CITY OF SWEET HOME
CITY COUNCIL
AGENDA

July 28, 2020, 6:30 PM
Sweet Home City Hall, 3225 Main Street
Sweet Home, OR 97386

WIFI Passcode: guestwifi
PLEASE silence all cell phones – Anyone who wishes to speak, please sign in.

Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Meeting Information

The City Council will hold a Regular City Council meeting at 6:30 p.m. in the City Council Chambers at City Hall, 3225 Main Street. In order to protect residents, staff, and elected officials due to the novel COVID-19 virus, the frequency and length of public meetings, including the City Council, boards and commissions, will be minimized. Non-urgent and non-essential City business with expected public feedback will be postponed whenever possible. Individuals attending public meetings in person will be limited to the first six people, required to maintain appropriate social distancing, (6-ft.) and be free of symptoms related to COVID-19. The City of Sweet Home City Council is streaming the meeting via the Microsoft Teams platform and asks the public to consider this option. There will be opportunity for public input via the live stream. To view the City Council meeting live, online visit **live.sweethomeor.gov**. If you don't have access to the internet you can call in to 541-367-5128 and you'll be asked to choose option #1 to be logged in to the call.

This video stream and call in options are allowed under Council Rules, meet the requirements for Oregon public meeting law, and has been approved by the Mayor as Chairperson of the meeting. All votes will be conducted by Roll Call Vote.

Call to Order and Pledge of Allegiance

Roll Call

Consent Agenda:

Approval of Minutes:

a) 2020-07-14 City Council Work Session (pg. 3)

b) 2020-07-14 City Council (pg. 5)

Recognition of Visitors and Hearing of Petitions:

Old Business:

a) Information Only - ODOT Multi Modal Transportation Enhance Program Update (pg. 10)

New Business:

a) Public Hearing to consider Application AX 20-01 & ZC 20-01 (pg. 31)

b) Public Hearing to consider Application ZMA20-02 (pg. 47)

The location of the meeting is accessible to the disabled. If you have a disability that requires accommodation, advanced notice is requested by notifying the City Manager's Office at 541-367-8969.

c) City Council Candidate Handbook - Candidate Qualifications & Filing Procedures for General Election (pg. 66)

d) PageFreezer Contract Review (pg. 106)

e) Memorandum - 2020 Levy Rates (pg. 112)

Request for Council Action and First Reading of Ordinance Bills

Ordinance Bills

Second Reading of Ordinance Bills

Third Reading of Ordinance Bills (Roll Call Vote Required)

Reports of Committees:

Administrative and Finance/Property

Park and Tree Committee

Youth Advisory Council

Chamber of Commerce

Council of Governments

Area Commission on Transportation

Solid Waste Advisory Council

Ad Hoc Committee on Health

Legislative Committee

Reports of City Officials:

Mayor's Report

City Manager's Report

Department Director's Reports (2nd meeting of the Month)

Finance Director

a) June 2020 Monthly Report (pg. 115)

Police Chief

a) Police Department Monthly Report (pg. 124)

City Attorney

Council Business for Good of the Order

Adjournment

CITY OF SWEET HOME
CITY COUNCIL
MINUTES

July 14, 2020, 5:30 PM
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Sweet Home, OR 97386

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Call to Order and Pledge of Allegiance

The City Council Work Session live video began at 5:30 PM.
This video stream and call in options are allowed under Council Rules, meet the requirements for Oregon public meeting law, and has been approved by the Mayor as Chairperson of the meeting.

Roll Call

PRESENT
Mayor Greg Mahler
President Pro Tem Diane Gerson
Councilor Cortney Nash (video)
Councilor Dave Trask
Councilor James Goble (absent)
Councilor Lisa Gourley
Councilor Susan Coleman

STAFF
City Manager Ray Towry
Community and Economic Development Director Blair Larsen
Finance Director Brandon Neish
Administrative Assistant Julie Fisher

MEDIA
Kelly Kenoyer, The New Era

New Business:

a) Economic Development Project Review

Community and Economic Development Director Blair Larsen presented the Council with a list of Economic Development Projects for their review. The Council was given a hard copy list of the project, description, and anticipated cost. There was also an area for each of the Council to mark their order of priority.

CEDD Larsen stated he would tally the Council's priority list to determine projects that should be given the most attention. CEDD Larsen talked about each potential project and answered questions.

Adjournment

With no further business, the meeting adjourned at 6:34 PM.

_____
Mayor

ATTEST:

_____
City Manager – Ex Officio City Recorder

CITY OF SWEET HOME
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MINUTES

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Mission Statement

The City of Sweet Home will work to build an economically strong community with an efficient and effective local government that will provide infrastructure and essential services to the citizens we serve. As efficient stewards of the valuable assets available, we will be responsive to the community while planning and preparing for the future.

Call to Order and Pledge of Allegiance

The meeting was called to order at 6:40 PM and available at live.sweethomeor.gov.

This video stream and call in options are allowed under Council Rules, meet the requirements for Oregon public meeting law, and has been approved by the Mayor as Chairperson of the meeting. All votes will be conducted by Roll Call Vote.

Roll Call

PRESENT
Mayor Greg Mahler
President Pro Tem Diane Gerson
Councilor Cortney Nash (video)
Councilor Dave Trask
Councilor James Goble (absent)
Councilor Lisa Gourley
Councilor Susan Coleman

STAFF
City Manager Ray Towry
City Attorney Robert Snyder
Community and Economic Development Director Blair Larsen
Finance Director Brandon Neish
Library Director Rose Peda
Police Chief Jeff Lynn (video)
Public Works Director Greg Springman (video)
Administrative Assistant Julie Fisher

MEDIA
Kelly Kenoyer

Consent Agenda:

Motion to approve the Consent Agenda made by Councilor Trask, Seconded by Councilor Coleman. Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Gourley, Councilor Coleman

Approval of Minutes:

a) 2020-06-23 City Council Minutes - ES (pg. 3-4)

b) 2020-06-23 City Council Meeting Minutes (pg. 5-10)

c) 2020-06-29 Executive Session Minutes (pg. 11)

d) 2020-06-29 City Council Special Meeting (pg. 12-13)

Recognition of Visitors and Hearing of Petitions:

None

Old Business:

e) Discussion Only - Review Temporary Policy Instituting Emergency Relief for City Utility Accounts (pg. 14-15)

Finance Director Neish presented a timeline of COVID-19 Temporary Policy regarding Relief for City Utility Accounts and updated the Council on the amount of past due accounts that have not been shut off due to the relief policy, payment plan options, and contact by account holders. One half of the accounts are rentals and half of the properties are occupied by the homeowner. The City has only been contacted by about half of the past due accounts. Staff is concerned about the growing past due amounts and desires to engage with the community to find a solution that will help mitigate the collection of past due bills. The City is also willing to waive fees and charges, set up payment plans, and work with accounts affected by COVID-19. Consensus of the Council was to move forward with the plan.

New Business:

f) Request for Council Action – City of Sweet Home Safety Incentive Program Revision (pg. 16-23)

City Manager Towry introduced the request to update the City of Sweet Home Safety Incentive Program which would allow a cash incentive instead of the current gift cards.

Motion to approve Resolution No. 20 for 2020 made by Councilor Trask, Seconded by Councilor Gourley.
Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Gourley, Councilor Coleman

g) Request for Council Action - Resolution No. 21 for 2020 Transportation and Growth Management Grant Application (pg. 24-28)

CEDD Larsen explained the Transportation System Plan (TSP) is outdated. The grant would update the TSP and include planning for the northern part of the City that is lacking in the current plan.

Motion to approve Resolution No. 21 for 2020 made by Councilor Coleman, Seconded by Councilor Trask.
Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Gourley, Councilor Coleman

h) **Request for Council Action** - Intergovernmental Agreement with the City of Lebanon and Sub-Grantee Agreement with Boys and Girls Clubs of the Greater Santiam for Emergency Childcare CDBG Application (pg. 29-34)

Community and Economic Development Director Larsen stated the COVID Relief Grant is only available to Cities and Counties for specific projects. The City has elected to partner with the BGCGS, to apply and subsequently act as a pass thru from the grantor to the recipient. No match from the City and no City funding are required.

Motion to approve the Intergovernmental Agreement with the City of Lebanon and Sub-Grantee Agreement with the Boys and Girls Club of the Greater Santiam for Emergency Childcare CDBG Application made by Councilor Gourley, Seconded by Councilor Trask.
Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Gourley, Councilor Coleman

i) **Request for Council Action** - Managing Oregon Resources Efficiently (MORE) Intergovernmental Agreement (pg. 35-41)

Finance Director Neish and PW Director Springman introduced an IGA that allow public agencies to exchanges resources and invoices. The agreement would allow the City to work with other agencies that are part of the MORE IGA for services. There is no expiration date, no financial caps, it is web based and generic. The IGA would allow the City to network with other agencies without entering a separate IGA for each entity or project. PW Director Springman talked about the benefit to public works that could allow City projects to be completed at a significantly reduced cost by resource sharing. The cost to the City would be time and materials without markup.

Motion to approve the Managing Oregon Resources Efficiently (MORE) Intergovernmental Agreement made by Councilor Coleman, Seconded by Councilor Gourley.
Voting Yea: Mayor Mahler, President Pro Tem Gerson, Councilor Nash, Councilor Trask, Councilor Gourley, Councilor Coleman

Ordinance Bills

Request for Council Action and First Reading of Ordinance Bills

None

Second Reading of Ordinance Bills

None

Third Reading of Ordinance Bills (Roll Call Vote Required)

j) **Ordinance No. 7 for 2020 - Ordinance #1289** - Water System in Critically Affected Chemical Area (pg. 42-50)

Ordinance No. 7 for 2020 was read by title only.

Motion to approve Ordinance No. 7 for 2020 - Ordinance No. 1289 - Water System in Critically Affected Chemical Area made by Roll Call Vote

Motion made by Councilor Coleman, Seconded by Councilor Gourley.
Voting Yea: Councilor Nash, Councilor Trask, Councilor Gourley, Councilor Coleman
Voting Nay: Mayor Mahler, President Pro Tem Gerson

Reports of Committees:

Park and Tree Committee

Sankey Park update was given by PW Director Springman. Mayor Mahler thanked the staff and volunteers on behalf of the City Council for the work completed at Sankey Park.

Ad Hoc Committee on Health

Councilor Gourley reported the Medical Services Van is a resource for our community, but if it is not used, we will lose the service.

Reports of City Officials:

Mayor's Report

Mayor Mahler reported the success of Cut the Gut event.

Mayor Mahler reported the funding for the wastewater project has been lost and that City Manager Towry would be giving more details in his report.

City Manager's Report

City Manager Towry reported he received a notice regarding HB50, that stated lottery bonds will not be sold and the 7 million that was allocated for the City of Sweet Home Waste Water Treatment Plant upgrade will not be available. Senator Girod's office has reached out to staff and is willing to guide the City thru the reapplication project.

CM Towry reported on the ODOT project noting the scope has changed drastically, staff will bring the changes to the Council by the next meeting.

Cut the Gut was a huge success. City Hall was in the running for best stop as voted by the participants. Thanks to Councilor Coleman, Gerson and Trask who volunteered. The Chamber of Commerce, Radiator Supply House and Appletree Reality did a great job putting this event together.

City Manager Towry reported the Street Sweeper is no longer functional and out of commission for the time being. Staff will be bringing a proposal for Council to review.

Department Director's Reports (1st meeting of the Month)

Library Services Director

k) Library Monthly Report for June, 2020 (pg. 51-52)

A written report was included in the packet. There were no questions of the Council.

Community and Economic Development Director

l) CEDD Monthly Report for June, 2020 (pg. 53-57)

A written report was included in the packet. There were no questions of the Council.

Public Works Director

m) PW Monthly Report for June, 2020 (pg. 58-61)

A written report was included in the packet. There were no questions of the Council.

Finance Director

n) Information Only - 2021 Property & Liability Insurance (pg. 62)

Finance Director Neish reported an 13 percent increase in Property and Liability Insurance. FD Neish explained a recent property appraisal and analysis increased property

values of the City and contributed to the cost increase. Council requested the City look into cost from other vendors.

Councilor Gerson asked if the Council could have a discussion on the old City Hall building.

City Attorney

None

Council Business for Good of the Order

Adjournment

With no further business, the meeting adjourned at 7:47 PM.

_____
Mayor

ATTEST:

_____
City Manager – Ex Officio City Recorder

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-818-8039
www.sweethomeor.gov

Community and Economic Development Department

Memorandum

TO: Ray Towry, City Manager
FROM: Joe Graybill
DATE: 7-20-2020
SUBJECT: Sweet Home 2015 STIP Project Elements Rescoped

The City of Sweet Home applied for the 55th Ave to Shea Point Project in 2012 for the 2015-2018 ODOT STIP Programming Period. Projects within the period often extend beyond the 3-year timeline, sometimes not starting for some years, and of course construction time. The following list are the changes and modifications that have occurred.

Work Scope:

The initial design had included some elements that were originally desired – such as:

- a reconstructed lake side pathway,
- a single one-way west-bound frontage lane with additional parking,
- a separator planter between the Main St roadway and the parking lane and path areas,
- reconstruction of the roadside parking lot adjacent to the townhouses and marina,
- two RRFB crossings, one at 60th Ave and the other at Riggs Hill Road / Shea Point,
- sidewalks on both sides of Main St from 55th Ave to 60th Ave, and
- a sidewalk section in front of the two restaurants and two RV Parks at Riggs Hill Road.

After the project was recommended by our local CWGOG, and accepted by ODOT (OTC), there were some changes noted.

- The highway was alongside the USACOE Foster Reservoir, project monies could not be used on Federal lands, resulting in the deleted;
  - lakeside path,
  - parking lane and median, and
  - parking lot.
- Also deleted were the two RRFBs, which are unsafe to use at highway speeds (45+), because while one driver will pause for pedestrians, others may not.

To offset those reductions a southside sidewalk segment from 60th Ave east was added to the approved MTEP agreement. However, since then for budget reasons, the following have been deleted.

- The southside sidewalk from 55th Ave to 60th Ave,
- Any crossing at 60th Ave.
- The southside sidewalk from Riggs Hill Road west, and
- the added sidewalk link from 60th Ave east.

The project has been rescoped to include:

- A northside only, 10ft wide “Multi-Use” path, from 55th Ave to 60th Ave.
  - With the notable exception of the 60ft wide right-of-way under the AERR Bridge crossing the highway.

While ODOT will enhance the 54th Ave crossing with a small pedestrian refuge in the turn lane and ADA access ramp bulbouts, the path segment under the bridge is left to the City. City responsibility will be to design and match pathway grades, an ADA standard “soft” path (compacted 3/8” -0” crushed rock), the path alignment under the structure, and maintenance.

LOCAL AGENCY AGREEMENT
MULTIMODAL TRANSPORTATION ENHANCE PROGRAM (MTEP)
US 20: 54th Avenue – Riggs Hill Road (Sweet Home)
City of Sweet Home

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State" and "ODOT;" and the CITY OF SWEET HOME, acting by and through its elected officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties."

RECITALS

1. By the authority granted in Oregon Revised Statute (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.

2. US 20 is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC). 54th Avenue and Riggs Hill Road are part of the city street system under the jurisdiction and control of Agency.

3. Agency has been awarded MTEP funding in the amount of $1,276,965.00 for the Preliminary Engineering and Construction phases of US 20: 54th Avenue – Riggs Hill Road (Sweet Home) project.

4. Agency has agreed that ODOT will oversee this project on behalf of the Agency.

NOW THEREFORE the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

DEFINITIONS

1. "Contract Award" (construction projects) means the issuance of a Notice to Proceed (NTP) to the construction contractor.

2. "Funding Ratio" means the relationship between MTEP funds and Total Project Cost and Other Funds and the Total Project Cost. This ratio is established at the time the agreement is executed and does not change during the course of the project. The ratio governs the obligation of MTEP funds at the time of construction/consultant award or Project Closeout.

3. "Match" means the minimum amount State or Agency must contribute to match the federal aid funding portion of the project.

Key No. 18853

4. "MTEP" means Multimodal Transportation Enhance Program and may be funded by a combination of federal and state funds.

5. "Other Funds" means other funding required to complete the project including but not limited to state, federal, and agency funds.

6. "Project Closeout" means project is ready to close as there are no more expenditures associated with project.

7. "Project Overruns" means the final cost estimate at Contract Award exceeds the estimated Total Project Cost estimate in this Agreement, or the final actual project costs exceed the final cost estimate at Contract Award.

8. "Project Underrun" means the final cost estimate at Contract Award is below the estimated Total Project Cost in this Agreement, or the final actual project costs are below the final cost estimate at Contract Award.

9. "Total Project Cost" means the estimated amount as shown in this Agreement. This amount will include MTEP funds, local matching funds, and other funds as required to complete project as stated in this Agreement.

TERMS OF AGREEMENT

1. Under such authority, Agency and State agree to State constructing a multi-use path along Foster Lake in the City of Sweet Home, on behalf of Agency, hereinafter referred to as "Project" and is further defined below. The location of the Project is approximately as shown on the map attached hereto, marked "Exhibit A," and by this reference made a part hereof.

2. The Project Description and Deliverables are as follows:

   a. Description: construct multi-use path, sidewalks and bike lanes along US 20 from 54th Avenue to Riggs Hill Road in the City of Sweet Home.

   b. Deliverables: the Project includes installation of sidewalks between 55th and 60th Avenues on both sides of US 20, a sidewalk on the south side of US 20 extending 225 feet west from Riggs Hill Road and improvements to a multi-use path on the north side of US 20 extending 1700 feet west from Riggs Hill Road.

3. Both Parties agree that an amendment to this Agreement is required if any changes are made to the Project as described in Project Description and Deliverables above.

4. The Project shall be conducted as a part of the Multimodal Transportation Enhance Program (MTEP) with funds provided under Title 23, United States Code and may include a combination of federal and state funds. The Total Project Cost is estimated at $1,800,500.00, which is subject to change. Federal funding for this Project shall be limited to $1,276,965.00. Agency shall be responsible for all

remaining costs, including the 10.27 percent match for all eligible costs, any non-participating costs, and all costs in excess of the available federal or state funds.

5. The Funding Ratio for this Project is 70.92% of MTEP funds to 29.08% Agency funds and applies to Project Underruns. The Funding Ratio for this Project does not apply in the case of Project Overruns.

6. If, at the time of Contract Award or Project Closeout, the Project Underruns the estimated Total Project Cost in this Agreement, MTEP funding and Other Funds will be obligated proportionally based on the Funding Ratio. Any unused MTEP funds, will be retained by State, and will not be available for use by Agency for this Agreement or any other projects.

7. Project Overruns which occur at the time of Contract Award, and or at the time of Project Closeout are the responsibility of the Agency.

8. Except as provided for in Attachment No. 1, Special Provisions No. 2, Project decisions regarding design standards, design exceptions, utility relocation expenses, right of way needs, preliminary engineering charges, construction engineering charges, and Contract Change Orders, as applicable shall be mutually agreed upon between the Agency and the State, as these decisions may impact the Total Project Cost. However, State may award a construction contract at ten (10) percent (%) over engineer's estimate without prior approval of Agency.

9. State will submit the requests for federal funding to Federal Highway Administration (FHWA). The federal funding for this Project is contingent upon approval of each funding request by FHWA. Any work performed prior to acceptance by FHWA or outside the scope of work will be considered nonparticipating and paid for at Agency expense.

10. State considers Agency a subrecipient of the federal funds it receives as reimbursement under this Agreement. The Catalog of Federal Domestic Assistance (CFDA) number and title for this Project is 20.205, Highway Planning and Construction.

11. The term of this Agreement shall begin on the date all required signatures are obtained and shall terminate upon completion of the Project and final payment or ten (10) calendar years following the date all required signatures are obtained, whichever is sooner.

12. This Agreement may be terminated by mutual written consent of both Parties.

13. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:

a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.

b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.

c. If Agency fails to provide payment of its share of the cost of the Project.

d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.

e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or if State is prohibited from paying for such work from the planned funding source.

14. a. Information required by 2 CFR 200.331(a), except for (xiii) Indirect cost rate, shall be contained in the USDOT FHWA Federal Aid Project Agreement for this Project, a copy of which shall be provided by ODOT to Agency with the Notice to Proceed.

    i) The indirect cost rate for this project at the time the agreement is written is zero (0%) percent.

15. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.

16. The Special and Standard Provisions attached hereto, marked Attachments 1 and 2, respectively, are by this reference made a part hereof. The Standard Provisions apply to all federal-aid projects and may be modified only by the Special Provisions. The Parties hereto mutually agree to the terms and conditions set forth in Attachments 1 and 2. In the event of a conflict, this Agreement shall control over the attachments, and Attachment 1 shall control over Attachment 2.

17. Agency, as a recipient of federal funds, pursuant to this Agreement with the State, shall assume sole liability for Agency's breach of any federal statutes, rules, program requirements and grant provisions applicable to the federal funds, and shall, upon Agency's breach of any such conditions that requires the State to return funds to FHWA, hold harmless and indemnify the State for an amount equal to the funds received under this Agreement; or if legal limitations apply to the indemnification ability of Agency, the indemnification amount shall be the maximum amount of funds available for expenditure, including any available contingency funds or other available non-appropriated funds, up to the amount received under this Agreement.

18. State and Agency hereto agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be invalid, unenforceable, illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular term or provision held to be invalid.

19. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, commission, board, officers, members or representatives, and to legally bind Agency.

20. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

21. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. In the event of conflict, the body of this Agreement and the attached Exhibits will control over Project application and documents provided by Agency to State. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No waiver, consent, modification or change of terms of this Agreement shall bind either party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

22. State Contact for this Agreement is Brennan Burbank, Local Agency Liaison, ODOT, Region 2, 455 Airport Road SE, Building B, Salem Oregon 97301; telephone: (503) 986-2825; email: brennan.burbank@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

23. Agency's Contact for this Project is Ray Towry, City Manager, City of Sweet Home, 1140 12th Avenue, Sweet Home, Oregon 97386; telephone (541) 367-6243; email: rtowry@ci.sweet-home.or.us, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

This Project is in the 2015-2018 Statewide Transportation Improvement Program (STIP), (Key #18853) that was adopted by the Oregon Transportation Commission on December 18, 2014 (or subsequently by amendment to the STIP).

City of Sweet Home/ODOT
Agreement No. 31705

CITY OF SWEET HOME, by and through its elected officials

By _____
Title: Mayor

Date 8/28/17

By _____
Title: City Manager

Date 06/26/17

APPROVED AS TO LEGAL SUFFICIENCY

By _____
Agency Counsel

Date 8/28/17

Agency Contact:
Ray Towry, City Manager
City of Sweet Home
1140 12th Avenue
Sweet Home, Oregon 97386
(541) 367-6243
Email: rtowry@ci.sweet-home.or.us

State Contact:
Brennan Burbank, Local Agency Liaison
ODOT, Region 2
455 Airport Road SE, Building B
Salem, Oregon 97301
(503) 986-2825
Email: Brennan.burbank@odot.state.or.us

STATE OF OREGON, by and through its Department of Transportation

By _____
Highway Division Administrator

Date 9/12/17

APPROVAL RECOMMENDED

By _____
State Traffic and Roadway Manager

Date 9-11-17

By _____
Region 2 Manager

Date 9-8-17

By _____
Area 4 Manager

Date 9/5/2017

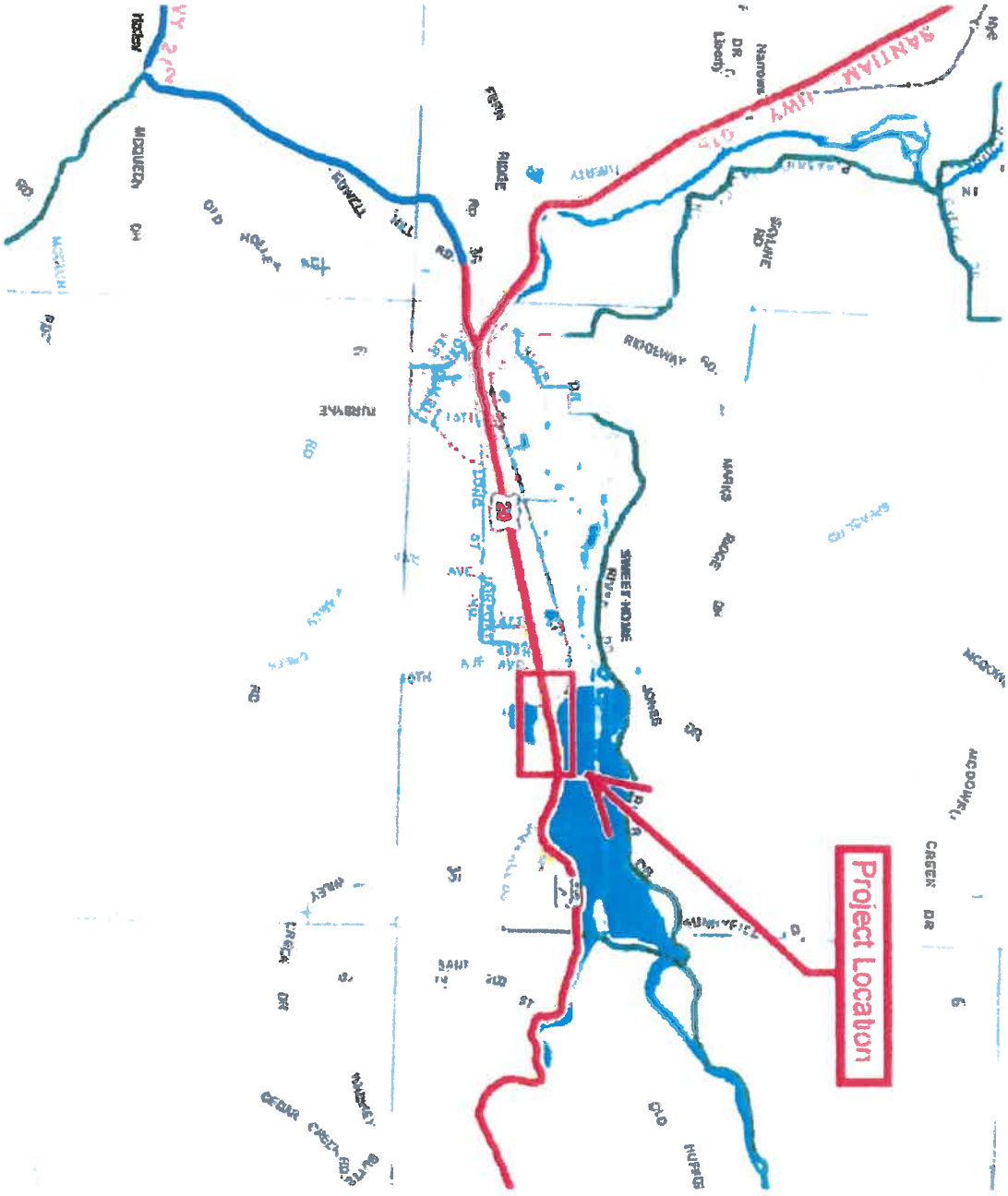
APPROVED AS TO LEGAL SUFFICIENCY

By _____
Assistant Attorney General

Date 8/31/2017

City of Sweet Home/ODOT
Agreement No. 31705

EXHIBIT A – Project Location



ATTACHMENT NO. 1
SPECIAL PROVISIONS

1. State, or the consultant, shall conduct the necessary field surveys, environmental studies, traffic investigations, foundation explorations, hydraulic studies, assist with acquisition of necessary right of way and easements; obtain all required permits and arrange for all utility relocations/adjustments. State or the consultant shall conduct all work components necessary to complete the Project.

2. When the Project scope includes work on sidewalks and curb ramps, or triggers an obligation to address curb ramps, the Parties shall:
    a. Utilize ODOT standards to assess and ensure Project compliance with the American's with Disabilities Act of 1990 (ADA), including ensuring that all sidewalks and curb ramps meet current ODOT Highway Design Manual standards;
    b. Follow ODOT's processes for design, modification, upgrade, or construction of sidewalks, curb ramps, and pedestrian-activated signals, including using the ODOT Highway Design Manual, ODOT Design Exception process, ODOT Standard Drawings, ODOT Construction Specifications, and current ODOT Curb Ramp Inspection form
    c. At Project completion, send an ODOT Curb Ramp Inspection Form 734-5020 to the address on the form as well as to State's Project Manager for each curb ramp constructed, modified, upgraded, or improved as part of the Project. The completed form is the documentation required to show that each curb ramp meets ODOT standards and is ADA compliant. ODOT's fillable Curb Ramp Inspection Form and instructions are available at the following address:
        http://www.oregon.gov/ODOT/HWY/CONSTRUCTION/Pages/HwyConstForms1.aspx

3. Agency shall, at its own expense, maintain and periodically inspect any sidewalks and curb ramps on portions of the Project under Agency's maintenance jurisdiction upon Project completion and throughout the useful life of the Project to ensure continuing compliance with the ADA. This provision shall survive termination of this Agreement.

4. Upon State's award of the construction contract, State, or the consultant, shall be responsible for all required materials testing and quality documentation; and prepare necessary documentation with ODOT-qualified personnel, and State will make all contractor payments. Contract administration, construction engineering and inspection will follow the most current version of the ODOT Construction Manual and the ODOT Inspector's Manual.

5. Agency guarantees the availability of Agency funding in an amount required to fully fund Agency's share of the Project.

6. State will perform work throughout the duration of the Project and shall provide a preliminary estimate of State costs for this work. Prior to the start of each Project phase State shall provide an updated estimate of State costs for that phase. Such phases generally consist of Preliminary Engineering, Right of Way, Utility, and Construction. Agency understands that State's costs are estimates only and agrees to reimburse State for actual cost incurred per this Agreement.

7. State and Agency agree that the useful life of this Project is defined as 20 years.

8. Agency grants State the right to enter onto Agency right of way for the performance of duties as set forth in this Agreement.

9. If Agency fails to meet the requirements of this Agreement or the underlying federal regulations, State may withhold the Agency's proportional share of Highway Fund distribution necessary to reimburse State for costs incurred by such Agency breach. Agency will be ineligible to receive or apply for any Title 23, United States Code funds until State receives full reimbursement of the costs incurred.

ATTACHMENT NO. 2
FEDERAL STANDARD PROVISIONS

PROJECT ADMINISTRATION

1. State (ODOT) is acting to fulfill its responsibility to the Federal Highway Administration (FHWA) by the administration of this Project, and Agency (i.e. county, city, unit of local government, or other state agency) hereby agrees that State shall have full authority to carry out this administration. If requested by Agency or if deemed necessary by State in order to meet its obligations to FHWA, State will act for Agency in other matters pertaining to the Project. Prior to taking such action, State will confer with Agency concerning actions necessary to meet federal obligations. State or its consultant, with Agency involvement shall, if necessary, appoint and direct the activities of a Citizen's Advisory Committee and/or Technical Advisory Committee, conduct a hearing and recommend the preferred alternative. State and Agency shall each assign a person in responsible charge "liaison" to coordinate activities and assure that the interests of both Parties are considered during all phases of the Project.

2. Any project that uses federal funds in project development is subject to plans, specifications and estimates (PS&E) review and approval by FHWA or State acting on behalf of FHWA prior to advertisement for bid proposals, regardless of the source of funding for construction.

3. State will provide or secure services to perform plans, specifications and estimates (PS&E), construction contract advertisement, bid, award, contractor payments and contract administration. A State-approved consultant may be used to perform preliminary engineering, right of way and construction engineering services.

PROJECT FUNDING REQUEST

4. State shall submit a separate written Project funding request to FHWA requesting approval of federal-aid participation for each project phase including a) Program Development (Planning), b) Preliminary Engineering (National Environmental Policy Act - NEPA, Permitting and Project Design), c) Right of Way Acquisition, d) Utilities, and e) Construction (Construction Advertising, Bid and Award). Any work performed prior to FHWA's approval of each funding request will be considered nonparticipating and paid for at Agency expense. State, the consultant or Agency shall not proceed on any activity in which federal-aid participation is desired until such written approval for each corresponding phase is obtained by State. State shall notify Agency in writing when authorization to proceed has been received from FHWA. All work and records of such work shall be in conformance with FHWA rules and regulations.

FINANCE

5. Federal funds shall be applied toward Project costs at the current federal-aid matching ratio, unless otherwise agreed and allowable by law. Agency shall be responsible for the entire match amount for the federal funds and any portion of the Project, which is not covered by federal funding, unless otherwise agreed to and specified in the intergovernmental Agreement (Project Agreement). Agency must obtain written approval from State to use in-kind

contributions rather than cash to satisfy all or part of the matching funds requirement. If federal funds are used, State will specify the Catalog of Federal Domestic Assistance (CFDA) number in the Project Agreement. State will also determine and clearly state in the Project Agreement if recipient is a subrecipient or vendor, using criteria 2 CFR 200.330.

6. If the estimated cost exceeds the total matched federal funds available, Agency shall deposit its share of the required matching funds, plus 100 percent of all costs in excess of the total matched federal funds. Agency shall pay one hundred (100) percent of the cost of any item in which FHWA will not participate. If Agency has not repaid any non-participating cost, future allocations of federal funds or allocations of State Highway Trust Funds to Agency may be withheld to pay the non-participating costs. If State approves processes, procedures, or contract administration outside the Local Agency Guidelines Manual that result in items being declared non-participating by FHWA, such items deemed non-participating will be negotiated between Agency and State.

7. Agency agrees that costs incurred by State and Agency for services performed in connection with any phase of the Project shall be charged to the Project, unless otherwise mutually agreed upon by the Parties.

8. Agency's estimated share and advance deposit.

   a) Agency shall, prior to commencement of the preliminary engineering and/or right of way acquisition phases, deposit with State its estimated share of each phase. Exception may be made in the case of projects where Agency has written approval from State to use in-kind contributions rather than cash to satisfy all or part of the matching funds requirement.

   b) Agency's construction phase deposit shall be one hundred ten (110) percent of Agency's share of the engineer's estimate and shall be received prior to award of the construction contract. Any additional balance of the deposit, based on the actual bid must be received within forty-five (45) days of receipt of written notification by State of the final amount due, unless the contract is cancelled. Any balance of a cash deposit in excess of amount needed, based on the actual bid, will be refunded within forty-five (45) days of receipt by State of the Project sponsor's written request.

   c) Pursuant to Oregon Revised Statutes (ORS) 366.425, the advance deposit may be in the form of 1) money deposited in the State Treasury (an option where a deposit is made in the Local Government Investment Pool), and an Irrevocable Limited Power of Attorney is sent to State's Active Transportation Section, Funding and Program Services Unit, or 2) an Irrevocable Letter of Credit issued by a local bank in the name of State, or 3) cash.

9. If Agency makes a written request for the cancellation of a federal-aid project; Agency shall bear one hundred (100) percent of all costs incurred as of the date of cancellation. If State was the sole cause of the cancellation, State shall bear one hundred (100) percent of all costs incurred. If it is determined that the cancellation was caused by third parties or circumstances beyond the control of State or Agency, Agency shall bear all costs, whether incurred by State or Agency, either directly or through contract services, and State shall bear any State administrative costs incurred. After settlement of payments, State shall deliver surveys, maps, field notes, and all other data to Agency.

10. Agency shall follow the requirements stated in the Single Audit Act. Agencies expending $500,000 or more in Federal funds (from all sources) in its fiscal year beginning prior to December 26, 2014, shall have a single organization-wide audit conducted in accordance with the Single Audit Act of 1984, PL 98-502 as amended by PL 104-156 and subject to the requirements of 49 CFR Parts 18 and 19. Agencies expending $750,000 or more in federal funds (from all sources) in a fiscal year beginning on or after December 26, 2014 shall have a single organization-wide audit conducted in accordance with the provisions of 2 CFR part 200, subpart F. Agencies expending less than $500,000 in Federal funds in a fiscal year beginning prior to December 26, 2014, or less than $750,000 in a fiscal year beginning on or after that date, is exempt from Federal audit requirements for that year. Records must be available for review or audit by appropriate officials based on the records retention period identified in the Project Agreement. The cost of this audit can be partially prorated to the federal program.

11. Agency shall make additional deposits, as needed, upon request from State. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete the Project.

12. Agency shall present invoices for one hundred (100) percent of actual costs incurred by Agency on behalf of the Project directly to State's Liaison for review, approval and reimbursement to Agency. Costs will be reimbursed consistent with federal funding provisions and the Project Agreement. Such invoices shall identify the Project by the name of the Project Agreement, reference the Project Agreement number, and shall itemize and explain all expenses for which reimbursement is claimed. Invoices shall be presented for periods of not less than one-month duration, based on actual expenses to date. All invoices received from Agency must be approved by State's Liaison prior to payment. Agency's actual costs eligible for federal-aid or State participation shall be those allowable under the provisions of the Federal-Aid Policy Guide (FAPG), Title 23 CFR parts 1.11, 140 and 710. Final invoices shall be submitted to State for processing within forty-five (45) days from the end of each funding phase as follows: a) preliminary engineering, which ends at the award date of construction b) last payment for right of way acquisition and c) contract completion for construction. Partial billing (progress payment) shall be submitted to State within forty-five (45) days from date that costs are incurred. Invoices submitted after 45 days may not be eligible for reimbursement by FHWA. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the Project Agreement for the purpose of making audit, examination, excerpts, and transcripts for a period ending on the later of six (6) years following the date of final voucher to FHWA or after resolution of any disputes under the Project Agreement. Copies of such records and accounts shall be made available upon request. For real property and equipment, the retention period starts from the date of disposition (2 CFR 200.333(c).

13. Agency shall, upon State's written request for reimbursement in accordance with Title 23, CFR part 630.112(c) 1 and 2, as directed by FHWA, reimburse State for federal-aid funds distributed to Agency if any of the following events occur:

    a) Right of way acquisition is not undertaken or actual construction is not started by the close of the twentieth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized for right of way acquisition. Agency may submit a written request to State's Liaison for a time extension beyond the twenty (20) year limit with no repayment of federal funds and State

will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.

b) Right of way acquisition or actual construction of the facility for which preliminary engineering is undertaken is not started by the close of the tenth federal fiscal year following the federal fiscal year in which the federal-aid funds were authorized. Agency may submit a written request to State's Liaison for a time extension beyond the ten (10) year limit with no repayment of federal funds and State will forward the request to FHWA. FHWA may approve this request if it is considered reasonable.

14. State shall, on behalf of Agency, maintain all Project documentation in keeping with State and FHWA standards and specifications. This shall include, but is not limited to, daily work records, quantity documentation, material invoices and quality documentation, certificates of origin, process control records, test results, and inspection records to ensure that the Project is completed in conformance with approved plans and specifications.

15. State shall submit all claims for federal-aid participation to FHWA in the normal manner and compile accurate cost accounting records. State shall pay all reimbursable costs of the Project. Agency may request a statement of costs-to-date at any time by submitting a written request. When the actual total cost of the Project has been computed, State shall furnish Agency with an itemized statement of final costs. Agency shall pay an amount which, when added to said advance deposit and federal reimbursement payment, will equal one hundred (100) percent of the final total actual cost. Any portion of deposits made in excess of the final total costs of the Project, minus federal reimbursement, shall be released to Agency. The actual cost of services provided by State will be charged to the Project expenditure account(s) and will be included in the total cost of the Project.

STANDARDS

16. Agency and State agree that minimum design standards on all local agency jurisdictional roadway or street projects on the National Highway System (NHS) and projects on the non-NHS shall be the American Association of State Highway and Transportation Officials (AASHTO) standards and be in accordance with State's Oregon Bicycle & Pedestrian Design Guide (current version). State or the consultant shall use either AASHTO's A Policy on Geometric Design of Highways and Streets (current version) or State's Resurfacing, Restoration and Rehabilitation (3R) design standards for 3R projects. State or the consultant may use AASHTO for vertical clearance requirements on Agency's jurisdictional roadways or streets.

17. Agency agrees that if the Project is on the Oregon State Highway System or State-owned facility, that design standards shall be in compliance with standards specified in the current ODOT Highway Design Manual and related references. Construction plans for such projects shall be in conformance with standard practices of State and all specifications shall be in substantial compliance with the most current Oregon Standard Specifications for Highway Construction and current Contract Plans Development Guide.

18. State and Agency agree that for all projects on the Oregon State Highway System or State-owned facility any design element that does not meet ODOT Highway Design Manual design standards must be justified and documented by means of a design exception. State and Agency further agrees that for all projects on the NHS, regardless of funding source; any

design element that does not meet AASHTO standards must be justified and documented by means of a design exception. State shall review any design exceptions on the Oregon State Highway System and retains authority for their approval. FHWA shall review any design exceptions for projects subject to Focused Federal Oversight and retains authority for their approval.

19. Agency agrees all traffic control devices and traffic management plans shall meet the requirements of the current edition of the Manual on Uniform Traffic Control Devices and Oregon Supplement as adopted in Oregon Administrative Rule (OAR) 734-020-0005. State or the consultant shall, on behalf of Agency, obtain the approval of the State Traffic Engineer prior to the design and construction of any traffic signal, or illumination to be installed on a state highway pursuant to OAR 734-020-0430.

20. The standard unit of measurement for all aspects of the Project shall be English Units. All Project documents and products shall be in English. This includes, but is not limited to, right of way, environmental documents, plans and specifications, and utilities.

PRELIMINARY & CONSTRUCTION ENGINEERING

21. Preliminary engineering and construction engineering may be performed by either a) State, b) State-approved consultant, or c) certified agency. Engineering work will be monitored by State or certified agency to ensure conformance with FHWA rules and regulations. Project plans, specifications and cost estimates shall be performed by either a) State, b) State-approved consultant or c) certified agency. State shall review and approve Project plans, specifications and cost estimates. State shall, at project expense, review, process and approve, or submit for approval to the federal regulators, all environmental statements. State shall, offer Agency the opportunity to review and approve the documents prior to advertising for bids.

22. Agency may request State's two-tiered consultant selection process as allowed by OAR 137-048-0260 to perform architectural, engineering, photogrammetry, transportation planning, land surveying and related services (A&E Services) as needed for federal-aid transportation projects. Use of the State's processes is required to ensure federal reimbursement. State will award and execute the contracts. State's personal services contracting process and resulting contract document will follow Title 23 CFR part 172, 2 CFR part 1201, ORS 279A.055, 279C.110, 279C.125, OAR 137-048-0130, OAR 137-048-0220(4) and State Personal Services Contracting Procedures as approved by the FHWA. Such personal services contract(s) shall contain a description of the work to be performed, a project schedule, and the method of payment. No reimbursement shall be made using federal-aid funds for any costs incurred by Agency or the consultant prior to receiving authorization from State to proceed.

23. The party responsible for performing preliminary engineering for the Project shall, as part of its preliminary engineering costs, obtain all Project related permits necessary for the construction of said Project. Said permits shall include, but are not limited to, access, utility, environmental, construction, and approach permits. All pre-construction permits will be obtained prior to advertisement for construction.

24. State or certified agency shall prepare construction contract and bidding documents, advertise for bid proposals, and award all construction contracts.

25. Upon State's or certified agency's award of a construction contract, State or certified agency shall perform quality assurance and independent assurance testing in accordance with the FHWA-approved Quality Assurance Program found in State's Manual of Field Test Procedures, process and pay all contractor progress estimates, check final quantities and costs, and oversee and provide intermittent inspection services during the construction phase of the Project.

26. State shall, as a Project expense, assign a liaison to provide Project monitoring as needed throughout all phases of Project activities (preliminary engineering, right-of-way acquisition, and construction). State's liaison shall process reimbursement for federal participation costs.

REQUIRED STATEMENT FOR United States Department of Transportation (USDOT) FINANCIAL ASSISTANCE AGREEMENT

27. By signing the Federal-Aid Agreement to which these Federal Standard Provisions are attached, Agency agrees to adopt State's DBE Program Plan, available at https://www.oregon.gov/ODOT/CS/CIVILRIGHTS/Pages/dbe_prog_plan.aspx. Agency shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any USDOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR part 26. Agency agrees to take all necessary and reasonable steps under 49 CFR part 26 to ensure nondiscrimination in the award and administration of USDOT-assisted contracts. State's DBE program, as required by 49 CFR part 26 and as approved by USDOT, is incorporated by reference in this Project Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Project Agreement. Upon notification to the recipient of its failure to carry out its approved program, the USDOT may impose sanctions as provided for under part 26 and may, in appropriate cases, refer the matter for enforcement under 18 United States Code (USC) 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 USC 3801 et seq.).

Disadvantaged Business Enterprises (DBE) Obligations

28. State and Agency agree to incorporate by reference the requirements of 49 CFR part 26 and State's DBE Program Plan, as required by 49 CFR part 26 and as approved by USDOT, into all contracts entered into under this Project Agreement. The following required DBE assurance shall be included in all contracts:

    "The contractor or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of Title 49 CFR part 26 in the award and administration of federal-aid contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as Agency deems appropriate. Each subcontract the contractor signs with a subcontractor must include the assurance in this paragraph (see 49 CFR 26.13(b))."

29. State and Agency agree to comply with all applicable civil rights laws, rules and regulations, including Title V and Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and Titles VI and VII of the Civil Rights Act of 1964.

30. The Parties hereto agree and understand that they will comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances applicable to the work

including, but not limited to, the provisions of ORS 279C.505, 279C.515, 279C.520, 279C.530 and 279B.270, incorporated herein by reference and made a part hereof; Title 23 CFR parts 1.11, 140, 635, 710, and 771; Title 49 CFR parts 24 and 26; , 2 CFR 1201; Title 23, USC, Federal-Aid Highway Act; Title 41, Chapter 1, USC 51-58, Anti-Kickback Act; Title 42 USC; Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1970, as amended, the provisions of the FAPG and *FHWA Contract Administration Core Curriculum Participants Manual & Reference Guide.* State and Agency agree that FHWA-1273 Required Contract Provisions shall be included in all contracts and subcontracts verbatim and not by reference.

RIGHT OF WAY

31. State and the consultant, if any, agree that right of way activities shall be in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, ORS Chapter 35, FAPG, CFR, and the *ODOT Right of Way Manual*, Title 23 CFR part 710 and Title 49 CFR part 24. State, at Project expense, shall review all right of way activities engaged in by Agency to ensure compliance with all laws and regulations.

32. State is responsible for proper acquisition of the necessary right of way and easements for construction and maintenance of projects. State or the consultant may perform acquisition of the necessary right of way and easements for construction and maintenance of the Project in accordance with the *ODOT Right of Way Manual*, and with the prior approval from State's Region Right of Way office.

33. Regardless of who acquires or performs any of the right of way activities, a right of way services agreement shall be created by State's Region Right of Way office setting forth the responsibilities and activities to be accomplished by each Party. If the Project has the potential of needing right of way, to ensure compliance in the event that right of way is unexpectedly needed, a right of way services agreement will be required. State, at Project expense, shall be responsible for requesting the obligation of project funding from FHWA. State, at Project expense, shall be responsible for coordinating certification of the right of way, and providing oversight and monitoring. Funding authorization requests for federal right of way funds must be sent through State's Liaison, who will forward the request to State's Region Right of Way office on all projects. State or the consultant must receive written authorization to proceed from State's Right of Way Section prior to beginning right of way activities. All projects must have right of way certification coordinated through State's Region Right of Way office to declare compliance and project readiness for construction (even for projects where no federal funds were used for right of way, but federal funds were used elsewhere on a project). State's Liaison shall contact State's Region Right of Way office for additional information or clarification on behalf of Agency.

34. Agency agrees that if any real property purchased with federal-aid participation is no longer needed for the originally authorized purpose, the disposition of such property shall be subject to applicable rules and regulations, which are in effect at the time of disposition. Reimbursement to State and FHWA of the required proportionate shares of the fair market value may be required.

35. State or the consultant shall ensure that all project right of way monumentation will be conducted in conformance with ORS 209.155.

36. State and Agency grants each other authority to enter onto the other's right of way for the performance of non-construction activities such as surveying and inspection of the Project.

RAILROADS

37. State or Agency shall follow State established policy and procedures when impacts occur on railroad property. The policy and procedures are available through the State's Liaison, who will contact State's Railroad Liaison on behalf of Agency. Only those costs allowable under Title 23 CFR part 140 subpart I, and Title 23 part 646 subpart B shall be included in the total Project costs; all other costs associated with railroad work will be at the sole expense of Agency, or others. Agency may request State, in writing and, at Project expense, to provide railroad coordination and negotiations through the State's Utility & Railroad Liaison on behalf of Agency. However, State is under no obligation to agree to perform said duties.

UTILITIES

38. State, the consultant, or Agency shall follow State established statutes, policies and procedures when impacts occur to privately or publicly-owned utilities. Policy, procedures and forms are available through the State Utility Liaison or State's Liaison. State, the consultant or Agency shall provide copies of all signed utility notifications, agreements and Utility Certification to the State Utility & Railroad Liaison. Only those utility relocations, which are eligible for reimbursement under the FAPG, Title 23 CFR part 645 subparts A and B, shall be included in the total Project costs; all other utility relocations shall be at the sole expense of Agency, or others. Agency may send a written request to State, at Project expense, to arrange for utility relocations/adjustments lying within Agency jurisdiction. This request must be submitted no later than twenty-one (21) weeks prior to bid let date. Agency shall not perform any utility work on state highway right of way without first receiving written authorization from State.

GRADE CHANGE LIABILITY

39. Agency, if a County, acknowledges the effect and scope of ORS 105.755 and agrees that all acts necessary to complete construction of the Project which may alter or change the grade of existing county roads are being accomplished at the direct request of the County.

40. Agency, if a City, hereby accepts responsibility for all claims for damages from grade changes. Approval of plans by State shall not subject State to liability under ORS 105.760 for change of grade.

41. Agency, if a City, by execution of the Project Agreement, gives its consent as required by ORS 373.030(2) to any and all changes of grade within the City limits, and gives its consent as required by ORS 373.050(1) to any and all closure of streets intersecting the highway, if any there be in connection with or arising out of the Project covered by the Project Agreement.

MAINTENANCE RESPONSIBILITIES

42. Agency shall, at its own expense, maintain operate, and provide power as needed upon Project completion at a minimum level that is consistent with normal depreciation and/or service demand and throughout the useful life of the Project. The useful life of the Project is defined in the Special Provisions. State may conduct periodic inspections during the life of

the Project to verify that the Project is properly maintained and continues to serve the purpose for which federal funds were provided. Maintenance and power responsibilities shall survive any termination of the Project Agreement. In the event the Project will include or affect a state highway, this provision does not address maintenance of that state highway.

CONTRIBUTION

43. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

44. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.

45. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.

ALTERNATIVE DISPUTE RESOLUTION

46. The Parties shall attempt in good faith to resolve any dispute arising out of this Project Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.

WORKERS' COMPENSATION COVERAGE

47. All employers, including Agency, that employ subject workers who work under this Project Agreement in the State of Oregon shall comply with ORS 656.017 and provide the required Workers' Compensation coverage unless such employers are exempt under ORS 656.126. Employers Liability Insurance with coverage limits of not less than five hundred thousand ($500,000) must be included. State and Agency shall ensure that each of its contractors complies with these requirements.

LOBBYING RESTRICTIONS – pursuant to Form FHWA-1273, Required Contract Provisions

48. Agency certifies by signing the Project Agreement that:

a) No federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

b) If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, and contracts and subcontracts under grants, subgrants, loans, and cooperative agreements) which exceed one hundred thousand dollars ($100,000), and that all such subrecipients shall certify and disclose accordingly.

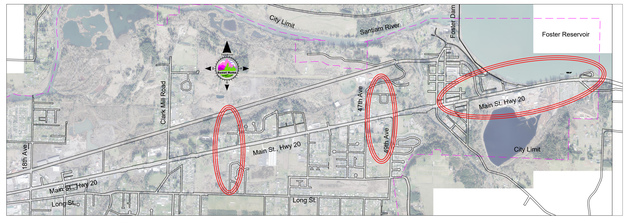
d) This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31, USC Section 1352.

e) Any person who fails to file the required certification shall be subject to a civil penalty of not less than ten thousand dollars ($10,000) and not more than one hundred thousand dollars ($100,000) for each such failure.

Main St., Hwy 20, 55th Avenue to Riggs Hill Road / Shea Pt. - 2015 STIP
1) RRFB @ Main St & 40th Ave, 2) RRFB @ Main St & 49th Ave - SWIP

Scale: 1" = 60'.

ISSUE / REV.	TITLE	ODOT STIP 2015 - 2018 Program. Sweet Home Shea Point Lakeside Recreation Zone
10-31-2013		Phase 1: Sidewalks, 55th Ave to 60th Ave. 12 ft wide Multi-use Path, 60th Ave to Shea Point Overlook. Phase 2: Median Planter Separator & Frontage Lane w/ Parking, Lighting.
SCALE 1" = 60' 03-13-2012		
FILE: ORW 2-9 SHPW2358	PRINT DATE 070-16-2020	1 of 1



Sweet Home Vicinity Map:

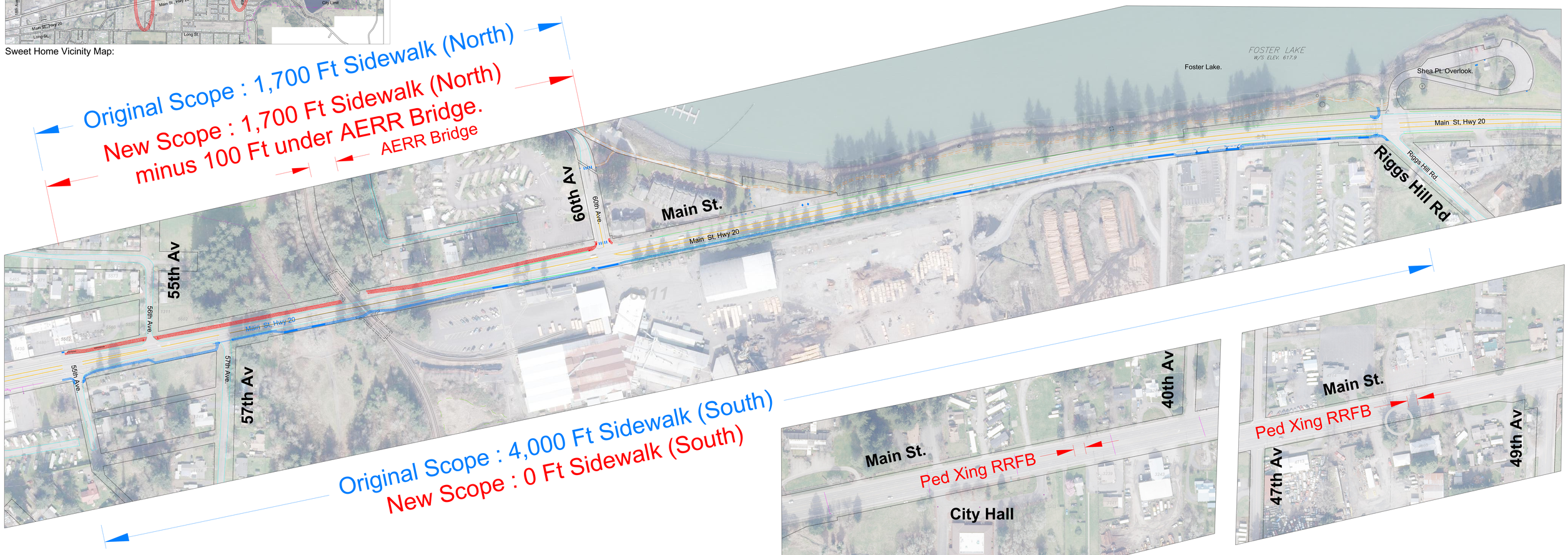
Original Scope : 1,700 Ft Sidewalk (North)

New Scope : 1,700 Ft Sidewalk (North)
minus 100 Ft under AERR Bridge.

AERR Bridge

Original Scope : 4,000 Ft Sidewalk (South)

New Scope : 0 Ft Sidewalk (South)



REQUEST FOR COUNCIL ACTION

Title:	Public Hearing to consider Application AX 20-01 & ZC 20-01
Preferred Agenda:	July 28, 2020 1st Reading
Submitted By:	Angela Clegg, Associate Planner
Reviewed By:	R. Towry, City Manager
Type of Action:	Resolution ____ Motion _X_ Roll Call ____ Other _X_
Relevant Code/Policy:	SHMC 2.04.030 Powers of the City Council
Towards Council Goal:	Vision Statement, Aspiration I: Desirable Community, Mission Statement
Attachments:	Planning Commission Order of Approval Ordinance No. 10 for 2020 Original Application

Purpose of this RCA:

To approve the Annexation and Zone Map Amendment Applications AX 20-01 and ZC 20-01.

Background/Context:

This is an application to annex an approximately 39,005 square foot (0.71-acre) property located in the City of Sweet Home's Urban Growth Boundary into the City limits of Sweet Home. The application also requests to change the zoning of the property from Linn County's Urban Growth Area-Rural Residential-1 Acre Minimum (UGA-RR-1) Zone to the City of Sweet Home's Low Density Residential (R-1) Zone.

The subject property is located within the City's Urban Growth Boundary, which has been identified as the planned location for urban development in the City. Tax Lots 400 and 500, to the east, were annexed to the City in 2010 and Tax Lot 700 was annexed to the City in 2017 under similar circumstances: they sought connection to the City's sewer system. The subject property is contiguous to the Sweet Home City Limits.

The Sweet Home Planning Commission held a public hearing on July 6, 2020. At the hearing the Planning Commission reviewed application AX ZC 20-01. The Planning Commission received testimony and deliberated on this matter at their July 6, 2020 meeting and passed a motion to recommend approval of the application to City Council. That motion of approval specified a 12-day appeal period from the date the decision motion is mailed. No specific conditions of approval were required.

The SHMC does not provide specific criteria for annexations; however, the City of Sweet Home Comprehensive Plan requires that upon annexation that the zoning of the subject property be

changed to a City zoning classification that is consistent with the Sweet Home Comprehensive Plan Map. This application for an annexation is therefore linked to the application for a zone change. For this reason, staff recommends that these applications be either both approved, or both denied. This annexation proceeding was initiated at the request of the property owner.

The Challenge/Problem:

Should the zoning map be changed to allow for the annexation into the City with a Residential Low-Density designation, rather than the current Linn County Urban Growth Area-Rural Residential 1-Acre Minimum.

Stakeholders:

- The Owner/Developer would be able to develop the property and connect to city water and sewer services.
- The residents in the surrounding area would benefit from the extension of the water and sewer lines along Alder Street.
- The City of Sweet Home would gain revenue from the annexation.

Issues and Financial Impacts:

1. Applicant – be able to connect to City water and sewer.
2. Planning and Community Development – processing the applications and permits

Elements of a Stable Solution:

The proposed annexation and zone change will allow the owner to connect to city water and sewer services and affordably develop the property.

Options:

1. *Do Nothing*.
2. *Deny Application* Staff would prepare and Order of Denial for Application AX 20-01 and ZC 20-01.
3. *Approve Application AX 20-01 and ZC 20-01 as presented and move to the second reading*.
4. *Recommend different annexation and zone amendment.* Council could review these proposed changes and recommend different annexation and zone amendments. Staff would take these recommendations and revise the proposed application for review at a future Council meeting.

Recommendation:

Staff Recommends Option 3: *Approve Application AX 20-01 and ZC 20-01 as presented and move to the second reading*.

City of Sweet Home
Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

OFFICIAL NOTICE OF A PLANNING COMMISSION RECOMMENDATION ON A LAND USE APPLICATION

PLANNING COMMISSION ORDER OF APPROVAL

REQUEST: This is an application to annex an approximately 39,005 square foot (0.71-acre) property located in the City of Sweet Home's Urban Growth Boundary into the City limits of Sweet Home. The application also requests to change the zoning of the property from Linn County's Urban Growth Area-Rural Residential-1 Acre Minimum (UGA-RR-1) Zone to the City of Sweet Home's Low Density Residential (R-1) Zone. The Planning Commission held a public hearing on July 6, 2020 and made a recommendation to the City Council. The City Council will hold a public hearing on July 28, 2020 and decide on this application.

APPLICANT/ PROPERTY OWNER:	Cindy Sieg
FILE NUMBERS:	AX20-01 & ZC20-01
PROPERTY LOCATION:	789 Alder Street, Sweet Home, OR 97386; Identified on the Linn County Assessor's Map as 14S01E06B Tax Lot 800.
REVIEW AND DECISION CRITERIA:	Sweet Home Municipal Code Section(s): 17.104.010 and 17.12.025; ORS 222.111
STAFF CONTACT:	Angela Clegg, Associate Planner Phone: (541) 367-8113; Email: aclegg@sweethomeor.gov

I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on July 6, 2020. At the hearing the Planning Commission reviewed application AX ZC 20-01. The Planning Commission received testimony and deliberated on this matter at their July 6, 2020 meeting and passed a motion to recommend approval of the application to City Council. That motion of approval specified a 12-day appeal period from the date the decision motion is mailed. No specific conditions of approval were required.

II. **FINDINGS OF FACT:** The Planning Commission provided an opportunity for testimony at the July 6, 2020 public hearing. The Planning Commission considered the information in the record, testimony at the public hearing, and the Findings of Fact listed in the Staff Report presented to the Planning Commission prior to the July 6, 2020 public hearing. The Planning Commission adopted the Findings of Fact listed in Section III of the Staff Report, and those are included as Exhibit A to this Order

III. **DECISION: Approved** the motion to recommend the application to City Council on June 6, 2020. Based on the findings referenced in Exhibit A of this order, the Planning Commission found that the proposal described in AX20-01 & ZC20-01 complies with the applicable sections of the Sweet Home Municipal Code. The Sweet Home Planning

Commission hereby approves application AX20-01 & ZC20-01 and recommends approval by the City Council.

PLANNING COMMISSION DECISION: July 6, 2020

APPEAL DEADLINE: July 24, 2020 at 5:00 PM

CITY COUNCIL MEETING: July 28, 2020 at 6:30 PM

Jeffery Parker, Planning Commission Chair — Date 7/13/2020

Blair Larsen, Community and Economic Development Director — Date 7/13/2020

APPEAL: This decision can be appealed. The decision made by the Planning Commission is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than the appeal deadline listed above (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The City Council will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113.

Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the Staff Report and all documentation included in the record for the file are available for inspection at no cost and a copy will be provided at reasonable cost at the City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386; (541) 367-8113.

Exhibit A to Order of Approval for AX20-01 & ZC20-01

The review and decision criteria for a conditional use permit are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

Criteria for Annexation Request: AX 20-01

A. **Upon receiving any petition for annexation of territory to the city, or before initiating any such action on its own motion, the Council shall refer the proposal for annexation to the Planning Commission for its consideration and recommendation.** [SHMC 17.104.010(A)]

Staff Findings: The subject property is located with the City's UGB, and annexation would bring the subject property into the City limits. The Planning Commission will consider this matter on July 6, 2020.

B. **The Planning Commission shall review the proposal for annexation, hold such hearings as it deems proper, make such finding of facts as it deems proper and make recommendations to the Council.** [SHMC 17.104.010(B)]

C. **ORS 222.120. Procedure for annexation without election; hearing; ordinance subject to referendum. [Relevant Sections]**
   a. **Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.** [ORS 222.120(1)]
   b. **When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.** [ORS 222.120(2)]
   c. **The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.** [ORS 222.120(3)]
   d. **After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:** [ORS 222.120(4)]
      i. **Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section;** [ORS 222.120(4)(b)]

Staff Findings: The provisions of SHMC 17.104.010 do not require that this annexation proposal be submitted to the electors of the City for their approval or rejection. The Planning Commission will hold a public hearing on July 6, 2020 and will make a recommendation to the City Council. The City Council will hold a hearing on this matter on July 28, 2020 at 6:30 PM.

Notice of both public hearings will be published in the New Era Newspaper on June 17, 2020 and June 24, 2020. Notice of the public hearing was posted in four city locations: City Hall, City Library, Post Office, and the community bulletin board at the northeast corner of 18th Ave and Long Street.

If this annexation is approved, the City will follow the procedures for adopting an ordinance and providing notification to affected parties as describes in the SHMC and ORS 222.

D. **In the event that the Council finds that immediate action is necessary to initiate proceedings for annexation, either before the proposal is referred to the Planning Commission, or before recommendations are received from the Planning**

Commission, the Council may proceed, but the Planning Commission shall be promptly advised, so that it may have an opportunity to make recommendations to the Council during the Council proceedings. [SHMC 17.104.010(C)]

Staff Findings: The Planning Commission will review this application and make a recommendation to City Council. The applicant did not request that immediate action be taken under this section. Staff recommends that the Planning Commission make a recommendation on this matter at their July 6, 2020 meeting so that the City Council may consider the recommendation at their July 28, 2020 hearing.

E. **When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies.** [ORS 222.111(1)]

F. **A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed.** [ORS 222.111(2)]

G. **A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation.** [OAR 660-014-0060]

Staff Findings: The subject property is contiguous to the city limits of Sweet Home to the east and the property to the south. The north property line borders Alder street, which is within the jurisdiction of Linn County; however, the property across the right-of-way is located within city limits. This is considered contiguous under ORS 222.111(1).

The SHMC does not provide specific criteria for annexations; however, as discussed below, the City of Sweet Home Comprehensive Plan requires that upon annexation that the zoning of the subject property be changed to a City zoning classification that is consistent with the Sweet Home Comprehensive Plan Map. This application for an annexation is therefore linked to the application for a zone change. For this reason, staff recommends that these applications be either both approved or both denied. This annexation proceeding was initiated at the request of the property owner.

The Engineering Department provided comments to this application, which are included in Section II of this Staff Report. Engineering comments bring attention to the issue of the jurisdiction of Alder Street. The applicant's property does not include Alder Street; however, the extension of City sewer services would most efficiently be provided by extending the existing sewer line in Alder street that is currently located to the east of the property. The sewer line would need to be extended along the full length of the subject property's frontage along Alder Street (SHMC 13.08.070). As the annexation is proposed, sewer extension would require work within the Linn County portion of Alder Street, and the applicant would need to obtain a work in the right-of-way permit from Linn County. The Engineering Department recommends annexing the portion of Alder Street that would be affected by the extension.

This annexation decision will be made in conformance with the City's acknowledged comprehensive plan; and therefore, would comply with the Oregon Statewide Planning Goals pursuant to OAR 660-014-0060.

Criteria for Zone Change Request: ZC 20-01

H. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following:

a. The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]

i. Upon annexation, all lands shall be zoned consistently with the Comprehensive Plan and its designations and should be based on public need, special studies or other information which will serve as the factual basis to support the change. [SHCP Chapter 2; Land Use Element, Policy 16]

ii. Table 1. Summary of Comprehensive Plan Land Use Designations

Land Use Designation	Purpose
Low Density Residential	**To provide appropriate lands for low density, single-family homes. This category has the lowest density of the residential designations, providing larger lots for single-family homes.**

The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [SHCP Chapter 2; Land Use Element, Portion of Table 1: Summary of Comprehensive Plan Land Use Designations]

Staff Findings: The Comprehensive Plan Map Designation of the subject property is Low Density Residential. See Attachment B. The goals and polices of the Comprehensive Plan are implemented through the application of zoning that implements the Comprehensive Plan Map designation of the property. The Low Density Residential (R-1) Zone implements the Low Density Residential Comprehensive Plan Map designation.

Based on a review of the Sweet Home Local Wetlands Inventory Map and the National Wetlands Inventory Map, the subject property does not contained inventoried wetlands. As a result, it would not be appropriate to apply the Natural Resources Zone to the property. The subject property is located outside of the 100-year floodplain.

Based on the above findings, the application of the R-1 Zone to the subject property would be consistent with the goals and policies of the Comprehensive Plan. The application complies with this criterion.

b. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment; [SHMC 17.12.025(B)]

Staff Findings: The subject property is located within the City's Urban Growth Boundary, which has been identified as the planned location for urban development in the City. Tax Lots 400 and 500, to the east, were annexed to the City in 2010 and Tax Lot 700 was annexed to the City in 2017 under similar circumstances: they sought connection to the City's sewer system. The subject property is contiguous to the Sweet Home City Limits. For these reasons, staff finds that the application complies with this criterion.

c. **Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and** [SHMC 17.12.025(C)]

Staff Findings: The Engineering Department provided comments to this annexation and zone change proposal which are included in Section II of this Staff Report. The subject property is currently served by City water. The applicant is seeking connection to City sewer. If the applicant seeks connection to the sewer service on Alder Street, they would need to obtain a work in the right-of-way permit from Linn County; until such time as the portion of connecting right-of-way is annexed into the City. Costs associated with the extension of sewer and other services would be the responsibility of the property owner.

The subject property contains approximately 0.71-acre; and if approved, it would be possible to divide the property into lots as small as 8,000 square feet through a future subdivision or partition application process. The applicant has not requested a subdivision or partition at this time. If the applicant seeks to divide the property in the future, approval of those applications may require sidewalk or road improvements as required under the Sweet Home Municipal Code. A host of other development permits may also be required upon future development of the property; however, no specific development has been proposed at this time.

The subject property contains one single-family dwelling; and based on the comments submitted by the Engineering Division; utilities and services could be efficiently provided to the subject property.

d. **The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.** [SHMC 17.12.025(D)]

Staff Findings: This criterion does not apply to a zone change, because the proposal does not require an amendment to the City's Comprehensive Plan Map. The Comprehensive Plan Map designates the subject property as Low Density Residential, and the applicant is proposing to apply the corresponding Low Density Residential (R-1) zone. The proposed zoning is consistent with the City's Comprehensive Plan; which has been acknowledged to be consistent with the Statewide Planning Goals.

ORDINANCE BILL NO. 10 FOR 2020

ORDINANCE NO. ___

AN ORDINANCE ANNEXING AND AMENDING THE OFFICIAL ZONING MAP

WHEREAS, the applicant, Cindy Sieg, applied for Annexation and Zone Change, application AX 20-01 and ZC 20-01, and requested a zone map change for an area consisting of 0.71 acres located at 789 Alder Street, Sweet Home, OR 97386. The Sweet Home Zoning Map is proposed to change from Linn County's Urban Growth Area-Rural Residential-1 Acre Minimum (UGA-RR-1) Zone to the City of Sweet Home's Low Density Residential (R-1) Zone. The subject property is identified on the Linn County Assessor's Map as 14S01E06B Tax Lot 00800; and

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on July 6, 2020 with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The Planning Commission deliberated at their July 6, 2020 meeting, and recommended that the City Council approve this application; and

WHEREAS, the City Council held a public hearing on this matter on July 28, 2020, with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The City Council approved this application by motion at their July 28, 2020 meeting; and

WHEREAS, the proposed annexation and R-1 zoning is needed to connect to City water and sewer services;

Now, Therefore,

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1: The City of Sweet Home adopts the findings of fact in support of annexation and zone change application AX 20-01 and ZC 20-01 included as Exhibit A.

Section 2: The City of Sweet Home amends the Official Zoning Map, identified in SHMC 17.20.020 as the City Zoning Map including all subsequent amendments, for the an area consisting of 0.71 acres located at 789 Alder Street, Sweet Home, OR 97386.; and identified on the Linn County Assessor's Map as 14S01E06B Tax Lot 00800. The Official Zoning Map shall be amended from Linn County's Urban Growth Area-Rural Residential-1 Acre Minimum (UGA-RR-1) Zone to the City of Sweet Home's Low Density Residential (R-1) Zone for the subject property as shown on Exhibit B.

Passed by the Council and approved by the Mayor this _____ day of _____ 2020.

_____

Mayor

ATTEST:

_____

City Manager - Ex Officio City Recorder

Exhibit A to Order of Approval for AX20-01 & ZC20-01

The review and decision criteria for a conditional use permit are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

Criteria for Annexation Request: AX 20-01

A. Upon receiving any petition for annexation of territory to the city, or before initiating any such action on its own motion, the Council shall refer the proposal for annexation to the Planning Commission for its consideration and recommendation. [SHMC 17.104.010(A)]

Staff Findings: The subject property is located with the City's UGB, and annexation would bring the subject property into the City limits. The Planning Commission will consider this matter on July 6, 2020.

B. The Planning Commission shall review the proposal for annexation, hold such hearings as it deems proper, make such finding of facts as it deems proper and make recommendations to the Council. [SHMC 17.104.010(B)]

C. ORS 222.120. Procedure for annexation without election; hearing; ordinance subject to referendum. [Relevant Sections]

- **a. Except when expressly required to do so by the city charter, the legislative body of a city is not required to submit a proposal for annexation of territory to the electors of the city for their approval or rejection.** [ORS 222.120(1)]
- **b. When the legislative body of the city elects to dispense with submitting the question of the proposed annexation to the electors of the city, the legislative body of the city shall fix a day for a public hearing before the legislative body at which time the electors of the city may appear and be heard on the question of annexation.** [ORS 222.120(2)]
- **c. The city legislative body shall cause notice of the hearing to be published once each week for two successive weeks prior to the day of hearing, in a newspaper of general circulation in the city, and shall cause notices of the hearing to be posted in four public places in the city for a like period.** [ORS 222.120(3)]
- **d. After the hearing, the city legislative body may, by an ordinance containing a legal description of the territory in question:** [ORS 222.120(4)]
  - **i. Declare that the territory is annexed to the city where electors or landowners in the contiguous territory consented in writing to such annexation, as provided in ORS 222.125 or 222.170, prior to the public hearing held under subsection (2) of this section;** [ORS 222.120(4)(b)]

Staff Findings: The provisions of SHMC 17.104.010 do not require that this annexation proposal be submitted to the electors of the City for their approval or rejection. The Planning Commission will hold a public hearing on July 6, 2020 and will make a recommendation to the City Council. The City Council will hold a hearing on this matter on July 28, 2020 at 6:30 PM.

Notice of both public hearings will be published in the New Era Newspaper on June 17, 2020 and June 24, 2020. Notice of the public hearing was posted in four city locations: City Hall, City Library, Post Office, and the community bulletin board at the northeast corner of 18th Ave and Long Street.

If this annexation is approved, the City will follow the procedures for adopting an ordinance and providing notification to affected parties as describes in the SHMC and ORS 222.

D. In the event that the Council finds that immediate action is necessary to initiate proceedings for annexation, either before the proposal is referred to the Planning Commission, or before recommendations are received from the Planning Commission, the Council may proceed, but the Planning Commission shall be promptly advised, so that it may have an opportunity to make recommendations to the Council during the Council proceedings. [SHMC 17.104.010(C)]

Staff Findings: The Planning Commission will review this application and make a recommendation to City Council. The applicant did not request that immediate action be taken under this section. Staff recommends that the Planning Commission make a recommendation on this matter at their July 6, 2020 meeting so that the City Council may consider the recommendation at their July 28, 2020 hearing.

E. When a proposal containing the terms of annexation is approved in the manner provided by the charter of the annexing city or by ORS 222.111 to 222.180 or 222.840 to 222.915, the boundaries of any city may be extended by the annexation of territory that is not within a city and that is contiguous to the city or separated from it only by a public right of way or a stream, bay, lake or other body of water. Such territory may lie either wholly or partially within or without the same county in which the city lies. [ORS 222.111(1)]

F. A proposal for annexation of territory to a city may be initiated by the legislative body of the city, on its own motion, or by a petition to the legislative body of the city by owners of real property in the territory to be annexed. [ORS 222.111(2)]

G. A city annexation made in compliance with a comprehensive plan acknowledged pursuant to ORS 197.251(1) or 197.625 shall be considered by the commission to have been made in accordance with the goals unless the acknowledged comprehensive plan and implementing ordinances do not control the annexation. [OAR 660-014-0060]

Staff Findings: The subject property is contiguous to the city limits of Sweet Home to the east and the property to the south. The north property line borders Alder street, which is within the jurisdiction of Linn County; however, the property across the right-of-way is located within city limits. This is considered contiguous under ORS 222.111(1).

The SHMC does not provide specific criteria for annexations; however, as discussed below, the City of Sweet Home Comprehensive Plan requires that upon annexation that the zoning of the subject property be changed to a City zoning classification that is consistent with the Sweet Home Comprehensive Plan Map. This application for an annexation is therefore linked to the application for a zone change. For this reason, staff recommends that these applications be either both approved or both denied. This annexation proceeding was initiated at the request of the property owner.

The Engineering Department provided comments to this application, which are included in Section II of this Staff Report. Engineering comments bring attention to the issue of the jurisdiction of Alder Street. The applicant's property does not include Alder Street; however, the extension of City sewer services would most efficiently be provided by extending the existing sewer line in Alder street that is currently located to the east of the property. The sewer line would need to be extended along the full length of the subject property's frontage along Alder Street (SHMC 13.08.070). As the annexation is proposed, sewer extension would require work within the Linn County portion of Alder Street, and the applicant would need to obtain a work in the right-of-way permit from Linn County. The Engineering Department recommends annexing the portion of Alder Street that would be affected by the extension.

This annexation decision will be made in conformance with the City's acknowledged comprehensive plan; and therefore, would comply with the Oregon Statewide Planning Goals pursuant to OAR 660-014-0060.

Criteria for Zone Change Request: ZC 20-01

H. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following:

- **a. The proposed amendment is consistent with the goals and policies of the comprehensive plan;** [SHMC 17.12.025(A)]
  - **i. Upon annexation, all lands shall be zoned consistently with the Comprehensive Plan and its designations and should be based on public need, special studies or other information which will serve as the factual basis to support the change.** [SHCP Chapter 2; Land Use Element, Policy 16]
  - **ii. Table 1. Summary of Comprehensive Plan Land Use Designations**

Land Use Designation	Purpose
Low Density Residential	**To provide appropriate lands for low density, single-family homes. This category has the lowest density of the residential designations, providing larger lots for single-family homes.**

The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [SHCP Chapter 2; Land Use Element, Portion of Table 1: Summary of Comprehensive Plan Land Use Designations]

Staff Findings: The Comprehensive Plan Map Designation of the subject property is Low Density Residential. See Attachment B. The goals and polices of the Comprehensive Plan are implemented through the application of zoning that implements the Comprehensive Plan Map designation of the property. The Low Density Residential (R-1) Zone implements the Low Density Residential Comprehensive Plan Map designation.

Based on a review of the Sweet Home Local Wetlands Inventory Map and the National Wetlands Inventory Map, the subject property does not contained inventoried wetlands. As a result, it would not be appropriate to apply the Natural Resources Zone to the property. The subject property is located outside of the 100-year floodplain.

Based on the above findings, the application of the R-1 Zone to the subject property would be consistent with the goals and policies of the Comprehensive Plan. The application complies with this criterion.

b. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment; [SHMC 17.12.025(B)]

Staff Findings: The subject property is located within the City's Urban Growth Boundary, which has been identified as the planned location for urban development in the City. Tax Lots 400 and 500, to the east, were annexed to the City in 2010 and Tax Lot 700 was annexed to the City in 2017 under similar circumstances: they sought connection to the City's sewer system. The subject property is contiguous to the Sweet Home City Limits. For these reasons, staff finds that the application complies with this criterion.

c. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and [SHMC 17.12.025(C)]

Staff Findings: The Engineering Department provided comments to this annexation and zone change proposal which are included in Section II of this Staff Report. The subject property is currently served by City water. The applicant is seeking connection to City sewer. If the applicant seeks connection to the sewer service on Alder Street, they would need to obtain a work in the right-of-way permit from Linn County; until such time as the portion of connecting right-of-way is annexed into the City. Costs associated with the extension of sewer and other services would be the responsibility of the property owner.

The subject property contains approximately 0.71-acre; and if approved, it would be possible to divide the property into lots as small as 8,000 square feet through a future subdivision or partition application process. The applicant has not requested a subdivision or partition at this time. If the applicant seeks to divide the property in the future, approval of those applications may require sidewalk or road improvements as required under the Sweet Home Municipal Code. A host of other development

permits may also be required upon future development of the property; however, no specific development has been proposed at this time.

The subject property contains one single-family dwelling; and based on the comments submitted by the Engineering Division; utilities and services could be efficiently provided to the subject property.

d. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals. [SHMC 17.12.025(D)]

Staff Findings: This criterion does not apply to a zone change, because the proposal does not require an amendment to the City's Comprehensive Plan Map. The Comprehensive Plan Map designates the subject property as Low Density Residential, and the applicant is proposing to apply the corresponding Low Density Residential (R-1) zone. The proposed zoning is consistent with the City's Comprehensive Plan; which has been acknowledged to be consistent with the Statewide Planning Goals.

City of Sweet Home
Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

Application for an Amendment to the Comprehensive Plan or Zoning Maps or Text

Date Received: 06.12.20
Date Complete:
File Number: AX2C20-01
Map/Text Amendment Application Fee $: ~~$1,030.00~~ $1,545.00
Zoning Application Fee $: ~~$1,030.00~~
Receipt #: 3954
Planning Commission Hearing Date: 07.06.20

City Council Hearing Date: 07.28.20

Within 30 days following the filing of this application, the City Planner will make a determination of completeness regarding the application. If deemed complete, the application will be processed.

Applicant's Name:
Cindy Sieg

Property Owner:
Cindy Sieg

Applicant's Address:
PO Box 464, Sweet Home, OR 97386

Owner's Address:
PO Box 464, Sweet Home, OR 97386

Applicant's Phone and e-mail:
(541) 409-0113 csieg97386@yahoo.com

Owner's Phone and email:
(541) 409-0113 csieg97386@yahoo.com

Comprehensive Plan Map or Zoning Map Amendment

Subject Property Address:
789 Alder, Sweet Home, OR 97386

Subject Property Assessor's Map and Tax Lot:
14S01E06B0 00800

Subject Property Size:
0.71 ACRES

Current Zoning Classification
in Linn County

Current Comprehensive Plan Classification:
in Linn County

Purpose of Request

Annex into City of Sweet Home zone R1

Zoning or Comprehensive Plan Text Amendment

Sections proposed to be changed:

Proposed language for change. _____ Attach proposed text to this form.

Purpose of Request

Submittal Requirements

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature:

Date:
6/11/20

Property Owner's Signature:

Date:
6/11/20

Amendment to the Comprehensive Plan or Zoning Application Form 6/8/20

ZC
AX ZMA-20-01

City of Sweet Home
Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

PETITION FOR ANNEXATION TO THE CITY OF SWEET HOME, OREGON

To the City Council of the City of Sweet Home:

We, the undersigned owners and/or electors, petition and consent to be annexed to the City of Sweet Home.

A map is attached, marked Exhibit A, showing the affected territory and its relationship to the present City boundary.

Petition Signers							
Signature	**Printed Name**	**I Am A*** *(check both if applicable)*		**Owner's/Elector's Mailing Address** *(street, city, zip code)*	**Property Description**		**Date****
		PO	**RV**				
Cindy Sieg	Cindy Sieg	✓	✓	PO Box 464, Sweet Home OR 97386	14S01E06B	00800	6/9/20

*PO = Property Owner RV = Registered Voter **Within 1 year from the date of filing the petition with the City

789 Alder
Annexation Petition

Date: 8/7/2018

REQUEST FOR COUNCIL ACTION

Title:	Public Hearing to consider Application ZMA20-02
Preferred Agenda:	July 28, 2020 1st Reading
Submitted By:	Angela Clegg, Associate Planner
Reviewed By:	R. Towry, City Manager
Type of Action:	Resolution ____ Motion _X_ Roll Call ____ Other _X_
Relevant Code/Policy:	SHMC 2.04.030 Powers of the City Council
Towards Council Goal:	Vision Statement, Aspiration I: Desirable Community, Mission Statement
Attachments:	Planning Commission Order of Approval Ordinance No. 11 for 2020 Original Application

Purpose of this RCA:

To approve the Zone Map Amendment Application ZMA20-02.

Background/Context:

The applicant is proposing to change the Zoning Map in an area consisting of approximately 26,552 square feet (0.61 acre) located on the Linn County Assessor's Map 32CA, tax lots 4735 and 4700, Sweet Home, OR 97386. The Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) Zone to the Residential Medium Density (R-3) Zone. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation.

The Sweet Home Planning Commission held a public hearing on July 6, 2020. At the hearing the Planning Commission reviewed application ZMA20-02. The Planning Commission received testimony and deliberated on this matter at their July 6, 2020 meeting and passed a motion to recommend approval of the application to City Council. That motion of approval specified a 12-day appeal period from the date the decision motion is mailed. No specific conditions of approval were required.

The Challenge/Problem:

Should the zoning map be changed to allow residential activity on the property in question, rather than the current Highway Commercial designation.

Stakeholders:

- The Owner/Developer would be able to develop the property as they have proposed.

- The residents in the surrounding area would benefit from the vacant property being cleared and developed.
- The City of Sweet Home would gain revenue from the development.

Issues and Financial Impacts:

1. Applicant – be able to develop the property cost effectively
2. Planning and Community Development – processing the applications and permits

Elements of a Stable Solution:

The proposed zone change will allow the owner to affordably develop the property.

Options:

1. *Do Nothing*.
2. *Deny Application* Staff would prepare and Order of Denial for Application ZMA20-02.
3. *Approve Application ZMA20-02 as presented and move to the second reading*.
4. *Recommend different zone amendment.* Council could review these proposed changes and recommend different zone amendments. Staff would take these recommendations and revise the proposed application for review at a future Council meeting.

Recommendation:

Staff Recommends Option 3: *Approve Application ZMA20-02 as presented and move to the second reading*.

City of Sweet Home
Community and Economic Development Department- Planning Program
3225 Main Street, Sweet Home, OR 97386 541-367-8113

OFFICIAL NOTICE OF A PLANNING COMMISSION RECOMMENDATION ON A LAND USE APPLICATION

PLANNING COMMISSION ORDER OF APPROVAL

REQUEST: The applicant is proposing to change the Zoning Map in an area consisting of approximately 26,552 square feet (0.61 acre) located on the Linn County Assessor's Map 32CA, tax lots 4735 and 4700, Sweet Home, OR 97386. The Sweet Home Zoning Map is proposed to change from the Residential Low Density (R-1) Zone to the Residential Medium Density (R-3) Zone. The proposed zone change would bring the zoning designation into conformity with the property's existing Comprehensive Plan Map designation. The Planning Commission held a public hearing on July 6, 2020 and made a recommendation to the City Council. The City Council will hold a public hearing on July 28, 2020 and decide on this application.

APPLICANT:	Jim Bradford
PROPERTY OWNER:	Seven Star Investments
PROPERTY LOCATION:	South end of 23rd Avenue, approximately 100 feet south of Ironwood Street, Sweet Home, OR 97386; identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 4700 and 4735.
REVIEW AND DECISION CRITERIA:	Sweet Home Municipal Code Sections(s) 17.12, 17.24, 17.30; OAR 660-012-0060
FILE NUMBER:	ZMA20-02
STAFF CONTACT:	Angela Clegg, Associate Planner Phone: (541) 367-8113; Email: aclegg@sweethomeor.gov

I. **PUBLIC HEARING:** The Sweet Home Planning Commission held a public hearing on July 6, 2020. At the hearing the Planning Commission reviewed application ZMA20-02. The Planning Commission received testimony and deliberated on this matter at their July 6, 2020 meeting and passed a motion to recommend approval of the application to City Council. That motion of approval specified a 12-day appeal period from the date the decision motion is mailed. No specific conditions of approval were required.

II. **FINDINGS OF FACT:** The Planning Commission provided an opportunity for testimony at the July 6, 2020 public hearing. The Planning Commission considered the information in the record, testimony at the public hearing, and the Findings of Fact listed in the Staff Report presented to the Planning Commission prior to the July 6, 2020 public hearing. The Planning Commission adopted the Findings of Fact listed in Section III of the Staff Report, and those are included as Exhibit A to this Order

III. **DECISION: Approved** the motion to recommend the application to City Council on July 28, 2020. Based on the findings referenced in Exhibit A of this order, the Planning Commission found that

the proposal described in ZMA20-02 complies with the applicable sections of the Sweet Home Municipal Code. The Sweet Home Planning Commission hereby approves application ZMA20-02 and recommends approval by the City Council.

PLANNING COMMISSION DECISION: July 6, 2020

APPEAL DEADLINE: July 24, 2020 at 5:00 PM

CITY COUNCIL MEETING: July 28, 2020 at 6:30 PM

Jeffery Parker, Planning Commission Chair — Date 7/13/2020

Blair Larsen, Community and Economic Development Director — Date 7/13/2020

APPEAL: This decision can be appealed. The decision made by the Planning Commission is final unless written appeal from an aggrieved party is received by the City of Sweet Home no later than the appeal deadline listed above (12 days from the mailing of this decision). All appeals must be filed with the appropriate fee and documentation and submitted to: City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386. The City Council will hold a public hearing on the request upon appeal. If you would like any information concerning filing of an appeal, please contact the Planning Office at (541) 367-8113. Failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue.

A copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and a copy will be provided at reasonable cost. A copy of the Staff Report and all documentation included in the record for the file are available for inspection at no cost and a copy will be provided at reasonable cost at the City of Sweet Home Community and Economic Development Department, 3225 Main Street, Sweet Home, OR 97386; (541) 367-8113.

Exhibit A to Order of Approval for ZMA20-01

The review and decision criteria for a zone change are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

A. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following: [SHMC 17.12.010]

1. The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]

a. The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [Sweet Home Comprehensive Plan, Chapter 2 Text]

b. The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]

c. Zoning Codes. The Zoning Codes regulate the use of land on a comprehensive basis. More specifically, the Zoning Codes divide the community into residential, commercial, industrial, and other use zones based on the Comprehensive Plan. Each zone has standards and regulations that determine the allowed uses on that land and the standards to which structures must conform, such as building height, yard setbacks, and lot size. The Codes consists of text, found in Title 17 of the Sweet Home Municipal Codes, and an official Zoning Map.

The Zoning Codes fulfill two major roles. First, zoning promotes the public health, safety, and welfare of Sweet Home. Secondly, the Zoning Codes implement the Comprehensive Plan. Oregon Revised Statute 197.175 states that cities will:

- **Prepare, adopt, amend, and revise comprehensive plans in compliance with Statewide Planning Goals; and**
- **Enact land use regulations to implement their comprehensive plan.**

In a broad sense, zoning encourages the orderly development of the community and implements the Comprehensive Plan. Zoning can only partially relate to the long-term aspects of the plan because as a regulatory tool, it must relate to the current conditions within the City of Sweet Home.

The Comprehensive Plan provides a general and long-range policy for the City while the Zoning Codes serve as a legal ordinance with binding provisions on land development. The various zones have specific boundaries and when drafting the Zoning Ordinance, the City considers how each land parcel will be affected.

Zoning Code provisions and the Zoning Map can be amended. Amendments shall be consistent with the Comprehensive Plan. If proposed amendments to the Zoning Codes do not comply with the Comprehensive Plan, the Comprehensive Plan must also be amended so that the two documents correspond. [Sweet Home

Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Chapter 8: Plan Management]

d. **Updating the plan: Making the Comprehensive Plan a basic part of the community's planning process an ongoing active function of City government will keep the Plan as a viable and useable policy document. The Comprehensive Plan needs to be updated occasionally for the following reasons:** [Sweet Home Comprehensive Plan, Chapter 8: Plan Management]

   i. **To accurately reflect changes in the community.**

   ii. **To ensure integration with other policies, Zoning Codes, and Subdivision Codes.**

e. **Changes to the Plan Shall be made by ordinance after public hearings.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 2]

f. **Changes in the Plan shall be incorporated directly into the document at the appropriate place. A list of all amendments with date of passage should be a part of the document.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 3]

g. **Property Owners, their authorized agents, or the City Council may initiate a Comprehensive Plan amendment. In order to obtain a Comprehensive Plan amendment, the applicants have the burden of proof that all of the following conditions exist.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 5]

   i. **There is a need for the proposed change;**

   ii. **The identified need can best be served by granting the change requested;**

   iii. **The proposed change complies with the Statewide Planning Goals; and,**

   iv. **The proposed change complies with all other elements of the City's Comprehensive Plan.**

h. **Highway Commercial: To provide suitable and desirable commercial areas along the highway intended to meet the business needs of the community.** [Sweet Home Comprehensive Plan Land Designations for Economic Development, Table 11]

i. **High Density Residential: To provide areas suitable and desirable for higher density residential development, and particularly for apartments, manufactured home parks, other residential uses, and appropriate community facilities.** [Sweet Home Comprehensive Plan Map Residential Land Designations, Table 7]

Staff Findings: The applicant is proposing to change the Zoning Map of an approximately 26,552 square feet (0.61 acre) property identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 04735 and 04700 (Attachment A). The applicant has proposed a change in zoning from Residential Low Density (R-1) to Residential Medium Density (R-3).

Based on the Linn County 2017 aerial photograph, the area is surrounded by Low Density and High Density Residential dwellings. The applicant states a desire to develop a multi-family dwelling on the subject property.

Based on the findings above the proposed zoning plan designation would be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

2. **The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;** [SHMC 17.12.025(B)]

Staff Findings: The applicant states that the proposed zoning map amendment would be consistent with the pattern of development in the area, based on the 2017 Linn County aerial photograph Staff finds that the subject property is surrounded by Low Density and High Density Residential dwellings.

The application complies with this criterion.

3. **Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and** [SHMC 17.12.025(C)]

Staff Findings: Water and sanitary sewer services are available at 23rd Avenue and Mountain View Road. The subject property has frontage along 23rd Avenue. Based on the applicant's statements the subject property is anticipated to be developed with a multi-family dwelling in the future. Staff finds that utilities and services are efficiently provided to serve the proposed use of a multi-family dwelling or other potential uses in the proposed zoning district.

The application complies with this criterion.

4. **The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.** [SHMC 17.12.025(D)]

Staff Findings: The applicant is not proposing an amendment to the comprehensive plan map.

5. **OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**
    a. **Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
    b. **Change standards implementing a functional classification system; or**
    c. **Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
        i. **Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
        ii. **Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**
        iii. **Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.** [OAR 660-012-0060(1)]

Staff Findings: The subject property has existing frontage along 23rd Avenue. 23rd Avenue is identified as a local street in the Sweet Home Transportation System Plan; Figure 2.2. The applicant has proposed a change in zoning from the Residential Low Density (R-1) to the Residential Medium Density (R-3) zone. The proposed use would be consistent with the Comprehensive Plan Map designation. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood and is consistent with the Sweet Home Transportation System Plan.

The application complies with this criterion.

ORDINANCE BILL NO. 11 FOR 2020

ORDINANCE NO. ___

AN ORDINANCE ANNEXING AND AMENDING THE OFFICIAL ZONING MAP

WHEREAS, the applicant, Jim Bradford, applied for Annexation and Zone Change, application ZMA20-02, and requested a zone map change for an area consisting of 0.61 acres located at the south end of 23rd Avenue, approximately 100 feet south of Ironwood Street, Sweet Home, OR 97386. The Sweet Home Zoning Map is proposed to change from the Residential Low Density Residential (R-1) Zone to the Residential Medium Density (R-3) Zone. The subject property is identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 4700 and 4735. The applicant has requested a property line adjustment between two lots. Application PLA20-02 was filed simultaneously as the Zone Map Amendment application. The property Line Adjustment application is a Type I, Administrative Decision application. The proposal would transfer approximately 14,189 square feet (0.33 of an acre) from Parcel 1 to Parcel 2 and transfer approximately 12,363 square feet (0.28 of an acre) from Parcel 2 to Parcel 1. There will be no net gain. Parcel 1 and Parcel 2 would be combined to form one parcel. The properties are currently in the Residential Low Density (R-1) Zone.; and

WHEREAS, the Planning Commission of the City of Sweet Home held a public hearing on July 6, 2020 with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The Planning Commission deliberated at their July 6, 2020 meeting, and recommended that the City Council approve application ZMA20-02; and

WHEREAS, the City Council held a public hearing on this matter on July 28, 2020, with due notice of such public hearing having been given and provided an opportunity for public comments and testimony. The City Council approved this application by motion at their July 28, 2020 meeting; and

WHEREAS, the proposed R-3 zoning is needed to facilitate development of the subject property;

Now, Therefore,

THE CITY OF SWEET HOME DOES ORDAIN AS FOLLOWS:

Section 1: The City of Sweet Home adopts the findings of fact in support of zone change application ZMA20-02 included as Exhibit A.

Section 2: The City of Sweet Home amends the Official Zoning Map, identified in SHMC 17.20.020 as the City Zoning Map including all subsequent amendments, for the an area consisting of 0.61 acres located at the south end of 23rd Avenue, approximately 100 feet south of Ironwood Street, Sweet Home, OR 97386.; and identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 4700 and 4735. The Official Zoning Map shall be amended from the Residential Low Density (R-1) Zone to the Residential Medium Density (R-3) Zone for the subject property as shown on Exhibit B.

Passed by the Council and approved by the Mayor this _____ day of _____ 2020.

_____

Mayor

ATTEST:

_____

City Manager - Ex Officio City Recorder

Exhibit A

Findings of Fact in Support of Zone Change Application ZMA20-02

Exhibit A to Order of Approval for ZMA20-02

The review and decision criteria for a zone change are listed below in bold. Staff findings and analysis are provided under each review and decision criterion.

A. An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following: [SHMC 17.12.010]

1. The proposed amendment is consistent with the goals and policies of the comprehensive plan; [SHMC 17.12.025(A)]

a. The Zoning Code implements the Comprehensive Plan by providing specific development guidelines for each Land Use Designation. The general nature of each Comprehensive Plan Land Use Designation will guide the uses and standards for the corresponding zone in the Zoning Code. [Sweet Home Comprehensive Plan, Chapter 2 Text]

b. The Comprehensive Plan Map graphically portrays Sweet Home's land use pattern as recommended by Comprehensive Plan policy. Each designation has a different symbol or color. The land use map portrays the long-range vision of land use patterns in Sweet Home. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Policy 1]

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Zoning Code provisions and the Zoning Map can be amended. Amendments shall be consistent with the Comprehensive Plan. If proposed amendments to the Zoning Codes do not comply with the Comprehensive Plan, the Comprehensive Plan must also be amended so that the two documents correspond. [Sweet Home Comprehensive Plan, Chapter 2, Comprehensive Plan Map Policies, Chapter 8: Plan Management]

d. **Updating the plan: Making the Comprehensive Plan a basic part of the community's planning process an ongoing active function of City government will keep the Plan as a viable and useable policy document. The Comprehensive Plan needs to be updated occasionally for the following reasons:** [Sweet Home Comprehensive Plan, Chapter 8: Plan Management]

    i. **To accurately reflect changes in the community.**

    ii. **To ensure integration with other policies, Zoning Codes, and Subdivision Codes.**

e. **Changes to the Plan Shall be made by ordinance after public hearings.** [Sweet Home Comprehensive Plan, Chapter 2, Plan Amendment Policies, Policy 2]

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    i. **There is a need for the proposed change;**

    ii. **The identified need can best be served by granting the change requested;**

    iii. **The proposed change complies with the Statewide Planning Goals; and,**

    iv. **The proposed change complies with all other elements of the City's Comprehensive Plan.**

h. **Highway Commercial: To provide suitable and desirable commercial areas along the highway intended to meet the business needs of the community.** [Sweet Home Comprehensive Plan Land Designations for Economic Development, Table 11]

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Staff Findings: The applicant is proposing to change the Zoning Map of an approximately 26,552 square feet (0.61 acre) property identified on the Linn County Assessor's Map as 13S01E32CA Tax Lots 04735 and 04700 (Attachment A). The applicant has proposed a change in zoning from Residential Low Density (R-1) to Residential Medium Density (R-3).

Based on the Linn County 2017 aerial photograph, the area is surrounded by Low Density and High Density Residential dwellings. The applicant states a desire to develop a multi-family dwelling on the subject property.

Based on the findings above the proposed zoning plan designation would be consistent with the Sweet Home Comprehensive Plan.

The application complies with this criterion.

2. **The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment;** [SHMC 17.12.025(B)]

Staff Findings: The applicant states that the proposed zoning map amendment would be consistent with the pattern of development in the area, based on the 2017 Linn County aerial photograph Staff finds that the subject property is surrounded by Low Density and High Density Residential dwellings.

The application complies with this criterion.

3. **Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district; and** [SHMC 17.12.025(C)]

Staff Findings: Water and sanitary sewer services are available at 23rd Avenue and Mountain View Road. The subject property has frontage along 23rd Avenue. Based on the applicant's statements the subject property is anticipated to be developed with a multi-family dwelling in the future. Staff finds that utilities and services are efficiently provided to serve the proposed use of a multi-family dwelling or other potential uses in the proposed zoning district.

The application complies with this criterion.

4. **The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.** [SHMC 17.12.025(D)]

Staff Findings: The applicant is not proposing an amendment to the comprehensive plan map.

5. **OAR 660-012-0060(1). If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:**
    a. **Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);**
    b. **Change standards implementing a functional classification system; or**
    c. **Result in any of the effects listed in paragraphs (a) through (c) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.**
        i. **Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;**
        ii. **Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or**

iii. Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan. [OAR 660-012-0060(1)]

Staff Findings: The subject property has existing frontage along 23rd Avenue. 23rd Avenue is identified as a local street in the Sweet Home Transportation System Plan; Figure 2.2. The applicant has proposed a change in zoning from the Residential Low Density (R-1) to the Residential Medium Density (R-3) zone. The proposed use would be consistent with the Comprehensive Plan Map designation. Based on these findings, staff concludes that the proposed zone change would not significantly affect the existing transportation infrastructure in the neighborhood and is consistent with the Sweet Home Transportation System Plan.

The application complies with this criterion.

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-8113
Fax 541-367-5113
www.sweethomeor.gov

Community and Economic Development Department

Application for an Amendment to the Comprehensive Plan or Zoning Maps or Text

Date Received: 06.08.20
Date Complete: 06.08.20
File Number: ZMA.20-02
Map/Text Amendment Application Fee $: $1,030.00
Zoning Application Fee $: $1,030.00
Receipt #: 3947
Planning Commission Hearing Date:

City Council Hearing Date:

Within 30 days following the filing of this application, the City Planner will make a determination of completeness regarding the application. If deemed complete, the application will be processed.

Applicant's Name:
JIM BRADFORD

Property Owner:
SEVEN STAR INVESTMENTS

Applicant's Address:
1625 CASCADE DR LEBANON OR 97355

Owner's Address:
1625 CASCADE DR LEBANON OR 97355

Applicant's Phone and e-mail:
541-570-2278

Owner's Phone and email:
541-570-2278

Comprehensive Plan Map or Zoning Map Amendment

Subject Property Address:
933 23RD AVE SWEET HOME

Subject Property Assessor's Map and Tax Lot:
LOT 4735 + 4700 13S01E32CA

Subject Property Size:
.61 AC

Current Zoning Classification
R1

Current Comprehensive Plan Classification:
R3

Purpose of Request

TO RE ZONE FROM R1 TO R3 FOR THREE STORY ~~12~~ 9 PLEX

Zoning or Comprehensive Plan Text Amendment

Sections proposed to be changed:
FROM COMP PLAN TO R3

Proposed language for change.
_____ Attach proposed text to this form.

Purpose of Request

Submittal Requirements

The checklist on the other side of this application lists the required items must be submitted with this application and the Criteria the request must meet. Please address all items that apply to this request.

I certify that the statements contained on this application, along with the submitted materials, are in all respects true and are correct to the best of my knowledge and belief.

Applicant's Signature: Date: 6-1-2020

Property Owner's Signature: Date: 6-1-2020

SHMC 17.12.025 REVIEW CRITERIA FOR MAP AMENDMENTS.

An amendment to the official zoning or comprehensive plan map may be authorized provided that the proposal satisfied all relevant requirements of this title and also provided that the applicant demonstrates the following:

_____ A. The proposed amendment is consistent with the goals and policies of the comprehensive plan.
_____ B. The proposed amendment is orderly and timely, considering the pattern of development in the area, surrounding land uses, and any changes which may have occurred in the neighborhood or community to warrant the proposed amendment.
_____ C. Utilities and services can be efficiently provided to serve the proposed uses or other potential uses in the proposed zoning district.
_____ D. The proposed amendment to the comprehensive plan map is consistent with Oregon's statewide planning goals.

17.80.040 CONDITIONAL USE CRITERIA.

The criteria that will be used in approving, approving with conditions, or denying an application, or to enlarge or alter a conditional use, will be based on findings with respect to each of the following standards and criteria.

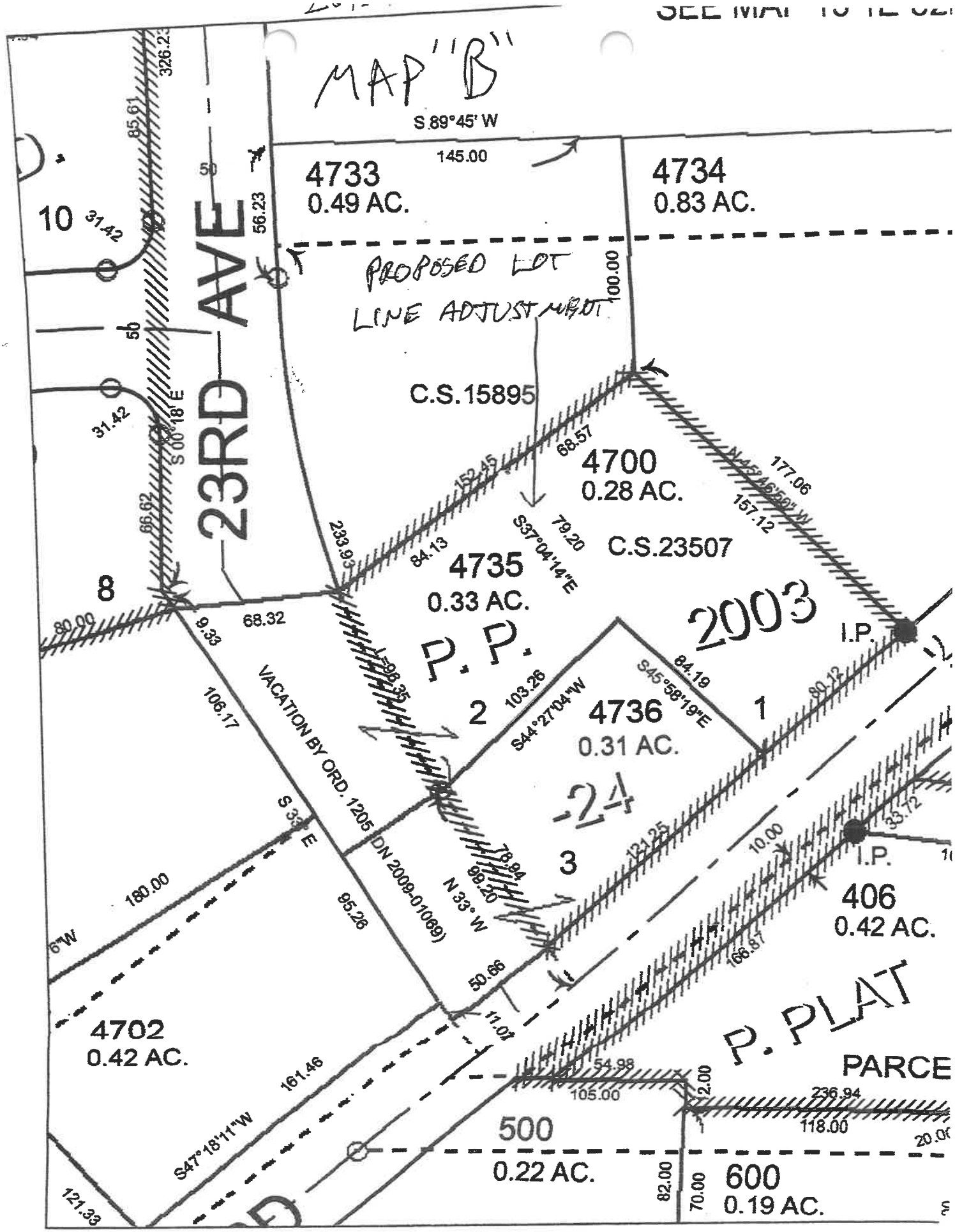
_____ (A.) The request complies with the requirements of the underlying zone or overlay zone, city codes, state and federal laws.
_____ (B.) The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering, but not limited to, the following:

_____ 1. Building size
_____ 2. Parking
_____ 3. Traffic
_____ 4. Noise
_____ 5. Vibration
_____ 6. Exhaust and emissions
_____ 7. Light and glare
_____ 8. Erosion
_____ 9. Odor
_____ 10. Dust
_____ 11. Visibility
_____ 12. Safety
_____ 13. Building, landscaping or street features

_____ (C.) Any negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other code standards, or other reasonable conditions of approval that include but are not limited to those listed in this chapter.
_____ (D.) All required public facilities have adequate capacity, as determined by the city, to serve the proposed use.
_____ E. Home occupations must meet the following standards:

_____ 1. The home occupation shall be secondary to the residential use.
_____ 2. All aspects of the home occupation shall be contained and conducted within a completely enclosing building.
_____ 3. No materials or mechanical equipment shall be used which are detrimental to residential use of the dwelling or nearby dwellings because of vibration, noise, dust, smoke, odor, interference with the electrical grid, radio or television reception or other similar factors.
_____ 4. Vehicles related to the home occupation shall be parked in a manner so as to not block any driveway or impede the safe flow of traffic

_____ F. Marijuana facilities must be located in a fixed location. No temporary or mobile sites of any sort are allowed.
_____ G. Marijuana facilities may not have any drive up services.
_____ H. Marijuana facilities must be located at least 1,000 feet from the property boundary of any school.
_____ I. Marijuana facilities must be sited on a property so as to be at least 100 feet from the boundary of any residentially zoned property.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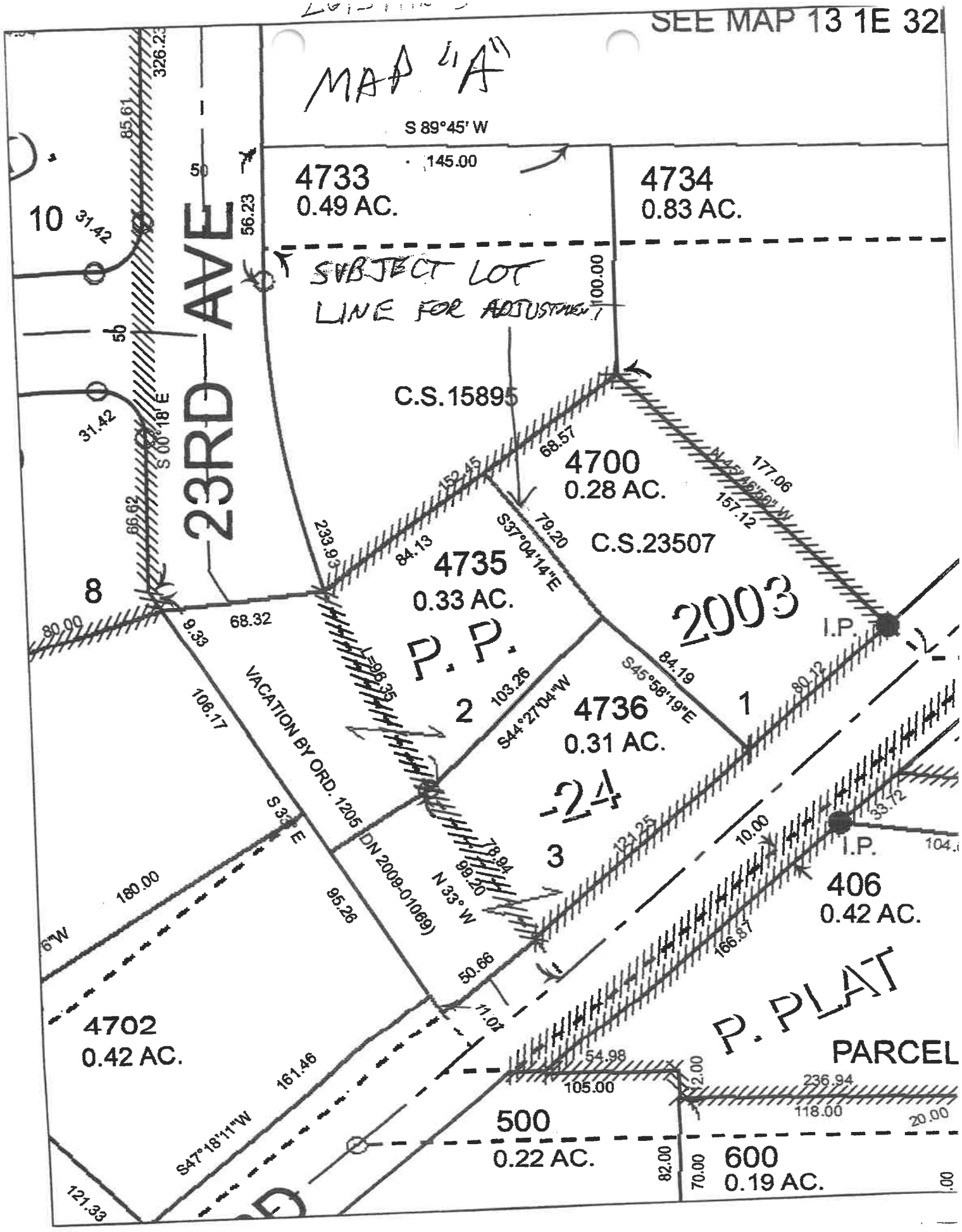
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JIM BRADFORD

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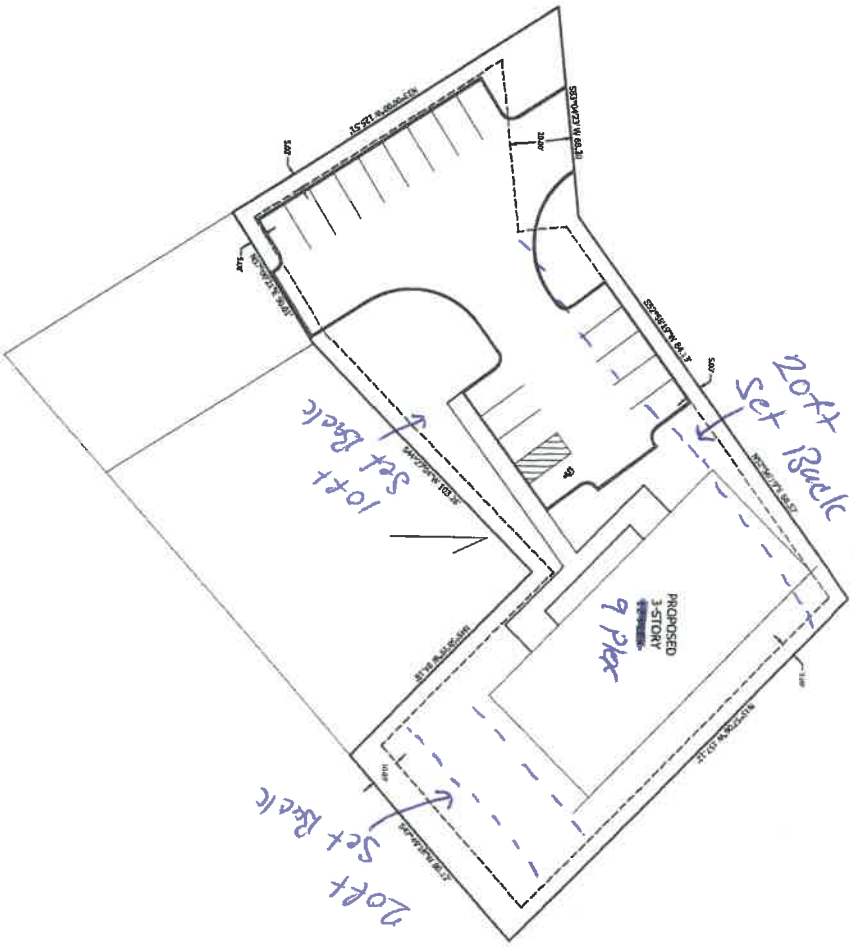

PLAN REVISIONS | DATE

SHEET C100

SCALE: SEE BARSCALE

REVIEW COPY NOT FOR CONSTRUCTION

DATE: MARCH 23, 2020
PROJECT: 19-045
DRAWN BY: MSM
CHECKED BY: BSV

SITE PLAN

BRADFORD
MULTI-FAMILY DEVELOPMENT
SWEET HOME, OREGON

UDELL ENGINEERING AND LAND SURVEYING, LLC
63 EAST ASH ST.
LEBANON, OREGON 97355
(541) 451-5125 PH.
(541) 451-1366 FAX

CLIENT:
CLIENT
ADDRESS
CITY, STATE
PHONE/FAX

6/03/2020

ZMA -20-02 Subject property 933 23rd Ave Sweet Home Or

Applicant is requesting subject property zone change. Current zoning is R1 in the comprehensive map zoning is R3. Applicant would like to re-zone to R2 from the current zoning and the comp plan of R3

Attached is new proposed site map and revised site plan.

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What every mayor or councilor should know about legal roles and responsibilities, about representing the community, and about Oregon city government

Acknowledgment

This publication was initiated by a group of past presidents of the League of Oregon Cities who recognized a need. They volunteered their time and expertise in an effort to build leadership capacity and strengthen city government in Oregon.

Special thanks are extended to the following past presidents for their personal and professional expertise and the collective effort that created this document.

Eugene Bauer
Ron Bryant
Ruth Burleigh
Elvern Hall
Gerald "Lou" Hannum
Edward Harms
Di Lyn Larsen-Hill
Shirley Huffman
Mike Lindberg
Loren McKinley
Jack Nelson
Emily Schue
Charles Vars
William Young

This publication is addressed primarily to candidates for city council. It serves as a reference and deals with a variety of important topics in a condensed manner. The publication is intended to provide an orientation to individuals who wish to assume a leadership role in municipal government.

Elected city officials and candidates are encouraged to contact the League of Oregon Cities (LOC) for further information regarding any topic presented in this publication. After you have been elected, you may wish to gain a deeper understanding about the issues facing Oregon city government by participating in the LOC-sponsored training sessions, the Elected Officials Workshop, and the Annual Conference.

Message to Candidates

Congratulations on your decision to run for local office! You have taken an important step on the path to public service in your home community—one step for which you must be proud. It's probably the most challenging job you'll ever have (and most likely the lowest paying). It will probably be among the most interesting and rewarding as well.

Often times, citizens are motivated to pursue elective office because they feel strongly about a single issue which demands change. They feel that they must take personal action to remedy this situation. When elected, you will find that others maintain sincere personal concerns for completely different issues. You will become involved in broader—and sometimes more mundane—issues like budgeting, personnel, growth and service delivery priorities. You will find a need to gain the opinion of local citizens outside your normal social or work circle and vie with other elected officials for a public forum by which to express your view.

This booklet is designed to increase your familiarity with an elected official's responsibilities, as well as the processes, procedures and rules that govern the conduct of an elected official. You can obtain more information from your city recorder, city manager or administrator, the League of Oregon Cities (LOC), and state agencies.

We wish you the best of luck in the upcoming election and your subsequent service.

Sincerely,

Past Presidents Council of the
League of Oregon Cities

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Filing for Elective Office

Qualifications for various city offices differ. Before filing, review the city charter and statutory requirements of the office for which you plan to declare your candidacy. Requirements for filing for city offices are found under Oregon Revised Statutes (ORS) Chapters 221 and 249. The forms that you'll need are available from your city's elections official or the Secretary of State's Office, Elections Division.

Contribution and Expenditure Reporting

Every candidate and prospective candidate is required to establish a principal campaign committee within three business days of receiving or spending any money to support the candidacy. This includes expenditures of personal funds by the candidate or treasurer. It also includes payment of the filing fee if the candidate files by declaration, any costs related to circulating a nominating petition, or any voters' pamphlet costs.

For more detailed information about the filing process, contact your city's elections official or the Elections Division in the Secretary of State's office (503/986-1518).

What to Expect

Not only will the job of elective office ask you to be a model of civility and cooperation, an educator and interpreter of public opinion, and a leader bringing people together and building trust, it will also provide you with the opportunity to shape policy governing the future of your city. In the course of doing so, you will learn all facets of local government including municipal law and finance. In addition . . .

- You'll rarely eat at the local diner or stop by the hardware store without someone complaining about roads, taxes, etc. You might be cornered anywhere, at any time, on anything. Unlike elected officials at the state and federal level, you are in direct contact on a daily basis with the people who elected you.

- You'll spend a lot of time attending meetings; not only municipal meetings but regional and statewide ones as well. You'll also spend a lot of time preparing for them, reading the material that needs to be read in order to make an informed decision in the course of the meeting.

If you are elected, you will draw upon skills you already have, skills you never knew you had, or skills you wished you had. The job might require you to:

- Facilitate meetings, speak to the press, respond to angry and sometimes hostile citizens, testify before legislative committees, negotiate with contractors, bankers and engineers.

- Make decisions on everything from who to hire as the next city manager, to which bid to accept for paving the roads, to how to pay for solid waste disposal, to joining with neighboring cities in a regional approach to providing dispatch services.

Are you up to the challenge?!

Basic City Services

Services provided by municipalities vary from community to community. However, some typical services include:

Public Safety — police, fire, and sometimes ambulance service
Utilities — water and sewer, and sometimes trash collection, electric power, and natural gas
Land Use — planning, zoning, code enforcement, and other regulatory activities
Transportation — street construction and maintenance, traffic safety, and sometimes public transit
Recreation/Cultural — parks, recreation, libraries, and sometimes cultural facilities
Legal — Ordinances protecting the public health, safety and welfare of the community

Roles and Responsibilities

Elected city officials have many official responsibilities. Essential ingredients for proper job performance of a mayor and city councilors are a thorough knowledge of the community, its people, and its problems, as well as knowing individual roles and those of the council as a whole. The information below provides city official candidates a basic understanding of the roles of the mayor and council, and the issues they will confront.

Most elected city officials consider the formulation of city policy to be their primary responsibility.

Most elected city officials consider the formulation of city policy to be their primary responsibility. They are also concerned with the way in which policy is administered, although the extent of their involvement in administration depends on the size of the city and its form of government.

The traditional distinction between "policy" and "administration" has been that policy is the process of deciding *what* is to be done, while administration is implementing it. However, it is not always easy to distinguish between the two.

Policy Role

The council is the highest authority within city government in deciding issues of policy. For a council to effectively assume a positive and active role in bringing issues forward for discussion in setting policy, councilors need a clear understanding of the policy process and the stages at which council intervention is most effective. Typically, the policy process follows the steps listed below:

1. Identification of problems and needs
2. Establishment of community goals
3. Determination of objectives
4. Development/analysis of alternative solutions (including short-term and long-term implications)
5. Establishment of priorities
6. Development of programs or strategies
7. Implementation of programs or strategies
8. Monitoring and evaluation of programs or strategies
9. Feedback
10. Program or strategy improvement and modification.

Administrative Role

The council, as a "collective" body, is responsible for the oversight of administration in every city, but the roles that the mayor and individual city councilors play in city administration vary considerably, depending on city size and form of government. Below are some basic forms of government.

Mayor-Council Form. In the mayor-council form of city government, the elected council is the legislative and policy-making body of the city. Council committees such as parks, public works, public safety, etc., may be responsible for day-to-day oversight of city activities, and may appoint or recommend the appointment of some or all administrative personnel of the city. The mayor, who in some instances is popularly elected and in others is appointed by the council from its own members, is the ceremonial head of the city and presiding officer of the council. Often, the mayor does not appoint administrative personnel, has no special administrative responsibility, and has no power to veto ordinances adopted by the council.

Oregon cities that operate under charters closely patterned on the mayor-council version of the Model Charter for Oregon Cities (1988 ed.) have this form of government. Most small cities in Oregon have this form. In some mayor-council cities, the mayor is the chief executive of the city. In addition to being ceremonial head of the city and presiding at council meetings, the mayor has the power to appoint all or most administrative personnel of the city and has general responsibility for proper administration of city affairs. In a few Oregon cities, the mayor has the power to veto ordinances adopted by the council.

Council-Manager Form. All Oregon cities over 2,500 population have the council-manager or council-administrator form of government except for Portland, Beaverton and Lakeview. The chief characteristic of this form is that the council appoints a qualified professional person as city manager or administrator to take charge of the daily supervision of city affairs. The manager or administrator serves at the pleasure of the council; the council sets policy and the manager carries it out.

An absolute separation between policy and administration does not really exist in city government or in other local governments. However, the council-manager plan works best when the council exercises its responsibility for policy leadership and respects the manager's leadership role and responsibility for administration.

Council-manager charters commonly include specific provisions that prohibit individual councilors from giving orders to city employees or from attempting to influence or coerce the manager with respect to appointments, purchasing or other matters. However, the charters do not prohibit, and may affirmatively provide for, the council discussing administrative matters with the manager in open meetings.

Many small cities in Oregon have established a city administrator position instead of a city manager position. This is usually accomplished by ordinance rather than by charter. Occasionally a city sets up such a position merely by budgeting for it.

The duties and responsibilities of city administrators vary. In some cities they are indistinguishable from those of a city manager; in others the administrator may share administrative duties with the council or its committees, including hiring and firing department heads.

Council Functions

The council is the city governing body and is elected to steward the public trust and to serve as financier, employer, legislator and policy maker. The council monitors city service levels that benefit the whole community.

The city must maintain a balanced budget, which requires determining what city services and operations will be provided and at what cost and level of service. The council is also responsible for policies governing bidding procedures, spending limitations and purchasing methods related to equipment, land, services and facilities.

Citizen Involvement. The council's leadership role requires staying connected to the community and connecting the citizens to their local government. Elected officials at all levels work to engage citizens actively. There are four basic roles for local elected officials in connecting citizens and their government:

1. **As a *model*.** By maintaining a spirit of civility and cooperation both within the municipal government and among local governments, local officials can help set the tone for civil discourse and productive problem-solving. The council can set an example for the public and the staff, and is responsible for creating a positive, constructive climate and a model democracy in action.

2. **As an *educator*.** The council can provide public information and serve as interpreter of public opinion within the community. In addition, local officials can encourage citizens, business, community organizations and others to play an active role in community-building initiatives.

3. **As a *listener*.** The council can solicit input from the public and city employees and it can provide opportunities for participation and involvement. It can respond to the public in an open, honest and respectful manner that shows that the council values questions, comments, and criticism from the public.

4. **As a *leader*.** The council communicates city goals, policies and information that can enhance the public's understanding of city issues. It can facilitate the airing and sharing of diverse points of view. It can foster a sense of community and it can use techniques for resolving conflict. Energizing and engaging citizens is a job that calls for an array of skills.

The Mayor

The mayor's role varies from city to city, depending on charter requirements. In many cities the mayor presides over council meetings and participates in discussions, but votes only to break ties. Depending on charter provisions, the mayor may appoint committees and department heads with council approval, and veto ordinances. Most mayors also sign all ordinances and other records of proceedings approved by the council, and in some cities they may sign all orders to disburse funds.

In addition to the mayor, most cities also have a council president or mayor pro tem. The councilor in this position presides over the council in the mayor's absence.

Council as "One Voice"

Councilors are elected to a city council, not to an independent seat. Local citizens, despite their diversity of opinions and level of civic engagement, expect the council to function effectively as one body, one voice. There is sometimes a perception by council members that they need to be independent to the point of being contrary on every issue. There is also a fear of being perceived as a "rubber stamp" council. A councilor can and should feel comfortable in expressing diverse opinions, and in debating issues. **It is important to show respect for fellow council members, to be willing to move ahead once the issue is thoroughly discussed, to support the government process, and to live with the results of the vote.** Effective councils are those in which councilors maintain their individuality and yet work effectively as a "collective" body.

A councilor should never attempt to speak for the entire council, particularly outside of council meetings. It is inappropriate to promise that the council will do something until the council, as a group, has a chance to discuss it and determine a course of action.

Balance

The single most difficult job of a city council is to balance diverse interests and search for common interests. A councilor may react to groups in isolation without considering the larger consequence of his or her actions. It is important to recognize and consider citizen input, but it is equally important to develop perspective. If ten people call on an issue in a city of 19,000, is it indicative of a landslide of public concern, or a well-organized phone campaign? When someone tells a councilor that "everyone in town feels this way", the councilor should trust his or her own judgment and seek a few more opinions. A council can seldom do everything that everyone wants.

Intergovernmental Relations

The key to success is cooperation and collaboration.

Beyond the myriad of issues that are specific to city government, city officials will quickly find that they play a pivotal role in the intergovernmental arena with other local governments—county government, special districts and public schools—as well as regional, state and federal governments. Understanding these relationships and their impact on city government's ability to provide responsible, efficient and effective governance and delivery of services is important, particularly when funding and staffing resources are limited. Exploring new and innovative ways of funding and providing public services is one of the challenging issues facing elected officials.

It is important to recognize that the reasons you are running for office will become part of a "full plate" of issues (many with which you are not yet familiar). Because of the urgency and the complexity of these issues, government *must work together* to address them. Cities no longer do their government business in isolation. The key to success is cooperation and collaboration.

Sources of Law

Local government, for many purposes, is a political subdivision of the state. The main sources of law governing local government are the state constitution, state law (statutes), decisions of state courts, and city charters and ordinances. Cities are also subject to federal laws and the United States Constitution.

Local elected officials should be familiar with their city's charter and ordinances, as well as the state laws regarding open meetings, public records, budgeting, public contracting and prevailing wage, ethics, and conflict of interest, some of which are described below.

Home Rule

The term "home rule" refers to the authority of a city to set policy and manage its own affairs. Without charter home rule, state law controls the existence, form of organization, functions, powers and finances of local government. This form of home rule is referred to as "statutory" home rule. Most home rule authority is conferred on a city by its charter. A charter can be thought of as the city's constitution and may also be amended by a vote of the citizens of that community. Most cities in Oregon have home rule charters.

Ethics and Conflicts of Interest

Public official ethics are governed by various constitutional provisions, the common law, state statutes and, occasionally, charter or ordinance provisions. State law may require officials in your city to file a statement of economic interest each year with the Oregon Government Standards and Practices Commission.

State law also requires that public officials not use their official position or office to obtain financial gain other than official salary, honorariums or reimbursement of expenses. The law limits the value of gifts that officials, candidates or members of their families may solicit or receive, or which any person may offer, and prohibits public officials from soliciting or receiving offers of future employment in return for their influence. The law also prohibits public officials from furthering their personal gain by use of official information.

A conflict of interest relates to taking official action that may result in financial benefit or detriment to the public official, the public official's relative, or a business with which the public official or his/her relative is associated.

The conflict of interest may be an actual or potential conflict of interest. A potential conflict of interest exists when an official takes action that might have a financial impact on that official, a relative, or a business with which the official or official's relative is associated. The public official must declare the potential conflict and describe the nature of the conflict prior to any discussion or vote. After the declaration, the public official may participate in the discussion and vote on the issue, unless the charter or an ordinance provides otherwise.

An actual conflict of interest occurs when the action will result in a financial benefit or detriment. The public official must declare the conflict and describe its nature. The official may not participate in the discussion of the subject and may not take action on it.

Budget and Finance

Budgeting is an annual process by which cities identify the types and levels of services that can be provided within the constraints of available resources. The general budgeting process is prescribed by the Oregon Local Budget Law (ORS 294.305 to 294.565). The Department of Revenue's Local Government Finance and Taxation section administers the law and provides advice and assistance to cities regarding budget matters. It publishes a budget manual that is the basic reference document for local budget procedures.

In its most basic form, the budget identifies city programs, services and activities. City budgets are organized and expenditures are accounted for by "funds" (e.g., general fund, street fund, sewer fund) or "activities" (such as law enforcement), in order to permit identification and handling of revenue earmarked for special purposes.

Public Meetings Law

The Oregon public meetings law that applies to public bodies is found in ORS 192.610 to 192.710. Under the public meetings law, a governing body's meetings are open to the public with certain exceptions. Meetings of other city bodies (e.g., planning commission, budget committee, library board, etc.) are also open to the public. Except in emergencies, there must be reasonable notice of regular meetings and at least a 24-hour notice for special meetings. Written minutes of all meetings are required, but executive sessions may be taped instead. Executive, or private, meetings may be held for certain prescribed reasons, but the media must be allowed to attend these meetings and final decisions must be made in the public meeting.

Public Records Law

The public records law (ORS 192.410 to 192.505) applies to all public bodies including governing bodies, officers, departments, commissions, etc. The term "public records" is defined as writing containing information that pertains to the conduct of the public's business, and includes handwriting, typewriting, photographs, maps, discs, audio tapes, video tapes and electronic mail. ORS 192.500 lists several kinds of records all exempt from disclosure "unless the public interest requires disclosure." Other than excepted records, all records of a public body are available for public inspection.

Limitations of Power

The local government is subject to statutory, constitutional, judicial and charter limitations. Under Oregon constitutional home rule provisions, the voters of the state have taken from the state legislature, and reserved to the voters of cities, the power to adopt and amend their own city charters. Initiative and referendum powers are also reserved to the voters of the city (Oregon Constitution Article VI, section 10, and Article XI, section 2).

Article I, Oregon's Bill of Rights, also applies to local governments. Other constitutional limits and restrictions include property tax limitations, prohibitions against lending the credit of a city, and regulation of city elections. Several chapters of state law apply to city government (ORS chapters 221 to 227).

Liabilities

In general, Oregon governments are liable to the same extent as private individuals or entities and for all types of torts (wrongs to private parties)—e.g., personal injury, property damage, wrongful entry, false arrest and detention, malicious prosecution, abuse of process, invasion of privacy, interference with contractual relations, and defamation.

The personal liability of public officials is governed primarily by the provisions of the Oregon Tort Claims Act (OTCA). Federal civil rights law, the common law of torts, and specific Oregon statutes also may impose personal liability. Some examples of personal liability are budget law violations, conflicts of interests, actions outside the scope of official duty, malfeasance in office (willful and wanton neglect of duty), public contracting violations, and public meetings law and public records law violations.

The council should routinely consult the city attorney in making decisions on city affairs. In addition to providing professional and technical services such as preparation of formal opinions and drafting of legal documents, the city attorney can supply informal advice regarding many other matters.

Some types of insurance are required by state law, and cities purchase other types for their own protection. Insurance policies are complex documents, and the advice of competent insurance advisors and the city's legal counsel should be sought to make certain that coverages are adequate for the exposures involved.

City Government Facts

- Oregon has 240 incorporated cities.
- Approximately 67 percent of the state's population reside within city limits.
- The smallest incorporated city is Granite – population 25; the largest is Portland – population 512,395.
- There are approximately 1,490 mayors and councilors in the state.
- Pay for elected officials is determined locally. Compensation varies from no compensation to modest compensation levels for part-time officials. There are a few full-time paid positions, i.e., Beaverton mayor and Portland mayor and commissioners.
- The oldest city is Oregon City, incorporated in 1844. The youngest is Keizer, incorporated in 1982.

How to Minimize the Likelihood of Litigation and Conflict

- Inform yourself about the organization you serve.
- Study and be knowledgeable about the city's charter and existing policy.
- Remember that your authority derives from the council itself. Alone you have no authority.
- Your first duty is to the public you serve, not to any colleague, chief administrative officer or friend.
- Understand that the council's basic function is policy making and *not* administrative.
- Give the city employees the respect and consideration due dedicated, public service professionals.
- Insist that personnel complaints first go through the proper chain of command. If not resolved, only then should complaints come to the council.
- Know the law; respect both the spirit and letter of the law.
- Expect the council to comply with the law.
- Learn the open meetings laws, public contracting laws, budgeting laws, employment laws, etc.
- Insist that all city transactions be ethical, legal and appropriate.
- Hire and use an independent accountant and have a separate audit committee.
- Attend all council meetings. Stay informed. Insist on agendas and copies of reports well in advance of the next meeting. Review meeting minutes.
- Keep current on city business. Attend conferences, workshops and training seminars to learn about legislative changes having an impact on the city.
- Avoid conflict of interest by disclosing potential conflicts and refusing to debate, discuss or vote with respect to any matter in which you or your family has an interest.
- Respect the opinions of other councilors and graciously accept the principle of "majority rule" in council decisions.
- Do not make rash decisions in moments of excitement or emotion. Be sure you have all the facts. Do not rely on only a one-sided version of disputed issues. Demand sufficient information before voting.
- Recognize than an individual councilor has no legal status to act for the council outside of an official meeting, unless authority is given to councilors by majority vote of the council.
- Discourage discussions on matters of overall policy outside of regular council meetings.
- Do not make commitments on any matter that should properly come before the council as a whole.
- Do not allow personal issues to be brought into council considerations.
- Review your insurance and its coverages and exclusions.
- Read and be familiar with Oregon Revised Statutes pertaining to Code of Ethics and Oregon Public Meetings Law.

Communications – The Key to Success

Council effectiveness is dependent upon good group dynamics. Each new configuration of the council creates its own personality and style of operating. As with any group, each council must go through the usual evolution of forming, storming, norming, performing and, eventually, reforming.

A number of city councils in Oregon have adopted internal "communication agreements" to promote effective governance and establish ground rules for working together. The following are examples of such agreements:

Council Member Responsibilities and Meeting Guidelines

- Submit items for the agenda.
- State opinions or feelings honestly and openly.
- Stay on the agenda and help others to do so.
- Participate actively; speak out.
- Listen actively; seek clarification.
- Support the open meeting process.
- Facilitate problem solving.
- Protect others' rights.
- Avoid disruptive communication.
- Agree to discuss problems and conflicts when they arise.
- Before each meeting, ask yourself:

"What would help this council to move ahead and to get this problem resolved?"

"What can I do to help this council function more effectively?"

. . . . each council must go through the usual evolution of forming, storming, norming, performing and, eventually, reforming.

Code of Conduct

- I will seek to understand others' perspectives.
- I will honor others in public and protect others in their absence.
- I will focus on issues, not personalities.
- I will be honest and truthful in all deliberations and interactions.
- I will individually support the collective decision-making of the city council. If I disagree with a decision made by the council, I will voice my opinion without personalizing the issue and without eroding the reputation of the city council. Once a decision is made, I will support that decision.
- I will present my views in a forthright, positive manner and respond to questions clearly and directly. I will focus on the present and the future. I will use the past only as data for the present and the future.
- I will not blame others for situations I have an opportunity to resolve.
- I will feel free to visit with other council members outside of meetings, but I will abide by the Oregon Public Meetings Law.
- I will give other council members, the mayor and city manager advance notice of significant matters to be introduced at council meetings.
- If I have a concern or issue with another council member or the city manager, I will go to that person first in a private and timely manner and share that concern. If unresolved, I will present the issue to the mayor in a private and timely manner to seek a means for resolution.
- I support the city's form of government.

Elected Officials and the Public Spotlight

Don't be alarmed if your personal life becomes front page news . . .

Becoming an elected official means living in the public spotlight 24 hours a day. Elected officials come to realize that this is simply a condition that accompanies the position—for better or worse. Don't be alarmed if your personal life becomes front page news and the "talk of the town". It's bound to happen sooner or later.

Media relations is a skill that can work in the city's favor. It is wise to develop a respectful relationship with the local reporter, and attempt to create a reciprocal relationship. Be sensitive to the reporter's job and his or her need to meet deadlines.

At the same time, be careful. Never speak "off the record". Expect anything you say to be used. Don't assume an interview is over until the reporter has left the scene.

Here are a few guidelines for surviving life in the "public fish bowl":

- Be truthful.
- If you don't know the answer, say so.
- Anticipate all situations and questions.
- Be prepared.
- Be accountable and responsible for everything you do and say.

Representing the Public

Two of the most important tasks of local government officials are to discover citizen opinion and to ensure that citizens have sufficient information to form knowledgeable opinions and to make responsible decisions (including voting). For these tasks to be carried out successfully, elected officials must solicit public input and encourage citizen participation and involvement.

Communication is important in achieving effective citizen participation in local government. Success depends on both the attitudes and interests of citizens and city officials. Citizens need to know their efforts are recognized and valued in the decision-making process. Public hearings, advisory committees, town hall meetings, televised council meetings, neighborhood associations, volunteer participation, public opinion polls, and interest groups are ways to connect citizens with city government in a significant way.

Community Visioning and Goal Setting

In Oregon, many councils conduct annual goal setting and community visioning processes.

Setting City Goals

A clear set of goals provides the framework within which nearly all other city activities can be accomplished. Goals provide direction, reduce crisis management environments, develop cohesiveness among council members, allow managers and staff to manage their time and activities effectively, and permit periodic evaluation of progress to make any necessary mid-course corrections.

Without goals a council cannot distinguish between movement and progress. Individuals and groups can spend tremendous effort and resources performing activities that, in retrospect, were not necessary. Often, the reason for this wasted effort is the absence of a clear set of priorities and specific plans for accomplishing them.

Typically, council goals are developed for a one- to two-year period. They are a tool for: a) focusing the council's efforts; b) communicating priority issues to the community; and c) providing clear direction to city staff. Council goals should be articulated in such a way that they are specific, realistic, outcome-based, within the city's control, and measurable. Once goals have been set and adopted by the council, they can be used as a measure for evaluating staff performance, guiding budget decisions, and managing unanticipated issues that arise during the year.

Visioning: Sustaining Quality of Life

City governance is an institution that enables a community of citizens, through their elected representatives, to maintain safety and a good quality of life, which is accomplished by developing policy, adopting implementing laws and ordinances, and planning for the delivery and financing of public services. Success is dependent upon the ability to stay in touch with the public's needs and desires, to understand the issues, and to balance the short- and long-term social, economic and environmental impacts.

A vision statement provides a blueprint for the future and helps the council, staff and citizens to set priorities and make decisions to achieve desired outcomes. In 1993, a group of city government officials gathered and, looking ten years into the future, drafted a vision for Oregonians. These officials represented small, medium and large cities, as well as the diverse regions of the state. The vision reprinted below illustrates how common goals for the future might guide policy, funding allocations and community planning decisions.

Envision Oregon's Future

In the year 2003, the complexion of Oregon reflects **livable, viable communities.** Oregon's vision places emphasis on empowering the individual and strengthening the family by providing quality education; family-wage jobs; medical, health and community services; a safe, clean environment; a reliable, responsive infrastructure; and governing system that responds to community priorities.

Oregon's education system is well-coordinated and provides **quality education** where each individual is valued, where educational standards are achieved, where the needs of the business community are met, and where emphasis is placed on life-long learning.

Oregon's **well-trained, well-educated workforce** supports a strong, diversified, and **robust economy**. Business and industry support Oregon's quality of life by providing **family-wage jobs**, supporting the family, cooperating with education, investing in the community, and protecting the environment.

Oregon responded to the rapid increase in growth with **well-managed use of land, community and housing development**, and a successful system of **transportation alternatives.**

Oregon is still nationally recognized for its natural **environment**. While Oregon's growth has put enormous pressure on its natural resources, air, land and water, the cost of preservation and protection has been fairly and reasonably assessed and shared.

Providing for the economically disadvantaged and the physically and mentally disabled is no longer viewed as a burden, but as a responsibility. Cooperative partnerships have been formed among social service agencies, schools, government, business, and community-based organizations to meet **human service needs** at the local and state levels. **Health care** is now provided for all Oregon residents.

A renewed sense of community has produced **safer, more secure communities** and neighborhoods. A wide variety of arts, recreation, leisure and cultural activities is accessible to all citizens. Because residents' priorities are addressed at the city and county level, citizen trust in government has been regained, community involvement and volunteerism has increased, and local elected leadership is strong.

Oregon government has become more efficient. **State and local governments have forged a cooperative working partnership, enabling state government to support and assist local governments' efforts to effectively administer and finance local programs and services and respond to citizen priorities at the community level.**

About the League of Oregon Cities

The League of Oregon Cities (LOC) is a voluntary membership organization of dues-paying city governments in Oregon. The League believes that local problems are best resolved at the local level, and that people are best served by a strong and responsive local government.

Founded in 1925, LOC's membership includes 238 of the 240 incorporated cities in Oregon. The League provides a variety of services to city elected officials and appointed staff, including:

Legislative Services. LOC speaks for a broad and diverse group of cities. *Together, cities have a strong, collective voice.* LOC works hard to provide legislators, their staff and city members with accurate, timely information. We remind legislators that they share a common interest with municipal officials—we serve the same constituents. The weekly *Legislative Bulletin* and time-critical action calls involve members during the legislative session.

Policy-Setting. A 55-member Legislative Committee, and several issue-specific Standing Committees, each with members representing large and small communities across the sate, guide legislative endeavors. The *Oregon Municipal Policy* is the official long-range policy statement of Oregon's cities on a wide variety of topics.

Intergovernmental Relations. LOC serves as a liaison with local, regional, state and federal agencies. LOC is a member of, and partner with, the National League of Cities and other prominent local government associations.

Technical Assistance. League staff respond daily to questions from city officials on a wide variety of issues as well as city practices and procedures. We provide sample ordinances and charters and a variety of how-to publications, as well as point to additional helpful resources.

Conferences & Training. LOC offers many opportunities for city officials to acquire the necessary skills and up-to-date information to enable them to serve their citizens efficiently and effectively, as well as to provide forums to share knowledge and skills to solve common problems. Examples are the League's annual conference in November, drawing approximately 1,000 officials from across the state; regional meetings on various topics of critical concern; legislative conferences; and affiliate group meetings. In addition, LOC's Elected Officials Workshops cover the basics of governing for officials new to office, and serve as a refresher for "experienced" officials. *If you are elected to office, we strongly encourage you to attend this workshop.*

Publications. Among the League's most popular publications are its monthly informational newsletter, the *LOCal Focus*; the *Legislative Bulletin* (weekly during the legislative session); and the *Handbook for Oregon City Councilors*, a must for newly-elected officials.

League of Oregon Cities • PO Box 928, Salem, OR 97308 • (503) 588-6550
web: www.orlocalgov.org/loc • e-mail: loc@orlocalgov.org

Additional Resources and Recommended Reading

Oregon Government Standards and Practices Commission
"Oregon Government Standards and Practices Laws: A Guide for Public Officials"
(503) 378-5105

Secretary of State's Office – Elections Division
"City Elections Manual"
(503) 986-1518
web: www.sos.state.or.us

Department of Justice
"Attorney General's Public Records and Meetings Manual"
(503) 378-2992, ext. 325

League of Oregon Cities
"Handbook for Oregon City Councilors"
(503) 588-6550

CITY COUNCIL CANDIDATE HANDBOOK

Candidate Qualifications & Filing Procedures for
General Election – November 2020

3225 Main Street, Sweet Home, Oregon 97386
541-367-8969 www.sweethomeor.gov

The City of Sweet Home reserves the right to change and/or add to the contents of this Candidates' Handbook as updated information and revised forms become available from the State of Oregon Elections Division.

It is the responsibility of the candidate to confirm deadlines with the elections official in advance of those deadlines. Some deadlines may be adjusted due to changes made by Legislature that were not available for this handbook at the time of printing.

This handbook is an effort to assist candidates with the election process and should not be used as legal advice.

For general information about running for public office go to the Oregon Secretary of State's website at http://sos.oregon.gov/elections/Pages/runforoffice.aspx

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-8969
Fax 541-367-1215
www.sweethomeor.gov

To: All Prospective City Council Candidates

Congratulations on your decision to run for City office. This handbook should provide you with the information needed to file for nonpartisan City office for the November 2020 General Election.

There are four City of Sweet Home City Council terms expiring December 31, 2020 and all four positions are open to candidates interested and qualified to run for City Council.

Per City Charter and per ordinance, any qualified elector (registered voter) who has resided within the City at least one year immediately before the election, may be nominated for City Council. The election will be held on November 3, 2020 and the three candidates with the highest number of votes will be elected to four-year terms and the candidate receiving the fourth highest number of votes will be elected to a two-year term. Each Councilor, before entering upon the duties of office, shall take an oath that he or she will support the constitution and laws of the United States, the State of Oregon, the Charter of the City of Sweet Home, and that he or she will faithfully perform the duties of office.

Materials included in this handbook:

- Roles & Responsibilities of Sweet Home City Council ~ City Charter & Municipal Code
- City of Sweet Home Oath of Office & Council Code of Conduct
- State of Oregon Filing Guidelines (including campaign finance reporting)
- State of Oregon Election Filing Forms: SEL 101 Candidate Filing – Major Political Party or Nonpartisan; SEL 121 Candidate Signature Sheet – Nonpartisan; SEL 220, 223, and PC 7 (campaign reporting forms filed electronically with the Secretary of State.)

SEL forms, as well as Campaign Contributions and Expenditures reporting forms, are also available online along with Candidate Election Manuals at:
http://sos.oregon.gov/elections/Pages/laws-rules-publications.aspx

Thank you for your interest in serving the community of Sweet Home and best of luck with your campaign.

Sincerely,

Ray Towry,
City Manager

CITY OF SWEET HOME
2020 CITY COUNCIL CANDIDATE FILING INFORMATION SHEET

The following four City Council terms expire 12/31/20:

James Goble
Lisa Gourley
Cortney Nash
Dave Trask

Filing Period Opens:	**July 26, 2020 at 8:00 AM**
Filing Period Closes:	**August 31, 2020 at 4:00 PM**
Election Date:	**November 3, 2020**
Terms Begin:	**January 12, 2021**
***Term Lengths:**	**Per City Charter, Chapter II Section 3.**

Requirements for Filing: Candidate must be a qualified elector (registered voter) of the City of Sweet Home and have at least one (1) year of City Residency (SHMC 2.04.120 and ORS 221.180, 249.002 -.056)

Procedures for Filing: To file for City Council, Candidates must do one of the following:

1. Complete a Declaration of Candidacy (SEL 101) form and pay a $10.00 City filing fee. **NOTE: Filing in this manner requires both the form and payment to be turned into the City Manager's Office by 4:00 PM August 31, 2020.**

2. File by petition of verified signatures of at least 10 but no more than 20 registered electors of the City of Sweet Home (SHMC 2.04.120). **NOTE: Filing in this manner requires the Prospective Candidate to have the signatures on the petition verified by the Linn County Elections Officer prior to filing the petition with the City. *Verification must be completed before 4:00 PM August 31, 2020.***

Filing Location: Sweet Home City Hall City Manager's Office
3225 Main Street, Sweet Home, Oregon 97386

Office Hours: Monday – Friday 7:30 AM – 4:00 PM

I. OPEN CITY OF SWEET HOME COUNCIL POSITIONS

COUNCILOR ……..Currently held by: James Goble
COUNCILOR……Currently held by: Lisa Gourley
COUNCILOR……Currently held by: Cortney Nash
COUNCILOR……..Currently held by: Dave Trask

II. TERMS & CONDITIONS

The General Election will be held November 3, 2020 and council candidates with the top three highest votes will receive four-year terms beginning the first Monday of January 2020. The candidate with the fourth highest votes will receive a two-year term. Council Elects are sworn in and sign the Council Oath and Code of Conduct prior to the first City Council meeting in January. Regular City Council meetings are held the second and fourth Tuesday of each month at 6:30 PM. Special City Council meetings, Council Work Sessions, and Council Committee meetings are also held throughout the year (dates and times vary).

Sweet Home City Councilors receive a Council stipend of $75.00 per month to cover expenses such as mileage to meetings and meals when meetings are held during meal times. Due to IRS reporting requirements Council stipends are taxed based on the following IRS ruling:

Government Officials as Employees: Generally, any individual who serves as a public officer is an employee for the government for whom he or she serves. Therefore, the government entity is responsible for withholding and paying Federal income tax, social security and Medicare taxes, and issues a Form W-2, Wage and Tax Statement, to the public official.

III. QUALIFICATIONS & RESIDENCY REQUIREMENTS

Qualifications include: 1) being a registered voter; 2) residing within the City of Sweet Home for at least one year at the time of filing. *See City Charter Chapter III, Section 8. Regulation of Elections and Chapter V. The Council.*

IV. FILING PROCEDURES

The following is intended to provide general information on the nomination procedures of the State of Oregon and City of Sweet Home. This information is NOT intended to provide legal advice for candidates, nor is it intended to cover all issues concerning local elections.

Please review the materials included in this packet. For further information or publications to assist with the filing process, please visit the Secretary of State's website at: http://sos.oregon.gov/elections/Pages/laws-rules-publications.aspx

V. HOW TO FILE FOR ELECTIVE (PUBLIC) OFFICE

Members of the Sweet Home City Council are elected at Oregon's General Election.

City of Sweet Home candidates may file one of two ways with the City Elections Officer (City Manager) by either paying a fee, or by petition to obtain signatures.

1) **File By Fee**: A candidate will file Form SEL 101 Candidate Filing – Major Political Party or Nonpartisan; and pay a filing fee of $10.00, **or**

2) **File By Petition**: If a candidate chooses this method, they must allow sufficient time to have signatures verified (by Linn County Elections) before the City's filing deadline. The following forms must be completed and filed with the City Manager's Office:

Form SEL 101 Candidate Filing – Major Political Party ("Prospective Petition" must be marked): **and**

Form SEL 121 Candidate Signature Sheet – Nonpartisan signed by no less than 10 and no more than 20, electors of the City of Sweet Home (per City Charter). Each candidate shall have the signatures of the electors on his or her petition verified by the County Elections Officer, prior to filing the petition with the City Elections Officer (City Manager).

VI. FILING PERIOD

The candidate filing period runs from 8:00 AM July 26, 2020 through 4:00 PM August 31, 2020. SHMC 2.04.12 (A). states that petitions shall be filed not earlier than 100 days, or later than 64 days, before the election date. These dates have been set based on SHMC 2.04.12 (A). and operating hours of the City Manager Office.

VII. CANDIDATE CAMPAIGN FINANCE REPORTING REQUIREMENTS

Oregon law requires that campaign finance activities be filed electronically with the Oregon Secretary of State's Office (Elections Division) using the ORESTAR (Oregon Elections System for Tracking and Reporting) system (if the Candidate receives or spends $750 or more). The secured online reporting system can be found online at ORESTAR along with the ORESTAR User's Manual and Campaign Finance Manual. http://sos.oregon.gov/elections/Pages/orestar.aspx

2018 Campaign Finance Manual
http://sos.oregon.gov/elections/Documents/campaign-finance.pdf

For ORESTAR assistance, call the Elections Division or email orestar-support.sos@state.or.us

The State of Oregon requires candidates to file an SEL 220 and SEL 223 within three business days of first receiving a contribution or making an expenditure. The forms may be filed by paper forms if a computer is not available. However, contributions and expenditures must be reported electronically. If you do not have a computer the Sweet Home Library has computer terminals for public use.

VIII. STATEMENT OF ECONOMIC INTEREST (SEI) & STATE REPORTING REQUIREMENTS

All elected officials are required to file SEI's with the Oregon Government Ethics Commission. The annual report must be filed by April 15th of each year of the incumbency. Information concerning sources of income, property, business interest, and gifts related to the office will be on the form. Civil penalties may be imposed for failure to file or for insufficient information.

IX. CANDIDATE INFORMATION PROVIDED TO THE PUBLIC

At the time of publishing this handbook it is uncertain if Linn County will publish a Voter's Pamphlet and/or allow City Candidates to be included in that publication. Once we have information from Linn County Elections, candidates will be notified of details.

The City may create a page on our website and may provide copies of public record information such as a copy of the completed Candidate Filing SEL 101 form upon citizen request for information regarding candidates. The local newspaper will generally run an article about candidates and their opinions on City issues prior to the November election and a link to that article may be placed on the City's website as well.

X. ELECTIONS OFFICES

For more information about the election process or to have questions answered please refer to the contact information.

City of Sweet Home	**Linn County Elections**	**State of Oregon Elections Division**
City Manager's Office 541-367-8969 jfisher@sweethomeor.gov 3225 Main Street Sweet Home, OR 97386 www.sweethomeor.gov	Steve Druckenmiller, Co. Clerk 541-967-3831 sdruckenmiller@co.linn.or.us 300 SW 4th Ave., Rm. 205 Albany, OR 97386 http://www.co.linn.or.us/elections	1-866-673-8683 elections.sos@state.or.us 255 Capitol St., NE #501 Salem, OR 97310-1306 http://sos.oregon.gov/elections/Pages/default.aspx

CITY OF SWEET HOME
SWEET HOME, OREGON
CHARTER
REVISED AUGUST 2014

CHAPTER I. NAME, BOUNDARIES, POWERS AND GENERAL PROVISION

Section 1. Name and Boundaries. The City of Sweet Home, Linn County, Oregon shall, upon the taking effect of this charter, continue to be a municipal corporation under the name of the City of Sweet Home.

The city includes all territory within its boundaries as they now exist or are legally modified. The city will maintain as a public record an accurate and current description of the boundaries.

Section 2. Powers of the City. Subject only to limitations provided in this charter, the city shall have all rights, powers, privileges and immunities now or hereafter granted either expressly or impliedly to municipalities by the constitution, statues and common law of the state, as fully as though each of such rights, powers, privileges and immunities were specifically stated in this charter.

The enumeration of or reference to particular rights, powers, privileges and immunities in this charter shall not be construed to be exclusive. This charter shall be liberally construed to the end that the city may have all necessary powers for the conduct of its municipal affairs, as contemplated by the municipal home rule provision of the constitution and laws of the state.

CHAPTER II
FORM OF GOVERNMENT

Section 3. Council and Mayor. Except as otherwise provided in this charter, all powers of the city shall be vested in a council of seven members nominated and elected from the city at large.

At each biennial general election, four councilors shall be elected. The three receiving the highest number of votes shall each hold office for four years, and the one receiving the number of votes next to the three highest shall hold office for two years. Tie votes shall be determined by lot.

At its first meeting of the new term after each biennial general election, the council shall elect from its membership a chairperson who shall be mayor for a term of two years.

The mayor and councilors in office at the time of adoption of this charter shall continue in office until the expiration of their respective terms, with powers and duties as provided in this charter.

The mayor and councilors in office at the time of adoption of this charter shall continue in office until the expiration of their respective terms, with powers and duties as provided in this charter.

Section 4. City Attorney, **Manager and Municipal Judge.** The council shall appoint and keep in office a city attorney, city manager who shall also serve as the city recorder, and a municipal judge, who shall hold office subject to the discretion of the council and may be removed by the council with or without cause.

Section 5. Other City Officers and Employees. The city manager shall appoint a treasurer, a chief of police and such other officers and employees of the city as the council deems necessary, and may remove any of them at any time with or without cause. The council may by resolution require any officer to fill and perform the duties of two or more offices**.**

Section 6. Salaries. The council shall fix the compensation of all city officers and employees.

Section 7. Bonds of Officers, Employees and Contractors. If ordinances require, every person appointed to an office or place of public employment in the city or entering into a contact with the city shall give the city a bond for the faithful performance of his/her duties. Nothing in this section, however, shall detract from the effect of Section 20.

CHAPTER III. ELECTIONS

Section 8. Regulation of Elections. Except as this charter provides otherwise and as the council provides otherwise by ordinance relating to elections, the general law of the state shall apply to the conduct of all city elections, recounts of the returns therefrom, and contest thereof. Any qualified elector who has resided in the city at least one year may be nominated for the council or for mayor.

Section 9. Special Elections. The council may by resolution or ordinance order a special election and provide the time, manner and means for holding it. At least 10 days notice shall be given of each special election.

Section 10. Commencement of Terms of Office. The term of office of each person elected to office at a regular city election shall commence on the first Monday of January following the election. In the case of an election to fill an existing vacancy in office, the person elected shall enter upon his/her office immediately.

Section 11. Oath of Office. Each officer, before entering upon the duties of his/her office, shall take an oath that he/she will support the constitution and laws of the United States and the state, and that he/she will faithfully perform the duties of his/her office.

CHAPTER IV
VACANCIES

Section 12. Vacancies in Office Generally. An office shall be deemed vacant upon the incumbent's death, insanity, conviction of a felony, resignation, removal from the city or absence from the city for a period of 30 days without the consent of the council in case of the mayor, manager, municipal judge or councilor, or without the consent of the manager in case of officers appointed by the manager; upon the incumbent's ceasing to possess the qualifications necessary for office; or upon the failure of the person elected or appointed to an office to qualify therefore on or before the day of his/her term of office commences; and in case of the mayor or a councilor, upon his/her absence from meetings of the council for 60 days without the consent of the council.

Section 13. Manner in Which Vacancies Shall Be Filled. Vacancies in office filled by election or by appointment by the council shall be filled by appointment by the council at any regular or special meeting, and the person so appointed shall serve the full unexpired term and until his/her successor is chosen and qualified. Vacancies in offices filled by appointment by the manager shall be filled by appointment by the manager. An officer appointed to fill a vacancy shall within 24 hours after his/her appointment qualify for office, and unless he/she does so, the office shall be considered vacant. During the temporary absence of any officer from the city for any cause his/her office may be filled temporarily in the manner provided for filling vacancies in office.

CHAPTER V
THE COUNCIL

Section 14. Council Meetings. The council shall provide for the time and place of its regular meetings and adopt rules and regulations for the government of its members and proceedings. It shall hold at least one regular meeting each month. Special meetings of the council may be called by the mayor, either upon his/her own motion or upon the request of at least three members of the council, and held at any time, upon verbal or written notice to all members of the council then in the city. Special meetings of the council may also be held by the common consent of all members of the council.

Section 15. Quorum. A majority of council members is a quorum to conduct business, but a smaller number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by ordinance. The council shall keep a journal of its proceeding, and on the call of two members shall the yeas and nays to be taken and entered in the journal upon any question before it except a motion to adjourn. The proceedings of the council shall be public.

Section 16. Mayor's Duties at Council Meetings. The Mayor shall be chairperson of the council and shall preside over its deliberations. He/she shall have authority to preserve order, enforce the rules of council and determine the order of business, subject to the rules of the council. He/she may vote as a councilor.

Section 17. President Pro Tem. At its first meeting in the new term after each biennial election, the council shall elect from its membership, a president pro tem for a term of two years. The president pro tem shall perform the duties of the mayor in the absence of the mayor.

Section 18. Vote Required. The concurrence of a majority of a quorum shall be required to determine any matter before the council except as provided otherwise in this charter**.**

CHAPTER VI
POWERS AND DUTIES OF THE CITY OFFICERS

Section 19. Mayor. The mayor shall appoint the various committees provided for under the rules of the council or otherwise and shall fill all vacancies in committees of the council from that body. He/she shall sign all ordinances passed by the council within three days after their passage. He/she shall sign all instruments and writings authorized by this charter, the laws of the state or the council. In the absence of the mayor, such instruments shall be signed by the president pro tem of the council. All orders on the city treasurer shall be signed by two of the three following named city officers, being the mayor, the city manager and the city treasurer.

Section 20. Manager.
(a) Qualifications. The manager shall be the administrative head of the city government. He/she shall be chosen by the council without regard to political consideration and solely with reference to his/her executive and administrative qualifications.

Before entering upon his/her duties, the manager shall file with the mayor an official bond for faithful performance thereof, payable to the city in the sum of $10,000, the premium of which shall be paid by the city. The bond shall be to the satisfaction of the council, and the approval of the mayor shall be endorsed thereon.

(b) Term. The manager shall be appointed for an indefinite term, but may be removed with a vote of four members of the council. Upon any vacancy occurring in the office of the manager subsequent to the first appointment hereunder, the council shall, at its next meeting, adopt a resolution of its intention to appoint a manager, and no such appointment shall be made until at least four weeks after adoption of the resolution. The council shall appoint a manager within a reasonable time after the adoption of the resolution of intention.
(c) Powers and duties. The powers and duties of the manager shall be:
(1) To see that all ordinances are enforced.
(2) To appoint all heads of departments and other city officers and employees, and remove them at pleasure, and to have general supervision and control over them, except as otherwise provided in this charter. All such appointments shall be made upon the basis of merit and fitness alone.
(3) To see that the provisions of all franchises, leases, contracts, permits and privileges granted by the city are fully observed, and to report to the council any violations thereof.
(4) To attend all meetings of the council unless excused therefrom by three councilors or by the mayor.
(5) To act as purchasing agent for all departments of the city. All purchases shall be made in accordance with the council approved city purchasing policy.
(6) To examine or cause to be examined, without notice, the official conduct of any officer, assistant, deputy, clerk or employee in any of the departments of city government, except councilors.
(7) To keep the council advised to the needs of the city.
(8) To prepare and submit to the budget committee the annual budget estimate and such reports as may be required by that body.
(9) To submit to the council an annual report of all departments of the city and such other reports as the council may require.
(10) To prepare or cause to be prepared plans and specification for work coming under his/her supervision which the council orders, and to provide such plans and specifications in sufficient number and in ample time to give full opportunity for all contractors who desire to bid thereon to do so.
(11) To have control, subject to such ordinances as may from time to time be adopted, for all public utilities owned or operated by the city.
(12) To have general supervision over all city property and its use by the public or city employees.
(13) To appoint such advisory boards as he/she may deem desirable to advise on, assist him/her in his/her work; but the members of such boards will receive no compensation as such board members.
(14) To perform such other duties as may be required by this charter or as the council may require of him/her.
(15) From time to time, in order to facilitate the prompt, economical and efficient dispatch of city business, to organize the work of the departments under his/her control, to assign assistants, deputies, and employees from any office or department of the city government to perform work or service in connection with any other office or department thereof, or to work in more than one said offices or departments thereof; provided, that no such change shall affect the powers or duties of any elective officer to the city.
(16) To serve as the city recorder and such to be clerk of the council, keep an accurate record of its proceedings in a book provided for that purpose, and countersign all instruments and writings by this charter or by the laws of the state or the city.
(d) Seats at Council Meetings. The manager and such other officers of the city as may be designated by vote of the council shall be entitled to seats with the council, but shall have no vote therein. The manager shall have the right to take part in the discussion of all matters coming before council.
(e) Manager Pro Tem. During the absence of the manager from the city, during his/her temporary disability to act as manager, or during the interim when the council is seeking a manager, the council shall appoint a manager pro tem who shall possess the powers and discharge the duties of the manager during such absence or disability only; provided, however that a manager pro tem shall

have no authority to appoint or remove any city officer or employee except with the approval of five members of the council. No manager pro tem shall hold his/her position for more than six months. No appointment of a manager pro tem shall be consecutively renewed.
In case of the absence of the manager or the manager pro tem from council meetings, the council shall appoint a clerk of the council pro tem.
(f) Interference in Administration. No member of the council shall in any manner, directly or indirectly, by suggestion or otherwise, attempt to influence or coerce the manager in the making of any appointment or removal, or the purchase of supplies, or attempt to exact any promise relative to any appointment from any candidate for manager, or discuss, directly or indirectly, with any such candidate, the matter of appointments to any city office or employment. Any violation of the foregoing provisions of this section shall work a forfeiture of the office of the offending member of council, may be removed therefrom by the council or by any court of competent jurisdiction; provided, however, that nothing herein contained shall be construed as prohibiting the council, while in open session, discussing with or suggesting to the manager, fully and freely, anything pertaining to city affairs and for the best interest of the city. Neither the manager nor any person in the employ of the city shall take any part in securing, or shall contribute any money toward, the nomination or election of any candidate for the municipal office.
(g) Ineligible Persons. No person related to the manager by consanguinity or affinity within the third degree shall hold any appointive office or employment with the city.

Section 21. Municipal Judge. The municipal judge shall be the judicial officer of the city. He/she shall hold within the city a court known as the municipal court for the City of Sweet Home, Linn County, Oregon. The court shall be open for the transaction of the judicial business at times specified by the council. All areas within the city shall be within the territorial jurisdiction of the court. The municipal judge shall exercise original and exclusive jurisdiction of all offenses defined or authorized by ordinances of the city. He/she shall have authority to issue process for the arrest of any person accused of an offense against the ordinance of the city, to commit any such person to jail or admit him/her to bail pending trial, to issue subpoenas, to compel witnesses to appear and testify in court on the trail of any cause before him/her, to compel obedience to such subpoenas, to issue any process necessary to carry into effect the judgments of the court, and to punish witnesses and others for contempt of court. When not governed by ordinances or this charter, all proceedings in the municipal court for the violation of the city ordinance shall be governed by the applicable general laws of the state governing justices of the peace and justice courts.
Notwithstanding this section of this charter, the council may provide for the transfer of power and duties of the municipal court to the appropriate state court of the State of Oregon.

Section 22. Other Officers. The council shall fix the powers and duties of all appointive offices other than those provided for in this charter.

CHAPTER VII
ORDINANCES

Section 23. Enacting Clause. The enacting clause of all ordinances hereafter passed shall be "The City of Sweet Home does ordain as follows."

Section 24. Introduction, Reading and Passage. Every ordinance shall be fully and distinctly read in open council meeting on one day and shall be read by title only on two different days previous to being put upon its final passage provided that the council may have the ordinance fully and distinctly read at any reading thereof; provided, however, that any ordinance may be introduced and read the first time at any meeting and may upon a unanimous vote of all the members of council present at the

meeting be read a second time by title only and placed upon its passage at the meeting held on a separate and successive day.

Section 25. When Ordinances Take Effect and Publication Thereof. Each ordinance passed by the council shall take effect on the thirtieth day after its passage; provided, that when the council deems it expedient or in case of emergency, an ordinance may provide a different time when it shall take effect, that it shall take effect immediately. All ordinances shall be posted for 10 days after passage in three or more conspicuous places in the city.

CHAPTER VIII
PUBLIC IMPROVEMENTS

Section 26. Power of Condemnation and Purchase. The city shall have power to acquire by purchase, gift, devise or condemnation any property either within or without its corporate boundaries for any municipal purpose, for the purpose of (a) protecting, preserving and facilitating an improvement or (b) bringing about such development of property along or in the vicinity of an improvement as will make such development harmonious with and adjusted to the improvement or (c) any combination of such purposes; to acquire by condemnation property in excess of that needed for the actual improvement and to sell or lease such excess property with building and use restrictions and conditions to make its development harmonious with and adjusted to adjacent public improvements. The necessity for the taking of any property by the City of Sweet Home shall be determined by the council and shall be declared by a resolution which shall describe such property as nearly as may be and stating the use to which it is to be devoted. The city shall have power to provide for the payment of all or any part of the cost of land or other property acquired for public use of the construction, reconstruction, repair, operation or maintenance of any structure or work in the nature of a public facility or improvement, including a public utility and of any other public work or service, by levying and collecting special assessments upon property specially benefited.

Section 27. Special Assessment. The method and procedure for determining the amount of the assessments, the spread and apportionment of the amount of the assessments, and the boundary and location of the property, lots, district or area to be assessed; for the making and approval of the plans and specifications; for the notices of property owners and other interested parties; for the hearings, for the composition, organization and procedure of boards of revision or appraisal; for the levy of the assessments; for the creation of a lien; and for any and all other determinations, steps, measures, resolutions, ordinances and actions in relation to the assessments shall be governed by either (a) the provisions of the special assessment statutes of the state or (b) the provisions of a general ordinance setting forth such method and procedure, which general ordinance may be enacted by council and shall be subject to amendment or repeal.

Section 28. Improvements. Street, sewer, sidewalk and such other improvements as may be deemed necessary by the council may be made on the motion of the council or on petition of a majority of the property owners interested. Remonstrance of two-thirds of the front footage of property owners concerned shall operate to defeat such motion of petition and the same may not again be considered by the council for a period of six months.

Section 29. Savings Clause. All ordinances, resolutions, policies, procedures, contracts and regulations heretofore passed by the city, in force when this charter takes effect, if not inconsistent

with it, shall remain in full force after it takes effect and until they are amended or repealed by the council.

Section 30. City to Retain Rights and Be Subject to Liabilities in Existence at Time This Charter Takes Effect. No right vested in the city and no liability which it has incurred under this charter, prior charters, and any revisions and amendments thereof and laws of the state shall be impaired or discharged by adoption of this charter, except as this charter otherwise provides.

Section 31. Limitations on Indebtedness. City indebtedness may not exceed the debt limits imposed by state law. A charter amendment is not required to authorize city indebtedness.

Section 32. Repealing Clause. All charter provisions adopted before this charter takes effect are repealed.

Section 33. Severability. The terms of this charter are severable. If any provision is held invalid by a court, the invalidity does not affect any other part of the charter.

Charter Amendments ~ For Charter Amendments go to for a full listing.

http://library.amlegal.com/nxt/gateway.dll/Oregon/sweethome_or/cityofsweethomeoregoncodeofordinances?f=templates$fn=default.htm$3.0$vid=amlegal:sweethome_or

Section 14. Council Meetings.

The council shall provide for the time and place of its regular meetings and adopt rules and regulations for the government of its members and proceedings. It shall hold at least one regular meeting each month. Special meetings of the council may be called by the mayor, either upon his/her own motion or upon the request of at least three members of the council, and held at any time, upon verbal or written notice to all members of the council then in the city. Special meetings of the council may also be held by the common consent of all members of the council.

Section 15.Quorum.

A majority of council members is a quorum to conduct business, but a smaller number may meet and adjourn from time to time to compel the attendance of absent members in the manner provided by ordinance. The council shall keep a journal of its proceeding, and on the call of two members shall the yeas and nays to be taken and entered in the journal upon any question before it except a motion to adjourn. The proceedings of the council shall be public.

Section 16. Mayor's Duties at Council Meetings.

The Mayor shall be chairperson of the council and shall preside over its deliberations. He/she shall have authority to preserve order, enforce the rules of council and determine the order of business, subject to the rules of the council. He/she may vote as a councilor.

Section 17. President Pro Tem.

At its first meeting in the new term after each biennial election, the council shall elect from its membership, a president pro tem for a term of two years. The president pro tem shall perform the duties of the mayor in the absence of the mayor.

Section 18. Vote Required.

The concurrence of a majority of a quorum shall be required to determine any matter before the council except as provided otherwise in this charter.

§ 2.04.020 ELECTIONS OFFICER.

The City Manager is the ex-officio City Recorder and is also the Chief Elections Officer of the city. (Ord. 949, 1986)

§ 2.04.030 NOMINATIONS.

Only a qualified elector under state law who has resided in the city at least one year immediately before the election may be nominated for the Council by one of the following methods.

A. A petition to make such a nomination shall be signed by not less than ten, nor more than 20, electors. No elector shall sign more than one such petition and, should an elector do so, his or her signature shall be void as to the petition or petitions last filed. The petitions shall be filed not earlier than 100 days, nor later than 64 days, before the election date. Each candidate shall have the signatures of the electors on his or her petition verified by the County Elections Officer, prior to filing the petition with the City Elections Officer.

B. A declaration of candidacy shall be signed and a fee of $10 shall be paid to the city at the time of filing. The declaration of candidacy shall be filed not earlier than 100 days, nor later than 64 days, before the election date.

C. A write-in vote at the time of the election as allowed by state law.

(Ord. 1240, §§ 3, 4, 2015; Ord. 1050, 1992; Ord. 949, 1986)

§ 2.04.040 QUALIFICATION FOR COUNCIL MEMBER.

Only a qualified elector under state law who has resided in the city at least one year immediately before an appointment to Council may be a Council member.

(Ord. 1240, § 5, 2015)

FORMS & INFORMATION
FOR NONPARTISAN OFFICE ~ SWEET HOME CITY COUNCIL

- **City of Sweet Home Council Oath**
- **City of Sweet Home Council Code of Conduct – Res. No. 27 for 1998**

STATE OF OREGON ELECTION FORMS ARE PROVIDED IN A SEPARATE ELECTRONIC DOCUMENT OR CAN BE FOUND AT:

http://sos.oregon.gov/elections/Pages/laws-rules-publications.aspx

- **Pages from 2020 Candidates Manual for Completing forms**
- **"Quick Guide" on Campaign Finance Reporting in Oregon.**
- **State of Oregon Filing Forms**
  - **SEL 101 Candidate Filing – Major Political Party or Non partisan**
  - **SEL 121 Candidate Signature Sheet – Nonpartisan**
  - **SEL 220, 223, and PC7 (file electronically with Secretary of State)**

COUNCIL OATH

This document is signed by City Councilors upon taking their oath to office.

CITY OF SWEET HOME
LINN COUNTY, OREGON

I, _____, do solemnly swear that I will support the Constitution and laws of the United States, and of the State of Oregon, the Charter of the City of Sweet Home, and the Council Code of Conduct and Council Rules, and, to the best of my ability, I will faithfully discharge the duties of Councilor of said City during the period for which I was elected.

_____

Signature

Subscribed and sworn to before me this _____day of January 20___.

_____

City Recorder of Sweet Home, Oregon

COUNCIL CODE OF CONDUCT
RESOLUTION NO. 27 FOR 1998

Approved November 10, 1998

BE IT RESOLVED that Councilors 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. Councilors should constantly bear in mind their responsibilities to the entire electorate, and refrain from actions benefiting any individual or special interest group at the expense of the City as a whole. Councilors should likewise do everything in their power to ensure 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.

BE IT FURTHER RESOLVED that Councilors shall preserve order and decorum during Council meetings, and shall not, by conversation or other action, delay or interrupt the proceedings or refuse to obey the orders of the Presiding Officer or these rules. Councilors shall, when addressing staff or members of the public, confine themselves to questions or issues then under discussion, shall not engage in personal attacks, shall not impugn the motives of any speaker, and shall at all times, while in session or otherwise, conduct themselves in a manner appropriate to the dignity of their office.

BE IT FURTHER RESOLVED THAT every Councilor desiring to speak shall first address their chair, and await recognition to obtain the floor. No persons other than members of the Council and the person having the floor shall enter into any discussion, either directly or through a member of the Council without the permission of the Presiding Officer.

BE IT FURTHER RESOLVED THAT DURING DEBATE

1. Any Councilor who has the floor shall confine himself or herself to the question under debate, avoid personalities and refrain from impugning the motives of any other member argument or vote. No member shall address the chair or demand the floor while any vote is being taken.
2. Councilors shall limit their remarks on a subject to five minutes unless granted additional time by the majority of the Council. No Councilors shall be allowed to speak more than once upon any one subject, until every other member choosing to speak thereon has spoken.
3. A Councilor once recognized shall not be interrupted while speaking, unless called to order by the Presiding Officer, or unless a point of order is raised by any Councilor while he or she is speaking, in which case he or she shall cease speaking immediately until the point is determined. If ruled to be in order, he or she shall be permitted to proceed; if ruled to be out of order, he or she shall remain silent or shall alter his or her remarks as to comply with the ruling.

BE IT BE FURTHER RESOLVED THAT DURING MEETINGS citizens desiring to address the Council shall first be recognized by the chair and shall limit remarks to the question then under discussion. All remarks and questions shall be addressed to the Council as a whole and not to any individual Councilor thereof. Any remarks and questions regarding the administration of the City shall be referred to the City Manager by the Presiding Officer.

CITY MANAGER'S OFFICE

3225 Main Street
Sweet Home, OR 97386
541-367-8969 541-367-1215 FAX
jfisher@sweethomeor.gov

2020 CITY COUNCIL CANDIDATE ELIGIBILITY STATEMENT

Prior to submitting your SEL 101 Candidate Filing Form to the Linn County Elections Office as a candidate for Sweet Home City Council in the November 2020 General Election, please review, sign and return this form to Sweet Home City Manager's Office, 3225 Main Street, Sweet Home, Oregon 97386.

STATEMENT OF SWEET HOME CITY COUNCIL CANDIDATE FILING ELIGIBILITY:

I, _____, certify that I meet the Sweet Home City Council Filing Requirements which include:

- **I am a qualified elector** as defined by ORS 246.012(5)
  - 18 years of age or older
  - Have resided in the state during the six months immediately preceding the election, except that provision may be made by law to permit a person who has resided in this state less than 30 days immediately preceding the election, but who has otherwise qualified under this subsection, to vote in the election for candidates for nomination or election for President or Vice President of the United States or elector of President and Vice President of the United States; and
  - Is registered not less than 20 calendar days immediately preceding any election in the matter provided by law.
- **I have at least one year of City Residency.**

I acknowledge that should either my residency or my eligibility as an elector change that I will notify the City of Sweet Home immediately.

My signature acknowledges that the information I have provided to the City of Sweet Home is true and complete to the best of my knowledge and that the information on the SEL 101 Candidate Filing Form is considered a public record.

_____ _____

Signature Date of Signature

REQUEST FOR COUNCIL ACTION

Title:	PageFreezer Contract Review
Preferred Agenda:	July 28, 2020
Submitted By:	Lagea Mull, Communications Specialist/PIO
Reviewed By:	Raymond Towry, City Manager
Type of Action:	Resolution ___ Motion _X_ Roll Call ____ Other ____
Relevant Code/Policy:	Oregon Public Records law – Located within ORS 192
Towards Council Goal:	Goal 2.4: Develop transparency in all communication
Attachments:	PageFreezer Quote - Social Media Archiving

Purpose of this RCA:

Review quote from PageFreezer for social media archiving service

Background/Context:

In August 2016 the City began using a web-based software system to archive the digital records in accordance with Oregon Public Records laws. PageFreezer offers a more user friendly format and lower annual cost with a savings of $2,450 over the span of the contract.

The Challenge/Problem:

How do we maintain Oregon Public Records laws and meet council goal to be transparent?

Stakeholders:

City of Sweet Home Staff – This change aims to improve the efficiency in which staff can fulfill Public Records Requests.
General Public – The general public benefits from retained web content which is both valuable and accessible.

Issues and Financial Impacts:

The financial impact would be a lower cost over the life of the three-year contract.

Elements of a Stable Solution:

Type Elements of Solution Here

Options:

1. Do Nothing – Council could decide to pass on this agreement. The City would maintain its current contract with ArchiveSocial
2. Move to authorize staff to transfer social media archiving services to PageFreezer.

3. Direct staff to research other social media archiving options.

Recommendation:

Staff recommends option 2. Move to authorize staff to transfer social media archiving services to PageFreezer.

City of Sweet Home, OR - Social Media Archiving

Prepared For
City of Sweet Home
Lagea Mull
3225 Main Street
Sweet Home OR 97386
United States

Created By
Peter Boulton
PageFreezer Software, Inc.
(888) 916 3999
peter@pagefreezer.com
http://www.pagefreezer.com

GSA Advantage!
www.gsaAdvantage.gov
Contract #47QTCA18D00DD

PageFreezer Order Form

Jun 10, 2020
Quote: 2283253296

Sales person: Peter Boulton
Email: peter@pagefreezer.com

Name	Price	QTY (Monthly)	Subtotal
PageFreezer Public Records Compliance for Social Media Social Media Archiving for up to 6 social media accounts. Add-on accounts may be obtained at $15/month each. Unlimited Records. Unlimited Storage. Includes continuous account monitoring and archiving at the API (Application Programming Interface) level and replay of archives on PageFreezer.com. Open Record compliant. 1 administrative accounts are included with the PageFreezer account. API access/capture to/from Facebook, Twitter, LinkedIn, Instagram, YouTube.	$124.00	12	$1,488.00
Configuration and Training Personalized assistance for configuration of the website and social media accounts for archiving; creation of user account including access, user names and passwords; initial troubleshooting and quality assurance; administrative configuration for capture engine; test captures; capture optimization; QA cycle - internal; QA cycle - with client; 1:1 training session and access to unlimited weekly free online training.	$250.00	1	$250.00
Helpdesk Standard Weekdays, 9am-5pm PST, excl. holidays, email, phone, web support, online ticket system, knowledge base, user documentation.	$0.00	1	$0.00

One-time costs: $ 250.00
Annual Recurring: $ 1,488.00

Terms & Conditions

This is a quotation on the goods named, subject to the following conditions:

i) All prices in USD and excluding sales tax
ii) PageFreezer Subscription Agreement (https://www.pagefreezer.com/pagefreezer_subscription_agreement_government/)
iii) Payment per year up-front
iv) Term of this agreement is 3 years.
iv) **Recurring annually until cancellation**
v) Cloud data storage in our SOC 1 & SOC 2 compliant datacenter in Seattle, WA.
vi) Term start date August 22nd 2020.
vii) This quote is valid till July 31st 2020.

GSA Advantage! www.gsaAdvantage.gov
Contract #47QTCA18D00DD

In WITNESS WHEREOF, I have signed this agreement effective as of the day and year upon completion of signing.

_____

By: _____

Name: _____ Date: _____

Title: _____

Pagefreezer Software, Inc.

By: _____

Name: Peter Callaghan Date: _____

Title: Chief Revenue Officer

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-5128
Fax 541-367-1215
www.sweethomeor.gov

Finance Department

To: City Council
Ray Towry, City Manager

From: Brandon Neish, Finance Director

Date: July 28, 2020

Subject: 2020 Levy Renewals

The City currently has two local option levies that fund the operations of the City Police Department and Library. The current rates as approved by the voters in 2015 are $7.85 per $1,000 assessed value and $1.17 per $1,000 assessed value respectively. Under ORS 280.060, local option levies approved "by a majority of the electors[1]" must be renewed every five years or the levy expires. The Police and Library levies are up for renewal during the coming general election and it will be up to the City Council to determine if the levies should be referred to voters and up to the electorate to determine if the levies should actually be renewed.

In the late 1980s, the citizens of the City of Sweet Home voted to enact two temporary levies, additional property taxes above and beyond the City's existing tax rate. These levies have been renewed by the voters each time they have been on the ballot. In 1996, residents of Oregon voted for Measure 47 which was amended in 1997 by the Oregon Legislature and became Measure 50 after the state Legislature made necessary changes to make the original law function as intended. Measure 50 established a permanent rate for all existing taxing districts in the State of Oregon, less 10%. For those with existing tax levies on the books, the tax rates were rolled into the existing "permanent" rate to establish the new permanent rate. At the time of passage in 1997, Sweet Home had a "permanent" rate of $1.4157 per $1,000 real market value and the two, temporary levies. Unfortunately, those temporary levies were expiring and their replacements were higher and for another taxing period. As a result, the expiring temporary levies were not included in the new permanent rate calculation and the City was left with its extremely low permanent rate of $1,4157 per $1,000 assessed value. Furthermore, without action from Oregon voters, the Measures could not be amended (an attempt in 2000 to fix the issue failed at the voters box).

In 2015, voters in Sweet Home approved the current levy rates. The levy approval included an increase in the two rates of $1.45 per $1,000 assessed value for the Police levy and $0.35 per $1,000 assessed value. The new rates as described above generated $11.4 million for fiscal years 2017 through 2020 and is projected to generate $3.4 million for the current fiscal year,

[1] https://www.oregonlaws.org/ors/280.060

2021. When the levy was proposed to the City Council and the voters, the increase was designed to keep taxpayer money in Sweet Home fighting compression.

Compression occurs when a property's tax liability exceeds $10 per $1,000 real market value per Measure 5. At the time, compression of Sweet Home property taxes was 32.4% which resulted in the loss of nearly $4.6 million in revenue for the Police Department and Library. After peaking in 2017 at 38.2%, compression in Sweet Home is now 19.8%. For the purposes of this review, staff has used the assumption that while compression will not reach the same level as 2017 over the next five year cycle, it will gradually increase as the real estate market begins to peak and level off. An average compression of 23.6% is expected annually through fiscal year 2026 (see figure 1 below).

For collectability, Sweet Home property owners have paid an average of 93.3% of the total taxes due to the City annually. As the economy improved from the 2008 recession, the delinquency rate has dropped from its high of 7.9% to a low of 5.2% in 2019. Given the various uncertainties due to the coronavirus pandemic and the optional deferment of mortgage payments for homeowners, the City took a conservative approach in its budgeting for 2021 and planned for an 8% delinquency rate. For the purpose of this discussion and review, staff has used the same delinquency rate for 2022 before returning to an average delinquency rate of 6% for the last four years of a renewed levy.

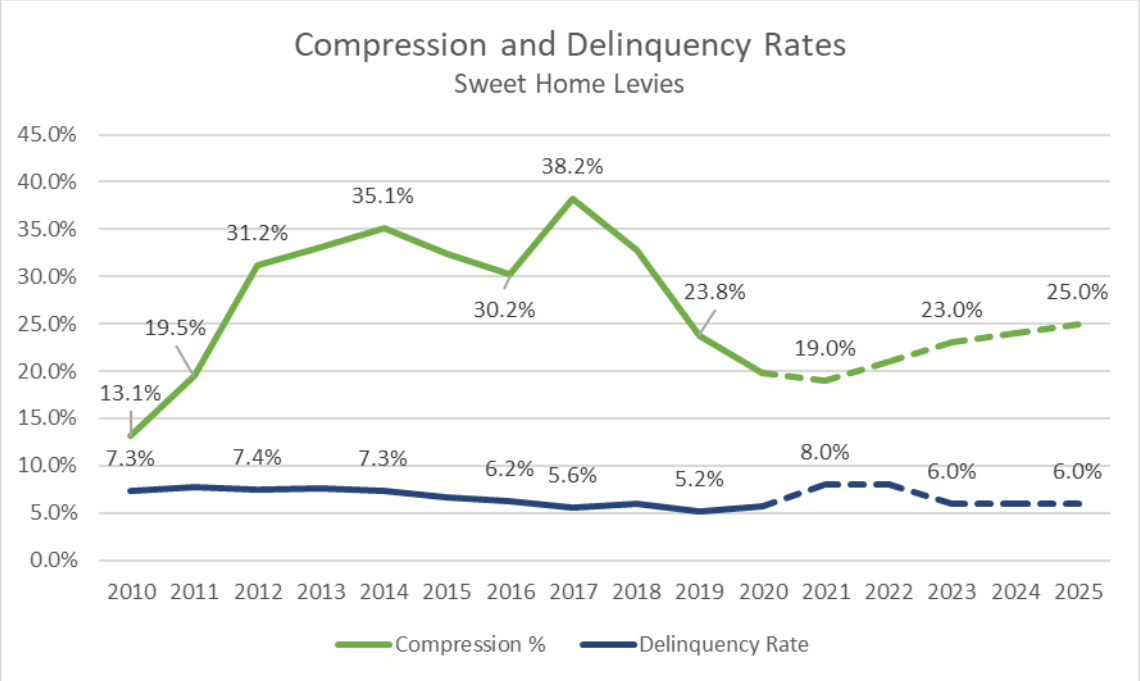

Figure 1

As previously mentioned, the purpose of these five-year operating levies is to provide a resource to fund the operations of the City's Police Department and the Library. In fiscal year 2019, the City spent $2.8 million in personnel, materials and services and capital to operate these two departments. By 2026, the City anticipates that it will need $4.3 million to meet current service levels. This includes a 4.78% annual increase in salary expenditures, PERS increases of 1.8% of salary every two years, a 7% increase in benefit costs and a 1% increase in material and services lines each fiscal year.

Five Year Forecast - Major Governmental Funds FY 2020-2021 through 2025-2026									
Major Funds	**2018 Actual**	**2019 Actual**	**2020 Projected**	**2021 Budgeted**	**2022 Forecast**	**2023 Forecast**	**2024 Forecast**	**2025 Forecast**	**2026 Forecast**
Public Safety Levy									
Fund Balance	$1,213,098	$1,196,347	$1,635,371	$1,646,222	$1,324,666	$1,135,676	$864,967	$504,298	($28,627)
Revenues:									
Property Taxes	$2,364,203	$2,682,810	$2,985,220	$3,029,373	$3,043,538	$3,120,948	$3,172,423	$3,224,202	$3,331,793
Interest	$33,469	$51,824	$57,789	$52,754	$53,282	$53,814	$54,352	$54,896	$55,445
Fees, Franchises, Etc	$114,437	$197,858	$36,473	$28,420	$29,556	$30,739	$31,968	$33,247	$34,577
Transfers In	$0	$0	$0	$0	$0	$0	$0	$0	$0
Total Revenues	$2,512,109	$2,932,493	$3,079,482	$3,110,547	$3,126,376	$3,205,501	$3,258,744	$3,312,345	$3,421,815
Expenses:									
Personnel Services	$2,219,963	$2,163,759	$2,333,948	$2,386,883	$2,512,798	$2,650,214	$2,790,388	$2,943,412	$3,099,510
Salary	$1,381,176	$1,438,255	$1,551,380	$1,543,265	$1,617,033	$1,694,327	$1,775,316	$1,860,176	$1,949,093
Retirement	$196,750	$187,621	$202,379	$227,573	$238,451	$254,522	$266,689	$284,663	$298,270
Benefits	$413,651	$396,201	$427,364	$457,842	$489,891	$524,183	$560,876	$600,137	$642,147
Other	$228,386	$141,682	$152,826	$158,203	$167,423	$177,181	$187,507	$198,435	$210,000
Materials & Services	$225,574	$254,521	$444,582	$601,488	$607,503	$613,578	$619,714	$625,911	$625,911
Capital Outlay	$73,323	$65,189	$113,868	$122,000	$40,000	$50,000	$40,000	$0	$0
Transfers Out	$10,000	$10,000	$176,233	$83,944	$10,000	$10,000	$10,000	$10,000	$10,000
Contingency	$0	$0	$0	$237,788	$145,065	$152,418	$159,311	$165,948	$173,753
Total Expenses	$2,528,859	$2,493,469	$3,068,631	$3,432,103	$3,315,366	$3,476,209	$3,619,413	$3,745,270	$3,909,173
Fund Balance	**$1,196,347**	**$1,635,371**	**$1,646,222**	**$1,324,666**	**$1,135,676**	**$864,967**	**$504,298**	**($28,627)**	**($615,986)**
			6.83	**6.03**	**4.86**	**3.68**	**2.31**	**0.46**	**(1.42)**
Library Levy									
Fund Balance	$224,585	$312,451	$418,052	$426,726	$418,556	$392,958	$358,108	$308,803	$243,659
Revenues:									
Property Taxes	$351,762	$415,064	$444,486	$452,983	$455,109	$466,661	$474,348	$482,080	$535,046
Interest	$6,549	$11,225	$11,225	$11,337	$11,450	$11,565	$11,680	$11,797	$11,915
Fees, Franchises, Etc	$21,856	$29,068	$7,657	$8,000	$8,080	$8,161	$8,242	$8,325	$8,408
Total Revenues	$380,167	$455,356	$463,368	$472,320	$474,639	$486,386	$494,270	$502,202	$555,370
Expenses:									
Personnel Services	$171,050	$199,930	$213,552	$239,243	$255,990	$273,909	$293,083	$313,599	$335,551
Materials & Services	$107,948	$135,202	$144,785	$209,985	$212,085	$214,206	$216,348	$218,511	$220,696
Capital Outlay	$303	$1,623	$40,000						
Transfers Out	$13,000	$13,000	$56,357	$13,000	$13,000	$13,000	$13,000	$13,000	$13,000
Contingency	$0	$0		$18,262	$19,162	$20,122	$21,145	$22,235	$23,398
Total Expenses	$292,301	$349,755	$454,694	$480,490	$500,237	$521,237	$543,575	$567,345	$592,645
Fund Balance	**$312,451**	**$418,052**	**$426,726**	**$418,556**	**$392,958**	**$358,108**	**$308,803**	**$243,659**	**$206,384**
			12.86	**11.67**	**10.57**	**9.30**	**7.77**	**6.00**	**4.96**

To meet the City's goals and continue providing the same level of service, staff is recommending that the City Council approve the levy rates at their current levels ($7.85 and $1.15 per $1,000 assessed value) and refer the levies to voters for a five-year renewal. At these rates, the City projects that this would generate revenue totaling $17.9 million over the life of the levy. If the levy rates were returned to their 2015 rates, the City would expect to generate approximately 15% less than the current rate or a total of $15.2 million leaving a funding gap of $2.7 million between the Police and Library to cover through other resources. The loss of funds could be greater depending on compression changes and how much money would go to other taxing districts as a result of the change in the City's rates. By not increasing the tax rate, voters would see increases only associated with the annual 3% increase in assessed valuation per Measure 50. In fact, as compression edges upward, property owners would **likely** see a *decrease* in their City taxes so they remain below the established tax caps of Measure 5. Staff recommends that the City Council review this memo and ask any additional questions during their July 28, 2020 City Council meeting before a public hearing and potential decision during the August 11, 2020 Council meeting.

City of Sweet Home
3225 Main Street
Sweet Home, OR 97386
541-367-5128
Fax 541-367-1215
www.sweethomeor.gov

Finance Department

To: City Council
Ray Towry, City Manager

From: Brandon Neish, Finance Director

Subject: Finance Department Monthly Report – June 2020

The Finance Department is responsible for the for the fiscal management of the City of Sweet Home. This includes accounts payable, payroll, general accounting, preparing the annual budget and the city's annual audit. This department also administers the city's assessment docket, coordinates employee's benefits and maintains financial records relating to grants and contracts. The following information represents the department's activities during the month of ***June 2020***.

	June 2020	May 2020	YTD	June 2019	Prior Five-Year Average
Accounts Payable					
# printed	144	172	2,088	106	179
Exp. Total	$947,111.23	$751,808.96	$9,376,814.43	$510,522.17	$366,112.10
Passports					
Processed	0	0	308	21	N/A
Photos taken	0	0	230	0	N/A
Lien Searches	45	44	599	69	46

	June 2020	May 2020	YTD	June 2019	Prior Five-Year Average
Utility Billing					
Service requests	185	169	2,333	187	N/A
New accounts	13	18	123	20	N/A
Net account changes	+1	+2	+29	+/- 0	N/A
Statements processed	3,241	3,243	34,036	3,273	N/A
Past-due notices sent	836	884	11,377	998	N/A
Accounts scheduled for turn-off	90	80	683*	50	N/A

* Beginning April 2020, accounts with past due balances were not turned off due to non-payment

Below is a list of the checks that were equal to or exceeded $5,000 and their purpose (if not clear on check listing).

Check No.	Vendor	Description	Amount	Fund
91081	DevNW	CDBG Grant Funds	$16,500.00	Economic Dev – 760
91100	Olympus Technologies, Inc.	Truck body for new Streets vehicle	$15,851.00	Project & Equip Reserve – 202
91128	ClearGov, Inc.	Digital budget book and capital asset planning	$5,300.00	Internal Service – 290
91145	O&M Tire Shop, Inc.	CEIP distribution	$5,000.00	Economic Dev – 760

Bank Reconciliation

Checks by Date

User: bneish
Printed: 07/23/2020 - 11:46AM
Cleared and Not Cleared Checks

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
91069	6/1/2020	ALSCO		AP		236.03
91070	6/1/2020	Amazon Capital Services, Inc.		AP		289.00
91071	6/1/2020	BAUMAN FARMS, LLC		AP		4,695.00
91072	6/1/2020	Ben-Ko-Matic Co., Inc.		AP		432.24
91073	6/1/2020	BENTLEY SYSTEMS, INC.		AP		223.50
91074	6/1/2020	BI-MART CORPORATION		AP		26.73
91075	6/1/2020	MAKENZIE BRUCKEN		AP		191.21
91076	6/1/2020	Cascade Timber Consulting, Inc.		AP		2,355.00
91077	6/1/2020	CH2M OMI, Inc.		AP		88,439.17
91078	6/1/2020	CIS		AP		2,279.85
91079	6/1/2020	COMCAST		AP		92.69
91080	6/1/2020	Correct Equipment, Inc.		AP		3,236.20
91081	6/1/2020	DevNW		AP		16,500.00
91082	6/1/2020	FASTENAL COMPANY		AP		125.48
91083	6/1/2020	FERGUSON WATERWORKS #3011 A		AP		2,021.19
91084	6/1/2020	FRANK PRINTING, LLC		AP		231.00
91085	6/1/2020	Les Schwab Tire Centers of Portland, In		AP		17.67
91086	6/1/2020	LINN BENTON TRACTOR CO.		AP		256.02
91087	6/1/2020	METEREADERS, LLC		AP		1,929.20
91088	6/1/2020	MOONLIGHT BPO, INC.		AP		593.77
91089	6/1/2020	THE MORGAN CPS GROUP, INC.		AP		3,060.00
91090	6/1/2020	MURRAYSMITH, INC.		AP		289,955.13
91091	6/1/2020	TALUAI PAUU		AP		36.07
91092	6/1/2020	SAMARITAN HEALTH SERVICES, I		AP		125.00
91093	6/1/2020	SOUTH FORK TRADING CO., INC.		AP		231.35
91094	6/1/2020	THOMSON REUTERS - WEST		AP		472.00
91095	6/1/2020	USA BLUE BOOK		AP		451.28
91096	6/1/2020	W. W. Grainger, Inc.		AP		242.20
91097	6/1/2020	Mark Walter		AP		3,675.00
91098	6/1/2020	WILBUR-ELLIS COMPANY LLC		AP		607.96
91099	6/1/2020	WOODCHUCK TREE SVC., LLC		AP		150.00
91100	6/3/2020	Olympus Technologies, Inc.		AP		15,851.00
0	6/10/2020	UMPQUA BANK - ACH		AP		4,785.33
0	6/11/2020	NATIONWIDE-PAYROLL DEDUCTI(		AP		550.00
0	6/11/2020	Vantagepoint Trf. Agents 705507		AP		508.33
0	6/11/2020	MEDICARE		AP		8,246.18
0	6/11/2020	STANDARD INS. CO.		AP		3,884.18
0	6/11/2020	SWEET HOME COMMUNITY FOUN		AP		179.13
0	6/11/2020	Vantagepoint Trf. Agents 300619		AP		3,320.00
0	6/11/2020	OREGON PAYROLL TAXES		AP		18,742.65
0	6/11/2020	CHILD SUPPORT ACCOUNTING UN		AP		601.00
0	6/11/2020	FEDERAL PAYROLL TAXES		AP		26,018.07
0	6/11/2020	Vantagepoint Trf. Agents 108524/10904		AP		28,120.96
0	6/11/2020	FICA PAYROLL TAXES		AP		34,564.40
0	6/11/2020	PERS		AP		14,776.09
0	6/11/2020	EBS TRUST		AP		80,201.37

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
0	6/11/2020	HSA - PAYROLL DEDUCTIONS		AP		850.00
0	6/11/2020	SWEET HOME POLICE EMPLOYEE		AP		1,105.00
0	6/11/2020	AFLAC		AP		685.12
0	6/11/2020	ASI-PAYROLL DEDUCTIONS		AP		255.41
91101	6/11/2020	OREGON AFSCME COUNCIL 75		AP		775.01
91102	6/11/2020	PenServ Plan Services, Inc.		AP		250.00
91103	6/11/2020	Ray Klein, Inc.		AP		785.66
91104	6/11/2020	UNITED WAY		AP		25.00
91105	6/11/2020	ALSCO		AP		43.06
91106	6/11/2020	BENTLEY SYSTEMS, INC.		AP		223.50
91107	6/11/2020	COMCAST BUSINESS		AP		3,019.00
91108	6/11/2020	FERGUSON WATERWORKS #3011 A		AP		524.34
91109	6/11/2020	Danley P. Hutchins		AP		19.25
91110	6/11/2020	INDUSTRIAL WELDING SUPPLY, IN		AP		34.35
91111	6/11/2020	SHASTA KRAKE		AP		38.14
91112	6/11/2020	LINN COUNTY PRINTING & SUPPL		AP		100.87
91113	6/11/2020	SEAN MARTIN		AP		81.44
91114	6/11/2020	Newco, Inc.		AP		3,400.00
91115	6/11/2020	Northwest Natural		AP		702.48
91116	6/11/2020	PACIFIC POWER		AP		19,615.70
91117	6/11/2020	JAMES PICKETT		AP		17.88
91118	6/11/2020	The Automation Group, Inc.		AP		746.61
91119	6/11/2020	TWGW, INC. NAPA AUTO PARTS		AP		258.17
91120	6/11/2020	USA BLUE BOOK		AP		4,732.20
91121	6/11/2020	VALLEY OVERHEAD DOOR SALES		AP		4,160.00
91122	6/11/2020	WELLS FARGO FINANCIAL LEASIN		AP		734.00
91123	6/11/2020	ALSCO		AP		192.97
91124	6/11/2020	Amazon Capital Services, Inc.		AP		1,551.83
91125	6/11/2020	ASCAP		AP		365.50
91126	6/11/2020	BUCK'S SANITARY SERVICE, INC.		AP		145.00
91127	6/11/2020	Canon Financial Services, Inc.		AP		417.01
91128	6/11/2020	ClearGov, Inc.		AP		5,300.00
91129	6/11/2020	COMCAST		AP		88.40
91130	6/11/2020	Ryan Cummings		AP		81.33
91131	6/11/2020	DMV - Driver and Motor Vehicle Servic		AP		70.00
91132	6/11/2020	FERGUSON WATERWORKS #3011 A		AP		686.23
91133	6/11/2020	FFA Architecture and Interiors, Inc.		AP		431.49
91134	6/11/2020	HOY'S TRUE VALUE		AP		1,688.50
91135	6/11/2020	INNOVATIVE CREDIT SOLUTIONS		AP		75.00
91136	6/11/2020	LESTER SALES		AP		3.25
91137	6/11/2020	LIBERTY ROCK PRODUCTS, INC.		AP		198.94
91138	6/11/2020	Library Ideas, LLC		AP		36.42
91139	6/11/2020	LINN BENTON TRACTOR CO.		AP		472.86
91140	6/11/2020	LINN COUNTY MEDICAL EXAMINI		AP		3,600.00
91141	6/11/2020	MOONLIGHT BPO, INC.		AP		2,282.28
91142	6/11/2020	NET ASSETS		AP		412.00
91143	6/11/2020	NORM'S ELECTRIC, INC.		AP		603.69
91144	6/11/2020	Northwest Natural		AP		97.42
91145	6/11/2020	O & M TIRE SHOP, INC.		AP		5,000.00
91146	6/11/2020	ONE CALL CONCEPTS		AP		73.20
91147	6/11/2020	OREGON HEALTH AUTHORITY - ST		AP		4,000.00
91148	6/11/2020	OREGON SECRETARY OF STATE		AP		350.00
91149	6/11/2020	O'REILLY AUTOMOTIVE, INC.		AP		42.87
91150	6/11/2020	PASTEGA COFFEE SERVICE		AP		25.00
91151	6/11/2020	PETROCARD		AP		4,679.10
91152	6/11/2020	Quadient Leasing USA, Inc.		AP		675.81

Check No	Check Date	Name	Comment	Module	Clear Date	Amount
91153	6/11/2020	SAIF CORPORATION		AP		75.00
91154	6/11/2020	Joshua Smith		AP		220.00
91155	6/11/2020	SOUTH FORK TRADING CO., INC.		AP		9.18
91156	6/11/2020	Staples, Inc.		AP		1,163.77
91157	6/11/2020	STATE OF OREGON LOTTERY		AP		500.00
91158	6/11/2020	Sunset Electric, Inc.		AP		45.00
91159	6/16/2020	911 SUPPLY		AP		284.96
91160	6/16/2020	Albany Rifle and Pistol Club		AP		156.00
91161	6/16/2020	ALSCO		AP		43.06
91162	6/16/2020	Amazon Capital Services, Inc.		AP		107.93
91163	6/16/2020	AT&T Mobility/First Net		AP		1,837.67
91164	6/16/2020	BULLARD LAW		AP		40,278.42
91165	6/16/2020	ELDRIDGE & SHIRLEY BURCHETT		AP		57.79
91166	6/16/2020	Canon Financial Services, Inc.		AP		658.10
91167	6/16/2020	CENTURYLINK		AP		1,406.31
91168	6/16/2020	CITY DELIVERY SERVICE		AP		56.85
91169	6/16/2020	DAN DEE SALES		AP		360.00
91170	6/16/2020	DEMCO		AP		2,649.74
91171	6/16/2020	DevNW		AP		20,000.00
91172	6/16/2020	DMV - Driver and Motor Vehicle Servic		AP		3.00
91173	6/16/2020	EPPING FOUNDATION HOLDINGS I		AP		61.86
91174	6/16/2020	GROVE, MUELLER & SWANK, INC.		AP		17,960.00
91175	6/16/2020	INDUSTRIAL WELDING SUPPLY, IN		AP		29.50
91176	6/16/2020	KIP AMERICA, Inc.		AP		240.00
91177	6/16/2020	LINN BENTON TRACTOR CO.		AP		433.45
91178	6/16/2020	Morpho USA, Inc.		AP		1,414.00
91179	6/16/2020	MPH INDUSTRIES, INC.		AP		12,964.00
91180	6/16/2020	NATIONAL PHOTOCOPY CORPORA		AP		50.05
91181	6/16/2020	NORM'S ELECTRIC, INC.		AP		97.00
91182	6/16/2020	OREGON ASSOC. OF COURT ADMIN		AP		225.00
91183	6/16/2020	OREGON CASCADES WEST COG		AP		8,641.27
91184	6/16/2020	PASTEGA COFFEE SERVICE		AP		220.20
91185	6/16/2020	ProRider, Inc.		AP		1,392.00
91186	6/16/2020	Quadient Finance USA, Inc.		AP		1,000.00
91187	6/16/2020	SAIF CORPORATION		AP		55,943.52
91188	6/16/2020	SAMARITAN HEALTH SERVICES, IN		AP		182.00
91189	6/16/2020	SENIOR CITIZENS OF SWEET HOM		AP		30,711.00
91190	6/16/2020	SOUTH FORK TRADING CO., INC.		AP		47.40
91191	6/16/2020	ROD STEIN		AP		48.19
91192	6/16/2020	SWEET HOME CHAMBER OF COMM		AP		5,000.00
91193	6/16/2020	Susan Thompson		AP		151.26
91194	6/16/2020	Ray Towry		AP		32.83
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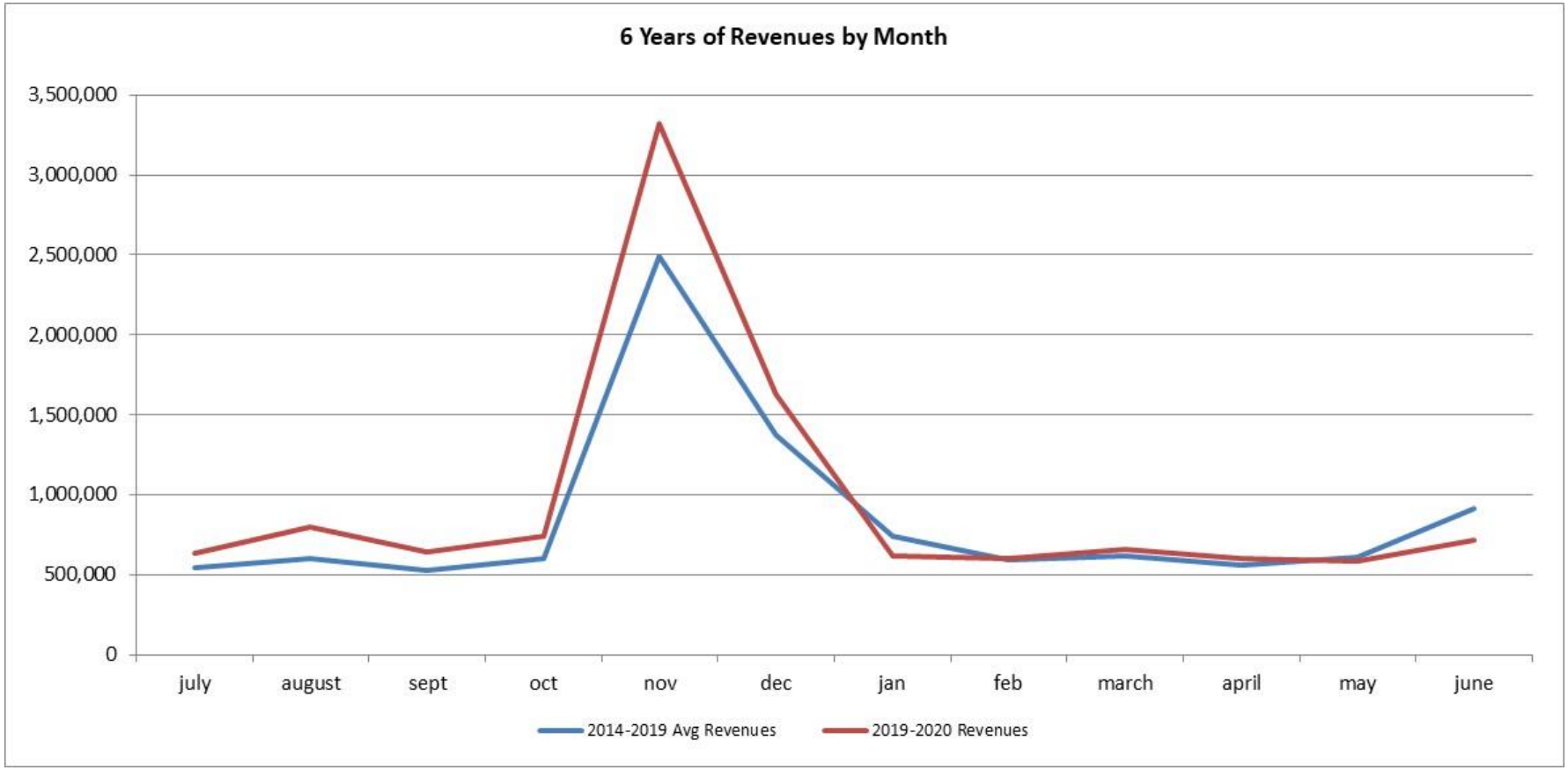
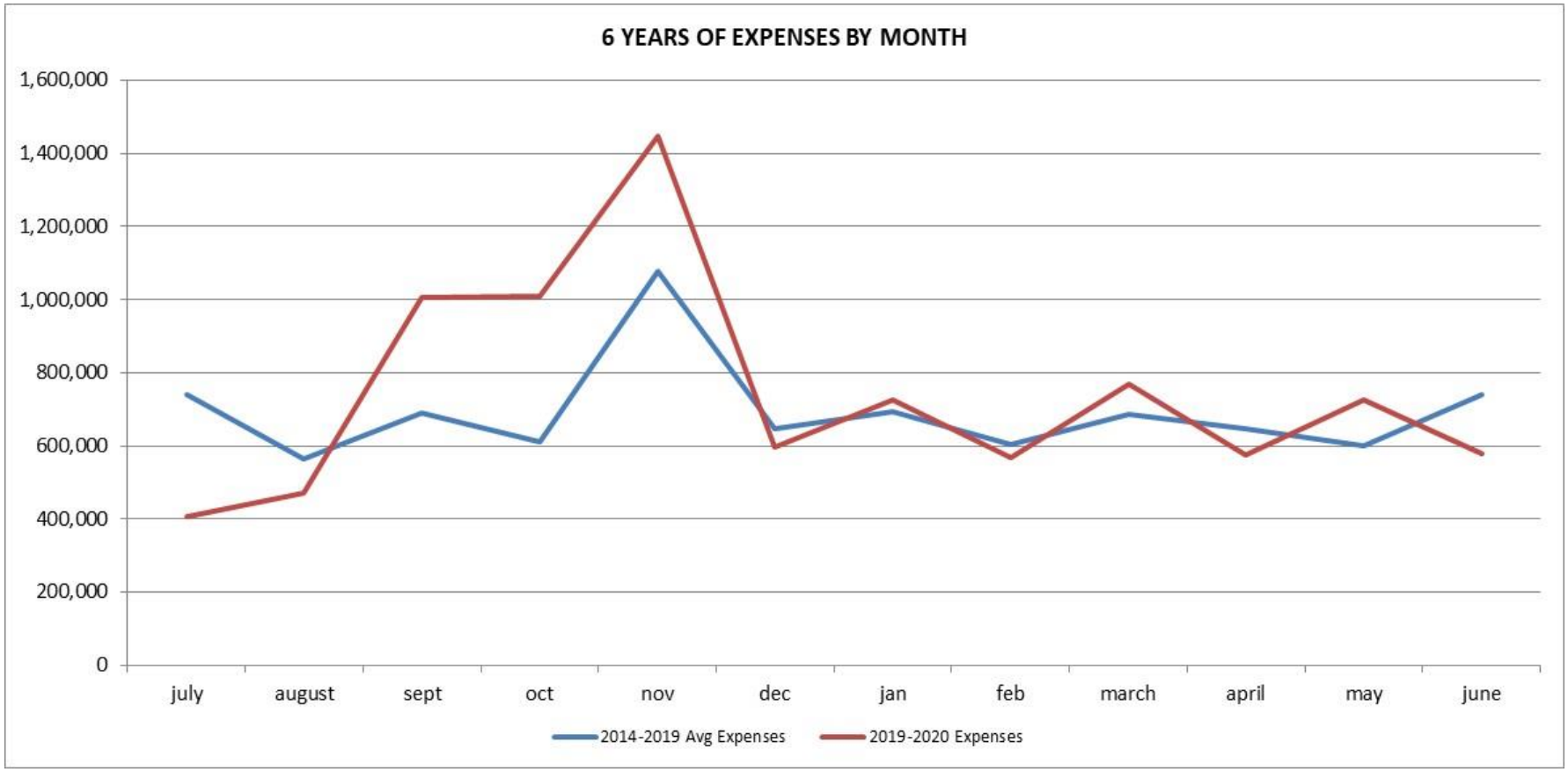
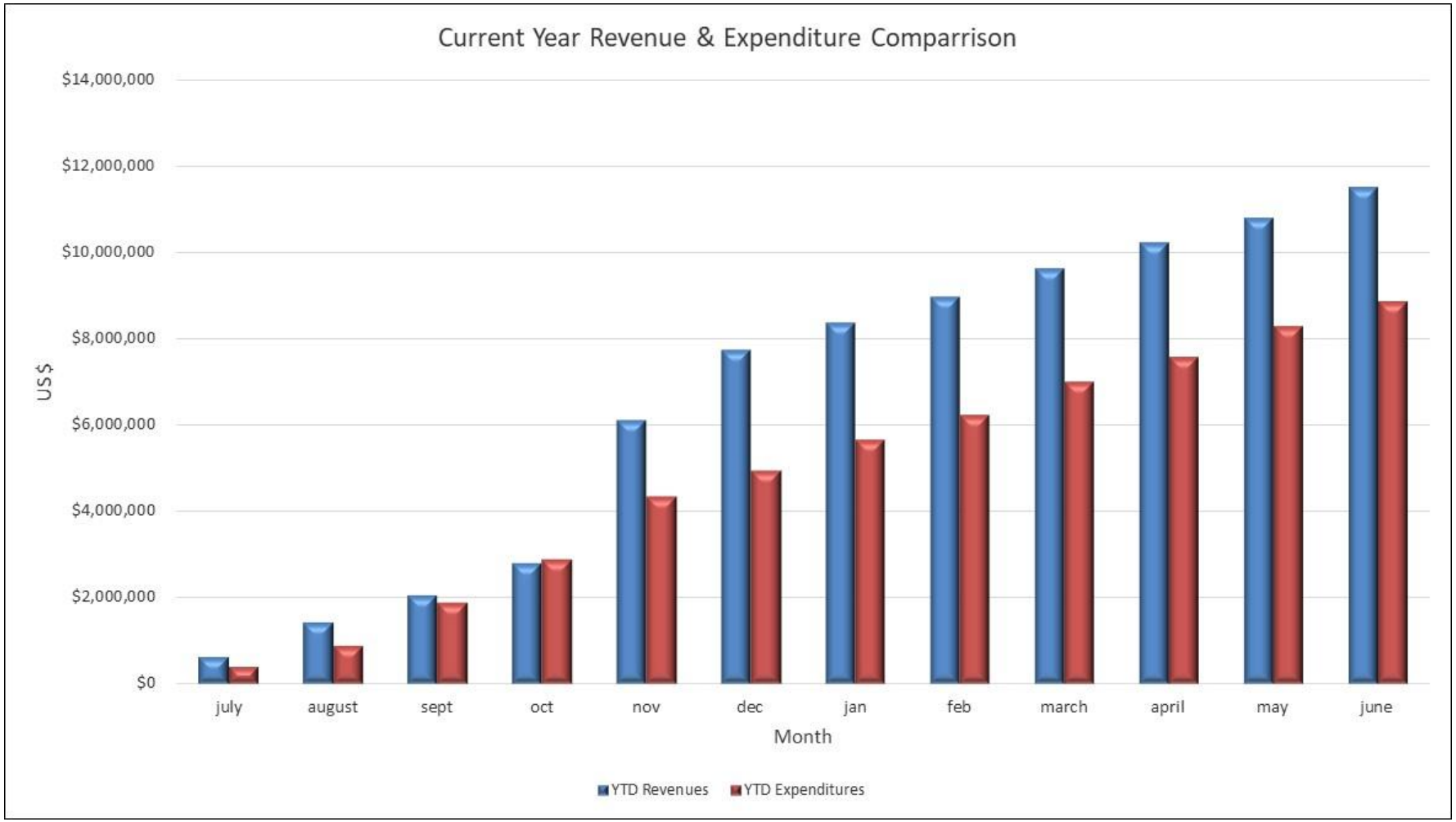
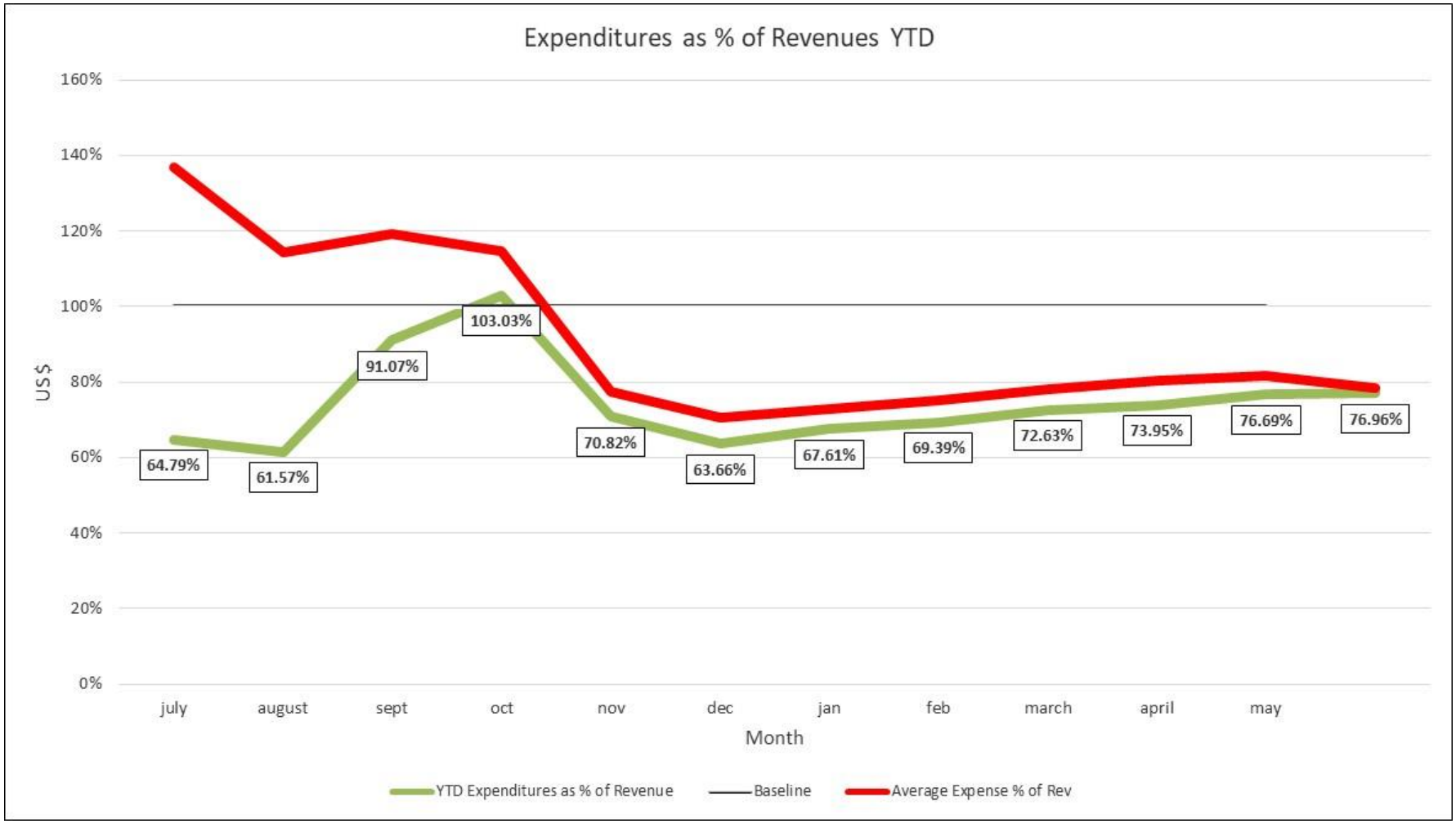
					Total Check Amount:	947,111.23


6 Years of Revenues by Month
3,500,000
3,000,000
2,500,000
2,000,000
1,500,000
1,000,000
500,000
0
july
august
sept
oct
nov
dec
jan
feb
march
april
may
june
2014-2019 Avg Revenues
2019-2020 Revenues


6 YEARS OF EXPENSES BY MONTH
1,600,000
1,400,000
1,200,000
1,000,000
800,000
600,000
400,000
200,000
0
july
august
sept
oct
nov
dec
jan
feb
march
april
may
june
2014-2019 Avg Expenses
2019-2020 Expenses


Current Year Revenue & Expenditure Comparrison
$14,000,000
$12,000,000
$10,000,000
$8,000,000
$6,000,000
$4,000,000
$2,000,000
$0
US$
july
august
sept
oct
nov
dec
jan
feb
march
april
may
june
Month
YTD Revenues
YTD Expenditures


Expenditures as % of Revenues YTD
160%
140%
120%
100%
80%
60%
40%
20%
0%
US$
64.79%
61.57%
91.07%
103.03%
70.82%
63.66%
67.61%
69.39%
72.63%
73.95%
76.69%
76.96%
july
august
sept
oct
nov
dec
jan
feb
march
april
may
Month
YTD Expenditures as % of Revenue
Baseline
Average Expense % of Rev

SWEET HOME POLICE DEPARTMENT
CHIEF OF POLICE
1950 Main Street
Sweet Home, OR 97386
(541) 367-5181 Fax (541) 367-5235

	06/30/20	05/31/20	06/30/19	YTD	**5 Yr Avg**
Call Volume:	**648**	**660**	**784**	**2019-04001**	**4423**
CAD Calls:	**1253**	**1264**	**1473**	**7820**	**8461**
ONIBR Person Crimes	**8**	**15**	**14**	**73**	**77**
ONIBR Person Crimes Cleared:	**4**	**13**	**10**	**59**	**51**
ONIBR Property Crimes:	**30**	**43**	**41**	**232**	**264**
ONIBR Property Crimes Cleared:	**16**	**13**	**10**	**75**	**87**

Trends:

During June the Sweet Home Police Department hosted a Bicycle Rodeo for the kids in our community. The goal of the event was to provide bicycle helmets to those in need of one. In typical years this is done at our communities annual Jim Bean Safety Fair. However, due to COVID-19 that event could not be held. Our staff and volunteers felt that it was very important to provide that helmets to kids and developed an event that allowed for social distancing while still bringing members of our community out. We were able to provide at least 80 helmets and attendance was over 130. The event would not have been as successful as it was without the community partners that helped put it on. Those partners include Thriftway, Radiator Supply House, Gregory Home Team, Spoleto's, Tell & Sell, Santiam Spokes Club, Safe Routes to School program and the Sweet Home Fire and Ambulance District Volunteers.

We continue to monitor trends in several types of calls for service to see if our current pandemic situation has an impact on them. Those calls that we are monitoring include thefts, domestic violence calls, child abuse calls (physical and sexual), suicide calls, mental health calls and burglaries. The results are listed below. We will continue to monitor these calls to determine if we need to further alter our Department's responses to them. Below is a comparison of those types of calls through the end of June. We have seen a recent increase in calls and concerns associated with Child Abuse calls. However, these still remain below average in numbers.

	06/01/2020-06/30/2020	**06/01/2019-06/30/2019**	Difference	
Domestic Violence/Dispute Calls	44	35	9	20.45%
Child Abuse(Physical/Sexual)	24	35	-11	-31.43%
Suicidal Calls	6	4	2	33.33%
Mental Health Calls	24	13	11	45.83%
Burglary	0	4	-4	-100.00%

Our Community Services Officer, Sean Morgan, continues working in his role as our Department's Homeless Liaison Officer. He has met and talked with the majority of organizations that provide services to our homeless population. As we have done so, we believe that there remains a gap in services that we may be able to fill with a more formal volunteer program. During the first Council Meeting in August, Sean and I would like to present what we have learned our ideas moving forward. Our goals

remain to help facilitate the housing needs those experiencing homelessness and getting them off of the streets.

Tuesday August 4th is designated as National Night Out. The Sweet Home Police Department volunteers had begun to plan for a larger, centralized celebration on that night. The hope was to promote neighborhood unity and our Neighborhood Watch programs. Because of COVID-19 and the increase in infections throughout Oregon, we have decided to try and celebrate National Night Out in October if possible. It is our belief that all events through 2020 will have to fluid in nature. There is a possibility of combining our National Night Out with the community's Harvest Festival. More information on both events will be provided in the future.

Person Crimes are defined as:

	June 2020	June 2019
Assault	**1**	**1**
Child Neglect	**0**	**1**
Criminal Homicide	**0**	**0**
Criminal Mistreatment	**0**	**0**
Elder Abuse	**0**	**0**
Forcible Rape	**0**	**0**
Harassment	**0**	**5**
Menacing	**0**	**3**
Other Sex Offense	**2**	**1**
Reckless Endanger	**0**	**0**
Violation Court Stalking Order	**0**	**0**
Violation Restraining Order	**5**	**3**

Property Crimes are defined as:

	June 2020	June 2019
Arson	**0**	**0**
Burglary	**0**	**4**
Criminal Mischief	**7**	**6**
Forgery	**0**	**2**
Fraud	**2**	**2**
Motor Vehicle Theft	**1**	**0**
Reckless Burning	**1**	**0**
Recovered Stolen	**1**	**1**
Robbery	**0**	**0**
Theft	**18**	**26**