



	Annual Proj Exp	Projected Exp YTD	Actual Exp YTD	Var Fav/ (Unfav)	% Var
Admin	\$ 2,201	2,037	1,968	69	3%
Pub Service	5,169	4,782	4,404	377	8%
Pub Safety	7,199	6,764	6,224	540	8%
NonDept	3,289	3,015	2,980	35	1%
Unapp	-	-	-	-	0%
Total	\$17,858	\$ 16,597	\$ 15,576	\$ 1,021	6.2%

Note: variance is calculated as a percent of the projected expenditures YTD.

FY2022-2023 Monthly Financial Report

Section 11, Item C.

General Fund Expenditure Detail For the Month Ending May 31, 2023

General Fund Expenditures by Department

	Annual Projected			Var Fav/ (Unfav)	% Var Fav/ (Unfav)
	Exp	Projected Exp YTD	Actual Exp YTD		
City Council	67,127	65,541	55,699	9,842	15%
City Manager/Legal	1,031,513	945,554	934,591	10,963	1%
City Planning	443,872	406,883	386,415	20,468	5%
Finance	659,029	619,207	591,751	27,456	4%
Total Administration	2,201,541	2,037,183	1,968,456	68,727	3%
Transportation	411,800	385,643	381,568	4,075	1%
Airport	380,000	361,928	339,037	22,891	6%
Bldg Inspection	603,257	548,468	488,270	60,198	11%
Parks	735,081	692,624	675,929	16,695	2%
Parks/Utility Landscaping	67,061	56,722	38,725	17,997	32%
Pool	599,315	500,790	440,666	60,124	12%
Municipal Buildings	145,973	133,809	133,629	180	0%
Library	1,028,515	968,349	836,168	132,181	14%
Recreation	877,059	828,189	837,431	(9,242)	-1%
Community Center	256,822	243,984	177,287	66,697	27%
Harkenrider Center	64,264	61,214	55,774	5,440	9%
Total Public Services	5,169,147	4,781,719	4,404,484	377,235	8%
Court	835,778	768,261	587,758	180,503	23%
Public Safety Center	62,000	58,377	52,479	5,898	10%
Police Operations	6,300,785	5,937,350	5,583,440	353,910	6%
Total Public Safety	7,198,563	6,763,987	6,223,677	540,310	8%
Non-Departmental	3,288,587	3,014,538	2,979,608	34,930	1%
Unappropriated	0	0	0	0	0%
Total Non-Dept	3,288,587	3,014,538	2,979,608	34,930	1%
Total	17,857,838	16,597,427	15,576,225	1,021,202	6.2%

For May of FY2023, **Total Administration** is \$68,727 less than projected for the month. **Total Public Services** are \$377,235 less than projected this month. **Public Safety** is \$540,310 less than projected for May. **Non-Departmental** is \$34,930 less than projected for the month. The total **General Fund expenses** are \$1,021,202 less than projected through the eleven months to-date of FY2023.

FY2022-2023 Monthly Financial Report

Fund Balance - General Fund

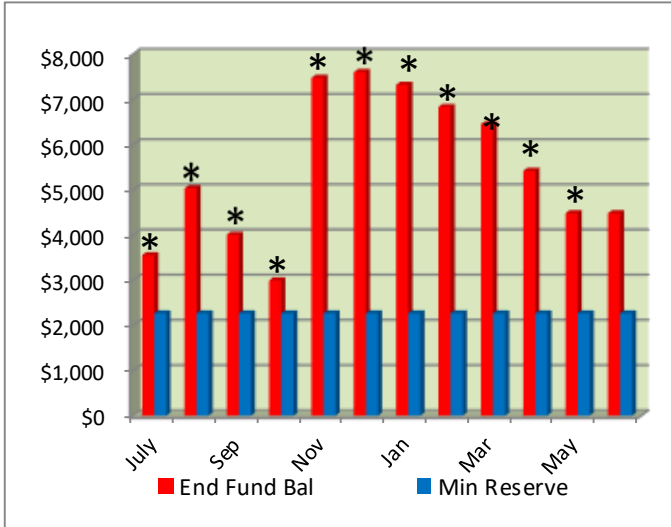
For the Month Ending May 31, 2023

General Fund

Through May 31, 2023

Ending Fund Balance

(in \$1,000)



Minimum Reserve = \$2,264,700

	Begin Fund		End Fund		ACT/PROJ
	Bal	Revenue	Expense	Bal	Fund Bal
July	\$ 3,144	\$ 1,731	\$ (1,324)	\$ 3,551	ACT*
Aug	\$ 3,551	\$ 3,133	\$ (1,653)	\$ 5,031	ACT*
Sep	\$ 5,031	\$ 445	\$ (1,473)	\$ 4,003	ACT*
Oct	\$ 4,003	\$ 295	\$ (1,304)	\$ 2,995	ACT*
Nov	\$ 2,995	\$ 5,983	\$ (1,502)	\$ 7,475	ACT*
Dec	\$ 7,475	\$ 1,526	\$ (1,397)	\$ 7,604	ACT*
Jan	\$ 7,604	\$ 903	\$ (1,185)	\$ 7,321	ACT*
Feb	\$ 7,321	\$ 670	\$ (1,160)	\$ 6,831	ACT*
Mar	\$ 6,831	\$ 640	\$ (1,021)	\$ 6,449	ACT*
Apr	\$ 6,449	\$ 946	\$ (1,979)	\$ 5,417	ACT*
May	\$ 5,417	\$ 560	\$ (1,500)	\$ 4,477	ACT*
June	\$ 4,477	\$ -	\$ -	\$ 4,477	PROJ
Total	\$ 3,144	\$ 16,831	\$ 15,498	\$ 35,473	

The General Fund balance at the end of May for FY2023 is approximately **\$4,477,000**, which is **\$2,212,300** more than the current Minimum Reserve requirement of **\$2,264,700** (or **.97 times more than the minimum reserve**).

The General Fund reserve policy is to maintain **15% fund balance** of total expenditures based on the prior fiscal year activity.

FY2022-2023 Monthly Financial Report

Special Revenue Funds Report For the Month Ending May 31, 2023

Special Revenue Funds Resources & Requirements

	2022-23		Remaining Budget
	Annual Budget	Actual YTD	
02 Bonded Debt Fund			
Resources	634,018	506,674	127,344
Expenditures	531,720	530,819	901
Unappropriated Balance	102,298	N/A	N/A
05 Transient Room Tax (TRT)			
Resources	998,800	1,119,579	120,779
Expenditures	998,800	953,642	45,158
Unappropriated Balance	-	N/A	N/A
08 Reserve Fund			
Resources	22,873,083	7,716,876	15,156,207
Expenditures	21,778,689	6,199,647	15,579,042
Unappropriated Balance	1,094,394	N/A	N/A
11 Miscellaneous Special Revenue			
Resources	141,000	66,119	74,881
Expenditures	141,000	111,107	29,893
Unappropriated Balance	-	N/A	N/A
19 Christmas Express Special Revenue			
Resources	35,000	20,679	14,321
Expenditures	35,000	20,999	14,001
Unappropriated Balance	-	N/A	N/A
20 Law Enforcement Special Revenue			
Resources	84,014	13,426	70,588
Expenditures	65,000	18,470	46,530
Unappropriated Balance	19,014	N/A	N/A
21 Library Special Revenue			
Resources	33,000	4,331	28,669
Expenditures	3,300	2,870	430
Unappropriated Balance	29,700	N/A	N/A
23 Enterprise Zone Project Fund			
Resources	1,648,699	620,000	1,028,699
Expenditures	1,648,699	1,005,325	643,374
Unappropriated Balance	763,374	N/A	N/A
25 EOTEC Operations			
Resources	956,316	627,032	329,284
Expenditures	956,316	711,668	244,648
Unappropriated Balance		N/A	N/A
26 IT Services			
Resources	806,000	715,689	90,311
Expenditures	806,000	753,270	52,730
Unappropriated Balance		N/A	N/A

Beginning with the 2016-17 fiscal year the City began distinguishing within the funds some part of ending fund balance as contingency and some as reserved for future expenditure. The contingency is included in appropriations while the reserve for future expenditures is unappropriated.

The City uses multiple Special Revenue funds to account for revenues that are restricted to expenditure for particular purposes. They include funds for debt service, economic development, parks and recreation, capital projects, and grants. Since these funds are not operational in nature and used for specific purposes from year-to-year, their expenditures do not typically follow a predictable pattern so budget variances are not calculated for them.

FY2022-2023 Monthly Financial Report

Utility and Street Funds Report

For the Month Ending May 31, 2023

Utility and Street Funds Report

Resources & Expenditures

	2022-2023		Actual YTD	Variance	
	Annual Budget	Projected YTD		Fav/(Unfav)	% Variance
04 Street Fund					
Resources	2,004,007	1,802,321	1,447,644	(354,677)	-20%
Expenditures	1,974,007	1,809,506	1,370,666	438,840	24%
Contingency	30,000	N/A	N/A	N/A	N/A

06 Utility Fund					
Resources	11,806,391	9,877,542	10,548,354	670,812	7%
Expenditures	10,817,381	9,915,933	9,618,441	297,492	3%
Contingency	989,010	N/A	N/A	N/A	N/A

13 HES Fund					
Resources	12,495,134	8,992,500	10,198,616	1,206,116	13%
Expenditures	9,945,430	9,116,644	8,296,750	819,894	9%
Contingency	2,549,704	N/A	N/A	N/A	N/A

15 Regional Water Fund					
Resources	1,874,653	1,238,417	1,137,658	(100,759)	-8%
Expenditures	1,206,031	1,105,528	877,552	227,976	21%
Contingency	668,622	N/A	N/A	N/A	N/A

All four of these funds are projected on a straight line, 1/12th of budgeted expense or revenue per month.

Revenues for the **Street Fund** are **\$354,677** less than projected. Expenditures are **\$438,840** below projected.

Revenues in the **Utility Funds** are **\$670,812** above projected. Expenditures are **\$297,492** below projected.

The **HES Fund** revenue is **\$1,206,116** more than projected. Expenditures are **\$819,894** below projected.

The **Regional Water Fund** revenues are **\$100,759** below projected. Expenditures are **\$227,976** below projected.

FY2022-23 Monthly Financial Report

City of Hermiston, Oregon

Utilities/Streets Capital Projects Report

For the Month Ending May 31, 2023, 2023

	2022-2023 Budget	YTD Expenditures	Project Budget	Project To-Date Expenditures	% Complete
Geer & Harper Re-alignment	\$ 125,000	\$ -	\$ 1,500,000	\$ 11,062	0.74%
N. 1st Place Reconstruction	\$ 4,500,000	\$ 269,643	\$ 4,500,000	\$ 351,643	7.81%
Well #5 Water System Improvements	\$ 520,000	\$ 294,672	\$ 520,000	\$ 55,878	10.75%
Well #6 Backup Generator	\$ 320,000	\$ 69,682	\$ 380,000	\$ 111,611	29.37%
N. 1st Place Water Line Replacement	\$ 100,000	\$ 280,575	\$ 800,000	\$ 306,583	38.32%
Gladys & Main Waterline Replacement	\$ 100,000	\$ -	\$ 1,180,000	\$ -	0.00%
Lift Station #6 Reconstruction	\$ 620,000	\$ 591,617	\$ 620,000	\$ 623,205	100.52%
McDonald's & 395 Sewer Main Replacement	\$ 330,000	\$ 3,357	\$ 330,000	\$ 25,357	7.68%
Lift Station #3 Upgrade	\$ 1,430,000	\$ 1,081,684	\$ 1,430,000	\$ 1,440,758	100.75%
Penney Ave Roadway Improvement	\$ 1,193,200	\$ 279,323	\$ 1,193,200	\$ 279,323	23.41%
AWS System Expansion - RWS	\$ 3,949,400	\$ 1,984,428	\$ 3,949,400	\$ 1,984,428	50.25%
AWS Cooling Discharge	\$ 805,000	\$ 196,078	\$ 805,000	\$ 196,078	24.36%
Total	\$ 13,187,600	\$ 4,854,981	\$ 16,402,600	\$ 5,189,848	31.64%

Geer & Harper Re-alignment

This intersection needs to be reconstructed to improve traffic/pedestrian access and ensure connectivity to property east of N. 1st Place. The current configuration makes access difficult for large trucks and traffic backs up on Harper Road during busy times during the day.

Current Update: No change in the status of this project. Still waiting for additional right-of-way acquisition.

North 1st Place Reconstruction

North 1st Place is a critical secondary north/south arterial in Hermiston’s transportation system. The existing road is cracking, there are no sidewalks and there is unrestricted access to the roadway from parking and undeveloped areas.

Current Update: Water main and roadway surface replacement was completed within the intersection of 1st & Hermiston Avenue. The roadway surface was completely removed along the full length of the project, with temporary driveway access provided to all properties. Work began to lay new sewer main from Standard Ave. north to serve several vacant industrial parcels. In June, work will shift back to water main replacement, and should take a couple of months, with final “top layer” roadway work beginning/finishing in the Fall.

Well #5 Water System Improvements

Well No. 5 has become the city’s primary water source in recent years and provides water to the main pressure zone, which is the baseline for the entire water system. However, the current pumping capacity is less than the water right associated with it. The project will increase pumping capacity to allow the city to use its full water right of 5,000 gallons per minute.

Current Update: The contractor completed the installation of new water main from Well #5 through Theater Sports Park to the Theater/Geer Intersection. Work now enters a summertime stoppage through the irrigation season, with work on the actual pumps and motors in Well 5 to begin in September.

Well #6 Backup Generator

Well No. 6 is the primary well and the only well available that could provide minimal water supply to lower pressure zones in the city during a power outage. The current pump was last repaired in 1994, and the backup pump lacks the capacity to service the pressure zone. The pump covers service area including Walmart Distribution Center, Eastern Oregon Higher Education Center, Pioneer Seed, and EOTEC. Preventative maintenance will avoid significant inconvenience and loss of water to area businesses.

Current Update: Project still delayed by supply-chain issues holding up actual delivery of the generator.

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City of Hermiston, Oregon

Utilities/Streets Capital Projects Report

For the Month Ending May 31, 2023, 2023

	2022-2023 Budget	YTD Expenditures	Project Budget	Project To-Date Expenditures	% Complete
Geer & Harper Re-alignment	\$ 125,000	\$ -	\$ 1,500,000	\$ 11,062	0.74%
N. 1st Place Reconstruction	\$ 4,500,000	\$ 269,643	\$ 4,500,000	\$ 351,643	7.81%
Well #5 Water System Improvements	\$ 520,000	\$ 294,672	\$ 520,000	\$ 55,878	10.75%
Well #6 Backup Generator	\$ 320,000	\$ 69,682	\$ 380,000	\$ 111,611	29.37%
N. 1st Place Water Line Replacement	\$ 100,000	\$ 280,575	\$ 800,000	\$ 306,583	38.32%
Gladys & Main Waterline Replacement	\$ 100,000	\$ -	\$ 1,180,000	\$ -	0.00%
Lift Station #6 Reconstruction	\$ 620,000	\$ 591,617	\$ 620,000	\$ 623,205	100.52%
McDonald's & 395 Sewer Main Replacement	\$ 330,000	\$ 3,357	\$ 330,000	\$ 25,357	7.68%
Lift Station #3 Upgrade	\$ 1,430,000	\$ 1,081,684	\$ 1,430,000	\$ 1,440,758	100.75%
Penney Ave Roadway Improvement	\$ 1,193,200	\$ 279,323	\$ 1,193,200	\$ 279,323	23.41%
AWS System Expansion - RWS	\$ 3,949,400	\$ 1,984,428	\$ 3,949,400	\$ 1,984,428	50.25%
AWS Cooling Discharge	\$ 805,000	\$ 196,078	\$ 805,000	\$ 196,078	24.36%
Total	\$ 13,187,600	\$ 4,854,981	\$ 16,402,600	\$ 5,189,848	31.64%

North 1st Place Water Line Replacement

This project will eliminate failing, deteriorating lines which will minimize future repair work. It will also eliminate steel pipes from the 1920's and will improve public safety by ensuring no lead pipes.

Current Update: : Construction has started.

Gladys & Main Waterline Replacement

Sections of this water distribution system were installed in the 1920s with steel pipe – some of the oldest pipe in the city water system. This project will eliminate failing, deteriorating and undersized line, reduce repair work, and improve public safety.

Current Update: This project is being pushed back to occur in late 2023 due to internal staff capacity. Moving the N 1st waterline project back to coincide with the N 1st roadway project will result in a large project occurring in early 2023; meanwhile, the request from Amazon Data Services to supply regional water will also result in a very large project occurring there in early/mid 2023. Delaying the Gladys & Main project will result in better oversight of the project.

Lift Station #6 Reconstruction

Lift station #6 was built in 1981. The submersible duplex pump station has experienced corrosion of both metal and brick. Replacement of the wetwell will increase capacity, eliminate porous brick, and safeguard the environment. Ventilation of the structure is inadequate and electrical systems are nearing the end of their useful life.

Current Update: The project has been completed

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McDonald's & 395 Sewer Main Replacement

Segments of this piping have been found to have structural failures in multiple locations and failing joints. These line failures cause pipe blockage and requires monthly cleaning. In addition, pipe failures may be allowing sewage to exfiltrate the surrounding soil. A new sewer line would eliminate current monthly maintenance costs and provide watertight lines to protect existing groundwater resources from contamination.

Current Update: Legal staff continues to work with outside counsel to secure the necessary easements for this work.

Lift Station #3 Upgrade

Lift Station No. 3 was built in approximately 1981 and is located underneath Highway 395. The pump and electrical systems need to be replaced. This project calls for the install of duplex pumps and upgraded electrical and control systems. It also will include evaluation of extending a gravity line to Lift Station No. 6, which is also in poor shape. Extending the line under Union Pacific Railroad tracks may be more cost effective than replacing both lift stations. Traffic control will be necessary during design phase

Current Update: Final punchlist items were completed in late March, with project acceptance soon after. The project will be closed out before the end of FY '23.

Penney Ave. Extension

Business Oregon awarded a grant of approximately \$600,000 to cover half of the cost of constructing an extension of Penney Ave. between Kelli Blvd. and US395. Council approved using ARPA funds to cover the local match (half). This project implements the Transportation System Plan by adding an additional connection in to the southern industrial area of the City.

Current Update: Work continued apace through May. Contractor anticipated to complete paving work sometime the final week of June.

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AWS System Expansion- RWS (\$3,949,400)

Amazon Web Services is paying to extend the City-owned 16" water main in Feedville Road approximately 7,000 feet to connect up with the City's other existing water infrastructure in Kelli Blvd. This project will also upgrade various pumps and motors in the Regional Water System, and also chlorinate and perform the necessary functions to convert the line to carry potable water. AWS is also paying the City to design a second, permanent, 24" nonpotable water main in Feedville Road.

Current Update: The contractor is nearing completion of installation of all of the new potable water main from 1st & Feedville to Kelli & Penny. Through the summer, work will shift to taking the pipe under the USBOR Feed Canal, making the tie-in to existing mains, chlorinating the existing main, and final pump/motor upgrades in the pump station.

AWS Cooling Discharge (\$805,000)

Amazon Web Services is paying the City to design a discharge solution for their non-contact cooling water which is used to cool their facilities. This solution will require installation of a lift station and approximately 10,600 feet of a new discharge water Main in Feedville and South 1st to discharge in to the Hermiston Irrigation District's A-Line Canal. This work will also require development of a separate NPDES Permit for the new discharge.

Current Update: Anderson Perry continues the design effort and coordinating early permitting issues with Umatilla County and DEQ.