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**CITY COUNCIL MEETING PACKET**

**JUNE 28, 2016**



# THE CITY OF **MADRAS**

City of Madras  
City Council Meeting  
City Council Chambers

June 28, 2016  
7:00 p.m.

## AGENDA

I Call to Order

II Pledge of Allegiance and Prayer

III Consent Agenda

All matters listed within the Consent Agenda have been distributed to each member of the Madras City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussions. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request.

- A. Approval of Minutes From the June 14, 2016  
City Council Work Session
- B. Approval of Minutes From the June 14, 2016  
City Council Meeting
- C. Approval of Annual Street Striping Services  
Deschutes County Public Works
- D. Approval of Letter of Support From the City of Madras to Jefferson County  
for the Federal Lands Access Program
- E. Approval of Land Use Agreement With Jefferson County for  
Stormwater Collection and Water Treatment Project
- F. Approval of Contract Amendment No. 4 to Professional Services Contract  
Century West Engineering - Madras Municipal Airport Environmental and  
Cultural Resources Screening for Non-Federal Aviation Administration  
Development Projects - Wetland Delineation - Vehicle Dynamics Area  
And Test Loop

IV Visitor Comments

V Annual Insurance Presentation

Mike McGowan, Paynewest Insurance Company

VI Supplemental Budget Hearing

A. Sewer Program / Capital Project Funds for Fiscal Year 2015-2016

1. Open Supplemental Budget Hearing
2. Staff Report
3. Comments From the Public
4. Close Supplemental Budget Hearing
5. No Action Required at This Time. Formal action will be by resolution following the Supplemental Budget Hearing.

Finance Director, Kristal Hughes

VII Resolutions

A. Resolution No. 17-2016

A resolution authorizing the installation of four 25 mph speed zone signs, two on S.E. Tracie Street, and two on S.E. Turner Street, to help slow traffic and provide a safer environment.

Building/Fleet/Street Supervisor, Rodney R. Fulton

B. Resolution No. 18-2016

A resolution authorizing an increase in appropriations to recognize unanticipated revenues, and expenses, and the transfer of appropriations within funds for Fiscal Year 2015-2016.

Finance Director, Kristal Hughes

VIII Proposed City of Madras Personnel Manual FY 2016-2017 Updates

HR and Administrative Coordinator, Sara Puddy

- IX FBO Agreement/Airport Management Services Agreement/Lease Agreement - Rob Berg  
City Administrator, Gus Burrell
- X LOC Legislative Priorities - 2017  
City Administrator, Gus Burrell
- XI Solar Eclipse Planning Update (VERBAL)  
City Administrator, Gus Burrell
- XII Authorization for use of Community Cleanup Funds for Nuisance Abatement on 283 S.W. "H" Street  
Community Development Director, Nicholas Snead
- XIII Additional Comments, Announcements, and Department Reports
- XIV Adjourn

Pursuant to ORS 192.640, this agenda includes a list of the principal subjects anticipated to be considered at the above referenced meeting; however, the agenda does not limit the ability of the City Council to consider additional subjects. Meetings are subject to cancellation without notice.

This meeting is open to the public and interested citizens are invited to attend. This is an open meeting under Oregon Revised Statutes, not a community forum; audience participation is at the discretion of the Council. The meeting may be audio taped. Minutes of this and all public meetings are available for review at the Madras City Hall. The meeting place is handicapped accessible. Those needing assistance should contact the City Recorder two (2) days in advance of the meeting.

**Executive Sessions are not open to the public; however, members of the press are invited to attend.**

*The City of Madras is an Equal Opportunity Provider.*

## OFFICIAL MINUTES

### CITY COUNCIL, CITY OF MADRAS **WORK SESSION** JUNE 14, 2016

#### **I CALL TO ORDER**

Mayor Royce Embanks called the City Council Work Session to order at 5:35 p.m. on Tuesday, June 14, 2016 in the Madras City Hall Council Chambers located at 125 S.W. "E" Street.

#### **CITY COUNCIL MEMBERS IN ATTENDANCE WERE:**

Mayor Royce Embanks Jr., and Councilors Bill Montgomery, Bartt Brick, Tom Brown, and Gary Walker.

#### **ABSENT WERE:**

Councilors Richard Ladeby and Chuck Schmidt.

#### **STAFF MEMBERS IN ATTENDANCE WERE:**

City Administrator, Gus Burrell; City Attorney, Jeremy Green, with the firm of Bryant, Lovlien and Jarvis, PC; Public Works Director, Jeff Hurd; Finance Director, Kristal Hughes; Customer Accounting Clerk, Kora Hollyman; Accounting Technician, Megan Hansen; Airport FBO / Manager, Rob Berg, and City Recorder, Karen J. Coleman.

#### **ABSENT WERE:**

Community Development Director, Nicholas Snead; HR Administrative Coordinator, Sara Puddy, and Police Chief, Tanner Stanfill, were not required to be in attendance.

#### **VISITORS IN ATTENDANCE WERE:**

Chet Antonsen and another gentleman that did not sign in.

#### **II "DRAFT" FBO AND AIRPORT MANAGEMENT SERVICES AGREEMENT-ROB BERG**

City Administrator Burrell advised Council that he had met a couple of times with Rob Berg over the last three or four months in preparation of this evening's meeting and to confirm with Rob that he wants to continue providing FBO and Airport Management Services. The answer had been yes. He mentioned that he had told Mr. Berg that this had been a five year agreement before, and would be five years going forward. He asked him what changes should be proposed.

He explained that Berg Air would continue to have use of the same buildings, and that arrangements for the current revenue share of rentals, fire fighting, and fuel sales would remain unchanged. The one item that they did want to look at was the monthly fee for

## OFFICIAL MINUTES

### CITY COUNCIL, CITY OF MADRAS WORK SESSION JUNE 14, 2016

Airport Management Services. He mentioned that Rob and Tracy Berg did a good job of putting together a comparison of what other Airports are doing.

The current arrangement that we have with Berg Air is that we lease the North and South hangars to them for \$1.00. He essentially runs his FBO business out of there. We split the net proceeds on the fuel sales with him. We do a percentage of the hangar rentals and have been paying him a monthly stipend of \$1,500 per month for this last five year period.

He told the Council that former City Administrator, Mike Morgan, had suggested the need to adjust this monthly fee as the Airport is getting busier. One of the ways that we can track this is through our revenue. When the last agreement was signed in 2010, we were just operating over a couple hundred thousand a year. We are starting to greatly exceed that due to the Airport fuel sales, which is a big portion of it. This amount can vary from year to year, but it seems to be on an upward trend.

When he looked at the comparisons of what other airports are doing, it appeared that The Dalles, which is a bit larger, is able to do a bit more, but when you take into account what is being proposed tonight, and the hangar situation, we are getting much closer to being more competitive. Prineville and Bend are actually salaried positions. That is their full-time job and they are not doing FBO activities, but it gives you a feel of what the payments might be if we were to hire somebody full-time for this position.

The rate that was proposed and went to the Budget Committee was actually a rate that he and Rob Berg had talked about. He wants the Council to know that this was an agreeable amount for Rob going forward. He mentioned that he had suggested the possibility that the Council might be open to an inflationary adjustment or a percentage basis over five years. He said that he let City Attorney Green know this so he could draft it into the agreement.

He reviewed the information contained in the comparison that had been prepared by Rob and Tracy Berg. Rob is being asked to keep an eye on all of the lessees at the Airport to ensure that they are not interfering with our FAA assurances or our obligations. This includes not getting into the runway protection zones, or unprotected territory, and making sure that we are keeping generally secure access on-site.

He mentioned that Rob Berg had asked that we set up the agreements going forward more like the 2006 agreements (e.g. an Agreement for a Fixed Base Operator and an Agreement for Airport Management Services). Rob's intentions at this time is to do both, but if something should make it so he can only do one, then he would like the ability to

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#### WORK SESSION

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separate the agreements. In his opinion, from the City's perspective this is helpful as well. He mentioned that in City Attorney Green's Memorandum, they are also thinking about doing a lease document.

City Attorney Green told Mr. Berg that the agreements would all be tied together, but it makes sense that if he is leasing one or two of the City's hangars that a lease should be developed.

Rob Berg assured the Council that he would have no objections with that at all.

City Administrator Burril advised Council that they have had general discussions around personal items that have been kept and stored there (e.g. boats and RVs) that may not be directly related to the business and Rob has been responsive to this.

He told the Council that he has gotten mixed feedback on the dogs as some people love them there and some don't. He asked Council to provide some instructions on what they want and don't want in the agreement. He said that he does know that a lot of the visitors appreciate the dogs, and some visitors actually come on their planes with dogs.

One of the things that they wanted to add to the agreement is Rob's participation in meetings. They also need to know how we are to instruct folks on who to get in contact with if he is not available at the office or at the South Hangar.

Mayor Embanks suggested the need to eventually increase Rob's salary up to \$6,000 per month as the services that he and Tracy provide are worth more than that. To his knowledge we have received nothing but good feedback from people that land here. They are often greeted with food and transportation. Things that we do not normally furnish as a City, Rob and Tracy provide, often out of their own pocket.

The good working relationship that we have with Erickson Group and other users of the Airport shows that Rob is definitely someone that they like to work with. His knowledge is great, not only as an aircraft mechanic, but in running an Airport. In his opinion, the Airport and the whole industrial area is going to be the center point of our City income so the Airport needs to be carefully handled and groomed to reflect that. Rob is there for emergencies, knows what to do, and makes decisions that some people probably wouldn't be able to make due to his experience. A lot of the people that fly in there remember Rob and Tracy, and they come back. There are also people that have moved here because they want Rob to work on their aircraft.

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He mentioned that he doesn't know how we will increase his wages and how we can do it incrementally, but he worked for \$1,500.00 a month for five years, which is really a paltry sum for what he has been worth to us at the Airport. Rob is a valuable asset to us and is working with our most valuable asset, so he would like to see the City compensate him appropriately. He explained that he is not interested in making any changes to the other compensation; he just wants to make sure that he has a living wage. He may not be there 24/7, but if something happens he is there. If you have been up at the Airport you would see how hard he works and how hard Tracy works and yet they are cheerful and friendly and they present a really good image for our town and for our Airport.

Rob Berg told the Council that he would like to clarify one comment that Mayor Embanks made and that is that they all went into an agreement five years ago for \$1,500 per month, but they had been involved in the budgeting and knew what the Airport could support. There have been a lot of improvements over the last ten years. They are looking at this for the stability of being a little more comfortable month to month and making sure where things are at for the highs and the lows of the world.

Erickson's hasn't been up there long enough to know where they are going to be with their firefighting. Their museum has been quite active. There has been a lot of growth. Daimler is a huge addition and is really going to change things up there and he thinks that we are going to see a lot of growth with them. Part of what the City also needs to think about is where do we want to be in another five years with the Airport so he will have the right direction from the Council as to where they want to go.

He advised Council that he has meetings tomorrow morning with two more war bird museums that are looking to leave their states. This doesn't mean that they are going to move here, but they have invited us to have a talk with them. They were here yesterday, came and saw the Airport, and called for a meeting. This is a real possibility for Madras to become a real war bird central, and that Erickson magnet is what has brought that. If this is the direction we want to go, we need to have those kinds of talks. Tomorrow is strictly going to be exploratory to see what we can do to try to bring them here. In his opinion, if the Council is onboard with that, this will be a huge thing for this town. He estimated that we already have 26 flying war birds in this town. One of the museums has 70 war birds and they are looking to leave California. The other one wants to leave Everett, Washington. They only have 13, but that is okay, we will take them.

He explained that we are already well known at the Airport, and in his opinion, something like this could make it huge. He said that he doesn't know what it will take to pull this off.

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He mentioned that he does not want to see the other parts of the agreement changed either. He indicated that he likes the current agreement for the fuel as they work on an equal net profit; they do the work and the City supplies the fuel and the equipment. The Airport makes money, they make money, and he pays his employees out of that for doing the work with the fuel. Airports grow with fuel sales and leases. This is really what they have to sell. They get to rent hangars, lease ground, and get fuel. Other than these things, there is no other way for the City to make money at the Airport. If the City doesn't make money at the Airport then they don't grow either.

Mayor Embanks brought up the dog issue for discussion and said that he thinks that everyone knows how he stands on the dog issue, and that is that he has no objections to having dogs at the Airport.

Rob Berg assured the Council that he would abide by their decision on the dog issue as at the end of the day that is a City building. He indicated that it is amazing how many pilots have dogs. They come in with their dogs, use the lawns, give their dogs a break and give them water and food.

Councilor Montgomery told Rob that he has not had a chance to work with him at all but he has heard nothing but good things about how he is managing the Airport and the way that he is representing the City. He said that he likes dogs to.

Councilor Brown indicated that the only thing that he can see is where do we go with doing one thing in one building and another thing in another building or do we need to have the same standards throughout.

City Administrator Burril said that unless Council directs otherwise he is not going to open that door here at the City Hall. He explained that he has not received any complaints about the dogs; it was more of someone suggesting that not everyone is comfortable with dogs.

Some of the things that we are proposing to update in the agreement for Rob is that he takes care of the grounds for us. The City provides the janitorial services for the building since we have other spaces that are multi-use (e.g. office for the EDCO position and General Aviation Building for businesses or other folks that want to have a meeting there). This arrangement is being proposed to be updated in the agreement.

The City sends Rob to the Oregon Department of Aviation and the annual Seattle FAA Airport District Conference. This helps the City on grants, as well as helps us stay ahead of any issues.

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Rob Berg told the Council that the support from the City and all of the departments have been phenomenal as they have had all of the help that they have ever needed whenever they have asked for it.

City Administrator Burril wanted to know how they can be involved in those conversations that he has talked about for tomorrow as he would like to make sure that he is invited to those discussions, and mentioned the need to coordinate closely with the EDCO position and any incentives for those folks.

He told Rob that it is his understanding that if someone needs to get in touch with him they need to send him an e-mail, leave a message on his cell phone, and if the cell phone is full get in touch with Tracy or the front desk.

Rob Berg explained that his cell phone fills up almost every day and he needs to keep it emptied out. The message machine rolls to his cell phone. They get it emptied out as soon as they can when it gets full. He suggested that they use the e-mail for contacting them immediately because that goes into all of the computers in the office and whoever is sitting at the computer gets them.

Councilor Brick told Rob that he can say that his organization and the Airport have a wonderful reputation. As long as the building is kept clean and the dogs are not threatening, that is just one more opportunity for him to leverage the uniqueness of the area and differentiate us from other areas. He is very supportive.

City Administrator Burril pointed out that these agreements will end up on the next City Council meeting agenda as we will need to get them in place very soon as the current agreement will expire on July 1, 2016.

### III WILLOWBROOK SUBDIVISION PUMP STATION

Public Works Director Hurd introduced Chet Antonsen to the Council at this time. Mr. Antonsen was joined by a gentleman that failed to sign the Visitors Attendance Sheet. He explained that tonight is just a discussion to talk about the Willowbrook Subdivision and a possible public / private partnership between the City and Chet Antonsen for development of the homes up near Birch Lane.

The development started in 2005 or 2006 when the Site Plan went through. They were given approval for the first three phases of a seven phase subdivision. He estimated

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that there are approximately 150 lots. Mr. Antonsen has gone through and had it priced out to do the first three phases. When the numbers came back it turned out to be to where it wasn't feasible for him to construct those phases due primarily to the pump station which was such a large cost to the project.

He explained that Mr. Antonsen had approached him and City Administrator Burril to ask if there was a way to work something out so he could get his development off the ground. They discussed various options and came up with the possibility of the City paying for the installation of the public improvement (e.g. the pump station) and recoup the investment from Systems Development Charges when he develops the property. They researched this quite extensively on what options we could do and could not do as far as an Improvement agreement and security.

The pump station will cost an estimated \$450,000 to \$500,000. Our SDC payments is about \$5,000 per home. At 150 lots, the City would recoup their investment within the first 100 homes that are built. The City would enter into an agreement with Mr. Antonsen that would require him to construct the first 20 homes. His concern had been that if he goes out to build and then in the next two or three years the market tanks and he doesn't want to build. There needs to be some security for the City to recoup its investment, so it would be a lien against the property.

Chet Antonsen told the Council that the Willowbrook Subdivision is the old Nine Peaks Golf Course located immediately to the East of the City's golf course. He said that he believes that they started on this subdivision about eleven years ago. It was quite a process getting it approved. As it evolved, they got approval for the first three phases thinking that they had to amortize the cost of the pump station.

He explained that the existing pump station is not that old. When they first came in, it was sized for approximately 300 homes, but the problem was that it is not deep enough so it all has to be rebuilt. The ground up there is so flat that there was no grade to get to the pump station. They finally got through the design of the pump station. By having to do three phases, there was so much in upfront costs, and with the prices of homes in Madras, even with nothing for the land it wasn't feasible to do.

He and Public Works Director Hurd had some discussions on what they could do to get some housing, because he also has some commercial property and has had quite a few discussions with various retailers. They need available housing before they want to come to town and people want services before they want to buy a house.

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Mayor Embanks expressed concerns about the proximity of the houses to the Airport. People building a home there would have to know that they are not going to shut the Airport down because the noise is a problem. If they move in there, they will need to know that Airplanes could be flying over their house.

Chet Antonsen noted that Airports have some noise abatement rules in general, but he has built quite a few subdivisions on both ends of the Portland runway over the years. You may lose five or ten percent of the potential buyers. He agreed that people need to be made aware of it.

Councilor Brown wanted to know if this will benefit more than just the subdivision. For example, will it allow the existing houses to tie-in.

Chet Antonsen advised Councilor Brown that the old pump station is coming off line so everybody would be feeding to this pump station now. There is not really any other development around it, but he believes that it is sized for more homes than they will be putting on it. They also sized it for industrial.

Public Works Director Hurd reminded the Council that the City is in the process of updating our Wastewater System Master Plan, so the pump station could be added as an SDC eligible expense and could be listed as a capital improvement project.

Chet Antonsen mentioned that it will have telemetry in it so it will be much more modern than what is there today and will be more efficient to operate.

Public Works Director Hurd noted that the pump station and the Demers pump station is not connected to our telemetry so our SCADA Program doesn't operate off of it. Staff has to manually go up and check it.

Councilor Brick wanted to know if he would consider this as low income, medium income, or high income housing.

Chet Antonsen explained that right now they are building in Gresham, Bend, and Hermiston and they are almost all one level. These are fairly large lots so they can accommodate three car garages. In today's market they would have to be \$300,000. He mentioned that he has had conversations with the real estate community here and there is no inventory in the market place. There could be stuff in the low \$200,000 range. A lot of their buyers are baby boomers so they have some disposable income. They do not necessarily want big, they just want something a little nicer.

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### CITY COUNCIL, CITY OF MADRAS WORK SESSION JUNE 14, 2016

Councilor Brick expressed concerns as there seems to be a lack of low income housing.

Chet Antonsen told Councilor Brick that this will not be a subsidized product. He noted that they would not be able to get under the low \$200,000 range. He indicated that he believes that in the real estate community that would be considered as a lower price. Low income anymore is going to be multi-family. It is not going to be detached. The lots range from 7,500 sq. ft. to 9,000 sq. ft. in size. He said that he believes that in the future phases there are fourteen or fifteen lots that look out over the golf course and at the mountains to the west. He mentioned that the property is located well for jobs.

Public Works Director Hurd advised Council that Mr. Antonsen has gotten price estimates for about \$350,000 to \$370,000. The way this would have to work is that this would have to run through the City, so would fall under the Public Contracting Rules. If the price goes up you could be talking about \$450,000 to \$500,000. The proposal would be that the City would take out a 20-year loan with a 3.5% or 4% interest rate. The City would recoup our payments on development of the subdivision.

The Improvement Agreement will indicate that the City would be willing to do this. Mr. Antonsen will have to guarantee that he is going to build out Phase I, containing approximately 20 lots. The City would recoup the funding through SDC payments as it develops. The risk is that the market falls through and he doesn't build. In order to take care of our security we would set up a lien against the property in the Improvement Agreement to where if he doesn't build by "X" amount of time, then the City liens the property. Mr. Antonsen owns the property outright so the City would have first rights.

City Attorney Green added that you would have the Improvement Agreement which is more or less your master agreement. You would have a Trust Deed placed against the property to secure the repayment obligation, there might be some guarantees involved, and there would be a not to exceed date where the obligation has to be satisfied. In many ways it would be structured like a standard commercial loan.

Councilor Brown wanted to know if the pumping station is something that could be bought off of the shelf.

Public Works Director Hurd explained that there is a lot to it. The City ended up having our City Engineer design it. There are a lot of different parts and pieces that are involved. For the most part it is one of a kind.

City Administrator Burril added that each site is going to have variables to it.

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Councilor Walker mentioned that this is, in his opinion, a good idea as it will benefit the community and draw in those people who are looking to develop commercial businesses but won't develop here because there is no housing for their employees.

Councilor Brick indicated that he thinks that this is a good idea. He wanted to know if this would in any way impact the City's borrowing capacity so we would not be able to do anything else.

City Administrator Burril explained that the trade off here would be that we are adding some tax base. We are pretty leveraged in sewer. This is why they suggested the Improvement Agreement and some security on the property. He wanted to know if the sale of the property by Mr. Antonsen would initiate a payoff of our lien.

City Attorney Green advised City Administrator Burril that it would.

Chet Antonsen noted that there is a demand for the first phase. He said that his son-in-law has taken over, but that he will still guarantee the construction. They build to the market. He said that they never build high-end. His rule has always been to build what 95% of the available buyers can afford. Their buyers are middle class blue collar workers. They are going to meet with Jack Robinson and get the numbers to break down phases one, two, and three. They are ready to move forward with construction as the plans have already been approved.

He noted that the construction of the pump station will happen simultaneously with him building the streets.

The consensus of Council had been that staff should move forward with the Development Agreement.

#### IV ADJOURN

The City Council meeting was adjourned at 6:39 p.m.

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Karen J. Coleman, City Recorder

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Royce Embanks, Mayor

## OFFICIAL MINUTES

### CITY COUNCIL, CITY OF MADRAS JUNE 14, 2016

#### **I CALL TO ORDER**

The City Council meeting was called to order by Mayor Royce Embanks at 7:00 p.m. on Tuesday, June 14, 2016 in the Madras City Hall Council Chambers located at 125 S.E. "E" Street.

#### **CITY COUNCIL MEMBERS IN ATTENDANCE WERE:**

Mayor Royce Embanks Jr., and Councilors Gary Walker, Tom Brown, Bartt Brick, and Bill Montgomery.

#### **ABSENT WERE:**

Councilors Richard Ladeby and Chuck Schmidt.

#### **CITY STAFF MEMBERS IN ATTEDANCE WERE:**

City Administrator, Gus Burrell; City Attorney, Jeremy Green, with the firm of Bryant, Lovlien and Jarvis, PC; HR and Administrative Coordinator, Sara Puddy; Finance Director, Kristal Hughes; Police Chief, Tanner Stanfill; Public Works Director, Jeff Hurd; Community Development Director, Nicholas Snead; Golf Course Superintendent / Parks Supervisor, Jonathan Burchell; Customer Accounting Clerk, Kora Hollyman; Accounting Technician, Megan Hansen, and City Recorder, Karen J. Coleman.

#### **VISITORS IN ATTENDANCE WERE:**

Janet Brown, Jefferson County Manager, Economic Development for Central Oregon; Mr. Shannon Williams, and Holly Gill, News Editor with the Madras Pioneer.

#### **II PLEDGE OF ALLEGIANCE AND PRAYER**

Mayor Embanks asked Councilor Brown to lead the pledge of allegiance to the flag of the United States of America, which he did. Mayor Embanks then offered the prayer.

He stressed the importance of situational awareness. A lot of people are going to events and will go to events in the future where they will be in a large crowd (e.g. waiting for a movie or a play). He mentioned the need to know where the exits are and where places are that you can go to if a situation were to happen. It may never happen in Madras, but you need to make sure that you are prepared when you are at those events so you can protect yourself and protect those that are with you.

He suggested the need to evolve some sort of a plan for the City Council should a situation arise in the City Council chambers that would outline how the Council would evacuate and what they should do in these types of situations.

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**CITY COUNCIL, CITY OF MADRAS**  
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**III CONSENT AGENDA**

All matters listed within the Consent Agenda have been distributed to each member of the Madras City Council for reading and study, are considered to be routine, and will be enacted by one motion of the Council with no separate discussions. If separate discussion is desired, that item may be removed from the Consent Agenda and placed on the Regular Agenda by request.

- A. Approval of Vouchers
- B. Approval of Minutes From the May 17, 2016  
Special City Council Meeting
- C. Approval of Minutes From the May 24, 2016  
Special City Council Meeting
- D. Approval of Minutes From the May 24, 2016  
City Council Meeting
- E. Ratification of Contract Change Orders No. 2 and No. 3 - R-2 Contractors, Inc.  
Time Extension to May 29, 2016 and Increase Due to Additional Pipe Sleeve  
Highway 97 and SW "L" Street Sidewalk Improvement Project #2015-03
- F. Approval of Amendment No. 3 to Professional Services Contract  
Century West Engineering for Madras Municipal Airport Environmental  
and Cultural Resources Screening for Non-Federal Aviation  
Administration Development Projects - Wetland Delineation Vehicle  
Dynamics Area and Test Loop
- G. Approval of Amendment No. 1 to Weed Abatement Services Contract  
Carl J. McCary dba Carl Sr. Landscape
- H. Approval of Annual Contract Review Provision  
for City Administrator
- I. Ratification of Signed Construction Services Contract With Latham Excavation  
For the Madras Municipal Airport West Access Road (aka Daimler Road)  
Project #2015-09 - Sub-grade Work
- J. Approval of School Resource Officer Agreement  
Jefferson County School District 509-J

## OFFICIAL MINUTES

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Councilor Walker declared a conflict as his business, Madras Marine, will be receiving a payment from the City of Madras for services rendered.

**A MOTION WAS MADE BY COUNCILOR TOM BROWN AND SECONDED BY COUNCILOR BARTT BRICK THAT COUNCIL ACCEPT THE CONSENT AGENDA, AS PRESENTED. THE MOTION PASSED UNANIMOUSLY, 4/0.**

#### **IV VISITOR COMMENTS**

Mayor Embanks provided those in attendance with an opportunity to present comments at this time.

There were no comments offered.

#### **V SUPPLEMENTAL BUDGET HEARING**

##### **A. PUBLIC WORKS PROGRAM / TRANSPORTATION OPERATIONS PROGRAM / CAPITAL PROJECT FUNDS / INDUSTRIAL PROGRAM FOR FISCAL YEAR 2015-2016**

###### **1. Open Supplemental Budget Hearing**

The Supplemental Budget Hearing was opened at 7:05 p.m.

###### **2. Staff Report**

Finance Director Hughes introduced herself and explained that Budget Law requires a Supplemental Budget Hearing for items that are over or could become over in the appropriations. Areas have been identified where adjustments are needed in the current fiscal year budget. The details have been outlined in Resolution No. 12-2016 which will be presented later during the meeting. No formal action is required at this time.

###### **3. Comments From the Public**

Mayor Embanks provided those in attendance with an opportunity to present comments at this time.

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There were no comments offered.

**4. Close Supplemental Budget Hearing**

The Supplemental Budget Hearing was closed at 7:06 p.m.

**5. No Action Required at This Time. Formal action will take place following the Fiscal Year 2016-2017 Budget Hearing.**

**VI BUDGET HEARINGS**

**A. USE OF STATE REVENUE SHARING FUNDS (ORS 221.770)  
FOR FISCAL YEAR 2016-2017**

**1. Open Budget Hearing**

The Budget Hearing was opened at 7:06 p.m.

**2. Staff Report**

Finance Director Hughes explained that a hearing is required annually to pass a resolution requesting State Revenue Sharing money. The purpose of the hearing is to review the proposed use of funds in relationship to the budget. No formal action is required at this time.

**3. Comments From the Public**

Mayor Embanks provided those in attendance with an opportunity to present comments at this time.

There were no comments offered.

**4. Close Budget Hearing**

The Budget Hearing was closed at 7:07 p.m.

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5. No Action Required at This Time. Formal action will take place following the Fiscal Year 2016-2017 Budget Hearing.

**B. FISCAL YEAR 2016-2017 BUDGET HEARING**

1. Open Budget Hearing

The Budget Hearing was opened at 7:08 p.m.

2. Staff Report

Finance Director Hughes explained that they are here tonight to receive public comments for the Fiscal Year 2016-2017 Budget that has been approved by the Budget Committee. No formal action is required at this time.

3. Comments From the Public

Mayor Embanks provided those in attendance with an opportunity to present comments at this time.

There were no comments offered.

4. Close Budget Hearing

The Budget Hearing was closed at 7:09 p.m.

5. No Action Required at This Time, Formal Action will be by Resolution

**VII RESOLUTIONS**

**A. RESOLUTION NO. 10-2016**

A resolution to establish a fee rate and schedule for city services, permits, applications, licenses and other miscellaneous charges. (Supersedes Resolution No. 17-2015).

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City Administrator Burril offered to review the changes to the City's Fee Resolution with the Council. The changes being proposed were as follows:

- **Administrative Flood Review**

Floodway Review . . . . . \$1,500.00 to \$5,000.00

This increase is being proposed due to the complexity of analysis and assisting applicants through the process if they are going to build in or modify the floodway in any way.

The floodway is the narrower, darker blue area on the City's flood maps. The flood plain is the lighter wider blue area on the map. When you get into the floodway there are more stringent requirements that have been established by the Federal Emergency Management Agency (FEMA) on what you can and cannot do. The flow of water cannot be adversely affected; there can be no backing up or causing more downstream impact.

We do not see a lot of floodway reviews, but if you get into one it is much more involved. The flood plain review is less complex and does not have the more stringent requirements.

- **Land Use Application Notification Postage** . . . \$25.00 to \$30.00

City Administrator Burril noted that this change was made to be more reflective of the costs that Community Development Director Snead has been encountering.

- **Marijuana Land Use Review** . . . . . \$1,250.00 to \$1,500.00

City Administrator Burril explained that it is not clear to staff what the future proposed changes will be by the State Legislature or the vote of the people this fall, and we want to have a more general encompassing land use review fee for Marijuana related applications so staff is asking for the heading to be modified from "Medical Marijuana Land Use Review" to Marijuana Land Use Review.

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**Miscellaneous Amounts**

Equipment Rental/Operator - Equipment Rental is Operated (1 hour minimum)

- Tractor Rental Rate Added . . . . . \$100.00 / Hour

**Conference / Meeting Room Rentals**

- Added "Hours Available (if not reserved)": 8:00 a.m. to 5:00 p.m.

**Sewer Rates**

Sewer Service Deposit (Non-Owner Occupied; 2 Month Minimum Bill)

- Increase . . . . . \$114.00 to \$117.40

**Sewer Monthly Fees (3.5% Increase)**

- Inside City Limits . . . . . \$56.70 to \$ 58.70 Per EDU
- Outside City Limits . . . . . 2.5 Times Inside City Limit Rate

**Street Improvement Fee** . . . . \$ 295.00/ Linear ft. to \$ 302.00 / Linear ft.

**Systems Development Charges**

Parks SDC

- Single-Family Residential (i.e. one EDU) . . . . \$1,775 to \$1,819
- Duplex or Multi-Family Residential (per # units) . \$1,775 to \$1,819
- Commercial (i.e. one EDU) . . . . . \$1,775 to \$1,819
- Industrial (i.e. one EDU) . . . . . \$1,775 to \$1,819

Wastewater SDC

- Wastewater Inside City Limits . . . . . \$5,010.00 to \$5,135.00  
(3/4" X 5/8" Meter)  
(See Chart for Additional Meter Sizes)

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Transportation SDC . . . . . \$3,466.00 to \$3,553.00  
(Per Peak Hour Trip Per Current ITE Manual)

Storm Drainage SDC . . . . . \$209.00 to \$214.00  
(Per Residential Drainage Equivalent [RDE])  
(3,000 Sq. Ft. Impervious Surface)

Water SDC . . . . . \$832.00 to \$1,584.00  
Equivalent Dwelling Unit (EDU)  
(1 EDU = 20 gpm Rated Capacity)

Public Works Director Hurd explained that we had originally had an \$832 Water Improvement Fee. When FCS Group did their analysis they had recommended that \$1,584 is more of an appropriate fee that the City should be charging for a Water SDC. This is actually on a reimbursement basis as we do not have any future improvements planned since we are surrounded by the Deschutes Valley Water District. The fee will change from an Improvement Fee to a Reimbursement Fee.

**Meter Size Charges on Base** (First 500 Cubic Feet). . . \$26.70 to \$27.90

Public Works Director Hurd told Council that right now staff is just showing the 4.5% typical increase on the water fee since we are still researching the well pumps. He indicated that he wasn't able to get all of the well testing done in time for this fee rate resolution. Staff is proposing to leave this at the normal 4.5% until they are able to get the well pump testing completed to see how we can backfill to the Deschutes Valley Water District. We will have FCS Group back here when they have that information so a new rate increase can be proposed. At that time, if for example the rate increase should be 6%, we would have already done 4.5% and can propose the other 1.5% later in the year.

Each 100 Cubic Feet (in Excess of 500 Cubic Feet Minimum) and  
Portable Hydrant Meter Sales  
\$1.36 / 100 Cubic Feet to \$1.42 / 100 Cubic Feet

**Water / Sewer Service Deposit** . . . . . \$167.40 to \$173.20  
(Non-Owner Occupied; 2 Month Minimum Bill)

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**Stop Payment Request Fee**

(For Refund Checks That Customer has Lost) . . . \$15.00 to \$32.00

**A MOTION WAS MADE BY COUNCILOR TOM BROWN AND SECONDED BY COUNCILOR GARY WALKER THAT THE CITY COUNCIL APPROVE AND ADOPT RESOLUTION [NO.] 10-2016 AS PROPOSED. THE MOTION PASSED UNANIMOUSLY, 4/0.**

**B. RESOLUTION NO. 11-2016**

A resolution declaring the City's election to receive state revenues.

Finance Director Hughes advised Council that ORS 221.770 requires cities to pass a resolution each year stating that they want to receive the State Revenue Sharing money and also requires that the City certify that two required public hearings were held, the second of which was held just prior to this resolution being presented.

The state revenues are from cigarette taxes, liquor taxes, highway taxes, and State Revenue Sharing Funds that are budgeted at \$527,467 for the next fiscal year. The General Fund receives the cigarette and liquor tax while the State Revenue Sharing and Highway Gas Tax total \$421,000 and are used in the Transportation Operations Fund.

**A MOTION WAS MADE BY COUNCILOR GARY WALKER AND SECONDED BY COUNCILOR TOM BROWN THAT THE CITY COUNCIL APPROVE RESOLUTION NO. 11-2016 AS PROPOSED. THE MOTION PASSED UNANIMOUSLY, 4/0.**

**C. RESOLUTION NO. 12-2016**

A resolution authorizing an increase in appropriation to recognize unanticipated revenues, and expenses, and the transfer of appropriations within funds for fiscal year 2015-2016.

Finance Director Hughes explained that Budget Law allows for unanticipated revenues and expenditures that were unknown at the time of the budget preparation to be realized during the Supplemental Budget process and this is the process that allows the excess of 15% from contingency to move. The detail is shown in Resolution No. 12-2016.

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A MOTION WAS MADE BY COUNCILOR GARY WALKER AND SECONDED BY COUNCILOR TOM BROWN THAT THE CITY COUNCIL APPROVE AND ADOPT RESOLUTION NO. 12-2016 AS PROPOSED. THE MOTION PASSED UNANIMOUSLY, 4/0.

D. RESOLUTION NO. 13-2016

A resolution adopting the 2016-2017 budget, making appropriations, imposing the tax, and categorizing the tax in accordance with ORS 294.456.

Finance Director Hughes reminded the Council that the budget was approved during the budget cycle and Budget Committee meetings that were held earlier. The Budget Committee's recommendation is that the City Council adopt their approved budget for Fiscal Year 2016-2017.

A MOTION WAS MADE BY COUNCILOR TOM BROWN AND SECONDED BY COUNCILOR BARTT BRICK THAT COUNCIL APPROVE AND ADOPT RESOLUTION [NO.] 13-2016 AS PROPOSED. THE MOTION PASSED UNANIMOUSLY, 4/0.

E. RESOLUTION NO. 14-2016

A resolution approving referral to the electors of the City of Madras the question of banning recreational Marijuana producers, recreational Marijuana processors, recreational Marijuana wholesalers, and recreational Marijuana retailers within the City of Madras.

City Attorney Green explained that this is the instrument through which the City is going to effectively refer the Ordinance that was adopted back on January 12, 2016 to the voters (i.e. Ordinance No. 884).

A MOTION WAS MADE BY COUNCILOR GARY WALKER AND SECONDED BY COUNCILOR TOM BROWN THAT THE CITY COUNCIL APPROVE RESOLUTION NO. 14-2016, APPROVING THE REFERRAL TO THE ELECTORS OF THE CITY OF MADRAS, THE QUESTION OF BANNING RECREATIONAL MARIJUANA PRODUCERS, PROCESSORS, WHOLESALERS, AND RETAILERS WITHIN THE CITY LIMITS OF MADRAS. THE MOTION PASSED UNANIMOUSLY, 4/0.

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**F. RESOLUTION NO. 15-2016**

A resolution approving referral to the electors of the City of Madras the question of imposing a three percent tax on the sale of Marijuana items within the City of Madras.

City Attorney Green reminded the Council that this is the resolution that effectively refers the three percent (3%) tax on recreational Marijuana retail sales to the electors. This tax would only be applicable if the banning ordinance fails.

City Administrator Burril clarified that this has two parts; 1) if the ban fails and 2) if the voters approve the three percent (3%) tax.

City Attorney Green explained that for this tax to apply, you would need the banning ordinance to fail and the voters to approve the proposed tax ordinance, so two conditions would have to be met.

**A MOTION WAS MADE BY COUNCILOR TOM BROWN AND SECONDED BY COUNCILOR GARY WALKER THAT THE COUNCIL APPROVE RESOLUTION NO. 15-2016, WHICH REFERS TO THE ELECTORS OF THE CITY OF MADRAS THE QUESTION OF IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS WITHIN THE CITY OF MADRAS. THE MOTION PASSED UNANIMOUSLY, 4/0.**

Councilor Brick requested clarification as to whether this tax would be applied to Medical Marijuana.

City Attorney Green explained that it is spelled out in the ordinance itself. This resolution would not control, it is simply for the purpose of referral. This pertains only to recreational Marijuana.

**G. RESOLUTION NO. 16-2016**

A resolution of the City of Madras re-designating the Jefferson County Enterprise zone pursuant to ORS 285C.250.

City Administrator Burril told the Council that our Airport, inside the Urban Growth Boundary and outside the Urban Growth Boundary, is encompassed in this zone. The total Jefferson County Enterprise Zone, which includes the Cities of Metolius and Culver, contains 5.47 square miles of area. He reminded the Council that every ten (10) years they need to agree as one of the sponsors that they want to renew the Enterprise Zone.

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What this does for us is that it is a recruitment tool, both for existing businesses that want to invest and expand their business or to recruit a new business to our community. Folks that we have seen that have been able to utilize this have been the Aero Air / Erickson Group, and Daimler, as well as Keith Manufacturing on new equipment investments that they have made. This helps leverage private investment. He then explained the various Enterprise Zone options that are available and mentioned that it does tax abate for specific periods of time. They then come back on the tax rolls, and add to the tax base.

He mentioned that he thinks that we can show that it has been an effective and helpful tool. He said that he knows that it is leveraging quite a bit of private investment, so it is a tool to help assist in getting folks going. In his opinion, from a mid to long-term view it is working and adds resources to our community and helps us grow consistent with our vision.

He explained that Janet Brown is the Enterprise Zone Manager and is coordinating with Jefferson County on first of all getting the resolutions out to the sponsors for review. The City Attorney's office has reviewed the proposed resolution. She is also working with the Cities of Metolius and Culver to get theirs renewed and will be forwarding this information, in coordination with the County, back to the State saying we want to renew the Enterprise Zone and keep it active.

**A MOTION WAS MADE BY COUNCILOR TOM BROWN AND SECONDED BY COUNCILOR BILL MONTGOMERY THAT THE CITY COUNCIL APPROVE RESOLUTION [NO.] 16-2016 REDESIGNATING THE JEFFERSON COUNTY ENTERPRISE ZONE. THE MOTION PASSED UNANIMOUSLY, 4/0.**

#### **VIII ENTERPRISE ZONE LOCAL INCENTIVE - DRAFT CONSIDERATION**

City Administrator Burril advised Council that he is not seeking formal action this evening; he is just asking for some feedback from them. The City has the option to provide other incentives, separate of renewing the Enterprise Zone, if we feel that it is in the City's best interest. He explained that the City of Redmond does more than what he is proposing. One of the things that Redmond offered is up to a 50% discount on their planning fees. He told the Council that he was not comfortable proposing that to them, but if they want to consider that they can. He reminded the Council that we are a smaller community and are not quite structured in the cash flow the way the City of Redmond is.

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He mentioned that he is proposing the SDCs in a similar format to theirs (e.g. 1% per job created, up to 25%). He said that he proposed the planning fees in a similar layout, as in his opinion we need to collect more of the planning fees than Redmond is proposing. He explained that this is his own assessment of the City's budget, and our resources. Redmond is waiving a sewer connection inspection fee, which is not a big ticket item and is something that he thinks that we can work with; however, the Systems Development Charges can be a big ticket item. If we have a larger development that has a \$100,000 fee, we would typically be proposing to waive \$25,000 if they have 25 jobs associated with it. This is something to consider.

The way the arrangement is set up by the State is that you can allow this in the Enterprise Zone if that applicant is eligible for Enterprise Zone incentives, so there are some qualifications that they have to meet.

He asked that the Council let him know if they are open to this suggestion. He indicated that he had e-mailed Prineville, but that he had received no response on what they were doing. He wanted to know if the Council would like him to bring them a little more information on what the region is doing more globally. If so, he would bring that back to them at the next meeting.

Janet Brown, Jefferson County Manager, Economic Development for Central Oregon, came forward and wanted to know if the resolution for re-designation of the Jefferson County Enterprise Zone passed unanimously.

Mayor Embanks indicated that it did and said that everyone thinks that it is a good idea.

Janet Brown explained that in regards to the incentives in the Enterprise Zone, if Council doesn't feel comfortable with 1% up to 25 new employees, this can be reduced to 20. She mentioned that the City can also add a value, so that they are required to invest a value to go along with that. The expedited permitting system and incentive on reduction of SDCs is what we are up against for competition. Redmond actually implemented this several years ago and it used to be that you had to do it as part of your Enterprise Zone re-designation, but you no longer have to do it at that time. In her opinion, this is a good time to do it as it offers more incentives to companies coming in.

Councilor Brick wanted to know if the 25% cap is based on budget estimates or financial considerations.

Janet Brown mentioned that the City of Redmond had a formula that they looked at when they first implemented this, but she does not know what that formula was.

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Councilor Brick requested clarification that it is not based on statutory requirements.

Janet Brown assured him that it is not.

City Administrator Burril asked Janet Brown to describe the current formula to be eligible for the tax abatement as that is the current qualifier for these.

Janet Brown explained that the current qualifiers for the 3-year Enterprise Zone is a \$50,000 investment and the requirement that they increase employment by 10%, so if it is a new company this would mean one employee. For a 4-year or 5-year extended abatement it is \$50,000 of investment, 10% increase in employment, and they must pay at least 150% of our County average wage which right now would equal \$52,418. This goes up a little bit every year. For a 7-year to 15-year Enterprise Zone there is a pretty high threshold; for Jefferson County they have to invest at least \$10 million dollars, have a minimum of 35 new employees, and pay 150% of the County's average wage.

City Administrator Burril pointed out that any company that is under the Super Enterprise Zone (7-15 years) has to keep the new employees employed during those eligible years or must pay the money back.

Janet Brown mentioned that she had ran a dual track Enterprise Zone (e.g. a 5-year and 15-year) with Erickson's Aircraft Collection Hangar side by side as they were not sure that they could meet that employment threshold and they weren't able to, so the 15-year was voided and the 5-year continues.

City Administrator Burril told Council that he never heard back from Prineville and would like to know what the Cities of Prineville, Sisters, and Bend are doing in addition to Redmond and bring this information back to them. He indicated that he would like to know if there is a general openness to this. Does Council want to bring some additional thoughts back to the next City Council meeting as they think more about what has been proposed?

Janet Brown advised Council that we now have a building available in the Industrial area, which we haven't ever had before. She explained that this is usually what kicks us off of the list right away as a lot of leads have wanted an existing building. She volunteered to help City Administrator Burril collect the information.

Councilor Montgomery wanted to know if once these incentives are memorialized, if the City is locked into it or if the City can negotiate.

Janet Brown was of the opinion that since it is no longer tied into the Enterprise Zone, which is a 10-year period, that she would think that it would be a living document like the other incentives.

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City Administrator Burril explained that all he had read in the Oregon Administrative Rules (OAR) was that once you implement it, if they are eligible, they are eligible. In other words, if they meet the initial qualifications you have to give it to them.

Councilor Montgomery rephrased his question as he actually wanted to know if someone were to come in and ask for something different as an incentive, would this be negotiable or is this it.

Janet Brown indicated that she does not believe that this would be something that would be negotiable because when you have a fee structure or the Enterprise Zone rules, once you have put it in writing, she would think that this would not be negotiable. An Enterprise Zone is not negotiable. If they meet the requirements and we have an Enterprise Zone, you have to approve it, but the only thing you can do in the 4-year, 5-year, or long-term Enterprise Zone is add more conditions to it if you want to. She volunteered to find out if the incentives can be changed from year to year.

Councilor Walker told the Council that he thinks that what Councilor Montgomery is speaking to is that someone might come in seeking a permit and find out everything that he is required to do and walk away because he doesn't feel that this is something that would work in his business plan. He explained that we may want to ask those applicants what they are looking for, and if necessary, negotiate in some areas as sometimes it doesn't take much for someone to make the decision that they are going to go ahead with a project. In his opinion, the City needs to be willing to listen to these applicants and figure out how we can best help these developers develop within reason.

Janet Brown explained that if the City chooses to implement these incentives, it can be a set rule that the City can go by; if they qualify they can receive those incentives. The City has been very good to work with. The City has a Development Team in place and when it pertains to a large commercial project or industrial project, she sets in on those meetings. This is where they bring in the City, the County, the Fire Marshal, the Oregon Department of Transportation, and whoever needs to be at the table even before a Site Plan is submitted most of the time so that we can talk about all of these things and figure some things out so that hopefully nothing comes out of the far left field at them somewhere in the process.

Community Development Director Snead put together a permitting brochure which walks people through those steps as there are parts of the process where the County is the governing body that signs off on things. There are times when people get through the process with the City and think that they are done. We are being much better about running things as much as we can simultaneously and letting the businesses and applicants know what is ahead of them or what they need to do.

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### IX PUBLIC CONTRACT REVIEW BOARD MEETING

#### A. BID AWARD - CHEMICALS FOR THE NORTH AND SOUTH WASTEWATER TREATMENT PLANTS AND "B" STREET SOUTH LIFT STATION FOR FISCAL YEAR 2016-2017 - U.S. POLYMER 7000 OR EQUIVALENT AND CALCIUM NITRATE SOLUTION OR EQUIVALENT

##### 1. Mayor Opens Public Contract Review Board Meeting

Mayor Embanks opened the Public Contract Review Board meeting at 7:47 p.m.

##### 2. Staff Report

Public Works Director Hurd reported that every year the City goes out for chemical bids. There are three (3) main chemicals that are used to operate the plants and lift stations (e.g. Bleach, Calcium Nitrate Solution, and Hyper-Ion (US Polymer 7000). The bleach is actually on a three year contract so this year they are only looking at two chemicals (e.g. the Hyper-Ion and Calcium Nitrate).

Bids were advertised. In fact City Recorder Coleman helps them with this every year and mails the Invitations to Bid out to all of the chemical companies. The bids came back. CalChem Enterprises was the low-responsive bidder for the Hyper-Ion. Their quote was \$456.00 per ton. Evoqua Water Technologies submitted a bid of \$2.153 per gallon for the Calcium Nitrate Solution.

This year they are budgeted for \$130,000 for chemicals and testing. Of this they expect to spend approximately \$70,000 on the Calcium Nitrate and Hyper-Ion. The rest of the funding is used to purchase the bleach, which is utilized to disinfect the effluent before it goes out, and to pay for the testing.

Staff's recommendation is that the Council award the bid for U.S. Polymer 7000 (Hyper-Ion) to CalChem Enterprises, and the Calcium Nitrate Solutions bid to Evoqua Water Technologies.

Councilor Walker wanted to know if the City has the capacity to store the Hyper-Ion until we use it.

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Public Works Director Hurd assured him that we do as this had been one of his questions as they have a minimum load delivery. Before we accepted their bid, we checked to make sure that we could take that minimum load.

#### 3. Comments From the Public

Mayor Embanks provided those in attendance with an opportunity to present comments at this time.

There were no comments offered.

#### 4. Council Deliberations (Questions and/or Comments)

Councilor Walker presented his question earlier during the staff report.

#### 5. Council Takes Formal Action to Award the Bid(s)

U.S. Polymer 7000 or Equivalent -  
CalChem Enterprises

Calcium Nitrate Solution or Equivalent -  
Evoqua Water Technologies

A MOTION WAS MADE BY COUNCILOR GARY WALKER AND SECONDED BY COUNCILOR TOM BROWN THAT COUNCIL AWARD A ONE YEAR BID TO CALCHEM ENTERPRISES FOR U.S. POLYMER 7000 OR EQUIVALENT AT A COST OF \$456.00 PER TON DELIVERED AND A ONE YEAR BID TO EVOQUA WATER TECHNOLOGIES, LLC FOR CALCIUM NITRATE SOLUTION AT A COST OF \$2.153 PER GALLON DELIVERED. THE MOTION PASSED UNANIMOUSLY, 4/0.

#### 6. Mayor Closes the Public Contract Review Board Meeting

Mayor Embanks closed the Public Contract Review Board meeting at 7:53 p.m.

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X ORDINANCES

A. ORDINANCE NO. 889

An Ordinance of the City of Madras adopting the 2015 updated Economic Opportunities Analysis, adopting amendments to the Goal 9 (Economic Development) element of the City's Comprehensive Plan, amending the Madras Urban Area Comprehensive Plan and Zone Map, adopting text amendments to Ordinance No. 864, creating mixed use zones south of Fairgrounds Road and in the Madras Industrial Park, and declaring an emergency.

Mayor Embanks provided those in attendance with an opportunity to present any questions, comments, and/or concerns at this time.

There were no questions, comments, or concerns offered.

1. Motion by Council to read Ordinance No. 889 by title only. Vote is then taken on the motion.

A MOTION WAS MADE BY COUNCILOR BILL MONTGOMERY AND SECONDED BY COUNCILOR BARTT BRICK THAT ORDINANCE NO. 889 BE READ BY TITLE ONLY. THE MOTION PASSED UNANIMOUSLY, 4/0.

2. City Attorney or his designee will read Ordinance No. 889 by title only.

City Attorney Green read Ordinance No. 889 by title only at this time.

3. Motion by Council to approve and adopt Ordinance No. 889 (if Council so chooses).

Councilor Walker declared a potential conflict of interest on this issue.

A MOTION WAS MADE BY COUNCILOR BILL MONTGOMERY AND SECONDED BY COUNCILOR TOM BROWN THAT COUNCIL APPROVE AND ADOPT ORDINANCE NO. 889.

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4. City Recorder will then need to take a roll call vote.

City Recorder Coleman proceeded with the taking of a roll call vote.

Councilor Montgomery . . . . .	Aye
Councilor Brick . . . . .	Aye
Councilor Brown . . . . .	Aye
Councilor Walker . . . . .	Aye

THE MOTION, CURRENTLY ON THE FLOOR, PASSED UNANIMOUSLY, 4/0.

XI APPROVAL OF USDA FOREST SERVICE AGREEMENT #AG-04GG-B-16-9276 - UTILIZATION OF AIRPORT HELIBASE SITE, TEMPORARY PARKING, AND STAGING OR FOR INITIAL ATTACK AND LARGE FIRE OPERATIONS

City Administrator Burrij advised Council that this agreement mirrors the agreement that had been approved last summer. The cost share is reflective of Council's wishes for the last two fire seasons. The rates come from the Forest Service and Bureau of Land Management and are standard for the region. They are asking that the Council approve the agreement as they have already had a fire strike nearby. They use our Airport for the helicopter operations.

He explained that Rob Berg has identified on the map where he would like to have them staged. If he needs to expand that, he will take measures to expand it. The first four or five helicopters will operate from that area. He has reviewed the agreement and is recommending that the Council go ahead and approve it.

He told Council that it is up to them as to whether they would like to change the cost share percentage of 60% Berg Air and 40% Airport Operations Fund. Staff has proposed it as they have supported in the past.

**A MOTION WAS MADE BY COUNCILOR GARY WALKER AND SECONDED BY COUNCILOR TOM BROWN THAT THE CITY COUNCIL TAKE FORMAL ACTION TO APPROVE THE USDA FOREST SERVICE EMERGENCY FACILITIES AND LAND USE AGREEMENT FOR USE OF THE MADRAS MUNICIPAL AIRPORT FOR FIRE FIGHTING OPERATIONS, AUTHORIZE THE CITY ADMINISTRATOR TO SIGN THE AGREEMENT ON BEHALF OF THE CITY OF MADRAS, AND APPROVE THE PROPOSED PERCENTAGE SHARES OF 60% TO BERG AIR AND 40% TO THE AIRPORT OPERATIONS FUND. THE MOTION PASSED UNANIMOUSLY, 4/0.**

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#### XII SOLAR ECLIPSE PLANNING UPDATE

City Administrator Burril reported that the, Event Coordinator, planning committee, and stakeholders met last week. Representatives from the City of Mitchell were in attendance to get some ideas and share some of their ideas.

He and Janet Brown will be meeting with the Central Oregon Regional Solutions Team on Thursday, June 16, 2016, and it is their intent to bring this subject up as ODOT's Regional Manager will be in attendance and they want to let the State know that we will need any assistance they can provide as we are going to have an influx of a lot of people and they are only hitting a certain bandwidth of the State. We need to be able to accommodate them safely and recognize that as part of our tourism.

Some of the things that are going on in these meetings are:

- Lisa Vattimo is working through a coordination and organization of work with the service provider. She is breaking out columns on her organizational chart (e.g. public safety, traffic management, water and sanitation, logistical partners, marketing partners, and finances.

He and Lisa are working on the budget. She is working with each of those leads to say what do you have in resources, what can you borrow in resources, and to identify what they need that we might have to finance to get for the event.

- The documents that Council approved as a group to send to the Jefferson County Tourism Group are still under review by them. He heard from them this week that they want to propose some changes. He said that he does not know what the proposed changes are yet. They additionally asked that the City clarify the availability of power and water to those parcels of property. Public Works Director Hurd is helping him provide this information. Staff will be forwarding this information to them and will see what their proposed changes are.
- Lisa Vattimo is working with the Chamber Director to try to set up a resource page on the Chamber site to link people to the resources that are here, to the solar event, to the Jefferson County Tourism Group, and to all of the lodging options, parking reservations, restaurants, and available entertainment options. She is additionally helping with the Public Relations and Marketing. She has also been working with City staff.

## OFFICIAL MINUTES

### CITY COUNCIL, CITY OF MADRAS JUNE 14, 2016

Councilor Brick mentioned that Ms. Vattimo is also developing a tracking system that will allow her to manage the process and minimize the number of surprises that come up. He said that she is also developing a way of reporting results so the Council will get a very timely update whenever they need it.

Mayor Embanks wanted to know what will happen if the group that the City is negotiating with at this time just up and pulls out and if the City will be stuck with any investment that we have made so far.

City Administrator Burril explained that whether they have their event or not, all of the folks are coming to town to see the Solar Eclipse. He and Lisa have discussed what it would look like if this group is not accommodating the parking for us. He assured the Council that they are creating a "Plan B" if we cannot come to a mutual agreement. A contingency plan is being made to host a parking event and parking staging for folks that are coming to watch the solar event.

Councilor Walker mentioned that he knows that they are only interested in taking care of their event. He asked if we are going to have a plan for the rest of the City.

City Administrator Burril told Councilor Walker that if they take those parcels, part of the agreement is that they will stage a public area to allow people to park and view the event. We have approximately 350 acres of property that we have provided. This will stage a lot of vehicles. Public Works Director Hurd has calculated this out and believes that we can accommodate approximately 20,000 parking spaces.

### XIII ADDITIONAL COMMENTS, ANNOUNCEMENTS, AND DEPARTMENT REPORTS

#### ▶ PUBLIC WORKS DEPARTMENT REPORT

**Madras Bike and Skate Park to Youth Fishing Pond Trail  
Connection Project - Phase 1 (City Project #2016-01)  
Oregon Parks & Recreation Dept., Recreational Trails Program  
(Funding Agency Refers to Project as: Madras Trails - Phase 5)**

Public Works Director Hurd reminded the Council that during the last City Council meeting he believes that he mentioned that the City had been awarded funding from the Recreational Trails Program for Phase I of the trail project.

## OFFICIAL MINUTES

CITY COUNCIL, CITY OF MADRAS  
JUNE 14, 2016

**Madras Bike and Skate Park to Youth Fishing Pond Trail  
Connection Project - Phase II (City Project #2016-02)  
Oregon Parks and Recreation Department  
Local Government Grant Program**

Public Works Director Hurd announced that the City has been awarded funding from the Oregon Parks and Recreation Department, Local Government Grant Program, for Phase II of the project. They propose to go into construction next summer. They plan to do design this fall, once the grant agreements are in place, and construct that phase of the trail from the Skate Park to the Fishing Pond next summer.

**Daimler Road (City Project No. 2015-09)  
(aka Madras Municipal Airport West Access Road)**

Public Works Director Hurd mentioned that there are a lot of contractors working at the Airport [e.g. Alex Hodge Construction, City of Madras, and Latham Excavation (Daimler Road Project), Lee Baggett (Grass Runway)].

► **POLICE DEPARTMENT REPORT**

**Solar Eclipse**

Police Chief Stanfill reported that the University of Berkley wants to basically come to Madras this August 2016 and do some public education on what the solar eclipse is. It sounds like they are being sponsored by Google. They have reached out to the Jefferson County Library. They basically want to advise the public as to what the solar eclipse is, when they need to be wearing the glasses, and when they can safely take them off. He advised Council that he is not endorsing them, as they are sponsored by Google, but that he had told them that they are welcome to come up here and provide public education.

He told the Council that he had met with Fire Chief Huff. They are planning on working together and doing some drills on the Solar Eclipse regardless of what happens with the Jefferson County Tourism Group. He also spoke with Liz Heckathorn, Jefferson County Emergency Medical Services (EMS) to discuss ambulance services and to find out if they would be ready, and she has reached out to St. Charles-Madras.

## OFFICIAL MINUTES

### CITY COUNCIL, CITY OF MADRAS JUNE 14, 2016

#### Fire Protocol

He and Chief Huff discussed some fire protocol recently at a meeting where if there is a fire in town, the Madras Police Department will respond. His thoughts have always been that if there is a fire, it is a suspicious fire until proven otherwise. This is a good way to roll in as arsons do happen. They damage a lot of property and people have been killed in this community because of reckless burning and things of that nature, so they are working cooperatively with the Fire Department.

#### Alcohol Related Incidents

Summer is here so they have had an uptake in their alcohol related incidents, which is pretty much par for the course. The officers are doing a great job in responding, and keeping up with the call load, while still having an active patrol within the community and being very visible.

#### ▶ FINANCE DEPARTMENT REPORT

Finance Director Hughes advised Council that she had received a very warm welcome from the staff, and reminded Council that the audit is coming up.

#### ▶ CITY ADMINISTRATOR COMMENTS

##### Warm Springs Truck Stop

City Administrator Burril mentioned that he has a scheduled meeting with their team on Monday. City Attorney Green has received comments back on the Intergovernmental Agreement, and will be drafting those back to their attorney next week. They are interested in moving forward. He told the Council that he anticipates that staff will have something before them before long.

##### Additional Comments

City Administrator Burril thanked Police Chief Stanfill for his work on the agreement with the Jefferson County School District for the Jefferson County School Resource Officer.

**OFFICIAL MINUTES**  
**CITY COUNCIL, CITY OF MADRAS**  
**JUNE 14, 2016**

He then thanked Finance Director Hughes for the staff reports she had prepared and for the financial reports she had provided.

He congratulated Public Works Director Hurd for the trail grants that the City would be receiving.

He then recognized HR and Administrative Coordinator Puddy for all of the work she had been doing on the recent recruitment processes.

▶ **CITY COUNCIL COMMENTS**

Mayor Embanks thanked staff for their hard work.

Councilor Brown reported that they just had one of their committee meetings for the Air Show so things are progressing well. Finances are coming along. They are always looking for sponsors. They currently have five (5) good acts that have signed up. In his opinion, they are going to have a really good show this year.

**XIV ADJOURN**

The City Council meeting was adjourned at 8:16 p.m.

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Karen J. Coleman, City Recorder

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Royce Embanks, Mayor

# CITY OF MADRAS

## Request for Council Action

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Date Submitted: June 20, 2016  
Agenda Date Requested: June 28, 2016  
To: Mayor and City Council Members  
From: Rod Fulton, Building/Fleet/Streets Supervisor  
Subject: Madras Area Street Striping

### TYPE OF ACTION REQUESTED:

- Resolution  Ordinance  
 Formal Action/Motion  Contract Review Board  
 None - Report Only

Formal action / motion that council approves staff to hire Deschutes County Road Department to provide street restriping services for Madras in an estimated amount of \$30,288.73

### DESCRIPTION:

Each year, the City pays to have City streets restriped. The City does not have the necessary equipment to perform this task, and therefore, hires out the job. Deschutes County Road Department has been contracted by the City in the past for this service and has been contacted again this year for their availability to provide the same services.

### STAFF ANALYSIS:

The Central Oregon Public Works Partnership (COPWP) Intergovernmental Agreement (IGA), the City of Madras and Deschutes County entered into on 2/13/2013 that allows jurisdictions to share equipment, materials and provide services to promote the cost- effective and efficient use of public resources and that the primary benefit of increased partnership and cooperation is the reduction of overhead expenses. (See attached agreement). Because of this agreement the city is able to conduct with the county directly.

Deschutes County Road Department has provided these services to Madras for the past several years and has done an adequate job. Deschutes County Road Department was unable to provide

the City with an exact price quote because the actual quantity of supplies (i.e. gallons of paint and beads) and time to restripe that will occur cannot be determined until the services takes place. In lieu of a current price quote, the company has informed staff that prices have increased by five percent (which has been taken into account in this staff report under the Fiscal Impact). Staff estimates to be approximately \$30,288.73 to paint all city streets in need of re striping.

SUMMARY:

- A. Fiscal Impact:  
Estimated at \$30,288.73
  
- B. Funding Source:  
204-040-520- 2702 Transportation Operations Fund Repairs and Maintenance
  
- C. Recognition of Collateral Material and Technical Report:
  - Intergovernmental Agreement for Equipment and Services

RECOMMENDATION:

Formal action / motion that council approves staff to hire Deschutes County Road Department to provide street restriping services for Madras in an estimated amount of \$30,288.73

REVIEWED

LEGAL COUNSEL

## CENTRAL OREGON PUBLIC WORKS PARTNERSHIP (COPWP) INTERGOVERNMENTAL AGREEMENT FOR EQUIPMENT AND SERVICES

This AGREEMENT is made between the SIGNED PARTIES pursuant to the authority provided by ORS Chapter 190 and shall be referred as the **COPWP-IGA** (Central Oregon Public Works Partnership Intergovernmental Agreement)

### WHEREAS:

1. Each PARTY owns certain equipment and materials, and provides services that may be useful to another PARTY for public works, construction, operations, maintenance and related activities; and
2. The PARTIES agree that sharing equipment, materials, and services promotes the cost-effective and efficient use of public resources; and
3. The PARTIES recognize that the primary benefit of increased partnership and cooperation is the reduction of overhead expenses, staffing expenses and redundant purchases/services as opposed to pursuit of joint ventures with the intention of supplanting work or services that are typically or historically contracted within each agency; and
4. Each PARTY is encouraged to expand partnership opportunities by joining the similar established Portland Metropolitan Area Transportation Co-operative IGA for Equipment and Services (PMAT); and
5. Each PARTY recognizes the benefit in maintaining ongoing communication within the Public Works agencies in Central Oregon for the purpose of identifying opportunities for additional partnership and collaboration; and
6. The PARTIES desire to enter into an AGREEMENT to establish procedures for sharing equipment, materials and services, and defining legal relationships and responsibilities. Therefore, in consideration of the mutual covenants herein, it is

### AGREED:

1. The PARTIES shall make available to each other vehicles, equipment, machinery, materials, related items and/or services in the manner and on the terms and conditions provided herein. The vehicles, equipment and machinery covered by this AGREEMENT shall only be such items appropriate for public works, construction, and shall not include regular automobiles. The PARTY supplying the services or the vehicles, machinery and equipment shall be designated as the "PROVIDER" herein. The PARTY receiving the services or assuming the use of vehicles, machinery or equipment shall be designated as the "USER" herein.
2. An **EQUIPMENT SHARING CATALOG** will be provided by each PARTY to the others to describe current rental rates. Supplies will be charged at PROVIDER'S invoice cost plus an established administrative fee, or may be replaced by the USER.
3. An estimate for specific services will be supplied by the PROVIDER at the request of the USER. Service PROVIDERS shall maintain an accurate cost accounting system, track expenditures and provide monthly billing to USER. PROVIDER'S invoices will be paid by USERS in full within thirty (30) days of billing. Upon mutual consent, PROVIDERS may elect to make alternative payment arrangements.
4. Services, equipment or materials shall be provided upon reasonable request at mutually convenient times and locations. The PROVIDER retains the right to refuse to honor a request if the equipment or materials are needed for other purposes, if providing the equipment or materials would be unduly inconvenient, or if for any other reason, the

PROVIDER determines in good faith that it is not in its best interest to provide a particular item at the requested time. Equipment shall be returned immediately at PROVIDER'S request.

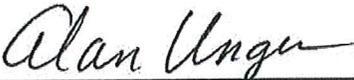
5. The USER receiving the equipment shall take proper precaution in its operation, storage and maintenance. Equipment shall be used only for its intended purpose. The USER shall permit the equipment to be used only by properly trained, properly licensed, and supervised operators. The USER shall be responsible for equipment repairs necessitated by misuse or negligent operation and for the maintenance and/or replacement of high wear items (i.e., milling machine teeth, etc.). The USER shall not be responsible for scheduled preventive maintenance (P.M.) unless equipment hours used exceeds the P.M. schedule periods and has been agreed by the PROVIDER. The USER shall perform and document required written maintenance checks prior to and after use and shall provide routine daily maintenance of equipment (i.e., fluid checks, lubricating, etc.) during the period in which the equipment is in USER'S possession.
6. PROVIDER shall endeavor to provide equipment in good working order and to inform USER of any information reasonably necessary for the proper operation of the equipment. The equipment is provided "as is", with no representation or warranties as to its condition or its fitness for a particular purpose. USER shall be solely responsible for selecting the proper equipment for its needs and inspecting equipment prior to use. It is acknowledged by the PARTIES that the PROVIDER is not in the business of selling, leasing, renting or otherwise providing equipment to others and that the PARTIES are acting only for their mutual convenience and efficiency.
7. USER is exclusively responsible for the care and operation of the equipment. User shall save, defend, indemnify, and hold harmless PROVIDER, its officers, employees, and agents from all claims, suits, and actions of any nature resulting from or arising out of the activities or omissions of USER with respect to the care and operation of the equipment by USER'S employees, subcontractors, or agents. Provided however, liability of USER, its officers, employees or agents acting within the scope of their employment or duties on claims within the scope of Oregon Revised Statutes (ORS) 30.260-30.300 shall not exceed the limits as described in ORS 30.272. USER'S officers, employees and agents are indemnified and defended by USER in accordance with the Oregon Tort Claims Act (OTCA) pursuant to ORS 30.260-30.300 when acting within the scope and course of their employment. PROVIDER shall save, defend, indemnify, and hold harmless USER, its officers, employees, and agents from all claims, suits, and actions of any nature resulting from or arising out of the activities or omissions of PROVIDER or any of its employees, subcontractors, or agents, acting under this Agreement. Provided however liability of PROVIDER, its officers, employees or agents acting within the scope of their employment or duties on claims within the scope of Oregon Revised Statutes (ORS) 30.260-30.300 shall not exceed the limits as described in ORS 30.272.
8. The PARTIES shall provide equipment or materials storage to each other, at no charge, upon request when mutually convenient. It is recognized that such storage is for the benefit of the PARTY requesting it. The PARTY storing the equipment or materials shall be responsible for providing a reasonably safe and secure area and not responsible nor liable for theft or damage.
9. The PROVIDER may require, in its sole discretion, that only PROVIDER'S personnel operate equipment. In so doing, PROVIDER shall be deemed an independent contractor and PROVIDER'S employees shall not be deemed employees of USER. The PROVIDER'S operator shall perform under the general direction and control of the USER, but shall retain full control over the manner and means of using the equipment.
10. For the purposes of this AGREEMENT, the PARTIES are independent contractors. Nothing herein shall alter the employment status of any workers providing services under this AGREEMENT. Such workers shall at all times continue to be subject to all standards of performance, disciplinary rules and other terms and conditions of their employer. No USER shall be responsible for the direct payment of any salaries, wages, compensation or benefits for PROVIDER'S workers performing services to USERS under this AGREEMENT.

11. Each PARTY shall be solely responsible for its own acts and those of its employees and officers under this AGREEMENT. No PARTY shall be responsible or liable for consequential damages to another PARTY arising out of providing or using equipment or services under this AGREEMENT. USER shall bear sole responsibility for ensuring that it has the authority to request the work, for proper design of the work and for any representations made to the PROVIDER regarding site conditions or other aspects of the project. The PROVIDERS of the equipment shall adequately insure the equipment or provide self-insurance coverage.
12. Any PARTY may terminate its participation by providing thirty (30) days written notice to the other PARTIES. Any amounts due and owing by a terminating PARTY shall be paid within thirty (30) days of termination.
13. Nothing herein shall be deemed to restrict authority of any of the PARTIES to enter into separate AGREEMENTS governing the terms and conditions for providing equipment, services or joint contracts for special projects on terms different than specified herein.
14. Any OREGON PUBLIC ENTITY may become a PARTY to this AGREEMENT. Each PARTY in accordance with the applicable procedures of that PARTY shall approve this AGREEMENT. This AGREEMENT will be executed separately by each PARTY and shall be effective as to each PARTY and binding among all the PARTIES that have signed this AGREEMENT on the date of execution and sending a copy of the signed AGREEMENT to the Deschutes County Road Department which is overseeing the administration of the COPWP-IGA.
15. This AGREEMENT may be amended by written amendment signed by all of the PARTIES.

- end of the AGREEMENT narrative -

## COPWP AGREEMENT SIGNATURE PAGE

IN THE WITNESS WHEREOF, the PUBLIC ENTITY Deschutes County (PARTY)  
has caused this AGREEMENT to be executed by its duly authorized representatives as the date of their signatures  
below:

 _____ Signature of Officer	<u>12/17/12</u> _____ Date	<u>Anthony DeBane, Chair</u> Deschutes County Board of Commissioners _____ Officer's title
 _____ Signature of Officer	<u>12/17/12</u> _____ Date	<u>ALAN UNGER, Commissioner</u> _____ Officer's title
 _____ Signature of Counsel	<u>12/17/12</u> _____ Date	<u>TAMMY BANEY, Commissioner</u> _____ Officer's title

Name and title of the Contact Representative: Chris Doty

Address: 61150 SE 27th Street  
Bend, Or. 97702

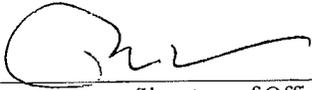
Phone: 541-322-7105 Fax: 541-388-2719

E-mail: Chris.Doty@deschutes.org

1. Send the **original COPWP AGREEMENT Signature Page** (this page),
  2. and the **EQUIPMENT SHARING CATALOG** (page 1, paragraph 2) to:  
Chris Doty, COPWP-IGA Administrator, for distribution.  
Deschutes County Road Department, 61150 SE 27<sup>th</sup> Street, Bend OR 97702  
Telephone: 541.322.7105  
e-mail: [Chris.Doty@co.deschutes.or.us](mailto:Chris.Doty@co.deschutes.or.us)
- Retain a 2<sup>nd</sup> original **COPWP AGREEMENT Signature Page** for your records (2-sets are required).

# COPWP AGREEMENT SIGNATURE PAGE

IN THE WITNESS WHEREOF, the PUBLIC ENTITY City of Madras (PARTY)  
has caused this AGREEMENT to be executed by its duly authorized representatives as the date of their signatures  
below:



Signature of Officer

2-13-2013

Date

Mayor Pro Tem

Officer's title

**Royce Embanks**

Signature of Officer

Date

Officer's title

Signature of Counsel

Date

Counsel's title

Name and title of  
the Contact

Representative: Jeff Hurd, Public Works Director

Address: Madras City Hall  
125 S.W. "E" Street  
Madras, Oregon 97741-1346

Phone: (541) 475-2344

Fax: (541) 475-7061

E-mail: jhurd@ci.madras.or.us

1. Send the original COPWP AGREEMENT Signature Page (this page),
2. and the EQUIPMENT SHARING CATALOG (page 1, paragraph 2) to:

Chris Doty, COPWP-IGA Administrator, for distribution.

Deschutes County Road Department, 61150 SE 27<sup>th</sup> Street, Bend OR 97702

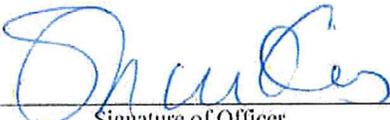
Telephone: 541.322.7105

e-mail: [Chris.Doty@co.deschutes.or.us](mailto:Chris.Doty@co.deschutes.or.us)

Retain a 2<sup>nd</sup> original COPWP AGREEMENT Signature Page for your records (2-sets are required).

## COPWP AGREEMENT SIGNATURE PAGE

IN THE WITNESS WHEREOF, the PUBLIC ENTITY City of Redmond, Oregon (PARTY)  
has caused this AGREEMENT to be executed by its duly authorized representatives as the date of their signatures  
below:

<u></u>	<u>2/25/13</u>	<u>Interim City Manager</u>
Signature of Officer	Date	Officer's title
_____	_____	_____
Signature of Officer	Date	Officer's title
_____	_____	_____
Signature of Counsel	Date	Counsel's title

Name and title of  
the Contact  
Representative:

Bill Duerden, Public Works Director

Address: 243 E. Antler Avenue #100

Phone: 541-504-2001

Fax: 541-548-0253

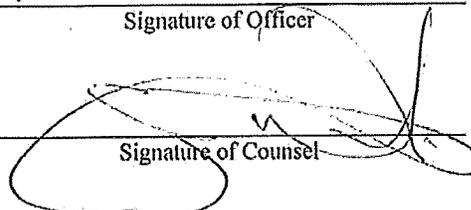
E-mail: bill.duerden@ci.redmond.or.us

1. Send the original COPWP AGREEMENT Signature Page (this page),
2. and the EQUIPMENT SHARING CATALOG (page 1, paragraph 2) to:  
Chris Doty, COPWP-IGA Administrator, for distribution.  
Deschutes County Road Department, 61150 SE 27<sup>th</sup> Street, Bend OR 97702  
Telephone: 541.322.7105  
e-mail: [Chris.Doty@co.deschutes.or.us](mailto:Chris.Doty@co.deschutes.or.us)

Retain a 2<sup>nd</sup> original COPWP AGREEMENT Signature Page for your records (2-sets are required).

# COPWP AGREEMENT SIGNATURE PAGE

IN THE WITNESS WHEREOF, the PUBLIC ENTITY City of Bend, Oregon (PARTY) has caused this AGREEMENT to be executed by its duly authorized representatives as the date of their signatures below:

 _____ Signature of Officer	<u>2-21-13</u> _____ Date	<u>CITY MANAGER</u> _____ Officer's title
<u>Paul Rheault</u> _____ Signature of Officer	<u>3.5.13</u> _____ Date	<u>PUBLIC WORKS DIRECTOR</u> _____ Officer's title
 _____ Signature of Counsel	<u>2-21-13</u> _____ Date	<u>City Attorney</u> _____ Counsel's title

Name and title of  
the Contact  
Representative:

PAUL RHEAULT, PUBLIC WORKS DIRECTOR

Address: 62975 BOYD ACRES RD.

BEND, OR 97701

Phone: 541-317-3006

Fax: \_\_\_\_\_

E-mail: PRHEAULT@CI.BEND.OR.US

1. Send the original COPWP AGREEMENT Signature Page (this page),
2. and the EQUIPMENT SHARING CATALOG (page 1, paragraph 2) to:

Chris Doty, COPWP-IGA Administrator, for distribution.

Deschutes County Road Department, 61150 SE 27<sup>th</sup> Street, Bend OR 97702

Telephone: 541.322.7105

e-mail: [Chris.Doty@co.deschutes.or.us](mailto:Chris.Doty@co.deschutes.or.us)

Retain a 2<sup>nd</sup> original COPWP AGREEMENT Signature Page for your records (2-sets are required).

## INSTRUCTIONS FOR THE COPWP-IGA FOR EQUIPMENT AND SERVICES

The following is directed to officials of local governments that may want to participate the accompanying public works **INTERGOVERNMENTAL AGREEMENT (IGA) FOR EQUIPMENT AND SERVICES [AGREEMENT]**:

There are four pages to the COPWP-IGA:

- Exhibit A: The COPWP-IGA narrative – pages 1-3
- COPWP AGREEMENT Signature Page – page 4
- COPWP Instructions (this page) – page 5

The purpose of the COPWP-IGA is for to exchange Public Works equipment and services between OREGON PUBLIC ENTRIES, specifically those within Central and Eastern Oregon.

All PARTIES, who sign the **AGREEMENT**, must honor the **AGREEMENT** entirely.

Deschutes County has agreed to oversee administration of the COPWP-IGA. The COPWP-IGA Administrator will notify all the Contract Representatives for all PARTIES. The COPWP-IGA Administrator will not be involved between any disputes of the COPWP-IGA PARTIES, nor would Deschutes County or its employees be liable for any damages sought between any two other PARTIES.

Each new PARTY shall execute the **COPWP AGREEMENT SIGNATURE PAGE** in two original sets: One shall be filed with the COPWP-IGA administrator for approval and distribution, and the second for the PARTY **entity's records**. **The COPWP-IGA administrator's originals are filed with the Deschutes County Clerk.**

Each PARTY will obtain a mailing list of the current **AGREEMENT** holders from the COPWP-IGA Administrator.

Each PARTY will send each its **EQUIPMENT SHARING CATALOG** (page 1, paragraph 2) to the COPWP-IGA Administrator for distribution to all the PARTIES. It is the responsibility of each PARTY to send updates of the catalog to the COPWP-IGA Administrator.

After the signature and approval process is completed, any PARTY may directly approach any other PARTY for exchange of services. There is no need to coordinate requests amongst PARTIES.

**It is important to note paragraph 4 (page 1): "the PROVIDER retracts the right to refuse a request".**

**History:** The COPWP IGA is based on the successful Portland Metropolitan Area Transportation (PMAT) Co-operative IGA. The original (PMAT) IGA for shared services was originally signed by Multnomah County, the City of Gresham and Oregon Department of Transportation in 1996. By the provision of 1999 **ADDENDUM**, other parties agreed to sign the agreement. This PMAT-IGA was revised in July 2002 from the originally IGA.

COPWP IGA participants are encouraged to also join the PMAT IGA. Questions or concerns may be addressed to:

**Don Newell**

PMAT-IGA Administrator  
Marion County, 5155 Silverton Road NE, Salem, Oregon 97305  
Telephone: 503.365.3129 e-mail: [DNewell@co.Marion.or.us](mailto:DNewell@co.Marion.or.us)

A second ODOT IGA (OMAT), which allows working with ODOT, can be obtained by contacting:

Penelope (Penny) A. Lee Agreement Specialist Region 1-Contracts and Agreements Unit

123 NW Flanders St., Portland, OR 97209  
Phone: 503-731-8278/ office; 503-731-8215/ fax;  
e-mail: [Penelope.A.LEE@odot.state.or.us](mailto:Penelope.A.LEE@odot.state.or.us)

THE COPWP IGA AGENCY MEMBERS:

<b>IGA #</b>	<b>Date</b>	<b>Agency</b>	<b>Equipment List (Year)</b>	<b>IGA Administrator</b>
1	12/17/12	Deschutes County Road Dept.	2012	Chris Doty, Director
2	2/13/13	City of Madras	2013	Jeff Hurd, Director
3	2/25/13	City of Redmond	2012	Bill Duerden, Director
4	3/5/13	City of Bend	2012	Paul Rheault, Director
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# CITY OF MADRAS

## Request for Council Action

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Date Submitted: June 21, 2016  
Agenda Date Requested: June 28, 2016  
To: Mayor and City Council Members  
Through: Jeff Hurd, Public Works Director  
From: Michele Quinn, Public Works Administrative Assistant  
Subject: [Letter of Support from the City of Madras to Jefferson County for the Federal Lands Access Program](#)

### TYPE OF ACTION REQUESTED:

- |  |  |
|--|--|
| <input type="checkbox"/> Resolution                      | <input type="checkbox"/> Ordinance             |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Contract Review Board |
| <input type="checkbox"/> None - Report Only              |  |

Formal action / motion that Council approves and authorizes the Mayor to sign the letter of support in support of Jefferson County's Federal Lands Access Program.

### DESCRIPTION:

The attached letter of support is to support the Jefferson County in their application to seek funding for the Federal Lands Access Program (FLAP) City of Madras to Deschutes River Project.

### STAFF ANALYSIS

Jefferson County has approached Staff to see if the City would be willing to support their project for the Federal Lands Access Program applications due July 1, 2016.

Jefferson County's application will allow much needed maintenance on the Willow Canyon Trail. This work will include a bridge at the beginning of the trail for users to cross the creek during the months the creek is flowing. Other work includes ½ mile markers, gravel on areas of trail, and the addition of a concrete pad where the NUID irrigation run off is, and improves a

current slide area. This project not only improves the trail for users it will allow the trail to keep its State designation. Staff supports Jefferson County's efforts at improving recreational opportunities in the community, and believes that the much needed maintenance to the Willow Creek Canyon Trail.

SUMMARY:

- A. Fiscal Impact:
  - N/A.
  
- B. Funding Source:
  - N/A
  
- C. Recognition of Collateral Material and Technical Report:
  - City of Madras Letter of Support to Jefferson County for Federal Lands Access Program.

RECOMMENDATION:

Formal action / motion that Council approves and authorizes the Mayor to sign the letter of support in support of Jefferson County's Federal Lands Access Program.



June 20, 2016

Western Federal Lands Highway Division  
610 E. Fifth Street  
Vancouver, WA 98661

To: Federal Lands Access Program

The City of Madras would like to offer its support for the Jefferson County application to the Federal Lands Access Program for the Willow Creek Trail: City of Madras to Deschutes River Project. To further show its support of these efforts, the City will commit its resources to maintaining the trail segment owned by the County as indicated in the application.

This trail system (which connects into the City's six-mile loop trail system) continues to serve as a valuable asset to the Madras community and the greater Jefferson County area residents. Together, the City and County would like to see this segment of trail improved to a standard that enables the community to utilize the High Desert's recreational areas to their fullest potential.

This Willow Creek Trail project will enhance what is becoming a wonderful trail system in Jefferson County, and is an improvement that will go a long way towards encouraging "free-range" recreational options for Jefferson County families and tourists. This project additionally will provide some ease of access and remove safety barriers that otherwise exist when entering the canyon trail.

The City of Madras is proud to support this proposal, and appreciates the collaboration and partnership efforts with Jefferson County. Please accept this letter of support on behalf of the City of Madras.

Sincerely,

Royce Embanks, Jr.  
Mayor of Madras

# CITY OF MADRAS

## Request for Council Action

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Date Submitted: June 20, 2016  
Agenda Date Requested: June 28, 2016  
To: Mayor and City Council Members  
Through: Jeff Hurd, Public Works Director  
From: Michele Quinn, Public Works Administrative Assistant  
Subject: Land Use Agreement with Jefferson County for Central Stormwater Collection and Water Treatment Project

### TYPE OF ACTION REQUESTED:

- |  |  |
|--|--|
| <input type="checkbox"/> Resolution                      | <input type="checkbox"/> Ordinance             |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Contract Review Board |
| <input type="checkbox"/> None - Report Only              |  |

Formal action / motion that Council approves the land use agreement with Jefferson County for the Central Stormwater Collection and Water Treatment Project.

### DESCRIPTION:

On January 26, 2015, City approved SP-14-7 (Jefferson County Courthouse), County's site plan for the construction of a courthouse at the Property, subject to certain conditions of approval. Condition of Approval No. 45 requires County to enter into an agreement with City to allow City to construct a new City stormwater mainline system on the property.

### STAFF ANALYSIS:

City and Jefferson County School District 509J are parties to the Land Use Agreement for Control and Tenure signed by City on January 12, 2011 (see attached). On September 3, 2014, City approved Lot Line Adjustment No. LLA-14-7 which incorporated a portion of Tax Lot 2400 into the Property. As a condition of approval of Lot Line Adjustment No. LLA-14-7, County will not alter or affect the terms and conditions of the School District Land Use Agreement.

The conditions of approval states that within one year of site plan approval the County will enter into an agreement with the City, to allow the city to construct a new City Storm Mainline System on the County's property per the Land use agreement for Control and Tenure, between the City of Madras and Jefferson County School District.

**SUMMARY:**

- A. **Fiscal Impact:**  
Future Improvement for stormwater management – To be determined; cost of ability to construct improvement on County property is only the legal, survey and construction costs (no additional fees to County for right to use property).
  
- B. **Funding Source:**
  - N/A
  
- C. **Recognition of Collateral Material and Technical Report:**
  - Land Use Agreement for Control & Tenure; property exhibit
  - Conditions of Approval SP-14-7

**RECOMMENDATION:**

Formal action / motion that Council approves the land use agreement with Jefferson County for the Central Stormwater Collection and Water Treatment Project.

LAND USE AGREEMENT  
CENTRAL STORMWATER COLLECTION AND WATER TREATMENT PROJECT

This Land Use Agreement Central Stormwater Collection and Water Treatment Project (this "Agreement") is made and entered into effective on \_\_\_\_\_, 2016 (the "Effective Date") between Jefferson County, a political subdivision of the State of Oregon ("County"), and the City of Madras, an Oregon municipal corporation ("City").

RECITALS:

A. County owns certain real property (and all improvements located thereon) located in the City of Madras, Jefferson County, Oregon identified as Tax Lot 5701 on Jefferson County Assessor's Map #11-13-11AD and described on the attached Exhibit A (the "Property").

B. City's Stormwater Master Plan requires City to construct a central stormwater facility. Part of the central stormwater facility requires constructing a new City stormwater mainline system.

C. City and Jefferson County School District 509J (the "School District") are parties to the Land Use Agreement for Control and Tenure signed by City on January 12, 2011 (the "School District Land Use Agreement") attached as Exhibit B. Pursuant to the School District Land Use Agreement, upon City acquiring project funding, City will construct a new City stormwater mainline system on the School District's property located at Tax Lot 2400 Map 11-13-11AD (Westside Elementary) ("Tax Lot 2400").

D. On September 3, 2014, City approved Lot Line Adjustment No. LLA-14-7 which incorporated a portion of Tax Lot 2400 into the Property. As a condition of approval of Lot Line Adjustment No. LLA-14-7, County will not alter or affect the terms and conditions of the School District Land Use Agreement.

E. On January 26, 2015, City approved SP-14-7 (Jefferson County Courthouse), County's site plan for the construction of a courthouse at the Property, subject to certain conditions of approval. Condition of Approval No. 45 requires County to enter into an agreement with City to allow City to construct a new City stormwater mainline system on the Property. City imposed Condition of Approval No. 45 to ensure that County will not alter or affect the terms and conditions of the School District Land Use Agreement.

F. City and County are entering into this Agreement in order to, among other things, define the terms and conditions under which City will be permitted to construct a new City stormwater mainline system on the Property.

AGREEMENT:

NOW, THEREFORE, in consideration of the mutual promises contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Scope. This Agreement affects the Property. As described in Recital E above, City approved County's site plan for the construction of a courthouse on the Property subject to the condition that County enter into an agreement with City to allow City to construct a new City stormwater mainline system (the "Improvements"). This Agreement will cover the Improvements and any construction activity in, on, over, and/or under the Property, including, without limitation, any excavation, maintenance, improvement, repair, extension, and/or relocation work concerning the Improvements (collectively the "Construction Work").

2. Easement. Upon City acquiring project funding, City agrees to prepare, at no cost to County, a stormwater utility easement, legal description, and signatory recording document pursuant to which County will grant and convey to City and City's successors and assigns a perpetual, appurtenant, and non-exclusive easement

(the "Easement") in, upon, under, and over the Property (the "Easement Area").

2.1 Nature of Easement. The Easement will be for the benefit of City (and its successors and assigns) and any other utilities that County may approve from time to time and will be for the purpose of the installation, operation, and maintenance of the Improvements. City's use of the Easement Area will be made subject to and in accordance with applicable federal, state, and local laws, regulations, rules, ordinances, and codes. City will correct, at City's expense, any failure of compliance with any applicable federal, state, and local laws, regulations, rules, ordinances, and codes created through City's fault and/or by reason of City's use of the Easement Area. The Easement will include ingress and egress access over, under, through, and across the Easement Area for the aforementioned purposes, together with the right of ingress and egress to, from, and along the Easement Area provided such ingress and egress access is made in accordance with this Agreement. The Easement will be granted subject to all prior easements and encumbrances whether of record or apparent from a visual inspection of the Property. The Easement and covenants contemplated in this Agreement will run with the land and be binding upon the successors and assigns of the interest in the land.

2.2 County's Use of Easement Area. County may at any time after completion of the Improvements, utilize the spaces within the Easement Area for such uses as are compatible with those areas, in a manner which will not cause any of the following: (a) any damage to the Improvements; (b) interference with the use or purpose of the Improvements; and/or (c) danger to persons using the areas. County will not construct, maintain, and/or allow any permanent building or structure in, on, under, or over the Easement Area. In the event County constructs, maintains, and/or allows any permanent building or structure in, on, under, or over the Easement Area, County will immediately remove the building or structure, at County's sole cost and expense, upon the written request by City.

3. Improvements. Upon City acquiring project funding, City will construct the Improvements in the Easement Area subject to the terms and conditions contained in this Agreement and the following:

3.1 Construction Work. County grants City permission to perform and complete the Construction Work in the Easement Area. Prior to City commencing (or causing another to commence) any Construction Work within the Easement Area, City will (a) provide County's property manager ten (10) days' prior written notice, (b) obtain all necessary permits concerning the proposed Construction Work, if any, and (c) file with County maps, materials, documentation, a copy of the proposed work order, any necessary permits, and any other information or documentation requested by County concerning the proposed Construction Work. City will conduct its operations and will perform all Construction Work, including, without limitation, any excavation and/or restoration work, in accordance with the following: (w) all Construction Work will be completed in a safe manner, taking into account all applicable traffic control rules and procedures, if any; (x) all Construction Work will be completed so as to minimize disruption and interference with County's and/or County's Agents use of the Property; (y) all Construction Work will be completed in accordance with this Agreement and applicable federal, state, and local laws, regulations, rules, ordinances, and codes; and (z) all Construction Work will be completed in a good workmanlike manner. "Agent(s)" means the officers, employees, agents, contractors, and/or representatives of the identified party.

3.2 County Inspection. Prior to City commencing (or causing another to commence) Construction Work, County, as the owner of the Property, may inspect all schematic design and construction plans for the Improvements, including, without limitation, removal or abandonment of the existing stormwater mainline and drywell within the stormwater corridor. Construction Work will not commence without County's prior approval, which may not be unreasonably withheld. Notwithstanding anything in this section to the contrary, County will not have the right to limit or otherwise alter the Improvements.

4. Approval; Maintenance. Notwithstanding Section 3.2 of this Agreement, County's signature on this Agreement indicates its approval of City to (a) remove any existing stormwater mainline and drywell on the Property and (b) install, maintain, and operate the Improvements on the Property. City's signature on this Agreement indicates its commitment for continuing maintenance and responsibility of the Improvements subject

to terms and conditions contained in this Agreement.

5. Indemnification. Each party will defend, indemnify, and hold the other party, its officers, employees, agents, contractors, and representatives harmless for, from, and against any and all claims, judgments, damages, penalties, fines, costs, liabilities, and expenses, including, without limitation, attorney fees, arising out of the party's breach and/or failure to perform any representation, warranty, covenant, and/or obligation under this Agreement.

6. Miscellaneous.

6.1 Persons Bound by Agreement. It is the intent of the parties that the provisions of this Agreement will be binding upon the parties, the parties' successors, heirs, executors, administrators, and assigns, or any other parties deriving any right, title, interest, or use in or to the Property, including any person who holds such interests as security for the payment on any obligation, including the mortgagee or other secured party in actual possession of the Property by foreclosure or otherwise or any person taking title from such security holder.

6.2 Severability; Notices. Each provision contained in this Agreement will be treated as a separate and independent provision. The unenforceability of any one provision will in no way impair the enforceability of any other provision contained herein. Any notice required under this Agreement must be in writing. Any notice will be deemed given when personally delivered or delivered by facsimile transmission (with electronic confirmation of delivery), or will be deemed given three business days following delivery of the notice by U.S. mail, postage prepaid, certified, return receipt requested, by the applicable party to the address of the other party first shown below (or any other address that a party may designate by notice to the other party), unless that day is a Saturday, Sunday, or legal holiday, in which event it will be deemed delivered on the next following business day.

If to City:

City of Madras  
ATTN: Jeff Hurd  
125 SW "E" Street  
Madras, Oregon 97741

If to County:

Jefferson County  
ATTN: Property Manager  
66 SE D Street  
Madras, Oregon 97741

6.3 Waiver; Entire Agreement. No provision of this Agreement may be modified, waived, or discharged unless such waiver, modification, or discharge is agreed to in writing by City and County. No waiver of either party at any time of the breach of, or lack of compliance with, any conditions or provisions of this Agreement will be deemed a waiver of other provisions or conditions hereof. This Agreement contains the entire agreement and understanding between the parties with respect to the subject matter of this Agreement and contains all of the terms and conditions of the parties' agreement and supersedes any other oral or written negotiations, discussions, representations, or agreements. County has not relied on any promises, statements, representations, or warranties except as set forth expressly in this Agreement.

6.4 Governing Law; Amendment. This Agreement will be governed by and construed in accordance with the laws of the State of Oregon, and venue for any action concerning this Agreement will lie in Jefferson County, Oregon. This Agreement may be amended only by a written agreement signed by each party.

6.5 Attorney Fees. If any arbitration or litigation is instituted to interpret, enforce, and/or rescind this Agreement, including, without limitation, any proceeding brought under the United States Bankruptcy Code, the prevailing party on a claim will be entitled to recover with respect to the claim, in addition to any other relief awarded, the prevailing party's reasonable attorney fees and other fees, costs, and expenses of every kind, including, without limitation, costs and disbursements specified in ORCP 68 A(2), incurred in connection with the arbitration, the litigation, any appeal or petition for review, the collection of any award, or the enforcement of any order, as determined by the arbitrator or court.

6.6 Person; Interpretation; Signatures. For purposes of this Agreement, the term "person" means any natural person, corporation, limited liability company, partnership, joint venture, firm, association, trust, unincorporated organization, government or governmental agency or political subdivision, or any other entity. All pronouns contained herein and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. This Agreement may be signed in counterparts. A fax or email transmission of a signature page will be considered an original signature page. At the request of a party, the other party will confirm a fax or email transmitted signature page by delivering an original signature page to the requesting party. By their signatures, all signatories to this Agreement signing in a representative capacity certify that they are authorized to sign on behalf of and bind their respective principals.

CITY OF MADRAS

JEFFERSON COUNTY

\_\_\_\_\_  
Royce Embanks, Mayor

\_\_\_\_\_  
Mae Huston, Commission Chair

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Exhibit A**

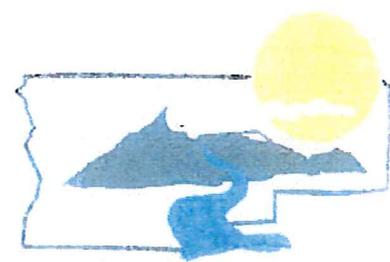
Legal Description – Property

(attached)

Exhibit B  
EXHIBIT A

**JEFFERSON COUNTY**

Surveyor



66 S.E. "D" St., Suite A • Madras, Oregon 97741 • Ph: (541) 475-4459 • FAX: (541) 475-1877

Jefferson County  
February 24, 2016  
Job# 16017

**WATER LINE EASEMENT DESCRIPTION**

A water line easement across a portion of Parcel 1 of Partition Plat No. 2013-01 and a portion of Parcel 2 of Partition Plat No. 2007-03 as filed in the Jefferson County Clerk's Office, located in the SE ¼ of the NE ¼ of Section 11, T. 11 S., R. 13 E., W.M., City of Madras, Jefferson County, Oregon described as follows:

A 20-foot wide water line easement being 10 feet each side of the following described centerline:

Commencing at the Northeast corner of said Parcel 1 thence South 00°04'53" East along the East line of said Parcel 1 a distance of 316.54 feet; thence South 89°58'41" West a distance of 35.00 feet to the West line of a 70-foot wide public access easement and utility easement (per a reservation of utilities recorded in Book 36, Page 397 and also dedicated on Partition Plat No. 2013-01) and the **Point of Beginning** of this description; thence continuing South 89°58'41" West a distance of 137.63 feet; thence North 00°00'02" East a distance of 16.07 feet to a point here-in-after referred to as "Point A"; thence continuing North 00°00'02" East a distance of 29.50 feet to the **end of this description**.

The sidelines of this easement to shorten or lengthen to intersect with the West line of said 70-foot wide public utility easement.

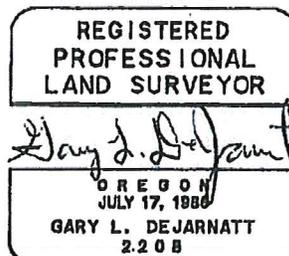
A 10-foot wide water line easement being 5 feet each side of the following described centerline:

**Beginning** at the above described "Point A" thence North 89°59'58" West a distance of 15.91 feet to the **end of this description**,

The sidelines of this easement to shorten or lengthen to intersect with the West line of the 20-foot wide water line easement described above.

The Basis of Bearings for this description is South 00°04'53" East along the East line of Parcel 1 of Partition Plat No. 2013-01 as shown on Property Line Adjustment Survey recorded as MF# 2014-3488 and filed as CS# 14-018.

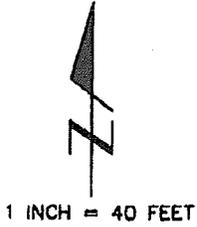
End of Description



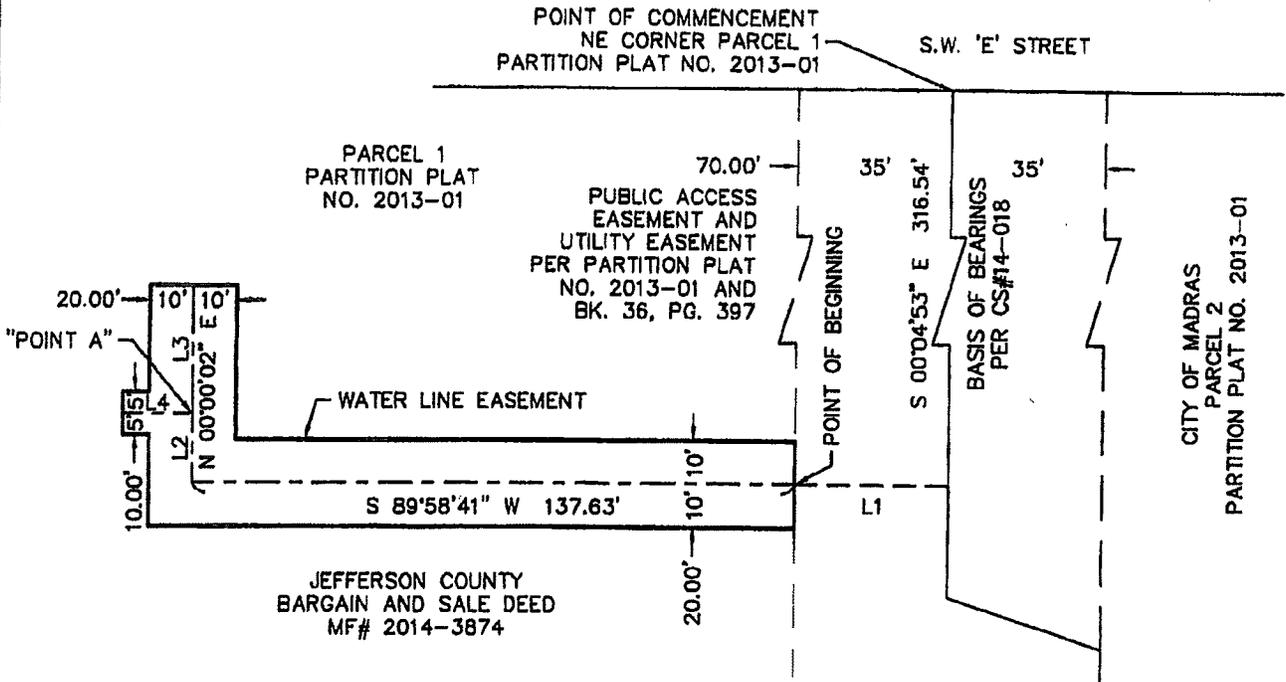
Renews: 12/31/2017

# WATER LINE EASEMENT EXHIBIT

LOCATED IN THE SE 1/4 OF THE  
NE 1/4 OF SEC. 11, T. 11 S.,  
R. 13 E., W.M., CITY OF MADRAS,  
JEFFERSON COUNTY, OREGON.



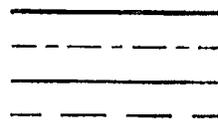
FOR: JEFFERSON COUNTY  
AT THE REQUEST OF ALEXA GASSNER  
JEFFERSON COUNTY COUNSEL



**LINE TABLE:**

LINE	BEARING	DISTANCE (FT)
L1	S 89°58'41" W	35.00'
L2	N 00°00'02" E	16.07'
L3	N 00°00'02" E	29.50'
L4	N 89°59'58" W	15.91'

L1



CS#

**LEGEND:**

- LINE LABEL, SEE LINE TABLE.
- EASEMENT SIDELINE.
- EASEMENT CENTERLINE.
- PROPERTY LINE.
- EXISTING EASEMENT LINE.
- COUNTY SURVEY NUMBER.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Gary L. Dejarnatt*

OREGON  
JULY 17, 1988  
GARY L. DEJARNATT  
2 2 0 8

RENEWS: 12/31/2017

PREPARED BY:

GARY L. DEJARNATT,  
JEFFERSON COUNTY SURVEYOR

COURTHOUSE  
66 S.E. 'D' STREET,  
SUITE A  
MADRAS, OR 97741  
PHONE: (541) 475-4459

DRAWING: 14069E.DWG

DATE: FEBRUARY 24, 2016

SHEET 1 OF 1

JOB # 16017

CRD: 14069.CRD

**EXHIBIT B**

School District Land Use Agreement

(attached)

## Exhibit B

### Central Stormwater Collection and Water Treatment Project

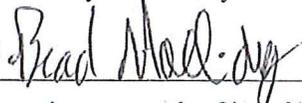
## Land Use Agreement for Control & Tenure

Jefferson County School District 509J Approval (Approving City of Madras to remove existing storm mainline and drywell and install a new stormwater mainline on Jefferson County School District property near the intersection of G & 3<sup>rd</sup> Streets where illustrated in the attached exhibit and per conditions listed below)

Name: Bradley Holliday

Title: School Board Chair

Signature:



Date: January 11, 2011

Maintenance Agreement by City of Madras (Commitment for long-term maintenance and responsibility of the stormwater mainline by the City of Madras at the location referenced in the attached exhibit per the conditions listed below)

Name: Mike Morgan

Title: City Administrator

Signature:



Date: 1-12-2011

**Conditions of Land Use Agreement:** Upon the City acquiring project funding, the City will construct a new City Stormwater Mainline System on School District Property near the intersection of G and 3<sup>rd</sup> Street as further illustrated by the attached exhibit and per the conditions listed below:

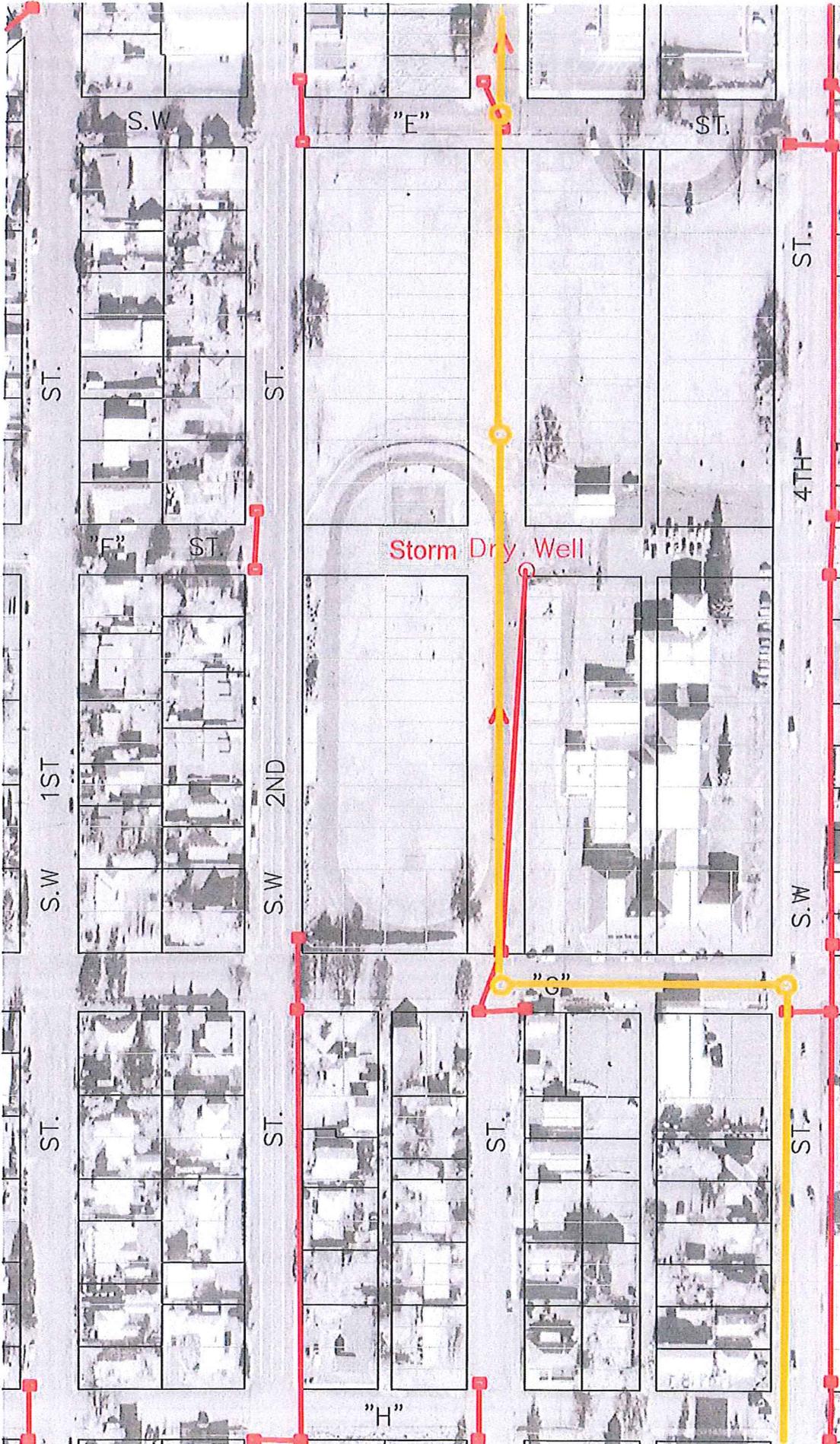
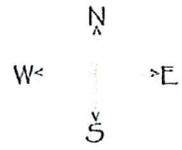
1. The construction and maintenance will be done in a workmanlike manner, with no undue interruption of school activities, and no cost at any time to the School District; and
2. Prior to commencement of construction, the School District will have the right, as the transferring Owner, to prior approval of all schematic design and construction plans including but not limited to removal or abandonment of the existing storm mainline and drywell, and the City will not construct the project without the District's prior approval; and
3. The School and its students may, at any time after completion of the project, utilize the spaces within the boundary of the project for such uses as are compatible with the areas within the project, in a manner which will not cause any damage to the project, interference with its use or purpose, or danger to persons using the areas; and
4. The City will indemnify hold the District harmless from any and all claims by any party at any time arising out of the construction, use, design and maintenance of the project; and
5. The City agrees to prepare a stormwater utility easement legal description and signatory recording document following final design and School District approval at no cost to the School District.

*Central Stormwater Collection and Water Treatment Project*

6. The existing storm mainline and drywell on the School District's property will be abandoned/removed as part of the storm system improvement project.

**CENTRAL CORRIDOR  
STORMWATER  
COLLECTION AND  
WATER TREATMENT  
PROJECT -  
CONCEPTUAL PLAN**

**Proposed Storm** ———  
**Existing Storm** - - - - -  
**Legend**



**Water:**

44. The property owner shall establish a 15 foot Public Utility Easement for the 8" waterline centered on the waterline running east to west from the connection of the 10" and 8" to where the waterline turns north to service the fire hydrant, potable water service and fire service line. The property owner shall provide a 30' Public Utility Easement running north south to include the fire hydrant, potable water service up to and including the meter, and the fire service line excluding the fire service meter.

**Stormwater:**

45. The property owner within one-year of site plan approval, shall prepare and enter into an agreement with the City of Madras to allow the City to construct a new City Storm Mainline System on the applicants property per the Land Use Agreement for Control and Tenure between the City of Madras and Jefferson County School District 509J.
46. The property owner shall provide storm water facilities that detain a 25 year storm event (2.1" of rainfall in 24 hours). The facilities shall limit the peak discharge from the development in a 25 year design storm to the estimated pre-development peak flow rate in a 10 year design storm. Provide design and calculations to the City of Madras for review and approval prior to the issuance of building permits.
47. The City will provide final consent on storm water design and calculations. On City owned property, swales or ponds are to have slopes no greater than 4H: 1V to accommodate mowing equipment.
48. Storm Ponds & Swales - Provide detail for maintenance access, a maximum steepness of 4H: IV slopes, and detail for an overflow structure that directs storm water into the street right-of-way (or open space if available) during storm events larger than the 25 year event. Detention ponds shall have flow control structures with orifices or weir plates to limit the outflow to the 10-year pre-developed level. Design is to include a system to drain the detention facility between storm events (at City Engineer allowed rate) so the pond capacity is recharged. A one foot freeboard (this is the distance from the top of berm to the maximum water level for the 100-year storm) is required Pond slopes are to be setback a minimum of six (6) feet from the property boundaries. The pond area and perimeter is to be irrigated and landscaped to provide erosion control and beautification to the surrounding neighborhood.
49. Detention Vaults and Pipes – Detention pipes and vaults are to be designed for a minimum of a 50 year life. Design for sizing the pre-developed flow release and overflow system requirements are required in the same fashion as for ponds and Swales.

# CITY OF MADRAS

## Request for Council Action

---

Date Submitted: June 21, 2016  
Agenda Date Requested: June 28, 2016  
To: Mayor and City Council Members  
Through: Jeff Hurd, Public Works Director  
From: Michele Quinn, Public Works Administrative Assistant  
Subject: Amendment No. 4 to Professional Services Contract – Century West Engineering Madras Municipal Airport Environmental & Cultural Resources Screening for Non-Federal Aviation Administration Development Projects – Wetland Delineation – Vehicle Dynamics Area and Test Loop.

### TYPE OF ACTION REQUESTED:

- |  |  |
|--|--|
| <input type="checkbox"/> Resolution                      | <input type="checkbox"/> Ordinance             |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Contract Review Board |
| <input type="checkbox"/> None - Report Only              |  |

Formal Action/Motion that Council approves Amendment No. 4 to the Professional Services Contract between the City of Madras and Century West Engineering for the Madras Municipal Airport Supplemental Environmental & Cultural Resources Screening for Non-Federal Aviation Administration Development Projects—Wetland Delineation – Vehicle Dynamics Area and Test Loop.

### DESCRIPTION:

Contract amendment No. 4 to the Professional Services Contract with Century West Engineering and the City of Madras includes the following:

1. Additional Wetland Mapping

Total Cost for Amendment = \$5,000.00 (City's portion = \$2,500.00)

STAFF ANALYSIS:

Daimler is proposing to develop a vehicle dynamics area and test loop at the Madras Airport. A wetland reconnaissance conducted on July 21, 2015, identified the potential for jurisdictional wetlands to occur in the area. It has been identified that additional wetland mapping is needed in this area.

Staff is proposing to split the cost 50/50 with the developer as part of an earlier agreement with DTNA.

Staff proposes that the cost of the work be utilized through Internal Services Public Works Staff – Professional Services

SUMMARY:

A. Fiscal Impact:

- Original Contract – Century West Engineering \$ 8,570.00
- Contract Amendment No. 1 \$25,071.00
- Contract Amendment No. 2 \$ 4,507.00
- Contract Amendment No. 3 \$11,227.50
- Contract Amendment No. 4 \$ 2,500.00
- Revised Contract Amount **\$51,875.50**

B. Funding Source:

- Public Works Staff Professional Services 803-101-520-2503.

C. Recognition of Collateral Material and Technical Report:

- Contract Amendment No. 4
- Map showing location of additional wetland mapping.
- Email correspondence.

RECOMMENDATION:

Formal Action/Motion that Council approves Amendment No. 4 to the Professional Services Contract between the City of Madras and Century West Engineering for the Madras Municipal Airport Supplemental Environmental & Cultural Resources Screening for Non-Federal Aviation Administration Development Projects—Wetland Delineation – Vehicle Dynamics Area and Test Loop.



# THE CITY OF MADRAS

125 SW "E" Street, Madras, OR 97741 Phone: (541) 475-2344 Fax: (541) 475-1038

## CONTRACT AMENDMENT

TO: Century West Engineering  
1020 SW Emkay Drive #100  
Bend, OR 97702

Date: 6/21/2016  
Amendment # 4

Phone: 541-322-8962

Fax:

PROJECT: Wetland Delineation- Vehicle Dynamics Area and Test Track.

The Contract for the above described work is modified as follows:

- 1 Additional wetland mapping \_\_\_\_\_
- 2 \_\_\_\_\_
- 3 \_\_\_\_\_
- 4 \_\_\_\_\_
- 5 \_\_\_\_\_
- 6 \_\_\_\_\_

- Fixed Price  T & M
- Per Quotation Attached.
- Details Attached.

All other terms and conditions of the Contract remain unchanged except:

- None
- Describe:

ORIGINAL CONTRACT AMOUNT:	\$ 8,570.00
PREVIOUS CONTRACT AMENDMENT 1	\$ 25,071.00
PREVIOUS CONTRACT AMENDMENT 2	\$ 4,507.00
PREVIOUS CONTRACT AMENDMENT 3	\$ 11,227.50

ITEM	UM	QTY	UP	DESCRIPTION	
1	LS	1.00		Additional Wetlan Mapping	\$ 2,500.00
2	LS	1.00			\$ -
3	LS	1.00			\$ -
4	LS	1.00			\$ -
5	LS	1.00			\$ -

TOTAL AMENDMENT AMOUNT: \$ 2,500.00

TOTAL REVISED CONTRACT AMOUNT: \$ 51,875.50

CITY OF MADRAS:

Royce Embanks, Mayor  
Council President or Mayor Pro Tem

Century West Engineering

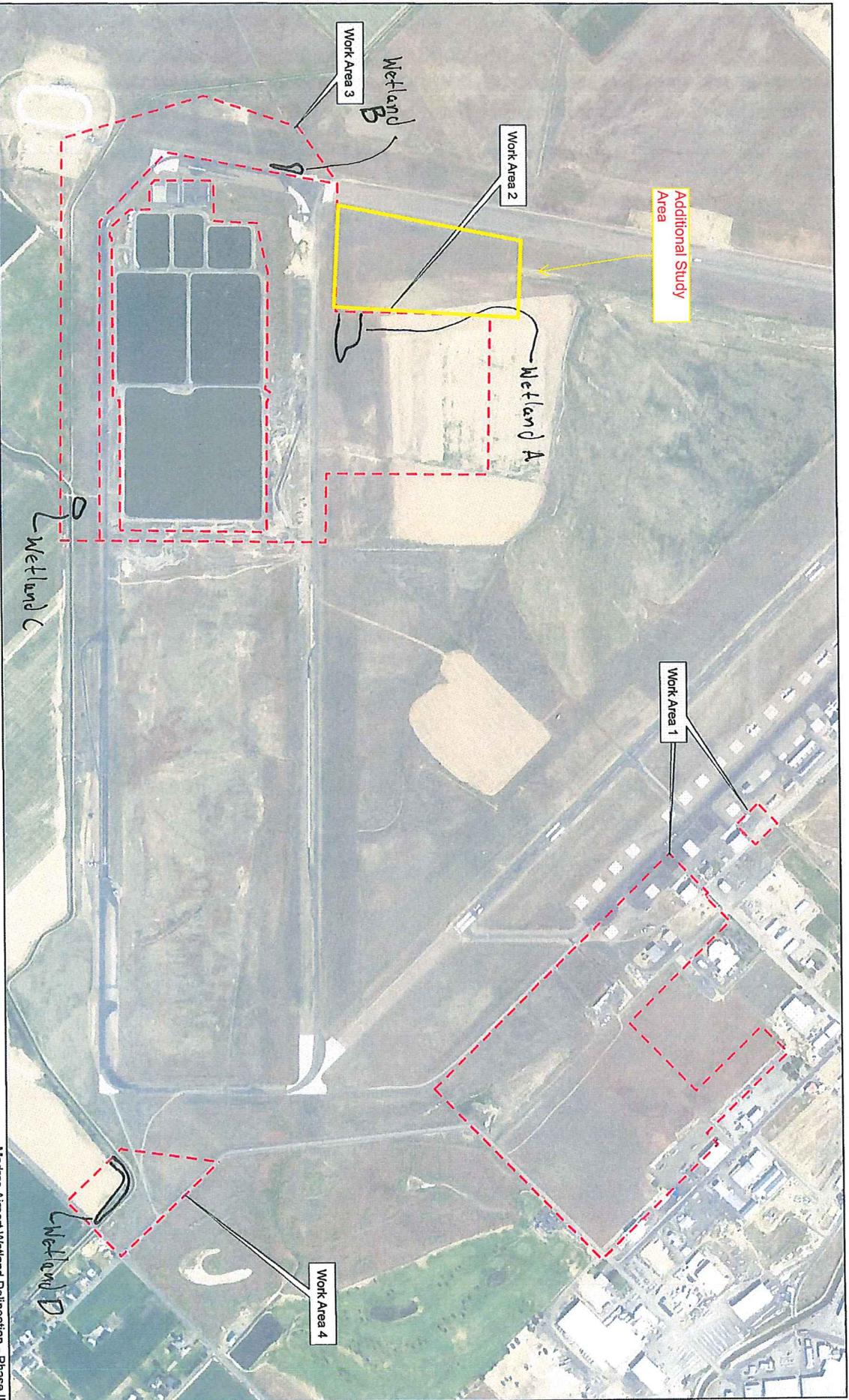
Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Signature: \_\_\_\_\_

Date Signed: \_\_\_\_\_

Date Signed: \_\_\_\_\_



Legend  
Study Areas

Madras Airport Wetland Delineation - Phase III  
700 500 0 700 Feet

## Michele Quinn

---

**From:** Gus Burrell  
**Sent:** Tuesday, June 21, 2016 12:00 PM  
**To:** W. Matt Rogers; William Brackett (wbrackett@CenturyWest.com)  
**Cc:** Jeffrey Hurd; Michele Quinn  
**Subject:** FW: Additional Wetland Mapping  
**Attachments:** Additional Wetland Mapping

Matt and Bill,

Please have ESA complete the wetland delineation near the VDA as we discussed last week. See Kaz's email below. I will ask Jeff and Michele to prepare a contract amendment to split the work 50/50 with Daimler. Please follow up with Kaz to get a work order issued. Thank you.

Gus

---

**From:** [ronald.kawamoto@daimler.com](mailto:ronald.kawamoto@daimler.com) [<mailto:ronald.kawamoto@daimler.com>]  
**Sent:** Tuesday, June 21, 2016 10:57 AM  
**To:** Gus Burrell  
**Subject:** RE: Additional Wetland Mapping

OK, makes sense to complete now.  
Kaz

---

**From:** Gus Burrell [<mailto:gburrell@ci.madras.or.us>]  
**Sent:** Monday, June 20, 2016 8:27 AM  
**To:** Kawamoto, Ronald (164); [wbrackett@CenturyWest.com](mailto:wbrackett@CenturyWest.com)  
**Cc:** Nick Snead; Jeffrey Hurd; [WRogers@CenturyWest.com](mailto:WRogers@CenturyWest.com)  
**Subject:** RE: Additional Wetland Mapping

Kaz,

A few difficulties come to mind: A) FAA is going to have difficulty amending the Environmental Statement any further as I understand Matt's statement with prior conversations anymore around the work done to date (i.e. these findings will be an amendment to phase 1 work). So if we wait and come back, we will likely be looking at further additional work from an FAA perspective. B) The City and Daimler have been working cooperatively on clearing lands or identifying lands that are buildable from a NEPA review perspective. Those have included zones that were being investigated by Daimler and then no longer pursued for whatever feasibility reason. C) The close adjacency to phase 2 & 3 seems important to know for future planning where that wetland delineation is at so the foot print of any future improvements can be established; the wetland perimeter may or may not be in the RPZ (can't tell for sure) and there is a fair bit of area before getting near the RPZ.

I will submit to delaying this work if your team is firm on this. I think it might not be in our both our interests to delay this work and so why I voice my concern at this point.

Gus

---

**From:** [ronald.kawamoto@daimler.com](mailto:ronald.kawamoto@daimler.com) [<mailto:ronald.kawamoto@daimler.com>]  
**Sent:** Friday, June 17, 2016 10:39 AM  
**To:** [wbrackett@CenturyWest.com](mailto:wbrackett@CenturyWest.com); Gus Burrell

**Cc:** Nick Snead; Jeffrey Hurd; [WRogers@CenturyWest.com](mailto:WRogers@CenturyWest.com)

**Subject:** RE: Additional Wetland Mapping

Gus,  
The Engineering Group does not want to spend any additional funds on wetlands delineation. We can re-visit on the next phase.

Thanks,  
Kaz

---

**From:** William Brackett [<mailto:wbrackett@CenturyWest.com>]

**Sent:** Friday, June 17, 2016 10:04 AM

**To:** Gus Burrell; Kawamoto, Ronald (164)

**Cc:** [nsnead@ci.madras.or.us](mailto:nsnead@ci.madras.or.us); Jeffrey Hurd; W. Matt Rogers

**Subject:** Additional Wetland Mapping

Susan has given us a proposal for additional wetland mapping of the area shown on the attached exhibit (in yellow). Additional fees will be \$5,000 total (to be split between the City and Daimler). If this falls in with your expectation, ESA can do this work next week.

Could each of you look this over and concur that you want this done? Upon your concurrence, I'll execute a change order with ESA to do the work. We can catch up on the contract requirements between the City/Daimler and CWEC later in the week.

Thanks



**Bill Brackett, PE, CWRE** | Project Manager

Bend Office | 1020 SW Emkay Drive #100 | Bend, OR 97702

541.322.8962 x 104 | 541.382.2423 (Fax) | 541.410.7420 (cell)

[wbrackett@centurywest.com](mailto:wbrackett@centurywest.com)

[www.centurywest.com](http://www.centurywest.com)

If you are not the addressee, please inform us immediately that you have received this e-mail by mistake, and delete it. We thank you for your support.

If you are not the addressee, please inform us immediately that you have received this e-mail by mistake, and delete it. We thank you for your support.

# CITY OF MADRAS

## Request for Council Action

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Date Submitted: June 20, 2016

Agenda Date Requested: June 28, 2016

To: Mayor and City Council Members

From: Rod Fulton, Building, Fleet, Street Supervisor

Subject: RESOLUTION NO 17-2016. AUTHORIZING THE INSTALLATION OF FOUR 25 MPH SPEED ZONE SIGNS TWO ON SE TURNER STREET AND TWO SE TRACIE STREET.

### TYPE OF ACTION REQUESTED:

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Resolution           | <input type="checkbox"/> Ordinance             |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Contract Review Board |
| <input type="checkbox"/> None - Report Only              |  |

Formal action / motion that Council approves Resolution No. 17-2016 Authorizing the Installation of four 25 MPH Speed zone signs. To be installed on SE Turner Street and SE Tracie Street.

### DESCRIPTION:

The Public Works and Parks Committee made a request to have City crews' install four 25 mph Speed zone signs. Per Ordinance 834, Vehicles and Traffic, City Council has the authority to modify traffic signage within the City's rights of way.

### STAFF ANALYSIS:

At the February 3, 2016 Public Works and Parks Committee meeting a citizen asked if the city could install four Stop signs at the intersection of SE Turner Street and SE Tracie Street. Staff contacted the City Engineer, Wen Jou, with HHPR and it was determined that in fact the City could install four 25 mph speed zone signs. (see attached correspondence with Wen Jou , and Rod Fulton).

At the February 3, 2016 Public Works and Parks Committee meeting, the Public Works and Parks Committee made a motion to recommend to Council to install four 25 mph speed zone signs located on S.E. Turner Street and SE Tracie Street.

Staff is recommending Council approve the installation of four 25 mph speed zone signs to be installed. In order for the City's Police Department to enforce the 25 mph speed zone sign, it must be approved by resolution.

SUMMARY:

A. Fiscal Impact:

- Four 25 mph speed zone signs to be placed by City Staff located on S.E. Turner Street and SE Tracie Street = \$ 300.00 in labor as ODOT is cost sharing the project they will be purchasing the signs and the city will do the installation.

B. Funding Source:

- Transportation Operations Fund, Materials and Services, 204-040-520-2702
- Repairs and Maintenance for Transportation Operations Fund has been budgeted for \$65,000 for FY 15-16. The 25 mph Speed zone signs are recommended by the City engineer and ODOT fall well within appropriations therefore a budget resolution is not required.

C. Recognition of Collateral Material and Technical Report:

- Resolution No. 17-2016
- Correspondence between Wen Jou, and Rod Fulton.
- Exhibit of location of four 25 mph Speed zone signs proposed.
- Public Works and Parks Committee February 3, 2016 meeting minutes.

RECOMMENDATION:

Formal action / motion that Council approves Resolution No. 17-2016 Authorizing the Installation of four 25 MPH Speed zone signs. To be installed on SE Turner Street and SE Tracie Street.

**RESOLUTION NO. 17-2016**

**A RESOLUTION AUTHORIZING THE INSTALLATION OF FOUR 25 MPH SPEED ZONE SIGNS, TWO ON S.E. TRACIE STREET, AND TWO ON S.E. TURNER STREET, TO HELP SLOW TRAFFIC AND PROVIDE A SAFER ENVIRONMENT.**

**WHEREAS**, the City of Madras (the "City") has the authority by charter and ordinance to establish street control signs, including speed signs, for citizen safety and traffic control; and

**WHEREAS**, the Uniform Manual on Traffic Control gives direction on the justification and specifications for the placement of street control signs; and

**WHEREAS**, during the February 3, 2016 Public Works and Parks Committee meeting, a member of the public inquired about the possibility of the installation of "Stop" signs on SE Turner; and SE Tracie Street. And

**WHEREAS**, after receiving the inquiry, the Committee asked that City staff contact the City Engineer to ask that he research the request and determine whether the proposed signage could be installed; and

**WHEREAS**, it was determined by the City Engineer that instead of installing "Stop" signs, the city should install 25 mph speed signs on S.E. Turner Street and SE Tracie Street; and

**WHEREAS**, the Public Works and Parks Committee, after taking into consideration the City Engineer's comments, recommended the installation of four 25 mph "Speed Zone Signs", two on S.E. Turner Street, and two (2) on SE Tracie Street as a solution to the complaints that have been received about speeding cars and semi-trucks entering the neighborhood, and to address the request that was presented during the February 3, 2016 meeting.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Common Council of the City of Madras that:

1. The above stated findings contained in this Resolution No. 17-2016 (this "Resolution") are hereby adopted.
2. Four 25 mph Speed Zone Signs shall be installed on S.E. Turner Street and SE Tracie Street.
3. The City's Public Works Department will immediately coordinate the installation of the four 25 mph Speed Zone Signs.

4. Following the installation of the" four 25 mph Speed Zone Signs, law enforcement agencies will have the authority to issue citations for any violations concerning, among other things, an individual's failure to adhere to the speed zones.
5. This resolution will become effective immediately upon its passage by the Council and signing by the Mayor.

**APPROVED AND ADOPTED** by the City Council of the City of Madras and signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Ayes: \_\_\_\_\_  
Nays: \_\_\_\_\_  
Abstentions: \_\_\_\_\_  
Absent: \_\_\_\_\_  
Vacancies: \_\_\_\_\_

\_\_\_\_\_  
Royce Embanks, Mayor

ATTEST:

\_\_\_\_\_  
Karen J. Coleman, City Recorder

## Rod Fulton

---

**From:** Wen Jou <wenj@hhpr.com>  
**Sent:** Thursday, June 09, 2016 4:22 PM  
**To:** Rod Fulton  
**Subject:** RE: signs

Rod,

Those locations are fine. Please just make sure there is no site distance or vision issues.

Don't you want to place two speed signs on Turner east of Tracie even though majority of the problems are to the west of Tracie?

Wen

**From:** Wen Jou  
**Sent:** Thursday, June 09, 2016 3:32 PM  
**To:** 'Rod Fulton' <[rfulton@ci.madras.or.us](mailto:rfulton@ci.madras.or.us)>  
**Subject:** RE: signs

Rod,

I can take a look at this. We were just discussing the need of installing stop signs and I wrote a couple of email to you suggesting not to install stop signs without a traffic study.

Wen

**From:** Rod Fulton [<mailto:rfulton@ci.madras.or.us>]  
**Sent:** Thursday, June 09, 2016 2:04 PM  
**To:** Wen Jou <[wenj@hhpr.com](mailto:wenj@hhpr.com)>  
**Subject:** signs

Hi Wen,

I have created a drawing of where to install the Speed 25 signs on Tracie and Turner Street. I thought I sent you an email to you regarding the locations and you were okay with it. the only thing is I can't find anything in my emails. The only thing I found was when we were talking about installing the STOP signs and now I can remember if you and I were just discussing it in a general conversation. Let me know your thoughts.

Thanks Wen!

**Rodney R. Fulton**  
**City Of Madras Public Works**  
Streets/Fleet/Building Supervisor  
Office 541-475-2622 Ext 1  
Cell 541-480-4307  
[rfulton@ci.madras.or.us](mailto:rfulton@ci.madras.or.us)

## Rod Fulton

---

**From:** Wen Jou <wenj@hhpr.com>  
**Sent:** Thursday, June 09, 2016 3:31 PM  
**To:** Rod Fulton  
**Subject:** FW: 4 way stops

**From:** Wen Jou  
**Sent:** Thursday, February 11, 2016 10:48 AM  
**To:** 'Rod Fulton' <rfulton@ci.madras.or.us>  
**Subject:** RE: 4 way stops

Rod,

As discussed, the 4-way stops at Tracie and Turner is not recommended and its installation will require a traffic study. MUTCD specifically discourages the use of 4-way stops to control speeding.

### Section 2B.07 Multiway Stop Applications says:

The following criteria should be considered in the engineering study for a multiway STOP sign installation:

- A. Where traffic control signals are justified, the multiway stop is an interim measure that can be installed quickly to control traffic while arrangements are being made for the installation of the traffic control signal.
- B. A crash problem, as indicated by **5 or more reported crashes in a 12-month period** that are susceptible to correction by a multiway stop installation. Such crashes include right- and left-turn collisions as well as right-angle collisions.
- C. Minimum volumes:
  1. The vehicular volume entering the intersection from the major street approaches (total of both approaches) averages at least **300 vehicles per hour for any 8 hours of an average day**, and
  2. The combined vehicular, pedestrian, and bicycle volume entering the intersection from the minor street approaches (total of both approaches) averages at least 200 units per hour for the same 8 hours, with an average delay to minor-street vehicular traffic of at least 30 seconds per vehicle during the highest hour, but
  3. If the 85th-percentile approach speed of the major-street traffic exceeds 65 km/h or exceeds 40 mph, the minimum vehicular volume warrants are 70 percent of the above values.

### Here are Criteria for Four-Way or All-Way Stops from City of Portland, Bureau of Transportation

In most cases, a two-way stop sign is sufficient to define who has the right-of-way. A four-way or all-way stop is considered only when an intersection with a two-way stop is the site of numerous crashes or traffic congestion problems. Four-way stop signs are used:

- Where traffic signals are needed; four-way or all-way stops may be used as an interim measure; or
- On local streets, where there has been five or more reported crashes in a two-year period. These crashes would likely have been prevented by an all-way stop; or
- On through streets, where within a two-year period the intersection had at least 1.5 crashes per million vehicles entering the intersection, and the crashes would likely have been prevented by all-way stops; or
- Where the number of vehicles entering an intersection averages at least 500 vehicles per hour for any eight hours of a typical day, and the combined vehicular and pedestrian volumes from the minor street averages at least 200 per hour for the same eight hours.

Options for addressing speeding issues are

1. Install 25 mph speed signs along Turner to reinforce that Turner is a local street and the speed is restricted to 25 mph. This can be done rather inexpensively and then the City can monitor its effectiveness.
2. Install speed bumps along Turner. This is not practical in Madras as it may interfere with snow plowing operation.
3. Install a small neighborhood roundabout at each of those intersections such as at L and Tracie intersections with Turner. This option is very effective in speed calming, but would cost substantially more than installing speed signs.

We recommend that 25-mph speed signs be installed along Turner as an initial step in managing the speeding issue. If this initial step does not improve the speeding situation, other measures can then be explored and evaluated.

Wen

**From:** Rod Fulton [<mailto:rfulton@ci.madras.or.us>]

**Sent:** Thursday, February 11, 2016 6:28 AM

**To:** Wen Jou <[wenj@hhpr.com](mailto:wenj@hhpr.com)>

**Subject:** RE: 4 way stops

Will do!

**Rodney R. Fulton**

**City Of Madras Public Works**

*Streets/Fleet/Building Supervisor*

*Office 541-475-2622 Ext 1*

*Cell 541-480-4307*

[rfulton@ci.madras.or.us](mailto:rfulton@ci.madras.or.us)

---

**From:** Wen Jou [<mailto:wenj@hhpr.com>]

**Sent:** Wednesday, February 10, 2016 2:46 PM

**To:** Rod Fulton

**Subject:** RE: 4 way stops

Rod,

Please see the link below.

Wen

<https://www.portlandoregon.gov/transportation/article/83334>

Sent from [Outlook Mobile](#)

On Tue, Feb 9, 2016 at 12:16 PM -0800, "Wen Jou" <[wenj@hhpr.com](mailto:wenj@hhpr.com)> wrote:

Hi Rod,

Sure, please go ahead and email me your proposed locations for those signs. I will review and get back to you then.

Wen

**From:** Rod Fulton [<mailto:rfulton@ci.madras.or.us>]

**Sent:** Friday, February 05, 2016 3:14 PM

**To:** Wen Jou <[wenj@hhpr.com](mailto:wenj@hhpr.com)>

**Subject:** 4 way stops

Hi Wen,

Sorry I didn't get back to you yesterday got busy and side tracked, I will contact you on Monday 2/8 to speak with you on the requirements for a 4 way stop in a residential area. Also I will be sending you a markup of the school speed zone signage that we discussed a couple weeks back and get your approval on the location of the caution school speed zone warning sign for McTaggart and J Street.

Thanks Wen, Have a great weekend.

***Rodney R. Fulton***

***City Of Madras Public Works***

*Streets/Fleet/Building Supervisor*

*Office 541-475-2622 Ext 1*

*Cell 541-480-4307*

[rfulton@ci.madras.or.us](mailto:rfulton@ci.madras.or.us)



Rectangular boxes  
represent locations of  
new Speed 25 signs

Turner Street

Tracie Street



City of Madras  
Public Works and Parks Committee  
City Council Work Room

February 3, 2016  
8 A.M.

### MINUTES

#### **I. CALL TO ORDER**

Meeting was called to order by Chair Stan Nowakowski at 8:00 a.m. on Wednesday February 3, 2016 at 125 SW "E" Street City Council Work Room

#### **MEMBERS PRESENT**

Walt Chamberlain  
Stan Nowakowski  
Bill Ferguson  
Bartt Brick  
Louise Muir

#### **STAFF MEMBERS PRESENT**

Public Works Director; Jeff Hurd  
Public Works Administrative Assistant; Michele Quinn  
Park Supervisor; Jon Burchell  
Street Supervisor; Rod Fulton

#### **VISTORS PRESENT**

Bill Hoff

#### **II. CONSENT AGENDA**

##### **APPROVAL OF AGENDA AND MINUTES**

***A Motion was made by Walt Chamberlain; seconded by Bill Ferguson to approve the Consent Agenda and January 6, 2016 minutes as presented motion carried unanimously.***

III. VISTOR COMMENTS

Bill Hoff presented to the Committee when the J Street project was complete the traffic continued to route through Turner Street and Tracie Street. Mr. Hoff is requesting additional stop signs on Turner Street and Tracie Street to assist with slowing down traffic.

The Committee discussed the addition of the stop sign and whether or not a traffic study will need to be done. There was further discussion on having the Police Department patrol and do some enforcement in this area. Rod Fulton Street Supervisor is going to look into the request and get back to Mr. Hoff.

IV. NEW BUSINESS

V. PROJECT/EVENT UPDATES

A. *US 97:J Street Project*

Jon Burchell told the Committee that he talked with Carlson Sign in regards of the new monument sign on the south end of town. Jon presented to the Committee two new versions for the sign.

The Committee reviewed the two different sign proposals with the city logo added to the new sign and with larger lettering. The back side of the sign could include the logo and some wording as you are leaving.

*A Motion was made by Walt Chamberlain; seconded by Louise Muir to approve and recommend to Council to change the South Y Sign to include the City logo on the front and back of the sign and the wording "The City of Madras" in larger lettering and add "Tomi City, Japan Sister City" on the front, with the wording "Come Back Soon" on the back. Motion carried unanimously*

3 Ayes  
1 Naye  
1 Absent

B. *Highway 97 Sidewalk Improvement at L Street*

Jeff Hurd told the Committee that this project was bid out and R-2 Contractors was the low bid. We will be holding a pre-construction meeting with R-2 this Friday and they will get started in the next few weeks.

C. *Speed Radar Sign*

Jeff Hurd told the Committee that we are working on budget and we have programed to have one sign installed the cost for one sign is \$7,500.00.

D. *Kenwood Park*

No Update

**CITY OF MADRAS**  
**Request for Council Action**

---

**Date Submitted:** June 7, 2016

**Agenda Date Requested:** June 28, 2016

**To:** Mayor and City Council

**Through:** City Administrator, Gus Burrell

**From:** Kristal Hughes, Finance Director

**Subject:** **RESOLUTION NO. 18-2016**  
A resolution authorizing an increase in appropriation to recognize unanticipated revenues, and expenses, and the transfer of appropriations within funds for Fiscal Year 2015-2016

**TYPE OF ACTION REQUESTED:** (Check One)

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> <b>X</b> ] <b>Resolution</b>           | <input type="checkbox"/> ] <b>Ordinance</b>      |
| <input checked="" type="checkbox"/> <b>X</b> ] <b>Formal Action/Motion</b> | <input type="checkbox"/> ] <b>Other</b>          |
| <input type="checkbox"/> ] <b>No Action - Report Only</b>                  | <input type="checkbox"/> ] <b>Consent Agenda</b> |

**DESCRIPTION AND STAFF ANALYSIS:** Unanticipated revenues and expenditures were unknown at the time the budget was prepared. One adjustment exceeds 15% from contingency and a notice of supplemental budget hearing was posted in the Madras Pioneer June 8, 2016 to be in accordance with ORS 294.471 (3)(b).

**SUMMARY:** See attached budget resolution for full details and descriptions of each budget adjustment needed to be in compliance with Oregon Budget Law.

In September 2015, four loans were consolidated resulting in a net savings for the City. The first escrow payments are due 12/1 each year, Each month thereafter, 1/6 of the next interest payment and 1/12 of the next principal payment is held until the payment is made from the escrow account on 12/1. The payment made on 12/1/2015 was not an anticipated expenditure. Therefore, a budget resolution must be made to reflect the additional escrow payments.

**Supporting Documentation:** A copy of Resolution No. 18-2016 has been attached for Council's review and consideration.

**STAFF'S RECOMMENDATION:** City Council approve and adopt Resolution No. 18-2016 as proposed.

**RESOLUTION NO. 18-2016**

**A RESOLUTION AUTHORIZING AN INCREASE IN APPROPRIATION TO RECOGNIZE UNANTICIPATED REVENUES, AND EXPENSES, AND THE TRANSFER OF APPROPRIATIONS WITHIN FUNDS FOR FISCAL YEAR 2015-2016.**

**WHEREAS**, in accordance with ORS 294.456 and 294.463, the governing body of the City of Madras, Oregon may increase appropriations to recognize unanticipated revenues, expenses, and to transfer appropriations within funds for Fiscal Year 2015-2016 that were authorized by the City Council pursuant to Resolution 16-2015; and

**WHEREAS**, unanticipated revenues and expenditures were unknown at the time the budget was prepared and the City Council deems it advisable to adjust the Fiscal Year 2015-2016 appropriations to be in compliance with Oregon Budget Law;

**WHEREAS**, one adjustment exceeds 15% from contingency and a notice of a supplemental budget hearing was posted in the Madras Pioneer on June 22, 2016 to be in accordance with ORS 294.471 (3)(b);

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the Common Council of the City of Madras as follows:

**SECTION 1:** Because of the circumstances stated below by fund level, the Mayor and City Council of the City of Madras determine that it is necessary to transfer and increase appropriations as follows for the 2015-2016 City Budget;

**SECTION 2:** The Finance Director is hereby authorized and directed to execute the following changes to appropriated budget amounts on behalf of the City:

<b>503-030</b>	<b>Adopted Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Revised Budget</b>
<b>Sewer Funds</b>				
Contingency	128,338	-	40,000	88,338
Waste Water Operations Program	2,328,711	40,000	-	2,368,711

**REASON:** Wastewater Operations Funds has unanticipated revenues in Repairs and Maintenance. This transfer is to cover additional maintenance and repairs at the sewer plants as well as additional chemicals for treatment.

<b>509-090</b>	<b>Adopted Budget</b>	<b>Increase</b>	<b>Decrease</b>	<b>Revised Budget</b>
<b>Airport Funds</b>				
<i>Airport Operations</i>				
Contingency	44,992		29,100	15,892
Debt Service	93,750	29,100		122,850

**REASON:** Four loans were consolidated in September 2015. The restructuring of the debt included escrow requirements due 12/1/2015 that were not in the original 2015-2016 budget. This resolution allows for the additional and unanticipated debt repayment.

502-020	Adopted Budget	Increase	Decrease	Revised Budget
<b>Water Funds</b>				
<i>Water Operations Program</i>				
Contingency	50,000		1,000	49,000
Debt Service	11,500	1,000		12,500

**REASON:** Four loans were consolidated in September 2015. The restructuring of the debt included escrow requirements due 12/1/2015 that were not in the original 2015-2016 budget. This resolution allows for the additional and unanticipated debt repayment.

408-408/401-401	Adopted Budget	Increase	Decrease	Revised Budget
<b>Capital Project Funds</b>				
<i>SDC Street Reimbursement Program</i>				
Contingency	14,512		9,100	5,412
Interfund Transfers	35,000	9,100		44,100
<i>SDC Street Improvement Program</i>				
Transfer from Other Funds	35,000	9,100		44,100
Debt Service	180,300	9,100		189,400

**REASON:** Four loans were consolidated in September 2015. The restructuring of the debt included escrow requirements due 12/1/2015 that were not in the original 2015-2016 budget. This resolution allows for the additional and unanticipated debt repayment.

**SECTION 3:** This resolution shall become effective on June 28, 2016.

**APPROVED** by the Common Council of the City of Madras and signed by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

Ayes: \_\_\_\_\_  
 Nays: \_\_\_\_\_  
 Abstentions: \_\_\_\_\_  
 Absent: \_\_\_\_\_  
 Vacancies: \_\_\_\_\_

\_\_\_\_\_  
 Royce Embanks, Mayor

ATTEST:

\_\_\_\_\_  
 Karen J. Coleman, City Recorder



**SUMMARY:**

A. **Fiscal Impact:**

- N/A

B. **Funding Source:**

- N/A

C. **Recognition of Collateral Material and Technical Report:**

- Attached are the revisions summary and a copy of the Personnel Manual inclusive of all proposed revisions for FY 2016-17.

**RECOMMENDATION:**

Formal action / motion that Council approves the City of Madras Personnel Manual updates as proposed for FY 2016-17, effective July 1, 2016.

## Personnel Manual Revisions 2016

**Page  
No.      CHANGES TO BE MADE**

9	Updated "Probationary Period" definition to reflect 12 month probationary periods for all positions.
15	Under "Former Employees" section, included language to clarify that former employees that are rehired shall be treated as new employees unless specified as part of their initial job offer regarding benefits, accruals and leave balances.
17	Updated "Probationary Period" section to reflect 12 month probationary period.
20	Updated the "Promotion" subsection to reflect 12 month probationary period.
22	Revised flextime policy to allow an employee to use so long as it doesn't change the hours worked within the pay period. Additional language confirms that flextime arrangements must be pre-approved.
24	Added clarification language that identifies when employees receiving on-call pay will report the pay on their timesheets when the on-call falls on a week that is split between pay periods.
25	Change the new employee insurance eligibility language to reflect when insurance begins - new employees are eligible for insurance the on the first of the month after the date of hire.
27	Moved the EAP language up under the health insurance segment to better clarify the portion of the section that pertains to employee assistance related to personal/medical assistance unrelated to educational assistance; no new language added in this section (section relocated for clarification only).
28	Section on EEAP replaced outdated information and references the City's Resolution No. 04-2016.
28	Added clarification language that clarifies agency practice on employees traveling for all day conference training and associated pay for travel to and from.
30	Under "Performance Review" revised language to clarify recommended quarterly evaluations and required annual evaluations.
43	Updated the sick leave policy to reflect language consistent with the Oregon Sick Time Law; consistent with memo provided to City employees in January 2016.
46	Under "Donating Employee" section, added bullet to clarify use of donated leave when there is more than one donor.
51	Updated the Oregon OFLA poster for January 2016
64	Incorporated the PW On-Call & Vehicle Take Home Use Policy adopted earlier this year (April) into the manual

**CITY OF MADRAS**

# **PERSONNEL MANUAL**

Adopted March 11, 2014; Revised June 28, 2016

# CITY OF MADRAS PERSONNEL MANUAL

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# 1. GENERAL

## Introduction

### Mission Statement

*“A vibrant, responsive community where you can thrive and grow.”*

### City Goals

- Strategic economic development
- Financial sustainability and responsible use of city resources
- A safe, healthy, and environmentally responsible community
- Effective relationships with local, state, and federal partners
- Employee development and a supportive work environment
- Responsive and effective leadership
- An infrastructure that prepares for tomorrow
- Customer satisfaction

## Statement of Purpose

The City of Madras Personnel Manual is designed to provide systematic and equitable procedures and regulations for the hiring, compensation, hours of work, leave, safety, training, working conditions, promotions, transfer, discipline, removal, and other matters affecting the status of employees of the City of Madras. It represents the city’s personnel policies, benefits, and work rules and how they affect employees. These policies are provided to maintain and improve the facilities and services that the residents of the city require, to maintain uniformity and equity in personnel matters which will make city service attractive as a career, and to encourage each employee to give his/her best service to the city.

Please become familiar with the contents of this personnel manual. Any questions about these policies and practices that are not answered by this manual or require clarification should be directed to the employee’s supervisor, the Human Resource Officer, or the City Administrator.

## Application of Personnel Policies

The City of Madras Personnel Manual sets forth the policies that are to be followed by the city in the administration of its personnel program. This policy manual supersedes all previous manuals, letters, memoranda, resolutions, and understandings unless otherwise noted. In the event of a conflict between these policies and any valid collective bargaining agreement, City ordinance or resolution, state or federal law, the terms and conditions of the contract, ordinance, resolution or law will apply. In all other cases, these policies and procedures will apply.

These policies are used as guidelines and do not represent an employment contract or any aspect of an employment contract and should not be construed as such. These policies are not intended to make any commitment to any employee concerning how individual employment action can, should, or will be handled. The City remains free, in its sole discretion to change or amend these policies at any time, with or without notice. Changes made to these policies shall be communicated through standard communication channels and/or through revisions to this manual. Advance notice will be provided if

possible, but may not always be possible. The information contained in this manual applies to all employees of the City, and those working on behalf of the City. Some employment policies and practices may be different or will not apply to those working in exempt positions per the Fair Labor Standards Act (FLSA), part-time positions, on-call, or temporary positions, as noted within the specific policies.

By its nature, these policies contain only general information and guidelines. They are not intended to be comprehensive or to address all possible applications or exceptions to the general policies and procedures of the City of Madras.

## **Amendments and Additions**

The City shall have the exclusive right to exercise the customary function of management including the right to change, alter, delete, add, or modify any provision of these personnel policies and to provide a notice of such changes to all employees. Final approval of all changes to the personnel policies shall be approved by resolution of the City of Madras Council.

## **Definitions**

As used in this personnel policy manual the following terms shall have the meanings indicated:

- **Accrued Leave:** The total amount of paid leave that an employee has “banked” in any given year. This may include sick leave, vacation, administrative leave and/or compensatory time.
- **Advancement:** A salary increase within the limits of a pay range established for a class.
- **Allocation:** The assignment of a single position to its proper class in accordance with the duties performed and the authority and responsibility exercised.
- **Anniversary Date:** After the first year, the anniversary date is July first of each year, for vacation purposes.
- **Appeal:** A request to a supervisor, department head, City Administrator or City Council for consideration of a decision or ruling on a problem or situation.
- **Bereavement Leave:** Leave granted to employees to handle matters related to the death and grieving of an immediate family member (as defined by the City and OFLA, whichever is most appropriate for the circumstances).
- **Calendar Year:** Twelve (12) month period beginning January 1 and ending December 31.
- **Central Personnel File:** A file maintained in the office of the Human Resource Officer which contains complete personnel records of all City Employees.
- **City Administrator:** The Chief Executive Officer and the head of the administrative branch of the City government who is directly responsible to the City Council for the proper administration of all affairs of the City.

- **Class:** A group of positions sufficiently alike in responsibilities and authorities requiring similar qualifications.
- **Class Specifications:** A written description of each class of position including a class title, a statement of objectives, the reporting relationships and the relations other than reporting. Positions, not the individual, are classified.
- **Compensatory Time Off:** Time off from work to compensate the employee for overtime worked.
- **Continuous Service:** Uninterrupted employment with the City. Reasonable absences due to military service or extended leaves approved by the City Council do not constitute a break in continuous employment.
- **Contract Hire:** Contract hires refer to those who are hired under contract or agreement to perform services for a specific scope of work or services by the City. Contract hires can be part-time or full-time, in which their duration of service can be in multi-year terms. All terms and conditions for a contract hire are set forth by the hiring contract/agreement.
- **Department:** A major functional unit of the City government.
- **Department Head:** A person directly responsible to the City Administrator for the administration of a department.
- **Discharge:** Termination of employment with the City for reasons attributable to the employee.
- **Disciplinary Action:** Imposition of certain personnel actions (i.e. reprimand, warning, suspension, dismissal, demotion) as a result of conduct detrimental to the City.
- **Dismissal:** Termination of employment with the City for reasons attributable to the employee.
- **Drug/Alcohol Testing:** An analysis of a urine or blood specimen provided by the employee.
- **Duty Day:** Any day or shift on which an employee is scheduled to be available for work.
- **Employee:** Anyone who is salaried for employment with the City of Madras.
- **Family Medical Leave Act (FMLA):** Entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.
- **Family Member:** An individual with any of the following relationships to the employee (Issued June 14, 2010, by the U.S. Office of Personnel Management):

- Spouse, and parents thereof;
  - Sons and daughters, and spouses thereof;
  - Parents, and spouses thereof;
  - Brothers and sisters, and spouses thereof;
  - Grandparents and grandchildren, and spouses thereof;
  - Domestic partner and parents thereof, including domestic partners of any individual in 2 through 5 of this definition; and
  - Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
  - *NOTE: Definitions may vary depending on the policy application. Some definitions of family are defined by law (OFLA/FMLA) and others may be defined by the City.*
- **Fiscal Year:** Twelve (12) month period beginning July 1 and ending June 30.
  - **Flagrant Misconduct:** Conspicuously bad behavior reflecting on the City.
  - **Full-Time Employee:** Regular full-time employees are scheduled to work 40 hours per week, generally, Monday through Friday on a regular basis and are expected to be employees for at least 6 months. Regular full-time employees are eligible for all city benefits and paid time-off.
  - **Grievance:** An employee's oral or written expression of dissatisfaction with some aspect of his/her employment, a management decision affecting him/her, or an alleged violation of his/her rights for the purpose of attempting to gain an adjustment of said cause of dissatisfaction.
  - **Hourly Rate:** Rate of compensation for each hour of work performed. It is determined by dividing the annual regular salary by the regular number of hours worked each year.
  - **Immediate Family:** Spouse, domestic partner, parents (including step parents, foster parents, parents-in-law and domestic partner's parents), grandparents, siblings, children, children of a domestic partner, step child, adopted child, a child for whom the employee has parenting responsibilities, and a relative or friend who resides with the employee.
  - **Layoff:** A separation from employment because of organizational changes, lack of work, lack of funds, or other reasons not reflecting, discredit upon an employee.
  - **Leave of Absence:** Time off from work for reasons within the scope and purpose of these rules and regulations upon prior approval of the department head, or City Council.
  - **Mayor:** The elected Chief Executive Officer and head of the administrative branch of the City government who is directly responsible for the proper administration of all affairs of the City.
  - **Military Leave:** Leave of absence for an employee entering reserve military training duty.
  - **Month:** One calendar month.

- **Occupational Disability:** Disability from an accident or sickness suffered or contracted by the employee which cannot be attributed to the performance of assigned duties.
- **Oregon Family Leave Act (OFLA):** Entitles eligible employees of covered employers to take unpaid, job-protected leave for specified family and medical reasons with continuation of group health insurance coverage under the same terms and conditions as if the employee had not taken leave.
- **Overtime:** Overtime is the number of hours that non-exempt employees work over 40 hours during a work week. Overtime is counted across an entire work week, not on a day-to-day basis. A workweek is a *fixed* and regularly recurring period of 168 hours, or seven consecutive 24-hour periods. The workweek does not have to coincide with the calendar week, but instead it may begin on any day of the week and at any hour of the day.
- **Part-Time Employee:** Regular part-time employees are scheduled to work at least 20 hours per week but less than 30 hours per week on a regular basis and are expected to be employees for at least six months. Regular Part-time employees are generally not eligible for city benefits but are eligible for prorated paid time-off.
- **Personnel Action:** Any action taken with reference to appointed position after the completion of his/her probationary period.
- **Personal Leave:** An approved period of time away from work for personal reasons that does not fall under the guidelines of the family medical leave policy, or other leave policy.
- **Probationary Period:** All appointments to regular positions, transfers and promotions shall be subject to a **probationary period of 12 months**.
- **Promotion:** The change of position for an employee from a position in one class designation to a position in a class assigned to a higher salary range.
- **Reasonable Suspicion Testing:** Specific observations that relate to significant changes in work performance, appearance (including, for example, noticeable odor of an alcoholic beverage), behavior or speech of an employee. In cases involving an accident that results in physical injury or serious property damage which occurs during the employee's scheduled work shift or while engaged in city business and when such accident cannot otherwise reasonably be explained, reasonable suspicion is deemed to exist.
- **Reclassification:** A change in classification of a position by raising it to a higher class, reducing it to a lower class or changing it to another class at the same level.
- **Regular Employee:** An employee who has been retained in his/her appointed position after the completion of his/her probationary period.
- **Relative (Immediate):** An individual with any of the following relationships to the employee (Issued June 14, 2010, by the U.S. Office of Personnel Management):

- Spouse, and parents thereof;
  - Sons and daughters, and spouses thereof;
  - Parents, and spouses thereof;
  - Brothers and sisters, and spouses thereof;
  - Grandparents and grandchildren, and spouses thereof;
  - Domestic partner and parents thereof, including domestic partners of any individual in 1 through 5 of this definition; and
  - Any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.
  - NOTE: Definitions are different for FMLA and OFLA
- **Seniority:** Priority of an employee based on the length of the employee's continuous service to the City since the employee's last date of hire.
  - **Shift Employee:** An employee whose daily hours of work rotate from one shift to another periodically and whose duties are continuous from the start to the end of the shift.
  - **Supervisor:** Any person who is responsible to a higher level of authority and who directs the work of others.
  - **Suspension:** Temporary separation of an employee from City service with or without pay for disciplinary purposes.
  - **Temporary Employee:** Temporary employees are hired for a set duration or for a specific project and are not intended to be employed on a regular basis. Temporary employees may be hired full-time, three quarter time, or part time. A temporary employee is employed for at least three months and not longer than twelve (12) months. Temporary employees are generally not eligible for City benefits.
  - **Three-Quarter Time Employee:** Regular three-quarter time employees are scheduled to work at least 30 hours per week but less than 40 hours per week on a regular basis and are expected to be employees for at least six months. Regular 3/4 time employees are eligible for all City benefits and prorated paid time-off.
  - **Transfer:** A change of an employee from one position to another in the same class or to a position in a comparable class within the City service.
  - **Under the Influence.** When an employee is affected by drugs or alcohol or the combination of drugs and alcohol to the extent that it affects his or her ability to perform his or her job in a safe manner.
  - **Workday:** The regularly scheduled workday shall be eight (8) hours. Other non-traditional work schedules shall be presented to the City Council through the City Administrator for authorization. Such arrangements shall not conflict with requirements as prescribed by the Federal Labor standards Act (FLSA) and shall not be developed or administered to promote or encourage

unauthorized overtime. Furthermore such-arrangements shall not conflict with any terms or agreements as prescribed by labor agreement.

- **Workweek:** As described by the Department of Labor, a workweek is a fixed and regularly recurring period of 168 hours, or seven consecutive 24-hour periods. The City's work week is Sunday, 12 a.m. through Saturday, 12 p.m.

## **2. EMPLOYMENT**

### **Disclaimer**

These policies are guidelines only and do not represent an employment contract, nor any aspect of an employment contract. As guidelines, these policies are not promises of specific treatment by the City of Madras.

### **At-Will Employment**

Employment with the City of Madras is at-will. Employees and the City reserve the right to end the employment relationship, with or without cause, at any time. No one in the City has the authority to enter into any agreement contrary to this at-will relationship and it cannot be altered except when expressed in writing and signed by the City Administrator or Council and the employee. Unless included in the terms of a collective bargaining agreement, the City is not bound by any oral promises concerning the length or terms of employment.

### **Non-Discrimination**

#### **Equal Opportunity Employment**

The City of Madras is an Equal Opportunity Employer and, as such, considers individuals for employment according to their knowledge, skills, ability, and performance. Employment decisions are made without regard to race, color, religion, national origin, marital status, sex, age, sexual orientation, veteran or military status, injured worker status, union participation, disability, non-supervisory family relationships, any other class protected by federal or state law, or association with members of a protected class. All employment requirements mandated by federal and state regulations will be observed.

#### **American with Disabilities Act**

Americans with Disabilities Act (ADA) and Americans with Disabilities Amendments Act (ADAAA)

The Americans with Disabilities Act (ADA) and the Americans with Disabilities Act Amendments Act (ADAAA) are comprehensive federal civil rights laws that specifically protect individuals with physical and mental disabilities. Individuals still need to meet the minimum qualifications for the job, and not pose a “direct threat.”

Individuals may be protected under the ADA/ADAAA if any of the following conditions exist:

- They currently have a physical or mental impairment that substantially limits a major life activity;
- They have a record of such an impairment, physical or mental, that substantially limits a major life activity; or
- They are perceived to have such impairment.

Episodic or in remission conditions may meet the definition of a disability if it would substantially limit a major life activity when active.

Temporary, non-chronic impairments of short duration, with little or no residual effects usually are not considered disabilities under ADA/ADAAA. Examples of impairments that typically would not meet the ADA/ADAAA definition of a disability may include, but are not limited to: common cold, seasonal or common influenza, joint sprain, minor and non-chronic gastrointestinal disorders or broken bones that are expected to heal completely.

The use of ordinary eyeglasses or contact lenses that are intended to fully correct visual acuity or eliminate refractive error, typically are not considered disabilities under ADA/ADAAA.

Pregnancy is not considered impairment under the ADA/ADAAA.

Individuals who currently engage in illegal use of drugs are excluded from ADA/ADAAA protection.

The ADA/ADAAA also prohibits discrimination on the basis of an individual's relationship to someone (parent, sibling, child, spouse/significant other, etc.) with a disability.

The City offers equal employment opportunities for qualified individuals who may have a physical or mental disability, but are still able to perform the essential functions of the job. Essential functions are defined as the fundamental non-marginal duties of the position being held or sought by a disabled individual. A job function is essential if the position exists for the performance of the function, there are only a limited number of employees available to perform it, or the function is so highly specialized that an expert must be specially hired to perform it.

Reasonable accommodation may be available to employees and applicants, as long as the accommodation doesn't cause undue hardship for the City. Individuals protected by the ADA/ADAAA should discuss their needs for possible accommodation with their department head or the Human Resource Officer.

### **Genetic Information Non-Discrimination Act (GINA)**

Pursuant to the federal Genetic Information Nondiscrimination Act of 2008 (GINA), the City of Madras respects all employees' privacy in their genetic information and enforces a strict policy of nondiscrimination on the basis of genetic information. The City of Madras will not discriminate, harass, or retaliate on the basis of genetic information regarding any aspect of employment. Additionally, the City of Madras prohibits the use of genetic information to make an employment decision.

According to the Equal Employment Opportunity Commission, genetic information includes information about an individual's genetic tests and the genetic tests of an individual's family members, as well as information about any disease, disorder, or condition of an individual's family members (i.e., an individual's family medical history).

Family medical history is included in the definition of genetic information as it is often used to determine whether someone has an increased risk of getting a disease, disorder, or condition in the future.

Employees are encouraged not to disclose any genetic or family medical history in the workplace. Any such information that is inadvertently disclosed to the City will be kept in a file separate from the employee's personnel file.

Genetic information and Wellness Programs: Employees may be asked to sign voluntary waivers, in which the employee acknowledges that his/her genetic information will only be provided to licensed health care professionals or board-certified counselors involved in the wellness program. There is no penalty for non-participation.

### **Religious Accommodation**

The City of Madras respects the religious beliefs and practices of all employees and will make, upon request, an accommodation for such observances when a reasonable accommodation is available that does not create an undue hardship on the City's business.

An employee whose religious beliefs or practices conflict with his/her job, work schedule, with the City's policy or practice on dress and appearance, or with other aspects of employment and who seeks a religious accommodation should submit a request for the accommodation to his/her immediate supervisor. The request should be in writing and include the type of religious conflict that exists and the employee's suggested accommodation.

The supervisor and employee will meet to discuss the request and the decision on an accommodation. The decision will ultimately be made by the Department Head and Human Resource Officer. If the employee accepts the proposed religious accommodation, the immediate supervisor will implement the decision. If the employee rejects the proposed accommodation, the parties may discuss alternative accommodations or the employee may appeal the decision using the policy set forth in these personnel rules.

## **Recruitment and Selection**

Hiring and promotion to City positions of employment is based on job-related knowledge, skills, abilities, experience, training, education, aptitude, and when appropriate, prior demonstrated performance. It is the goal of the City to fill employment vacancies with the most highly qualified applicants, whether recruiting internally or externally. Employment decisions are made without regard to race, color, religion, national origin, marital status, sex, age, sexual orientation, veteran or military status, injured worker status, union participation, disability, non-supervisory family relationships, any other class protected by federal or state law, or association with members of a protected class.

The Human Resource Officer is responsible for the oversight and implementation of the City's Recruitment and Selection Process.

### **Veteran Preference**

#### Qualifying Veterans

The City of Madras provides qualifying veterans and disabled veterans preference in employment in accordance with ORS 408.225-408.238. For the preference to be applied, veterans must have received an honorable discharge from military service, successfully

## **Temporary & Contract Hires**

### **Temporary Hires**

Temporary employees are hired for a set duration (such as a seasonal employee) or for a specific project and not intended to be employed on a regular basis. Temporary employees may be hired full or part time and are paid for actual hours worked at a rate determined by the department head. Temporary, non-exempt employees are eligible for overtime for hours worked exceeding 40 hours per workweek. A temporary employee may be employed for up to twelve (12) months at which time the temporary status shall be reviewed before employment is continued. Unless, otherwise authorized by the City Administrator, temporary employees do not qualify for vacation leave, sick leave or other City benefits.

Departments wishing to hire full-time or part-time temporary help are encouraged to follow the Recruitment Procedure for new hires. The acceptance or refusal of temporary employment shall not affect an employee's eligibility for regular employment. The period of temporary service shall not be credited towards the completion of any probationary service period or be considered part of the employee's continuous service. Successive temporary appointments to the same position shall not be made so as to circumvent a regular appointment of a qualified applicant.

### **Contract Hires**

Contract hires are those who are hired by the City through the means of a contract or agreement (and are therefore, not a City employee, although providing services/work on behalf of the City). Contract hires can be full time, three quarter time or part time, in which their duration of service can be in multi-year terms. All terms and conditions for a contract hire are set forth by the hiring contract/agreement.

## **Promotion, Transfers and Internal Postings**

When in the judgment of the department head, a position can be filled through departmental promotion or transfer; such position shall be posted internally to give all existing employees the opportunity to apply.

All employees are eligible to apply, provided they have no pending disciplinary actions against them. The department head should use the recruitment and selection process to arrive at the best-qualified internal applicant. At the discretion of the department head and the interests of obtaining a suitable applicant pool, the best-qualified internal applicant may be awarded the position or the recruiting process may be extended to external candidates.

### **Demotion**

A demotion is an appointment to a position and classification which has a lower maximum salary rate than the employee's present classification, or a reduction in rate to a lower step on a range.

An employee may request in writing to the department head for removal from a position in one classification to a position in a reduced classification. If the employee is qualified, the department head may approve the request, provided it would not result in the layoff of another employee.

A classification reduction normally is done as part of disciplinary action or because of failure to perform the duties of a classification satisfactorily whether during or after the probationary period.

## **Transfers**

Requests from employees for transfer from one department to another shall be made in writing when the vacancy occurs and shall be directed to the employee's present department head who will present the request to the City Administrator. Before a transfer between departments is made, approval of both department heads and the City Administrator shall be required. Internal employee transfers must follow the City's internal posting process identified on Page 16.

## **Orientation**

New employee orientation will be conducted by the department head and the Human Resource Officer. Department heads shall set up a department orientation to go over the employee's job description, discuss expectations regarding job performance, provide an overview of the department's operations and procedures, provide a thorough training on the City of Madras Safety Program, and provide an opportunity for questions and answers. The Human Resource Officer will conduct a new employee orientation to inform the employee regarding issues such as personnel policies, payroll, benefits, safety, etc.

## **Probationary Period**

All appointments to regular positions, transfers and promotions shall be subject to a probationary period of 12 months. The probationary period shall be an essential part of the examination process and shall be used for training and orientation of new employees. A temporary appointment shall not reduce the probationary period. All new hires shall serve a minimum of 12 months.

Regular status of an employee in probationary period shall begin at the beginning of the seventh month of service if approved by the department head. If, however, the department head believes that there is a need to extend the probationary period to make a final determination of whether or not the employee will meet the requirements of the position, the probationary period may be extended up to an additional six (6) months. The employee shall be notified that the probationary period has been extended and the reasons for the extension shall be documented. At the end of the probationary period, the employee shall either become a regular employee or be dismissed. At any time during the initial probationary period, an employee may be separated from City service, but the reasons for the dismissal should be discussed with the Human Resource Officer, the City Administrator, and legal counsel.

## **Layoffs**

In the event it becomes necessary to lay off personnel because of lack of work, reorganization, or lack of revenue, designation of those employees to be dismissed shall be a decision of the City Administrator unless otherwise specifically identified by the City Charter.

When qualifications, ability and performance are considered equal, the employee with the least seniority shall be laid off. In all cases, temporary employees shall be laid off first, followed by regular employees. Seniority is the length of continuous employment with the City, beginning with the date last hired as a regular status employee. Temporary employees do not accumulate seniority.

After explaining the layoff procedure to the affected employee(s), employees will be given a letter

describing the conditions of the layoff; such as the effect of the layoff on benefits, the possibility of reemployment, layoff procedures, and any outplacement services.

The City Administrator may, as his/her discretion, reinstate laid off employees in the event that a position re-opening occurs within the same job classification of the laid off employee.

Temporary employees or employees in training or probationary status (probationary period status) may be laid off without prior notice.

# 3. COMPENSATION

## Job Descriptions and Job Analysis

It shall be the responsibility of the department head to maintain an up-to-date job description on file for each position in the department and notify the Human Resource Officer of any changes to duties or requirements. The job description should include salary grade and range, job title, scope of responsibility, typical duties, qualifications, knowledge, skills and abilities, physical demands and environment, and the expectation that other duties may be assigned.

A classification system inventorying the duties and responsibilities of each position within the City shall group individual positions into classifications based upon the similarities in job duties and responsibilities. This classification system is based upon a job evaluation and analysis process which identifies the critical elements of a position including level of responsibility, authority, job duties and the knowledge, skills and abilities required of the position.

## Positions and Salaries

### Pay Ranges

The City values its employees and is committed to compensating them for their efforts and results. It is the City's intent to provide a competitive compensation package that will attract, retain, and motivate employees. It is also the City's intent that policies and pay practices be administered consistently throughout the City.

Each classification is associated with a specific pay range including a minimum and maximum pay rate and such intermediate rates as are considered equitable. The pay range assigned to each position shall be such as to reflect equitably the differences in the duties and responsibilities of positions and shall take into account the external market, internal equity, the City's financial condition and policies, recruitment, turnover issues, and other relevant factors. The number and compensation plan of City employees shall be prescribed and maintained in a salary schedule adopted by resolution by the Madras City Council. Certain departments may adopt classification and compensation plans from outside agencies which are specific to their professional disciplines. These plans shall also be approved by the Madras City Council.

### Reclassification

Whenever a position substantially changes and is assigned added responsibilities beyond the historical and regular duties of the position, the department head may request a position reclassification. The department head shall work with the Human Resource Officer to identify the applicable internal and/or external data necessary to determine an appropriate job description, elements of the position and salary data. The Human Resource Officer or designee shall review the request and determine the appropriate classification for the position. In addition, the Human Resource Officer may authorize or direct that certain positions be investigated/evaluated from time to time to verify that the classification of the position is correct.

## Salary Schedules

### **Beginning Salary**

New employees will normally be appointed at the first step (grade) of the range established for the position. Appointments at higher grades shall be considered by the City Administrator based upon availability, experience and qualifications of applicants for the position, and the relationship to other similar classifications, as well as the time available to continue the recruitment process and budget considerations.

Cost of Living Adjustments (COLA) and merit raise increases may not result in a salary that exceeds the salary range for the position. Salary adjustments shall be effective beginning July 1st of each year.

### **Merit Raise**

There are typically two ways for an employee to earn a merit increase (when the budget allows): 1) from a salary survey rate change recommendation; or 2) from a performance review recommendation for a merit increase. It is the City's policy to reward employees with increases in pay (merit raise) for their dedication in their work, extra effort, and contributory performance. Management does not award increases on an automatic basis or at any preset interval. An employee's supervisor will determine if an increase is warranted at the time of the employee's performance review.

Eligibility for a merit raise begins at the completion of each employee's probationary period. Merit increases authorized mid-year will become effective at the start of the new pay period.

New employees that are hired within the first six months of the fiscal year may be eligible for a step increase at the start of the new fiscal year; employees that are hired within the second six months of the fiscal year are not eligible for a step increase at the upcoming new fiscal year. For example, if an employee started in October 2014 (within the first six months of the fiscal year), they may be eligible for a merit increase as of July 1, 2015. If a new hire comes on board in January 2015 (within second six month period of current fiscal year), they are not eligible for a step increase July 1, 2015; rather eligible July 1, 2016.

### **COLA (Cost of Living Adjustment)**

Employees may be granted COLAs on an annual basis as a modification to base salary. The City is not obligated to provide COLAs (unless otherwise agreed in a collective bargaining agreement).

### **Promotion**

A promotion is an appointment to a position, which has a higher classification and maximum salary rate than the employee's present position. Whenever an employee is promoted, the employee shall be placed at a step in the new pay range, which is at least five percent (5%) higher than the prior rate of pay. The employee's promotion date shall reflect the date of the salary range change. The employee shall be subject to a 12 month probationary period.

**Transfer**

A position transfer is an appointment to a position in the same classification and the employee's pay remains the same. A classification transfer is an appointment to a position in a different classification that has the same pay range. The employee will be required to serve a probationary period of up to six (6) months. Should the employee not successfully complete the probationary period, the employee may be returned, upon approval of the department head, to their prior classification, if available. If the transfer is out of the employee's department and he/she fails the probationary period, that employee may, upon the approval of the department head, return to the prior department and position, if available. Employees shall not be granted bumping rights if the prior position has been filled through competitive application.

**Reinstatement**

When a former regular employee is reinstated in the same position within six (6) months of lay off or resignation, the employee shall be paid at the same step in the salary range that was paid at the time the employee's original employment was interrupted. Reinstatement privileges do not apply to temporary employees.

**Payroll****Payroll and Paydays**

The department head shall report (in a timely manner) to the Finance Department such information as required for the purposes of recording employee attendance, leave and leave accumulation. Payroll shall keep and maintain a record of attendance on official duty, vacation leave earned, used and accrued; and other applicable leave with or without pay. These records shall be available to the department head and individual employees shall be able to inspect their own records during normal business hours.

Employees will be paid a minimum of once each month, according to the City's payroll cycle. The payroll cycle may be modified at the City's discretion, and notice to employees will be completed 30 days in advance. Paycheck will be delivered each payday or directly deposited to employee bank accounts as authorized.

**Initial Pay and Final Paycheck****Initial Pay**

Initial pay for a new employee who works a partial first month shall be calculated as follows: Number of hours worked x hourly rate = salary to be paid. Exempt staff will be calculated on the number of days worked, average eight (8) hours per day, times the annualized salary rate, and divided by 2,080 hours.

**Final Paycheck**

The final paycheck shall be based on the employee's salary at the time of separation. If timesheets are turned in on time, all hours worked shall be included in his/her final payroll. In the case of death of an employee, the City's indebtedness to the employee shall be paid in accordance

with ORS 652.140. An employee shall be eligible for separation pay once all keys and City property have been returned.

The final paycheck for an employee who works a partial month shall be calculated as follows: Regular hours worked + (accumulated leave hours) x (hourly rate) + (any overtime hours at time and half) = salary to be paid. Accumulated leave hours includes the balance of vacation, comp time and administrative time at the time of separation. Exempt staff regular hours are based on number of days worked, standard eight (8) hour day, and rate of pay is annual salary divided by 2,080 hours.

## **Overtime and Compensatory Time**

### **Overtime**

The City shall pay overtime in accordance with the Fair Labor Standards Act at one and one-half times the base rate or hourly rate for all hours actually worked over forty (40) hours in one workweek. Hours worked for overtime computation do not include vacation leave, holidays, sick leave or any other paid leave. All overtime must be approved by the department head or a designated supervisor prior to the commencement of such work. Employees who work more hours than they are regularly scheduled to work without authorization may be subject to disciplinary action.

### **Compensatory Time**

With approval of the department head, a non-exempt employee may elect to receive compensatory or comp time off in place of overtime pay for working over 40 hours in a work week. Comp time is an alternate way of rewarding overtime worked. Instead of receiving overtime pay at the rate of time-and-a-half, the employee may request time off or comp time at the rate of one and one half hours for each hour of overtime worked.

### Comp Time Accumulation and Use

Employees may not request comp time for more than 26 overtime hours worked between July 1 and June 30<sup>th</sup> in any given year. This equates to 39 hours of paid time off. If an employee uses any of the 39 hours accumulated, they do not have the ability to replenish their comp time bank for the remainder of the fiscal year. When 39 hours of comp time have been accumulated in a given year, any additional overtime hours will be paid at the appropriate overtime rate.

If, due to workload, there is no opportunity to use comp time within 6 months of earning it, employees may request to convert their comp time to cash. Hours cashed out still count toward the current year's bank. Comp time can be carried over into the next fiscal year but will count towards that next year's accumulation limit.

Use of comp time must be scheduled in advance with the department head or direct supervisor and must be at a time that will not cause undue hardship on the department's staffing levels.

### **Flexitime**

Flexitime is a scheduling arrangement that permits variations in an employee's starting and departure times, but does not change the **total number of hours worked in a pay period. All flexitime still must be**

pre-approved by the employee's supervisor. Flextime may be applied to exempt and non-exempt positions.

Employees may request a flextime arrangement, or department heads may restructure work schedules to create flextime opportunities. As with all formal flexible work arrangements, flextime schedules must be approved in advance by the department head and/or the City Administrator.

Not all tasks are appropriate for flextime. Department heads and the City Administrator will determine whether to allow an employee to participate in flextime on a case-by-case basis in accordance with the needs, requirements, and constraints of both the department and the employee.

Flextime may be revoked if business conditions change or job performance is negatively affected. All formal flextime arrangements will be put in writing to ensure that management and the employee have a mutual understanding of the specifics.

### **Non-Exempt and Exempt Employees**

Non-exempt employees are subject to the Fair Labor Standards Act overtime requirement.

Exempt employees are *not* subject to the Fair Labor Standards Act (FLSA) overtime requirements. Department heads, certain designated supervisors and professional employees are classified as exempt based upon the nature of the work, conditions of employment and by the criteria set forth in the rules and regulations of the Fair Labor Standards Act. Exempt employees shall *not* be eligible for overtime or comp time for hours worked in excess of the regular workweek.

### **Emergency Situations**

It is the policy of the City to maintain hours of operation, which make the best use of the people and resources in serving the needs of the public. Emergency situations may from time to time necessitate the closure of City offices. Such situations shall be determined by the City Administrator after consideration of all facts. Essential personnel required to be at work under emergency situations shall receive their normal rate of pay.

At times it is necessary to close individual offices due to limited staffing levels, special departmental meetings, etc. Department closures shall be approved by the City Administrator. Arrangements shall be made with other departments, switchboard, etc. to handle any emergency situations during the department's closure. A skeleton crew shall remain in each department to cover phones and assist the public when at all possible.

In the event an employee is unable to report to work due to extreme weather conditions, the employee may elect to use either vacation leave, comp time or leave without pay.

### **On-Call Pay for Public Works Employees**

On-call or stand-by duty assignment requires a non-exempt employee to be immediately available for work due to the likelihood of an urgent situation arising during off-duty time. Stand-by assignments may include nights, weekends and holidays.

Non-exempt employees assigned to on-call duty are eligible to receive \$50.00/week for being on stand-by. In cases where an employee is asked to serve on-call in lieu of a supervisor (this means serving on-call outside of an employee's regularly scheduled on-call status), the employee is entitled to a daily on-call pay at a rate of \$7.15 per day. On-call duty includes regular workdays (24-hour period) and regularly scheduled days off (24-hour period). The time an employee is *on-call or in stand-by status* will not be considered for overtime calculation. For on-call weeks that are split over the last week of a pay period, the employee shall report the on-call pay status on the start of the new pay period rather than the end of the current period. This prevents overpayment or duplicate pay for on-call status.

Because of the nature of their work, some city employees may be assigned to a rotating on-call duty. Employees who are called back to work after the end of their shift will receive a minimum of two (2) hours' pay at their normal hourly rate. If the employee is called at home to solve a problem from a computer, without leaving home, between the hours of 10:00 p.m. and 6:00 a.m., a minimum of one hour's pay will be paid. Should actual hours worked result in the employee working more than forty (40) hours in the work week, hours over forty (40) will be paid as overtime pay.

## 4. EMPLOYEE BENEFITS

### Introduction

In recognition of the influence employment benefits have on the economic and personal welfare of employees, the City strives to provide the best, most equitable and most cost effective benefits for its employees. The total cost to provide the benefit program described in this Personnel Manual and other documents amounts to a significant supplement to an employee's pay and should be viewed as additional compensation.

### Insurance Eligibility

The City contributes specified maximum dollar amounts for health, dental, and vision insurance coverage for all regular employees and their dependents if they are otherwise eligible to participate in the plan. These specified amounts and the type of coverage provided shall be available upon request from the Human Resource Officer. The City reserves the right to modify the type of coverage plan provided, the plan provider and the amount of the contribution provided. Please address any questions about this information to the Human Resource Officer.

#### Regular Full Time Employee

Regular full-time employees are scheduled to work 40 hours per week, generally, Monday through Friday on a regular basis and are expected to be employees for at least 6 months. Regular full-time employees are eligible for all city benefits and paid time-off.

#### Regular Three Quarter Time Employee

Regular three-quarter time employees are scheduled to work at least 30 hours per week but less than 40 hours per week on a regular basis and are expected to be employees for at least six months. Regular 3/4 time employees are eligible for all city benefits and prorated paid time-off.

#### Part Time Employee

Regular part-time employees are scheduled to work at least 20 hours per week but less than 30 hours per week on a regular basis and are expected to be employees for at least six months. Regular Part-time employees are generally not eligible for city benefits but are eligible for prorated paid time-off.

#### Temporary/Seasonal Employee

Temporary/seasonal employees are hired for a set duration or for a specific project and are not intended to be employed on a regular basis. Temporary employees may be hired full-time, three quarter time, or part time. A temporary employee is employed for at least three months and not longer than twelve (12) months. Temporary employees are generally not eligible for city benefits or paid time off.

#### Eligibility for New Employees

New employees shall be eligible to receive all insurance benefit (medical, dental, vision & life insurance coverage) **on the first of the month after the date of hire.**

Employees, who are laid off and rehired within one (1) year, shall be eligible to receive all insurance benefit (medical, dental, vision and life insurance coverage) on the first day of the month, after thirty (30) days of re-employment. If an employee is hired by the City from an agency that has the same insurance benefit(s), the City has the ability to waive the employee's benefit waiting period.

### **Opt out for Cash Option**

Employees who elect to waive health insurance coverage offered by the City will receive a monthly (taxable) cash allowance, as part of the City's Opt out for Cash arrangement. Arrangement parameters are as follows:

- 1) Employees accepting this option must provide proof of other group medical coverage. Individual policies purchased through Cover Oregon or any other state or federal Insurance Exchange program do not qualify as group coverage.
- 2) Employees accepting this option can do so only for health (including any riders). Employees must still be enrolled in all employer-paid life/disability plans through CIS.
- 3) The cash back allowance will be determined by the City, as allowed by CIS Insurance.

### **COBRA Continuation Health Coverage**

Employees and their families are eligible to continue temporary group health plan coverage when coverage is lost due to specific "qualifying" events described under the provisions of the Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA) by self-paying the premiums. A list of "qualifying" events is available from the City's Human Resource Officer.

Employees must notify the Human Resource Officer of a qualifying event within sixty (60) days after divorce or legal separation or a child's ceasing to be covered as a dependent under plan rules.

Employees and beneficiaries generally will be sent an election notice not later than fourteen (14) days after the Human Resource Officer receives notice that a "qualifying" event has occurred. Each plan participant/beneficiary then has sixty (60) days to decide whether to elect COBRA continuation coverage. The employee has forty-five (45) days after electing coverage to pay the initial premium.

Employees will be provided COBRA information at the time of their new employee orientation benefits discussion. Please direct all questions and requests for additional information to the Human Resource Officer.

### **Post-Retirement Health, Vision & Dental Insurance**

All employees hired before March 11, 2014 are grandfathered in with post-retirement insurance benefits which states that "A regular-status City employee who retires at a minimum age of 55 and has been employed with the City for 20 years or longer shall have his/her health, vision and dental insurance paid by the City until they are Medicare eligible or 65 years old, whichever

occurs first.” All employees hired on or after March 11, 2014 are not eligible for this post retirement benefit and will have the opportunity to participate in COBRA however at the retiree’s own expense. Post-retirement benefits will be the same as those offered to city employees at any point in time and may be subject to change.

Under ORS 243.303, coverage to the retired employee, their spouse, and any minor (less than 18 years of age) is eligible at the expense of the employee. At a minimum, the coverage must continue until the retired employee is eligible for Medicare (for the employee’s coverage), until the spouse is eligible for Medicare (for the spouse’s coverage), and until the minor child reaches 18 (for the child’s coverage).

COBRA insurance, a temporary continuation of a health plan for a worker and/or his/her family, at their own cost is available if certain events occur that would otherwise result in a loss of those health benefits. Please contact the Human Resource Officer for more information.

### **Plan Enrollment**

Upon eligibility, employees may complete enrollment forms either during the annual open enrollment period and/or via (an insurance-provider defined) life changing event that entitles them to a benefit change. If an employee chooses not to enroll at the time of eligibility, they will be waiving their rights to certain benefits (unless the benefit stipulates enrollment at any time during the year).

## **Health, Vision and Dental Insurance**

The City provides health, dental, and vision insurance coverage for all regular employees and their dependents if they are otherwise eligible to participate in the plan. The City agrees to provide a premium cost share with employees; the actual cost share will be evaluated and determined by the City on an annual basis. Employees will be provided with information about the plan at the time they become eligible to participate in the plan. Please consult the Human Resource Officer for additional information.

### **Employee Assistance Program (EAP)**

The City makes an Employee Assistance Program (EAP) available to employees. The EAP is designed to assist in the identification and resolution of concerns or problems (personal or job related), which may adversely affect an employee’s personal or professional well-being or job performance. By example, these personal concerns may include, but are not limited to, health, marital status, family, financial, substance abuse, emotional, stress, and other personal matters.

The Employee Assistance Program includes:

- A written directive describing program services and procedures for obtaining program services
- Confidential, appropriate and timely problem assessment services
- Referrals to services, either workplace or community resources for appropriate diagnosis, treatment, and follow up; and
- Written procedures and guidelines for referral to and/or mandatory participation

An employee’s referral to the EAP may either be voluntary (in which they elect to participate in the program), or it may be a supervisory referral (in which a supervisor uses agency guidelines to

refer them into the program.) Appropriate measures are taken to ensure confidentiality of records for all employees admitted to the program, according to established City policy and state and federal regulations.

### **Life Insurance**

Group life insurance is provided for each employee. The City pays the premium for the level of coverage selected by the City. Coverage beyond the City's selected amount of coverage may be available to employees upon carrier approval and for an additional cost. The Human Resource Officer can provide the details of the insurance plan.

### **Unemployment Insurance**

Unemployment insurance provides benefits to insured workers who are unemployed through no fault of their own. The cost of the unemployment insurance is borne entirely by the City and is based upon the number of claims filed by former employees. Additional information about unemployment insurance benefits and regulation should be directed to the Oregon Employment Department.

### **Worker's Compensation**

The City will insure employees for injuries they receive while at work as provided under Oregon Workers' Compensation Law. The day of injury will be considered a normal workday and will be paid by the City.

The City will pay any difference between Workers' Compensation payment and normal net pay for a period of up to ninety (90) days while an employee is unable to return to work. No duplication of payments between the City's Workers' Compensation carrier and the City will be allowed.

### **Retirement (PERS)**

After six (6) months of full-time employment, employees are eligible to participate in the Public Employees Retirement System (PERS) according to applicable Oregon statutes and regulations. The City pays the complete cost of PERS, including the employee's share for employees who are eligible to participate.

### **Other Insurance**

The City will provide for false arrest insurance coverage for the Police Department and liability insurance for all City employees while acting within the scope of their duties as employees of the City.

### **Other Benefits: Employee Education and Assistance Program (EEAP)**

The EEAP provides employees, identified by their supervisors as in need of professional development and growth within their position, an opportunity to pursue training and education to further the employee's professional development and growth. Resolution No. 4-2016 outlines the terms and conditions of this program.

#### **Conferences/Conventions**

When an employee is assigned to attend a conference, convention, class or lecture, tuition and attendance fees will be paid by the City and the employee will attend on paid time. All training must be approved in advance by the department head or City Administrator. All travelers must comply with the City's Travel policy at all times. Employees that attend conferences, conventions

and similar trainings that are all day shall be paid for attending the conference assuming the training is the equivalent of an eight hour work day. This does not include the employee's travel time to get to and from the training during which the employee's time to travel there and back will be paid in addition (for hourly, non-exempt staff).

# 5. PERFORMANCE MANAGEMENT SYSTEM

## Performance Management Objectives

The City of Madras Performance Management System was designed to achieve the following objectives:

- To establish tools for ongoing communication between the supervisor and employee on meeting and achieving performance goals.
- To reinforce the City's emphasis on result-based measures, fiscal accountability, risk taking for innovation and continuous improvement, and quality processes that best serve customers.
- To make the City a "learning organization," one where continuous improvement is rewarded and doing the minimum to get by is not rewarded.
- To help employees see a connection between their daily efforts and the overall goals of the City.
- To align employee training with individual, department and City-wide objective and goal achievement.
- To contribute to budget strategies that will define objectives, goals and needed resources.

## Performance Management Guidelines

Performance management is an on-going dialogue between supervisors and employees regarding job-related performance and behavior. The following are guidelines for the City's Performance Management System:

Performance management assures that employees:

- Have job expectations clearly defined
- Receive adequate coaching and training to meet job requirements
- Receive fair, honest and specific feedback about their work
- Take responsibility for their work behavior and performance
- Be actively involved in continuously improving their own and their department's performance

Performance management assures that department heads and supervisors:

- Clearly communicate with employees concerning the job's duties, responsibilities, job performance expectations, workplace conduct and compliance with City rules, procedures and policies
- Expect cooperation and participation from employees in managing their own performance and meeting goals
- Provide consistent, honest, and timely feedback about employee work behavior and job performance
- Provide a constructive, corrective and cooperative approach to employee work relations

## Performance Review

Performance reviews should be conducted at the following intervals:

- During and prior to the completion of the probationary period (can be a combination of verbal and/or written, whichever the supervisor deems most appropriate)
- Interim reviews are targeted to occur twice annually (these are encouraged but not required)
- One annual final review shall be conducted at fiscal year-end, and prior to the 10<sup>th</sup> of each July

Additional evaluations may be done at the discretion of the department head. The performance appraisal should be conducted during a face-to-face meeting between the supervisor and the employee and should be scheduled in advance to allow for sufficient time to prepare.

The performance appraisal discussions should:

- Review the job description and job expectations
- Review progress on individual goals and department objective contribution
- Describe and review accomplishments, individual strengths and weaknesses
- Provide specific and observable feedback about areas requiring attention and improvement
- Develop a specific action plan to address work-related behavior and job performance issues, which may include coaching, counseling, training, etc.

Performance appraisal discussions should be documented in writing and kept in the personnel files.

## **Disciplinary Action**

Occasionally it is necessary for supervisors with the approval of department heads to resort to disciplinary action when other less stringent means of supervision are ineffective or where a particular employee has failed to respond to performance management, or in cases where the supervisor with the approval of the department head determines that the nature of the offense or individual circumstances deems it appropriate.

## **Disciplinary Probation**

During the disciplinary process, an employee may be placed on a disciplinary probation for a period determined by the department head. Employees on disciplinary probation shall participate in a Performance Improvement Plan designed to improve performance and/or workplace behavior and be counseled that any further disciplinary problems may result in further disciplinary action up to and including termination.

The Performance Improvement Plan allows the supervisor to set a specific course of action for an employee who needs to improve performance and/or behavior and a timeline in which to meet the job expectations. The Performance Improvement Plan may include coaching, counseling, and/or training.

## **Resignations**

An employee may resign from service by presenting a resignation in writing to the department head, Human Resource Officer or the City Administrator. An exit interview is recommended to document the reason for leaving, explain benefits continuation, discuss the return of City property, and to obtain from the employee information and views that may help make improvements in policies, procedures, and working conditions and reduce turnover. To resign in good standing, an employee must give at least two (2) week notice, unless, because of extenuating circumstances, the department head agrees to allow a

shorter period of notice. The department head shall promptly notify the Human Resource Officer and the City Administrator of any resignation in order to accommodate the processing of payroll.

# 6. WORKPLACE CONDUCT

## Personal Conduct

As a valuable and integral part of City government, employees are expected to accept certain responsibilities, adhere to acceptable workplace principles in matters of personal conduct, and exhibit a high degree of personal integrity, ethics and professionalism at all times while on the job.

City employees, regardless of whether public contacts are direct or indirect, are expected to be courteous, efficient, respectful, appropriately dressed and groomed, and helpful in all their work assignments.

## Customer Service Standards

The City is committed to providing outstanding customer service for Madras citizens, visitors and colleagues, which the City believes will improve the quality of the experience for the customer and the work environment for everyone.

All employees and volunteer staff members shall provide customers with responsive, consistent and effective services. The City will deliver quality public service with respect for the needs of the Madras community, visitors, co-workers, and community partners. To achieve the provisions of quality service, employees and volunteers shall:

- Provide services to the community in a fair and equitable manner with an emphasis on problem solving and a teamwork-based approach to resolving issues.
- Deliver services and programs in a sustainable manner that balances the needs of the community now with the needs of future generations.
- Promote excellence within the City organization.
- Identify creative, efficient and innovative approaches to service delivery and customer services.
- Carefully consider the knowledge and perspectives of customers and respond to their ideas and concerns in a respectful and collaborative manner.

## Political Activity

The restrictions imposed by the law of the State of Oregon (ORS 260.432(2)) on political activities are that *“No public employee shall solicit any money, influence, service or other thing of value or otherwise promote or oppose any political committee or promote or oppose the nomination or election of a candidate, the gathering of signatures on an initiative, referendum or recall petition, the adoption of a measure or the recall of a public office holder while on the job during working hours. However, this section does not restrict the right of a public employee to express personal political views.”*

It is therefore the policy of the City of Madras that employees may engage in political activity except to the extent prohibited by state law when on the job during working hours.

An employee may seek or accept nomination, election or appointment to a political office; provided, however, that such nomination, election or appointment does not in any way create a conflict of interest or interfere with the employee's regular duties with the City. The department head and the City Administrator shall decide when a conflict of interest exists and seek legal counsel in the matter.

## **Outside Employment**

When an individual accepts employment with the City, it is understood that the City has first call upon the services of its employees, regardless of any impingement upon secondary employment, and receive prior approval by the department head.

Employees shall not engage in outside employment that is incompatible with City employment, or will detract from the efficiency of work performance, or is in conflict with the interest of the City. Incompatible outside employment includes but is not limited to employment which creates an actual or potential conflict of interest between the duties of the City employee and the outside employment or outside employment which inhibits, disrupts or otherwise adversely affects the ability of the employee to perform the job for which the employee is employed by the City.

City employees may not use their position for personal or private gain when implementing or enforcing City, state or federal guidelines, regulations, ordinances, or law.

## **Employee Conduct**

City employees are expected to conduct themselves in a manner, which promotes a safe, healthful and productive work environment. The City of Madras is committed to the establishment and administration of rules in a fair, firm, consistent, and clearly communicated manner.

Types of job-related behavior, which the City considers inappropriate and therefore subject to disciplinary action that may result in immediate termination include, but are not limited to, the following:

- Sale, distribution, possession, or use of drugs or alcohol on City property during working hours and/or while representing the City.
- Disorderly, abusive, or indecent conduct that causes disruption of the work environment, including fighting.
- Theft, destruction, neglect or unauthorized personal use of employee or City property, including telephone and e-mail usage.
- Insubordination involving abusive language or disrespectful behavior, refusal to comply with City policies, procedures, or supervisory instructions.
- Conviction of a felony.
- Conviction of a misdemeanor provided the offense is relevant to the position.
- Falsifying or supplying misleading or inaccurate information in the City employment application or records.
- Violations of the City of Madras Personnel Manual.
- Violations of the directives, policies, procedures, or practices established by the City Administrator, department head, or supervisor to whom the employee reports.
- Failure to report to work without notification for a period of three (3) consecutive days.

- Failure to obtain or maintain a current license or certificate required by law or organizational standards as a condition of employment and/or abides by the conditions of said license or certification.
- Any act which endangers the safety, health or well-being of another person, or which is of sufficient magnitude that the consequences cause or potentially cause disruption of work or gross discredit to the City.
- Bribery or attempted bribery.
- Other such actions, offenses, or incidents deemed of sufficient reason to justify immediate dismissal.

## **Off-Duty Conduct**

As a general rule, the City regards employee off-duty activities to be their own personal matter. However, certain types of off-duty activities are of concern because of the potential negative impact on the City's reputation. For that reason, if an employee engages in or is associated with illegal or other conduct that adversely affects the City (including the City's public image) or their own ability or credibility to carry out their employment responsibilities, they may be subject to disciplinary action up to and including termination.

## **Harassment**

The purpose of this policy is to guide the City of Madras and its employees in providing a work environment that is free from harassment of any employee by another employee, supervisor, contact, or customer.

Harassment negatively affects morale, motivation, and job performance. It results in increased absenteeism, turn-over, inefficiency, and loss of productivity. It is inappropriate, offensive, illegal, and will not be tolerated.

The City of Madras prohibits harassment based on disability, race, color, national origin, religion, age, sex, sexual orientation, veterans status, military status, retaliation for opposing unlawful employment practices, association with members of a protected class, marital status, union participation, injured workers status, non-supervisory family relationships, or any other protected class, regardless of whether that harassment is targeted specifically at the employee.

Behavior such as telling ethnic jokes, making religious slurs, using offensive "slang" or other derogatory terms denoting a person's speech, accent or disability, are examples of prohibited conduct and will not be tolerated at the City of Madras.

### **Sexual Harassment**

Sexual harassment can include, but is not limited to, unwelcome sexual advances, requests for sexual favors, and other verbal or non-verbal communication or physical conduct of a sexual nature where:

- Submission to such conduct is made, either explicitly or implicitly, a term or condition of an individual's employment;
- Submission or rejection of such conduct by an individual influences any employment-related decisions affecting the individual; or,

- The conduct has the purpose or effect of interfering with an individual's work performance or creating an intimidating, hostile or offensive work environment.

The conduct prohibited may be verbal, visual, or physical in nature. A mayor to employee, council to employee, or co-worker-to-co-worker may direct it. It includes unwelcome sexual advances, requests for sexual favors, physical touching, or the granting or withholding of benefits (e.g. pay, promotions, time off) in response to the sexual conduct. More subtle forms of prohibited behavior, such as offensive posters, cartoons, caricatures, comments and jokes, language or innuendoes, hugging, or kissing may also constitute sexual harassment when they create or contribute to a hostile or offensive work environment.

### **Responsibilities**

Every City of Madras employee is expected to refrain from behaviors or activities in the workplace that may be considered harassment.

The City Administrator, department heads, and supervisors are responsible to ensure that harassment does not occur in their work areas. They are expected to treat any observed or reported incident of harassment as a potentially serious breach of organizational policy as well as a potential violation of the law.

Individuals who feel they have been subjected to harassment must immediately report such treatment to their supervisor, department head, or the City Administrator. Employees who experience harassment are encouraged to politely but firmly confront the harasser and ask the person to stop.

### **Reporting and Investigation of Harassment Complaints**

The City is committed to diligently enforcing its harassment policy by promptly and impartially investigating all complaints. When harassment is discovered, the City shall take appropriate disciplinary action, up to and including termination. The complaint procedure is designed to deal with complaints in a fair, discreet and timely manner to:

- Decide if the behavior alleged in the complaint took place and constitutes harassment which violates federal and/or state law and City policy or constitutes harassment in the form of inappropriate or offensive behavior which violates City policy.
- Stop the offending behavior.
- Restore the complainant's working environment.
- Take steps to prevent retaliation and repetition of the harassment.
- Educate, sanction, or discipline the harasser consistent with the seriousness of the offense.

### **Mandatory Meetings**

From time to time the City of Madras will require employees to attend work-related meetings either on or off premises. These meetings will be used to disseminate information, train or instruct personnel on work related matters.

Per ORS 659.785, employees cannot be required to attend employer-sponsored meetings or communications with the employer or the agent, representative, or designee of the employer if the primary purpose of the meeting or communication is to communicate the opinion of the employer about religious or political matters (political party affiliation, campaigns for measures or candidates). An employee may not be disciplined, discharged, or otherwise penalized for refusing to attend or participate in such meetings.

## **Discrimination**

The City recognizes that it has a responsibility to provide equal employment opportunities without regard to race, color, religion, national origin, marital status, sex, age, sexual orientation, veteran or military status, injured worker status, union participation, disability, non-supervisory family relationships, any other class protected by federal or state law, or association with members of a protected class.

Employees who have a complaint relating to discrimination are entitled to the same due process rights as set forth in Section 6.

## **Complaint/Grievance Procedure**

It is the policy of the City of Madras to provide for an orderly process whereby employees may have their complaints considered as fairly and rapidly as possible without fear of repercussion. The complaint resolution procedure is confined to violations of City policy affecting the complainant. Complaints related to harassment and discrimination is to be processed. Every effort shall be made to find an acceptable solution by informal means at the lowest possible level of supervision.

### **Complaint/Grievance Procedure**

The complaint/grievance procedure for employees is as follows:

- The City encourages employees to promptly report any complaint in writing to his/her immediate supervisor. In the event the employee cannot start with the immediate supervisor, he/she should submit the complaint to whatever level of supervisory command is most appropriate. The complaint should refer to the City policy alleged to have been violated, state the remedy or correction requested, and adequately set forth the facts pertaining to the alleged violation.
- The supervisor and/or department head should meet with the employee/employees involved and attempt to resolve the situation in the simplest and most direct manner.
- If no resolution is achieved within the department, the employee may request a meeting with the City Administrator. The final decision will rest with the City Administrator.
- If the City Administrator determines that the complaint relates to possible prohibited discrimination, the complaint shall be promptly investigated by the Human Resource Officer or qualified independent investigator selected by the City Administrator. A written report shall be made of the investigation.

## **Personnel Files/Recordkeeping**

The City believes in respecting the rights and dignity of each employee and in the protection of the individual's right to privacy. Personnel records are maintained on employees as required by current employment laws.

Employees may include in their personnel file any relevant materials they wish, such as (but not limited to) letters of favorable comment, certificates, licenses, and academic credentials.

At a minimum, an employee's employment record will contain the employee's name, job title, assigned department, legally mandated documents pertinent to pay, benefits, working conditions, performance, training, other terms and conditions of employment, and other pertinent employment information. Separate confidential files will be maintained to store medical records, compensatory benefits, worker's compensation, and other sensitive material, including background check information for applicable positions, I-9 verification and victims of domestic violence. Management of official employment records for employees of the City is centralized with the Human Resource Officer.

Employees may inspect and review their personnel files, excluding confidential reports from previous employers or records of an employee relating to the conviction, arrest or investigation of conduct constituting a violation of the criminal laws of the State of Oregon, or another state of the United States (in compliance with ORS 351.065).

Employees may protest, or comment upon, in writing, any material placed in their personnel files. Such protest/comments shall be placed in the personnel file.

Personnel Files are exempt from disclosure to persons other than the employee under provisions of ORS 192.410 -192.505, if disclosure would constitute an unreasonable invasion of privacy. Information in personnel files regarding employee misconduct is subject to public disclosure under the Public Disclosure Act. Employee information shall in no case be given over the telephone, other than employment dates and job title. Verification of employment requesting other confidential information must be in writing and signed by the employee, authorizing release of information. Work reference requests, both for present and terminated employees, must be in writing and signed by the employee, authorizing release of information. Release of information in the form of duly authorized and served requests from law enforcement, state and federal regulatory agencies, or court orders shall not require written consent of the employee.

Please contact the Human Resources Officer regarding employment records requests. Employees shall not be entitled to remove any information from the file.

## **Workplace Violence**

It is the policy of the City of Madras to provide a safe and peaceful workplace for all employees and to minimize the risk of personal injury to employees at work and damage to City property.

The City does not expect each employee to become an expert in psychology or to physically subdue a threatening or violent individual. The City discourages employees from engaging in a physical confrontation with a potentially violent individual. The City expects that employees shall execute reasonable judgment in identifying potentially dangerous situations and recognize that before actual physical acts of violence occur, behaviors are often exhibited where:

- Individuals including co-workers display overt resentment, anger, and hostility;
- Individuals including co-workers display signs of extreme stress;
- Individuals including co-workers make ominous threats;
- Co-workers' performance deteriorates suddenly and or significantly;
- Individuals including co-workers display irresponsible, irrational, or inappropriate behavior; and;

- Individuals including co-workers have access to weapons, know how to use them, discuss them in the workplace, and/or brandish weapons in the workplace.

Threats, threatening, language, or any other acts of aggression or violence made toward or by any employee shall not be tolerated. For purposes of this policy, threat includes any verbal or physical harassment, attempts to intimidate or instill fear in others, menacing gestures, flashing of concealed weapons, stalking, or other hostile or destructive behaviors. Any employee determined to have committed such acts shall be subject to disciplinary action, up to and including termination. Non-employees engaged in violent acts on the City premises shall be reported to the proper authorities and fully prosecuted.

All potentially dangerous situations, including threats, shall be reported to the supervisor, a department head, the City Administrator, or a designee. Reports of threats may be made anonymously and all incidents shall be investigated by the department head and the Human Resource Officer and appropriate action shall be taken depending on the circumstances. Reports or incidents warranting confidentiality shall be handled appropriately and information shall be disclosed to others only on a need-to-know basis. Written reports of investigations shall be made by the department head and retained by the Human Resource Officer.

Employees who confront or encounter an armed or dangerous person should not attempt to challenge or disarm the individual. Employees should remain calm, and try to be the best witness they can be. If a supervisor can be safely notified of the need for assistance without endangering the safety of the employee or others, such notice should be given. Otherwise, cooperate and follow the instructions given. The City's first objective is to maintain the safety of all its employees to the extent feasible. City employees therefore, should not engage in any conduct that would serve to escalate a hostile or threatening situation.

# 7. ATTENDANCE & TYPES OF LEAVE

## Hours of Work

Regular work hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, with a one hour unpaid lunch break and two 15-minute paid breaks, mid-morning and mid-afternoon. The Public Works and Police Departments' standard workday schedules may vary based on departmental necessity. The City Administrator reserves the right to adjust standard workday hours as necessary.

## Meals and Rest Periods

Non-Exempt employees must take a paid rest period of 15 minutes for every segment of four hours worked in one work period. This time must be taken in addition to and separately from required meal periods. The rest period should be taken as nearly as possible to the middle of the work segment. The rest period may not be added to a meal period or deducted from the beginning or end of the employee's work shift.

Meal periods of not less than 30 minutes are required for non-exempt employees who work six or more hours in one work period. If the work period is seven hours or less, the meal period is to be taken between the second and fifth hour worked. If the work period is more than seven hours, the meal period is to be taken between the third and sixth hour worked. Additional meal periods are required for employees who work fourteen hours or more.

Employees are relieved of all duties during the meal period, unless an exception permitted under the law applies that prevents the employee from being relieved, in which case the employee will be paid for this time. In extenuating circumstances, employees may be working with perishable materials (i.e. asphalt, concrete) or are providing emergency response services that may create an exception for the employee's ability to take a meal period.

## Attendance

Each employee is critical to the overall success of City operation. Every employee is expected to keep regular attendance, be on time, and work as scheduled.

In accepting employment with the City, each employee is required to meet certain standards. Maintaining an acceptable level of job attendance is part of good work performance and is one of the standards by which an employee's overall job performance and contribution to the City may be measured. Continued employment carries with it the personal responsibility of each employee to be on the job on time every scheduled workday. Recurring and excessive absences and/or tardiness are disruptive to work schedules, detrimental to department morale and disrespectful to co-workers who maintain a good work record. Repeated failure to meet these requirements, outside of protected leave, may be subject to disciplinary action, which could result in termination.

## Holidays

The following days shall be recognized as paid holidays:

- New Year's Day
- Martin Luther King Jr. Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veterans' Day
- Thanksgiving Day
- Christmas Day
- One Floating Holiday (Floating holiday must be used within the fiscal year earned)

Whenever a paid holiday falls on a Sunday, the following Monday shall be observed as the holiday. Whenever a paid holiday falls on a Saturday, the proceeding Friday shall be observed as the holiday.

Approval is required for a floating holiday using the same procedure as described under Vacation Leave. Employees currently within their probationary period have the ability to utilize their floating holiday during the fiscal year to prevent from losing it at year-end.

Holidays which occur during vacation or sick leave shall not be charged against such leave.

## Vacation Leave

### Eligibility

Regular, full-time employees (scheduled to work 40 hours per week) are eligible to receive vacation time off with pay. Regular 3/4 time employees (scheduled to work at least 30 hours but less than 40 hours per week) are eligible to receive prorated paid time-off. Regular part-time employees (scheduled to work at least 20 hours per week but less than 30 hours per week on a regular basis) are eligible to receive prorated paid time-off. Temporary employees are not eligible to receive paid time off.

New employees shall not be eligible for vacation leave during the first six (6) months of employment. After six months of service, vacation leave is credited as having accrued from the beginning of employment.

### Leave Accrual

Full-time employees accrue vacation time off with pay at the following rate:

Length of Service	Days per Year	Hours
1 Year	5 Days	40 Hours
2 Years	15 Days	120 Hours
10 Years	20 Days	160 Hours

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**15 Years**

25 Days

200 Hours

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Upon an employee's one year anniversary, the employee will be credited 40 hours of paid vacation within the pay period of the anniversary date. Employees are able to begin using that leave during the same pay period which the paid leave is credited to them.

When an employee's anniversary year results in an adjustment to their annual accrual of vacation, the employee shall receive credit for the accrued leave on July 1 at the beginning of the anniversary fiscal year. For example, a ten year employee, per the City's policy, is entitled to 160 hours of paid vacation leave. Therefore, if an employee's ten year anniversary were to fall on October 15, 2015, they would be credited 160 hours of paid vacation leave starting July 1, 2015.

**Entitlement upon Reinstatement**

An employee whose employment with the City was terminated for any reason, except by lay off, shall be required upon reinstatement to accrue six (6) months continuous employment prior to the entitlement of vacation leave. Employees, who are laid off and rehired within one (1) year, shall maintain their years of service in effect at the time of layoff for purposes of calculating vacation leave.

**Accumulation of Vacation Leave**

Vacation leave does not carry over from year to year and must be used by June 30 of each year. Upon written request, vacation leave may be carried over for up to 60-days.

**Vacation Scheduling**

Each department head is responsible for approving and scheduling vacation leave within his/her department with due consideration for the desires of the employees and the work requirements facing the department. The City Administrator is responsible for approving the vacation schedules of the department heads and other administrative and confidential employees that directly report to the City Administrator. Vacations for a week or longer shall be scheduled two (2) weeks in advance when possible. Vacation requests with shorter notice will be subject to the discretion of the approving person.

In case of conflicting dates requested, seniority shall prevail. Vacation schedules may be amended to allow the department to meet emergency situations.

**Payment of Unused Vacation upon Separation**

Subject to the limitation of accumulation of vacation leave set forth above, all unused paid leave (including vacation, comp time and/or admin time) shall be paid to a separated employee in their final paycheck. Terminations during an employee's probationary period shall require no payment for vacation accrual.

**Hospitalization during Vacation Leave**

If an employee is in the hospital during vacation leave, upon receipt of certification by a physician, time spent in the hospital may count as sick leave.

## Sick Leave

### Eligibility and Accrual

All regular full-time City employees who work forty (40) hours or more per week shall earn eight (8) hours of sick leave for each calendar month of service.

Regular, full-time employees (scheduled to work 40 hours per week) shall earn eight (8) hours of sick leave for each calendar month of service. Employees will continue to accrue sick leave so long as they are out of the office for an authorized reason (i.e. out on vacation, medical leave, etc.) Regular 3/4 time employees (scheduled to work at least 30 hours but less than 40 hours per week) and regular part-time employees (scheduled to work at least 20 hours but less than 30 hours per week on a regular basis) shall receive a prorated number of hours of sick leave for each calendar month of service. Per the Oregon Sick Time Law, this policy ensures that employees accrue the minimum accrual of paid sick time per year based on hours worked. The City's policy on paid sick leave accrual meets the minimum requirement.

Sick leave shall accrue from the date of employment, and is available for use on the employee's 91<sup>st</sup> day of employment, unless the City Administrator authorizes earlier use.

Per the Oregon Sick Time Law, the City will provide notification at least once per quarter to each of its employees specifying the amount of accrued and unused sick time available for use by the employee. The City will also provide written notice to employees regarding the requirements of the law. Currently, the City of Madras meets this notification requirement by providing this information on each employee's pay statements. A copy of the BOLI Requirements of Oregon's Sick Time Law is available for the employee's review at: <https://www.lclark.edu/live/files/21223-oregon-sick-leave-poster> or a copy can be obtained from the HR Officer.

### Sick Leave Usage

Sick leave may be used when an employee is unable to work due to their own illness, to attend doctor, dental or other medical appointments, or when necessary to provide care for the illness of a family member, and for any use in accordance with the Oregon Sick Time Law. Sick leave will be deducted from the employee's accrual based on the amount of time taken away from work.

### Sick Leave Request

An employee who is unable to report to work because of any of the reasons in this section must report the reason to his/her supervisor no later than 15 minutes before he or she is scheduled to report to work. Sick leave with pay may be denied if such report has not been made. Abuse of the sick leave privilege will be cause for disciplinary action.

### Proof of Illness

Sick leave with pay in excess of three (3) consecutive work days will be granted only after a written statement from a physician certifying that the employee's condition prevented him/her from appearing for work is presented. If the employee is absent for more than three consecutive work days for purposes under the Oregon Sick Time Law, the employer may require verification

from a healthcare provider of the need for sick leave, but the employer must pay for any costs of verification that are not covered under a health benefit plan in which the employee is enrolled.

### **Unused Sick Leave**

An employee's unused sick leave carries over from one year to another, in any given year. This carry over policy meets the minimum requirement under the Oregon Sick Time Law. Unused sick leave will not be compensated for indirect salary at the time of resignation, dismissal, or retirement. Unused sick leave may be applied to PERS.

### **Restoration of Accumulated Sick Leave**

All accumulated sick leave is canceled when an employee separates from service, but shall be restored if the employee is re-appointed to the City employment within six (6) months from separation.

## **Job Related Injuries**

All employees are covered by an approved workers' compensation plan for industrial accidents and disease as provided under Oregon Workers' Compensation Law. Benefits include medical treatment and care as well as disability compensation during periods of time lost from the job.

### **Policy Authority**

This policy applies to all City employees when appropriate. Departmental operating policies and/or City labor agreements may provide additional procedural requirements but do not alter the authority of this policy. The City will determine appropriate work hours, shifts, duration and location of all work assignments and reserve the right to determine the availability, appropriateness, and continuation of all light duty assignments.

### **Employee Reporting Responsibility**

All job related injuries or illnesses are to be reported to the employee's supervisor immediately, regardless of severity. In the case of serious injury, the employee's reporting obligation will be deferred until circumstances reasonably permit a report to be made. Employees are expected to report all accidents, incidents, work-related injuries or illnesses to their supervisor immediately, whether or not medical care is anticipated. If the employee's immediate supervisor is not available, they should report the incident to the next level supervisor or the Human Resource Officer.

After receiving medical care, the employee must provide a report of medical condition prepared by the attending physician within 24 hours of medical treatment to the Human Resource Officer or designee. Failure to report an injury or illness may preclude or delay the payment of any benefits to the employee and could subject the City to fines and penalties.

### **Supervisor Reporting Responsibility**

Supervisors must complete an Injury Report Form 801 within 24 hours of an employee's injury if an injury requiring medical treatment has occurred, then immediately forward their report to the Human Resource Officer or designee. Supervisors must also investigate and complete an Oregon Occupational Safety & Health Division (OR-OSHA) on-the-job injury incident report within 24

hours and send the report to the Human Resource Officer. An employee's supervisor will ensure that they have a current copy of their job description, if requested by the physician, to aid the physician in their evaluation.

### **Compensation While Off the Job**

The City will pay any difference between Workers' Compensation payment and normal net pay for a period of up to ninety (90) days while an employee is unable to return to work. No duplication of payments between the City's Workers' Compensation carrier and the City will be allowed.

### **Return-to-Work Process**

It is the City's policy to return their employees with compensable work-related injuries or illnesses to an available and suitable position as soon as possible. To achieve this, the City will provide, where possible, temporarily modified work (light duty) while the employee is recovering. Upon receiving medical treatment, the employee is expected to inform their physician that the City has a return-to-work program with light duty/modified work assignments available and review their current job duties and responsibilities with the physician. The employee's medical report(s) shall contain specific and objective information such as the employee's post-injury capabilities, limitations and prognosis, so the City may determine an appropriate work assignment or leave status. The employee will then provide the documentation requesting a light duty assignment including the tentative start date, duration, and specific limitations imposed by their physician, and prognosis for release to full duties.

The employee will not be allowed to return to work without a signed release from their attending physician. Light duty positions are not guaranteed in all situations. Any light duty work assignment must provide benefit to the employee and to the City. A light duty assignment may be modified based on revised limitations or restrictions imposed by the treating physician.

The injured employee's department head will offer the employee an available light duty work assignment, where feasible. The department head, together with the employee's direct supervisor are required to review the injured worker Return-To-Work Process with the employee. The temporary assignment shall be in agreement with the employee's physician's medical restrictions, be consistent with agency policies and collective bargaining agreements, and normally be limited to a 90-day period during which time interim evaluations shall be made. The assignment must accommodate the employee's limitations while also providing benefit to the City.

During this period of modified work assignment, the employee will maintain their regular position with regular salary, seniority and benefits, but may need to adjust their schedule according to the operational needs of the assignment. Upon release to regular duties, the employee will return to their regular assignment.

In the event it is determined that the employee will need a permanent restriction and is unable to return to their original assignment, with or without a reasonable accommodation, they will be placed on personal leave status, consistent with applicable federal and state law. The employee may be entitled to benefits under state law, and the City will provide them with information about possible benefits.

### **Legal Liability**

Employees are expected to abide by all laws and regulations which govern the performance of their duties, and shall perform their duties as reasonable, prudent persons. Employees who are reasonably cautious and prudent in the performance of their duties are not negligent, and therefore, neither legally nor morally liable for accidents or injuries which may occur.

### **Donation of Paid Leave**

To provide voluntary assistance to co-workers who are taking time off work under a protected leave qualifying event (as defined by FMLA and OFLA), City employees are allowed to donate accrued, unused sick leave or compensatory time to a fellow employee who has exhausted all paid time off, but is otherwise eligible for a leave. Nothing in this policy will be construed to limit or extend the maximum allowable absence under the Family Medical Leave Act (FMLA) or the Oregon Family Leave Act (OFLA). Intermittent absences do not qualify for this program.

#### **Receiving Employee**

An employee may receive donated leave up to a total of 240 hours per fiscal year provided that the employee is:

- Off work under a protected leave qualifying event;
- Has exhausted all of his/her paid sick leave, vacation, and administrative or comp time; and
- Has a satisfactory record of sick leave usage and work performance.

#### **Donating Employee**

An employee may donate accrued sick leave or compensatory time, providing the donating employee:

- Voluntarily elects to donate leave/time to a designated recipient who has qualified for this program, and does so with the understanding that the donated leave, which is used by the designated recipient, will not be returned;
- Donates a minimum of eight (8) hours and not more than eighty (80) hours per fiscal year.
- Certifies the name of the employee for whom the donated leave is intended and the number of hours to be donated on a "Leave Donation Form."
- Certifies that the leave is donated voluntarily and that the employee understands that any unused donated leave will be returned to the donor.
- When multiple employees donate leave, the leave is applied to the recipient based on the order that the donations were received for processing.

### **Other Paid Leaves**

#### **Administrative Leave**

Exempt management and confidential employees receive an additional forty (40) hours annually of paid administrative leave for attendance at City Council and other required meetings related to their positions. Employees eligible for administrative leave may utilize this leave during their probationary periods. Upon written request, administrative leave may be carried over for up to 60-days.

**Bereavement Leave**

The City may grant an employee up to three (3) days of pay for bereavement leave to handle matters related to death and grieving of an immediate family member (including spouse, parents, children, grandchildren, brothers, sisters, mother-in-law, father-in-law, brother-in-law, sister-in-law, grandparents and step-children). If additional time is needed, the employee may use accrued vacation or compensatory time and may request an unpaid leave of absence. The City will allow eligible employees to take up to a total of two weeks of unpaid leave to deal with the death of an immediate family member (as defined by OFLA). These two weeks includes the City's three (3) days of paid leave. The City's three days of paid leave can be taken intermittently, if needed.

**Military Leave**

A full time employee who has served with the City for six (6) months or more immediately preceding an application for military leave and who is a member of the National Guard or any reserve component of the Armed Forces of the United States, is entitled to leave of absence for annual active duty for training from his/her duties for a period not exceeding fifteen (15) calendar days in any calendar year as provided in ORS 408.290. This leave of absence shall be considered continuous employment with the City.

**Blood Drives**

City employees may be allowed one (1) hour to participate in blood drives offered within the City of Madras during work hours.

**Witness Service and/or Jury Duty**

An employee subpoenaed as a witness in a court or administrative proceeding, whose testimony is job related and done on behalf of the City, shall turn over their court stipend check issued by the court to the City's finance department, and in lieu, shall receive regular City pay for the time spent in serving as a witness, including service on days off. If an employee is requested to serve on jury duty, the employee shall turn over their court stipend check issued by the court to the City's finance department, and in lieu, shall receive regular City pay for the time spent in serving as a witness, including service on days off. Said employee shall also receive reimbursement from the City for travel expenses incurred, except that the employee shall not receive reimbursement for mileage traveled where the employee is able to receive reimbursement from the court or administrative body, or other source, after "signing in" as a witness. Employees whose testimony is not on behalf of the City are excluded from this policy.

**Training**

The City shall encourage and promote training opportunities for employees and supervisors so the service that they render to the City may be made more effective. Food, lodging, and travel expenses shall be paid by the City in accordance with the expense reimbursement policy in Section 9 to any employee required to attend a conference when the conference is held at a location other than the employee's job location.

Mandated or required training shall normally be provided on City employee's work time; however, in the event that the training cannot be offered during the employee's normal work

shift, the employee shall be compensated at the appropriate rate pursuant to the requirement of the FLSA.

## **Family Medical Leave (FMLA/OFLA)**

This policy intends to comply with applicable state and federal law related to family medical leave – both FMLA and OFLA.

### **Oregon Family Leave Act (OFLA) Eligibility –**

Employees are eligible for OFLA-covered leaves if they have been employed by the City of Madras for at least 180 days (26 weeks) before the first day of the family medical leave; and have worked an average of 25 or more hours per week for the City as of the day before the request for family medical leave is made. This average will be calculated over the 180 days preceding the request for leave. However, for the purpose of taking leave in the event of the birth or adoption of a child or the legal placement of a foster child, an employee does not need to have met the hour requirement. For leave related to a spouse being called to active duty, the employee must have worked an average of 20 or more hours per week for the City.

### **Qualifying Event**

Under Oregon law (OFLA), employees are entitled to take family medical leave in the following situations:

- The employee is unable to perform the essential functions of the job because of a serious health condition, including pregnancy-related conditions. In some situations, additional leave may be available for pregnancy-related disability; and/or
- In the event of the birth or adoption of a child under the age of 18 (including the legal placement of a foster child under the age of 18) within twelve (12) months of the event; and/or
- To care for a spouse, parent, child, grandparent, grandchild, parent-in-law, same-sex domestic partner, or child or parent of a same-sex domestic partner who has a serious health condition; and/or
- To provide home care for a child under the age of 18 with a non-serious health condition, provided another family member is not willing and able to care for the child; and/or
- To spend time with a spouse who is a covered service member after being notified of a call to active duty and during leave from deployment.

### **Request for Protected Leave**

#### **Anticipated Situations**

In situations where the need for family medical leave is known or anticipated, employees must give thirty (30) days' notice to take family medical leave. If the leave is anticipated less than thirty (30) days in advance, employees must give notice as soon as is practical. Upon notice, the supervisor will provide the employee with the required forms. All employees will be required to complete a Family Medical Leave Request Form and to have the applicable certification form completed and returned prior to the commencement of family medical leave.

### **Unanticipated Situations**

In unanticipated or emergency situations where there is no opportunity to give notice, employees must notify their supervisor verbally within two working days of the emergency situation. The required paperwork must be completed and returned as soon as is practical. Notice may be provided by a family member or other individual when an employee is unable to provide notice.

## **Certification and Designation**

### **Certification of Need**

Certification of the need for family medical leave is required. In the event of a personal health condition or that of a family member, the certification must be provided by a medical professional within fifteen (15) days of the request for family medical leave. Failure to provide required medical certification may delay the start of family medical leave or may cause the denial of family medical leave. The employee may be required to furnish the City with periodic medical reports as frequently as every thirty (30) days and to complete the full recertification process every six (6) months.

In the event of a request for parental leave to care for a newly adopted child or a newly placed foster child, the employee is required to provide verification from the agency representative regarding the adoption or placement of the child.

### **Intermittent or Reduced Schedule**

Serious Health Conditions – If medically necessary, family medical leave may be taken on an intermittent or reduced schedule. Details of the proposed schedule should be verified by the certifying medical professional. Employees should discuss the need for intermittent leave with the Human Resource Officer. The City may require updated medical certifications during intermittent leave periods.

Parental Leave – Intermittent leave or a reduced schedule are not allowed upon the birth or adoption of a child, except to accommodate the required legal process leading to the adoption of a child or the placement of a foster child.

### **Employer Designations**

The City of Madras will designate leaves of absence as covered under FMLA/OFLA, even when not requested by the employee, if the reason for the absence is a qualifying purpose under the law.

## **General Provisions**

### **Definition of Year and Week**

As it relates to FMLA/OFLA, the City of Madras defines a “year” as a fiscal year (July 1 to June 30), and a “week” as an employee’s normal workweek schedule. The City of Madras will count family medical leave from the first (1<sup>st</sup>) day of absence under the qualifying purpose.

**Use of Accrued Leave**

The orders in which paid leave balances must be used are as follows: sick leave, vacation and/or administrative leave, paid compensatory time, then donated leave (if available).

**Benefits during Leave**

Where appropriate, arrangements will need to be made for employees taking unpaid family medical leave to pay their share of health insurance premiums. For example, if the group health plan involves co-payments by the employer and the employee, an employee on unpaid family medical leave must make arrangements to pay his or her normal portion of the insurance premiums to maintain insurance coverage, as must the employer. Such payments may be made under any arrangement voluntarily agreed to by the employer and employee.

The City's obligation to maintain health benefits under FMLA/OFLA stops if and when an employee informs the City of intent not to return to work at the end of the leave period, or if the employee fails to return to work when the FMLA/OFLA leave entitlement is exhausted.

**Reinstatement**

Employees returning from Family Medical Leave will be reinstated to the same or an equivalent position with equivalent benefits, pay and other terms and conditions of employment, unless their former positions have been eliminated for bona fide business reasons.

**Medical Release**

Employees returning from family medical leave taken for their own health condition may be required to provide a medical release to return to work prior to or upon return indicating they are able to return to work and whether there are any restrictions.



Oregon

Brad Avakian, Commissioner



# FAMILY LEAVE ACT

## NOTICE TO EMPLOYERS AND EMPLOYEES

The Oregon Family Leave Act (OFLA) requires employers of 25 or more employees to provide eligible workers with protected leave to care for themselves or family members in cases of death, illness, injury, childbirth, adoption and foster placement. ORS 659A.150-659A.186

### When can an Employee take Family Leave?

Employees can take family leave for the following reasons:

- **Parental Leave** during the year following the birth of a child or adoption or foster placement of a child under 18, or a child 18 or older if incapable of self-care because of a mental or physical disability. Parental leave includes leave to effectuate the legal process required for foster placement or adoption.
- **Serious health condition leave** for the employee's own serious health condition, or to care for a spouse, same-gender domestic partner, custodial parent, non-custodial parent, adoptive parent, foster parent, biological parent, step parent, parent in law, parent of same-gender domestic partner, grandparent, grandchild, a person whom the employee is or was a relationship of in loco parentis, biological, adopted, foster or step child of an employee or the child of an employee's same-gender domestic partner.
- **Pregnancy disability leave** (a form of serious health condition leave) taken by a female employee for an incapacity related to pregnancy or childbirth, occurring before or after the birth of the child, or for prenatal care.
- **Sick child leave** taken to care for an employee's child with an illness or injury that requires home care but is not a serious health condition.
- **Bereavement leave** to deal with the death of a family member.
- **Oregon Military Family Leave** is taken by the spouse or same gender domestic partner of a service member who has been called to active duty or notified of an impending call to active duty or is on leave from active duty during a period of military conflict.

### Who is Eligible?

To be eligible for leave, workers must be employed for the 180 day calendar period immediately preceding the leave and have worked at least an average of 25 hours per week during the 180-day period.

**Exception 1:** For parental leave, workers are eligible after being employed for 180 calendar days, without regard to the number of hours worked.

**Exception 2:** For Oregon Military Family Leave, workers are eligible if they have worked at least an average of 20 hours per week, without regard to the duration of employment.

**Exception 3:** For compensable Workers Compensation injuries, for certain Workers Compensation injuries involving denied and then accepted claims and for certain accepted claims involving more than one employer.

**Exception 4:** When an employee is caring for a family member with a serious health condition and the same family member dies, the employee need not requalify with the 25 hour per week average to be eligible for bereavement leave.

### How much Leave can an Employee take?

- Employees are generally entitled to a maximum of 12 weeks of family leave within the employer's 12-month leave year.
- A woman using pregnancy disability leave is entitled to 12 additional weeks of leave in the same leave year for any qualifying OFLA purpose.
- A man or woman using a full 12 weeks of parental leave is entitled to take up to 12 additional weeks for the purpose of sick child leave.
- Employees are entitled to 2 weeks of bereavement leave to be taken within 60 days of the notice of the death of a covered family member.
- A spouse or same gender domestic partner of a service member is entitled to a total of 14 days of leave per deployment after the military spouse has been notified of an impending call or order to active duty and before deployment and when the military spouse is on leave from deployment.

### What Notice is Required?

Employees may be required to give 30 days notice in advance of leave, unless the leave is taken for an emergency. Employers may require that notice is given in writing. In an emergency, employees must give verbal notice within 24 hours of starting a leave.

### Is Family Leave paid or unpaid? Benefits?

- Although Family Leave is unpaid, employees are entitled to use any accrued paid vacation, sick or other paid leave.
- Employees are entitled to group health insurance benefits during family leave as if they continued working.

### How is an Employee's job Protected?

Employers must return employees to their former jobs or to equivalent jobs if the former position no longer exists. However, employees on OFLA leave are still subject to nondiscriminatory employment actions such as layoff or discipline that would have been taken without regard to the employee's leave.

#### FOR ADDITIONAL INFORMATION:

Employer Assistance . . . 971-673-0824	BOLI
Portland . . . . . 971-673-0761	Civil Rights Division
Eugene . . . . . 541-686-7623	800 NE Oregon, #1045
Salem . . . . . 503-378-3292	Portland, OR 97232

[www.oregon.gov/BOLI](http://www.oregon.gov/BOLI)

This is a summary of laws relating to Oregon Family Leave Act. It is not a complete text of the law.

January 2016

**Employees who have been denied available leave, disciplined or retaliated against for requesting or taking leave, or have been denied reinstatement to the same or equivalent position when they returned from leave, may file a complaint with BOLI's Civil Rights Division.**

**THIS INFORMATION MUST BE POSTED IN A CONSPICUOUS LOCATION**

## **Personal Leave of Absence**

Employees may be granted a personal leave of absence with or without pay under certain circumstances. A personal leave of absence is an approved period of time away from work for personal reasons that does not fall under the guidelines of the family medical leave policy, or other leave policy. A personal leave is granted at the discretion of the City Administrator and is normally granted to protect the length of service and benefit rights for an employee whose service might otherwise be terminated.

### **Eligibility**

An employee becomes eligible for a personal leave of absence without pay after six (6) months of service. Personal leave may be granted by the City Administrator at the recommendation of the department head, provided however, said leave shall not exceed six (6) months and will begin on the first regular workday following the last day worked. An employee shall not be granted personal leave until all sick leave, accumulated compensatory time, and annual leave accruals (as appropriate to the circumstance of the leave) have been exhausted.

### **Notification**

Requests for personal leave that will be longer than ten (10) days must be submitted in writing and approved by the department head at least five (5) working days in advance of the effective leave date, except in cases of emergency. All leave requests must include an expected date of return. If an employee does not return within three days of that date, and no extension has been requested, they will be assumed to have voluntarily resigned.

### **Employee Status**

An employee on personal leave shall not be eligible for accrual of sick leave, vacation, or holiday pay.

An employee on an authorized personal leave is entitled to reinstatement to the employee's former position at the expiration of the employee's leave. If an employee is unable to work at the expiration of the authorized leave, due to inability to perform the essential function of the job with or without reasonable accommodation, the City and the employee shall explore alternative solutions and otherwise take measures to comply with the American with Disabilities Act if applicable. The City may request medical certification of ability to perform the job duties as set forth in the job description.

### **Medical Benefits**

Insurance coverage will not be maintained for an employee while on a personal leave of absence for reason other than stated in Section 7 (Family Medical Leave). They may continue insurance coverage by paying the full premium by the first of each month if continuance of insurance coverage is desired.

Benefits do not accrue during a leave of absence but are retained at the same level. Medical, dental, and vision coverage shall be reinstated on the first day of the first full pay period the employee returns to work, provided however, that the employee shall notify the Human Resource Officer ten (10) working days before the date of return to work.

## **Military Leave without Pay**

Military leave of absence without pay will be granted to regular-status employees for periods of active duty exceeding two (2) weeks with the Armed Forces of the United States.

Upon honorable discharge from military service, the employee will be returned to a position in the same classification as his/her last held position, at the salary rate prevailing for such class, and without loss of seniority of employment rights. If the employee is not physically qualified to perform the duties of the former position because of a service-connected disability, he or she may be reinstated in another appropriate classification.

Returning military service personnel must make application for reinstatement within thirty (30) days of discharge. Failure to comply shall terminate military leave. If an employee voluntarily re-enlists, his/her military leave shall be deemed canceled.

## **Domestic Violence Leave**

ORS 659A.272 provides for protected leave for employees who are victims of domestic violence, sexual assault, criminal harassment, or stalking, or are parents of victims (minor children), are eligible for leave to deal with issues of domestic violence, sexual assault, criminal harassment, or stalking.

Employees may use accrued sick leave, vacation leave or comp time to pay for time off. If accrued leave is not available, employees may take leave without pay.

The City will provide reasonable safety accommodations for an employee who is a victim of domestic violence, sexual assault, criminal harassment, or stalking, if the employee requests it, and if it does not impose an undue hardship on the City.

Examples of reasonable accommodation may include, but are not limited to,: transfer, reassignment, modified schedule, unpaid leave from employment, changed work telephone number, changed work station, installed lock, implemented safety procedure, or other adjustment to a job structure, workplace facility or work requirement.

# 8. HEALTH AND SAFETY

## **Tobacco Free Workplace**

Because the City recognizes the hazards caused by exposure to environmental tobacco smoke, as well as the life-threatening diseases linked to the use of all forms of tobacco, it shall be the policy of the City to provide a tobacco-free environment for all employees and visitors. This policy covers the smoking of any tobacco product, smoking in any form (including e-smoking), and the use of oral tobacco products or “chew/spit” tobacco. This policy applies to employees, volunteers and non-employee visitors of the City.

The City prohibits tobacco use in all City facilities, in or around City vehicles, and in or around City equipment. Tobacco use is prohibited by any entrance to a City facility that may be used by the public and at least 20 feet from other entrances designated as employee only entrances.

## **Alcohol/Drug Use, Abuse and Testing**

The City works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to the City’s reputation.

The City expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective and efficient manner. An employee’s off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement principles). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

### **Prohibited Conduct**

- Possession, transfer, use or being under the influence of any alcohol while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees or others.
  - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol “hangover” adversely affects an employee’s physical or mental faculties while at work to any perceptible degree or the employee’s blood alcohol content exceeds .02 percent, the employee will be deemed “under the influence” for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance while on City property, on City time, while driving City vehicles (or personal vehicles while on City business), or in other circumstances which adversely affect City operations or safety of City employees. Employees may not have any detectable amount

of narcotic, hallucinogen, stimulant, sedative, drug or other controlled substance in their system while on City property or on City time.

- The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.
- As used in this rule, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington or any other state's law.
- Bringing to City property, or possessing, items or objects that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. Employees may not knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in City property.
- Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to City property.

### **Prescription Drugs and Medical Marijuana**

With the exception of medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or City operations.

Employees must inform their supervisor about any prescription drugs that they are using which could adversely affect their physical or mental faculties to any perceptible degree. If an employee's use of such prescription drugs could adversely affect City operations or safety of City employees or other persons, City may reassign the employee using the drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination.

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees

who use medical marijuana in connection with a disability **should discuss with their** supervisor other means of accommodating the disability in the workplace. (Please refer to the “Disability Accommodation Policy”.)

### **Reasonable Cause Testing**

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours, or has used drugs or alcohol in violation of this policy, the City may require the employee to undergo testing for controlled substances or alcohol.

As used in this policy, unless the context indicates otherwise:

- The terms “test” and “testing” shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, psycho-neurological examinations and other tests of saliva, blood and urine. No testing shall be performed under this rule without the approval of the appropriate department head and HR Officer.
- “Reasonable cause” as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol, or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining “reasonable cause” may include, but are not limited to:
  - a pattern of abnormal or erratic behavior;
  - information provided by a reliable and credible source;
  - direct observation of drug or alcohol use;
  - presence of the physical symptoms of drug or alcohol use (i.e., glassy or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes);
  - unexplained significant deterioration in individual job performance;
  - unexplained or suspicious absenteeism or tardiness;
  - employee admissions regarding drug or alcohol use; and
  - unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors are required to detail in writing the specific facts, symptoms or observations which form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to the HR Officer. Supervisors must identify a second employee or witness to corroborate his/her “reasonable cause” findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the HR Officer. The letter of notification shall state the particular substance identified by the laboratory

tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

### **Post-Accident Testing**

Employees may be subject to testing when they are involved in an accident that seriously damage a City vehicle, machinery, equipment or property or result in an injury to themselves or another employee requiring offsite medical attention. Post-accident testing will be requested at the discretion of the department head and/or HR Officer.

### **Search of Property**

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on City property, or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, the City may search the employee's possessions located on City property, including but not limited to, clothes, locker, lunchbox, toolbox, desk, and car. Employees should have no expectation of privacy in any items they bring on to City property, or in property, equipment or supplies provided by the City to employee.

### **Employee Refusal to Test/Search**

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any and all tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

### **Crimes Involving Drugs and/or Alcohol**

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction;
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL). Failure to report as required will result in disciplinary action up to and including termination.

### **Drug and Alcohol Treatment**

The City recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. The City is willing to help such employees identify drug or alcohol-related problems and obtain appropriate treatment.

An employee who believes that he or she has a problem involving the use of alcohol or drugs should ask a supervisor or HR Officer for assistance.

The City will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and City to the extent its existing benefits package covers some or all of the program costs.

Although the City recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance before drug or alcohol problems lead to disciplinary action. Once a violation of City policy is discovered, the employee's willingness to seek City or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

### **Discipline and Consequences of Prohibited Conduct**

An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to either termination or a last-chance agreement.

A last-chance agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address their substance abuse issue and/or performance or safety issues. The Last Chance Agreement shall be written to inform the employee of the problems noted with their performance and to specify the performance required for the employee to achieve in order to continue to be employed by Organization. Violation of the provisions of a Last Chance Agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

### **Confidentiality**

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or City is prohibited unless written authorization is obtained from the employee.

## **Life Threatening Illness and Communicable Diseases**

The City recognizes that many employees with life-threatening and other chronic illness desire to lead normal lives, which includes working as long as their health permits. Employees are encouraged to continue working as long as they are able to perform their full and complete job duties and their illness presents no threat to themselves, other employees, or the public. The City further recognizes that many diseases, although infectious in nature, are not spread in the normal working environment and pose no threat to co-workers, other employees, or members of the public serviced by such employees in the workplace.

Employees with life-threatening illnesses are entitled to the same employment benefits as are other City employees who have medical problems. The City shall attempt to ensure within its benefit plan, that workers with life-threatening illnesses are provided with competent medical care and with information concerning counseling and other services where needed.

Medical information on individual employees is treated confidentially. The City shall take reasonable precautions to protect such information from inappropriate disclosure. All employees have a responsibility to respect and maintain the confidentiality of employee medical information. Anyone

inappropriately disclosing such information is subject to disciplinary action, up to and including termination.

The City reserves the right to require an employee to undergo a medical examination by a doctor chosen by the City whenever there is a question of an employee's fitness to work or where there is reason to fear that a worker's condition might pose safety or health hazard for the employees or the public.

The City shall make reasonable job accommodations where necessary to assist employees with a life-threatening illness, when such accommodation does not impose an undue business or economic hardship upon the City.

### **Blood-borne Pathogens Exposure Control**

Universal precautions shall be observed in order to prevent contact with blood or other potentially infectious materials. All blood or other potentially infectious material shall be considered infectious regardless of the perceived status of the source individual. Engineering and work practice controls shall be utilized to eliminate or minimize exposure to employees. Where occupational exposure remains after the institution of these controls, personal protective equipment is provided and shall be utilized.

In the event of exposure to potentially infectious material, employees, after removing personal protective equipment, shall wash hands and any other potentially contaminated skin area immediately or as soon as possible with soap and water. Any skin or mucous membrane exposure to blood or other potentially infectious material shall be followed by washing or flushing as soon as feasible following contact. In work areas where there is a reasonable likelihood of exposure to blood or other potentially infectious material, employees are not to eat, drink, apply cosmetics or lip balm or handle contact lenses. Equipment, which has become contaminated with blood or other potentially infectious materials, shall be decontaminated as necessary.

When an exposure incident occurs, it is to be reported to the supervisor. All employees who incur exposure incidents shall be offered post-exposure evaluation and follow-up in accordance with the OSHA standard. It is recommended that an accident report form be completed when an exposure incident occurs.

Communication of the potential hazards from blood or other potentially infectious materials shall be done by means of labels or signs, with the appropriate "BIOHAZARD" label, red bags or red containers, which meet OSHA requirements. All employees working in classifications identified as having reasonably anticipated potential for an occupational exposure to blood or other potentially infectious materials shall be trained in proper biohazard procedures.

### **City of Madras Safety Program**

Department heads, supervisors, and employees shall guard the safety of themselves, fellow employees, and the public. Each employee, regardless of their position within the City, is expected to cooperate in all aspects of the City's Safety Program and to strictly follow all safety regulations published for their department and the work they do.

#### **Safety Program Guidelines – Management's Responsibility**

- Prevent injury and illness accidents. All management employees are held accountable for all aspects under their span of control.

- Provide direction and full support to supervisors and employees in all safety and health procedures, job training, and hazard elimination practices.
- Keep fully informed on safety and health areas throughout the City of Madras and regularly review the effectiveness of the safety and health program.

**Safety Program Guidelines – Supervisor’s Responsibility**

- Supervisors are directly responsible for the supervision and job training of their workers. This includes proper procedures, work practices, and safe methods for performing the job.
- Supervisors must enforce policies and procedures, and take immediate corrective action to eliminate hazardous conditions and practices.
- Safety will not be sacrificed for any reason. Supervisors will be held accountable for all safety and health aspects.

**Safety Program Guidelines – Employee Responsibility**

- Common sense and personal interest in safety are still the greatest guarantees of employee safety at work, and on the road.
- The cooperation of every employee is necessary to make the City a safe place in which to work.
- Employees can help themselves and others by reporting unsafe conditions or hazards immediately to their supervisor or to a member of the Safety Committee.
- All employees must give earnest consideration to the rules of safety presented to them by poster signs, discussions with their supervisor, posted department rules, and all published safety regulations.

Individual departments such as Police and Public Works may require adherence to additional safety guidelines specific to the work they do. Major components of the City’s general Safety Program for all employees include but are not limited to the following:

- All accidents, incidents, and near misses shall be reported to a supervisor immediately.
- When accidents occur on City property, the employee shall contact a supervisor immediately and the supervisor shall complete an accident incident report form.
- In case of a motor vehicle accident, the Police Department shall be notified immediately.
- In the event the Police Department is involved in an automobile accident, the accident shall be immediately investigated by the local State Police or Sheriff.
- All employees are required to wear properly maintained and designed personal protective equipment in specific areas and during specific job functions. Wearing necessary personal protective equipment is a condition of employment.
- All employees must take advantage of all safeguards provided and not bypass, lockout, or otherwise render inoperative, any safety devices provided for the protection of the operator, machine, or others.
- If a machine is not working properly, the operator is to report the discrepancy to the supervisor or designated person immediately.
- Hazardous conditions or other safety and health concerns shall be reported to a supervisor or safety committee member immediately.
- Employees are encouraged participate in safety committee activities, and support safety committee membership.

- Each employee has the personal responsibility for their own safety and health as well as the safety and health of co-workers. If everyone does their part by doing what is necessary to ensure workplace safety and health, everyone benefits.

Please refer to the City's Safety Manual and to any published safety regulations in your department for additional information.

### **Safety Committee**

Employee involvement at all levels of City government is critical to the success of the Safety Committee. A joint worker/management Safety Committee has been established to promote safety and health in the workplace. The Safety Committee will assist the City of Madras in making recommendations for change.

Committee members are committed to the well-being of City employees and are responsible for making recommendations on how to improve safety and health in the workplace.

The committee is responsible for maintaining the City of Madras Safety Program by identifying problems and preventing workplace accidents; identifying hazards and suggesting corrective actions; helping to identify employee safety training needs and to establish accident investigation procedures for the City of Madras.

## **Employee Wellness**

### **Purpose**

The City of Madras Wellness Policy ("Wellness Policy") provides the foundation for the City to develop activities and modify work environments and policies to support the health and well-being of City employees. Regular physical activity reduces stress, improves memory and concentration, and contributes to a host of positive health benefits. In addition to the benefits for employees, positive benefits are likely to affect the families of employees, resulting in better health for families and the community.

### **Wellness Program**

A City of Madras Wellness Program ("Wellness Program") has been developed and has incorporated the intent of this Wellness Policy. The wellness initiatives may address the primary components of a healthy lifestyle including healthy eating, physical activity, tobacco use cessation, and stress management.

## **Vehicle Usage and Safety**

The purpose of this policy is to provide guidance to employees regarding vehicles used to perform City business; to maximize the safety of drivers, passengers, and the public when vehicles are driven for City business; to ensure lawful, appropriate use of City-owned vehicles; and to comply with applicable tax regulations. City vehicles are to be used by employees only in the performance of official City business. Use of City vehicles for personal purposes is prohibited except as authorized in this policy.

### **General Information**

This policy applies to all City of Madras elected officials, employees, individuals working at the City of Madras through an employment agency and other individuals authorized to use City vehicles.

### **Use of Vehicles by City Employees in the Performance of City Business**

The provisions of this section apply those who operate City-owned or personal vehicles in the performance of official City business.

1. Employees must have a valid driver's license for the class of vehicle(s) they operate.
2. Employees are responsible for knowing and following all applicable motor vehicle laws, including the latest amendments applicable to the class of vehicle operated.
3. Firearms are not permitted in City vehicles while performing City work, except as authorized for public safety personnel conducting official business.
4. Employees are responsible for paying fines for parking and traffic violations if the fines are incurred during the operation of a vehicle on City business. The City will not reimburse employees for fines unless there are extenuating circumstances such as unknowingly driving a City-owned vehicle with defective equipment.
5. Employees who drive vehicles to perform City business must notify their supervisor within 24 hours or as soon as practicable about any of the following:
  - City vehicle damage
  - Accident involving a City vehicle or personal vehicle used while engaged in City business
  - Citation convictions or no contest pleas while operating City vehicles or personal vehicles engaged in City business
  - Major violations including but not limited to DUII
  - No insurance or loss of insurance
  - Driver's license suspension or revocation

Notice is required whether driving a City vehicle or a personal vehicle. The supervisor must forward the notice to the HR Officer within 24 hours.

In general, only City employees may be passengers in City vehicles. However, non-City employees may be passengers in City vehicles if the vehicle is operated by a City employee and the transportation of non-City employee directly relates to City business and falls within the employee's job responsibilities. The City Administrator may authorize written exceptions to this general provision of the policy.

### **Vehicle Operation Requirements**

The driver's license requirements in this policy are a condition of continued employment with the City for positions that require driving. Employees must not operate a City vehicle or any vehicle to perform our business unless they meet the following requirements:

1. No employee may operate a vehicle in the course of his/her duties without a valid Oregon driver's license. Persons who accept employment with the City and who possess a non-Oregon driver's license are required to obtain an Oregon driver's license within 30 days of employment.
2. Employees are expected to drive in a safe and responsible manner and maintain a good driving record. All City of Madras employees are required to have an active Oregon Class C Driver's License, and will have their driving records monitored in compliance with the Department of Motor Vehicles' State of Oregon automated reporting system (A.R.S.). The City may review driving records of employees annually.

The City HR Officer will review records, including accidents, moving violations, etc., in order to determine if an employee's driving record is unacceptable. City employees who have a record or pattern of unsafe or irresponsible driving may be disqualified from driving City vehicles and from driving while on City business.

3. You must be at least 18 years old.
4. Any major violation (Traffic Crime) reported shall be reviewed by the employee's respective department head and the HR Officer before employees are authorized to drive a City vehicle. Major violations include:
  - Driving Under the Influence of Intoxicants (DUII)
  - Failure to Perform the Duties of a Driver
  - Reckless Driving
  - Attempting to Elude a Police Officer
  - Commission of a vehicular felony, including vehicular manslaughter

If an employee has had any combination of three automobile accidents or moving violations within the most recent past three year period, the employee's record may be reviewed and they may not be permitted to operate a City vehicle until the review has been completed and the employee has been authorized to do so.

### **Use of City-Owned Vehicles**

The following conditions apply to employees who operate City-owned vehicles (not including take home vehicles):

City-owned vehicles are to be used only to conduct City business except as expressly provided in this policy. Travel to meetings and working meals, whether at City facilities or off site, are

considered City business activities. Personal use of City-owned vehicles is prohibited except for the minimal uses expressly authorized by this policy.

In the unlikely event that there are no feasible alternatives to personal use of a City-owned vehicle, employees shall notify their Department Head prior to use or as soon as practical afterwards.

The general rule is that employees operating a City vehicle, spending the majority of their work day away from a City facility, should take meal and rest breaks in the area where they are working. Specific departments may further define the limitations of this policy. Employees may stop for meal breaks on the route of their travel on City business. "On the route" may include a slight deviation from the most direct route.

Employees must report any needed maintenance and leave vehicle clean and ready for use by the next City employee with adequate fuel.

All City vehicles shall be tobacco free. Tobacco use is not permitted in all City vehicles (refer to Section 8 of this manual for the City's Tobacco Free Policy).

If an employee is authorized to operate City vehicles, they must follow all traffic codes and regulations including, but not limited to, use of seatbelts, not driving under the influence, mobile communications, etc.

## **City of Madras On-Call & Take Home Vehicle Use Policy**

### **Purpose**

The City Public Works Department full time employees (FTE) provide after hours and emergency services for city infrastructure including streets, parks, stormwater, water, and wastewater. The coverage of these services is organized through on-call shift scheduling which includes the use of designated city vehicle(s). The City of Madras On-Call & Take Home Vehicle Use Policy provides guidance and structure to City of Madras employees for appropriate use and conduct of a city vehicle while being on-call for the city. It additionally avoids unwanted tax consequences to City of Madras employees.

### **Policy**

A public works employee may be required by their supervisor, per their job description, to be on an on-call schedule. When an assigned employee is scheduled to be on-call the employee will be required to respond to phone calls for work situations requiring the employee's immediate attention. In these cases, the use of an equipped city vehicle will create an efficient means for emergency response. Only the employee(s) serving on-call will be authorized to utilize the designated City vehicle(s) for take home purposes. This policy is to be used in conjunction with the City's Personnel Manual, Safety Manual, and Travel Policy. It is the City's intent to maximize the safety of drivers, passengers and the public when vehicles are driven during City business and to mitigate the risk of loss from motor vehicle accidents.

There will be up to two on-call rotations within the public works department at any one time – one from the utilities department, and one from the parks/streets combined departments – to ensure properly trained employees respond to emergency situations.

## Definitions

1. Take home vehicle: any vehicle that is owned, leased, rented or otherwise under the care, custody or control of the city and is taken from the city premises after normal working hours to remain in “home storage” overnight for the use by a city employee or authorized representative for a bona fide city purpose.
2. Bona fide city purpose: conducting only official city business.
3. Personal use: personal use is not allowed while the city employee is on-call. Family members and non-city members are not allowed in a city vehicle. Any exceptions to this policy must be approved by the City Administrator.
4. Exempt vehicles: According to Federal guidelines and for purposes of tax calculation only, certain vehicles and equipment, particularly emergency and certain utility service vehicles designed by Federal law are exempt for the purpose of increased tax liability. This exemption means that the taxable income of the employee assigned one of these vehicles will not be affected.
5. Home Storage: A vehicle kept at the employee’s resident. Vehicles must be stored securely, and employees must avoid situations that could give rise to a legitimate complaint from neighbors, such as blocking streets, driveways, alleys, etc.
6. Non-Exempt Vehicles: According to Federal guidelines and for purposes of tax calculations only, all other vehicles of the City that do not meet the criteria to be exempt vehicles are classified as “non-exempt.” By non-exempt the Federal government means that a tax liability will be incurred by the employee to whom the use of the vehicle is assigned.
7. Tax Liability: An employee who has a non-exempt, assigned take-home vehicle will have

## On-call procedures

### Qualifications

1. While regular, full time employees of the City of Madras Public Works Department will serve primarily in the on-call schedule, Public Works seasonal staff may also be incorporated into the on-call schedule as determined necessary by the Public Works Director, or designee.
2. Only regular, full time employees of the City of Madras Public Works Department may be eligible for use of a take home vehicle.
3. An employee “on-call” must be able to respond:
  - a. Immediately by phone on initial contact
  - b. On site of the call out within 45 minutes
  - c. Fit for duty and unimpaired by chemical or substance use as required by City policy

4. While non-exempt public works employees may be required to be on an on-call schedule, those eligible to utilize a city take home vehicle must reside within 35 miles from City of Madras City Hall.

### **Schedule**

1. An employee assigned to be on-call will typically cover a seven (7) calendar day period as determined by each department. During an on-call shift, the employee will work their regular work shift.
2. Supervisors are responsible for developing operational guidelines and staffing schedules to preclude unnecessary or excessive on-call rotation duties. The on-call schedule will be populated and provided to the public works employees at least six months in advance.
3. When an employee is unable to fulfill on-call responsibilities due to illness or other circumstances, the duty shall be reassigned by the department supervisor.
4. Trading on-call shifts will be allowed with prior supervisor approval.

### **Process**

1. On-call employee's preparation and process for their scheduled week's duty:
  - a. City cell phone and vehicle shall be used according to City policy.
  - b. City cell phone shall be carried with employee at all times and within cellular service areas.
  - c. Employees responding to inquiries shall assess the severity of the situation and make the determination if it can be handled over the phone, or, if it is necessary to go to the site to rectify the problem. If it has been determined that reporting on-site is necessary:
    - i. And they have been authorized for a take home vehicle, they can report directly to the site and make a decision whether additional help is required; or
    - ii. They have not been authorized for and/or declined to use a take home vehicle, they will need to drive in to their worksite facility, obtain a service vehicle, then report to the site and make a decision whether additional help is required.
      1. If additional help is needed employee will call the other on-call rotation employee to provide assistance.
  - d. See Personnel Manual, Chapter 3: Compensation for policy on On-Call Pay.

### **Take home vehicle use procedures**

1. The City owns, maintains, and operates vehicles for the purpose of conducting City business.
2. City owned vehicles are to be used only for the performance of official duties, including employee use while serving on-call.

3. City vehicles may be used, as approved by the Public Works Director, while employees are on city business, and may be used by employees serving on-call to be taken home during their on-call scheduled shifts.
4. Employees must have a valid driver's license for the class of vehicle(s) being operated.
5. Employees are responsible for knowing and following all applicable motor vehicle laws, including the latest amendments applicable to the class of vehicle operated.
6. City vehicles may be used as indicated in an employee's job description in order to perform an essential job function of his or her job.
7. Use of City vehicles for personal purposes, including while employee is serving on-call, is prohibited.
8. It is the employee's responsibility to ensure that the vehicle they have been authorized to use during their on-call shift is properly equipped with the tools, PPE, first aid, and any other City-issued items are properly stocked and ready for their on-call shift.

**Policy violation**

Violation of this policy and/or misconduct involving the use of a motor vehicle may be grounds for disciplinary action up to and including termination.

# 9: INFORMATION TECHNOLOGY

## Telephones

All City of Madras employees must adhere to the following guidelines for use of the City's telephone systems:

- Answer all calls promptly and courteously. Identify both the City and yourself when answering the call.
- Personal calls, both incoming and outgoing, should be limited to emergencies and essential personal business and kept as brief as possible.
- The City reserves the right to monitor telephone calls, including voice mail messages for business and security purposes.

## Cell Phone Policy

### City-Issued Cell Phone Usage

Cell phones assigned to City of Madras employees, volunteers and officials are intended to provide for the efficient conduct of business related to the City. Personal calls (outgoing and incoming) will be allowed infrequently, for limited duration, and only in instances of family emergencies when a landline telephone is not reasonably available. These phones remain City of Madras property and will be on the service plan provided by the City.

Employees issued City cell phones shall have no expectation of privacy while using City-issued devices. The City may audit and monitor phone calls, messages, Internet, and other usage.

### Personal Cell Phone Usage

The City of Madras discourages personal cell phone use or text messaging except on breaks or lunch time.

Employees should not store confidential or work-related information on personal cell phones unless authorized by a supervisor.

When using a cell phone, employees should be courteous and speak quietly in an area away from coworkers and other persons interacting within the workplace. Unattended cell phones should have the volume set to silent to limit disruptions within the workplace.

### Safety Issues

The City of Madras prohibits the use of cell phones, including text messaging, during the following work-related activities:

- While operating a moving vehicle unless a hands free device is used;
- While operating or being in close proximity of heavy, dangerous, moving machinery; or
- Where use of a cell phone may place employees at risk of injury.

### **Reporting Lost or Stolen Cell Phones**

Employees are responsible for taking reasonable precautions to prevent theft and/or vandalism of cellular equipment. If a personal or City-issued cell phone stores email addresses, phone numbers or other work or private information about other employees, customers, or clients, or sensitive or confidential workplace information and is lost or stolen, report the loss to a supervisor immediately.

## **Computer Software**

It is the policy of the City to respect all computer software copyrights and to adhere to the terms of all software licenses to which the City is a party. The City prohibits the unauthorized use or duplication of City purchased and licensed software and related documentation by its employees or affiliates. Unauthorized duplication of software may subject users and/or the City to both civil and criminal penalties under the United States Copyright Act. The City will not permit any employee to use software in any manner inconsistent with the applicable license agreement, including giving or receiving software or fonts from clients, contractors, customers and others. The failure of employees to adhere to this policy may result in disciplinary action including dismissal from the City.

### **Proprietary Software**

Computer software developed by employees or contract personnel on behalf of the City, or purchased for the use of the City, is City property and may not be distributed to individuals outside of the City.

### **Software Package Contracts**

Contracts with vendors for proprietary software packages should clearly define the conditions of the software use. Employees are forbidden to copy or use software contrary to the provisions of these contracts. Employees are responsible and liable to ensure that no unlicensed software is installed on their computer.

### **Personal Computer Software**

Personal computer software products may not be copied, except to the limit provided by the vendor's contracts (e.g. a backup copy for protection).

### **Purchasing Software**

Department heads are responsible for requisitioning all necessary computer software for their staff and department.

### **Software Use**

The City's computers are organization owned assets and must be kept both software legal and virus free. Only software purchased through the procedures outlined above may be used on the City machines. Users are not permitted to bring software from home and load it onto the City's computers. City owned software cannot be taken home and/or loaded on a user's home computer unless the employee has the prior permission of their supervisor and the City Administrator.

### **Shareware Software**

Shareware software is copyrighted software that is distributed via the Internet. It is the policy of the City to pay shareware authors the fee they specify for use of their products. Under this policy, acquisition and registration of Shareware products will be handled the same way as for commercial software products.

### **City Computer Audits**

Information Systems will conduct annual audits of all City computers and servers, including portable, to ensure that the City is in compliance with all software licenses. Surprise audits may be conducted as well. Audits will be conducted using an auditing software product. The full cooperation of all users is required during audits.

### **Illegal Duplication of Software**

According to the US Copyright Act, illegal reproduction of software is subject to civil damages of as much as \$100,000 per title infringed, and criminal penalties, including fines of as much as \$250,000 per title infringed and imprisonment of up to five years. A City employee who makes, acquires, or uses unauthorized copies of software will be disciplined as appropriate under the circumstances. Such discipline may include termination of employment. The City does not condone the illegal duplication of software and will not tolerate it.

## **Electronic Mail (E-Mail)**

In addition to the general requirements stated above, employees must adhere to the following guidelines in the use of the City's e-mail system:

- The City's e-mail system is the City's property and should be used only by authorized persons for the business purposes of the City.
- Employees should disclose information or messages through e-mail only to other authorized employees. Since information transmitted may be of a confidential nature, the distribution of e-mail information should be limited to those with a need to know. This applies to all communications as well as City proprietary information and privileged attorney-client material.
- The City reserves the right to monitor the e-mail system for business and security reasons.
- The City's e-mail system and other electronic employee communications are not private. Employees do not have a personal privacy right in any matter created, received, or sent through the City's e-mail or other electronic communications systems.
- E-mail is no different than a written document. The same care must be taken with e-mail as with any other written communication. Employees must keep in mind that an e-mail message may end up stored indefinitely in the file system and can be discoverable in litigation.
- Use e-mail for business purposes only. It is not a forum for personal announcements or mass distribution of non-business-related messages.
- Limit the number of people on distribution lists to those who need the information. This will help protect confidential communications. All distribution lists should be reviewed and updated regularly to assist effective distribution and to preserve confidentiality.

## **Internet Access**

The City's Internet access is for use by authorized persons for the business purposes of the City.

- The City reserves the right to monitor employee use of the Internet.

- Internet use to solicit outside business ventures for personal benefit, for the distribution, exchange or access to offensive or harassing materials, or for personal, political or religious causes is strictly prohibited.

## **Social Networking and Blogging**

The City of Madras takes no position on any employee's decision to start or maintain a social media blog or participate in other social networking activities. However, it is the right and duty of the City of Madras to protect itself from unauthorized disclosure of information. The City of Madras' social networking policy covers City-authorized social networking and personal social networking and applies to all employees (see Authorized Social Networking and Personal Blogging/Social Networking below).

### **General Provisions**

Blogging or other forms of social media or technology include but are not limited to video or wiki postings, sites such as Facebook and Twitter, chat rooms, personal blogs or other similar forms of online journals, diaries or personal newsletters not affiliated with the City of Madras.

Unless specifically instructed, employees are not authorized and therefore restricted from speaking on behalf of the City. Employees are expected to protect the privacy of other employees and clients and are prohibited from disclosing personal employee and nonemployee information and any information to which employees have access through work. This policy does not prohibit employees from exercising their rights under applicable employment relations laws.

### **Authorized Social Networking**

Authorized social networking is social networking or blogging on behalf of the City of Madras which has been authorized by the City. Authorized social networking and blogging is used to convey information about city services, promote and raise awareness of City activities and events, and issue or respond to breaking news or negative publicity.

The goal of authorized social networking and blogging is to become a part of the community conversation and promote web-based sharing of ideas and exchange of information. When social networking, blogging or using other forms of web-based forums, the City must ensure that use of these communications maintains our integrity and reputation while minimizing actual or potential legal risks, whether used inside or outside the workplace.

### **Personal Blogs/Social Networking**

The City of Madras respects the right of employees to write blogs and use social networking sites, the City does not want to discourage employees from self-publishing and self-expression, and does not discriminate against employees who use these media for personal interests and affiliations or other lawful purposes.

If employees choose to identify themselves as a City employee, they must understand that some readers may view them as a spokesperson for the City of Madras due to the content including text and images. Because of this possibility, the City asks that employees state that their views expressed in their blog or social networking area are their own and not those of the City, nor of any person or organization affiliated or doing business with the City.

### **Employer Monitoring**

Employees are cautioned that they should have no expectation of privacy while using the internet at work, subject to lawful access to public postings. Postings can be reviewed by anyone, including city officials. The City of Madras reserves the right to monitor comments or discussions about the City, its employees, and clients.

Employees are cautioned that they should have no expectation of privacy while using City of Madras equipment or facilities for any purpose, including authorized blogging.

### **IT Systems Security**

- Employees should limit who they provide their login/password information with to only those that it is necessary (i.e. HR, immediate supervisor or IT contractor).
- Employees shall not leave their e-mail or other confidential information visible on an unattended computer screen. They should logoff from their workstation when they are away from their desk for extended periods.
- It is recommended that all employees change passwords annually to avoid unauthorized access.
- Employees shall not share any information or instruction regarding remote access configuration with co-workers, family, friends or anyone else outside of Information Technology- Network and Systems group.

### **Office Equipment and Supplies**

Office equipment such as copy machines, fax machines, postage machines, and other office equipment are to be used for City business purposes only.

### **Public Records and Consent to Monitoring**

All of the City of Madras' IT systems (including, without limitation, cell phones, e-mail, software, computers, tablets, and any associated applications) are considered public property. Subject to applicable law, all City related documents, files, and messages transmitted or stored on the IT systems are considered public records, are subject to Oregon's Public Records Law, and are considered the property of the City, regardless of whether the documents, files, and/or messages are stored on the IT systems.

The City has the right but not the duty to inspect any documents, files, and messages transmitted or stored on the IT systems in order to ensure compliance with the City's policies. Users of the City's IT systems do not have any personal privacy right in any matter created, received, stored in, and/or transmitted from any IT system. The City may track any City IT system usage. The City reserves the right (from time-to-time or at any time) to intercept, divert, discard, access, and/or review the IT systems and their usage. Further, the City reserves the right to disclose the use of any IT system if the City reasonably believes such disclosure is necessary or appropriate, including for the purpose of complying with or assisting law enforcement officials or legal authorities who may, by subpoena, search warrant, or otherwise, seek review of such usage, or for the purpose of litigation or other legal proceedings.

Employees who violate this IT system policy (Section 9) may be subject to discipline up to and including termination of employment.

# 10: MISCELLANEOUS

## **Whistleblower Act**

It is the responsibility of all City of Madras employees to report violations or suspected violations of applicable laws, rules, and regulations. Employees should share their concerns, suggestions, or complaints with someone who can properly address them. Typically, concerns should be shared with a supervisor, department head, or the Human Resource Officer. This policy in no way limits an employee's right to engage in rights protected by the Public Employees Collective Bargaining Act.

### **Acting in Good Faith**

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. Any allegations that prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

### **No Retaliation**

Discrimination or retaliation against employees who report in good faith alleged violations of applicable laws, rules, or regulations shall not be tolerated. Any employee, who believes that he or she has been subjected to discrimination or retaliation for whistleblowing, or that a violation of this policy has occurred, should immediately contact the Human Resource Office. The Human Resource Officer or designee shall conduct an investigation regarding the complaint maintaining anonymity and confidentiality to the greatest extent possible. Appropriate disciplinary action will be taken if warranted by the investigation.

### **Procedures for Reporting**

City employees who become aware of improper governmental actions shall raise the issue first with their supervisor. If requested by the supervisor, the employee shall submit a written report to the supervisor, or to some person designated by the supervisor, stating in detail the basis for the employee's belief that an improper governmental action has occurred.

Where the employee reasonably believes the improper governmental action involves his or her supervisor, the employee may raise the issue directly with the department head, Human Resource Officer or City Administrator.

## **Conflict of Interest**

City of Madras employees shall avoid situations that create, potentially create, or give the appearance of creating a conflict with the mission or objectives of the City; or could cast doubt upon objectivity between personal interests and the interests of City.

### **Disclosure**

City of Madras employees are required to report any potential conflict of interest to their supervisor or the City Administrator.

Information on these laws is available at the Oregon Government Ethics Commission website, <http://www.oregon.gov/OGEC/>.

### **Gifts, Gratuities, Fees**

Certain types or forms of gifts are viewed as a conflict of interest. Gifts, gratuities, loans, fees, or any other items of significant value, may not be solicited by City personnel, or accepted either directly or indirectly, if the acceptance could be considered to influence directly or indirectly the actions of said personnel, or any other person, in any matter of City business. Significant value is any gift with a market value of \$50.

### **Employee Recognition**

The city aims to motivate and encourage all employees to continuously strive for excellence. Rewarding employees whose work and attitudes reflect the values of the City of Madras is the intent of this policy. Following the guidelines in the city's Employee Recognition and Reward Program, all city supervisors, department heads and the City Administrator have the ability to recognize, acknowledge, and reward employees for exceptional performance and/or significant contributions related to and supportive of individual performance goals, departmental objectives and city goals.

As part of employee recognition and appreciation, City employees and City Councilors may participate in meals for the employee (and their guest), and employees may receive a non-cash value gift.

Departmental employees may be recognized for special or unique circumstances including, but not limited to, outstanding performance, for going above and beyond their job duties or at retirement. The Police Department may recognize a long-term officer who is retiring from the Madras police force with their active duty firearm. Other forms of departmental recognition may include trophies, plaques, paid meals, etc.

Employees and teams can be rewarded for demonstrating:

- **Exceptional Performance:** Demonstrated and sustained exceptional performance that consistently exceeds performance standards and work expectations in quantity and/or quality.
- **Creativity:** One-time innovation or creation that results in time/dollar savings, revenue enhancement, and productivity improvement; and/or ongoing innovative/creative activities that benefit city systems, protocols, procedures, and/or processes.
- **Organizational Capability:** Exhibiting extraordinary skills by working to improve competency levels to improve their contribution to the city; leadership resulting in the accomplishment of departmental objectives; and/or effective project management (development and/or implementation) with substantial success.
- **Communication Success:** Consistently demonstrating superior interactions with managers, peers, supervisors, subordinates, vendors, and especially with citizens of Madras.
- **Teamwork:** Acting as an exceptionally effective and cooperative team member or team leader for a team that has significantly exceeded the objectives of the department or the goals of the city.

Additional recognition may be given to employees for special/unique circumstances to include, but not limited to: sending flowers for the birth of a child, illness/hospitalization, cake or dessert in recognition of birthdays, etc.

### **Use of City Equipment and Property**

As an employee with the City of Madras you will have access to City equipment, facilities, supplies and other property that are to be used for business purposes only, except for occasional use of office equipment as defined by policy. The City reserves the right to search or inspect City equipment or facilities, such as desks, phone records, files, lockers, computer usage or offices if there is a work-related or administrative purpose. Abuse or misuse of City equipment, facilities, supplies, or other property will be grounds for disciplinary action.

Employees may use City equipment for charitable or non-profit groups or organizations with the approval of the City Administrator. Under no circumstances shall a City employee use any tools or equipment from the City for personal profit or gain.

### **Selling and Peddling Among Employees**

No peddling, soliciting, or sale for charitable or other purposes shall be allowed among or by employees during working hours without the approval of the City Administrator.

### **Expense Reimbursement**

The purpose of expense reimbursement is for monies spent while traveling for City business or making purchases on behalf of the City of Madras, as well as ensure these expenditures are properly documented, approved and reimbursed in a timely manner.

With the implementation of City-issued purchase cards ("P" cards), the City's policy is for employees and councilors to utilize their issued cards for City purchases whenever possible (with the exception of mileage which is always processed on a reimbursement basis).

Authorized business expenses incurred by an employee in connection within the scope of their job duties on behalf of the City must meet the requirements for deductibility as business expenses under Federal tax law.

Request for reimbursement for authorized business expenses shall be submitted by the employee or elected official on the last working day of the calendar month or sooner if possible, up to 60 days after the incurrence of the expense(s), but in no case can be greater than 60 days from fiscal year end. Request for reimbursement must be submitted using a completed Expense Report and receipts following the City's current reimbursement process.

Claims for reimbursement shall be made on forms provided by the Finance Department. The form shall be completed (with all applicable documentation and receipts attached), signed by the employee and also by the department head or designee for processing.

Authorized mileage expenses will be reimbursed at the current IRS standard mileage rate for approved mileage with an authorized City-related business purpose.

**CITY OF MADRAS**  
**Request for Council Action**

---

**Date Submitted:** June 22, 2016  
**Agenda Date Requested:** June 28, 2016  
**To:** Mayor and City Council  
**From:** Gus Burrell, City Administrator  
**Subject:** **FBO and Airport Management Services Agreement – Rob Berg.**

**TYPE OF ACTION REQUESTED:** Formal Motion by City Council to 1) Approve draft agreements for A) Fixed Based Operator, B) Airport Management Services, and C) Lease of Airport Facilities; contingent upon City Administrator, City Attorney, and Rob Berg agreement to the general terms and conditions that are being proposed; 2) agreements to be ratified with the City Council at the next available meeting, and 3) authorize continued FBO and Airport Management Services under the terms of the 2011 agreement with Rob Berg and Berg Air LLC until the new agreements are executed by both parties.

**STAFF ANALYSIS AND DESCRIPTION:**

The City's current Fixed Based Operator (FBO) and Airport Management Services agreement with Robert M. Berg, dba Berg Air, LLC will expire on July 1, 2016. Berg Air and City staff are interested in renewing the agreement for another five year period. The City Administrator has met on two occasions this winter and spring to discuss terms of the new agreement. The new terms proposes the following general items:

- In reviewing comparable data of other Central Oregon airport management services and in evaluating increased lease management & airport operations activities, there is an airport management services fee increase proposed going from \$1,500 per month to \$3,500 per month; added provisions for janitorial services to be paid by the City at the General Aviation Building; added provisions for training at the annual ODA and FAA conferences to be paid by the City for Rob's attendance on behalf of the Madras Municipal Airport.
- Generally the same buildings for use by Berg Air and arrangements of current revenue share of hangar rentals, firefighting (Heli-base), and fuel sales remain unchanged.

Items understood from the Council's June 14, 2016 work session for the new agreement:

- Pets are to be prohibited from being kept in the General Aviation Building (GAB) by Berg Air staff due to the potential discomfort and questionable image to some people.
- Personal vehicles and recreational equipment not related to airport activities are not to be stored at the Airport by Berg Air or its affiliates.

- Clarification included in the agreement as to the hours of operation at the GAB and FBO Hangar for when services are available, and if unattended a phone number of whom to call for service or assistance.
- Coordination with the City Administrator and Jefferson County EDCO Manager is required for new development leads.

The City Attorney is in the process of completing edits to the contract renewal agreement which will come through three agreements. Staff apologizes for the late arrival of agreements due to workload activity. The City Administrator will accept comments from the Council members following the meeting (later in the week or following time period but before executing the agreement) after each Councilor has had time to review the agreements.

**SUMMARY:**

- A. **Fiscal Impact:** Hangar rental share, fire-fighting (Heli-base) revenue share, and splitting of fuel profit proceeds remain the same as the current agreement. An increase to the Airport Management Services fee is proposed to increase from \$1,500 per month to \$3,500 per month with an escalator adjustment annually; annual training will likely be about \$2500 to \$3,000 for conference attendance for lodging, conference fee, meals and mileage costs.
- B. **Recognition of Collateral Material and Technical Report:** Draft agreements in progress by City Attorney's Office and expected to be ready for viewing by the night of the June 28<sup>th</sup> Council Meeting.

**RECOMMENDATION:** Formal Motion by City Council to 1) Approve draft agreements for A) Fixed Based Operator, B) Airport Management Services, and C) Lease of Airport Facilities; contingent upon City Administrator, City Attorney, and Rob Berg agreement to the general terms and conditions that are being proposed; 2) agreements to be ratified with the City Council at the next available meeting, and 3) authorize continued FBO and Airport Management Services under the terms of the 2011 agreement with Rob Berg and Berg Air LLC until the new agreements are executed by both parties.

# CITY OF MADRAS

## Request for Council Action

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Date Submitted: June 21, 2016  
Agenda Date Requested: June 28, 2016  
To: Mayor and City Council Members  
From: Gus Burrell, City Administrator  
Subject: League of Oregon Cities Legislative Agenda for 2016 Session

TYPE OF ACTION REQUESTED:

- |  |  |
|--|--|
| <input type="checkbox"/> Resolution                      | <input type="checkbox"/> Ordinance             |
| <input checked="" type="checkbox"/> Formal Action/Motion | <input type="checkbox"/> Contract Review Board |
| <input type="checkbox"/> None - Report Only              |  |

**FORMAL ACTION/MOTION:** Formal action/motion that the City Council select four priorities (to be identified in order of most need and focus) to send to LOC by July 22, 2015 representing the legislative priorities of the City of Madras.

**DESCRIPTION & STAFF ANALYSIS:**

For the past several months, eight policy committees have worked to identify and propose specific actions as part of the League of Oregon Cities' (LOC) effort to develop a pro-active legislative agenda for the 2016 session. They have identified 29 legislative objectives as set forth in the enclosed ballot and legislative materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, the League is requesting the City to prioritize them in order to ensure that efforts are focused where they are most needed. The LOC Board of Directors has made long term commitments to two issues critical to cities: revenue and land use reform. As a result of their designation as top legislative priorities on an ongoing basis, neither of these issues appear on the enclosed ballot.

Each City is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2016 legislative agenda.

The enclosed ballot provides all 29 objectives labeled "A" through "X." Each City is asked to

submit one form that reflects the consensus opinion of its city council on the top four legislative priorities for 2016.

Please be prepared to communicate your top four priorities so a list can be compiled and sent off to LOC by the response deadline of July 22, 2016.

**SUMMARY:**

A. **Fiscal Impact:**  
• N/A

B. **Funding Source:**  
• N/A



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[www.orcities.org](http://www.orcities.org)

June 6, 2016

Dear Chief Administrative Official:

For the past three months, eight policy committees have been working to identify and propose specific actions as part of the League's effort to develop a pro-active legislative agenda for the 2017 session. They have identified 29 legislative objectives as set forth in the enclosed ballot and legislative recommendation materials. These objectives span a variety of issues and differ in the potential resources required to seek their achievement. Therefore, it is desirable to prioritize them in order to ensure that efforts are focused where they are most needed.

Each city is being asked to review the recommendations of the policy committees and provide input to the LOC Board of Directors as it prepares to adopt the League's 2017 legislative agenda. After your city council has had the opportunity to review the 29 proposals and discuss them with your staff, please return the enclosed ballot indicating the top four issues that your city council would like to see the League focus on in the 2017 session. **The deadline for response is July 22, 2016.** The board of directors will then review the results of this survey of member cities, along with the recommendations of the policy committees, and determine the League's 2017 legislative agenda.

Your city's participation and input will assist the board in creating a focused set of specific legislative targets that reflect the issues of greatest importance to cities. Thank you for your involvement, and thanks to those among you who gave many hours of time and expertise in developing these proposals.

Do not hesitate to contact me or Craig Honeyman, Legislative Director, with questions.

Sincerely,

Michael J. McCauley  
Executive Director

## INSTRUCTIONS

1. Each city should submit one form that reflects the consensus opinion of its city council on the **top four** legislative priorities for 2017.
2. Simply place an **X** in the space to the left of the city's top four legislative proposals (last pages of the packet).
3. The top four do not need to be prioritized.
4. Return by **July 22<sup>nd</sup>** via mail, fax or e-mail to:

Paul Aljets  
League of Oregon Cities  
1201 Court St. NE, Suite 200  
Salem, OR 97301  
Fax – (503) 399-4863  
[paljets@orcities.org](mailto:paljets@orcities.org)

**Thank you for your participation.**

City of: \_\_\_\_\_

*Please mark 4 boxes with an X that reflect the top 4 issues that your city recommends be the priorities for the League's 2017 legislative agenda.*

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**Legislation**

**Community Development**

- A. Needed Housing Assistance Program
- B. Natural Hazard Land Use Reform
- C. DOGAMI Disaster Mapping
- D. Floodplain Technical Assistance

**Energy**

- E. Green Energy Technology Requirement
- F. Funding Public Energy Projects
- G. Updates to Oregon Energy Code

**Finance and Taxation**

- H. Property Tax Reform - Market Value / Local Control
- I. Property Tax Reform - Fairness and Equity
- J. Local Lodging Tax
- K. Nonprofit Property Tax Exemption
- L. Marijuana and Vaping Taxes

**General Government**

- M. Restore Recreational Immunity
- N. Increase Local Liquor Fees
- O. Marijuana Legalization Implementation
- P. Mental Health Investments
- Q. Qualification Based Selection

**Human Resources**

- R. Subsidy for Retiree Health Insurance Repeal
- S. PERS Reform
- T. Arbitration Reform
- U. Veterans Preference Clarifications

**Telecommunications**

- V. Rights of Way
- W. Franchise Fees
- X. 9-1-1 Emergency Communications
- Y. Technology Funding

**Transportation**

- Z. Transportation Funding and Policy Package

**Water/Wastewater**

- AA. Funding Water System Resilience
- BB. Enhanced Prescription Drug Take-Back
- CC. Water Supply Development Fund

# Community Development

## Legislation

### A. Needed Housing Assistance Program

Create state grants and technical assistance to cities working to develop housing development programs directed at new or innovative means of providing housing solutions for low-income or senior populations.

## Background

Cities are looking for new ways to serve the needs of a variety of people needing housing options and putting more resources toward housing projects. However, there is a need for state resources and assistance in implementing these programs. Funds that cities could access could be used to assist in land purchases for leasing for long-term low income housing, incentives for creating single story housing for seniors, tiny housing development, and planned developments that serve a range of incomes. Technical assistance to other cities should help a city determine what programs or planning options are available tools to help cities reach the goals set in the comprehensive plan.

### B. Natural Hazard Land Use Reform

Create process for communities to move the UGB from an identified hazard area to resource lands and planning for replacing significant urban areas lost after a natural disaster.

As science has better located some hazards areas and as regulations impact the expected development of other areas, cities need to find ways to respond more efficiently to address long-term planning for development. This requires a simplification of the process for changing the location of development, including adding new areas to the UGB, to account for lost development capacity. There also needs to be a streamlined process for a city to identify areas of new development should a disaster remove a large portion of the buildable land supply if a disaster should strike.

### C. DOGAMI Disaster Mapping

Increase funding for DOGAMI to complete comprehensive disaster mapping of cities, including landslide and floodplain risk identification, and natural hazard related evacuation planning for additional potential risks such as tsunami or wildfire inundation.

The Oregon Department of Geology and Mineral Industries (DOGAMI) provides a number of technical resources to cities to identify hazards that could impact development. The department is also an integral partner in creating plans for the emergency response for many disasters that could occur in the state. Increasing funds for comprehensive maps will help with long-term planning for hazard mitigation, resilience, and survival.

### D. Floodplain Technical Assistance

Provide DLCD funding for technical assistance to cities implementing required changes to floodplain development management practices from FEMA.

Because of the recent release of the Biological Opinion from the National Oceanic and Atmospheric Administration Fisheries Service related to the National Flood Insurance Program's potential to impact endangered species, there is a need for cities to receive significant assistance in implementing any changes required by the Federal Emergency Management Agency. As the federal process moves forward, the state must provide resources to help cities update comprehensive plans and development codes. This issue will have a number of impacts and assistance in the form of model codes, staff resources, grants, and other expertise will be necessary for cities trying to implement any changes or additional work.

# Energy

## Legislation

### E. Changes to 1.5 Percent Green Energy Technology Requirement

Advance legislation to statutorily modify the existing “1.5 percent green energy technology for public buildings” requirement to allow for alternative investment options such as offsite solar or community solar projects.

## Background

Oregon statute currently requires public contracting agencies to invest 1.5% of the total contract price for new construction or major renovation of certain public buildings on solar or geothermal technology. The requirement allows for offsite technology, but only if the energy is directly transmitted back to the public building site and is more cost-effective than onsite installation.

Removing the requirement that an offsite project be directly connected to the public building project could result in increased flexibility for local governments to invest in solar projects that are more cost-effective and provide for increased solar energy generation. In addition, the League will work to allow 1.5 percent funds to be invested in alternative projects that provide a greater economic or social return on investment. As an example, a city could use the funds on a community solar project to benefit low-income residents rather than being required to invest in solar generation at the site of the public building project.

### F. Funding for Public Energy Projects

Support enhanced incentives for public energy projects including grants for technical assistance, feasibility studies and resource recovery projects for energy and fuel generation.

There are programs that exist in Oregon for the purpose of incentivizing energy projects including renewable energy generation, alternative fuel vehicles, and energy efficiency. Programs such as the Business Energy Tax Credit (BETC), which was discontinued in 2014, and the State Energy Loan Program have been important tools for incentivizing energy projects for local governments. However, as a result of scrutiny over the administration of these incentives including private loan defaults, these programs are either no longer available, such is the case with the BETC program, or are at risk of being discontinued. It is critical for municipalities to have ongoing access to incentive opportunities as energy projects can be difficult to pencil-out and even more difficult for smaller communities to finance. The state of Oregon should take into consideration that loans for public energy projects, including cities, are lower-risk and should not be penalized in light of recent scrutiny. In addition, investments in these projects often result in environmental, social and economic benefits including long-term savings for taxpayers and reductions in greenhouse gas emissions.

The League will work to enhance funding, including grants for technical assistance and feasibility studies for communities that currently do not have access to resources. The League will also advocate for incentives for energy and fuel generation projects. Examples of projects that warrant funding incentives include methane capture for fuel or energy generation, investments in community solar projects, renewable energy generation, and energy efficiency improvements.

## Energy (Continued)

### Legislation

#### G. Require Updates to Oregon Energy Code

**Require the Oregon Building Codes Division (BCD) to engage in more frequent review of the state's energy code to reduce greenhouse gas reductions and ensure that Oregonians can more affordably and efficiently heat their homes and businesses.**

### Background

Oregon's statewide energy code for commercial and residential buildings is an important tool for achieving greenhouse gas reductions through decreased energy consumption while helping to ensure that Oregonians are able to more efficiently and affordably heat their homes and businesses. Federal law requires each state to certify that their state energy code is equivalent to federal model energy codes. While Oregon was once a leader in energy code adoption and implementation, the state is now in a position of falling behind the federal code. This is due, in large part, to a decision made by the Oregon Building Codes Division in 2013 which changed the code cycle from a three-year update to a six-year update. Major code changes, including adoption of national codes, will now occur every six years with minor changes occurring every three years. This change will impact Oregon's ability to keep pace with federal standards and new technologies in energy efficiency.

The League will work to support efforts to align new construction building codes with the state's climate goal timelines. In addition, the League will support efforts to establish a periodic review schedule to ensure that Oregon more frequently updates the state energy code in order to reflect federal code requirements. Also, the League will encourage the state to set specific targets for increased energy efficiency in residential and commercial building construction with specific goals for increasing energy efficiency standards for affordable housing projects and increasing use of net-zero and passive house building requirements. Finally, the League will work to require BCD to make regular reports back to the legislature to update on energy code implementation and goals.

# Finance and Tax

## Legislation

### H. Property Tax Reform – Market Value / Local Control

A legislative constitutional referral to reform the property tax system:

- a) to achieve equity, transitions to a market based property tax valuation system; and
- b) to restore choice, allows local voters to adopt tax levies and establish tax rates outside of current constitutional limits in their taxing jurisdictions.

## Background

Property taxes are regulated largely by Measure 5 (1990) and Measure 50 (1997), as provided in the Oregon Constitution. Measure 50 established a new method for assessing property, discounting the assessment at 10 percent of the real market value and calling this assessed value. Assessed value is capped at an annual growth limit of 3 percent. As a state total, due to the limits and market changes, the gap between real market value and assessed value has now grown to nearly 25 percent over the past 20 years. This gap varies widely on a property by property basis, creating considerable property tax inequities for properties that sell for similar prices in a city. In short, Oregon property taxes have become disassociated from real market value and the result is considerable inequity.

For FY 2014-15, 60 percent of cities, 97 percent of counties, and 89 percent of school districts had some compression. This means that the Measure 5 caps of \$5 per \$1000 for education and \$10 per \$1000 for general government on real market value have been exceeded in most taxing jurisdictions. The caps are over 25 years old and were set low as voters were anticipating a sales tax to be coupled with it. Voters can no longer vote for the services they desire due to these caps. With looming PERS costs increases, paying for services with the present restrictions will become very difficult in some cities.

### I. Property Tax Reform – Fairness and Equity

A bill that pursues statutory modifications to the existing property tax system that enhances the fairness and adequacy of the current system.

There are some adjustments to the property tax process and calculations that can be done statutorily. These include altering the changed property ratio statute and the statutory discount given to property owners who pay their taxes by November 15<sup>th</sup>. New property is added to the tax rolls using a county-wide ratio (assessed value to real market value) for determining the discount to apply to the real market value and that could be changed statutorily to a city-wide ratio in taxing districts who elect the change.

# Finance and Tax (Continued)

## Legislation

### J. Local Lodging Tax

A lodging tax bill, the outcome of which, would:

- a) Provide jurisdictions greater flexibility to spend local lodging tax revenue to plan for and provide services and infrastructure related to tourism;
- b) Reduce or eliminate the required reimbursement charge that a lodging tax collector is allowed to retain for filing a local lodging tax return; and
- c) Improve efficiency and collection of local lodging taxes in cooperation with the state.

## Background

State law restricts how local lodging tax revenues may be expended. Post 2003, any new taxes or any tax increase requires a 70 percent revenue dedication to tourism promotion or tourism-related facilities. In addition, state statute provides that cities may not lower the actual percentage of lodging tax revenues that were dedicated to tourism prior to 2003. This means that cities have varied percentages of restricted local lodging taxes revenues. These numbers are arbitrary as they were set based on circumstances in 2003 that have often greatly changed. In addition, the legislative history shows that the legislature intended to provide some revenue flexibility and provide that certain infrastructure (roads, sewer lines, etc.) would qualify as tourism-related but the statutes need revision and clarification.

State law requires local governments to provide a 5 percent collector reimbursement charge if they impose a new lodging tax or tax increase after January 1, 2001. This is a deduction from the taxes that would otherwise be due. The state also provides a 5 percent collector reimbursement charge for state lodging taxes. In addition, local governments that had a reimbursement charge, must continue it. Thus, cities have very different reimbursement requirements—some are at zero, others are at 5 percent, and some are in between. When coupled with the state deduction, the deduction seems too generous.

The Oregon Department of Revenue now collects state lodging taxes throughout the state and could collect and enforce local lodging taxes at the same time if given statutory authority. Local governments could then enter into voluntary agreements with the state to delegate the collection. This option could make collection much more efficient and cost-effective for some local governments. In addition, cities continue to struggle with collections and auditing, particularly from online companies and private home rentals (through Airbnb, etc.) and this area of the law could be improved.

# Finance and Tax (Continued)

## Legislation

### K. Nonprofit Property Tax Exemption

**Clarify and reform the statutory property tax exemption provided to nonprofit entities to address cost-benefit concerns for the continued full exemption in light of cost of city services provided to nonprofits and the changing services and business models of some nonprofit entity types.**

## Background

Nonprofit organizations that are charitable, literary, benevolent or scientific are provided a property tax exemption that will cost more than \$194 million in the 2015-17 biennium. In addition, exemptions for the property of nonprofit religious organizations costs more than \$113 million for the biennium. For many cities, much of the city is exempt from property taxes due to the public property exemption and these nonprofit exemptions. This includes hospitals, nursing homes, etc.

The Legislature has formed a work group to look at the nonprofit property tax exemption issue as the nature and number of nonprofits is changing and the administration of the exemption has become complex for county tax assessors. Nonprofit entities require significant services, including transportation, water, sewer, police, fire, etc. Thus, the legislature is looking at property taxes more as a service tax and considering how the full exemption could be adjusted to have nonprofits pay for their fair share of costs of services or otherwise meet a benefit test for continuing an exemption.

### L. Marijuana and Vaping Taxes

**Defend against restrictions and preemptions regarding local marijuana and vaping taxes and advocate for appropriate state shared revenue levels and distribution formulas for state marijuana taxes and potential vaping taxes.**

There are no revenue use restrictions on local marijuana taxes, but the local marijuana tax rate is capped at 3 percent. There are no restrictions on local governments imposing a vaping tax. The state has not imposed a tax on vaping products to date but is considering a tax. Often when the state imposes a tax (for example, cigarette or liquor), the state preempts local governments from also imposing a tax.

10 percent of state marijuana taxes will be distributed to cities after state administrative costs. Distributions will be made per capita for revenues received prior to July 1, 2017. After July 1, they will be distributed based on the number of the various marijuana licenses issued in a city. Cities that prohibit establishments for recreational marijuana producers, processors, wholesalers or retailers will receive no state shared revenue. Likewise, cities that prohibit a medical marijuana grow site or facility will receive no state shared revenue.

# General Government

## Legislation

### M. Restore Recreational Immunity

**Cities should enjoy protection from unreasonable litigation when offering recreational opportunities to the public.**

### Background

ORS 105.682 grants that a land owner is not liable for any personal injury, death or property damage that arises out of the use of their land for recreational purposes as long as no fee is charged in order to access that property. This statute allows cities to operate parks and trails without fear of lawsuit.

However, in the recently decided Oregon Supreme Court case, *Johnson v Gibson*, It was held that even though the landowner may be immune from liability, their employees are not. As a result, two employees of the City of Portland were found liable for injuries sustained by a jogger in a park, employees who are indemnified by their employer.

The practical effect of this ruling is that the immunity previously enjoyed by cities that allowed for robust park development have been eroded to the point of being non-existent. This priority directs LOC staff to seek to amend the ORS 105.682 to restore that immunity.

### N. Increase Local Liquor Fees

**Cities play an important role in the review and investigation of liquor license applicants and should be able to recoup costs associated with that role.**

ORS 471.166 allows cities to adopt fees that are "reasonable and necessary to pay expenses" associated the review and investigation of liquor license applicants. However, the same statute limits the amounts of those fees to between \$25 and \$100 depending on the license or approval being sought by the applicant.

This priority is to pursue changes to this statute that allow cities to recoup the actual costs associated with performing their role in the liquor licensing process and allowing for periodic increases.

## General Government (Continued)

### Legislation

#### **O. Continue Marijuana Legalization Implementation**

Allow for civil enforcement of marijuana laws.  
Ensure equitable distribution of marijuana shared revenues.  
Eliminate limitations on shared revenue use.

### Background

One of the promises made by marijuana legalization advocates is that illicit sales and production of marijuana would shift into a legalized and regulated market. This has occurred to a large extent but many producers and retailers continue to seek the financial benefits or participation in the marijuana industry while avoiding the inconvenience of its regulatory framework. This priority seeks legislation that gives the Oregon Liquor Control Commission (OLCC) the same civil and administrative authority to prevent unlicensed sales and production of marijuana as it has in regards to liquor.

Beginning in 2017, state shared revenue from marijuana will be distributed to cities based in the number of OLCC licensed commercial marijuana entities exist in their jurisdiction. This priority is to alter that arrangement so that is it distributed on a per capita basis to ensure equitable distribution among cities that are incurring costs.

Measure 91 required that money distributed by the state to cities be used exclusively for costs associated with marijuana legalization. Tracking a dollar through a city's general fund and determining if a service was related to marijuana is inefficient if not impossible, and is not imposed for the receipt of liquor revenue. This priority is to advocate for legislation that removes this burden.

#### **P. Protect Mental Health Investments Made in 2015**

Oregon made significant and strategic investments in protecting and caring for the mentally ill in 2015 that should be maintained.

The Legislature increased access to mental health care and expanded existing, proven programs designed to de-escalate police contacts with the mentally ill. Those programs could be vulnerable in a difficult budget environment made challenging by increased PERS rates.

This priority is defensive in nature and seeks to preserve investments that are improving the lives of mentally ill Oregonians.

#### **Q. Remove Qualification Based Selection Mandate**

Cities should be allowed to consider cost when making initial contract award decisions when hiring architects and engineers.

Cities are currently required to use a procurement method that prevents the consideration of cost when contracting with architects and engineers for public improvements. Instead, cities must base their initial selection for these services based solely on qualifications and can only negotiate the price after an initial selection is made.

This mandate is not a cost effective means for procuring services and is poor stewardship of the public's dollars. This priority is to seek the removal of this mandate.

# Human Resources

## Legislation

### **R. Repeal Requirement to Subsidize Retiree Health Insurance**

**Public employers should not subsidize the health insurance of former employees when reasonable, cost competitive options exist.**

## Background

ORS 243.303 mandates that local governments provide retirees with access to health insurance and requires that they be placed in the same risk pool as active employees. As retirees are approximately 2.5 times more expensive to insure than active employees this mandate results in employers and current employees subsidizing the health insurance costs of former employees. This subsidization, according to the Government Accounting Standards Board, must be shown on an audit as long term liability, thus creating an inaccurate perception of a city's financial condition. Further, this requirement could be described as anachronistic as individuals are now able to purchase health insurance under the Affordable Care Act.

This priority is to eliminate ORS 243.303 from Oregon's laws.

### **S. PERS Reform**

**PERS benefits should be adjusted where legally allowable and investments should be maximized to ensure a sustainable and adequate pension system.**

The PERS unfunded liability stands at \$22 billion and employer rates are anticipated to approach 30 percent of payroll in the coming biennium. Rates are expected to remain at that level for the next twenty years. This is not sustainable.

This priority is to seek any equitable changes to benefits that will reduce employer rates while not pursuing options that are legally tenuous or counterproductive. Additionally, changes are to be sought to the investment portfolio that will maximize returns through improved risk management and efficiencies.

# Human Resources (Continued)

## Legislation

### T. Arbitration Changes

Public employers should have greater influence over the disciplining of their employees.

## Background

Currently under the Public Employee Collective Bargaining Act, contested employee discipline matters must be submitted to an outside arbitrator for adjudication. Decisions by arbitrators are binding unless the conduct was a violation of public policy as defined by the state, there was serious criminal conduct or an egregious inappropriate use of force.

This priority is to seek the following changes to the statute:

- Arbitrator decisions should also comply with local policies;
- Decisions should comply with policies related to any inappropriate use of force a;
- Arbitrator decisions should recognize all criminal misconduct related to employment not just "serious";
- Employer disciplinary decisions as it regards employees who are supervisors as defined by the EEOC and BOLI should be given more weight.

### U. Veterans Preference Clarifications

Requirements that veterans be given preference in public sector hiring should be clear and unambiguous for the benefit of veterans and employers.

The State of Oregon requires and the League agrees that honorably discharged veterans deserve special consideration in public sector hiring. However, statutes describing how this is to be accomplished are unclear and ambiguous. Vague statutes do not serve the interests of employers or veterans.

This priority seeks a clear definition of "preference" in the statute, ensure that recently separated veterans receive the consideration necessary for them to successfully enter the workforce and establishes clarity as to when the preference is to be applied.

# Telecommunications, Cable & Broadband

## Legislation

### V. Rights of Way

Oppose legislation that preempts local authority to manage public rights-of-way and receive compensation for their use.

### W. Franchise Fees

To ensure market fairness and equity, prepare legislation for possible introduction repealing ORS 221.515 (HB 2455 -7 in 2013, and HB 2172 in 2015) to remove franchise fee rate and revenue restrictions which currently apply to incumbent local exchange carriers but not to competitive local exchange carriers.

### X. 9-1-1 Emergency Communications

Support legislation enhancing the effectiveness of the state's emergency communications system through an increase in the 9-1-1 tax and/or a prohibition of legislative "sweeps" from accounts managed by the Oregon Office of Emergency Management.

## Background

In its commitment to the protection of Home Rule and local control, the League consistently opposes restrictions on the rights of cities to manage their own affairs. From time to time, in the context of franchise fee and rights-of-way management authority discussions, proposals to restriction to this authority arise. These include a statewide franchise policy and revenue collection system as well as limiting the ability of cities to charge fees of other government entities. This is contrary to local government management authority, the ability to enter into agreements with service providers either by agreement/contract or ordinance and to derive revenues from business fees charged to users of public rights-of-way.

Oregon statute currently contains a discrepancy between how cities collect franchise fees from incumbent local exchange carriers (ILECs) and competitive local exchange carriers (CLECs). ORS 221.515 limits cities collecting franchise fees from ILECs to a maximum of 7 percent of revenues derived from dial-up services, which represents only a portion of ILEC total revenues due to the addition of a broader array of customer services. There is no such rate cap or revenue restriction on CLECs, hence the discrepancy. In the past the League has worked with CLECs to "level the playing field." Repeal of ORS 221.515 would accomplish that.

The League worked with other stakeholder groups in 2013 to extend the sunset date on the statewide 9-1-1 emergency communications tax to January 1, 2022 (HB 3317). In 2014, the League also worked to pass legislation including prepaid cellular devices and services under the 9-1-1 tax (HB 4055). As concerns mount with regard to disaster preparedness and recovery and as new upgrades to communications technology becomes available, it is apparent that state and local governments do not have the resources necessary to address challenges or take advantage of opportunities. Additional funding is needed and the practice of periodically sweeping funds out of the state's emergency management account for other uses should cease. It is worthy of note that the practice of "sweeps" disqualifies the state from receiving federal funds for emergency communications. It is unknown how many federal dollars have been foregone as a result of this policy.

# Telecommunications, Cable & Broadband (Continued)

Legislation	Background
<p><b>Y. <u>Technology Funding</u></b></p> <p>Seek additional funding to assist for cities in:</p> <ul style="list-style-type: none"><li>• <b>Increasing high speed broadband deployment and close the digital divide.</b></li><li>• <b>Purchasing upgraded emergency management communications equipment.</b></li><li>• <b>Providing local match money for federal funding programs, such as high speed broadband deployment.</b></li></ul>	<p>The deployment of broadband throughout the state of Oregon is critical to economic development, education, health and the ability of citizens to link with their governments. Additional funding, from various sources, including the state and federal government, needs to be allocated for this purpose. The need becomes even more acute when consideration is given to the certainty of a major seismic event. Often federal assistance comes with the requirement of a state or local match which is problematical for cities. A state mechanism for providing matching fund assistance would be helpful to those communities seeking to take control of their broadband destiny.</p>

# Transportation

## Legislation

### Z. Comprehensive, Multi-modal Transportation Funding and Policy Package

The League of Oregon Cities proposes that transportation infrastructure be raised to the same level of importance as other utilities, and be funded at a level capable of maintaining appropriate standards of operation and service. Therefore, the League will help draft and advocate for a comprehensive, inter-modal and statewide transportation funding and policy package that:

1. Provides a significant increase in resources available for the preservation and maintenance of city streets by:
  - Substantially increasing the state gas tax and licensing and registration fees.
  - Indexing the state gas tax.
  - Continuing efforts to identify and implement alternative funding mechanisms (VMT, tolling, public-private partnerships, etc.).
  - Disaster resilience and seismic upgrades for all transportation modes.
  - The completion of transportation projects begun but not yet completed due to lack of funding or changes in funding criteria.
  - Providing additional funding for voluntary jurisdictional transfer.
  - Funding transportation enhancements such as bike-ped facilities.
  - Increasing funding for the statutory Special City Allotment program while maintaining the 50%-50% ODOT/city split.
  - Repealing the referral requirement (2009 Jobs and Transportation Act) on cities seeking to create/increase local gas tax.
2. Addresses statewide needs relating to intermodal transportation through:
  - Additional funding for transit operations and capital projects.
  - Additional funding for freight rail capital projects and operations (*ConnectOregon*, short-line rail and transload facilities).

## Background

Maintenance and preservation needs have outpaced the resources available for streets, roads and highways. In its March, 2016 Infrastructure Survey Report the League identifies a \$3.7 billion capital need for highway and non-highway transportation projects (\$2.6 billion highway / \$1.1 billion non-highway). In addition, the report shows, for the 120 cities that participated, an aggregated street budget shortfall for operations and maintenance of approximately \$217 million per year. Safety and disaster resilience were cited as major challenges and needs by most cities. Cities also expressed support for a voluntary jurisdictional transfer program (the sensible alignment of highway facilities and management responsibility) provided the availability of adequate funding to facilitate the transfer and to maintain the asset.

Given the threat that inadequate funding represents to investments already made in the transportation system, the League will insist on a transportation package that increases and makes more sustainable the ability of all government jurisdictions to preserve and maintain these assets. Notwithstanding its emphasis on the need to preserve and maintain existing streets, the League of Oregon Cities agrees that the state's transportation system and the policy and funding programs that support it must be multimodal and statewide in scope. The League will therefore work to pass legislation in 2017 that addresses funding and policy initiatives relating to all modes (streets, bike/ped, transit, rail, aviation and marine) and in so doing address such issues as:

- Connectivity and capacity (especially truck mobility/rail)
- Safety for all users across all modes
- Resiliency and recovery (seismic retrofit across all modes)
- Jobs and economic development
- Impact on climate change
- Active transportation and public health
- Transportation access available on an equitable basis to all Oregonians
- Continuing and extending *ConnectOregon*
- Ensuring adequate new revenues for program/equipment such as the Oregon Department of Motor Vehicles technology upgrade
- Creative solutions to ongoing challenges (dedicated non-roadway fund, increased local authority to fund transit, bike-ped funding, etc.)

- **Additional funding for passenger rail operations, equipment and capital projects (federal matching money and AMTRAK Cascades).**

**3. Does not:**

- **Preempt local government ability to self-generate transportation revenues for street maintenance and preservation.**
- **Change the dedication of State Highway Fund dollars to highway, road and street projects contained in Article 8, Section 3a of the Oregon Constitution.**
- **Reduce cities 20% share of the State Highway Fund.**
- **Create unfunded mandates requiring cities to undertake specific programs, such as greenhouse gas reduction scenarios.**
- **Further complicate the planning and regulatory process that currently governs the project delivery process.**

- **Maximizing local benefits of the federal FAST Act in Oregon**

# Water & Wastewater

## Legislation

### AA. Funding for Water System Resilience

**Secure dedicated funding for water and wastewater system resilience and emergency preparation. This would include additional funds to plan for and upgrade water systems to increase seismic resiliency and funding to better position communities to better prepare for water supply shortages due to drought, climate change or other emergency scenarios.**

## Background

In general, Oregon's drinking water and wastewater systems are woefully underprepared for a catastrophic earthquake event. Restoration of water supply following such an event is critical for fire suppression, first aid, and for human health and safety. In 2013, the Oregon Resilience Plan provided estimates for service recovery of water and wastewater systems in the event of a Cascadia earthquake under current infrastructure conditions. According to the plan, the estimated timeframe for service recovery in the valley ranges from one to twelve months. For the coast, service recovery is estimated between one to three years.

In addition to risks associated with significant natural disaster events, recent drought conditions in Oregon have demonstrated the need for emergency supply planning and coordination with other water users to better address water supply challenges. It is critical that communities are able to acquire alternative and back-up water supplies from multiple sources in order to better prepare for supply shortages or emergency situations, such as natural disasters or supply contamination.

The League will work to identify and secure low-interest loans or grants to seismically upgrade drinking water and wastewater system infrastructure and to help ensure that these systems are more resilient and better positioned to respond to water supply shortages resulting from drought, climate change, natural disasters, or other system failures.

## Water & Wastewater (Continued)

### Legislation

#### **BB. Promote an Enhanced Prescription Drug Take-Back**

**Advocate for enhanced prescription drug take-back program funding and additional collection locations to reduce contamination of water from unwanted prescription drugs.**

### Background

Unused prescription drugs are problematic from both a public health and safety perspective as well as from a water quality perspective. Drug take-back programs help to ensure that unused prescription drugs are properly disposed of which keeps them from being abused, keeps them out of the hands of children, and keeps them from entering Oregon's waterways. Unwanted prescription drugs are often flushed down the toilet and despite wastewater treatment systems, they can end up contaminating lakes, streams and rivers. In 2014, U. S. Drug Enforcement Administration (DEA) expanded the types of locations allowed to accept unwanted medications including retail pharmacies and drug manufacturers. Prior to 2014, drug-take back programs were primarily supported through police department drop boxes. The challenge in expanding prescription drug take-back programs is now focused on the cost of transporting unused drugs from the take-back location to the disposal site and in educating the public about responsible disposal opportunities.

The League will work with a variety of stakeholders, including public health advocates, to identify additional funding mechanisms to increase drug take-back collection locations across Oregon. Funding should support the transportation and responsible disposal of unused prescription drugs. Funds should also be dedicated for enhanced education of disposal opportunities and the establishment of convenience standards to ensure that all Oregonians have reasonable access to drug take-back locations.

#### **CC. Increased Funding for Water Supply Development**

**Support additional water supply funding through the state's Water Supply Development Account.**

According to a survey conducted by the League, Oregon's water and wastewater infrastructure needs for cities alone are estimated to be \$9 billion over the next twenty years. In addition, the survey identified 66 percent of respondent cities as being in need of additional water supply storage. The 2015 drought highlighted the need for additional investments in water supply infrastructure, including storage and water delivery system efficiencies. Additional storage project investments are not only critical for adequate drinking water supply, they are an important tool for supplementing streamflows and habitat restoration.

The League will work to secure additional funding for existing water supply development programs. This includes support for feasibility grants and for the state's Water Supply Development Account which provides funding for water supply storage, reuse, restoration and conservation projects.

**CITY OF MADRAS**  
**Request for Council Action**

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**Date Submitted:** June 22, 2016

**Agenda Date Requested:** June 28 , 2016

**To:** Madras City Council

**Through:** Gus Burrell, City Administrator

**From:** Nicholas Snead, Community Development Director

**Subject:** **Authorization for use of Community Clean-Up Funds for Nuisance Abatement on 283 SW H Street.**

**TYPE OF ACTION REQUESTED: (Check One)**

- Resolution  Other
- Ordinance  No Action - Report Only
- Formal Action/Motion**

**OVERVIEW:**

On April 26, 2016 the Community Director sought direction from the City Council on code enforcement efforts at 179 D Street and 283 SW H Street. At this meeting the City Council directed staff to focus efforts and resources on 283 SW H Street. Accordingly, staff seeks authorization of Community Clean-Up Funds to remove the trash on the property in the amount of \$5,000.00.

**DISCUSSION:**

The Community Development Department has received several Citizen Complaints between November of 2015 and June of 2016 regarding the accumulation of trash at 283 SW H Street which is also identified as tax lot 6000 on Jefferson County Assessor's Map No. 11-13-11DA. On February 6, 2016 the City of Madras sent a Notice of Violation to the property owner, property owner's legal counsel, and the resident to abate the trash that has accumulated on the property in accordance with the City's Nuisance and Abatement Ordinance (No. 875). To date, the property owner has not abated the accumulation of trash on the property (Exhibit A). In accordance with Section 12(1) of Ordinance No. 875, the City has the authority to abate the specified nuisances on the property.

Due to the amount of trash that has accumulated on the property the Community Development Director through the City Administrator request Council authorization to utilize the available Community Clean-Up Funds to abate the nuisances on the property. Several large dumpsters will be needed to haul the trash on the property to the Box Canyon Transfer Station at an estimated cost of \$5,000.00.

Upon removal of the trash on the property, the City will file the appropriate lien on the subject property

for the City's cost to abate the nuisance as allowed by Section 12 of the Ordinance No. 875. Furthermore, the Community Development Department will also pursue any and all other rights and remedies the City may have available, including, without limitation, commencement of appropriate legal action and the collection of any costs and expenses the City incurs to perform the abatement and enforce the Ordinance.

**SUMMARY:**

- A. **Fiscal Impact:** \$5,000.00
  
- B. **Funding Source:**  
Internal Services Central Services, Materials & Services, Community Clean-Up  
Budget Line Item: 802-101-520-1203
  
- C. **Explanation of Impact:** City Council approval will authorize \$5,000.00 of the Community Clean-Up funds to be used to abate the nuisances at 283 SW H Street in FY 2016-17.
  
- D. **Supporting Documentation:**  
  
Exhibit A:       MONTH, DAY, YEAR Site Photos of 283 SW H Street

**STAFF RECOMMENDATION:**

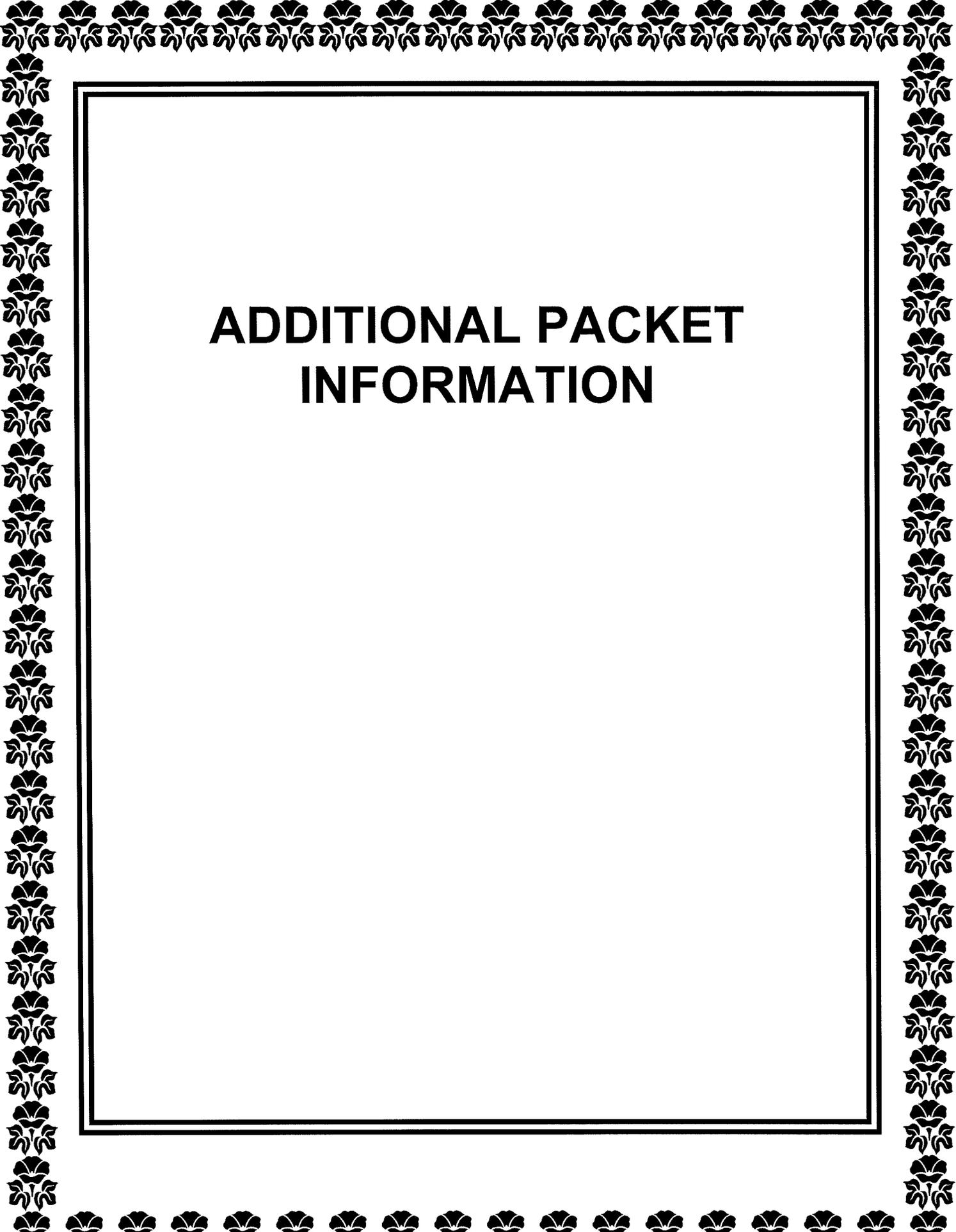
That the City Council authorize \$5,000.00 of Community Clean-Up funds for nuisance abatement at 283 SW H Street.









A decorative border of repeating floral motifs surrounds the page. The motifs are stylized, resembling small flowers or leaves, and are arranged in a continuous line along the top, bottom, and sides of the page.

**ADDITIONAL PACKET  
INFORMATION**



# THE CITY OF **MADRAS**

## **2017 Solar Eclipse Action Committee Meeting** City Hall, Council Work Room – 125 SW E Street Madras, Oregon 97741

**April 11, 2016**

### **Meeting Notes**

**11:00 to 1:00 p.m.**

#### ***Attendance***

Gus Burrell, City of Madras; Bartt Brick, City Council; Kelly Simmelink, Jefferson County Tourism Group (JCTG); Michelle Forster, Erickson Aircraft; Tanner Stanfill, Madras PD; Sara Puddy, City of Madras; Joe Krenowicz, Chamber of Commerce; Lisa Vattimo; Megan Hansen, City of Madras; Mark Carman, Jefferson County; Roman Weil.

#### ***Discussion Items***

- 1) Event Sponsorship – Jefferson County Tourism Group (JCTG)
  - Airport property will be made available contractually to JCTG for event
    - Discussion around public parking vs. reserved parking opportunities
  - Terms of the contract will be discussed with City Council in two weeks including sublease agreement terms for current farm land agreement currently held with Greg Williams
  - Discussion about JCTG focusing on contractual parking locations rather than on all parking areas around town
- 2) Is there a need for overflow parking on the south end of town?
- 3) There still exists a need for an event coordinator
  - What does that scope/parameters for this coordinator look like
  - Coordinator to help incorporate needs of community (i.e. ensure community needs that otherwise haven't been anticipated can be addressed)
  - Emergency preparedness
  - Law enforcement planning/coordination
    - Prevent road congestion and how to manage small “fender benders,” etc.
    - Notification/communication systems management
    - Traffic management
- 4) Pre-notifying freight industry in advance by sending letter notification of the event encouraging them to take alternative routes
- 5) PR Coordination
  - JCTG, City, Law Enforcement
- 6) How to manage City requests for block parties via special event permits
  - Discussion/parameters still being developed
  - Know that it can't block emergency/first responders to residences/roadways
  - Each request may be treated uniquely depending on the request; perhaps components of the request can be accommodated, where other parts of the request cannot (not an all or nothing scenario for requests)

7) Make sure there is a plan/designation for where media will be located and how to get them in and out of their designated spot for the event.

***Next Meeting Schedule***

Monday, May 9 from 11 to 12:30 at City Hall (lunch provided)



**2017 Solar Eclipse Action Committee Meeting**  
City Hall, Council Work Room – 125 SW E Street  
Madras, Oregon 97741

**May 9, 2016**

**Meeting Notes**

**11:00 to 12:30 p.m.**

***Attendance***

Gus Burrell, City of Madras; Bartt Brick, City Council; Michelle Forster, Erickson Aircraft; Tanner Stanfill, Madras PD; Joe Krenowicz, Chamber of Commerce; Lysa Vattimo; Mark Carman, Jefferson County; Jennifer Holcomb, Jefferson County Little League; Mayor Royce Embanks; Kristine McConnell, COVA; Michael Boyd, Wheeler County Sheriff's Office; Jeff Hurd, City of Madras

***Discussion Items***

1. Event Coordinator Update
  - a. Looking to contract with Lysa Vattimo as event coordinator, she has 14 years' experience with Tualatin Valley Fire and Rescue
  - b. What does she already have vs. need
    - i. Where are the areas that have holes that need to be plugged?
    - ii. What part is the local jurisdiction's responsibility
    - iii. What can the state help with (US 97 is a state system)
  - c. Put together a plan – public works, police, fire, EMS
    - i. Alternate routes for plan
    - ii. Viewing areas
    - iii. Make it a joyful event
    - iv. Create the plan with “lanes” for team/department responsibilities
2. Public Communication
  - a. Chamber of Commerce link
  - b. Media help
3. “Hot ticket” items
  - a. Event coordinator response and approach
    - i. Written binders with plans, maps and contact information for each team
  - b. Evaluate dispatch onsite
  - c. Evaluate volunteers and other agencies' willingness to help
4. Jefferson County Tourism Group
  - a. Chief wants to security section reviewed
  - b. Performance security measures in agreement
  - c. Clarify this agreement does not promise ongoing commitment for annual events
  - d. Security to perform as event sponsor
5. File a bond with property owner
  - a. To cover anything they walk away from or possible (refundable) deposit?
6. Fee arrangement

7. Ability to hire an EMT team last minute
8. Obtain Annette Liebe's assistance from the Governor's Office
9. Ask Brian Huff to attend meetings going forward
10. Follow up item:
  - a. Communicating with the community – residents, businesses, etc.
11. Needs
  - a. Volunteers
  - b. Agency assist
  - c. Media
12. Website
  - a. Chamber webpage
  - b. Chachka Group assistance
    - i. Contacts for each organization
  - c. Email updates (can sign up for – cost prohibitive?)

***Next Meeting Schedule***

Wednesday, June 8 from noon to 1 p.m. at City Hall (lunch provided)

