



CITY COUNCIL

AGENDA

MONDAY, AUGUST 26, 2024

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: 816 1088 9740 Passcode:531951

*Telephone number to join is:1 253 215 8782; or submitting comments to
meetings@hermiston.gov*

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

2. DECLARATION OF QUORUM

3. FLAG SALUTE

4. PRESENTATIONS

A. Presentation- Feasibility Study of a Regional Health, Wellness and Aquatic Center

5. 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.

6. CONSENT AGENDA

A. Committee Vacancy Announcements

B. Minutes of the August 12 City Council Work Session and Regular Meeting

C. Replat- Zamora/ Munoz Garcia 4N2811BA Tax Lots 600 & 1001 - 615 & 699 E Jennie Ave

7. ITEMS REMOVED FROM CONSENT AGENDA

8. PUBLIC HEARINGS

- A. Economic Opportunities Analysis Update- THIS ITEM HAS BEEN RESCHEDULED TO THE SEPTEMBER 9, 2024 CITY COUNCIL MEETING

9. ORDINANCES AND RESOLUTIONS

- A. Ordinance No. 2363 - Mobile Food Vending Amendments
- B. Resolution No. 2335 - Master Fee Resolution Update: Parades, Right of Way, and Mobile Vendors
- C. Resolution No. 2336 – Council Rules Adoption

10. OTHER

- A. Initiate Transfer of a Portion of Gettman Road from County to City Jurisdiction
- B. July 2024 Financial Report

11. 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 Enhancement, Community Accountability, Public Safety, Public Infrastructure, Transit Planning, EOTEC, Stepping Stones Alliance (not a City Committee)

- B. Mayor's Report
- C. Council Report
- D. Manager's Report

12. RECESS FOR EXECUTIVE SESSION AT OR AFTER 7:30PM

- A. An Executive Session will convene pursuant to ORS 192.660 (2) (i) which allows the Council to meet in Executive Session for the purpose of discussing matters pertaining to the review and evaluation of employment-related performance of the City Manager.

13. RECONVENE

- A. Consider Approval of Changes to the City Manager Employment Contract

14. 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) Parks and Recreation Advisory Committee

- Positions 1, 2, & 3: 3-year term ending October 31, 2027 (Advertised as of 07/08/2024)

2) Airport Advisory Committee

- Positions 3 & 4: 3-year term ending October 31, 2027 (Advertised as of 07/08/2024)

3) Library Board

- Position 4: Remaining 4-year term ending June 30, 2026 (Advertised as of 07/08/2024)

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.



CITY COUNCIL

Work Session Meeting Minutes August 12, 2024

Mayor Drotzmann called the regular work session meeting to order at 6:00pm. Present were Councilors McCarthy, Linton, Barron, Primmer, Myers, Peterson, and Duron. Councilor Hardin was excused. Staff in attendance included City Manager Byron Smith, City Attorney Rich Tovey, Assistant City Manager Mark Morgan, Finance Director Ignacio Palacios, Chief Edmiston, and City Recorder Lilly Alarcon-Strong.

City Council Rules Review

City Manager Byron Smith reviewed the Council Rules document as presented at the previous work session meetings and included in the agenda packet detailing the proposed revisions and answering council questions.

City Manager Smith and the Council discussed:

- Rosenberg's Rules of Order with suggested changes
- Changing meeting dates from the second and fourth Mondays to the first and third Mondays or a different day altogether to accommodate Hermiston School District Meetings and Council members who work for the school district. It was decided this item would be revisited once the new council is elected and in office, in 2025
- Notification by text messaging
- Council quorums at non-meetings- Community Events
- Two different "Cancellation of Meetings" was presented, the Council chose to keep the language in the original Rules
- Reviewing added language regarding submitting written comments and parameters on when written comments can be received
- Public Hearings and Defining ExParte Contact and Conflicts
- Defining who should investigate possible Council misconduct investigations, as well as adding language and procedures
- Adjournment of meetings when order is unable to be maintained
- Council requested that proposed wording be removed in "Elected Officials' Involvement with Staff" specifically related to elected officials being able to meet with department heads without the City Manager, with the exceptions of the exemptions listed in sections 1-4
- Clarifying sections in "Committees" updating the amount an individual can receive as a city contractor from \$7,500 to \$20,000 while still being permitted to be a committee member; and leaving language not allowing full-time city employees to be committee members

Councilor Primmer suggested these proposed changes be presented for possible adoption at a future 2025 meeting when the new elected officials are in office. The Council spoke regarding the time and effort city staff have devoted to updating this document, per the direction of the City Council, and possible adoption should continue to move forward.

City Manager Smith completed the review with the Council and stated their comments and suggestions would be considered and added to the City Council Rules working draft and presented to the Council for final review and adoption at the next meeting.

Tour New IT Department Area in City Hall & Adjournment

Mayor Drotzmann adjourned the work session meeting at 6:46pm and stated the Council will tour the new IT Department area in City Hall and then convene for their regular council meeting at 7:00pm.



CITY COUNCIL

Regular Meeting Minutes August 12, 2024

Mayor Drotzmann called the regular meeting to order at 7:00pm. Present were Councilors Barron, Duron, Myers, Primmer, Linton, Peterson, and McCarthy. Councilor Hardin was excused. Also in attendance was City Staff to included: City Manager Byron Smith, Assistant City Manager Mark Morgan, City Attorney Rich Tovey, Finance Director Ignacio Palacios, Chief Edmiston, Planning Director Clint Spencer, Parks and Recreation Brandon Artz, and City Recorder Lilly Alarcon-Strong. The pledge of allegiance was given.

Presentation- Hermiston School District (HSD) Updates

Assistant Superintendent Jake Bacon gave HSD updates to include: over 30 individuals have been hired for the 2024-25 school year; free sport physicals from Good Shephard Health Care have been offered to all students; HSD continues to enroll students; Open House information for elementary, middle and high school; first day of school is Wednesday, August 28th; Summer activities offered to students; and Umatilla County Health Department will be providing health care in the High School instead of Health Associates.

Citizen Input on Non-Agenda Items

None given.

Consent Agenda Items

Councilor Primmer moved and Councilor Duron seconded to approve Consent Agenda items A-D, to include:

- A. Committee Vacancy Announcements
- B. Confirm Appointment of Steve Wallace to the Eastern Oregon Trade & Event Center Advisory Committee: Position #1- Representing the Umatilla County Fair Board, beginning August 13, 2024 through June 30, 2027.
- C. Initiate annexation proceedings Zamudio 4N2802BC Tax Lot 1500 - 309 E Theater Lane
- D. Minutes of the July 22 City Council Work Session and Regular Meetings

Motion carried unanimously.

Resolution No. 2334 – Initiate vacation proceedings for frontage road easement parallel to E Elm Ave

City Planner Clint Spencer spoke regarding the need to initiate vacation proceedings to be able to increase the overall buildable area of six industrial lots. The current easement, which was established in the 1980's, is not necessary and entirely undeveloped.

After additional discussion, Councilor Primmer moved and Councilor McCarthy seconded to adopt Resolution No. 2334 and lay upon the record. Motion carried unanimously.



CITY COUNCIL

Regular Meeting Minutes
August 12, 2024

Ordinance No. 2360 - Comprehensive Plan Map Amendment - Mayra & Felipe Reyes 4N2812C Tax Lot 308 - 1088 E Newport Ave- City Planner Clint Spencer spoke regarding the information and public hearing procedure that was presented at the previous City Council meeting.

Councilor Linton stated many individuals testified that they did not want this annexation and the Council is going against what those individuals want.

Councilor Primmer stated the Council does not represent those individuals that spoke at the last meeting as they are County residents, not City residents, and they are able to reach out to the County Commissioners who do represent them.

City Planner Spencer stated all individuals who speak during public testimony are given appeal rights information.

Mayor Drotzmann requested that the first reading be by title only. Hearing no opposition, City Attorney Tovey read the ordinance by title only. Mayor Drotzmann requested that the ordinance be put on for final adoption at this meeting and that the second reading be by title only.

After City Attorney Tovey read the ordinance by title only for the second reading:

- Council McCarthy moved and Councilor Myers seconded to adopt findings of fact in support of the ordinances as listed in Exhibit A. Councilors McCarthy, Barron, Primmer, Myers, Duron, and Peterson voted in favor; Councilor Linton voted against. Motion carried 6-1.
- Councilor Myers moved and Councilor McCarthy seconded to adopt conditions of approval as listed in Exhibit B. Councilors McCarthy, Barron, Primmer, Myers, Duron, and Peterson voted in favor; Councilor Linton voted against. Motion carried 6-1.
- Councilor Primmer moved and Councilor Myers seconded that Ordinance No. 2360 be adopted and become effective 30-days after co-adoption by the Umatilla County Board of Commissioners. Councilors McCarthy, Barron, Primmer, Myers, Duron, and Peterson voted in favor; Councilor Linton voted against. Motion carried 6-1.

Ordinance No. 2361 - Annexation Mayra & Felipe Reyes 4N2812C Tax lot 308 - 1088 E Newport Ave

City Planner Clint Spencer stated this Ordinance is in conjunction with Ordinance No. 2360 as presented earlier in the meeting.

Mayor Drotzmann requested that the first reading be by title only. Hearing no opposition, City Attorney Tovey read the ordinance by title only. Mayor Drotzmann requested that the ordinance be put on for final adoption at this meeting and that the second reading be by title only. After City Attorney Tovey read the ordinance by title only for the second reading, Council McCarthy moved and Councilor Barron seconded that Ordinance No. 2361 be adopted and become effective 30-days after co-adoption by the Umatilla County Board of Commissioners. Councilors McCarthy, Barron, Primmer, Myers, Duron, and Peterson voted in favor; Councilor Linton voted against. Motion carried 6-1.



CITY COUNCIL

Regular Meeting Minutes
August 12, 2024

Ordinance No. 2362 – Updating requirements for parade permits and right of way closure permits

City Manager Byron Smith presented updates for the proposed ordinance as previously presented at the Council meetings of May 28th and July 22nd.

Mayor Drotzmann requested that the first reading be by title only. Hearing no opposition, City Attorney Tovey read the ordinance by title only. Mayor Drotzmann requested that the ordinance be put on for final adoption at this meeting and that the second reading be by title only. After City Attorney Tovey read the ordinance by title only for the second reading, Council Myers moved and Councilor Primmer seconded that Ordinance No. 2362 be adopted and become effective 30-days after adoption. Motion carried unanimously.

Proposed Amendments to Chapter 116 Regulating Mobile Food Vending

City Manager Byron Smith, City Planner Clint Spencer, and City Attorney Rich Tovey stated at the direction of the Council, from testimony received in an April 2024 City Council meeting, staff has worked on revisions to ease the existing mobile food regulations. After reviewing other Eastern Oregon communities food vending regulations and considering City surveys conducted regarding food vending in the City, staff is recommending changes to the existing mobile food vending regulations to include: eliminating the 400 ft spacing requirements for food trucks and brick and mortar restaurants, eliminating parking space requirements, eliminating only specific food truck colors be allowed, changing the type of licenses and what they require, and more as presented in the agenda packet.

Councilor Linton stated she is not in favor of eliminating the 400 ft spacing requirements, stating it is not aesthetically pleasing when a City has food trucks all around town and does not want food trucks all along Highway 395.

Councilor Primmer agreed stating Hermiston is the biggest City in Eastern Oregon and should have distance requirements, unlike the other cities surveyed in Eastern Oregon.

Councilors Barron, Peterson, Duron, and McCarthy disagreed stating the previous mobile food vending requirements were too restrictive, the benefits of having additional food trucks in the growing community and showing residents that the Council is listening to their comments and suggestions.

Public Comment

Tyler and Tara Bendixsen (1082 E. Highland Ave)- stated they are the co-owners of Soda Craze and for the last four years have been trying to establish a regular business presence in Hermiston. However, the City's regulations are extremely restrictive and have not allowed Soda Craze to find a permanent site. While the City's of Umatilla and Stanfield have offered Soda Craze incentives to establish their business in those cities, they have wanted to stay in the City they live in. Mr. Bendixsen thanked the Council for reviewing these regulations and stated they fully support the proposed changes with enthusiasm.



CITY COUNCIL

Regular Meeting Minutes August 12, 2024

After additional discussion, the Council asked that staff return to the next meeting with a proposed ordinance encompassing these changes.

Committee Reports

None given.

Mayor's Report

Mayor Drotzmann spoke regarding:

- Umatilla County Fair Parade, stating the new route was good however the clean up process after the parade should be reconsidered as there was a lot of trash left behind. Commented on the great Fair and Rodeo events held
- National Night Out. Thanked the Police Department and Umatilla County Fire District #1 for their efforts hosting this event

Council Reports

Councilor McCarthy spoke regarding the City Picnic, City Manager Byron Smith's Annual Evaluation, MelonFest, and judging the cutest baby contest with Councilor Peterson and Mayor Drotzmann.

Councilor Linton thanked Code Enforcement Official Daniel Taylor for helping to address neighborhood issues that came before the Council.

Mayor Drotzmann also thanked Chief Edmiston, City Manager Smith, and others that were involved with meeting Mrs. Thompson to explain what the City legally can and cannot do.

Councilor Duron stated the National Night Out event with the medallion winner was a well-attended event. Thanked the Police Department for providing engaging Mandatory Reporting Training to HSD employees.

Councilor Primmer thanked all first responder organizations that helped with security at the Umatilla County Fair and Farm-City Pro Rodeo, stating there were no major issues and people felt very comfortable attending these events.

Councilor Barron praised Team USA for their efforts and accomplishments at the Olympics.

City Manager's Report

City Manager Smith stated the City Picnic will begin at 5:30pm and announced Dakota Steal has accepted the contractual prosecutor position.

Mayor Drotzmann asked that City Manager Smith work with Stepping Stones Alliance to give the Council a status update and tour the new facility.



CITY COUNCIL

Regular Meeting Minutes
August 12, 2024

Adjourn

There was no other business and Mayor Drotzmann adjourned the regular City Council meeting at 8:03pm.

SIGNED:

Dr. David Drotzmann, Mayor

ATTEST:

Lilly Alarcon-Strong, CMC, City Recorder

DRAFT



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
 For the Meeting of August 26, 2024

Title/Subject

Replat- Zamora/ Munoz Garcia 4N2811BA Tax Lots 600 & 1001 - 615 & 699 E Jennie Ave

Summary and Background

Ron McKinnis has submitted a replat application on behalf of two property owners for land located at 615 and 699 E Jennie Ave. The property is approximately 0.63 acres and contains one single-family dwelling. The property is described as 4N 28 11BA Tax Lots 600 and 1001 and is zoned Multi-Structure Residential (R-4). Tax Lot 600 is vacant and is owned by Uziel Zamora. Tax Lot 1001 contains one dwelling, a carport, and is owned by Noemi Munoz Garcia.

The intent of the replat is to create a new residential lot on Tax Lot 600, creating a new lot fronting E Jennie Ave and changing the balance of the lot into a flag lot. The replat also serves to adjust the boundary between Tax Lot 600 and 1001. Currently, Tax Lot 600 has a very long, narrow portion which is approximately 12 feet wide and extends eastward along the north property lines of four lots. Tax Lot 1001 is the furthest east lot to abut this narrow tail and wishes to add the land to increase overall lot size. Since Tax Lot 1001 is within an existing partition plat (Partition Plat 1998-25), an administrative property line adjustment can not be performed and a replat is necessary to adjust property lines.

Tax Lot 600 is a pre-existing vacant lot of approximately 0.4 acres. The partition will create two lots. Lot 1 is a flag lot of approximately 0.26 acres (11,185 square feet) and 25 feet of frontage on E Jennie Ave. Lot 2 is a standard lot of approximately 0.14 acres (5,915 square feet) and 65 feet of frontage on E Jennie Ave. Lot 3 is an existing flag lot with 25 feet of frontage on E Jennie Ave and will increase in size from 9,000 to 10,200 square feet, adding twelve feet of depth to the lot.

The property is zoned Multi-Structure Residential. The minimum lot size in the R-4 zone is 5,000 square feet. All lots exceed the minimum lot size requirement and meet or exceed the minimum lot width and depth requirements.

Public notice was provided for the proposed replat. Notice of the proposed land use action was mailed by direct mail to all property owners within 100 feet on July 31, 2024. A sign informing the public of the proposal was placed on the property on July 31, 2024. As a result of noticing, the Oregon Department of Transportation testified that they have no objections to the platting.

The criteria that are applicable to the decision to accept the proposed replat are contained in 154.15 through 154.66, 157.027, and 157.101 of the Hermiston Code of Ordinances. The final plat requirements and findings are attached to this report as Exhibit A. The recommended conditions of approval are attached as Exhibit B. The map showing the property boundary, adjacent streets, and parcels is attached as Exhibit C. An aerial photo is attached as Exhibit D. The final plat as prepared by the surveyor is attached as Exhibit E.

Tie-In to Council Goals

Approval of plats is a matter of administration of City ordinances.

Fiscal Information

There will be no financial change because of the partition. Subsequent residential development may generate additional revenue, but it is not possible to determine at present. The existing improvements on Lot 3 have an assessed value of \$126,000.

Alternatives and Recommendation

Alternatives

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

Recommended Action/Motion

Staff has reviewed the proposed plat and found that it is prepared in accordance with all requirements of 154.35 (B) and 154.46. The planning commission approved the plat on August 14, 2024. Staff recommends the city council approve the plat subject to the conditions of approval.

Submitted By:

C.F. Spencer, Planning Director

Exhibit A
Findings of Fact
Zamora Replat
615 & 699 E Jennie Ave
August 26, 2024

Chapter 154: Subdivisions

Design Standards

§154.15 Relation to Adjoining Street System.

The property is bordered by E Jennie Ave. The portion of E Jennie Ave adjacent to Tax Lot 600 is a paved city street with curb and gutter installed. The portion of E Jennie Ave adjacent to Tax Lot 1001 is paved but has no curb, gutter, or sidewalk. Tax Lot 1001 is already bound by a street improvement agreement from prior land use approvals. The three proposed lots have a total of 115 feet of frontage on E Jennie Ave.

§154.16 Street and Alley Width.

No new streets or alleys are proposed as part of the partition. The property is serviced by E Jennie Ave which has a right-of-way width of 60 feet.

§154.17 Easements.

No easements are shown on the plat. A sufficient easement to allow adequate maneuvering space for fire and emergency vehicles is required and shall be added to the plat.

§154.18 Blocks.

No additional block access is required.

§154.19 Lots.

Lot 1 is 11,185 square feet; Lot 2 is 5,915 square feet and Lot 3 is 10,200 square feet. The minimum lot size in an R-4 zone is 5,000 square feet. The access portion of Lot 2 is 25 feet in width. The minimum required width for the access portion of a flag lot is 25 feet.

§154.20 Character of Development.

Lots 1 and 2 are currently vacant. Lot 3 contains a single-family dwelling and several accessory structures. Each of the three proposed lots access E Jennie Ave. The lot sizes exceed the minimum requirement permitted in the R-4 zone for single-family dwellings. Uses permitted in the R-4 zone are listed in 157.028 of the Hermiston Code of Ordinances.

§154.21 Parks, School Sites and the Like.

The comprehensive plan and parks master plan do not indicate a need for any additional parks or schools in the vicinity of the proposed partition. The neighborhood contains an existing elementary school to the south of the lots and an existing park to the north.

Minimum Improvements Required

§154.60 Permanent Markers

Permanent markers shall be set as shown on the final plat in accordance with ORS 92.050 through 92.080.

§154.61 General Improvements

The portion of E Jennie Ave adjacent to Tax Lot 600 is a paved city street with curb and gutter installed. The portion of E Jennie Ave adjacent to Tax Lot 1001 is paved but has no curb, gutter, or sidewalk. Tax Lot 1001 is already bound by a street improvement agreement from prior land use approvals. At such time that construction occurs on each parcel which triggers the development standards of 157.163 of the Hermiston Code of Ordinances, street improvements are required along that parcel's frontages.

§154.62 Water Lines

Lots 1, 2, and 3 are serviceable by a municipal water line in E Jennie Ave.

§154.63 Sanitary Sewer System.

Lots 1, 2, and 3 are serviceable by municipal sewer. There is a municipal sewer line in E Jennie Ave.

Final Plat

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. **Shown as required**
- (B) The lines of all proposed streets and alleys with their width and names. **Shown**

as required

- (C) The accurate outline of any portions of the property intended to be dedicated or granted for public use. **Shown as required**
- (D) The line of departure of one street from another. **Shown as required**
- (E) The lines of all adjoining property and the lines of adjoining streets and alleys with their widths and names. **Shown as required**
- (F) All lot lines together with an identification system for all lots and blocks. **Shown as required**
- (G) The location of all building lines and easements provided for public use, services or utilities.
Shown as required
- (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.
Shown as required
- (I) All necessary curve data. **Shown as required**
- (J) The location of all survey monuments and benchmarks together with their descriptions. **Shown as required**
- (K) The name of the subdivision, the scale of the plat, points of the compass, and the name of the owners or subdivider. **Shown as required**
- (L) The certificate of the surveyor attesting to the accuracy of the survey and the correct location of all monuments shown. **Shown as required.**
- (M) Private restrictions and trusteeships and their periods of existence. Should these restrictions or trusteeships 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. **No restrictions are proposed and none are referenced 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. **Shown as required.**
- (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. **Shown as required.**

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

Chapter 157: Zoning

§157.028 Multi-Structure Residential (R-4)

The proposed lots exceed the minimum lot size of 5,000 square feet. Uses permitted in the R-4 zone are listed in 157.028 of the Hermiston Code of Ordinances.

§157.101 Development Hazard Overlay

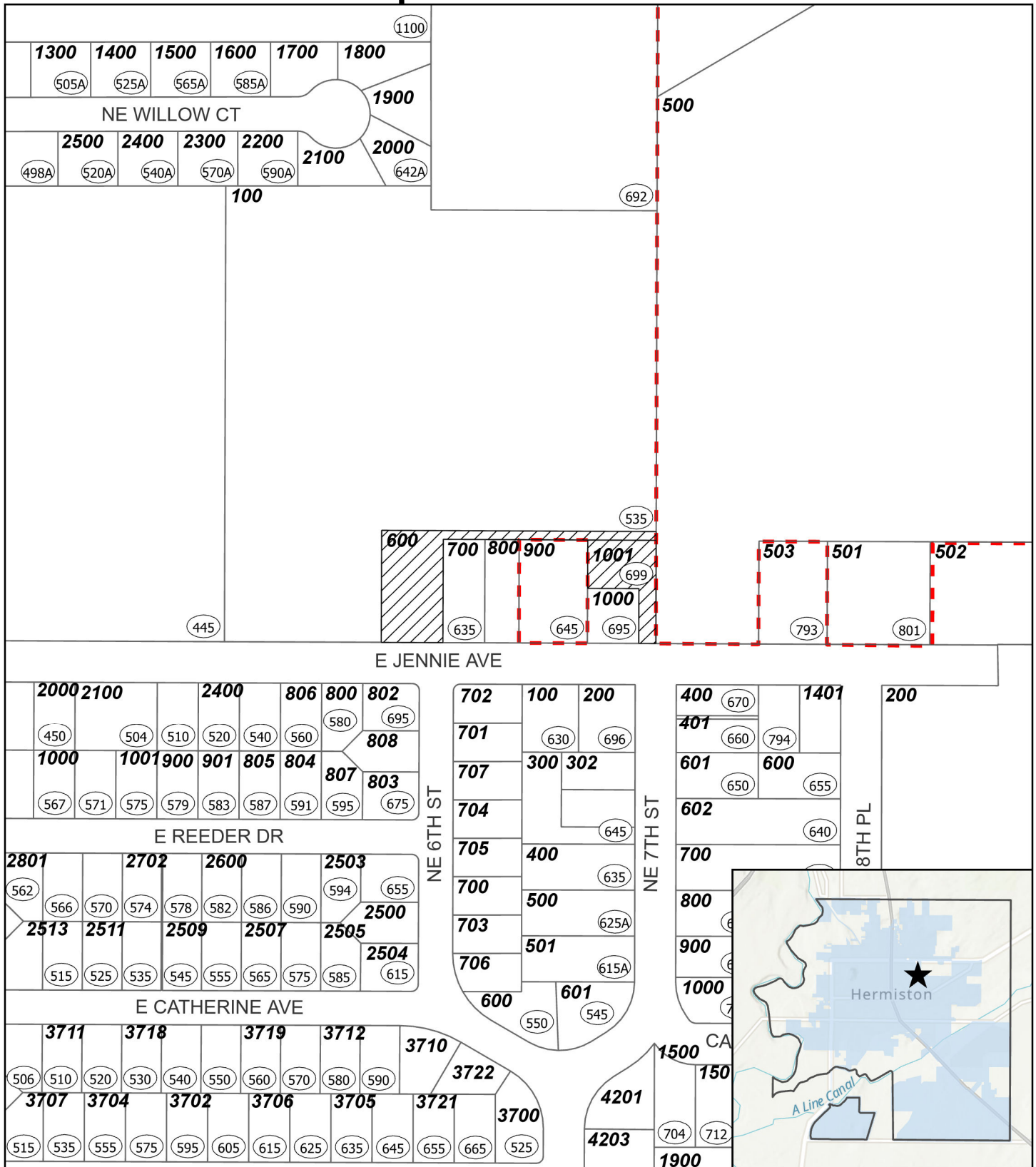
Comprehensive Plan Figure 12 identifies portions of this subdivision as subject to groundwater pollution hazards due to a high water table. In accord with 157.101 of the Hermiston Code of Ordinances, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels. Any additional requirements or prohibitions necessary to mitigate groundwater pollution problems must be developed in conjunction with the Departments of Environmental Quality and Water Resources. At the discretion of the planning commission, the applicant may obtain an exemption to the above requirements if a registered engineer presents documentation which demonstrates that the proposed development will not contribute to potential groundwater pollution.

Exhibit B
Conditions of Approval
Zamora Replat
615 & 699 E Jennie Ave
August 26, 2024

Subject to the public hearing and testimony presented to the city council, the following conditions of approval are proposed:

1. At such time that construction occurs on each parcel which triggers the development standards of 157.163 of the Hermiston Code of Ordinances, street improvements are required along that parcel's frontage on E Jennie Ave.
2. The applicant should be aware that the City of Hermiston will not sign the final plat until the Hermiston Irrigation District has signed the final plat.
3. Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to a high water table. Therefore, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.
4. A fire apparatus turn around easement compliant with Appendix D of the 2019 Oregon Fire Code shall be added to the final plat prior to signature.
5. The access flag for Lot 1 shall be paved to a width of 20 feet at such time a dwelling is constructed on Lot 1.

Notice of Proposed Land Use Action

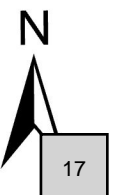


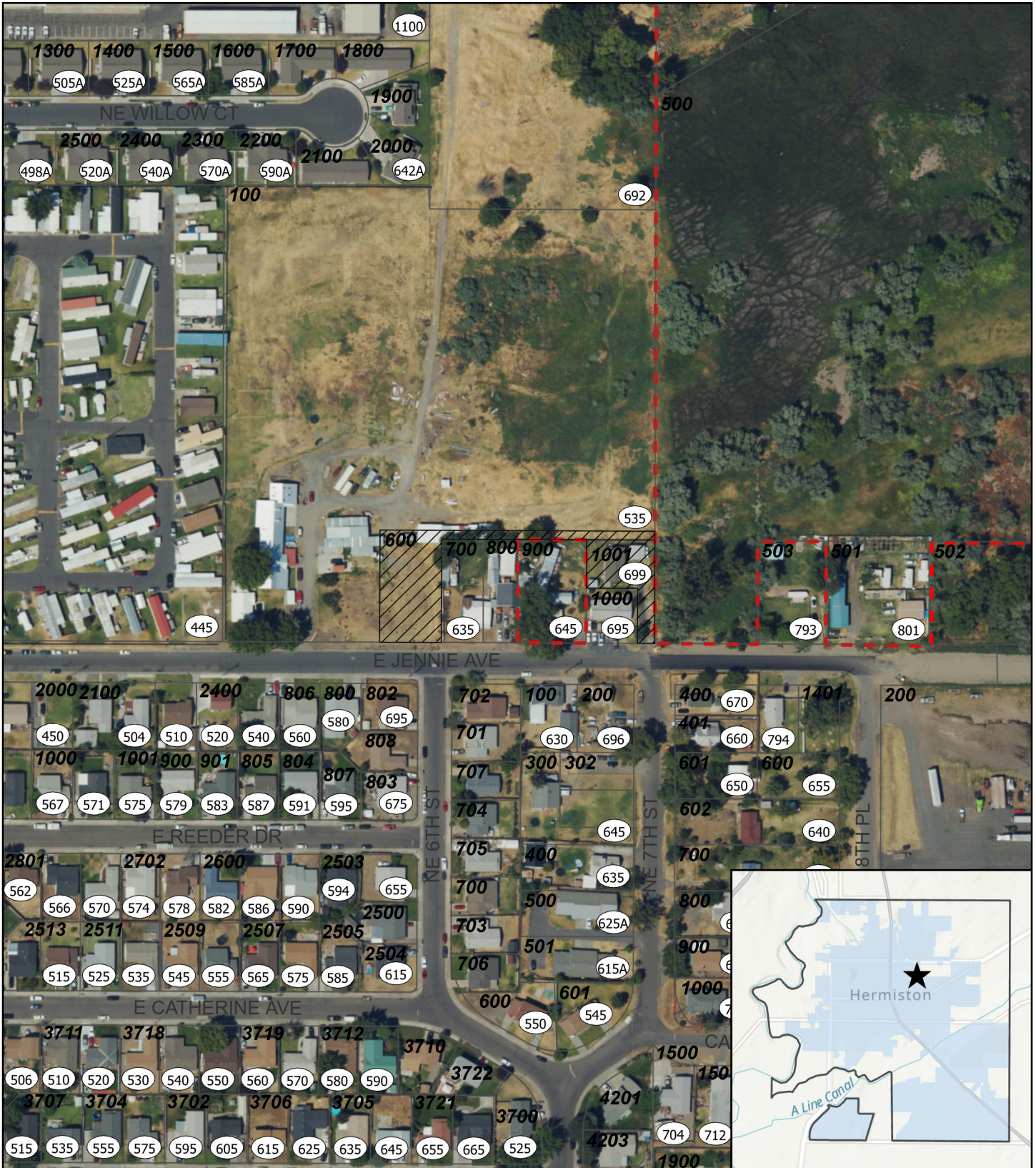
Legend

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

0 100 200 300 400

 Feet

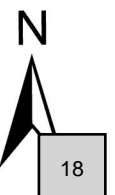




Legend

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

0 100 200 300 400
Feet



ZAMORA ADDITION

A Replat of Parcel 2 of Partition Plat 1998-25
City of Hermiston, Umatilla County, Oregon
Township 4 North, Range 28 East, W.M.
Northeast 1/4 of Northwest 1/4 of Section 11

for:

Uziel Zamora
P.O. Box 151
Paterson, Washington 99345

&

Noemi Munoz Garcia
699 East Jennie Avenue
Hermiston, Oregon, 97838

SURVEYORS CERTIFICATE & NARRATIVE:

I, Ronald V. McKinnis, being a Registered Professional Land Surveyor of the State of Oregon, certify that I have correctly surveyed and monumented the lands more particularly described in the Legal Description shown hereon according to Oregon Revised Statutes, Chapter 92 of the State of Oregon. The INITIAL POINT of this survey is a 5/8" Rebar with a Aluminum Cap, PLS 60000 set at the Northwest corner of newly created Parcel 1 of this Plat.

This Survey is Based on a surveys by Masden for Casteel, Partition Plat 2022-23. My Bearing Base is that of Masden's' along the North Right of way Line of E. Jennie Avenue. I found the corners of Masden, Edwards, & Roberts from the associated Record of Surveys to establish the boundaries of the Zamora and Garcia Tracts. I then sectioned out Parcel 2 and Parcel according to the owner's desires. This survey was conducted with a Trimble R8 RTK Total Station.

OWNERS DECLARATION:

Know All Men By These Presents, that the owners of the lands shown on this plat do hereby acknowledge that they have caused this Plat to be created, they authorizes that this Plat be prepared in accordance with provisions of ORS Chapter 92, and they recognizes this Plat as the Official Map and Plat of the Partition as designated by the County Official, and filed in the County of Umatilla, State of Oregon.

Uziel Zamora

Noemi Munoz Garcia

LEGAL DESCRIPTION: Deed: 2022-7490341

The West 90 feet of the South 150 feet of the East 400 feet, and the North 12 feet of the South 162 feet of the East 400 feet of the South Half of the Northeast Quarter of the Northwest Quarter of Section 11, Township 4 North, Range 28, East of the Willamette Meridian, Umatilla County, Oregon;

SUBJECT to any and all Water Rights of Way, Roads & Streets;

SUBJECT TO: Regulations including easements, levies, and assignments of Hermiston Irrigation District.

LEGAL DESCRIPTION: Deed: 2016-6410464

Parcel 2 of Partition Plat 1998-25, Umatilla County Plat Records, located in the Northeast Quarter of the Northwest Quarter of Section 11, Township 4 North, Range 28, East of the Willamette Meridian, City of hermiston, Umatilla County, Oregon;

On this _____ day of _____, 2024, the above individuals appeared personally before me and are known to me to be the identical individuals who executed this plat and acknowledged that they did so freely and voluntarily of their own will.

Before me: _____
Notary Public for Oregon

My Printed Name is _____

My Commission No. is _____

My Commission Expires _____

RECORD SURVEYS:

R1 - Edwards for Hackler C.S.#04-050-B, 2004
R2 - Roberts for Cardenas, Partition Plat 1998-25, 1998
R3 - Roberts for Cardenas, C.S.#98-117-C, 1998
R4 - Madsen for Casteel, Partition Plat 2022-23, 2022
R5 - Edwards for Crume, Partition Plat 2001-13, 2001

Monuments Found:

(A)-Found 5/8" Rebar W/ Plastic Cap, PLS 951, R1
(B)-Found 5/8" Rebar W/ Plastic Cap, PLS 2627, R2
(C)-Found 5/8" Rebar W/ Plastic Cap, PLS 2627, R3
(D)-Found 5/8" Rebar W/ Plastic Cap, PLS 60000, R4
(E)-Found 5/8" Rebar W/ Plastic Cap, PLS 951, R5

LEGEND

○ SET MONUMENTS - 5/8" X 30"
Iron Rebar W/ Yellow Plastic Caps
Stamped - L.S. #2431

● Found Monuments - as Noted

⊗ Calculated Point - Not Set

— PARTITION BOUNDARY

- - - Section / Street Center Line

(000)R0 Record - Per Reference Noted

REGISTERED
PROFESSIONAL
LAND SURVEYOR

PRELIMINARY

OREGON
RONALD V. MCKINNIS
JAN. 23, 1990
2431

Expires 12-31-24

SCALE 1" = 200 Ft.
January, 2024

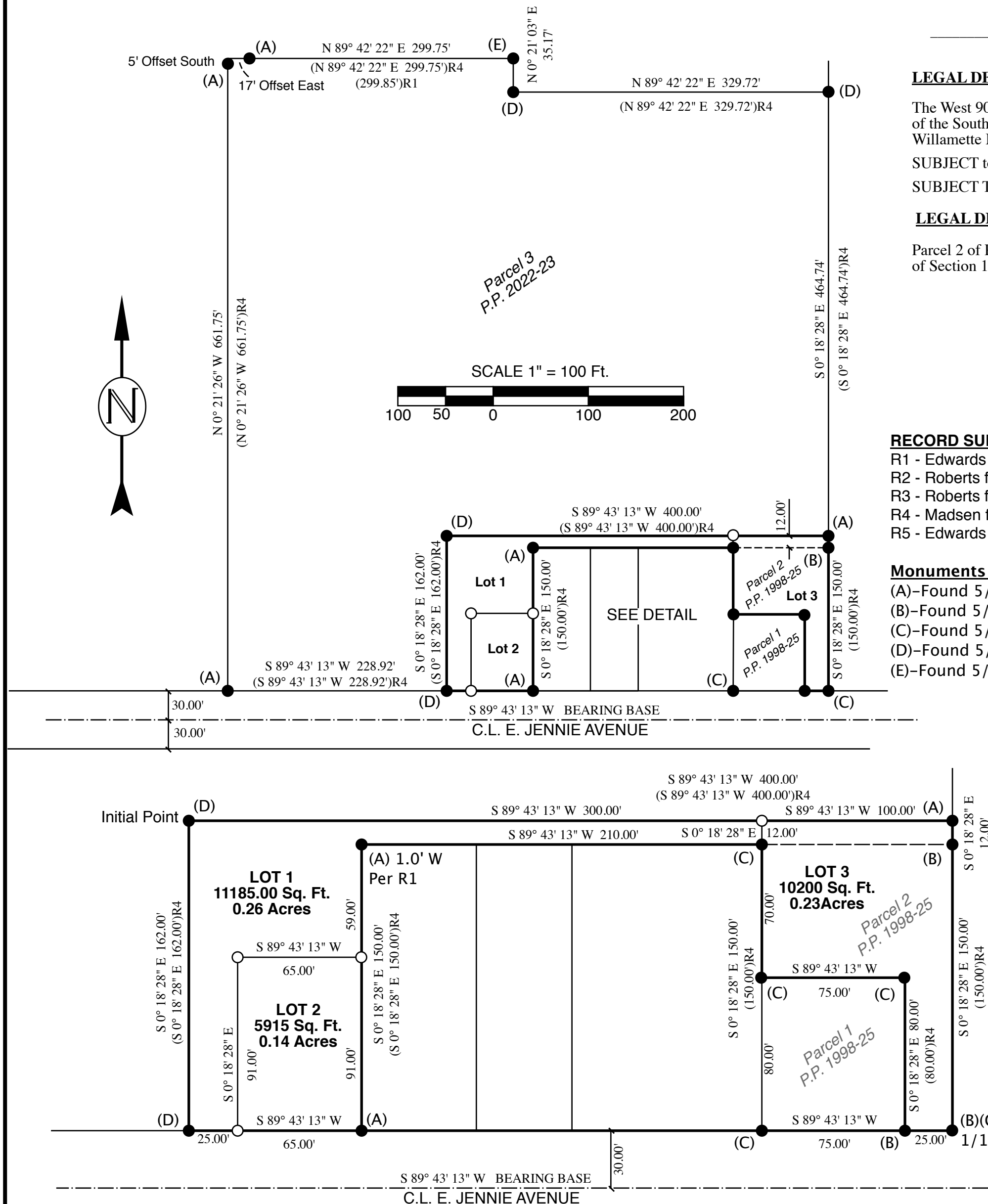
ENGINEERING - LAND SURVEYING - WATER RIGHTS

R. V. McKINNIS ENGINEERING

79980 Prindle Loop Road
Hermiston, Oregon 97838
(541) -567-2017



Rev. 07-29-24



I certify that this is a true and exact copy
of the Original Replat as filed for
Uziel Zamora & Noemi Munoz Garcia
in Umatilla County, Oregon

Ronald V. McKinnis, PLS #2431

APPROVALS:

I certify that I have examined and
approved this Replat on this

_____ day of _____, 2024

Umatilla County Surveyor

I certify that I have examined and
approved this Replat on this

_____ day of _____, 2024

City of Hermiston
Planning Commission Chair

I certify that I have examined and
approved this Replat on this

_____ day of _____, 2024

City of Hermiston
City Council, Mayor

I certify that I have examined and
approved this Replat on this

_____ day of _____, 2024

Hermiston Irrigation District

I certify that I have examined and
approved this Replat on this

_____ day of _____, 2024

Umatilla County Tax Assessor

I certify that I have examined and
approved this Replat on this

_____ day of _____, 2024

Umatilla County Tax Collector

We certify that We have examined and
approved this Replat on this

_____ day of _____, 2024

Umatilla County Commissioner

Umatilla County Commissioner

Umatilla County Commissioner

Umatilla Office of County Records
Recording Information
SEAL



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
 For the Meeting of August 26, 2024

Title/Subject

Ordinance No. 2363 - Mobile Food Vending Amendments

Summary and Background

The city council reviewed proposed amendments to Chapter 116 of the Hermiston Code of Ordinances at the August 12 meeting. Amendments to Chapter 116 regulating mobile food vendors were drafted at the direction of the council following public requests for loosening of the regulations. The amendments were prepared by staff and reflect the results of the public survey the city conducted requesting more opportunities for food vending in town.

The council directed staff to move forward with the draft amendments in ordinance form on August 12. Subsequent to that direction, staff also received a recommendation from Umatilla County Health making a slight modification to the language for Type 1 and Type 2 licenses clarifying that units must be self-contained and removing the reference to tents as those will not be permitted by Umatilla County Health unless used in conjunction with a specific event.

The ordinance is otherwise unchanged.

Tie-In to Council Goals

Amendment to the code is being undertaken at the direction of city council. However, no specific goals are impacted by this ordinance.

Fiscal Information

Mobile food unit licensing fees will be increasing as part of the schedule of fees update. Fees were last adopted in 2018.

Suggested new fees are \$200 for the Type 1, 30-day license, \$700 for the Type 2, one-year license, \$50 for the Type 3, event license, and \$300 for the Type 4, lunch truck license.

Alternatives and Recommendation

Alternatives

The council may choose to adopt or reject Ordinance No. 2363.

Recommended Action/Motion

Staff recommends the council adopt Ordinance No. 2363.

Submitted By:

Clinton Spencer, Planning Director

ORDINANCE NO. 2363

AN ORDINANCE AMENDING CHAPTER 116 OF THE HERMISTON CODE OF ORDINANCES RELATING TO MOBILE FOOD VENDORS.

WHEREAS, the staff of the City of Hermiston is conducting a major review of the City's Code of Ordinances, and now, therefore,

THE CITY OF HERMISTON ORDAINS AS FOLLOWS:

(New language is in red and underlined and repealed language has a line through it.)

Section 1. Section 116.01 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.01 DEFINITIONS.

As used in this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning:

APPROVED LOCATION. A site approved by the city from which a licensee may operate.

CONSENT TO USE AGREEMENT. A fully filled out agreement from a lawful possessor of the property on which the licensee proposes to operate, which specifically states the name, address, telephone number and email of the possessor, the location of the property, how long the licensee may use the property for its operation, any other terms imposed by the possessor of the property consistent with this chapter and states that the proposed licensee is entitled to use the location.

FOOD POD. A designated site containing four or more mobile food units, communal seating, and restroom facilities on public or private property.

LUNCH TRUCK. A mobile food unit consisting of a self-propelled and self-contained van used to prepare or process and sell food primarily to the employees or workers at a construction site, office or industrial building, industrial park or similar site.

MOBILE FOOD UNIT. Any vehicle, trailer or other conveyance that is self-propelled, or can be pulled or pushed down a street or highway. Food may be prepared or processed on this unit, and the unit is used to sell and dispense food to the ultimate consumer.

MOBILE FOOD VENDOR. Any person(s), entity(s) or other parties who sell food from any vehicle, trailer or other conveyance which is self-propelled, or which can be pulled or pushed down a sidewalk, street, or highway and is required to have a Class II, III, or IV mobile food unit license as defined by Oregon statutes and administrative rules and modifications thereof.

TEMPORARY RESTAURANT. Any person(s), entity(s) or other parties who sell food from any tent, stand, or other temporary structure and is required to have a temporary restaurant license from the Oregon Health Authority.

VENDING YEAR for mobile food units, other than lunch trucks, is from April 1 of one calendar year through March 31 of the following calendar year.

Section 2. Section 116.02 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.02 LICENSE REQUIRED.

(A) It shall be unlawful for any person to operate a mobile food unit **or temporary restaurant** in city limits without first procuring a license from the city unless an exemption applies.

(B) The City shall classify mobile food vending licenses as follows:

- (1) *Type 1 License:* A food vendor operating from a self-contained pushcart, truck, trailer, or similar conveyance and approved by Umatilla County Health. A Type 1 license is valid for 30-days at any one location. The site must be completely vacated between the hours of 10 pm and 6 am each day.
- (2) *Type 2 License:* A food vendor operating from a self-contained truck or trailer and approved by Umatilla County Health. A Type 2 license is valid for one year and may be renewed for the same location. The site must be completely vacated for 24 hours at least once every seven days.
- (3) *Type 3 License (Event License):* A license issued to an Oregon Health Authority permitted temporary restaurant or mobile food unit to serve the attendees of a specified temporary non-recurring street fair, festival, carnival, or similar community event. A temporary event is one lasting not more than seven calendar days. No more than one temporary event license shall be issued for the same, or substantially same, event, on or near the same location in each calendar year. An Event license is subject to the requirements of §116.10 of this chapter.
- (4) *Type 4 License (Lunch Truck License):* A food vendor operating from a self-contained truck or trailer and primarily serving the workers and employees on the site, with only incidental sales to the general public. A lunch truck license is subject to the requirements of §116.11 of this chapter.

(B) The license holder must personally operate the mobile food unit or directly supervise employees or family who work for the license holder. No other person may have any ownership, lease, or other rights to the business of any kind or nature.

(C) No person shall be issued more than one mobile food vendor license. A mobile food vendor may also hold a lunch truck license or obtain a short-term or event license. For purposes

of LLCs, corporations, or other entity ownership, no entity shall be issued a license if a principal of the entity holding a license holds a personal license or is a principal or has an ownership interest in another entity holding a license.

Section 3. Section 116.03 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.03 LICENSE APPLICATION AND ISSUANCE.

(A) The application for the license shall be in writing in the form prescribed by the city containing the following information:

- (1) Name, address, phone number and email of the applicant. Entity applicants shall provide the name and address of all principals and the name and address of a person designated to supervise operation of the mobile food unit.
- (2) A copy of the state approved Class II, III or IV mobile food unit license issued to the applicant for the vending year.
- (3) The mobile food unit's proposed operating schedule.
- (4) A copy of the title and registration of the mobile food unit to be used by the applicant, including trailers, if they are required to be licensed and registered. The title and registration must be in the name of the applicant.
- (5) Except as provided in § [116.10](#), a detailed site plan of the proposed location as required by § [116.07](#) ~~116.06~~, showing the exact location of the unit on the site, paved parking, access to and from the site, location of any power service to the unit, location of buildings and improvements on the site, the address or the County Assessor's map and tax lot for the site, and other particulars required by the city.
- (6) Except as provided in § [116.10](#), a "Consent to Use Agreement" signed by the owner of the property on which the mobile food unit is proposed to be located.
- (7) Payment in full of the application and license fee established by the city.
- (8) Such other information as the City Manager or designee deems appropriate to evaluate compliance with the requirements of this section.
- (9) A statement that the applicant has read, understands and agrees to comply with the provisions of this chapter.

(B) The city will conduct a preliminary review of the application. If the city concludes that the application preliminarily complies with all requirements of this chapter, the applicant shall bring the mobile food unit to a place designated by the city for an inspection to determine if it meets the requirements of this chapter.

(C) If compliance with all requirements of this chapter is demonstrated, the city shall grant the license with any modifications required by the city. If the city denies the application, it shall refund the license fee.

(D) The city will commence processing the applications for mobile food units licenses no earlier than 90 days prior to the next vending year. Lunch truck and short-term applications may be submitted at any time during the calendar year.

(E) Notwithstanding subsections (A)(5) and (6) of this section, the applicant may obtain a conditional license without an approved location or consent to use agreement. The conditional license shall not authorize operation but otherwise is valid for 45 days. The conditional license shall expire if the conditional licensee fails to obtain city approval of a location and consent to use agreement within 45 days. The city may, in its discretion, extend the period of the conditional license for good cause beyond the reasonable control of the conditional licensee on request filed before expiration.

(F) The licensee shall post the license or card in a conspicuous place on the mobile food unit clearly showing the name and address of the licensee and license number.

Section 4. Section 116.05 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.05 LIMIT ON AVAILABLE LICENSES.

(A) ~~Except as otherwise provided in this chapter, the maximum number of mobile food unit licenses is six.~~ The maximum number of licenses shall be as follows:

(1) The maximum number of Type 1 licenses shall be three

(2) The maximum number of Type 2 licenses shall be six

(3) The maximum number of Type 3 licenses shall be unlimited

(4) The maximum number of Type 4 licenses shall be two

(B) Applications for licenses shall be processed in the order received, except that applications for renewal shall take precedence.

(C) A person may by letter request to be placed on a waiting list to submit an application. If the number of licenses drops below the maximum permitted and there are no active license applications or renewals pending, the city will notify the person who is next on the list in writing. The person will have 30 days to file an application.

(D) Nothing in this chapter precludes the City Council, by ordinance, from increasing or decreasing the number of available licenses at any time.

Section 5. Section 116.06 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.06~~[RESERVED]~~ FOOD PODS

- (A) A food pod may be located on any commercially zoned property within the city subject to the following site requirements:
- (1) All mobile food units shall be located on a hard surface consisting of concrete, asphaltic cement, or similar surface.
 - (2) Parking shall be provided at a ratio of one space per mobile food unit plus parking for any communal seating area as required in §157.176 for eating and drinking establishments.
 - (3) Mobile food vendors shall not create tripping hazards in pedestrian and vehicular circulation areas with items including but not limited to, cords, hoses, pipes, cables, or similar materials.
 - (4) Development of a food pod shall be considered a land use action and subject to all requirements of Chapter 157 of the Hermiston Municipal Code.
 - (5) Mobile food units within a food pod are not subject to the licensing requirements of this chapter and are subject to the business licensing requirements of the City of Hermiston.
 - (6) Mobile food units within a food pod are not required to vacate the premises as required in §116.08 of this chapter.

Section 6. Section 116.07 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.07 APPROVED LOCATION.

- (A) A mobile food unit may only operate from an approved location which meets the criteria established in this chapter.
- (B) ~~No new application will be approved that is 400 feet or less from any other mobile food unit as measured from the closest property line of each approved location. Vendors in operation on September 9, 2013, however, may continue to operate, including on renewal, in their existing location regardless of whether the location is 400 feet or less from another vendor existing on September 9, 2013.~~ Type 1, Type 2, and Type 4 vendors shall be located entirely on private property. Type 3 licenses operating in conjunction with an event may be located on public right of way with permission from the City.

(C) ~~Sufficient paved parking immediately adjacent to the mobile food unit of at least three paved parking spaces specifically designated for the use by the mobile vending unit.~~ A mobile unit shall only operate in an approved parking lot, or other hard surface area, where the off-street parking requirements for all uses or activities served by the off-street parking area are met.

(D) ~~The mobile food unit and its paved customer parking spaces must be located at least 20 feet from the property line of an adjoining property owner unless the possessor of the adjoining property consents, in writing, to allow the mobile food unit and its paved customer parking to be closer to the adjoining property.~~ The mobile food unit shall be located at least 100 feet from any residential use as measured from the mobile food unit to the nearest residential property line.

(E) ~~A mobile food unit must be located more than 400 feet from the property line of a business having a restaurant license, except for the existing locations of a licensed mobile food unit operating on January 1, 2019.~~ The mobile food unit shall not be located within any vision clearance area as defined in §157.142 of the Hermiston Code of Ordinances.

(F) The property, mobile food unit and lunch truck location shall not present a safety risk to pedestrians or vehicles and not adversely affect access and parking for the employees and customers of adjoining property owners.

(G) If after approving a location, the city determines, in its reasonable discretion, that the approved location, including the location of the unit or lunch truck, presents a safety hazard due to changed conditions, it may withdraw or modify the approved location. Absent exigent circumstances, the licensee shall have a minimum of 60 days to relocate.

(H) Approved Type 1 and Type 2 mobile food unit locations are limited to any commercial zone of the city; provided, that all requirements within this chapter or the zoning code are met. Type 4 vendors may also locate in any industrial zone to provide lunch service to industrial employment centers. A Type 4 vendor may locate in any residential zone to provide lunch service to active residential construction projects.

Section 7. Section 116.08 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.08 OPERATION AND SITE REQUIREMENTS.

Mobile food vendors must, at all times, comply with the following requirements:

- (A) Awnings attached to the mobile unit are allowed but no poles, supports or guy wires to the ground may be attached to the awning.
- (B) At least one 35-gallon trash receptacle with a tilting lid must be provided for the patrons of the mobile food vendor and must be emptied when three-fourths full.
- (C) The site must be kept free and clear of all trash and debris.

- (D) No tables, tents, shades, chairs or other similar property for use of the mobile food vendor or its patrons is allowed.
- (E) No gas, propane, natural gas, water tanks or other property may be placed on the ground at any time. The mobile food vending unit must be fully self-contained.
- (F) No receptacles for gray water may be placed on the ground or used to collect water. All water produced by the unit must be contained in the unit.
- (G) Condensate from refrigerated air conditioner units or other HVAC units may be allowed to run onto the ground.
- (H) No swamp coolers or units which use water for cooling may be used.
- (I) No water lines or sewer lines may run to or from the unit.
- (J) The area where the unit is sited, its accesses and parking must all be paved.
- (K) The mobile food vendor's restaurant license must be displayed on the unit at all times in a glass window of the unit or as otherwise required by Oregon law so it can be read from outside.
- (L) The mobile food vendor's license must be displayed on the unit at all times in a glass window of the mobile food unit so it easily can be read from the outside.
- (M) The vehicle registration of the mobile food unit must be displayed on the unit at all times in a glass window of the unit so it can be read from the outside. The registration must be current and valid.
- (N) Mobile food units may only be driven or towed by a person possessing a valid driver's license.
- (O) ~~Type 2 mobile food units and lunch trucks must~~ Type 2 mobile food units and lunch trucks shall be mobile and ~~must~~ shall be moved onto private property more than 400 feet away from their approved location or to another site that is less than 400 feet away if it is parked behind a sight-obscuring fence so it is not visible in any manner from a public street or from the approved location it uses. Type 2 units shall vacate their approved location for 12 hours at least once every seven days. ~~Mobile food units must be moved not later than 10:00 p.m. and not return to the approved location earlier than 6:00 a.m. Lunch trucks must be moved when not in use.~~
- (P) Type 1 mobile food units shall be mobile and shall be moved onto private property more than 400 feet away from their approved location or to another site that is less than 400 feet away if it is parked behind a sight-obscuring fence, so it is not visible in any manner from a public street or from the approved location it uses. Type 1 units shall vacate their approved location between the hours of 10:00 pm and 6:00 am daily.

~~(P)~~ (Q) Except for lunch trucks, no mobile food vendors may be open for business between the hours of 10:00 p.m. and 6:00 a.m.

~~(Q)~~ (R) If external electric service is necessary, an underground electrical service outlet providing electricity may be used. The outlet must have a ground fault interrupter and meet all applicable city, state and federal codes. The extension cord from the outlet to the mobile food unit must not be longer than ~~ten~~ twenty feet, must meet all city, state and federal codes and be secured to avoid a trip hazard.

Section 8. Section 116.09 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.09 MOBILE FOOD UNIT REQUIREMENTS.

Mobile food units must, at all times, comply with the following requirements:

~~(A)~~—All units must be painted white, grey, tan or brown or some other subtle color. No yellow, orange, red, pink or other loud colors are allowed for the base color.

~~(B)~~(A) Signage on the unit may only be painted on the unit and may not take up more than 30% of the surface area of each side, back or front of the unit. No lighted signs or attractants of any kind including rotating or flashing lights are allowed at any time on the unit or approved location except one sign placed on or in the unit no larger than 24 inches. Lights that light the ground patrons stand on may be used but no lights may be shined in the direction of traffic to draw attention to the business or onto adjacent properties. No strobe lights are permitted.

~~(C)~~(B) The unit must be of a good and well-kept appearance and may not have any rust, substantial dents, missing lights or bumpers.

Section 9. Section 116.10 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.10 ~~SHORT-TERM MOBILE FOOD LICENSE, EVENT LICENSE.~~

~~(A)~~—The city may issue short term licenses, in addition to the six mobile food vendor licenses, available for a maximum of 90 consecutive calendar days.

~~(B)~~—A maximum of four short term licenses shall be issued concurrently.

~~(C)~~—A short term license is not eligible for reissuance to the same vendor or for the same location until 90 days from the date of license expiration have elapsed.

~~(D)~~—The approved location requirements in § 116.07 apply with the following modifications:

- ~~1) The location shall be more than 200 feet from any other mobile food vendor as measured from the closest property line of each approved location.~~
 - ~~2) The location shall have sufficient paved parking immediately adjacent to the mobile food unit of at least two paved parking spaces specifically designated for use by the mobile vending unit.~~
 - ~~3) The location shall be at least five feet from the property line of an adjoining property owner unless the possessor of the adjoining property consents, in writing, to allow the mobile food unit or lunch truck to be closer to the adjoining property.~~
 - ~~4) The location shall be 200 feet or more from the property line of a business having a restaurant license.~~
- ~~(E) The operation and site requirements in § 116.08 apply.~~
- ~~(F) The mobile food unit requirements in § 116.09 apply. A mobile food unit applying for a short term license is not required to be a self-propelled van. Push carts, trailers, and self-propelled vans shall all be eligible for a short term license.~~
- ~~(G) The City Council shall establish a fee, by resolution, for issuance of a short term license.~~
- ~~(H) All provisions for operating a mobile food unit as specified in this chapter remain in effect except where specifically modified by this section.~~
- ~~(I) Notwithstanding the foregoing, t~~ **The city may issue temporary event licenses to a licensed food unit or licensed lunch truck to serve the attendees of a specified temporary non-recurring street fair, festival, carnival, or similar community event. A temporary event is one lasting not more than seven calendar days. No more than one temporary event license shall be issued for the same, or substantially same, event, on or near the same location in each calendar year.**
- ~~1)~~ **(A)** The location requirements of §§ 116.03 and 116.07 shall not apply but the applicant for a license to operate a temporary event shall provide proof of authorization from the event organizer and property owner on which the unit or truck will be located. The unit or truck may be located in right-of-way closed for the event with the approval of the city.
 - ~~2)~~ **(B)** The temporary event license shall be valid the day(s) of the event. It shall be placed on the site no earlier than 6:00 a.m. on the first day and removed no later than 10:00 a.m. on the date following the event with the site left in its prior condition.
 - ~~3)~~ **(C)** An application for a temporary event license must be received by the city at least ten days in advance and contain all information required by the city, including any applicable fee.
 - ~~4)~~ **(D)** Unless waived in the license by the city based on the particular circumstances of the event, all provisions of §§ 116.08 and 116.09 (mobile food units) or § 116.11 (lunch trucks) apply.

(E) Events shall be spaced at least 1,000 feet apart as measured from property line to property line.

Section 10. Section 116.12 of Chapter 116 of the Hermiston Code of Ordinances is amended to read:

116.12 EXEMPTIONS.

- (A) This chapter does not apply to mobile food vending on public property or property controlled by a public entity, it being the intent of this chapter that those public entities are entitled to control vending on their properties as they deem appropriate. This includes all local, state and federal government property.
- (B) This chapter does not apply to mobile food vending at private events of brief duration, not to exceed four hours, including banquets, weddings and other catered events, so long as the food is not for sale to persons not attending the event.
- (C) Mobile units within a food pod are not subject to the operation and siting requirements in §116.08(I), §116.08(O) and §116.08(P) of this chapter.

Section 11. All other provisions of Chapter 116 remain unchanged and in full effect.

Section 12. All other provisions of the Hermiston Municipal Code remain unchanged and in full effect.

Section 13. The City Recorder is hereby authorized to correct any scrivener's errors and to conform the revisions to the Hermiston Municipal Code with appropriate numbering.

Section 14. The effective date of this ordinance shall be the 30th day after its adoption.

ADOPTED by the City Council this 26th day of August 2024.

SIGNED by the Mayor this 26th day of August 2024.

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 August 26, 2024

Title/Subject

Resolution No. 2335 - Master Fee Resolution Update: Parades, Right of Way, and Mobile Vendors

Summary and Background

In recent meetings the City Council has been discussing parade permits, right of way permits and possible changes to the mobile vending ordinance and fees. This update to the master fee resolution contains changes/updates to the fees associated with these subjects.

Following are the proposed changes to the master fee resolution:

- Street Closures for Private or Community Events
 - Application Fee - \$25 non-refundable (counts toward permit fee if permit issued)
 - Application Fee, Expedited – If application is turned in less than 20-days prior to event. - \$50 non-refundable (does not count toward permit fee if permit issued)
 - Permit Fee - \$200 for first block (\$100 per additional block)
- Street Closures for Parades/Marches/Processions
 - Application Fee (designated routes) - \$50 non-refundable (counts toward permit fee if permit issued)
 - Application Fee (non-designated routes) - \$300 non-refundable (counts toward permit fee if permit issued)
 - Permit Fee (City Hall-Community Center) - \$1500
 - Permit Fee (Community Center-Community Center) - \$2000
 - Permit Fee (Non-designated routes) – 75% of all costs
- Mobile Vending Permits
 - Type 1 (30 Day License) - \$200
 - Type 2 (Standard Annual) - \$700
 - Type 3 (Event License) - \$50
 - Type 4 (Lunch Truck License) - \$300

Staff will develop forms to implement the above fees.

Tie-In to Council Goals/Values

N/A

Fiscal Information

N/A

Alternatives and Recommendation

Alternatives

1. Approve Resolution No. 2335 and the Master Fee Resolution as proposed.
2. Amend Master Fee Resolution and Approve Resolution No. 2335 as amended
3. Reject Resolution No. 2335

Recommended Action/Motion

Motion to approve Resolution No. 2335 and lay upon the record.

Submitted By:

Byron D. Smith

RESOLUTION NO. 2335**A RESOLUTION ADJUSTING A SCHEDULE OF FEES AND CHARGES FOR VARIOUS CITY SERVICES**

WHEREAS, the City Council has adopted the City of Hermiston Code of Ordinances, and that Code permits the City Council of the City of Hermiston to adopt by resolution a schedule of fees and charges for various services, licenses and permits; and

WHEREAS, the City is working to update various fees for City services and permits; and

WHEREAS, the City has held discussions related to new or updated application and permit fees for parades, temporary street closures, and mobile vending; and

WHEREAS, the updated Master Fee Schedule including the new fees is attached hereto.

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

1. That the attached updated Master Fee Schedule, is approved and adopted.
2. That this resolution shall supersede Resolution No. 2332.
3. All fees and charges in effect as of the date of the adoption of this resolution shall remain in effect unless otherwise modified by provisions of this resolution.
4. That this resolution is effective immediately upon its passage.

PASSED by the Common Council this 26th day of August 2024.

SIGNED by the Mayor this 26th day of August 2024.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER



Where Life is Sweet

Master Fee Schedule

Fees Subject to Change



Adopted by: Resolution No. 2171 on December 14, 2020
Superseded By Resolution No:

2174 on March 8, 2021	2332 on July 8, 2024
2187 on June 10, 2021	<u>2335 on August 26, 2024</u>
2202 on December 13, 2021	
2205 on January 10, 2022	
2207 on January 24, 2022	
2213 on March 14, 2022	
2219 on May 9, 2022	
2231 on July 11, 2022	
2249 on January 9, 2023	
2259 on February 27, 2023	
2302 on January 8, 2024	
2305 on January 22, 2024	
2317 on March 11, 2024	

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ADMINISTRATION & GENERAL FEES

Administration & General Fees

Notary Acts

1. Certifying a copy of a document	\$2.00 per page
2. For: taking an acknowledgment, a verification upon an oath or affirmation, and witnessing or attesting a signature.	\$10.00/notarized signature
3. For administering an oath or affirmation or taking a deposition (without a signature). And for all other notarial acts not specified in this section.	\$5.00 per act

Notary Acts are available at:

- Hermiston Police Department, Bob Shannon Safety Center, 330 S. 1st Street
- City Hall, 180 NE 2nd Street

Fines & Penalties

1. Returned check	\$25.00
2. Collection Agency Processing Fee	\$10.00 per item

Miscellaneous Services

1. Other Misc. Items and Services	As Established
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Prints & Public Records

Documents & Photocopies up to 11x17 (Does not include other fees)

1. Black & White	Single: \$0.25 per page Double-Sided: \$0.50 per page
2. Color	Single: \$1.00 per page Double-Sided: \$2.00 per page

Maps, Nonstandard Documents, etc. Larger than 11x17 (Does not include other fees)

1. Black & White	Actual Cost
2. Color	Actual Cost

Media (Does not include other fees)

1. DVD, CD or USB	Actual Cost
2. Audio & Video Recording, in addition to any other fees.	\$35.00 per hour- Minimum Charge

Processing Fees (Does not include other fees)

1. Lengthy Requests (request over 15 mins to complete)	\$35.00 per hour
2. Fee's charged at 15 min increments. Requests less than 15 mins to process may be waived, excluding serial requests.	
3. Attorney Fees	Actual Cost

Please Note: Requestors must pre-pay the estimated cost of request. If the actual charges are less than the pre-payment, then the over- payment shall be refunded.

AIRPORT

Airport

Commercial Activity Fee- Any business operating at the Airport

- | | |
|------------------------|---------------------|
| 1. Aerial Sprayers | \$1,000.00 per year |
| 2. Non-Aerial Sprayers | \$250.00 per year |

T-Hangar Rental

- | | |
|-------------------------|--------------------|
| 1. Open Hangars | \$100.00 per month |
| 2. Enclosed T-Hangar #2 | \$200.00 per month |
| 3. Enclosed T-Hangar #3 | \$225.00 per month |
| 4. Enclosed T-Hangar #4 | |
| a. Interior Bays | a. \$275.00 |
| b. End Bays | b. \$325.00 |

Miscellaneous Services

- | | |
|-------------------------------|---|
| 1. Air Freight Activity | \$284.00 per month |
| 2. Transient Aircraft Parking | \$5.00 per night, after the first two nights. |
| 3. Tie Downs | As established by agreement |

Land & Building Leases- All terms and fees as established by agreement.

Hermiston Municipal Airport is operated by contract, to: Gorge Aviation

1600 E Airport Way, Hermiston, OR 97838

541-567-3694

<https://www.gorgeaviationservices.com/>

ANIMALS

Animals

Dog Licenses (One-time fee per dog.)

1. Altered (spayed or neutered)	\$5.00
2. Unaltered (not spayed or neutered)	\$25.00
3. Service/Assistance dogs- As defined under the ADA	NONE

Please Note: Proof of rabies vaccination, or valid exemption, is required to obtain a license.

Dog Impoundment & Boarding

1. Impoundment- Altered	\$25.00
2. Impoundment- Unaltered	\$75.00
3. Boarding- Excluding the first day of boarding, if impounded after 8:00pm.	\$10.00 per day

Please Note: No dog shall be released without proof of or obtaining a license and rabies vaccination.

All animal services, as specified in this section, are contracted to:
Pet Rescue Humane Society of Eastern Oregon

1844 NW Geer Rd, Hermiston, OR 97838
 (541) 564-6222

** Other independent animal services, ie: rabies vaccinations, etc, are also provided by Pet Rescue. **

AQUATIC CENTER

Aquatic Center

Educational Classes		
1. Swimming, Diving, Snorkeling, Lifeguard, etc	As established per program	
Public Swim Hours		
Individual Daily Pass		
1. Infants (0-1yr)	Free	
2. Child (2-9yrs)	\$5.00	
3. Youth (10-17yrs)	\$6.00	
4. Adult (18+)	\$7.00	
5. Seniors (55+)	\$6.00	
Individual Splash Pass- All Season (entrance for all public swim hours)		
1. Child & Youth (2-17yr)	\$85.00	
2. Adult (18+)	\$95.00	
3. Senior (55+)	\$85.00	
Family Splash Pass- All Season: All members must reside in same household (entrance for all public swim hours)		
1. 2 Adults & up-to 4 kids	\$200.00	
2. 2 Adults & up-to 6 kids	\$240.00	
3. 2 Adults & up-to 8 kids	\$265.00	
Aquatic Fitness Classes		
Individual Daily Pass		
1. Adult (18+)	\$7.00	
2. Seniors (55+)	\$6.00	
Individual Splash Pass-Fit: All Season (entrance for all aquatic fitness classes)		
1. Adult (18+)	\$85.00	
2. Senior (55+)	\$75.00	
All Access Pass: All Season- (Entrance for all public swim hours & aquatic fitness classes)		
1. Adult & Senior	\$135.00	
Aquatic Facility Rentals		
Full Facility Rental: Exclusive use of all pools & picnic shelter.	Resident	Non-Resident
Friday- Sunday 7:15pm-9:15pm or 9:30pm to 11:30pm Additional hours may be available	\$1,200.00	\$1,450.00
Refundable Booking/Security Deposit- Due to hold event date	\$500.00	\$500.00
Semi-Private Rental: Shared use of all pools with other designated area. Maybe shared with two other parties.	Resident	Non-Resident
Friday- Sunday 9:30pm to 11:30pm	\$150.00	\$190.00

AQUATIC CENTER

Additional hours may be available

Picnic Shelter Rental: Use of gazebo and picnic tables during public swim (pool entry fee required)

2-Hour Rental: 50 Person Maximum - Group Rates Available

1. Weekday Rental
2. Weekend Rental

Resident

Non-Resident

\$50.00

\$75.00

\$65.00

\$90.00

Additional Amenities

1. **All-Day Cabana Rental:** Semi-Private shaded area with premium lounge chairs. Available during public swim.

Regular Cabana
\$25.00

Large Cabana
\$50.00

2. **All Other Amenities**

As Established

Hermiston Aquatic Center

879 W Elm Ave, Hermiston, OR 97838

541-289-7665

541-667-5018 (Off-Season)

BUILDING DEPARTMENT

Building Department

The final determination of valuation, occupancy, and/or construction type under any of the provisions of this order shall be made by the Building Official.

A. Building Permits

The valuation to be used in computing the building permit and the building plan review fees shall be the total value (rounded up to the nearest dollar) of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment. It also includes the contractor's profit which should not be omitted.

The fees for each permit shall be as set forth in Tables A-1 and A-2. Valuation will be calculated using the City's Building Permit Fee table based on the International Code Council (ICC) Building Valuation Data Table as of April 1 of the current year, multiplied by the square footage of the structure or as stated by the applicant, whichever is greater. The cost per square foot of carports, decks, 1 & 2 Family Dwelling pole buildings, and covered porches/patios shall be 50% of the valuation indicated for "Private Garages" on the City's valuation table.

Table A-1: Building Permit Fee

- ❖ **Residential:** New, Additions, Alterations, Repairs, & Accessory Structures.
(Plumbing permit required for potable water fire systems; see Table E-4)
- ❖ **Commercial:** New, Alterations, Additions, Repairs, Accessory Structure, Fire Systems, & Medical Gas Systems
Plumbing permit (based on value of installation costs)
- ❖ **Multifamily:** New, Alterations, Additions, Repairs, & Accessory Structure.

Total Valuation	Building Permit Fee
1. \$1.00 to \$500.00	\$63.00 minimum
2. \$500.01 to \$2,000.00	\$63.00 for the first \$500.00 plus \$1.95 for each additional \$100, or fraction thereof, to and including \$2,000.00
3. \$2000.01 to \$25,000.00	\$92.25 for the first \$2,000.00 plus \$7.80 for each additional \$1,000, or fraction thereof, to and including \$25,000.00
4. \$25,000.01 to \$50,000.00	\$271.65 for the first \$25,000.00 plus \$5.85 for each additional \$1,000, or fraction thereof, to and including \$50,000.00
5. \$50,000.01 to \$100,000.00	\$417.90 for the first \$50,000.00 plus \$3.90 for each additional \$1,000, or fraction thereof, to and including \$100,000.00
6. \$100,000.01 and up	\$612.90 for the first \$100,000.00 plus \$3.25 for each additional \$1,000, or fraction thereof.

Table A-2: Building Permits - Related Fees

Description	Permit Fee
1. Building Plan Review Fee	65% of the building permit fee based on Table A-I
2. Additional Building Plan Review required due to revisions to the construction documents	\$80.00 per hour
3. Fire Life Safety Review on State Allowed Plans	40% of the building permit fee based on Table A-I
4. Third Party Plan Review	\$80.00 per hour
5. Master Plan Review - <ul style="list-style-type: none"> a. Setup fee b. Initial Plan Review c. Second & Subsequent Reviews 	a. \$ 100.00 b. 65% of the building permit fee based on Table A-I c. 50% of the initial plan review fee
6. Deferred Submittals - Plan Review Fee	See Customized Permit Services: Table G-2, Deferred Plan Submittal
7. Consultation Fee- (In office code review, potential project review)	\$95.00 per hour (Minimum ½ charge)
8. Temporary Certificate of Occupancy Request- Commercial.	a. Initial request = \$100.00 b. Extension request = \$75.00 c. Residential TCO = No Charge

BUILDING DEPARTMENT

9. Investigation Fee	\$120.00 per hour (one hour minimum)
10. Reinspection, extra inspections, special inspections	\$80.00 each
11. Inspections outside of normal business hours	\$80.00 per hour (one hour minimum)
12. Inspections for which no fee is specifically indicated (includes on job site counsel inspections)	\$80.00 per hour
13. Solar Photovoltaic Systems installed using the prescriptive path described in section 305.4 of the Oregon Solar Installation Specialty Code (OSISC).	\$150.00 (includes one inspection) (Does include the plan review fees)
14. Non-prescriptive Solar Photovoltaic Systems	See Building Permit Fee Table A- I
15. Structural minimum fee	\$63.00
16. Technology Fee- Revenues are used to support technology related to electronic processes and tools used in doing business	2% of permit fee
17. Re-roof Permit	
a. Residential (required when replacing sheathing or other)	a. Fee based on valuation
b. Commercial	
i. Simple Replacement	i. \$250.00
ii. Complex Replacement- plan review required will be based on valuation.	ii. Fee based on valuation

PERMIT EXTENSION Reinstating Expired Permits

- ❖ Extensions must be requested prior to the permit expiring.
- ❖ IT IS NOT THE RESPONSIBILITY OF THE CITY OF HERMISTON TO NOTIFY THE PERMIT HOLDER OF EXPIRATION DATES. AS A COURTESY A NOTICE IS SENT OUT PRIOR TO EXPIRATION.

Extension Request	Permit Fee
1. First Extension Request	No Charge
2. Second and subsequent requests	\$65.00 each permit, no surcharge fee
3. Expired permit less than 6 months past expiration date	\$65.00 each permit, subject to surcharge fee
4. Expired permits over 6 months past expiration date	Fees assessed to current fee schedule; new plan review may apply. Subject to surcharge fee.

Residential Structural Fire Suppression Standalone (Fees based on total square footage of the dwelling unit to be covered by the system)

Total Square Footage	Permit Fee
1. 0 to 2,000 square feet	\$150.00
2. 2,001 to 3,600 square feet	\$218.00
3. 3,601 to 7,200 square feet	\$354.00
4. Over 7,200 square feet	\$488.00

B. Manufactured Dwelling Placement Permits

One single permit fee is assessed. This fee shall include the concrete slab, runners, or foundations when they comply with the prescriptive requirements of the Oregon Manufactured Dwelling and Specialty Code, electrical feeder and plumbing connections and all cross-over connections, site utility connections (water, sewer, storm) up to 30 lineal feet.

1. Manufactured Dwelling Placement Permit Fee	\$225.00
2. (includes plan review)	
3. Manufactured Dwelling & Cabana installation administrative fee	\$30.00 As required by the State
4. State Surcharge	As required by the State

BUILDING DEPARTMENT

C. Camp and Park Permits

The Area Development Fee is to be calculated based on the valuations shown in Table 2 of OAR 918-600-0030 for Manufactured Dwelling/Mobile Home Parks and Table 2 of OAR 918-650-0030 for Recreational Park & Organizational Camp Valuation Table, and then applying the valuation amount to the valuation fee table in the Building Permit Fee Table A-1.

1. Plan Review Fee	65% of total permit fee
2. State Surcharge	As required by the State

D. Mechanical Permits

The fees for each permit shall be as set forth in Table D-1, D-2, and D-3.

The valuation used to determine the commercial mechanical permit fee using Table D-1 shall include the value (rounded up to the nearest dollar) of all mechanical materials, equipment, labor, overhead and profit.

Table D-1: Commercial Mechanical Permit Fees

❖ Commercial: New, Alterations, Additions, Repairs, & Accessory Structure	
❖ Multifamily: New, Alterations, Additions, Repairs, & Accessory Structure	
Total Valuation	Permit Fee
1. \$1 to \$5,000.00	\$75.00 minimum
2. \$5,000.01 to \$10,000.00	\$75.00 for the first \$5,000.00 plus \$1.00 for each additional \$100, or fraction thereof, to and including \$10,000 .00
3. \$10,000.01 to \$100,000.00	\$125.00 for the first \$10,000.00 plus \$2.00 for each additional \$1,000, or fraction thereof, to and including \$100,000.00
4. \$100,000.00 and up	\$305.00 for the first \$100,000.00 plus \$1.00 for each additional \$1,000, or fraction thereof

Table D-2: Residential Dwelling Mechanical Permit Fees

❖ 1 & 2 Family Dwelling: New, Alterations, Additions, Repairs, & Accessory Structure	
❖ Manufactured Dwellings: New, Additions, Alterations, Repairs, & Accessory Structure	
Description	Permit Fee
1. Air conditioner	\$15.00
2. Air handling unit of up to 10,000 cfm	\$11.00
3. Air handling unit 10,001 cfm and over	\$15.00
4. Appliance or piece of equipment regulated by code but not classified in other appliance categories	\$11.00
5. Appliance vent installation, relocation or replacement not included in an appliance permit	\$10.00
6. Attic/crawl space fans	\$10.00
7. Barbecue	\$11.00
8. Chimney/liner/flue/vent	\$11.00
9. Clothes dryer exhaust	\$11.00
10. Decorative gas fireplace	\$11.00
11. Ductwork, no appliance/fixture	\$11.00
12. Evaporative cooler other than portable	\$11.00
13. Floor furnace, including vent	\$15.00
14. Flue vent for water heater or gas fireplace	\$10.00
15. Furnace - greater than 100,000 BTU	\$15.00
16. Furnace - up to 100,000 BTU	\$15.00
17. Furnace/burner including duct work/vent/liner	\$15.00

BUILDING DEPARTMENT

18. Gas or wood fireplace/insert	\$15.00
19. Gas fuel piping outlets (four or less connections)	\$10.00
20. Gas fuel piping outlets (more than four)	\$6.00
21. Heat pump	\$15.00
22. Hood served by mechanical exhaust, including ducts for hood	\$15.00
23. Hydronic hot water system	\$15.00
24. Installation or relocation domestic-type incinerator	\$15.00
25. Mini split system	\$15.00
26. Oil tank/gas/diesel generators	\$15.00
27. Pool or spa heater, kiln	\$15.00
28. Range hood/other kitchen equipment	\$15.00
29. Repair, alteration, or addition to mechanical appliance including installation of controls	\$15.00
30. Suspended heater, recessed wall heater, or floor mounted unit heater	\$15.00
31. Ventilation fan connected to single duct	\$10.00
32. Ventilation system not a portion of heating or air-conditioning system authorized by permit	\$10.00
33. Water heater	\$15.00
34. Wood/pellet stove	\$15.00
35. Other heating/cooling	\$12.00
36. Other fuel appliance	\$12.00
37. Other environment exhaust/ventilation	\$10.00
38. Minimum Permit Fee	\$40.00

Table D-3: Mechanical Permits - Related Fees

Other Inspections	Fee
1. Mechanical Plan Review - when Required or requested	25% of the permit fee
2. Additional Mechanical Plan Review required due to revisions to the construction documents	\$50.00 per hour
3. Re-inspection Fee	\$75.00 each
4. Inspections outside of normal business hours	\$80.00 per hour (one hour minimum)
5. Inspections for which no fee is specifically indicated	\$80.00 per hour (one hour minimum)
6. Investigation Fee	\$80.00 per hour
7. General State Surcharge: ORS 455.210	As set by the State of Oregon

E. Plumbing Permits

Table E-1: Plumbing Permit Fees

❖ Residential: New	
❖ Includes: No additional fee shall be charged for the first 100 feet of water and sewer lines, hose bibbs, icemakers, underfloor low-point drains, and rain drain packages that include the piping, gutters, downspouts, and perimeter system	
Description	Fee
1. One Bathroom	\$275.00
2. Two Bathrooms	\$300.00
3. Three Bathrooms	\$375.00
4. Each additional Bath/Kitchen	\$75.00

BUILDING DEPARTMENT

Please Note: A "half bath" is equivalent to a single bathroom

- | | |
|--|------------------|
| 1. Each additional 100 ft of water, sewer, or storm line or fraction thereof | \$30.00 per type |
| 2. Residential Fire Sprinkler System- Multipurpose/Continuous Loop | See Table E-4 |

Table E-2: Plumbing Permit Fees

❖ Residential: Additions, Alterations, Re pairs, & Accessory Structure		
❖ Commercial: New, Additions, Alterations, Repairs, Accessory Structure, & Fire Systems		
❖ Multifamily: New, Additions, Alteration, Repairs, Accessory Structure, & Fire Systems		
❖ Manufactured Dwellings: New (utilities beyond 30 ft), Additions, Alterations, Repairs, & Accessory Structure		
Site Utilities	Fee/Unit	
1. Sanitary sewer - first 100 feet	\$50.00	
a. Each additional 100 feet, or fraction thereof	\$30.00	
2. Storm sewer including trench drains, leach lines, and drywells - first 100 feet	\$50.00	
a. Each additional 100 feet, or fraction thereof	\$30.00	
3. Water service -first 100 feet	\$50.00	
a. Each additional 100 feet, or fraction thereof	\$30.00	
Fixtures or Items	Residential Fee/Unit	Commercial Fee/Unit
1. Alternate potable water heating system	\$30.00	\$35.00
2. Backflow preventer	\$45.00	\$50.00
3. Backwater valve	\$45.00	\$50.00
4. Catch Basin	\$25.00	\$25.00
5. Clothes washer	\$25.00	\$25.00
6. Dishwasher	\$25.00	\$25.00
7. Drinking fountain	\$25.00	\$25.00
8. Ejectors/sump pump	\$45.00	\$50.00
9. Expansion tank	\$20.00	\$50.00
10. Fixture Cap	\$20.00	\$20.00
11. Floor drain/floor sink/hub drain	\$25.00	\$30.00
12. Garbage disposal	\$25.00	\$30.00
13. Hose bib	\$20.00	\$20.00
14. Ice maker	\$25.00	\$50.00
15. Interceptor/Grease Trap	\$30.00	\$50.00
16. Primer	\$20.00	\$20.00
17. Residential Replacing in-building water supply lines-number of branches:		
a. First floor	\$75.00	
b. Each additional floor	\$25.00	
18. Commercial Replacing in-building water supply lines-number of branches:		
a. First five branches		\$80.00
b. Each fixture branch over five		\$20.00
19. Roof Drain		\$25.00
20. Sink/basin/lavatory	\$25.00	\$30.00
21. Swimming pool piping	\$25.00	\$50.00
22. Trench Drain	\$30.00	\$50.00
23. Tub/shower/shower pan	\$25.00	\$30.00

BUILDING DEPARTMENT

24. Urinal	\$20.00	\$25.00
25. Water closet	\$25.00	\$25.00
26. Water heater	\$25.00	\$25.00
27. Other- plumbing	\$25.00	\$46.00
28. Medical Gas Installations (Plan Review Required)	Based on valuation using Table A-1	
29. Minimum Permit Fee	\$45.00	\$65.00

Table E-3: Plumbing Permit - Related Fees

Other Inspections	Fee
1. Plumbing Plan Review - When required or requested	25% of the permit fee
2. (Plan review is required for Medical Gas Installations, Fire Suppression Systems, and complex structures as defined by OAR Chapter 918, Division 780)	
3. Additional Plumbing Plan Review required due to revisions to the construction documents	\$60.00 per hour
4. Re-inspection Fee	\$60.00 each
5. Inspections outside of normal Business hours	\$60.00 per hour (one hour minimum)
6. Inspections for which no fee is specifically indicated	\$60.00 per hour
7. Investigation Fee - work done without permits	\$80.00 per hour
8. General State Surcharge: ORS 455.210	As set by the State of Oregon

Table E-4: Plumbing Permits - Residential Fire Systems ¹

- ❖ Multipurpose or Continuous Loop Fire Suppression Systems (13D)
- ❖ Fees based on total square footage of the dwelling unit to be covered by the system

Total Square Footage	Permit Fee (Include Plan Review)
1. 0 to 2,000 square feet	\$87.00
2. 2,001 to 3,600 square feet	\$129.00
3. 3,601 to 7,200 square feet	\$164.00
4. Over 7,200 square feet	\$200.00

- ❖ ¹ Stand-alone systems are permitted under separate building permits. However, a plumbing permit for a backflow prevention device (in the event of connectivity to potable water supply) is required.
- ❖ Plan review is required on all Residential Fire Suppression Systems.

F. Electrical Permits**Table F-1: Electrical Permit Fees**

- ❖ **Residential:** New, Additions, Alterations, Repairs, & Accessory Structure
- ❖ **Commercial:** New, Alterations, Additions, Repairs, & Accessory Structure
- ❖ **Multifamily:** New, Alterations, Additions, Repairs, & Accessory Structure

A. Residential-New, or Multi-Family Dwelling Building - New: Service Included	Fee/Equipment
Residential-New	
1. 1,000 square feet or less	\$106.00
a. Each additional 500 square feet, or fraction thereof	a. \$19.00
b. Limited energy, for New I & 2 Family Dwelling	b. \$25.00
Please Note: If a limited energy permit is purchased separately from the new building electrical permit, use fee listed in the "Miscellaneous" section.	
Multi-Family Dwelling Building - New: Service Included	
2. Largest unit uses above sq. ft.; each additional unit	50% of largest unit rate
a. Limited Energy	a. \$63.00 per floor
b. Protective Signaling	b. \$63.00 per floor

BUILDING DEPARTMENT

B. Services or Feeders Installation, Alterations or Relocation (Does not include branch circuits)

1. 200 amps or less	\$79.00
2. 201 amps to 400 amps	\$94.00
3. 401 amps to 600 amps	\$156.00
4. 601 amps to 1,000 amps	\$204.00
5. Over 1,000 amps or 1,000 volts	\$469.00

C. Temporary Services/Feeders Installation, Alteration, or Relocation

1. 200 amps or less	\$63.00
2. 201 amps to 400 amps	\$86.00
3. 401 amps to 600 amps	\$125.00
4. 601 amps to 1,000 amps	\$163.00
5. Over 1,000 amps or 1,000 volts	\$375.00

D. Branch Circuits - New, Alterations or Extension, per Panel

1. Feeder for branch circuits with above service or feeder fee	
a. Each branch circuit	\$4.00
2. Fee for branch circuits without service or feeder	
a. First branch circuit	a. \$54.00
b. Each additional branch circuit	b. \$4.00

E. Miscellaneous (Service or Feeder Not Included)

1. Each manufactured or modular dwelling, service and/or feeder	\$63.00
2. Reconnect only	\$63.00
3. Pump or irrigation circle	\$63.00
4. Sign or outline lighting	\$63.00
5. Each signal circuit(s) or each limited-energy panel alteration	
6. or extension	\$50.00

F. Renewable Electrical Energy

1. 5 kva or less (all renewable types)	\$79.00
2. 5.01 to 15.00 kva (all renewable types)	\$94.00
3. 15.01 to 25.00 kva (all renewable types)	\$156.00
4. For wind generation systems in excess of 25 kva:	
a. 25.01 kva to 50.00 kva	a. \$204.00
b. 50.01 kva to 100 kva	b. \$469.00
c. Over 100 kva	c. Use sections B or C, plus D
5. Base fee for solar generation systems in excess of 25 kva	\$156.00
a. Add for each additional kva, or fraction thereof over 25. Maximum fee is 100kva (permit fee will not increase beyond the calculation for 100 kva)	a. \$6.24

Table F-2: Electrical Permit – Related Fees

Other Inspections	Fee
1. Electrical Plan Review- When requested or required by OAR Chapter 918, Division 311	25% of the permit fee
2. Additional Electrical Plan Review required due to revisions to the construction documents	\$86 per hour
3. Re-inspection Fee	\$86.00
4. Inspections outside of normal Business hours	\$86.00 per hour (one hour minimum)
5. Inspections for which no fee is specifically indicated	\$86.00 per hour
6. Investigation Fee	\$86.00 per hour

BUILDING DEPARTMENT

7. Master Permit Inspection Program OAR 918-309-0100	
a. Application fee: 1 st time only, no charge for renewals	a. \$100.00
b. Inspection fee (includes inspection, report writing and travel time) per hour	b. \$86.00
8. General State Surcharge: ORS 455.210	As set by the State of Oregon

G. Customized Permit Services**Table G-1: Phased Plan Review**

- ❖ Authorizes construction to begin on a portion or portions of a building before the construction documents for the whole building have been submitted.

Service Option	Fee
1. Phased Plan Review - In addition to: a. Standard plan review fees	\$250.00 application fee per phase, plus 10% of the total building permit fee not to exceed \$1,500.00 per phase

Table G-2: Deferred Plans Submittal

- ❖ Portions of a building design are allowed to be submitted separately.
- ❖ Does not apply to deferred permits.

Service Option	Fee
1. Deferred Plans Submittal - In addition to: a. The project plan review fee based on total project value	65% of the structural permit fee calculated using the value of the particular deferred portion, or portions of the project, with a minimum fee of \$150.00.

H. Code Enforcement**Table H-1: Code Enforcement Fees****Blowing Dust**

1. Blowing Dust Control Plan	Plan Review: \$100.00	Refundable Deposit: \$300.00
2. Use of a City water truck and operator for the purpose of dust abatement	\$200.00 per hour with a 4-hour minimum	

Abatement

1. Administrative Overhead Abatement Processing fee	10% of the total abatement cost
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I. Miscellaneous Fees**Table I-1: Miscellaneous Fees**

Description	Fee
1. Sewer Tap Inspection	\$50.00
2. Fees for moving buildings	\$10.00
3. Excavation permit fees	\$25.00 and shall be doubled if the start of construction occurs prior to application of the permit.
4. Copy Costs	See "Administration & General Fees" Section under "Prints & Public Records"
5. All Signs: Pole sign, canopy signs, and/or any other large sign structure	Permit fee based on valuation plan review- 65% of permit fee

Building Department

180 NE 2nd Street, Suite 211, Hermiston, OR 97838
541-667-5025

BUSINESS LICENSES

Business Licenses

Please Note: All businesses operating inside of City limits require a Business License issued from the City of Hermiston as adopted in the Hermiston Code of Ordinances. Solicitors and Mobile Vendors have additional Licenses as described below.

Business License – Effective 01/01/2025

Businesses WITH a Permanent Location WITHIN City Limits	
1. Base Fee – Includes 0-5 Full-Time Equivalent (FTE) Employees	1. \$85.00
2. 6-49 FTE Employees	2. Base Fee + \$15.00 per Employee over 5
3. 50+ FTE Employees	3. \$1,000.00
Businesses WITHOUT a Permanent Location WITHIN City Limits	
1. Base Fee- Includes 0-5 Hermiston Full-Time Equivalent (FTE) Employees	1. \$100.00
2. 6-49 FTE Hermiston Employees	2. Base Fee + \$20.00 per Employee over 5
3. 50+ FTE Hermiston Employees	3. \$1,200.00
Construction Projects	\$400.00 per Project
Trade Show and Carnivals	\$300.00

Liquor License

Liquor License, New	\$100.00
Liquor License, Annual Renewal, Special Events, & Temporary Sales	\$35.00
Liquor License, Change in: Ownership, Location, or Privilege	\$75.00

Solicitors' License

Per License per Calendar Year (January 1 st – December 31 st)	\$25.00
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Mobile Vending License	Application and Renewal Fee
1. Full-Year Application/Renewal	\$500.00*
2. 90-Day Application/Renewal	\$300.00*
3. Lunch Trucks	\$300.00
4. Event Trucks (one-day)	\$25.00
1. Type 1: 30-Day License for: Tent, pushcart, or similar conveyance of less than 100 sq ft	\$200.00*
2. Type 2: One-Year License for: Self-contained truck or trailer	\$700.00*
3. Type 3: Event License for: A temporary event lasting not more than 7 calendar days for a street fair, festival, carnival, or similar community event	\$50.00
4. Type 4: Lunch Truck License for: Operating from a self-contained truck or trailer and primarily serving on site workers with incidental sales to the general public	\$300.00*

Please Note: Fees are due at the time of application. If the license is not approved, \$100.00 will be retained for administrative costs. (*) Indicates administrative fee charge retained.

Food Pod

The Food Pod is contracted out by the City. For more information, contact the Parks and Recreation Department at: 541-667-5018 or at 415 S. Hwy 395, Hermiston, OR 97838

Business, Liquor, & Solicitors' Licenses are processed at City Hall.

180 NE 2nd Street, Hermiston, OR 97838

BUSINESS LICENSES

541-567-5521

Mobile Vending Licenses are processed by the Planning Department

180 NE 2nd Street, Suite 211, Hermiston, OR 97838

541-667-5010

COMMUNITY CENTER

Community Center

Discounted Rates for Non-Profit Organization may be provided.

Great Room Rental (Large Meetings & Events)

Includes: Janitorial, Kitchen, Stage, Staff Support, and Tear Down.

	Current Fee's	2025 Fee's
1. 0-99 Guests	\$1,100.00	\$1,350.00
2. 100-250 Guests	\$1,475.00	\$1,725.00
3. 251-350 Guests	\$1,750.00	\$2,000.00
4. Set-Up- By Center Staff	\$450.00	\$500.00
5. Day Before Decorating (during business hours, M-F 8:00am-5:00pm)	\$250.00	\$400.00
6. Refundable Cleaning/Damage Deposit- Due to Hold Date	\$1,000.00	

Security Guards and Insurance

Security: Security Guards may be required for event rental. The number of guard(s) are dependent on the numbers of guests and length of your event.

Insurance: Event Liability Insurance of \$1 million is required. (Cost varies from \$50.00 - \$200.00). *Clients responsibility to obtain and show event center proof of insurance. *

Small Meetings & Events	Staff Set Up	Half Day (4 hrs)	Full Day (8 hrs)
Includes: Janitorial, Set-Up/Tear down & Staff Support			
1. Board Room (20 guests max)	NA	\$100.00	\$175.00
2. Rotary/Altrusa Room (40 guests max)	\$75.00	\$175.00	\$300.00
3. Great Room (100 guests max)	\$150.00	\$375.00	\$500.00
4. Refundable Cleaning/Damage Deposit- Due to Hold Date	\$100.00		

Additional Amenities

1. Coffee & Ice Water (30 guests)	\$35.00
2. Table Toppers	\$6.00 each
3. Napkins	\$0.50 each
4. Table Linens	\$6.00 each

Please Note: Fees in "Additional Amenities" are subject to change per vendor notice.

Hermiston Community Center
415 S. Hwy 395, Hermiston, OR 97838
541-667-5018

COURT (MUNICIPAL)

Court (Municipal)

Prints & Public Records (see Administrative & General Fees)

Municipal Court Reports (Does not include other fees)

- | | |
|---|---|
| 1. Reports including discovery, except court appointments (regardless of page count or electronic format) | \$20.00 each- Flat Fee |
| 2. All other Prints and Public Records Requests | As established in "Administration & General Fees" under "Prints & Public Records" |

Other Court Services

- | | |
|--|--|
| 1. Marriage Ceremony (performed by Municipal Court Judge on site) | \$75.00 |
| 2. Marriage Ceremony (performed by Municipal Court Judge off site) | \$100.00 + actual mileage costs
(as set in ORS 106.120(5)) |
| 3. Certification of Court Document | \$2.00 for certification of each document
(in addition to printing costs) |

Fees & Penalties

- | | |
|--|---|
| 1. Payment Plan Fee/ Fee on cases not paid in full within 30 days of judgment. | Case Balance- \$0-280.00, fee of \$25.00
Case Balance- \$280.01+, fee of \$50.00
(If case is paid off within 12 months, the fee will be waived) |
| 2. Collection Agency Processing Fee | Actual amount imposed by the collection agency |
| 3. Returned Check | (See Administration & General Fees) |

Jury Fees

- | | |
|--|---|
| 1. Juror Attendance Fee * <i>Paid to Selected Jurors</i> * [*] | Compensation and Mileage
(Rate applicable to appearances in justice court) |
| 2. Juror Attendance Fee * <i>Paid to Not-Selected Jurors</i> * [*] | Mileage Only
(Rate applicable to appearances in justice court) |
| 3. Subpoenaed Witnesses Attendance Fee | Compensation and Mileage
(Rate applicable to appearances in justice court) |
| 4. Mileage Fee (to and from place of residence) | Rate applicable to appearances in justice court |

Hermiston Municipal Court

180 NE 2nd Street, Hermiston, OR 97838
541-567-6610

EASTERN OREGON TRADE & EVENT CENTER (EOTEC)

Eastern Oregon Trade & Event Center (EOTEC)

Please Note: All Rentals Include: Janitorial, Set-up & Tear Down (Tear Down includes putting away tables and chairs only)			
Great Room Rental (Large Meetings & Events)	Private/For Profit		Non-Profit
Booking Fee & Refundable Security Deposit (Cleaning-Damage)			
1. Booking Fee- Due to Hold Date a. Non-Refundable- If booking more than 6 months in advance	\$400.00		\$400.00
2. Security Deposit Non-Alcohol Event	\$500.00		\$200.00
3. Security Deposit With Alcohol Event	\$1,000.00		\$1,000.00
Great Room Use (Includes Lobby & Standard Stage)	Full Room	Half Room	
1. Monday- Thursday	\$2,750.00	\$1,850.00	\$1,600.00
2. Friday	\$3,000.00	\$1,850.00	\$2,000.00
3. Saturday	\$4,000.00	Not Available	\$3,000.00
4. Sunday	\$2,100.00	\$1,850.00	\$1,800.00
Kitchen Use			
1. Full	\$200.00		\$150.00
2. Fridge and Ice Maker Only	\$100.00		\$50.00
Day Before Decorating (If Available)			
1. 8:00am to 4:30pm	½ of total rent		½ of total rent
2. 5:00pm to 10:00pm	\$500.00		\$50.00 per hour
Meeting Room Rentals (Small Meetings & Events)	Private/For Profit		Non-Profit
Booking Fee & Refundable Security Deposit (Cleaning-Damage)			
1. Booking Fee- Due to Hold Date	\$50.00		\$50.00
2. Security Deposit Non-Alcohol Event	\$500.00		\$500.00
3. Security Deposit With Alcohol Event	\$1,000.00		\$1,000.00
Meeting Rooms (Includes Janitorial Services)			
1. Meeting Rooms 1 OR 2	\$225.00		\$200.00
2. Meeting Rooms 1 AND 2 (Combined)	\$425.00		\$400.00
3. Meeting Room 3	\$225.00		\$200.00
Staffing and Insurance			
1 staff member per 100 people- 5 hour minimum charge. Security requirements vary for different events	\$40.00 per hour per staff member		
Please Note: Event Liability Insurance of \$1 million is required. (Cost varies from \$50.00 - \$200.00). *Clients responsibility to obtain and show event center proof of insurance. *			
Additional Amenities			
1. Coffee (per pot, 25 cups)	\$25.00		
2. Table Toppers	\$3.00 each		
3. Napkins	\$0.50 each		

EASTERN OREGON TRADE & EVENT CENTER (EOTEC)

4. Table Linens	\$7.00 each
5. Kegerator	\$100.00
6. A/V Equipment- Projector, Screen, Microphone, etc	\$30.00

Please Note: Fees in "Additional Amenities" are subject to change per vendor notice.

Other Venues

1. Rodeo Arena	Contact EOTEC for Pricing
2. Barns	Contact EOTEC for Pricing
3. Outdoor Grounds	Contact EOTEC for Pricing

EOTEC

1705 E. Airport Rd, Hermiston, OR 97838

541-289-9800

<https://eotechermiston.com/>

FESTIVAL STREET

Festival Street

Festival Street- Per day Rental 8:00am to 10:00pm

1. Festival Street use	\$400.00
2. Refundable Booking/Security Deposit- Due to hold event date	\$500.00

Please Note: Other fees may apply at a cost recovery basis. You will be held financially responsible for any damages, repairs or cleaning of the reserved areas resulting from your use.

Miscellaneous Rentals

1. Event Tent 78' x 40'	\$250.00 per event
2. Other Rentals & Amenities	As Established

Reservations may be made through: Hermiston Community Center

415 S. Hwy 395, Hermiston, OR 97838

541-667-5018

FRANCHISES

Franchises

Miscellaneous	
1. Application and Review Fee	\$350.00 Unless otherwise provided in franchise agreement
Registration Fee	
1. Telecommunications- One Time Only	\$50.00
Solid Waste	
1. Franchise Fee	3%
2. Billing and Collection Services	12%
Small Cell Wireless	
1. Annual Franchise Fee	\$270.00 for each Small Wireless Facility installed or maintained. Will increase 3% every January 1, beginning January 1, 2022.
2. Interest and Late Fees	Annual rate equal to the greater of 1% per month or the maximum rate allowed by law.
3. Additional Fees	As established
All Grantees must pay a franchise fee to the City through the duration of its franchise, as follows:	
<p>A. For all grantees, except as provided in paragraphs B and C, a fee of 5% of gross revenues paid quarterly, unless otherwise provided in the franchise agreement. Gross revenue is defined in Section 170.04.050 of the Hermiston Municipal Code.</p> <p>B. The franchise fee for a telecommunication utility shall equal 5% of its gross revenue on exchange access services earned within the boundaries of the City.</p> <p>C. For limited use telecommunications grantees, a minimum annual fee, payable in advance, of \$1,000.00 or \$1.00 per linear foot of right-of-way used, whichever sum is greater. This fee will increase annually in July of each year, by multiplying the fee by a fraction, the numerator of which is the CPI Index Figure for the month of March preceding the July in which the fee is to be increased and the denominator of which is the Base CPI Index Figure. As used in this section, "Index" refers to the All Urban Consumers (CPI-U), U.S. City Average, CPI Index published by the Bureau of Labor Statistics of the United States Department of Labor. "Base CPI Index Figure" will refer to the Index number indicated for the month of March, 1998, and the "CPI Index Figure" for any other month will refer to the Index number for that month.</p>	
Please Note: Beginning July 1, 2001, the fee will be \$1.00 per linear foot. This fee will increase annually by the CPI Index as set forth above. The base CPI will be January of 2001. A limited use telecommunication grantee is defined as one whose franchise limits the amount of linear feet the grantee may occupy, or one who has a franchise as of October, 1998, for the purpose of long-distance telecommunications.	
Right-of-Way Permit	
1. Diminished Pavement Life Fee- For any construction requiring pavement cuts or excavation within a public right-of-way.	The franchise applicant shall acquire a City of Hermiston permit {§94.37(A)} to utilize City right-of- way and meet all fee and construction standards as specified.
2. Construction Permit Fee	the applicant must pay a permit fee equal to \$500.00 or ¼ of one percent (.25%) of the estimated cost of constructing the telecommunications facilities, whichever is greater; unless otherwise provided in a franchise agreement, prior to issuance of a construction permit for construction within the public right-of-way.

GARBAGE & RECYCLING SERVICES

Garbage & Recycling Services

Miscellaneous Services & Fees

FREE Yard Trimming Permits

Free residential yard trimming disposal permits are available, upon request, for residential customers in good standing and can be obtained at: City Hall, 180 NE 2nd Street, Hermiston.
Permit is valid for two months from issuance date.

FREE Recycling Centers located in Hermiston

1. 1692 NW Geer Road, near Theater Sports Park
2. 81144 N. HWY 395, at Sanitary Disposal

Account Set-Up (non-refundable)

- | | |
|-------------------|---------|
| 1. Garbage (only) | \$10.00 |
|-------------------|---------|

1. Mechanically Emptied Carts & Containers

A. 35-Gallon Cart, Served Weekly

- | | |
|---|---|
| 1. Residential and Commercial Curb | \$17.46 per month |
| 2. Walk-in Charge | \$9.19 per month |
| 3. Reduced Residential Rate:
For relief of those residents who are experiencing a financial hardship and meet income qualifications, a Reduced Utility Rate Application may be obtained at City Hall for a reduced monthly charge calculated at 50 percent of the base rate of their water and sewer bill, as well as a monthly discount in garbage service. | \$14.38 per month
Only one allowed at this rate. |

B. 90-Gallon Cart, Served Weekly

- | | |
|---------------------|------------------|
| 1. Residential Curb | \$29.05per month |
| 2. Commercial Curb | \$35.71per month |
| 3. Walk-in Charge | \$9.19 per month |

C. Commercial Yard & Cardboard Containers

- | | |
|---|---|
| 1. (1) 1.5- Yard Container (Service available Mon-Sat): | |
| a. Served once a week | a. \$120.82 per month |
| b. Served twice a week | b. \$228.73 per month |
| c. Served three times a week | c. \$336.64 per month |
| d. Served four times a week | d. \$444.55 per month |
| e. Served five times a week | e. \$552.38 per month |
| f. Served six times a week | f. \$660.37 per month |
| 2. (1) 2- Yard Container (Service available Mon-Sat): | |
| a. Served once a week | a. \$157.08 per month |
| b. Served twice a week | b. \$298.64 per month |
| c. Served three times a week | c. \$440.19 per month |
| d. Served four times a week | d. \$581.75 per month |
| e. Served five times a week | e. \$723.29 per month |
| f. Served six times a week | f. \$864.85 per month |
| 3. Cardboard Recycling Container: | |
| a. Serviced once a week | a. \$53.91 per month |
| i. Service up to 5 days a week Mon-Fri is available | i. Add \$53.91 per month per each additional day of service |
| b. Compactor Haul | b. \$285.81 per month |
| c. Demurrage per day after 7 days | c. \$6.89 per month |

GARBAGE & RECYCLING SERVICES

D. Regulations

1. 1.5- Yard container and larger containers must be placed on a hard level surface in a location that will prevent container run-away.
2. Containers placement must be easily accessible to truck and collector.
3. Cart placement must be at curb or roadside.

2. Dropbox

A. Service within 7-day period

1. Prepayment: Required to reserve a dropbox and applied to first bill.	\$200.00
2. Delivery Fee	\$63.39 for the first box
3. Weighing up to 5 tons	\$89.54 haul fee plus \$8.97 per cubic yard or \$100.84 per ton, whichever is greater
4. Weighing 5 tons or greater	\$323.28 haul fee plus \$54.00 per ton
5. Demurrage charge per box after 7 th day	\$6.89 per day

B. Regulations

1. Dropboxes are priced and can be loaded-level full with a maximum weight of 10 tons.

3. Compacted Dropbox

A. Compactor on call

1. Weighing up to 5 tons	\$117.66 per hour haul fee plus \$8.97 per cubic yard or \$100.84 per ton, whichever is greater
2. Weighing 5 tons and greater	\$351.41 haul fee plus \$54.00 per ton

B. Regulations

1. Maximum weight of 10 tons when full.

4. Fines & Penalties (not already listed above)

Disconnection/Reconnection (due to non-payment)	\$20.00
Return Service (Did not set-out cart. Same day only)	\$20.62

Please Note: Service shall be restored only upon full payment of account, including: any other costs or fines imposed by the City or Sanitary Disposal.

All solid waste services, as specified in this section, are subcontracted to:
Sanitary Disposal

81144 N. Hwy 395, Hermiston, OR 97838
541-567-8842

HARKENRIDER SENIOR CENTER

Harkenrider Senior Center

Discounted Rates for Non-Profit Organization may be provided.

Great Room Rental (Large Meetings & Events)

Includes: Janitorial, Staff Support, and Tear Down.

1.	0-99 Guests	
a.	Half Day (1-5 Hours)	a. \$300.00
b.	Full Day (6+ Hours)	b. \$500.00
2.	100-200 Guests	
a.	Half Day (1-5 Hours)	a. \$425.00
b.	Full Day (6+ Hours)	b. \$700.00
3.	Day Before Decorating- During business hours M-F 8:00am-5:00pm	\$250.00
4.	Set-Up- By Center Staff	\$450.00
5.	Refundable Cleaning/Damage Deposit- Due to Hold Date	\$100.00

Security Guards and Insurance

Security: Security Guards may be required for event rental. The number of guard(s) are dependent on the numbers of guests and length of your event.

Insurance: Event Liability Insurance of \$1 million is required. (Cost varies from \$50.00 - \$200.00). *Clients responsibility to obtain and show event center proof of insurance. *

Small Meetings & Events	Staff Set Up	Half Day (1-5 Hours)	Full Day (6+ Hours)
Includes: Janitorial, Set-Up/Tear down & Staff Support			
1. Breakout Room (25 guests max)	NA	\$125.00	\$200.00
2. Refundable Cleaning/Damage Deposit- Due to Hold Date		\$50.00	

Additional Amenities

1. Coffee & Ice Water (30 guests)	\$25.00
2. Table Toppers	\$6.00 each
3. Napkins	\$0.50 each
4. Table Linens	\$6.00 each

Please Note: Fees in "Additional Amenities" are subject to change per vendor notice.

Contact the **Parks and Recreation Department** at 415 S. Hwy 395, Hermiston, OR 97838 or at 541-667-5018 to reserve the Senior Center for your event during the following hours:
Monday-Friday 3pm to 10pm
Saturday & Sunday

Contact the **Senior Center Board** at 255 NE 2nd St., Hermiston, OR 97838 or at 541-567-3582 to reserve the Senior Center for your event during the following hours:
Monday-Friday 8am to 3pm

HERMISTON ENERGY SERVICES (HES)

Hermiston Energy Services (HES)

Customer Service Policies, Rates, and Associated Fee Manual

Last adopted/amended:

[November 9, 2020 by Resolution No. 2167](#)**All electric services, as specified in this resolution, are contracted to:****Umatilla Electric Cooperative (UEC)**

750 W. Elm Ave, Hermiston, OR 97838

541-567-6414

<https://www.umatillaelectric.com/>

LIBRARY

Library

Library Card

1. Hermiston Resident: Live in 97838 zip code	Free
2. Temporary: If you live in the 97838 area and can provide acceptable identification	\$8.75 for three months
3. Non-Resident: If you do not live in the 97838 area, or do not have acceptable identification	\$35.00 per year
4. Replacement Card: lost or stolen	\$2.00

Inter-Library Loans (ILL) & Sage Library System (SLS): Patrons may place Inter-library Loan requests for items not found in the Hermiston Public Library. Patrons will be notified of the item(s) arrival and will have seven days to retrieve the item(s).

1. Requesting items from SLS- Retrieved item(s)	Free
2. Searching Fee for Requesting items from ILL- Payable at time of request & is non-refundable, regardless of loan success.	\$3.00 Other fees may apply from lending library
3. Requesting items from ILL and/or SLS- Failed to retrieve item(s)	\$5.00, after first notice

Research Services

1. All research requests- For example: "Who was X building named after?"	As established in "Administration & General Fees" under "Processing Fees"
2. Obituaries from Hermiston Herald <ul style="list-style-type: none"> a. Self Service b. Staff Completion 	<ul style="list-style-type: none"> a. Free b. As established in "Administration & General Fees" under "Processing Fees"

Fines & Collections

1. Overdue Late fees: for Books, Audiobooks, Magazine, Videos/DVDs, High Demand Items:	\$0.20 per item per day \$5.00 Maximum fine per item
2. Overdue Late fees: for special or temporary collections	Cost Varies
3. Collections: Library accounts of \$50.00 or more in arrears, and are more than 60 days past due, will be turned over to collections.	As established in "Administration & General Fees" under "Fines & Penalties"

Damaged Materials

1. Repair fee: Items requiring less than one-hour of repair	Charged at \$5.00 per 15-minute increments \$5.00 minimum charge
2. Replacement fee: Items requiring more than one-hour of repair	Actual Cost
3. Labels, Bar Codes & Book Pockets: Missing or damaged	\$1.00
4. Video/Audio Covers	\$5.00
5. CD/Media Parts	Actual Cost of missing or damaged part(s). When parts cannot be purchased individually, a replacement cost for the entire set will be charged.

Room Rental for Small Meetings & Events

Includes: Tables, Chairs, & Staff Support

Program Room (73 guests max)	\$100.00
Refundable Cleaning/Damage Deposit- Due to Hold Date	

Miscellaneous Services

1. Printing & Copying – Self Service	\$0.10 per page for black and white	\$0.50 per page for color
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LIBRARY

2. USB Stick, Headphones, etc

Actual Cost

3. Other Misc. Items and Services

As Established

Hermiston Public Library235 E Gladys Ave, Hermiston, OR 97838
541-567-2882

PARKS AND RECREATION

Parks and Recreation

Recreation Department		
Recreation Programs & Classes		
Volleyball, Football, Art, Archery, etc	As established per program	
Parks Department		
Park Rental		
EXCLUSIVE USE of entire park or portions of park.	Fees are established for a variety of services on a cost recovery basis which may include tables, garbage cans, staffing, lighting, and other costs to the City. This fee may be waived by the City Manager or designee if the reservation is in conjunction with a community-wide event	
Shelter Rental		
❖ Reservations from April 1 st – September 31 st .		
❖ Reservations are closed from October 1 st - March 31 st but can be used for free at a first-come first-serve basis. Tables from the Parks Department are not available to use/rent during these months.		
1. Weekday (M-TH) 4 Hour Rentals at ALL PARKS from: a. 10:00am-2:00pm or b. 3:00pm-7:00pm Includes the use of 4 tables	Resident \$50.00	Non-Resident \$75.00
2. Weekend (FRI-SUN) Rentals: a. 4 Hour Rental @ McKenzie, Hodge, Victory 1. 10:00am-2:00pm or 2. 3:00pm-7:00pm b. 3 Hour rental @ Butte Park Kiwanis Shelter & Rotary Shelter 1. 9:00am-12:00pm, 2. 1:00pm-4:00pm or 3. 5:00pm-8:00pm Includes the use of 4 tables	Resident \$65.00	Non-Resident \$90.00
Please Note: Other fees may apply at a cost recovery basis, include, but not limited to paying a Security Deposit. You will be held financially responsible for any damages, repairs or cleaning of the reserved areas resulting from your use.		
Miscellaneous Rentals		
1. Event Tent 78’ x 40’	\$250.00 per day	
2. Other Rentals & Amenities	As Established	
Parks and Recreation Department is located in the Community Center 415 S. Hwy 395, Hermiston, OR 97838 541-667-5018		

PLANNING & ZONING

Planning & Zoning

Accessory Dwelling	
1. Permit- shall be charged upon application for a building permit for an accessory dwelling.	\$200.00
Compliance Reviews	
1. Civil Drawings	
a. 1-2 Reviews	a. \$500.00
b. 3+ Reviews	b. \$1,000.00 per review
2. Zoning Standards Permit Compliance Review	\$75.00
3. Development Agreement Legal Costs (to prep & review agreements)	\$200.00
4. Site Plan Review- New/Initial/Expansion	\$550.00
5. Final Plat Review	\$275.00
Land Use Actions	
1. Addressing Assignment, adding or changing	\$25.00
2. Annexation	\$900.00
3. Appeal of Planning Commission Decisions	\$700.00
4. Appeal of Planning Department Decision	\$250.00
5. Comprehensive Plan/Plan Map Amendment	\$1,500.00
6. Conditional Use	\$800.00
7. Land Partition, Minor	\$775.00
8. Planned Unit Development	\$1,500.00 + \$10.00 per lot
9. Property Line Adjustment	\$300.00
10. Public Right-of-Way Vacation	\$900.00
11. Subdivision/Land Partition, Major	\$1,250.00 + \$10.00 per lot
12. Subdivision- Replat	\$500.00 + \$10.00 per lot
13. Variance- Major	\$800.00
14. Variance- Minor	\$475.00
15. Zone Text Amendment	\$1,500.00
Miscellaneous Services	
1. Administrative Action- Includes requests such as: DMV certification, zoning confirmation, land use compatibility statement, or similar documentation	\$35.00 Research Fee's are as established in "Administration & General Fees" under "Processing Fees"
Planning Department	
180 NE 2 nd Street, Suite 211, Hermiston, OR 97838	
541-667-5010	

POLICE DEPARTMENT

Police Department

Law Enforcement -Effective 04/01/2024

Law Enforcement Staffing Fee- Added to each utility bill (water, sewer, garbage).

\$5.00 per month

Violations (cannot exceed amount established by state law)

- | | |
|--|---|
| 1. False certification | Not more than \$1,000.00 |
| 2. Class A, B, C, & D Individual Violations | Maximums permitted by State Law |
| 3. Class, A, B, C & D Corporation Violations | Double the maximum of Individual Violations |
| 4. Towing and Impoundment | As established by Towing Company |

Miscellaneous Services

- | | |
|---|---------|
| 1. Fingerprinting
(Livescan Prints only – No ink prints provided) | \$20.00 |
| 2. Bicycle Registration
(Residents living within city limits only) | Free |

Prints & Public Records**Please Note:** Requestors must pre-pay the estimated cost of request. If the actual charges are less than the pre-payment, then the over- payment shall be refunded.**Documents & Photocopies** (Does not include other fees)

- | | |
|--|--|
| 1. Black & White (up to 11x17) | Single: \$0.25 per page
Double-Sided: \$0.50 per page |
| 2. Color (up to 11x17) | Single: \$1.00 per page
Double-Sided: \$2.00 per page |
| 3. Black & White and Color (larger than 11x17) | Actual Cost |

Media (Does not include other fees)

- | | |
|--|----------------------------------|
| 1. DVD, CD or USB | Actual Cost |
| 2. Audio & Video Recording, in addition to any other fees. | \$35.00 per hour- Minimum Charge |

Police Investigation Reports

- | | |
|--|--|
| 1. Digital Copy- Includes:
The initial report and supplemental reports completed at the time of request, along with color full-page photographs. | \$20.00 |
| 2. Printed Copy- Includes:
The initial report, supplemental reports completed at the time of request, along with color photographs in gallery/thumbnail view. | \$20.00, plus
\$1.00 per full-page color photos |

Discovery

- | | |
|---|--|
| 1. Criminal Offense: Court Appointed Attorney | Free |
| 2. Criminal Offense: Retained Attorney | \$20.00 |
| 3. Violation Offense: Digital Standard Packet | \$20.00 |
| 4. Violation Offense: Printed Standard Packet | \$20.00 with potential additional "Media" fees |

Miscellaneous

- | | |
|---|---------|
| 1. Police CAD (Computer Aided Dispatch) Incident report | \$20.00 |
| 2. Citation copy | \$5.00 |
| 3. Mugshot copy | \$5.00 |

POLICE DEPARTMENT

4. Address/Name Record Check	\$20.00
5. Mailing Services	Actual Cost
Records Request Processing Fees (Does not include other fees)	
1. Lengthy Requests (request over 15 mins to complete) <ul style="list-style-type: none"> Fee's charged at 15 min increments. Requests less than 15 mins to process may be waived, excluding serial requests. 	\$35.00 per hour
2. Attorney Fees	Actual Cost
Hermiston Police Department, Bob Shannon Safety Center 330 S. 1 st Street, Hermiston, OR 97838 541-567-5519 (Business) 541-966-3651 (Dispatch) 541-667-5148 (Anonymous Tip Line)	

PUBLIC TRANSIT- TAXICAB & BUS SERVICES

Public Transit-Taxicab & Bus Services

Taxicab Services**Cab Fares**

- | | |
|-------------------------------------|-----------------------------------|
| 1. Senior and Disabled Taxi Tickets | \$3.00 per ticket |
| 2. General Public Taxicab Fares | As established by taxicab company |

WORC Program

- | | |
|--|----------------------------|
| 1. Hermiston City (live and work in City limits) | \$30.00 (10 one-way trips) |
| 2. Hermiston Zip (live or work outside of City limits) | \$32.50 (10 one-way trips) |
| 3. Hermiston Plus (live and work outside of City limits but in Hermiston zip code) | \$57.50 (10 one-way trips) |
| 4. West-End (live and work in Stanfield or Umatilla) | \$90.00 (10 one-way trips) |

Please Note: Senior & Disabled and WORC Program Participants must sign up and purchase tickets at Hermiston City Hall prior to receiving a ride.

Taxicab Company**Operating Certificate** (Charged at the time of application)

- | | |
|--------------------------------|----------|
| 1. Application and Renewal Fee | \$50.00 |
| 2. Late Renewal Fee | \$100.00 |

Taxicab Drivers (Charged at the time of application)

- | | |
|----------------------------|---------|
| 1. Application/Renewal Fee | \$25.00 |
| 2. Late Renewal Fee | \$50.00 |

Bus Services

- | | |
|--|------|
| 1. HART (Hermiston Area Regional Transit)
A fixed route within the city limits of Hermiston with several connections to the Hopper Bus | Free |
| 2. Hopper
A fixed route with connections to: Pendleton, Umatilla, Irrigon, Stanfield, and Echo. | Free |

Taxicab Services are contracted to: Umatilla Cab Co.

2430 N. 1st Street, Hermiston, OR 97838
541-567-6055

Bus Services are contracted to:**The Confederated Tribes of the Umatilla Indian Reservation, Kayak Public Transit**

46411 Timíne Way, Pendleton, OR 97801
541-276-3165

<https://ctuir.org/>

SEWER DEPARTMENT

Sewer Department

Account Set-Up (non-refundable)

See "Water Department"

Sewer Usage Calculations	Monthly Base Rate	Calculated Monthly Usage Rate (per 1,000 Gallons)
Rates Adjusted: March 1, 2024		
1. Residential	\$40.67	\$3.49
2. Commercial	\$40.67	\$3.49

Please Note the Following:

❖ Sewer Annual Adjustment:

The Monthly Base Rate, and the Calculated Monthly Usage Rate, shall be adjusted each March 1, by an amount equal to the annual percentage change in the Engineering News-Record Construction Cost (20-City Average) Index averaged for the three preceding calendar years.

❖ Monthly Usage Calculation:

Calculated Monthly Usage shall be established each March based on the customer's average monthly winter water usage for the most recent December, January, and February time frame as established above in "Sewer Annual Adjustment".

❖ New Customers:

New customers who begin service between:

- February 1 and November 30- shall be billed at an assumed Monthly Usage of 5,000 gallons per month.
- December 1 and January 30- shall be billed at an assumed Monthly Usage of 5,000 gallons per month until a new Calculated Monthly Usage is established using the average of all full months of service received in December through February.

❖ Reduced Utility Rate:

For relief of those residents who are experiencing a financial hardship and meet income qualifications, a Reduced Utility Rate Application may be obtained at City Hall for a reduced monthly charge calculated at 50 percent of the base rate of their water and sewer bill, as well as a monthly discount of garbage service (see "Garbage & Recycling Services").

Fines & Penalties

1. Late/Delinquent Payments	See "Water Department"
2. Disconnection/Reconnection (combined fee)	See "Water Department"

Please Note: Service shall be restored only upon full payment of account, including: any other costs incurred by the City and any fines imposed.

Commercial Independent Discharge Users

- ❖ Commercial independent discharge users must operate and maintain independent wastewater disposal facilities which are currently licensed by the State of Oregon for the disposal of wastewater. During all times when approved and licensed wastewater facilities are operable, the rate for discharge to the public treatment works will be based on the actual metered flow of discharge.
- ❖ The metered users of the class will provide access to City personnel to read the meter in each billing period. They will also provide an annual calibration and certification of the metering device from an individual certified for such verification.

Industrial Discharge Users: Industrial Users are defined as any existing, or prospective, user of the sewer system who exceeds the Recycled Water Treatment Plant's design parameters for treating BOD, TSS, or Ammonia, by more than 50%.

- ❖ **Usage Rates:** Industrial Users shall pay the same Monthly Base Rate, and Calculated Monthly Usage Rate as identified for Residential and Commercial Users. However, Industrial Users' usage shall be metered monthly, and billed based on their monthly discharge year-round.
- ❖ **Surcharge Rates:** In addition to consumption rates, Industrial Users shall be charged the following surcharge rates.
 1. BOD: \$1.46/lb.
 2. TSS: \$1.56/lb.

SEWER DEPARTMENT

3. Ammonia: \$1.59/lb.

- ❖ **Sampling:** The Utility shall install a discharge meter for Industrial Users capable of taking samples throughout the month. Samples shall be taken up to 10 times per month and tested for the discharges which exceed the RWTP design parameters. Sampled discharge amounts shall be averaged monthly. The sampled average shall be combined with the metered volumetric discharge to determine the customer's surcharge bill monthly.

Vactor Use (Municipality use only, with prior authorization from City Manager or designee)

Vactor use	\$350.00/hour with the addition of 2 operators at 1.5 hourly wage and full benefits package rate.
------------	---

Waste Disposal at Plant

1. Septic Tank & Portable Toilet Waste Disposal	\$0.25/gallon – Minimum of 100 gallons
2. Recreational Vehicles (RV)	Free

Sewer (Recycled Water) Department

2205 N. First Place, Hermiston, OR 97838

541-567-5272

STREET DEPARTMENT

Street Department

Sidewalk & Driveway Permits

All sidewalk & driveway improvement permits	\$50.00
---	---------

Street Excavation Permits

All right-of-Way Cut Permits:

- | | |
|---|---|
| 1. Less than 50 lineal feet, and less than 48" in width | 1. \$50.00 |
| 2. More than 50 lineal feet, and less than 48" in width | 2. \$50.00 plus \$1.00 per lineal foot |
| 3. More than 50 lineal feet, and more than 48" in width | 3. \$50.00 plus \$1.00 per lineal foot and replace at least 8' of paving width with an approved paving machine. |

Street Closures

Street Closures for Private or Community Events

Required for the closing of any street within the City for the purpose of holding a celebration, block party, street dance, local special event, or other purposes when a temporary street closure is necessary.

- | | |
|--|---|
| 1. <u>Application</u> | <u>\$25.00 Non-Refundable</u>
<u>To be applied towards the approved permit fee.</u> |
| 2. <u>Application, Expedited- If application is turned in less than 20-days prior to event</u> | <u>\$50.00 Non-Refundable</u>
<u>Will not be applied to the approved permit fee.</u> |
| 3. <u>Approved Permit with Barricades- Staff delivers and picks up</u> | <u>\$200.00 for first block</u>
<u>\$100.00 per additional block</u> |

Street Closures for Parades, Marches, and Processions

Required for any parade, march, or procession consisting of people, animals, vehicles or combinations thereof, upon any public street, sidewalk or alley, which affects their ordinary use.

Parade Application

- | | |
|---|---|
| 1. <u>Community Center to/from City Hall</u> | <u>\$50.00 Non-Refundable</u>
<u>To be applied towards the approved permit fee.</u> |
| 2. <u>Community Center to/from Community Center</u> | <u>\$50.00 Non-Refundable</u>
<u>To be applied towards the approved permit fee.</u> |
| 3. <u>Non-Designated Route</u> | <u>\$300.00 Non-Refundable</u>
<u>To be applied towards the approved permit fee.</u> |

Parade Routes (As established in Section 71.01 of the Municipal Code)

- | | |
|---|--------------------------|
| 1. <u>Community Center to/from City Hall</u> | <u>\$1,500.00</u> |
| 2. <u>Community Center to/from Community Center</u> | <u>\$2,000.00</u> |
| 3. <u>Non-Designated Route – Applicant delineated</u> | <u>75% Cost Recovery</u> |

Street Dept. fees are processed by the Building Department

180 NE 2nd Street, Suite 211, Hermiston, OR 97838

541-667-5025

SYSTEM DEVELOPMENT CHARGES & CONNECTION PERMITS

System Development Charges & Connection Permits

A. System Development Charges (SDC's)

Fees are due and payable upon issuance of permit for connection

Alternative Calculations, Credit's, and Exemptions for SDC's may apply or be requested as set forth in Resolution No. 2191.

Please Note: ORS 223.304(8) allows for periodic adjustments in SDC rates. Therefore, the City shall adjust rates on or about January 1st of each year to account for expected changes in the Acquisition and Development Cost Adjustment as set forth in Resolution No. 2191.

Table A-1: Water, Sewer, Parks, & Transportation SDC's
Please Note: Park SDC Fees are not applicable to Commercial Connections

Click the link below to view the last adopted/amended SDC Table.

[June 28, 2021 by Resolution No. 2191](#)

Connection Permits Fees

There is a \$25.00 account set-up fee added to each meter installation. This charge is payable at the time of permit purchase. Additional charges may be due subject to water line installation assessment.

Table B-1: Single Residential & Commercial Connection Permit Fees

Meter Size	Water	Single Residential Sewer	Commercial Sewer
3/4"	\$900.00	\$275.00	\$300.00
1"	\$1,000.00	\$275.00	\$300.00
1 1/2"	\$2,100.00	\$275.00	\$300.00
2"	\$3,100.00	\$275.00	\$300.00
3"	\$4,700.00	\$275.00	\$300.00
4"	\$5,800.00	\$275.00	\$300.00

Table B-2: Multi-Unit Sewer Connection Permit Fees

- ❖ Water Connection fee depends on meter size as indicated in "Table B-1" above.
- ❖ Connection permits for assisted living facilities are based on number of living units.

No. of Units	Connection Fee	No. of Units	Connection Fee	No. of Units	Connection Fee
1	\$275.00	18	\$695.00	35	\$900.00
2	\$325.00	19	\$710.00	36	\$910.00
3	\$375.00	20	\$725.00	37	\$920.00
4	\$425.00	21	\$740.00	38	\$930.00
5	\$455.00	22	\$755.00	39	\$940.00
6	\$485.00	23	\$770.00	40	\$950.00

SYSTEM DEVELOPMENT CHARGES & CONNECTION PERMITS

7	\$515.00	24	\$785.00	41	\$960.00
8	\$545.00	25	\$800.00	42	\$970.00
9	\$560.00	26	\$810.00	43	\$980.00
10	\$575.00	27	\$820.00	44	\$990.00
11	\$590.00	28	\$830.00	45	\$1,000.00
12	\$605.00	29	\$840.00	46	\$1,010.00
13	\$620.00	30	\$850.00	47	\$1,020.00
14	\$635.00	31	\$860.00	48	\$1,030.00
15	\$650.00	32	\$870.00	49	\$1,040.00
16	\$665.00	33	\$880.00	50	\$1,050.00
17	\$680.00	34	\$890.00	51+	**See Below

**Sewer Connection Permit Fee for more than 50 units is \$1,050.00 plus \$5.00 for each additional unit.

Building Department

180 NE 2nd Street, Suite 211, Hermiston, OR 97838

541-667-5025

TRANSIENT ROOM TAX

Transient Room Tax

Imposed Tax: Rent charged for the sale, service or furnishing of transient lodging defined in Ordinance No. 2236 passed 12/14/2015.

Imposed Tax Exemptions: Taxes shall not be charged to those listed under "Exemptions" in Ord 2236.

1. 1 to 6 consecutive days of occupancy by the same person	9% Effective 04/01/2024
2. 7 to 30 consecutive days of occupancy by the same person	2.5%
3. More than 30 consecutive days of occupancy by the same person, or rent paid for the entire month	None

Please Note: Taxes shall exclude the sale of any goods, services and commodities, other than the furnishing of rooms, accommodations, and parking space in recreational vehicle parks.

Tourism Promotion Assessment Charge

Hotels

1. 1 to 30 consecutive days of occupancy by the same person- through 12/31/2030	\$2.00 per night rented
2. More than 30 consecutive days of occupancy by the same person, or rent paid for the entire month- through 12/31/2030	None
3. 1 to 30 consecutive days of occupancy by the same person- effective 01/01/2031	\$1.00 per night rented
4. More than 30 consecutive days of occupancy by the same person, or rent paid for the entire month- effective 01/01/2031	None

Recreational Vehicle Park

A. 1 to 30 consecutive days of occupancy by the same person	\$1.00 per space night rented
B. More than 30 consecutive days of occupancy by the same person, or rent paid for the entire month	None

Collection of Transient Tax Funds- Shall be paid by the transient to the transient tax collector at the time that rent is paid.

Collected Each Quarter	Collection Process
Less than \$100.00	None.
\$100.00 or more	The taxes and charges shall be filed with the Finance Director or designee.

Delinquencies and Interest from Transient Tax Collector

A. Original Delinquency- Imposed on any transient tax collector who has not been granted an extension of time for remittance but pays prior to delinquency established	10% of tax & charges due, in addition to the amount of the tax and charges
B. Continued Delinquency- Imposed on any transient tax collector who has not been granted an extension of time for remittance and is more than 30-days past due	25% of tax & charges due, in addition to the amount of the tax and charges
C. Fraud- Nonpayment of any remittance due to fraud or intent to evade	25% of tax & charges due, in addition to subsections (A) or (B) of this section
D. Interest- In addition to the penalties imposed, any transient tax collector who fails to remit any tax or charge imposed when due	0.5% per month without prorations, exclusive of penalties, until paid

Petition for waiver: Any transient tax collector may petition the City Council for waiver and refund of the penalty or any portion thereof as established in Ord 2236.

WATER DEPARTMENT

Water Department

Account Set-Up (non-refundable)

Water and/or Sewer, with or without Garbage Services	\$25.00		
Water Usage Calculations (per 1,000 gallons)	Base Rate	0-15,000 Gallons	>15,000 Gallons
Rates Adjusted: March 1, 2024			
1. Residential	\$34.87	\$0.58	\$4.05
2. Commercial	\$34.87	\$0.58	\$4.05

Please Note the Following:

❖ Water Usage Annual Adjustment:

The Monthly Base Rate, and the Water Usage Rate, shall be adjusted each March 1, by an amount equal to the annual percentage change in the Engineering News-Record Construction Cost (20-City Average) Index averaged for the three preceding calendar years.

❖ Reduced Utility Rate:

For relief of those residents who are experiencing a financial hardship and meet income qualification, a Reduced Utility Rate Application may be obtained at City Hall for a reduced monthly charge calculated at 50 percent of the base rate of their water and sewer bill, as well as a monthly discount of garbage service (see Garbage & Recycling Services”).

Fines & Penalties

1. Late/Delinquent Payments: All unpaid bills & charges for water, sewer & garbage services, not paid within 20 days of issuance of statement.	Additional 5% imposed on the gross combined billing
2. Disconnection/Reconnection (combined fee): Due to non-payment and/or failure to comply with water shortage emergency regulations	\$20.00
3. Tampering Act: For any unauthorized alteration or attempted alteration to: <ul style="list-style-type: none"> • Reconnect services, once disconnected • Component(s) or locking mechanism • Other unauthorized access 	\$25.00 per occurrence, plus any additional charges for repairs or replacements due to damage(s)

Please Note: Service shall be restored only upon full payment of account, including: any other costs incurred by the City and any fines imposed.

Water Meter Inspection

Consumer requested inspection & testing of meter	\$15.00
--	---------

Miscellaneous Services

Fire Hydrant Meter	\$1,400.00 Deposit	Double Water Rate. Charged Monthly.
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View Water Usage – Eye On Water: As part of our ongoing efforts to improve services to our customers, we offer direct access to view your water usage data. The **EyeOnWater** website and FREE App (available for Android and IOS users) have a variety of available tools to review and analyze your water use. With these tools you are able to view your hourly usage, easy to understand graphs and the ability to establish alerts – including identifying potential water leaks.



To get started go to <https://eyeonwater.com> or scan the QR Code on the right-hand side of this page. You will need your account number (excluding the decimal points), zip code and a valid email address.

Water Department Services are located at City Hall

180 NE 2nd Street, Hermiston, OR 97838
541-567-5521



Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of August 26, 2024

Title/Subject

Resolution No. 2336 – Council Rules Adoption

Summary and Background

Over the last three to four months the City Council has been reviewing their existing rules of procedure. This review was conducted for several reasons including making sure current practices match the rules, updating for a number of law changes and adding current best practices.

Because of the number of changes made to the current document, I do not have a comprehensive list of changes.

Tie-In to Council Goals/Values

N/A

Fiscal Information

N/A

Alternatives and Recommendation

Alternatives

1. Approve Resolution No. 2336 and attached Council Rules of Procedure as proposed
2. Amend Proposed Council Rules of Procedure and approve Resolution No. 2336 as amended
3. Reject Resolution No. 2336

Recommended Action/Motion

Motion to approve Resolution No. 2336 and lay upon the record.

Submitted By:

Byron D. Smith

RESOLUTION NO. 2336**A RESOLUTION AMENDING THE RULES AND ORDER OF PROCEDURE FOR THE CITY COUNCIL**

WHEREAS, the City Council has adopted Rules and Order of Procedure for the City Council of the City of Hermiston; and

WHEREAS, the Rules and Order of Procedure for the City Council were last amended by Resolution No. 2095 on May 29, 2018; and

WHEREAS, the City Council has met over various council work sessions to amend the Rules and Order of Procedure for the City Council; and

WHEREAS, the amended Rules and Orders of Procedure for the City Council of the City of Hermiston Oregon is attached hereto.

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

1. That the attached amended Rules and Orders of Procedure for the City Council of the City of Hermiston Oregon, is approved and adopted.
2. That this resolution shall supersede Resolution No. 2095.
3. That this resolution is effective immediately upon its passage.

PASSED by the Common Council this 26th day of August 2024.

SIGNED by the Mayor this 26th day of August 2024.

Dr. David Drotzmann, MAYOR

ATTEST:

Lilly Alarcon-Strong, CMC, CITY RECORDER



Where Life is Sweet

Rules of Order and Procedure for the City of Hermiston City Council

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
Revised August 26, 2024

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DRAFT

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.

2. RULES OF ORDER

Rosenberg's Rules of Order will be used as the guideline for conduct of Council meetings, except for the following specific exceptions:

- A second to all motions is required for an item to have further discussion or action.
- Each agenda item should be discussed prior to any motion being made.

The City Attorney or City Manager, in the absence of the City Attorney, shall act as parliamentarian for the Council.

3. PUBLIC MEETINGS LAW

All council, committee, commission or board meetings will be held in accordance with the Oregon Public Meetings Law (pursuant to ORS 192). No final action by the 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.

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 carries, 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.

MEETINGS

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 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, with the exception of designated holidays and/or council cancellations of meetings.

The City Council meeting will generally be 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 adjourned at 10:00 p.m., 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.

7. QUORUM

Pursuant to City Charter, Section 13, Five members of the Council shall constitute a quorum to conduct business. In the event a quorum cannot be obtained, the meeting may be adjourned as provided for in Rule 14, 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, three 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 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.

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)).

Recognized Media Organizations

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.

10. SPECIAL MEETINGS

Special meetings may be called by the request of three or more council members, the mayor upon their own motion, or the city manager. The city recorder shall prepare and post notice of the special session stating time, place and subject, and notify each council member, the mayor and the city manager by phone call or otherwise, with the exception of notifications by text messaging. 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.

11. EMERGENCY MEETINGS

An emergency meeting of the Council may be called by the Mayor, three council members or City Manager on less than 24 hours' notice provided that an actual emergency exists. An emergency consists of unforeseen disruptions or threats to the public and/or public facilities and services where prompt attention and action is/may be necessary. 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 immediately, by phone call or otherwise, with the exception of notifications by text messaging, before the time of the meeting. The minutes of the meeting must describe the emergency justifying less than 24 hours' notice pursuant to ORS 192.640(3).

12. TELEPHONIC/ELECTRONIC MEETINGS AND 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.

13. 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 council members 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 Council; 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.

14. 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, Council members 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 Council members who are not involved in the discussion.

At times, council members might be in attendance at various community events where a quorum is present. Council members should not discuss City business in these circumstances.

Council members should avoid *"replying all"* to informational e-mails sent to the entire Council or a quorum of Council members 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, Council members should avoid back and forth conversations between a quorum of members via e-mail or text message.

Council members 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, Council members 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.

15. 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;
- Prior to an upcoming council meeting, 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.

16. 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 Council members, media representatives, and other interested parties.

17. ATTENDANCE

It is the duty of each Council member to attend all meetings of the Council. (Hermiston City Charter, Section 33(b)(2)) When a Council member 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.

18. EXCUSAL DURING MEETING

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

19. SEATING ARRANGEMENT

Council 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.

MEETING AGENDA

21. COUNCIL MEETING AGENDA

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 three (3) calendar 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. Agendas will generally be set to allow meetings to end no later than 10:00p.m.

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.

A member of Council who wishes to have an item placed on an agenda must bring the matter before the Council at a regular scheduled meeting during the *Council Report* agenda item. The Council member must state the reason(s) they wish to add the item to a future agenda; however, Council discussion of these possible agenda items should be kept to a minimum. Adding a matter to an agenda requires a majority vote of the Council members present at the meeting. 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.

22. 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:

- CALL MEETING TO ORDER
 - The Presiding officer shall call the meeting to order
- DECLARATION OF QUORUM
 - The Presiding Officer shall note each Council members 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 may 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 24.

- **CONSENT AGENDA**
 - Items on the Consent Agenda are considered routine and will be adopted with a single motion, without separate consideration. Items of routine nature, not requiring Council direction, may be included on the Consent Agenda at the discretion of the City Manager; however, Council members may ask questions or have discussions on any Consent Agenda Items prior to any motion. 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. Any Council member may request to remove an item(s) from the Consent Agenda 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.
- **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 Mayor to present a brief summary of matters of interest to the Council and discussion and decision related to items the Mayor would like to be placed on an agenda.
- **COUNCILOR REPORT**
 - Time provided for Councilors to present a brief summary of matters of interest to the Council and discussion and decision related to items individual councilors would like to be placed on an agenda.
- **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.

PUBLIC COMMENTS & HEARINGS

24. PUBLIC COMMENT

- A. In-Person Comment- When public comment is allowed, the public must comply with following procedures:
 - 1. When time comes for public comments, the presiding officer will ask that any persons wishing to speak identify themselves by making their way to the provided speaking platform and shall be called upon by the Presiding Officer.
 - 2. Speakers will identify themselves by their names and their place of residence.
 - 3. Comments may be limited to five (5) minutes, unless additional time is granted by the Presiding Officer.
 - 4. 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.
 - 5. 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. Council members shall use restraint when exercising this option and shall attempt to limit their questioning to no more than two (2) minutes per speaker.
 - 6. The public comment period shall not exceed thirty (30) minutes unless a majority of councilmembers present vote to extend the time.
- B. Electronic Comment - Whenever public comment is allowed in person, to the extent reasonably possible, public comment must be taken electronically as well. Electronic public comment must follow the following procedures:
 - 1. Electronic meeting information will be provided for anyone wishing to comment.
 - 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 for public comment, and each hand raised will be given the opportunity to comment. Procedures stated in Rule 24 A, Sections 2-6 will then be followed.
- C. Written Comment- Whenever public comment is allowed in person or electronically, public comment must be taken in writing as well. Written public comment must follow the following procedures:
 - 1. Written electronic comments may be made via meeting specific email address or using the software chat feature. Electronic communication must be received within the time frame given for the item under discussion. Sender must provide their names and their place of residence. City Recorder or other staff member will forward electronic communication to each council member and appropriate city staff, and also verbally notify the City Council that a written comment was submitted. City Recorder or other staff member will also respond/confirm to sender that their electronic comment was

received and will be made part of the record. If the electronic comment is not able to be made part of the record, the City Recorder or other staff member will respond to the sender and state the reason(s) why.

2. Written mailed comments may be made but must be received prior to said meeting and include the sender's names and their place of residence to be made part of the record. City Recorder or other staff member will provide each council member and appropriate city staff with a copy of the written mailed comments.
 3. Written hand-delivered comments may be made but must include the sender's names and their place of residence to be made part of the record, and be received in the following manner:
 - a. Must be delivered to the City Recorder or designee, during business hours, prior to said meeting
 - b. Be delivered at said meeting, when the presiding officer asks for public comment.
- D. 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. Procedures stated in Rule 24 A, B, & C will then be followed.
1. 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 appropriate.
- E. Anonymous Communication
Anonymous communications shall not be introduced in council meetings or made part of the record.

25. 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.

Ex parte contact/communication is an oral or written communication to a decision maker, or the presiding officer not made in the presence of all parties, concerning a fact in issue in the proceeding.

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 follow this order of events:

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.

Council members 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 council members 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. Council members 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.

Council members may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by council members 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 council member 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).

26. LAND USE HEARINGS

A. General Conduct of Hearings.

1. Any party may speak in person, through an attorney, or another representative present the party's case.
2. 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.
3. No person may speak more than once without obtaining permission from the presiding officer.
4. 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.
5. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.
6. 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.

B. Quasi-Judicial Land Use Matters.

1. 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
2. Conflicts of Interest.
A member of the council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:
 - a. 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.
3. 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.

- a. 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.
 - b. 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.
4. Hearing Procedures. The order of hearings in quasi-judicial land use matters shall be:
- A. Land Use Hearing Disclosure Statement. The city manager or staff designee shall read the land use hearing disclosure statement, which shall include:
 1. A list of the applicable criteria;
 2. 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;
 3. 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
 4. 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.
 5. 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.
 6. 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.
 7. Staff summary. Planning staff shall present a summary and recommendation concerning the proposal.
 8. Presentation of the Case.
 - a. Proponent's case. Twenty (20) minutes total.
 - b. Persons in favor. Five (5) minutes per person.
 - c. Persons opposed. Five (5) minutes per person.
 - d. Other interested persons. Five (5) minutes per person.
 - e. Rebuttal. Ten (10) minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.
 9. 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.

10. Deliberations. Deliberations shall immediately follow the hearing. The council may delay deliberations to a subsequent time certain.
11. 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.
12. Continuances. Only one (1) 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.

C. Legislative Land Use Matters.

1. Hearings Procedures. The order of procedures for hearings on legislative land use matters shall be:
 - a. 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.
 - b. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
 - c. Presentation of the Case.
 1. Proponent's case. Twenty (20) minutes total.
 2. Persons in favor. Five (5) minutes per person.
 3. Persons opposed. Five (5) minutes per person.
 4. Other interested persons. Five (5) minutes per person.
 - d. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
 - e. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
 - f. 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.

27. 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 of the Council at two (2) meetings.
2. The council may adopt an ordinance at a single meeting by the unanimous approval

of all councilors present, provided at least five (5) members of the council are present and the proposed ordinance is available in writing to the public at least three (3) 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.

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MINUTES

28. GENERALLY

All minutes shall be in 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 public within a reasonable time after the meeting, and shall include at least the following information:

1. All members of the governing body present;
2. 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 member by name;
4. The substance of any discussion on any matter;
5. and a reference to any document discussed or copies of any documents presented at the meeting.

29. 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.

PRESIDING OFFICER

30. GENERALLY

The mayor, or in 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 their authority as to the rules of order and conduct.

31. 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 documents 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 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.

32. COUNCIL PRESIDENT

Pursuant to City Charter, Section 10, at the first meeting in each odd numbered year, the Council shall elect a Council President from its membership. The Council President presides in the absence of the Mayor and acts as Mayor when the Mayor is unable to perform duties on account of absence, illness, or other cause. The council 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 council president 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.

33. TEMPORARY CHAIR

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 chair of the meeting, to act either until the mayor or the president of the council appears.

ELECTED AND APPOINTED OFFICIALS

34. 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.

35. 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.

36. 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, their 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.

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 17.

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.

37. 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 Council members. 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. Council members 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. 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.

38. PROCEDURE FOR FILLING COUNCIL VACANCIES

See Chapter VII-Section 34 Hermiston City Charter

39. 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. When the city manager is excused from attendance at a council meeting, another staff member shall be designated to act in their place. Most commonly that would be the Assistant City Manager.

40. 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 needed for the orderly conduct of meetings.

41. CITY ATTORNEY

The city attorney shall, either in person or by deputy, attend all meetings of the council, unless excused by the city manager. 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.

DECORUM AND ORDER

42. 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, 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 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. 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. Councilors shall confine their questions to the particular matters before the council and in debate shall confine their remarks to the issue before the council.

Administrative Staff and Employees

City staff and employees shall observe the same rules of procedure and decorum applicable to 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 their direction and control. The city manager shall take such disciplinary action as may be necessary to ensure that such decorum is always preserved 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

Public members attending council meetings shall also observe the same rules of propriety, decorum, and good conduct applicable to council members. 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 presiding officer. No person other than council members and the person having the floor shall enter into any discussion either directly or through a councilor without permission of the presiding officer.

Removal and Adjournment

The Presiding Officer may eject from the meeting any person in attendance, including any Council member, 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. If order is unable to be maintained, the presiding officer may adjourn the meeting, by their own authority, by a vote of the Council, or recommendation by the City Manager, City Attorney, or designee.

43. 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 dais and not return during any discussion, debate or vote on any such matter, and will not speak during public comment. 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 their seat at the council dais. 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.

44. 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, or special meeting and confer with the council on all matters relating to the city.

45. LIMITATION OF DEBATE

No council member shall be allowed to speak more than once upon any one subject until every other council member choosing to speak has spoken. Council members shall limit their remarks on a subject to five (5) minutes unless granted additional time by the Presiding officer or the majority of the Council.

46. 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 Council member act in any manner constituting a substantial violation of these rules or other general laws, the Council, acting as a whole, may discipline that Council member to the extent provided by law, including public reprimand.

The Council has the right to investigate the actions of any member of the Council by appointing a subcommittee of less than a quorum of the council, and with the option of contracting with a

neutral third-party investigator to perform the investigation. Referral to the full Council shall be made upon any findings that reasonable grounds 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 Council member 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 council 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 findings, by a moral certainty, that a substantial violation has occurred, and that such violation(s) affects the Council members ability to represent the interests of the City as a whole, the Council may, upon unanimous vote of Councilors other than the Council member subject to censure proceedings, impose proper sanction(s).

VOTING

47. 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.

48. VOTING

Every member present when a question is put forward 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.

49. 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 unanimous.

50. EXPLANATION OF VOTE DURING ROLL CALL

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

51. TIE VOTE

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

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.

COMMITTEES

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.

54. APPOINTMENT PROCESS

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

55. APPOINTMENTS/REMOVAL - MUNICIPAL BOARDS AND COMMISSIONS

All appointments to city boards and commissions shall be made in accordance with the ordinances and city charter. 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.

Appointees shall not be full-time employees of the city, shall not be elected officials of the city except for the council member appointed to the recreation projects fund advisory committee, 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. Selling shall be construed to mean sales, services or fees with the City aggregating \$20,000 (*revised 08/26/24*) or more in any one calendar year.

56. COMMITTEE LIAISONS

The Mayor shall assign a Council member(s) to act as liaison to boards, commissions, committees or other bodies that advise the Council. Council members 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 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.

57. TERMS AND VACANCIES

Terms for standing committees shall be 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. Members of city advisory boards, committees or commissions may request a leave of absence from their positions of up to nine months.

58. 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. 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 temporary ones caused by a leave of absence.

59. 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 chair of the committee. Vacancies occurring on any committee shall be filled in a like manner.

60. MEETINGS

Special committees shall meet on call of the chair, or any three 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.

61. MEETING NOTICE

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

62. 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.

63. 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.

64. 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.

65. 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 city manager or designee.

MISCELLANEOUS

66. 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 only use City letterhead for individual letters of thank you, congratulations, and condolences without the express permission of the Council.

67. 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.

Exhibit A -Servant-Leadership

1. 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.
2. I will focus on mission, vision, and values as the benchmark for my decisions and recognize that my responsibility is the pursuit of the greatest good for the entire community and not the satisfaction of any particular group's agenda.
3. 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.
4. 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.
5. 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.
6. I will place a greater emphasis on solutions than on problems, while refusing to offer solutions before I understand the problem.
7. 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.
8. 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.
9. 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.
10. 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.
11. 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.
12. I will never forget – it is not about me and it is not about now.
13. (As quoted from Strategic Government Resources (SGR) Website on December 28, 2021.)

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.

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-

lege 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.

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. ■

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Where Life is Sweet

Mayor and Members of the City Council

STAFF REPORT

For the Meeting of August 26, 2024

Title/Subject

Umatilla County requests that a portion of W Gettman Road extending between SW 11th Street and the UPRR right of way be transferred from county to city jurisdiction.

Summary and Background

The Umatilla County Board of Commissioners have submitted a draft agreement requesting transfer of a portion of W Gettman Road from county to city jurisdiction. The area proposed for transfer extends eastward from the intersection of SW 11th Street (Highway 207) to the intersection with the UPRR right of way along the east property line of Armand Larive Middle School. This is a distance of approximately 2,250 feet. As shown on the attached maps, approximately 1,400 feet of W Gettman Road is entirely within the city limits and an additional 460 feet are adjacent to city limits on the north side of the road.

Transfer of road jurisdiction is addressed in the Hermiston Planning Area Joint Management Agreement. The current iteration of this agreement dates to 2017 and road transfers are addressed in Section 8 of the agreement. Generally, the city will not accept a county road within the UGB until the road is improved to city road standards (these standards include curb, gutter, sidewalk, paving, and drainage improvements). However, the agreement also contains a general provision where roads that do not meet city standards may be transferred if the area to be transferred is at least half a mile in length and 2/3 of the land is within the city. In this case, the land is less than half a mile in length (0.42 miles). However, there are mitigating circumstances which make a transfer more pressing. In this case, the Hermiston School District is subdividing land adjacent to W Gettman Road for the second phase of the Fieldstone Crossing student-built subdivision. The county's storm water management permit does not allow the county to operate and maintain urban drainage improvements such as drywells, which the city is requiring the school district to install.

The county will not allow installation of sidewalks on W Gettman Road and rebuilding of the existing curb and gutter, unless the city accepts jurisdiction of the road. The alternative which complies with the county's stormwater management practices would require the construction of drainage ditches and no sidewalk. The city feels that preservation of pedestrian safety for school access is of higher importance. Therefore, the city staff is willing to recommend the council make an exception to the agreement and accept jurisdiction at this time.

If the council is willing to accept jurisdiction, the county will schedule a public hearing on transfer of jurisdiction and forward a road order back to the city for adoption by resolution.

Tie-In to Council Goals

N/A

Fiscal Information

Transfer of jurisdiction of 2,250 feet of roadway to the city will increase the city's overall road maintenance obligations. The road will henceforth require regular sweeping and maintenance.

Alternatives and Recommendation

Alternatives

The council may choose to agree or reject the proposed intergovernmental agreement submitted by Umatilla County.

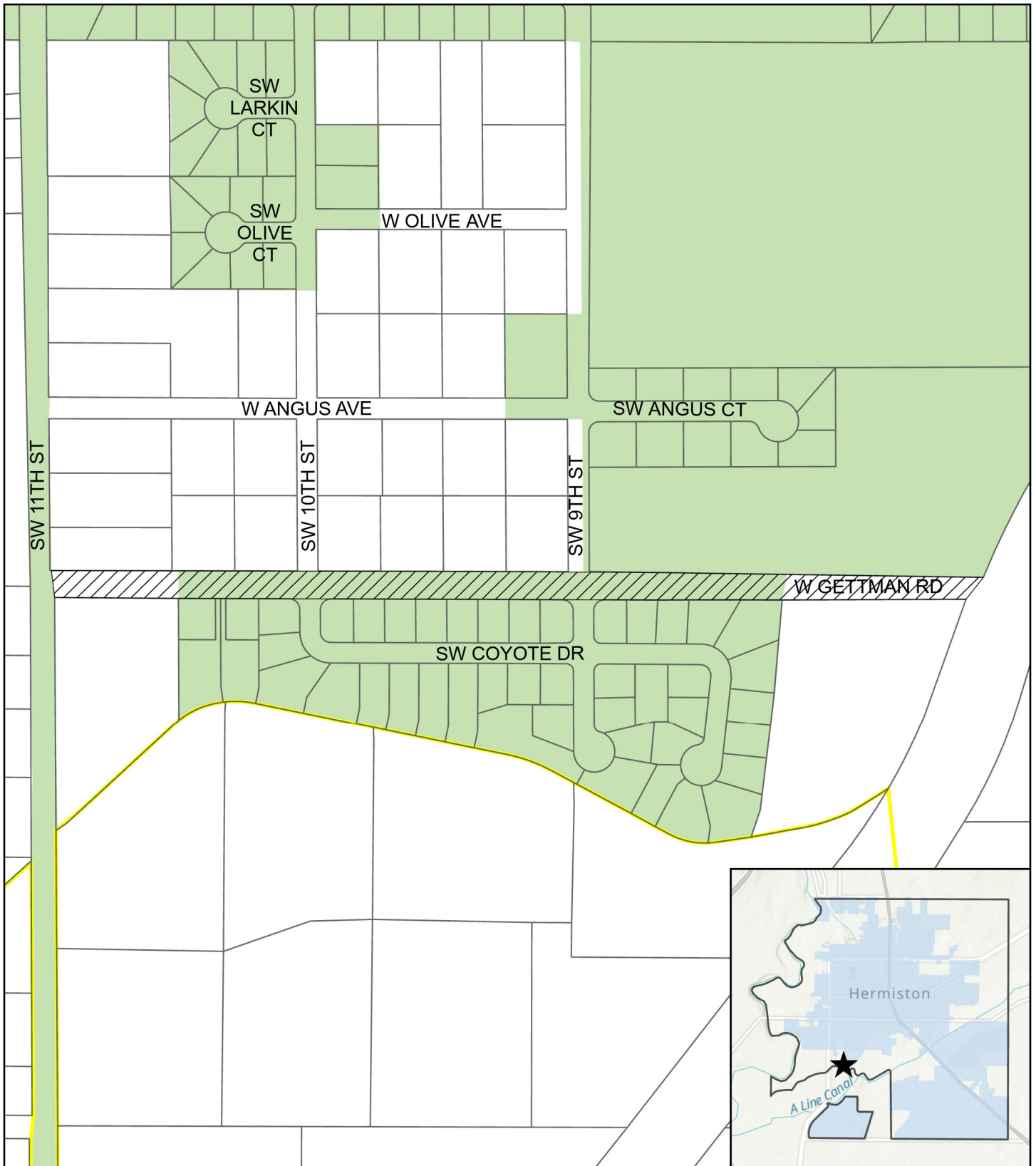
Recommended Action/Motion

Staff recommends that the city council accept the proposed agreement.




Submitted By:

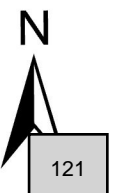
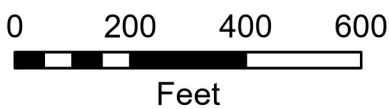
Clint Spencer, Planning Director

Mark Morgan, Assistant City Manager






Legend

-  Gettman Road Transfer Area
-  Property Line
-  City Limits

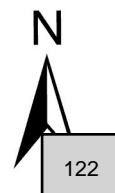




Legend

-  Gettman Road Transfer Area
-  Property Line
-  City Limits

0 200 400 600
Feet



Agreement
City of Hermiston
County of Umatilla
Gettman Road Jurisdiction

This agreement is executed this day of June, 2024, between the City of Hermiston, an Oregon Municipal Corporation ("City") and Umatilla County, a political subdivision of the State of Oregon ("County"), for the transfer of a portion of County Road No. 1196 (Gettman Road), from the County to the City.

Now, therefore, the City of Hermiston and Umatilla County agree as follows:

1. The County will transfer and the City will accept, jurisdiction of a portion of County Road No. 1196 from its intersection with Highway 207 to its intersection with the westerly right of way line of the railroad.

2. Transfer of jurisdiction will be full and absolute for all purposes of repair, construction, improvement, and the levying and collection of assessments.

3. Each party agrees to prepare and to execute any documents necessary to complete the transfer of jurisdiction.

Approved as authorized by action of the Hermiston City Council _____, 2024.

Attest:

City Recorder

Approved on behalf of Umatilla County

Umatilla County


John M. Shafer, Chair

7-17-24
Date

 7.17.24
Celinda A. Timmons, Commissioner Date

 07.17.2024
Daniel N. Dorran, Commissioner Date

ATTEST:
Office of County Records


Records Officer





Where Life is Sweet

Mayor and Members of the City Council
STAFF REPORT
For the Meeting of August 26, 2024

Title/Subject

July 2024 Financial Report

Summary and Background

This is the monthly overview of the previous month's financial position reflecting year-to-date activity.

Tie-In to Council Goals

Fiscal Prudence

Fiscal Information

See Report

Alternatives and Recommendation

Alternatives

NONE

Recommended Action/Motion

Recommend/Request acceptance of the July 2024 Financial Report as presented.

Submitted By:

Ignacio Palacios, Finance Director

Byron Smith, City Manager

July 2024 Financial Report



Department of Finance
July 2024
(Unaudited)

FY2024-2025 Monthly Financial Report

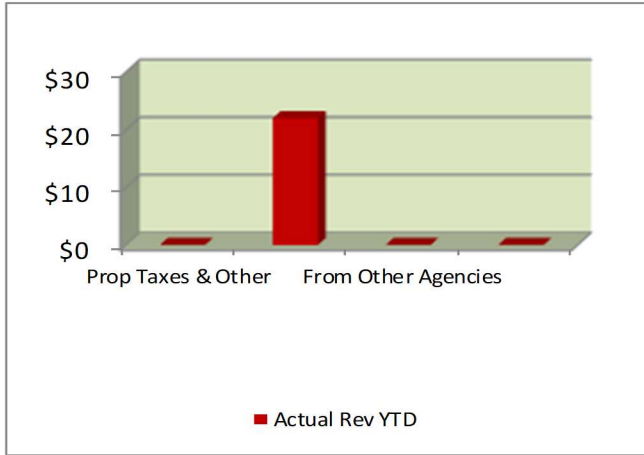
Hermiston Urban Renewal Agency (HURA)

For the Month Ending July 31, 2024

Resources

Through July 31, 2024

by Category



	Annual Proj Rev	Actual Rev YTD	% Var
Prop Taxes & Other	\$ 302	-	0%
Miscellaneous	\$ -	22	100%
From Other Agencies	\$ 904	-	0%
Cash Fwd	\$ 4,845	-	0%
Total	\$ 6,051	\$ 22	0%

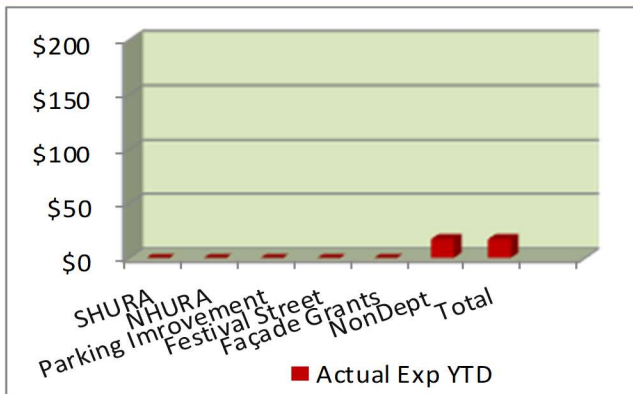
Note: Variance is calculated as % of revenue YTD

Expenditures

Through July 31, 2024

by Character

(in \$1,000)



	Annual Proj Exp	Actual Exp YTD	% Var
SHURA	\$ 600	0	0%
NHURA	\$ 4,900	0	0%
Parking Improvement	\$ 3	0	0%
Festival Street	\$ 3	0	0%
Façade Grants	\$ 60	0	0%
NonDept	\$ 485	17	4%
Total	\$ 6,051	\$ 17	0%

Note: variance is calculated as % of expenses YTD.

The FY2024-25 budget for the Urban Renewal Agency is \$6,050,642. This includes \$600,000 for the beginning of the SHURA project, \$4,900,000 for the NHURA projects, \$3,000 for parking improvements, \$3,000 for the Festival Street, \$60,000 for façade grants, and \$484,642 for Non-Departmental expenses.

FY2024-2025 Monthly Financial Report
Hermiston Urban Renewal Agency (HURA)
HURA Capital Projects Report
For the Month Ending July 31, 2024

	Ending July 31, 2024	YTD Expenditures	Project Budget	Project To-Date Expenditures	% Complete
North First Street Improvement Project	\$ 4,900,000	\$ -	\$ 4,900,000	\$ 21,500	0.44%

North First Street Improvement Project (\$4,900,000)

The project will build a new street connecting N First St and NE Fourth Street, extending between NE Aspen Drive and the Home Depot access drive.

Current Update: The project is being surveyed and preliminary engineering has begun. The project is on schedule for a first quarter 2025 bid.

FY2024-2025 Monthly Financial Report

City of Hermiston, Oregon

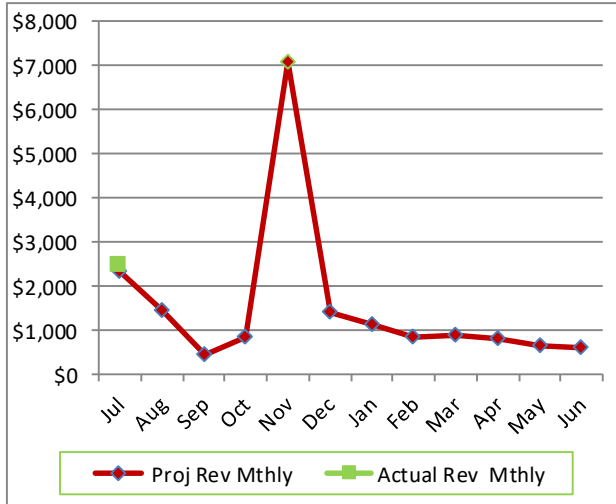
General Fund Resources

For the Month Ending July 31, 2024

General Fund Resources Summary

Through July 31, 2024

(in \$1,000)



	Proj Rev Mthly	Rev Proj Mthly	Actual Rev Mthly	Var Fav/ (Unfav)	% Var
Jul	\$ 2,332	\$ 2,332	\$ 2,429	\$ 97	4%
Aug	\$ 1,450	\$ 1,450			0%
Sep	\$ 469	\$ 469			0%
Oct	\$ 863	\$ 863			0%
Nov	\$ 7,068	\$ 7,068			0%
Dec	\$ 1,398	\$ 1,398			0%
Jan	\$ 1,134	\$ 1,134			0%
Feb	\$ 847	\$ 847			0%
Mar	\$ 887	\$ 887			0%
Apr	\$ 806	\$ 806			0%
May	\$ 661	\$ 661			0%
Jun	\$ 625	\$ 625			0%
Total YTD	18,541	18,541	2,429	97	0.5%
Cash Fwd	1,261	-	-	-	0%
Total	\$ 19,802	\$ 18,541	\$ 2,429	97	0.5%

Estimated General Fund revenues for the 2024-25 fiscal year are \$19,801,846. Projected revenues for July were **\$2,332,241** compared to actual revenues of **\$2,429,189**, a favorable variance of **\$96,947**. This primarily is the shift of transfers to semi-annual versus quarterly.

FY2024-2025 Monthly Financial Report

City of Hermiston, Oregon

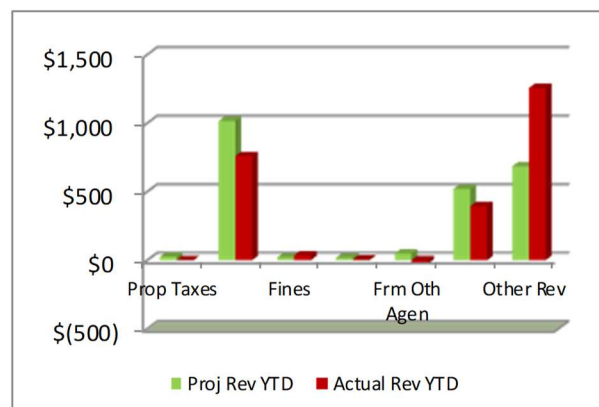
General Fund Resources & Expenditures

For the Month Ending July 31, 2024

General Fund - All Resources by Category

Through July 31, 2024

(in \$1,000)



	Annual Proj Rev	Proj Rev YTD	Actual Rev YTD	Var Fav/ (Unfav)	% Var
Prop Taxes	\$ 7,643	\$ 24	\$ -	\$ (24)	-100%
Lic & Fran	\$ 2,046	\$ 1,016	760	(257)	-25%
Fines	\$ 250	\$ 20	35	15	76%
Interest Rev	\$ 250	\$ 18	6	(12)	-69%
Frm Oth Agen	\$ 1,359	\$ 49	(23)	(72)	-147%
Svc Chgs	\$ 4,021	\$ 520	394	(126)	-24%
Other Rev	\$ 2,972	\$ 685	1,258	573	84%
Cash Fwd	\$ 1,261	\$ -	-	-	0%
Total	\$19,802	\$ 2,332	\$ 2,429	\$ 97	4.2%

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

FY2024-2025 Monthly Financial Report

City of Hermiston, Oregon

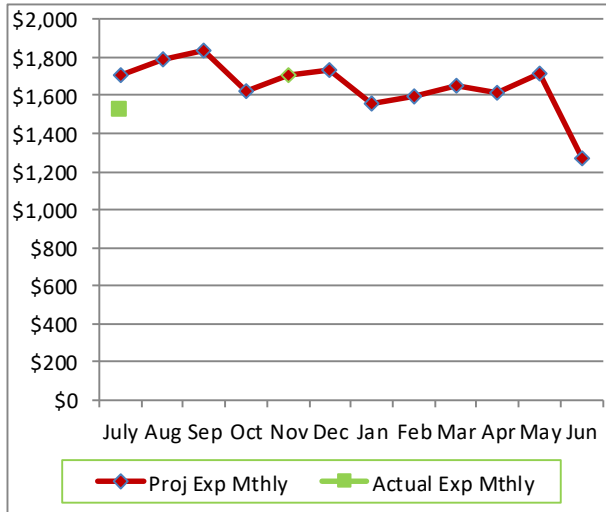
General Fund Expenditures

For the Month Ending July 31, 2024

General Fund Expenditure Summary

Through July 31, 2024

(in \$1,000)



	Proj Exp Mthly	Proj Exp	Actual Exp Mthly	Var Fav/ (Unfav)	% Var
July	\$ 1,709	\$ 1,709	\$ 1,521	\$ 189	11%
Aug	\$ 1,788	\$ 1,788			0%
Sep	\$ 1,833	\$ 1,833			0%
Oct	\$ 1,621	\$ 1,621			0%
Nov	\$ 1,710	\$ 1,710			0%
Dec	\$ 1,731	\$ 1,731			0%
Jan	\$ 1,561	\$ 1,561			0%
Feb	\$ 1,597	\$ 1,597			0%
Mar	\$ 1,652	\$ 1,652			0%
Apr	\$ 1,618	\$ 1,618			0%
May	\$ 1,713	\$ 1,713			0%
Jun	\$ 1,270	\$ 1,270			0%
Total YTD	19,802	19,802	1,521	189	1.0%
Contngcy		-	-	-	0%
Total	\$ 19,802	\$ 19,802	\$ 1,521	\$ 189	1.0%

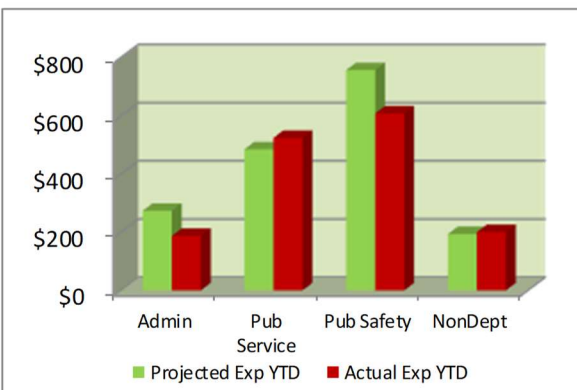
Projected General Fund monthly expenditures for July were **\$1,709,288**. Actual expenditures were **\$1,520,690** which is **\$188,598 less** than projected YTD for a **variance of 11%** for the month. As this is the first month of the fiscal year variance appears reasonable.

General Fund Expenditures

by Consolidated Department

Through July 31, 2024

(in \$1,000)



	Annual Proj Exp	Projected Exp YTD	Actual Exp YTD	Var Fav/ (Unfav)	% Var
Admin	\$ 2,221	274	187	86	31%
Pub Service	4,594	485	524	(39)	-8%
Pub Safety	7,416	757	609	149	20%
NonDept	2,675	193	200	(7)	-4%
Unapp	-	-		-	0%
Total	\$16,906	\$ 1,709	\$ 1,521	\$ 189	11.0%

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

FY2024-2025 Monthly Financial Report

General Fund Expenditure Detail For the Month Ending July 31, 2024

General Fund Expenditures by Department

	Annual Projected Exp	Projected Exp YTD	Actual Exp YTD	Var Fav/ (Unfav)	% Var Fav/ (Unfav)
City Council	52,874	21,074	1,587	19,487	0%
City Manager/Legal	1,102,880	91,907	88,417	3,490	4%
City Planning	1,158,589	96,549	35,637	60,912	63%
Finance	746,512	63,976	61,717	2,259	4%
Total Administration	3,060,855	273,506	187,358	86,148	31%
Transportation	552,000	29,304	41,012	(11,708)	-40%
Airport	630,550	12,990	55,016	(42,026)	-324%
Bldg Inspection	615,932	41,027	48,583	(7,556)	-18%
Parks	758,023	77,654	59,573	18,081	23%
Parks/Utility Landscaping	81,590	7,749	10,140	(2,391)	-31%
Pool	619,037	133,539	153,920	(20,381)	-15%
Municipal Buildings	153,238	12,770	10,187	2,583	20%
Library	936,675	75,170	75,641	(471)	-1%
Recreation	779,329	75,218	58,774	16,444	22%
Community Center	213,685	13,769	3,820	9,949	72%
Harkenrider Center	94,176	5,846	7,595	(1,749)	-30%
Total Public Services	5,434,235	485,037	524,261	(39,224)	-8%
Court	944,402	101,103	63,747	37,356	37%
Public Safety Center	38,500	2,746	957	1,789	65%
Police Operations	8,002,401	653,442	544,003	109,439	17%
Total Public Safety	8,985,303	757,292	608,707	148,585	20%
Non-Departmental	2,321,452	193,454	200,364	(6,910)	-4%
Unappropriated	0	0	0	0	0%
Total Non-Dept	2,321,452	193,454	200,364	(6,910)	-4%
Total	19,801,846	1,709,288	1,520,690	188,598	11.0%

For July, FY2025

Total Administration is \$86,148 less than YTD projected. **Total Public Services** are \$39,224 more than YTD projected. **Public Safety** is \$148,585 less than YTD projected. **Non-Departmental** is \$6,910 more than YTD projected.

FY2024-2025 Monthly Financial Report

Fund Balance - General Fund

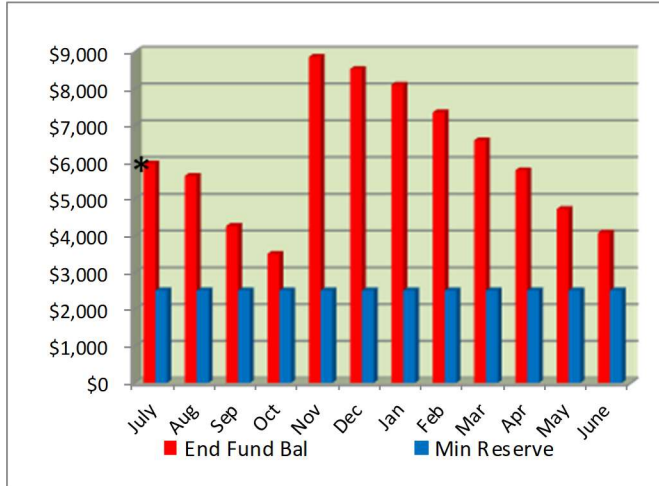
For the Month Ending July 31, 2024

General Fund

Through July 31, 2024

Ending Fund Balance

(in \$1,000)



Minimum Reserve = \$2,454,300

	Begin Fund Bal	Revenue	Expense	End Fund Bal	ACT/PROJ Fund Bal
July	\$ 5,061	\$ 2,429	\$ (1,521)	\$ 5,969	ACT*
Aug	\$ 5,969	\$ 1,450	\$ (1,788)	\$ 5,631	PROJ
Sep	\$ 5,631	\$ 469	\$ (1,833)	\$ 4,268	PROJ
Oct	\$ 4,268	\$ 863	\$ (1,621)	\$ 3,509	PROJ
Nov	\$ 3,509	\$ 7,068	\$ (1,710)	\$ 8,867	PROJ
Dec	\$ 8,867	\$ 1,398	\$ (1,731)	\$ 8,534	PROJ
Jan	\$ 8,534	\$ 1,134	\$ (1,561)	\$ 8,108	PROJ
Feb	\$ 8,108	\$ 847	\$ (1,597)	\$ 7,358	PROJ
Mar	\$ 7,358	\$ 887	\$ (1,652)	\$ 6,594	PROJ
Apr	\$ 6,594	\$ 806	\$ (1,618)	\$ 5,783	PROJ
May	\$ 5,783	\$ 661	\$ (1,713)	\$ 4,731	PROJ
June	\$ 4,731	\$ 625	\$ (1,270)	\$ 4,086	PROJ
Total	\$ 5,061	\$ 18,638	\$ 19,613	\$ 4,086	

The General Fund balance at the end of July 2024 is approximately **\$5,969,000** which is **2.43 times** the current Minimum Reserve requirement of **\$2,454,300**.

The General Fund reserve policy is to maintain **15% fund balance** of total expenditures based on the prior fiscal year activity.

FY2024-2025 Monthly Financial Report

Special Revenue Funds Report For the Month Ending July 31, 2024

Special Revenue Funds Resources & Requirements

	2024-25 Annual Budget	Actual YTD	Remaining Budget
02 Bonded Debt Fund			
Resources	1,400,339	1,094,507	305,832
Expenditures	1,396,659	132,000	1,264,659
Unappropriated Balance	3,680	N/A	N/A
05 Transient Room Tax (TRT)			
Resources	1,279,700	328,004	951,696
Expenditures	1,279,700	47,447	1,232,253
Unappropriated Balance	-	N/A	N/A
08 Reserve Fund			
Resources	36,955,854	532,243	36,423,611
Expenditures	36,944,345	411,141	36,533,204
Unappropriated Balance	11,509	N/A	N/A
11 Miscellaneous Special Revenue			
Resources	303,000	11,739	291,261
Expenditures	303,000	11,739	291,261
Unappropriated Balance	-	N/A	N/A
19 Christmas Express Special Revenue			
Resources	58,200	-	58,200
Expenditures	58,200	-	58,200
Unappropriated Balance	-	N/A	N/A
20 Law Enforcement Special Revenue			
Resources	104,700	246	104,454
Expenditures	54,700	-	54,700
Unappropriated Balance	50,000	N/A	N/A
21 Library Special Revenue			
Resources	30,600	72	30,528
Expenditures	30,600	30,600	-
Unappropriated Balance	-	N/A	N/A
23 Enterprise Zone Project Fund			
Resources	3,469,900	-	3,469,900
Expenditures	3,469,900	1,848,289	1,621,611
Unappropriated Balance	-	N/A	N/A
25 EOTEC Operations			
Resources	1,107,500	397,679	709,821
Expenditures	1,107,500	89,938	1,017,562
Unappropriated Balance		N/A	N/A
26 IT Services			
Resources	1,487,602	217,170	1,270,432
Expenditures	1,487,602	184,297	1,303,305
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.

FY2024-2025 Monthly Financial Report

Utility and Street Funds Report For the Month Ending July 31, 2024

Utility and Street Funds Report

Resources & Expenditures

	2023-2024			Variance	
	Annual Budget	Projected YTD	Actual YTD	Fav/(Unfav)	% Variance
04 Street Fund					
Resources	2,268,728	158,061	170,726	12,665	8%
Expenditures	2,233,728	186,144	197,132	(10,988)	-6%
Contingency	35,000	N/A	N/A	N/A	N/A
06 Utility Fund					
Resources	14,589,000	1,000,458	1,369,405	368,947	37%
Expenditures	12,836,166	1,069,681	1,601,118	(531,438)	-50%
Contingency	1,752,834	N/A	N/A	N/A	N/A
13 HES Fund					
Resources	14,484,295	798,441	987,892	189,451	24%
Expenditures	12,044,482	1,003,707	947,264	56,443	6%
Contingency	2,439,813	N/A	N/A	N/A	N/A
15 Regional Water Fund					
Resources	1,892,600	112,583	111,071	(1,512)	-1%
Expenditures	1,192,638	99,387	132,206	(32,820)	-33%
Contingency	699,962	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 **\$12,665 more** than projected. Expenditures are **\$10,988 over** projected.

Revenues in the **Utility Funds** are **\$368,947 above** projected. Expenditures are **\$531,438 over** projection.

The **HES Fund** revenue is **\$189,451 more** than projected. Expenditures are **\$56,443 below** projected.

The **Regional Water Fund** revenues are **\$1,512 less** than projected. Expenditures are **\$32,820 over** projected.

FY2024-25 Monthly Financial Report

City of Hermiston, Oregon
Utilities/Streets Capital Projects Report
For the Month Ending July 31, 2024

	2024-25 Budget	YTD Expenditures	Project Budget	Project To-Date Expenditures	% Complete
Geer & Harper Re-alignment	\$ 1,000,000	\$ -	\$ 1,500,000	\$ 133,664	8.91%
Gettman Road Extension ROA	650,000	-	650,000	-	0.00%
N. 1st Place Reconstruction	2,110,390	-	4,110,390	1,989,902	48.41%
AWS System Expansion - RWS	15,449,400	92,567	20,949,400	6,094,845	29.09%
Well #6 Backup Generator	380,000	-	380,000	252,299	66.39%
Well #6 Chlorination	500,000	-	500,000	18,500	3.70%
Well #4 Control System	410,000	-	410,000	14,000	3.41%
Gladys & Main Waterline Replacement	2,000,000	-	2,100,000	77,652	3.70%
Lift Station #4 Rebuild	600,000	-	600,000	-	0.00%
Lift Station #5 Rebuild	150,000	-	300,000	37,049	12.35%
E. Evelyn Avenue Gravity SL Replacement	380,000	-	380,000	-	0.00%
AWS Cooling Discharge	805,000	-	805,000	113,073	14.05%
Total	\$ 24,434,790	\$ 92,567	\$ 32,684,790	\$ 8,730,984	26.71%

Geer & Harper Re-alignment (\$1,500,000)

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.

Gettman Road Extension ROA (\$650,000)

Gettman Road Extension right of way acquisition project.

Current Update: No change in the status of this project.

North 1st Place Reconstruction (\$4,110,390)

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: Additional Right of Way Acquisition process has begun with UPRR.

AWS System Expansion- RWS (\$20,949,400)

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" non-potable water main in Feedville Road.

Current Update: Work continued on schedule through July.

FY2024-25 Monthly Financial Report

City of Hermiston, Oregon
Utilities/Streets Capital Projects Report
For the Month Ending July 31, 2024

	2024-25 Budget	YTD Expenditures	Project Budget	Project To-Date Expenditures	% Complete
Geer & Harper Re-alignment	\$ 1,000,000	\$ -	\$ 1,500,000	\$ 133,664	8.91%
Gettman Road Extension ROA	650,000	-	650,000	-	0.00%
N. 1st Place Reconstruction	2,110,390	-	4,110,390	1,989,902	48.41%
AWS System Expansion - RWS	15,449,400	92,567	20,949,400	6,094,845	29.09%
Well #6 Backup Generator	380,000	-	380,000	252,299	66.39%
Well #6 Chlorination	500,000	-	500,000	18,500	3.70%
Well #4 Control System	410,000	-	410,000	14,000	3.41%
Gladys & Main Waterline Replacement	2,000,000	-	2,100,000	77,652	3.70%
Lift Station #4 Rebuild	600,000	-	600,000	-	0.00%
Lift Station #5 Rebuild	150,000	-	300,000	37,049	12.35%
E. Evelyn Avenue Gravity SL Replacement	380,000	-	380,000	-	0.00%
AWS Cooling Discharge	805,000	-	805,000	113,073	14.05%
Total	\$ 24,434,790	\$ 92,567	\$ 32,684,790	\$ 8,730,984	26.71%

Well #6 Backup Generator (\$380,000)

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: Awaiting final training from Cummins (generator supplier).

Well # 6 Chlorination (\$500,000)

The chlorine room at Well No. 6 is 5 feet by 8 feet and too small for its current use and is constructed of fiberglass. It was originally constructed to occasionally store chlorination equipment. It is now in constant use and has been damaged during the exchange of chlorine cylinders. A larger building will allow more efficient operation of the well.

Current Update: Design has begun.

Well #4 Control System (\$410,000)

The 2,500-gallon per minute Well No. 4 pump was designed in the 1960s and is obsolete. The control system is unreliable and inefficient, and the piping system has been dismantled to use for parts in other systems. The station experiences large pressure fluctuations and configuring the pump control valve is challenging. The pump house also needs to be updated to ensure reliability during peak demands.

Current Updates: Design has begun. Advertising for bids anticipated to occur in August or September.

FY2024-25 Monthly Financial Report

City of Hermiston, Oregon
Utilities/Streets Capital Projects Report
For the Month Ending July 31, 2024

	2024-25 Budget	YTD Expenditures	Project Budget	Project To-Date Expenditures	% Complete
Geer & Harper Re-alignment	\$ 1,000,000	\$ -	\$ 1,500,000	\$ 133,664	8.91%
Gettman Road Extension ROA	650,000	-	650,000	-	0.00%
N. 1st Place Reconstruction	2,110,390	-	4,110,390	1,989,902	48.41%
AWS System Expansion - RWS	15,449,400	92,567	20,949,400	6,094,845	29.09%
Well #6 Backup Generator	380,000	-	380,000	252,299	66.39%
Well #6 Chlorination	500,000	-	500,000	18,500	3.70%
Well #4 Control System	410,000	-	410,000	14,000	3.41%
Gladys & Main Waterline Replacement	2,000,000	-	2,100,000	77,652	3.70%
Lift Station #4 Rebuild	600,000	-	600,000	-	0.00%
Lift Station #5 Rebuild	150,000	-	300,000	37,049	12.35%
E. Evelyn Avenue Gravity SL Replacement	380,000	-	380,000	-	0.00%
AWS Cooling Discharge	805,000	-	805,000	113,073	14.05%
Total	\$ 24,434,790	\$ 92,567	\$ 32,684,790	\$ 8,730,984	26.71%

Gladys & Main Waterline Replacement (\$2,100,000)

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: Work began on the portion of Gladys between 3rd & 7th.

Lift #4 Wetwell Upgrades (\$600,000)

Lift Station No. 4 was built in 1981 and the submersible duplex pump station has experienced corrosion on both metal and brick. Replacement of the wetwell will increase capacity, eliminate porous brick, and safeguard the environment. Ventilation of the structure is poor and electrical systems are nearing the end of their expected lives.

Current Update: Contractor worked through project initiation and anticipated to begin work in late August.

Lift #5 Wetwell Upgrades (\$300,000)

Lift Station No. 5 is one of the city's newer lift stations. There is paint flaking on the pumps and hydrogen sulfide corrosion on interior surfaces from the raw sewage. Without upgrades, the mechanical equipment will need premature replacement.

Current Update: Design will begin soon.

E. Evelyn Avenue Gravity Sewer Line Replacement (\$380,000)

Multiple deficiencies exist in the pipe segments, including structural failures, sagging, root intrusions, and separated joints that cause blockages hindering sewer flow and require the City to clean this line monthly. Newly installed pipe will save maintenance costs and drastically reduce the likelihood of blockages, mitigating the potential for sewage backing up into local residences.

Current Update: Design will begin soon.

FY2024-25 Monthly Financial Report

City of Hermiston, Oregon
Utilities/Streets Capital Projects Report
For the Month Ending July 31, 2024

	2024-25 Budget	YTD Expenditures	Project Budget	Project To-Date Expenditures	% Complete
Geer & Harper Re-alignment	\$ 1,000,000	\$ -	\$ 1,500,000	\$ 133,664	8.91%
Gettman Road Extension ROA	650,000	-	650,000	-	0.00%
N. 1st Place Reconstruction	2,110,390	-	4,110,390	1,989,902	48.41%
AWS System Expansion - RWS	15,449,400	92,567	20,949,400	6,094,845	29.09%
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E. Evelyn Avenue Gravity SL Replacement	380,000	-	380,000	-	0.00%
AWS Cooling Discharge	805,000	-	805,000	113,073	14.05%
Total	\$ 24,434,790	\$ 92,567	\$ 32,684,790	\$ 8,730,984	26.71%

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 into 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: Contractor completed 50% of the work in July; anticipating being 95% complete by the end of August.

**FY2024-25 Monthly Financial Report
City of Hermiston, Oregon
Other City Capital Projects Report
For the Month Ending July 31, 2024**

	2024-25 Budget	YTD Expenditures	Project Budget	Project To-Date Expenditures	% Complete
Airport Improvements	\$ 4,015,000	\$ -	\$ 4,015,000	\$ 28,794	0.72%
Hangar Replacement	1,300,000	-	1,300,000	152,048	11.70%
Urban Tree Project (Grant)	850,000	-	1,000,000	16,106	1.61%
Cimmaron Park Project	420,000	1,800	420,000	1,800	0.43%
EOTEC Barns Project	250,000	-	1,600,000	1,056,831	66.05%
City Hall Basement Remodel (IT)	376,400	-	750,000	221,833	29.58%
Library Remodel	3,700,000	-	4,500,000	447,391	9.94%
ARC Remodel	375,000	-	750,000	3,779	0.50%
Public Safety Building Remodel	5,000,000	-	7,500,000	627,223	8.36%
Harkenrider Center Remodel	476,300	-	750,000	357,128	47.62%
Total	\$ 16,762,700	\$ 1,800	\$ 22,585,000	\$ 2,912,933	12.90%

Airport Improvements (\$4,015,000)

Relocation of Ott Road out of the Runway Protection Zone will require acquisition of property, which is anticipated to be executed in FY'25 with reimbursement from FAA occurring in FY'26.

Current Update: FAA re-affirmed commitment to the project and requested the Airport to begin securing a professional land acquisition consultant to take the property through the necessary steps in order to qualify for reimbursement.

Hangar Replacement (\$1,300,000)

Previous "Open-T Hangar" will be removed, and replaced by a new 10-unit enclosed T-Hangar, with approximately 90% of the project costs paid for by State and Federal Grant Funding. Total project cost will be approximately \$1.73 million – including the city's 10% match.

Current Update: Flatwork has been completed. The building erector worked through acquisition specs with the building supplier.

Urban Tree Project Grant (1,000,000)

Federal grant for purpose of urban tree projects for tree planting throughout Hermiston. The USFS Tree Grant project will enhance Hermiston's urban forest on public lands and parks. By developing a comprehensive Urban Forestry Plan and conducting a public tree inventory, the project will identify targeted planting areas and maintenance needs. To foster community engagement and knowledge, the project will also establish a Community and Youth Tree Education program.

Current Update: Developing request for proposals for tree planting project(s).

**FY2024-25 Monthly Financial Report
City of Hermiston, Oregon
Other City Capital Projects Report
For the Month Ending July 31, 2024**

	2024-25 Budget	YTD Expenditures	Project Budget	Project To-Date Expenditures	% Complete
Airport Improvements	\$ 4,015,000	\$ -	\$ 4,015,000	\$ 28,794	0.72%
Hangar Replacement	1,300,000	-	1,300,000	152,048	11.70%
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Harkenrider Center Remodel	476,300	-	750,000	357,128	47.62%
Total	\$ 16,762,700	\$ 1,800	\$ 22,585,000	\$ 2,912,933	12.90%

Cimmaron Park Project (\$420,000)

This project will develop a 0.61-acre park featuring a playground, gazebo, pathways, and landscaping. The park will be adjacent to the existing 8.61-acre Cimmaron Recreation Area, which includes a trail encircling the wetlands. The project has been submitted for grant funding through the Local Government Grant Program. Final design and construction plans will be developed upon notification of grant approval and issuance of a notice to proceed by the Oregon Parks and Recreation Department.

Current Update: Have received notification of award from Oregon Parks and Recreation Department.

EOTEC Barns Project (\$1,600,000)

EOTEC Barns project for the extension of two barns and the addition of a concrete floor in the third barn. Approximately, \$1.3 million is from Umatilla County and State grants.

Current Update: Barns were used for the Umatilla County Fair. The final piece of this project will be to add a concrete floor in the small animal barn broadening its possible uses.

City Hall Basement Remodel (IT) (\$750,000)

City Hall Basement remodel that will house the City's IT department.

Current Update: A temporary certificate of occupancy has been issued and the IT staff has occupied the space. The light fixtures are still coming. Permanent furniture will be installed in mid-September.

**FY2024-25 Monthly Financial Report
City of Hermiston, Oregon
Other City Capital Projects Report
For the Month Ending July 31, 2024**

	2024-25 Budget	YTD Expenditures	Project Budget	Project To-Date Expenditures	% Complete
Airport Improvements	\$ 4,015,000	\$ -	\$ 4,015,000	\$ 28,794	0.72%
Hangar Replacement	1,300,000	-	1,300,000	152,048	11.70%
Urban Tree Project (Grant)	850,000	-	1,000,000	16,106	1.61%
Cimmaron Park Project	420,000	1,800	420,000	1,800	0.43%
EOTEC Barns Project	250,000	-	1,600,000	1,056,831	66.05%
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ARC Remodel	375,000	-	750,000	3,779	0.50%
Public Safety Building Remodel	5,000,000	-	7,500,000	627,223	8.36%
Harkenrider Center Remodel	476,300	-	750,000	357,128	47.62%
Total	\$ 16,762,700	\$ 1,800	\$ 22,585,000	\$ 2,912,933	12.90%

Library Remodel (\$4,500,000)

Library building remodel to modernize and provide for improved space for community use. As well as, improved children's library area.

Current Update: Final bids are being examined. The library has started operations in the Carnegie Building. A final cleanout of the building will take place in September to be ready for the contractor to begin their work.

ARC Remodel (\$750,000)

Remodel of the ARC building to temporarily house police operations during the public safety building remodel.

Current Update: The electrical and roofing have been completed. An additional emergency exit is being finalized and will be completed soon. It is anticipated that the police department will move into this space in August/September.

Public Safety Building Remodel (\$7,500,000)

Public Safety Building remodel to the existing shared facility with the fire district. Building remodel will provide needed usable space as well as seismic upgrades.

Current Update: Phase 2 (remainder of the building) plans are still under review and the project is on schedule to be fully under construction in October.

Harkenrider Center Remodel (\$750,000)

Harkenrider Center remodel and improvements to basement area and patio for future community use.

Current Update: Sheetrock is being installed. Light fixtures have also been a slow item on this project. Substantial completion is anticipated for August/September.

Amendment #10 to CITY MANAGER EMPLOYMENT AGREEMENT AMENDMENT

This amendment is agreed to this 26th day of August, 2024 by and between the City of Hermiston, an Oregon municipal corporation, hereinafter referred to as “City” and Byron D. Smith, hereinafter referred to as “City Manager”, both of whom agree to amend the original City Manager Employment Agreement dated July 14, 2014 as amended on August 24, 2015; August 22, 2016; August 28, 2017; August 27, 2018, September 9, 2019, August 24, 2020, August 23, 2021, August 22, 2022, and August 28, 2023.

Whereas, Byron D. Smith has successfully completed ten years of service as the Hermiston City Manager; and

Whereas, both the City of Hermiston and Byron D. Smith desire to extend and amend the aforementioned employment agreement;

NOW, THEREFORE, the City and the City Manager agree to the following amendments to the original 2014 Employment Agreement as amended:

3. TERM AND RENEWAL:

C. City Manager agrees to remain in the exclusive employ of City from August 26, 2024 through August 27, 2029, and neither to accept other employment or to become employed by any other employer until after said Agreement termination date.

4. TERMINATION AND SEVERANCE PAY:

A. In the event City Manager is terminated by the City before expiration of this Agreement without cause and the City Manager is willing and able to perform their duties then City shall pay a lump sum cash payment equivalent to said City Manager six (6) nine (9) months of annual salary and benefits less payroll deductions including all wages earned through the last workday plus payment for any accrued and vested benefits (excluding PERS) due and payable at separation, which amount shall represent said City Manager's sole rights and remedies pursuant to this Agreement.

B. However, in the event the City Manager is terminated because of his conviction of any illegal act involving personal gain to him, any illegal act classified as a felony under Oregon or federal law, or involving defrauding, theft, or taking of the funds of the City or the public at large, or is terminated because of his malfeasance in office or willful or wanton neglect of duty or violation of any State, federal or local regulation, then the City shall have no obligation to pay the severance pay set out in 4.A. above.

C. In the event the City Manager voluntarily resigns his position with the City and the City Council consents to said voluntary resignation before the expiration of the aforesaid term of the Agreement, then City Manager shall give City thirty (30) sixty (60) days written notice in advance of such voluntary resignation. In the event of voluntary resignation, the City Manager shall not be entitled to the severance pay set out in 4.A. above.

D. In the event the City Manager is requested to resign for the convenience of the City during such time the City Manager is willing and able to perform his duties under this Agreement and has not been convicted of any wrong doing as established in 4.B above, City shall pay City Manager, as severance, a cash payment equal to that as required in 4.A. Such payment shall fully and finally release City from any and all further obligations to City Manager under this Agreement. Any severance shall be paid in a lump sum unless otherwise agreed to by City and City Manager.

E. It is understood that after notice of termination or resignation in any form, City Manager and City will cooperate to provide for an orderly transition. Specific responsibilities during such transition may be specified in a written separation agreement.

5. SALARY AND BENEFITS

H. Deferred Compensation. City will match 50% of City Manager contribution to city sponsored Deferred Compensation program up to an annual maximum of \$3,000. In addition, City will deposit an additional \$5,000 per year into a city sponsored Deferred Compensation program.

IN WITNESS THEREOF, the City of Hermiston by its City Council has caused this amendment to be signed and executed on its behalf by the Mayor.

DATED this 26th day of August 2024.

CITY OF HERMISTON:

CITY MANAGER:

Dr. Dave Drotzmann
Mayor

Byron D. Smith
City Manager