CITY OF PORT ORFORD
REGULAR SESSION OF THE COMMON COUNCIL
IN GABLE CHAMBERS
THURSDAY, JANUARY 17, 2019 AT 3:30 P.M.

AGENDA

1. Call to Order/Pledge of Allegiance – Moment of Silence for Mr. James Billings
   - Proclamation of Abstract of November 2018 election
   - Approve minutes of Nov. 9, Nov. 15, Nov. 30, 2018 and Dec. 18, 2018
   - Swearing in of Council: Travis Williams, James Garrett, Carolyn LaRoche
   - Elect Council President – Run meeting in the Mayor’s absence

2. Additions to the Agenda

3. Presentations to Council/Citizens – ODOT Hwy 101 Update, Darrin Neavoll

4. Citizens Concerns (Sign Up Only for Old & New Business Items on the Agenda)

5. Departmental Reports
   - Administration
   - Police Department
   - Public Works
   - Finance
   - Planning Department
   - Mayor’s Report

6. Liaison Reports
   - PORT
   - Chamber/TLT
   - Fire Board
   - Parks
   - Watershed/Health
   - Emergency Management

7. Old Business
   a. Police Levy
   b. 

8. New Business
   a. Resolution 2019-06 Worker’s Compensation Coverage to Volunteers
   b. Resolution 2019-07 Banking/Signatures new Council
   c. Legal Counsel - Review of Public Meetings Law
   d. Amendment to the Water and Sewer Master Plan

9. Consent Calendar
   a. Application for Appointment to the Planning Commission – Michele Leonard/Diane Schofield

10. Continuing Action Items
    a. Water  b. Sewer  c. Chamber  d. Vacation Rentals  e. Board of Appeals

11. Considerations
    a. Citizen  b. Staff  c. Councilor  d. Mayor

12. Future Meetings
    a. Thursday, February 21, 2019, Regular Council Meeting 3:30 p.m. at City Hall

13. Adjourn
City of Port Orford, Curry County, Oregon

"ELECTION PROCLAMATION"

WHEREAS, a General Election was held in Port Orford, Curry County, Oregon on November 6, 2018, and

WHEREAS, registered voters in the city limits of Port Orford voted on candidates for three open Council positions, and

WHEREAS, Travis Williams (372 votes), and Carolyn Sue LaRoche (247 votes), and James Garratt (213 votes) were elected to fill the three open four-year Council positions, and

WHEREAS, the terms for these positions start on January 1, 2019 and expire on December 31, 2022,

NOW, THEREFORE, the Elections Official of the City of Port Orford hereby proclaims the election of these positions to be official.

Signed this 28TH day of November, in the year 2018.

Patty Clark, Elections Officer

ATTEST:

Terrie Richards, City Recorder
1. Call to Order
Mayor Pogwizd called to order this Special Session of the Common Council of the City of Port Orford in the Gable Chambers on Friday, November 09, 2018 at 6:00 p.m. He then asked those present to rise and join him in the pledge of allegiance.

Purpose: Police Levy – Failed at the November 6, 2018 Election

The Mayor began the meeting with an explanation and his thoughts on why the measure to fund the Police Department failed.

The Mayor stated that there is no need to point fingers – this levy failed due to lack of education to the voters. The verbiage from the prior two levy’s that passed were exactly the same as the verbiage that ran this time but that does not mean everyone understood it. The state limits us to twenty words [for the question]. There is a suggested change. He read the current verbiage: “Shall the city levy $1.80 per 1000 per assessed value for police operations for 5 years beginning in FY 201-2020?” Then he read the suggested: “Shall the city renew the police levy with a new levy of $1.80 per 1000 of assessed value?”

The Council feels the suggested language better explains what they are trying to do. There were some that really believed it was $1.80 “on top” of what they are already paying. The current levy would “retire” and this new levy would replace it.

The Mayor believes everyone was comfortable – it passed quite easily the last two times but we failed to educate the public.

Letters of support and concern from two citizens received (in packet). The Council can wait for a May election, which in the Mayor’s opinion does not send a very great message to our police staff – that do a fantastic job. There is an earlier election in March. Council would have to pass a resolution at next meeting. IF the levy fails in March we would not have enough time to get back on [the ballot] for the May election.

Councilor Webb asked about the ninety-day time line

Councilor Clancy asked what a special election cost. Mayor said it would be between three and four thousand dollars. Councilor Clancy would prefer to wait for the May election. The Mayor
said it was a council decision but in his mind, he would like to send a message to our officers that they are still employed here at the city.

Councilor Roorback stated his concerns of our officers putting out resumes prior to that time and we do not want to lose our current department. He is satisfied with the earlier election.

Councilor Auborn reminded the council of the new officer currently at academy the city is paying for. Councilor Clancy questioned paying for the academy.

Chief Hobart explained how the academy is paid for. He stated that this officer is a big investment for the city – he would like to do the March election, he is willing to give up something out of his budget to pay for it.

Councilor Webb said it sounds like the question is to whether or not to go for a special election.

The Mayor agreed that is the question. He feels everyone at the table feels the same way and knows how important the police department is to our community and want to do whatever they can to save it.

Councilor Webb stated that it is with great pleasure he share with the council that Deb MacNeil of Plumb, Level and Square Foundation has offered one thousand five hundred dollars to help with the cost of a special election. Council and Chief Hobart were very appreciative.

Councilor Webb moved to get this on a special election for March with Council Roobach as second. Motion carried.

Councilor Cox Aye Councilor Clancy Nay Councilor Webb Aye
Councilor Auborn Aye Councilor Roobach Aye Councilor Campbell absent

A resolution will be prepared for Thursday meeting.

The Mayor then opened the discussion to the citizens.

Katie King – business owner. She wants a police department here for many reasons. She is located in a block where transients sleep, it has been very nice that she can call local police and know they will come “quickly”. It is nice to have police officers we “know”. She also does not feel the city would be well served by the Sheriff department.

David Smith – on Budget Committee. He does not see this as a police problem he sees it as a budget problem. Discussion of where funding comes from.

Dave Tatge – resident upset he did not see anything about this measure until an article in the last two newspapers. He is very concerned someone is going to get hurt without a department.

Karen Auborn – Main Street Association stated she the latest project at the interpretive walk is what made them aware of just how bad the city needs a police department.

Carolyn La Roche – resident asked about the three percent tax increase. The Mayor explained that last sentence on the question was required by the state.

Council discussed how the taxes would or would not increase and how the question should read.

The Mayor asked the Finance Director David Johnson if the police department could continue without the police levy – Mr. Johnson “No” it could not.

Councilor Auborn asked how many officers the current levy was paying for. Mr. Johnson explained that the levy was designed to fund two officers. Without the levy, two officers cost approximately two hundred fifty thousand.
Councilor Webb stated that with two officers we give up safety at our schools, we give up traffic, we will not have 24/7 three hundred sixty-five department – four officers cannot provide that service. Although they have done a good job toning the traffic down.

Chief Hobart explained the hours they are responsible for but not even the state is a twenty-four hour department.

Councilor Webb asked read [the question] this aloud again, the proposed changes. The CA read "Shall the city reduce the expiring levy with a new levy of $1.80 per thousand 1,000 of assessed value? This measure may cause property taxes to increase more than 3%.”

More discussion on how the question should read. The Final reads: “Shall the city replace the expiring police levy with a reduced levy of $1.80 per 1,000 of assessed value? Councilor Webb moved to accept this as the question with Councilor Roorbach as second. Motion carried.

Councilor Cox Aye Councilor Clancy Aye Councilor Webb Aye
Councilor Auborn Aye Councilor Roorbach Aye Councilor Campbell absent

The Council then discussed the verbiage for the summary more specifically the word “eliminate.” Suggestion “drastically reduce or eliminate” and more discussion. Councilor Roorbach moved to accept “drastically reduced or eliminate” with Councilor Cox as second. Motion carried.

Councilor Cox Aye Councilor Clancy Nay Webb Nay
Councilor Auborn Aye Councilor Roorbach Aye Councilor Campbell absent

Council agreed that a PAC should to be formed to help educate the citizens.

Adjourn
There being no further business Mayor Pogwizd adjourned the meeting at 6:57 p.m.

Attest:

Mayor Tim Pogwizd

City Recorder, Terrie Richards
CITY OF PORTORFORD  
CITY COUNCIL MEETING MINUTES  
IN THE GABLE CHAMBERS  
THURSDAY, NOVEMBER 15, 2018

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<th>Mayor and Council</th>
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<td>Jim Auborn X</td>
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<td>Terrie Richards</td>
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<td>Jim Campbell</td>
<td>Excused</td>
<td>Shala McKenzie Kudlac</td>
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<tr>
<td>Caroline Clancy</td>
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<td>David Johnson</td>
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<td>Pat Cox X</td>
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<td>Hank Hobart</td>
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<td>John Roorbach</td>
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<td>Tim Pogwizd, Mayor X</td>
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<td>Brett Webb, President X</td>
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Media Present: Brice Wagner, Port Orford News  
Others Present: 45

1. **Call to Order**  
Mayor Pogwizd called to order this Regular Meeting of the Common Council of the City of Port Orford in the Gable Chambers on Thursday, November 15, 2018 at 5:30 p.m. He then asked those present to rise and join him in the pledge of allegiance.

2. **Additions to the Agenda:**  
7e. ROW-Jackson St., 7f. ROW-Fort Point Trail

3. **Special Presentation to Citizens/Council:**  
Mayor stated the many accomplishments of Ms. Conwell and presented her with a plaque of appreciation.

4. **Citizens’ Concerns:**  
- Dorene Ames - 7c. Suggested the council reconsider bringing back the citizens committee for the police department for better guidance.

5. **Departmental Reports:**  
- Admin - Councilor Cox asked about the contact time as it is still an issue  
- Police Dept. - the Chief gave a comparison for Calls for Service are at 186 this month stating they are down this month only because they are not at full staff right now. To address the Mutual Aid (Outside Assists) concern again. Other agencies assisting Port Orford are as follows: Sheriff 19/City 4, Oregon State Police 6/City 3, Ambulance 5/City 0, DHS 1/City 0, Coos Co. Sheriff 1/City 0, CCEC 1/City 0  
- Finance - Councilor Cox asked if the left over dollars at the end of the year rolls over to the next year - yes to unappropriated funds. Mass Bro. towing - impounded vehicle for evidence, paid back in restitution that could take years.  
- Planning submitted two ROW request for approval - approved by planning  
- Port had an open house for the redevelopment project with a good turnout.  
- Chamber - still inactive but there are a lot of Chamber like activity going on.  
- Fire - business as usual  
- Parks - the dog park is ready for use  
- Watershed - preparing their little booklet for the residents around Garrison Lake  
- Health - there is a Dr. stepping in while the other (Darla) is on vacation - they have hired a tech for blood draw and other, he will be here in a month or so.
Emergency – the Steering Committee is having meetings, working on a questionnaire that will do out in the near future – DOGAMI is not ready for Port Orford’s Beat the Wave Mapping so the issues related to that are on hold at this time.

6. Old Business:
   a. Coos Curry Electric/Fire Restriction agreement with the State of Oregon Department of Forestry to work within the city limits of Port Orford during the period when a closedown order in in affect presented in the council packet. The Mayor reiterated a previous discussion with CCEC about using a water trailer. Councilor Webb has reservations about the whole process. Due to the current situation in California and Southern Curry County, the Council would like to have a CCEC representative at the January meeting to discuss their requirements and when they do work in the city. No action taken.

7. New Business:
   a. City Audit has been received, the Council is asked to accept the FY2017-2018. The Mayor asked for a motion to accept the audit. Councilor Auborn moved to accept the 2017-2018 audit with Councilor Roobach as second. Motion carried.

   b. Resolution 2019-03 Amending Public Records Request, the 2006 resolution states an hourly rate of $17.00 per hour for research fees. The staff asks council to consider updating the rate to meet current wages suggesting “lowest clerical employee benefit rate” After discussion Council asked for the word “available” be added. Councilor Roobach moved to accept Resolution 2019-03 with both suggested changes with Councilor Auborn as second. Motion carried.

   c. Police Levy continued discussion – The Mayor explained there was a special meeting November 9, 2018 to discuss the police levy and they decided to go for the earliest special election they can have and that happens to be in March. They also agreed to change the [question] verbiage the twenty words that are allowed by the state.


   e. Right-of-Way request – Theresa Kolibaba requests Council’s approval to paint the curb on both sides of her driveway yellow. She is asking for five feet on one side and ten feet on the other since patrons of the marijuana store adversely affect her. There was concern of giving private parking to an individual. Councilor Webb said the request seemed reasonable but preferred even spacing. Councilor Roobach moved to approve the Right-of-Way request
f. Right-of-Way request – Steve Lawton speaking for the Parks Commission and volunteers. He explained the desire to create “Fort Point Trail” and its route. Visitors could experience some of the most spectacular views on the Southern Oregon Coast. Council reviewed the recommendation of the Planning Commission. Mr. Lawton explained how those concerns would be met. Councilor Auborn moved to approve Fort Point Park trail request with Councilor Roorbach as second. Motion carried.

Councilor Cox Aye Councilor Clancy Absent Councilor Webb Aye
Councilor Campbell Absent Councilor Auborn Aye Councilor Roorbach Aye

8. Consent Calendar:
   a. Minutes of October 18, 2018
   b. Support letter for OCVA (Oregon Coastal Visitor Association)

Councilor Auborn moved to accept the consent calendar with Councilor Roorbach as second. Motion carried.

Councilor Cox Aye Councilor Clancy Absent Councilor Webb Aye
Councilor Campbell Absent Councilor Auborn Aye Councilor Roorbach Aye

9. Continuing Action:
   a. Vacation Rentals – SCA rules do not allow vacation rental management companies to give information of rentals unless the requester follows the SCA procedure. Councilor suggests staff follow the procedure and get the information. Councilor Cox believes the city needs to set limits. Business licenses are not required. No action taken. Councilor Cox asked for the prior information that Mr. Lawton brought to the council sent to Council.

10. Considerations:

   Citizens:
   - Theresa Kolibaba does not believe the city needs Fort Point Park when there is the overlook and would like to know why a dog on 11th Street has more rights than they [citizens] do
   - Dorene Ames applauded the Lawton’s trying to preserve the beauty of the town. She also believes the right-of-ways should be saved as green space and preserve the beauty of our city.
   - Frank Smith reminded Council of his background in law enforcement and how important it is for the city to support and keep the police department – one officer is not enough.

   Staff: None

   Council
   - Councilors Auborn and Roorbach thanked the outgoing councilors for the time and feel together they did a pretty good job taking care of things. He believes the incoming council is going to be a good addition
   - Councilor Cox asked for a workshop to discuss the water and sewer issues and stated his concerns about the planning packets need continued discussion. He also questioned the reserve account funds for the meters.
   - Councilor Webb has always felt the meter replacement project should be hired out to a contractor. He thanked the Mayor for running the meetings.

   Mayor:
   - The Mayor thanked the three outgoing councilors it is a frustrating thing to deal with all the red tape when all we want to do is get things done.
11. **Future Meetings:**
   City Council Meeting • January 17, 2019 • 3:30 PM • City Hall Council Chambers

12. **Adjourn**

There being no further business Mayor Pogwizd adjourned the meeting at 5:26 p.m.

Attest:

Mayor, Tim Pogwizd

City Recorder, Terrie Richards
1. **Call to Order**

Council President called to order this Emergency Session of the Common Council of the City of Port Orford in the Gable Chambers on Friday, November 30, 2018 at 4:00 p.m.

**Purpose:** Police Levy – March 2019 Ballot Measure Language

Councillor Webb began the meeting with an explanation on why the emergency meeting was called. The words they believed were going to be printed on the ballot are different. Councilor Webb asked for discussion. He then explained the city has a deadline - to get this to the newspaper - of 5:00 PM this afternoon it will be in print on December 5 and that puts the city at the soonest possible election date.

Councillor Cox moved to accept this new language for the legal publication with Councillor Auborn as second. Motion carried.

Councillor Cox **Aye**
Councillor Clancy **absent**
Councillor Webb **Aye**
Councillor Auborn **Aye**
Councillor Roorbach **Aye**
Councillor Campbell **Aye**

Resolution 2019-05 **A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD, CALLING FOR AN ELECTION WITHIN THE CITY FOR THE PURPOSE OF APPROVING A LOCAL OPTION TAX LEVY.**

Councillor Roorbach moved to approve it with Councillor Auborn as second. Motion carried.

Councillor Cox **Aye**
Councillor Clancy **absent**
Councillor Webb **Aye**
Councillor Auborn **Aye**
Councillor Roorbach **Aye**
Councillor Campbell **Aye**

There being no further business Council President Webb adjourned the meeting at 4:15 p.m.

Attest:

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Council President, Brett Webb
City Recorder, Terrie Richards
QUESTION:

Shall the city replace the expiring police levy with a reduced levy of $1.80 per 1000 of assessed value? "This measure renews current local option taxes"

SUMMARY:

"This measure may be passed only at an election with at least 50 percent voter turnout." The purpose of this local option tax measure is to fund the operations of the City of Port Orford Police Department. The current local option tax revenue measure expires June 30, 2019. If this local option tax measure before you is not enacted, then the City will be forced to eliminate the Police Department, since there are insufficient property tax revenues to pay for general City operations and fund the Police Department. The local option tax imposed by this measure will be for five years beginning with the 2019-2020 fiscal year. It is estimated that the local option taxes to be raised each year will be $226,297 in FY 2020, $235,349 in FY 2021, $244,763 in FY 2022, $254,553 in FY 2023, $264,736 in FY 2024 for a total of $1,225,698. "The estimated tax cost for this measure is an ESTIMATE ONLY based upon the best information available from the county assessor at the time of estimate."

Notice is given that an elector may file a petition for a review of the ballot title with the Circuit Court no later than December 14, 2018.
1. **Call to Order**

Council President called to order this Special Session of the Common Council of the City of Port Orford in the Gable Chambers on Tuesday, December 18, 2018 at 4:00 p.m.

**Purpose:** Resolution P52

Councilor Webb opened the meeting with a moment of silence for Jim Billings who passed this last week. He then explained that Councilor Roorbach is most keen on this and asked that he tell the Council what it is he would like them to consider and what his goal is.

Councilor Roorbach stated that this meeting has been called not to shut out development but to illustrate the need to follow our guidelines as public officials representing the city. It is to discuss the proposition of the County’s preliminary designation of enterprise zones and the results of not following these guidelines. For example according to Oregon Way Goal #1, the Oregon Attorney General admonishes county and city governments to present matters such as the preliminary designation of enterprise zones for community development to individual communities in public meetings.

Further, the state’s enterprise zone authorization ends in 2025 so at this point in time there is no need to expedite the standard process and in turn emphasizes the Oregon Attorney General's admonition for city and county governments to present plans for development at public/community meetings.

Therefore, the county should take no action on this proposal until the county has completed local public meetings, specifically in Port Orford to explain what’s going on and to receive public comment.

Councilor Roorbach then handed out copies of an email communicated between Commissioner Boice and Langlois resident Ms. Jo Rieber and information about enterprise zones from Port Orford resident Steve Lawton.

Councilor Webb believes outreach is mandatory. If the state gets a hold of this they may kick it back out – this could save them [county] some time [to do outreach].

Councilor Campbell asked if this was allowed in the UGB – to “cherry pick” properties.
Councilor Webb put his Port hat on for a minute and explained how it went with the port. There were bad maps forever changing and they rejected the whole thing for six or eight months. As he understands it, since they approved it there’s been changes since then.

He went on to say that this is easy to oppose the comp plan lays it out there. He believes their decision is already laid out for them if they want to pursue it. The city is affected by this. Nobody knows about this? That is not the way it is supposed to go down. A lot of people are assuming this is the old standard EZ that doesn’t allow for certain activities; there is a lot of confusion about this thing and I don’t know why it needs to be rushed through.

Councilor Campbell said the take away is the Standard EZ we got right now hasn’t done any good for us. He isn’t sure if people don’t know about it or what. He explained his involvement in the one that did happen. He thinks they should let the county know they don’t like the way they are doing it but they would like to be involved in it. It would really help if they could have that [outreach] it would really help somebody trying to sell vacant property.

Councilor Webb stated that his personal position is he doesn’t like enterprise zones but he feels like one is going in weather he likes it or not. It seems to him because it is happening the city would want to be part of it. This will be unfair competition to businesses and the city needs to be part of it. If it were up to him – he doesn’t like it, he believes the jury is out on whether they work or not. It is government picking winners and losers – he doesn’t like it. It’s happening, let’s get involved, let’s object to the lack of [outreach]. Robust outreach is supposed to happen to all the special districts because a regular EZ it takes a few special districts. But this special one only requires the PORT so when it was sold to the PORT it was with the understanding this robust discussions would occur. Now, this isn’t the PORT but that is how he feels about it.

Councilor Cox asked so we have a small fire district and if they are going to make industrial buildings or hotels how do they not contact the fire district and say “Hey can you guys do something like this?” or “Can you cover something like this?” Isn’t that the reason you would contact the fire district to see if they were covered? I don’t hear a lot of opposition as much as they are opposed to the process of what’s going on. And as soon as we write a letter of opposition then we are the opposition. But, we can write a letter that we don’t like how this process is going down, we don’t feel like out community has been privy to what is going down, how do we make this happen and why is it such a hurry and why haven’t the taken the time to contact the districts. And yes, we know you went to the PORT and you went through that one requirement but the requirement is the minimum you can do for your community so why the bid rush.

Councilor Roorbach was displeased with Attorney Huttl’s response of “Well it is not a land use action to therefore they do not have to confer with the city”

Councilor Cox interjected saying that is what he caught right off the bat, is they are literally setting up shop in our back yard. You would think they would come to one of our council meetings and have a commissioner come down and say they just wanted to touch basis this is what is going on since January so they want to make sure the city is on board. Because how can they accept something in January, go back to maps, and say the PORT of Port Orford is supportive of it when it wasn’t decided until September.

Councilor Webb said he hates to be the one to call shenanigans. It is not the same animal, there is some misrepresentation and maybe he is wrong but it appears there is some misrepresentation. Which could be squashed by outreach.

Councilor Roorbach mentioned how the maps were changing every day and they continue to change. He can’t approve that and I don’t think the city would approve that.
Councilor Campbell asked if they could send them a letter to the fact that they are opposing the way they did it but we like the idea of what they are trying to do. But, we would like to be included in it and the city would like them to wait before they take a big step here. This is why we are having this meeting now because tomorrow they are supposed to have a vote on something. We need to get that letter to them and let them know how we think about these things.

Councilor Cox said the meeting tomorrow is to send the application to the state; they have the application almost ready and in January the state said no these maps are not good enough. They clarified it, which may be the reason the maps are changing but it doesn’t seem like you would put something out on the internet until you had that final map done.

Councilor Webb stated that for someone who was involved with the body to approve this to know the maps are changing infuriates him.

Councilor Cox asked the City Administrator her take on this, has Crystal Shoji chimed in on this or is there anybody who has given us information one way or another. The City Administrator stated that they [Council] has everything she has. Councilor Cox was confused why the City Planner could not know about it.

Councilor Aubom (attending by phone) stated that he doesn’t know the status of what they did in 2015 because they voted they wanted to join the Gold Beach EZ but he didn’t think anything has ever been done about that. Councilor Webb said that that had expired and it was a Standard EZ that would be beneficial to some industrial things like NC Electronics. But this Special Zone, he doesn’t think everyone completely understands what is or isn’t allowed and what may or may not be collateral damage. That is his position on it. Councilor Aubom agrees with a letter to the county that they really object to the process, there is not even anybody here from the county to explain what they are trying to do and they [city] do not want to be left out of something that could be a very competitive disadvantage to the city. He believes the letter should be objective to the process not necessarily objecting to the special zone.

Councilor Campbell moved to send the county a letter that we appreciate the fact that they are trying to do something but we think we should have been included and we would like to be included and they hold up on anything they plan on doing now until we have a chance to see what they are doing and be a part of it and go from there with Councilor Roorbach as second.

Discussion: Who should write the letter? The CA reminded council they would have to get it done and emailed tonight because their meeting is at ten o’clock in the morning. If the e-mail was sent to each of the Commissioners, John Hutt and John Jezuit (their recorder) and a hard copy sent. Shala Kudlac said this is being handled through the administration not legal counsel.

Councilor Webb asked, “Who made the decision, Hutt made the decision they did not need to confer with the city?” Councilor Roorbach stated this was his [Hutt] legal opinion. Ms. Kudlac also stated that it came from CCD Business Development who are handling the application. The City not being a special district and none of the properties actually being within the city limits they felt that the City of Port Orford was not entitled to notice.

Councilor Cox asked how other issues in the UGB work, does the city really ever have any say in it until it becomes a new boundary?

Ms. Kudlac explained that it is an opinion the EZ is not a land use issue because the EZ does not dictate the use of the dirt. It still has to comply with the comp plan it still has to comply with the applicable zoning. What it does is dictate businesses in those areas essentially receives tax benefits. But, it does not change the use of the dirt.
Continued discussion on the objection of the process mostly the lack of outreach and there are many who disagree with tax benefits to some and not others. They agreed these issues should come up in a meeting with the County.

Motion carried.

Councilor Cox Ave  Councilor Clancy absent  Councilor Webb Ave
Councilor Auburn Ave  Councilor Roorbach Ave  Councilor Campbell Ave

There being no further business Council President Webb adjourned the meeting at 4:35 p.m.

Attest:

council President, Brett Webb  
city Recorder, Terrie Richards
City of Port Orford

CITY COUNCIL ADMINISTRATION REPORT

SUBJECT: Water/Sewer/Streets/Other

ITEM NO: 5 a.

WATER:

* Hubbard Creek: December rain report 10.8 inches at the water plant. Water loss is at 42.3%. Dredge has been pulled for repairs. Had an issue with the pressure switch – repaired.

* Water Plant: 11/7/18 Hot water heater replaced. New Back Wash meter has been installed. Lab equipment has been calibrated

* Leaks & Repairs: Water tank communication failure due to power failure 11/23/18. Leak at Wooden Nickle repaired. Leak found at 1340 California their side. Vac-con main 1" hose has been compromised and it is time for a service, repair $2,000 plus fitting and labor.


SEWER:

- Sewer Plant: Grit tube repaired. Re-training and training for crew on lab procedures.
- Repairs & Maintenance: 8th and Washington sewer issue – their side. The UV Controller having issues the last 12 months, outdated parts hard to find.

STREETS:

- Maintenance: Tree on the Hamlet removed, damaged in a storm. Several stop signs have been replaced due to storm damage or being run over. Storm drains and culverts cleaned.

- ROW’s: Tree down on N. King due to lot clearing for development – five more to remove at approximately $4,800.

PARKS:

- Buffington Memorial Park: The Park Host has asked for new toilet seats, address numbers and a trash can at the dog park – done.

- Visitor Center: Proposal received for stainless install at Visitor Center $5,200. Yearly flooding issues – working on a permanent fix. OSU team offered to maintain the bio-swale.

OTHER:

- New construction - N. King St. (3). 10th & Idaho.
- Hepatitis check for public works crew has been worked out by David Johnson to be done here in PO.
- Want to put the old grader on government site – needs new battery to move it out of storage area.
- Building permits: City – 4, UGB – 5, County – 2 (Port Orford zip code are)
FOR IMMEDIATE RELEASE: January 9, 2019

CITY OF PORT ORFORD TO HOLD DAY OF ACTION TO INCREASE TSUNAMI AWARENESS AND PREPAREDNESS

Volunteers will be going door-to-door on Saturday January 26th, as part of a state and local joint effort to Beat the Wave

Port Orford, Ore. — (January 9, 2019) — State agencies are working with cities along the coast to update tsunami evacuation routes. These “Beat the Wave” maps will be available in Port Orford later this year. In preparation for the release of the more detailed evacuation route maps, the City is hosting a day of action to inform residents of their vulnerability to tsunamis, and gauge their level of preparedness.

According to the Oregon Department of Geology and Mineral Industries (DOGAMI), “When the next great Cascadia Subduction Zone earthquake and tsunami occur, coastal residents and visitors will have 10 to 30 minutes to reach safety. Evacuation on foot will be the only means possible. To be prepared, people will need answers to questions:

• What are the most efficient roads and trails to take to reach safety?
• How fast will people have to travel to beat the wave to safety?
• Will the earthquake cause bridges to become impassable or activate a landslide that blocks an escape route?
• If safe evacuation isn't feasible, what other preparations can be taken?

To help answer these questions, DOGAMI is undertaking detailed evacuation modeling in order to determine the best routes to beat the wave. Beat the Wave maps show areas of expected tsunami inundation, the most efficient routes to reach safety, and how fast one must travel to get there.”

Volunteers will be going door-to-door in Port Orford, asking residents and business owners to complete a brief, 6-question survey about their existing evacuation plans. They will also be inviting residents to the upcoming Beat the Wave mapping presentation (date TBD), where the Beat the Wave tsunami evacuation routes will be presented to the public.

The event will take place on Saturday, January 26th, 2019 from 10:00am to 1:00pm, at the Port Orford City Hall, 555 20th St, Port Orford, OR 97465. For more information or to RSVP, please email hailey@shojiplanning.com or call (541) 968-4686.

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For more information on Beat the Wave, please visit https://www.oregongeo.org/tsucreatinghouse/beathwave.htm. Funding for this project is made possible through a grant from the Oregon Department of Land Conservation and Development (DLCD) and the National Oceanic and Atmospheric Administration (NOAA)’s Office for Coastal Management.

Media Contact:
Hailey Sheldon
Planning Technician
Shoji Planning
(541) 968-4686
hailey@shojiplanning.com
BEAT THE WAVE – DAY OF ACTION
INFORMATION FOR VOLUNTEERS

WHAT: Port Orford Tsunami Evacuation Plan Day of Action: join us while we go door-to-door to spread tsunami awareness and preparedness in Port Orford
WHEN: Saturday January 26, 2019 from 10:00AM to 1:00PM
WHERE: Port Orford City Hall, 555 20th St, Port Orford, OR 97465
WHAT TO EXPECT: Please arrive at City Hall at 10:00am. We’ll begin with a 30-minute training, where you’ll receive all of the instruction and materials you’ll need to be safe and successful going door-to-door. After you’ve received the training, volunteers will pair up and select a map of 15-25 residences and/or businesses. Each map will take approximately 2 hours to complete. Once you’ve completed your “turf,” you and your partner will return to City Hall, and drop off your materials. All volunteers should expect to be done by 1:00pm.
WHAT TO BRING: Wear comfortable clothes and shoes; dress for the weather. We will provide snacks, water, and the materials you’ll need to go door-to-door.
HOW TO SIGN UP OR FOR ADDITIONAL INFORMATION: Email hailey@shojiplanning.com or call (541) 968-4686.

F.A.Q.s

Q: What is the Beat the Wave?
A: State agencies are working with the City of Port Orford and other cities along the coast on a more detailed tsunami evacuation analysis, which will help give people more information about what to do during a local earthquake and tsunami event. Where do I go? How much time do I have? How fast do I have to go?

Q: When will the new evacuation routes be made public?
A: The Beat the Wave map for Port Orford will be released sometime in 2019.

Q: What is the day of action?
A: The City of Port Orford is holding the day of action to inform the public of our vulnerability to tsunamis, and gauge the public’s level of preparedness. We will be asking residents to complete a brief, 6-question survey, to see how prepared people are now. We will also be inviting residents to the upcoming Beat the Wave mapping presentation, where we will learn more about tsunami evacuation routes (date TBD).

Q: Are there other ways I can help, besides going door-to-door?
A: Yes! You don’t need to knock on doors to participate! You can bring food, help with sign in, or just come to sit and chat. Just let us know when you sign up!
Ford Family Foundation Visit
The South Coast Main Streets are working with the Ford Family Foundation on January 30, 2019. Representation by Mayor, City Administrator, & Councilors.

The schedule:

January 30
10:15 Bandon with Harv and Bandon Main Street.
12:00 Tour & Lunch in Port Orford
1:00-2:30 Community Listen and Learn approach with Main Street, Community volunteers, and city officials
2:45- 4:15 Visioning with PO Main Street and City Officials

January 31
8:30-10 am Tour of Brookings with city officials & Harv
10:15 - tour and lunch with Gold Beach Main Street.
SUBJECT: Legislation Concerning Suspension of Driver’s License

BACKGROUND:
The Oregon Municipal Court Judges Association has advised that the 2019 State Legislative Assembly is likely to take up measures to eliminate or substantially curtail the ability of a court, including municipal courts, to enforce its judgments and court orders through the suspension of driving privileges. The direct and collateral consequences of such changes are far-reaching. I am asking the City Council to include this issue in their legislative priorities and to request the League of Oregon Cities to make this a legislative priority. Please see the attached memorandum.

Every year the LOC (League of Oregon Cities) sends out a list of topics going before the State Legislation asking cities to list their top priorities of concern. This subject will affect Port Orford in a negative way if passed. Keep in mind “over 99% of suspensions are applied to violators who reside out of the area and/or out of state.”

Judge Milliman currently works with speed violators who are unable to pay fines by reducing the fine and putting them on a payment plan they agree with.

Not only will this affect the City of Port Orford but all cities in Oregon.

FISCAL IMPACT:
Substantial

RECOMMENDATION:
Support the LOC in their efforts to protect the cities of Oregon on this subject

SUBMITTED BY:
Terrie Richards
Terrie Richards, City Recorder
TO: Mayor and City Council

SUBJECT: Anticipated Legislation Concerning Suspensions

December 3, 2018

The Oregon Municipal Court Judges Association has advised that the 2019 State Legislative Assembly is likely to take up measures to eliminate or substantially curtail the ability of a court, including municipal courts, to enforce its judgments and court orders through the suspension of driving privileges. The direct and collateral consequences of such changes are far-reaching. I am asking the City Council to include this issue in their legislative priorities and to request the League of Oregon Cities to make this a legislative priority.

This matter is being raised as a social justice issue as the advocates for change believe that utilizing driver's license suspension as a means to enforce payment of fines has a disproportionate impact on persons of low income. Most municipal courts, including Brookings, already have policies and systems in place to address this issue.

In 2017 the municipal court for the City of Port Orford received approximately 1,600 new case filings for traffic violations. Historically, in the great majority of these new cases the defendant fails to appear to answer to the charge(s). In 2017 we suspended 163 licenses. Suspension fines are doubled. Recovery of unpaid fines at time of license renewal following suspension represents a significant portion of the overall revenue. In my experience, over 99 per cent of suspensions are applied to violators who reside out of the area and/or out of the state. Without the ability to suspend for non payment I doubt that we would be able to collect on these violations.

Among those who do appear on traffic violations, a substantial portion are unable to pay the fines imposed, even when the fines have been significantly reduced based upon ability to pay. Moreover, among those living on fixed incomes such as Social Security, retirement, unemployment benefits, workers compensation, disability, etc. the presumptive fines adopted by the legislature often exceed one third of the fixed monthly Social Security benefits of our current senior citizen drivers.
This court establishes installment payment plans when an individual has demonstrated an inability to pay without doing hardship to themselves or their family. Under our installment plan, defendants can pay as little at $25.00 per month and maintain their license in good standing. This court has also adjusted the base amount of the fine in the case of extreme financial hardship when the defendant has a good driving record.

It has been the practice of this court to send notices to DMV to suspend driving privileges for those who do not appear on their traffic violation citations or who fail to comply with court-ordered payment plans. In the first instance, the individual may be disregarding the directions of the citation and choosing not to avail themselves of the Due Process established under the State's Motor Vehicle Code. In the second instance, the person has availed themselves of their Due Process rights, received an adjudication, and now has failed to comply with the lawful Order of the court.

The use of license suspensions as a sanction reflects both the stated policy of the Oregon Legislature, ORS 801.020 (11)(b):

"... To deny the privilege of operating motor vehicles on the public highways to persons who by their conduct and record have demonstrated their indifference for the safety and welfare of others and their disrespect for the laws of the state, the orders of its courts and the statutorily required acts of its administrative agencies..."

and sound judicial practices as articulated by the Michigan Trial Court Collections Standards & Guidelines of 2007 “... To hold defendants accountable for their actions, to improve the enforcement of court judgments, to reduce judicial and clerical efforts to collect court-ordered financial obligations; to ensure prompt disbursement of court collections to receiving agencies and individuals; to achieve timely case processing.”

I have attached a “Fact Sheet” prepared by Joseph Charter, Jackson County Justice of the Peace, dated October 25, 2018 for your consideration. I have also attached some “talking points” for your use when discussing this matter with Legislators.

Judge Charter provides a more state-wide perspective of the issues and ramifications. The references discussions and presentation made at the Oregon Municipal Judges Association and the Oregon Justices of the Peace Association educational conferences regarding the “Ferguson” and “inability to pay” issues that seek to address these concerns.

Cc: City Administrator
DRIVER’S LICENSE SUSPENSION TALKING POINTS

• The Oregon Municipal Judges Association has informed us that legislation is expected to be introduced in 2019 which would prohibit or severely restrict the use of suspending driver’s licenses for failure to appear or non-payment of traffic fines.
• We understand the issue is the burden this places on low-income persons who may be unable to afford full payment of the fines and who then become economically damaged through the loss of their driver’s license.
• Such legislation could have a substantial negative impact on traffic safety by eliminating a commonly used method of enforcement used by the courts in securing compliance with traffic laws and securing payment of fines.

Municipal Courts already address this issue in a number of ways. For example in Brookings:

1. Our Municipal Court Judge asks each defendant questions concerning their ability to pay and often reduces the amount of the fine after considering the information provided. No documentation of financial hardship is required.
2. Port Orford Municipal Court offers payment plans for defendants, with payments as low as $25.00 per month with no interest. Defendants can retain their driver’s license as long as they remain current on their payments.
3. Defendants are provided with many opportunities to contact the Court and work out payment or service arrangements. Suspension of driving privileges is used as a last resort.
4. Almost 100 per cent of licenses suspended by the Port Orford Judge involve drivers who reside out of the area; many who reside out of state and who otherwise would not likely pay the fine.
5. The alternative to using the suspension system is to send unpaid citations to private collections, which could have a significant long-term impact on the credit worthiness of the defendant and is not as effective in securing payments.

We understand that the Circuit Courts do not have the same flexibility as the Municipal Courts. The Circuit Court in Curry County does not offer payment plans or community service alternatives. Perhaps these issues should be addressed first.
TO: Jackson County Elected Officials and Administration

From: Joseph M. Charter, Jackson County Justice of the Peace
(Information and views presented in this Fact Sheet are not those of, nor are they authorized by, either Jackson County or the Oregon Justice of the Peace Association)

Date: October 25, 2018

Background: In 2017, SB 693 was introduced to eliminate some non-driving related reasons for driver license suspension. The bill had several amendments early in the session, but failed to reach the Senate floor for final action. Each year the Oregon DMV processes over 360,000 suspensions on over 200,000 drivers.¹ About 650,000 people are suspended at any one time, with 2.6 million collective active suspensions (4 suspensions per driver on average). There are 3.1 million licensed drivers² in Oregon, meaning some 20% of licensed drivers are suspended at any time.

Suspension Types: There are generally two kinds of court ordered suspensions: (1) for Failure to Appear (FTA) in court for a traffic violation and (2) for failure to pay a court ordered fine — known as Failure to Comply (FTC). ORS 809.210(4)(a) provides that: “If, at any time within the period of suspension (for FTC) . . . a person pays the fine, has begun making payments according to the payment schedule established with the court . . . the court shall immediately send to the department (DMV) a notice of reinstatement.” (Emphasis added). The DMV may not issue a hardship permit (such as for driving to and from work, or for treatment or medical needs) if the suspension is for FTA or FTC.³ ORS 807.250(4).

Arguments: Revenue impacts aside, the arguments in favor of the use license suspensions as a sanction include: (1) courts have no other tool to enforce FTAs or FTCs for traffic violations and fines, (2) it is effective — law abiding citizen often appear or make payments when they learn their license is or may be suspended, (3) due notice is provided — letters from the court and notice from the DMV is provided before suspension.⁴ Arguments against include: (1) there are many types of suspensions (other than FTA or FTC) that have little or no connection to a person’s driving, such as for (non-driving) minor in possession of alcohol (MIP) or littering⁵, (2)

² https://www.oregon.gov/ODOT/DMV/Pages/News/factsstats.aspx
⁴ See generally, testimony of Carl Meyer, 4/4/17: https://olis.leg.state.or.us/liz/2017R1/Downloads/CommitteeMeetingDocument/115163
the myriad reasons for suspensions, hardship and probationary permits creates a bureaucratic burden on the DMV (DMV has more than 400 separate codes for suspension), (3) there may be racial and socioeconomic disparities in license suspensions.

National Trends: In 2017, there were some 100 pieces of legislation filed in over 20 states regarding license suspensions. Legislation was spurred by the practices of local courts in the Ferguson, MO area, some of which obtained large percentages of municipal revenues from court fines and fees. Many of the fines were imposed disproportionately on the poor or minorities. As a result of a Consent Decree between the DOJ and the City of Ferguson, courts there agreed to: (1) affirmatively inquire regarding citizens' finances prior to setting fine amounts, (2) proportion fine amounts to available financial resources if indigence is shown by affidavit, (3) set objective criteria for proportioning fines, including consideration of fines owed to other courts, and (4) allow for community service and payment plan options, and opportunities for payment extensions or modifications.

Litigation: The Oregon Law Center has recently filed a class action suit in federal court in Portland, (Mendoza, et al. v. Garrett, Case No. 3:18-cv-01634-HZ) seeking to halt license suspensions until drivers have an opportunity for a DMV hearing to demonstrate their inability to pay. The suit argues that current suspensions violate the due process rights of low-income people and are discriminatory. Oral argument on a Motion for Preliminary Injunction in the case was heard on October 11, 2018. Similar suits have been filed in Tennessee Montana, Michigan, Pennsylvania and Virginia.

Public Safety Task Force: A Task Force on Public Safety was reconvened by House Bill (HB) 2238 (2017). The Task Force's September 15, 2018 report states that its review of the impacts of criminal fines and fees "is in its infancy." (p. 3). The Task Force "recommends evaluating avenues for providing Oregon judges with additional discretion to consider an individual's ability to pay and waive financial obligations, where appropriate, and evaluating attendant impacts ...." (p. 4). Although the preliminary report implicitly recognizes that local municipal and justice courts are major pieces of the statewide criminal and traffic fines and fees puzzle, and that systemic impacts cannot be addressed by focusing solely on criminal fines to the exclusion of traffic fines, the Task Force contains no members from local courts, nor does it have direct access to data regarding local courts. (pp. 5, 10, 16).

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6 National Center for State Courts, Gavel to Gavel, March 24 & 31, 2017


Analysis: One criticism of the relief sought in the *Mendoza* suit is that requiring the DMV to hold some 360,000 hearings on indigence each year would further add to the 'bureaucratic burden' on the DMV. Further, such individual fact finding is a judicial function. Local courts are better suited to making individualized assessments of ability to pay and working with indigent offenders to achieve realistic payment plans. Oregon law *already requires* consideration of citizens' financial resources in setting fine amounts. ORS 161.645 provides: "In determining whether to impose a fine and its amount, the court shall consider: (1) The financial resources of the defendant and the burden that payment of a fine will impose, with due regard to the other obligations of the defendant; and (2) The ability of the defendant to pay a fine on an installment basis." (Emphasis added).

Local Court Input: Oregon local court associations, the Oregon Municipal Judges' Association (OMJA) and Oregon Justice of the Peace Association (OJPA) meet for educational conferences each spring and fall. Presentations on “Ferguson” issues have been made at several OMJA/OJPA conferences in recent years. Recent discussions among local judges have addressed the desirability of uniform, statewide processes for: (1) determining individuals’ ability to pay court imposed fines and fees and (2) reinstatement of suspended drivers' licenses. Among the ideas being discussed are:

Standardized Indigency and Payment Application Forms. A statewide one page sworn declaration could list income, household size, major expenses, assets, and fine amounts owed to all other Oregon courts, allowing an individualized assessment of ability to pay. A standardized form could also allow for specific court findings regarding appropriate fine amounts and ability to pay, and would be uniformly applied statewide.

Court Debt Consolidation. Since drivers may owe thousands of dollars to multiple courts across the state, one idea is to institute court debt consolidation plans similar to Chapter 13 bankruptcy plans. A Chapter 13 plan generally discharges all debt if the debtor successfully pays a portion of the total debt owed over a three year repayment period. A debtor must use his or her "best effort" at paying creditors by committing all of their "disposable income" to repayment. See 11 U.S.C. § 1325(b).

A court debt consolidation plan might work like this. A person would petition a circuit court or a justice court (both are state courts) in the county of their residence for equitable relief from statewide court debt and FTA or FTC suspensions. The court would take jurisdiction for the enforcement of all the outstanding judgments from all Oregon courts; circuit, justice and municipal; and establish a single monthly payment consistent with the person’s ability to pay. Payments would be applied pro-rata to all existing obligations. The court would have discretion to reduce all fines to the mandatory statutory minimum for each offense and to order license reinstatement or re-suspension as necessary. At the conclusion of 36 months of timely monthly payments and compliance with all laws, particularly the Motor Vehicle Code, the court would remit or forgive all outstanding fines and fees imposed in all matters included in the petition. As in bankruptcy, a person granted such relief would be precluded from filing another petition for a period of, say, eight (8) years.
Re-entry Programs. Courts should consider “amnesty” or fine abatement programs for prison parolees (and possibly for those completing drug or alcohol treatment) in order to facilitate their re-entry into society. Such programs would lift all suspensions and require no fine payments for a period of, say, six months post incarceration or treatment. To be effective, such programs would have to be of statewide application.

Differentiate between FTA suspensions and FTC suspensions. There is generally much less sympathy for an individual who simply does not respond to a traffic citation (FTAs) as opposed to someone who cannot afford to pay a fine obligation (FTCs). The Oregon Rules of Civil Procedure (ORCP 71) allow a person who has a default judgment entered against them up to one year to set aside the default for specified reasons (e.g., based on mistake or excusable neglect). Perhaps FTA suspensions should only be set aside for up to a year for following entry for reasons similar to the Re-entry Programs discussed above – e.g., for incarceration, drug or alcohol treatment, or other similar incapacity.

Further Study and Input: Because the Public Safety Task Force’s study of fines and fees has just begun and because it has not yet considered input from local courts, the legislature should defer making any major changes to Oregon’s laws concerning license suspensions until after the Task Force’s final report. In addition, the legislature should add local court representation to the HB 2238 Task Force. Acting without further study and local input will likely require remedial legislative ‘fixes’ in subsequent sessions, as happened with changes to court fine revenue legislation in the 2011 and 2013 sessions.
Via first class mail

October 24, 2018

Public Records Officer
Port Orford Municipal Court
PO Box 310
Port Orford, OR 97465

Re: Public Records Request

To Whom It May Concern:

My office represents a group of individuals challenging the Oregon Department of Motor Vehicle’s (“DMV”) suspension of their driver’s licenses for failure to pay fines and fees arising out of traffic violations (“traffic debt”). We are investigating the policies and practices of circuit, municipal, and justice courts regarding the collection of such debt.

We request the records described in further detail below. We ask that the records either be (1) emailed to kheilman@oregonlawcenter.org or (2) mailed to Kelsey Heilman, Oregon Law Center, 522 SW Fifth Ave., Suite 812, Portland, OR 97204. If some of these requests will take longer to compile than others, please make the records available to us as they are compiled. In the event that production of these records will not be completed by November 9, 2018, please let me know when they will be produced.

We request:

1. For each of the past three years, the number of notices of suspension the court issued to the Department of Transportation pursuant to Or. Rev. Stat. § 809.210(1)(a).

2. From January 1, 2009, to the present, form notices or form communications provided to drivers regarding the collection of unpaid traffic debt, including but not limited to: notices informing drivers that their traffic debt is in default; notices regarding availability of payment plans; notices regarding enrollment in a payment plan; notices regarding amounts due under a payment plan; notices warning a driver that her license may be suspended in connection with unpaid traffic debt; and notices describing to a driver when, where, and how she can assert that, due to her indigence, she is unable to pay all or part of her fine or all or part of the payment due under a monthly payment plan; notices of suspension pursuant to Or. Rev. Stat. § 809.210(1)(a).

3. Written policies, procedures, and protocols regarding the collection of unpaid traffic debt, including but not limited to: policies regarding the availability of payment plans and policies addressing how the monthly payment obligation under such a
plan is established; any contract with a collection agency regarding uncollected traffic debt; policies regarding the timing and circumstances of when unpaid traffic debt will be sent to a collection agency; policies regarding when and how additional fees and fines are imposed for failure to pay initial traffic debt; policies regarding determination of an individual's ability to pay traffic debt; and any policies regarding the forgiveness or reduction of traffic debt.

4. Written policies, procedures, and protocols regarding if, when, and how the Court or court staff will evaluate a driver’s ability to pay traffic debt, including but not limited to written policies regarding who conducts such an evaluation (e.g. clerk or judge), whether such an evaluation is conducted before fees and fines are imposed and/or after, what standards are used, what materials are considered, how drivers are informed about and able to participate in the evaluation, and whether and how a determination of indigence affects the amount of traffic debt, the length of any payment plan, the monthly amount owed under any payment plan, and/or when and whether the court will issue a notice of suspension to the DMV pursuant to ORS § 809.210(1)(a),

5. Written policies, procedures, and protocols regarding the suspension of the driver's license of an individual with unpaid traffic debt, including but not limited to: written policies regarding the circumstances in which the court informs the DMV that a driver has not paid fees and fines arising out of one or more traffic violations pursuant to ORS 809.210(1)(a); written policies regarding the timing of sending such notice to the DMV; and any written policies governing whether or how a driver can apply to have a license reinstatement by presenting information to the court about her indigence or ability to pay.

Disclosure of these records is primarily in the public’s interest. Protocols regarding the imposition and collection of fees and fines, including license suspensions, affect the community or society as a whole, in particular low-income individuals who cannot afford to pay the traffic debt imposed on them. Accordingly, we request that you waive the fees associated with complying with this request, pursuant to ORS § 192.440(5). If you deny our fee waiver request, please contact me before we incur any charges.

Please contact me with any questions or concerns regarding this public records request. Thank you for your cooperation.

Sincerely,

Kelsey Heilman
Attorney at Law
For the month of December, the total revenue and expenditures for all funds was $166,746.76 and $172,174.04 respectively. Following is a more detailed narrative of the activity per fund.

General Fund:
The General fund received $50,611.13 in revenue of which $5,853.72 was from property tax receipts, $20,727.00 from citations, $2,837.82 in State Liquor tax, $2,730.14 in State shared revenues, $224.66 in Planning fees, $104.59 reimbursement for electricity for the Port Orford Ambulance, $310.00 in payment plan fees, $6,198.55 return of Capital Improvement fees from Coos-Curry Electric, $75.00 for a release of an impounded vehicle, and $15.00 for business licenses. For the month of December, the General Fund disbursed $57,235.40 of which $12,183.53 was for wages, $4,734.80 in citation reimbursements and assessments, $914.26 for electricity, $242.26 for custodial services, $1,200.00 for legal services, $595.41 for office supplies, $200.00 for the municipal judge, $255.21 in bank fees, $766.67 for work our planner has done on the Tsunami Resilience Grant, $33,745.00 annual contract payment to Port Orford Rural Fire Protection District, $6.99 for maintenance of City Hall, $702.25 for work done by our Planner, $142.42 for copier lease, $316.97 for postage, $270.00 annual web hosting fee, $60.00 membership fee to Oregon Association of Municipal Recorders, $74.12 reimbursement for travel to the post office and bank, $645.55 for telephone service, and $179.96 for internet service.

Parks:
Parks received $688.24 in revenue of which $353.42 form the third quarter TLT Tax, $150.00 rent for the Visitor Center, and $184.82 in interest. For the month of December, $6,862.36 was disbursed for Parks of which $2,949.18 was for payroll, $233.37 for fuel, $58.40 for telephone service, $33.97 for internet access, $451.55 for electricity, $878.15 for tables and dishes for the American Legion Hall and Community Building, $950.00 advertisement of Port Orford through Statehood Media, and $1,307.74 for custodial services.

Public Safety:
$39,705.73 was disbursed for the Police Department of which $31,817.40 was for payroll, $35.59 for office supplies, $1,347.27 for fuel, $321.78 for vehicle maintenance, $1,257.96 for new radios mikes and stop strips, $175.50 to advertise the Police Levy, $3,150.00 for the Justice System, $75.00 for Kings Online, $716.94 for uniforms, $50.00 for training, and $758.29 for telephone service. Public Safety received $5,573.49 in revenue of which $4,902.17 was from property tax receipts, $35.00 for burn permits, $15.00 for a police report, $219.80 in interest, and $401.52 reimbursement from a DUII grant.

Water Enterprise:
The Water Department received $36,773.00 in revenue of which $33,756.33 was from the November utility billing of which $2,268.91 is designated to be set aside for Water Capital Reserves, $2,676.00 for two new water connection, and $340.67 in interest. The Water Enterprise Fund paid out $34,297.97 of which $22,513.69 was for payroll, $31.77 for office supplies, $116.06 for postage, $477.94 for telephone services, $2,701.09 for electricity, $196.18 for fuel, $1,805.45 for maintenance of water lines, $433.25 for maintenance of the Water Treatment Plant, $500.00 for contact services, $28.40 for small tools, $460.74 for meter repairs, $619.92 for new tires, $39.99 for internet access, $3,441.64 for maintenance of pump stations, $107.85 for lab supplies, $210.00 for the renewal of an employee’s water certification, and $614.00 for the annual water quality permit.

Water Capital Reserves:
The Water Capital Reserve Fund received $286.87 in interest. The Water Capital Reserve Fund balance is now $137,178.40.
Sewer Enterprise:
The Sewer Enterprise Fund received $45,732.43 in cash receipts which consists of $711.46 in interest, $1,544.00 for two hookup fees, and $43,476.97 was from the November utility billing of which $2,368.45 is designated to be set aside for Sewer Capital Reserve. The Sewer Enterprise fund outflow for December was $28,627.93 of which $21,727.35 was for payroll, $2,296.11 for electricity, $149.79 for telephone service, $170.35 for fuel, $9.12 for office supplies, $75.48 for new equipment, $97.86 for an Hepatitis B surface test, $56.24 for small tools, $123.58 for maintenance at the Sewer Treatment Plant, $612.49 for new tires, $2,971.50 for maintenance of the pump stations, $222.00 for lab equipment, and $116.06 for postage.

Sewer Capital Reserves:
The Sewer Capital Reserves received $277.56 in interest. The Sewer Capital Reserve Fund balance is now $132,726.51.

Street Fund:
For December the Street Fund received $7,969.25 of which $7,862.47 was from the State Highway tax and $106.78 in interest. $5,444.65 was disbursed for Streets, of which $3,304.62 was for wages, $94.00 for the port-a-potty and $122.92 for small tools and minor equipment, $164.34 for fuel, $1,664.94 for tree removal on Hamlet and stripping on Port Orford Loop, and $93.83 for electricity.

Streets Capital Improvement Fund
The Streets Capital Improvement Fund received $85.96 in interest and the new balance in now $41,192.96.

Equipment Replacement Fund:
The Equipment Replacement Fund received $69.20 in interest. The balance of the Equipment Replacement Fund is $35,661.25.

Water and Sewer SDC:
The Water SDC Fund received $633.11 in interest and $12,328.00 for 1.5 hook ups. The Sewer SDC Fund received $462.52 in interest and $5,256.00 for one hook up for the month of December. The balances of the SDC funds are as follows:

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David Johnson
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## Bank Transaction Report

**City of Port Orford**

### Transaction Detail

**Issued Date Range:** 12/01/2018 - 12/31/2018

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**Total Checks** 106,281.93

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**Total EFT** 38,288.02
RESOLUTION 2019-06

A RESOLUTION EXTENDING CITY OF PORT ORFORD'S WORKERS' COMPENSATION COVERAGE TO VOLUNTEERS OF THE CITY OF PORT ORFORD

WHEREAS, a resolution extending workers' compensation coverage to volunteers of the City of Port Orford in which the City of Port Orford elects the following:

Pursuant to ORS 656.031, workers' compensation coverage will be provided to the classes of volunteer workers listed in this resolution, noted on CIS payroll and verified at audit.

1. Public Safety Volunteers. An assumed monthly wage of $800 per month will be used for Public Safety Reserve volunteers; and
2. An aggregate assumed annual wage of $2,500 will be used per Volunteer Board, Commission and/or Council for the performance of administrative duties. The Port Orford covered bodies are: (a) Common Council, (b) Parks Commission, (c) Planning Commission, (d) Budget Committee, (e) TLT Committee, (f) Historical Landmark Advisory Commission, (g) Steering Committee; and
3. Manual Labor by Elected Officials. An assumed monthly wage of $800.00 per month for each volunteer; and
4. All Non-public Safety Volunteers listed will keep track of their hours and Oregon minimum wage will serve as assumed wage for both premium and benefits calculations. CIS will assign the appropriate classification code to the type of volunteer work being performed by (a) Parks and Recreation, (b) Volunteer clerical; and
5. Public Events - Non-applicable; and
6. Community Service Volunteers/Inmates - Non-applicable; and
7. Other Volunteers. Unanticipated volunteer exposures not addressed herein will have workers' compensation coverage if, prior to the onset of the work provided the City of Port Orford: (a) provides at least two weeks' advance, written notice to CIS underwriting requesting the coverage, (b) CIS approves the coverage and date of coverage, and (c) CIS provides written confirmation of coverage.

The City of Port Orford agrees to maintain verifiable rosters for all volunteers including volunteer name, date and hours of service and make them available at the time of a claim or audit to verify coverage.

NOW, THEREFORE, BE IT RESOLVED by the City of Port Orford to provide for workers' compensation insurance coverage as indicated above. This resolution will be updated annually.

ADOPTED by the Common Council of the City of Port Orford and effective this 17th day of January, 2018.

ATTEST:

Terrie Richards, City Recorder

Mayor, Tim Pogwizd
RESOLUTION 2019-07

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD,
TO CHANGE THE AUTHORIZED SIGNATORY FOR THE CHECKING AND
SAVINGS ACCOUNTS WITH ROUGE CREDIT UNION

WHEREAS, the Rogue Credit Union is designated as the depository of the City of Port Orford; and

WHEREAS, the authorized persons listed for the City of Port Orford accounts require updating based on the November 6, 2018 election of new Councilors; and

WHEREAS, the following outgoing Councilors, Caroline Clancy, Brett Webb and John Roobach, need to be removed from the signature card; and

WHEREAS, the newly elected Councilors, Travis Williams, James Garratt and Carolyn LaRoche, be added to the signature card,

NOW, THEREFORE,

BE IT RESOLVED the Common Council of the City of Port Orford approves the actions needed to update the authorized persons listed for the City of Port Orford accounts with Rogue Credit Union.

Approved by the Common Council of the City of Port Orford and effective this 17th day of January 2019.

ATTEST:

Tim Pogwizd, Mayor

Terrie Richards, City Recorder
BACKGROUND:
The City must apply for funding to upgrade the water and sewer plants. To help with the funding process a master plan for water and sewer was completed and approved in 2015. To apply for funding in 2019 the city is now required by the funders to do a Preliminary Engineering Report (PER).

There is funding that will cover 75% of the costs to do the PER. Sewer is $17,600 and Water approximately $25,000 +/-. If an environmental review is not needed for the projects then the costs will be less and take longer to do.

There were forms to fill out to get approval to apply for that funding. This process has taken longer than expected. USDA had to step back temporarily so I am working with RCAC to finish the process. In turn this has affected our ability to go out for funding in this quarter.

FISCAL IMPACT:
Approximately
4,400 Sewer
6,250 Water
10,650

RECOMMENDATION:
Approve Dyer Partnership to do the Preliminary Engineering Report

SUBMITTED BY:

Terrie Richards
Terrie Richards, City Administrator
DATE: August 27, 2018
TO: Terrie Richards, City of Port Orford
FROM: Tom Hart, PE
PROJECT: Potential Wastewater Projects
Project No. 183.00C
SUBJECT: RD 2018 Funding Solicitation – PER Amendment

Recent inquiries indicate that the City of Port Orford is interested in pursuing USDA Rural Development (RD) funding for their wastewater projects. Based on conversations with USDA RD and City staff, Dyer would recommend preparing a Preliminary Engineering Report Amendment as a supporting document to the USDA RD funding application.

The Wastewater Facilities Plan (WWFP) was approved by DEQ in March of 2016. USDA RD refers to the WWFP as a Preliminary Engineering Report (PER). A few changes have occurred since the March 2016 approval which makes the PER out of date. Some of these changes include:

- The new operating staff has become familiar with the plant’s conditions and has suggestions for added repairs, new equipment alternatives, and prioritizing the recommended projects.
- The NPDES Permit has gone through a renewal cycle which included some minor permit limit adjustments. These minor changes should be added to the PER.
- A new population projection has been prepared adjusting the City’s Medium Household Income (MHI). This is one of the criteria USDA RD reviews to determine the terms of an award.
- A new set of PER guidelines has been publishing in 2018 which may require some minor adjustment to the current PER.
- Construction labor rates and equipment costs have changed. Construction costs in the original WWFP are out of date.
- The City will need engineering support in the preparation of and processing of USDA RD funding application.

In addition, the majority of the projects identified in the 2016 WWFP are not ground disturbing activities and therefore would not require an Environmental Report (ER). An ER can take up to one year to prepare. Dyer recommends for projects that require an ER, they are completed in a second phase and possibly in a second funding application. The potential of phasing projects can be defined in a PER Amendment.

Attached is a proposed fee schedule to amend the WWFP and provide engineering support for preparing and processing a USDA RD funding application. The estimated budget for preparing a PER Amendment and providing funding application engineering support is $17,600.
A PER Amendment is recommended to update the 2016 WWFP with current background information and to update the construction cost estimates. Also included is engineering support for solicitation of funding.

### Labor Estimate

#### 1. Project Planning / Start-up
- **A. USDA RD Coordination**
  - Man-hour Subtotal: 8
  - Labor Fee Subtotal: $0
  - Total Labor Fee Estimate Sub-total: $0

- **B. Refine Project scope with City staff**
  - Man-hour Subtotal: 8
  - Labor Fee Subtotal: $0
  - Total Labor Fee Estimate Sub-total: $0

#### 2. Existing Facilities
- **A. Define additional degraded facilities**
  - Man-hour Subtotal: 8
  - Labor Fee Subtotal: $0
  - Total Labor Fee Estimate Sub-total: $0

#### 3. Alternatives Considered
- **A. Evaluate Revised Alternatives**
  - Man-hour Subtotal: 8
  - Labor Fee Subtotal: $0
  - Total Labor Fee Estimate Sub-total: $0

- **B. Update Cost Estimates**
  - Man-hour Subtotal: 16
  - Labor Fee Subtotal: $0
  - Total Labor Fee Estimate Sub-total: $0

#### 4. Proposed Project (Recommended Alternative)
- **A. Prioritize and Revise**
  - Man-hour Subtotal: 8
  - Labor Fee Subtotal: $0
  - Total Labor Fee Estimate Sub-total: $0

#### 5. Conclusion, Recommendation, Financial
- **A. User Rate Analysis**
  - Man-hour Subtotal: 2
  - Labor Fee Subtotal: $0
  - Total Labor Fee Estimate Sub-total: $0

- **B. Update to 2018 Wastewater Planning Guideline**
  - Man-hour Subtotal: 16
  - Labor Fee Subtotal: $0
  - Total Labor Fee Estimate Sub-total: $0

#### 6. Solicit Funding
- **A. Prepare Intake Application**
  - Man-hour Subtotal: 4
  - Labor Fee Subtotal: $0
  - Total Labor Fee Estimate Sub-total: $0

- **B. Respond to Funder application questions**
  - Man-hour Subtotal: 16
  - Labor Fee Subtotal: $0
  - Total Labor Fee Estimate Sub-total: $0

- **C. Provide Support for Final Funding Package**
  - Man-hour Subtotal: 16
  - Labor Fee Subtotal: $0
  - Total Labor Fee Estimate Sub-total: $0

### Reimbursable Estimate

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### SUMMARY

- **Labor:** $17,400
- **Reimbursable:** $200
- **Total Estimate:** $17,600
Good afternoon Terrie,

As requested, I have broken our project list into a “Needed Project” list, and “Project Wish List”. The breakdown is provided below:

**Needed Projects**

- **WTP Improvements**
  - Contact Time Improvement
    - Provide additional storage
  - PLC Improvement
    - New WTP Controls
    - Addition of actuated valves
    - Replacement of actuated valve that are beyond or nearing the end of their life cycle
  - Filter Improvements
    - Media replacement
    - Addition of Air Scour System
    - Recoating of filters if necessary
  - Installing generator
  - Replacing Treated Water pumps
  - Add Variable Frequency Drives to Pumps
  - Replace chemical pumps
  - Replace Roof
- **Water Meter Replacement**

**Wish List Projects**

- **Deady Street Improvement**
  - Pump Station removal and replacement
  - Addition of a fire flow pump
  - Waterline Upsizing along Deady St.
- **Priority 1 Waterline Replacements as outlined in the 2014 Water Master Plan-These pipe replacements are due to excessive leakage**
  - Lakeshore Drive (a)- The new 6-inch diameter line will begin at the intersection of Lakeshore Drive and Hamlet Place. The line will continue west along Lakeshore Drive, in the same location as the existing waterline, to the end of Lakeshore Drive.
  - Hamlet Place- The new 6-inch diameter line will begin at the intersection of Lakeshore Drive and Hamlet Place. The line will continue west along Hamlet Place in the same location as the existing waterline, to the end of Lakeshore Drive.
  - Lakeshore Drive (b)- The new 6-inch diameter line will begin at the intersection of Lakeshore Drive and Pinehurst Drive. The line will continue east along Lakeshore Drive, then along Park Drive in the same location as the existing waterline, to Arizona Street
  - Wyoming Street- The new 6-inch diameter line will begin at the intersection of Hamlet Place and Wyoming St. The line will continue south along Wyoming St. in the same location as the existing waterline, continuing east along 12th Street to Arizona Street, continuing north along Arizona Street to 12th Street, then east along 13th Street to Oregon Street.
- **Jackson Street**: The new 6-inch diameter line will begin at the intersection of 25th Street and Jackson Street. The line will continue south along Jackson Street, in the same location as the existing waterline, to 18th Street.

- **9th Street**: The new 6-inch diameter line will begin at the intersection of Arizona Street and 9th Street. The line will continue east along 9th Street, in the same location as the existing waterline, to Jackson Street.

- **7th Street**: The new 6-inch diameter line will begin at the intersection of Coast Guard Road and 7th Street. The line will continue east along 7th Street, in the same location as the existing waterline, crossing a wooded draw to Oregon Street.

- **Pinehurst Street**: The new 6-inch diameter line will begin at the intersection of Arizona Street and Pinehurst Drive. The line will continue east along Pinehurst Drive, in the same location as the existing waterline, to Oregon Street/Highway 101.

- **Seismic Improvements Coastguard Hill Reservoir**
- **Pump Station Replacements**
  - Jefferson PS
  - Vista PS
  - Qua To Mah Lane PS
- **SCADA system for all Pump Stations**

We can complete the PER for the “Needed Projects” given above for $20,000. As we incorporate more of the “Wish List Projects”, the associated cost would increase. With the significant leakage throughout the distribution system, considering adding some waterline improvements to the PER projects list would be a good idea. These would add minimal cost to the PER, as there is little analysis done for these projects. As we have discussed, we can be available for a workshop to discuss the “Wish List Projects” and provide the council with additional information.

Regards,

**James Parmenter, P.E.**

The Dyer Partnership Engineers and Planners, Inc.

1330 Teakwood Ave.

Coos Bay, OR 97420

Phone: 541-269-0732

Fax: 541-269-2044

Toll-Free: 877-773-8610
APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

**If you do not wish to have any specific information in this form given out to the general public please let us know, in writing, and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law.**

I am interested in serving as a member of the Planning Commission

Name: Michele Leonard

Mailing Address: P.O. Box 1461, Port Orford, OR 97465

Physical Address: 1126 Washington St, Port Orford

Home Phone: 541-366-2147 Work Phone: 0 Fax: 0

E-mail: Bobandmichele1976@gmail.com

Current Employment: RETIRED - SEE RESUME

Your area of interest: BETTERMENT OF HOUSING, FUTURE GROWTH & DEVELOPMENT

Your area of expertise: COMMUNITY RELATIONS

Why do you want to serve? COMMUNITY PRIDE

Previous service in this appointed position of a similar position

Other volunteer activities COASST, SMART, CITY OF PORT ORFORD (Terry Richards)

Does your schedule allow you to attend?

Daytime Meetings ☐ yes ☐ no Evening meetings ☐ yes ☐ no

Does your schedule limit the days you could attend meetings? ☐ yes ☐ no

Have you ever been convicted of a felony? ☐ yes ☐ no If Yes, please explain.

Additional comments:

Date: 11/26/18 Signature: Michele Leonard

Please return to:

City of Port Orford
P.O. Box 310
Port Orford, OR 97465

Phone: 541-332-3681 Fax: 877-281-5307 trichards@portorford.org

Oct. 20, 2017 x:\archive\city forms\applications & evaluation forms\application for Committee_Commission_2017
APPLICATION FOR APPOINTMENT TO COMMISSION, COMMITTEE OR TASK FORCE

**If you do not wish to have any specific information in this form given out to the general public, please let us know in writing and tell us the reason why. We will try to honor your request within the constraints of the applicable public records law**

I am interested in serving as a member of the Planning Commission.

Name: Dianne Schofield

Mailing address: P.O. Box 607 Port Orford

Residence address if different from above: 4600 Madrona #A

Home telephone: 971-464-7848 Work telephone: 541-332-4515

Email: DianneSchofield@yahoo.com

Current employment: self-employed

Area of interest: business

Area of expertise: business

Why do you want to serve? Interested in taking part of the future of Port Orford.

Previous service in this appointed position or a similar position: City Council, Port Commission

Other volunteer activities

Does your schedule allow you to attend:

Daytime Meetings [ ] yes [ ] no Evening meetings [ ] yes [ ] no

Does your schedule limit the days you could attend meetings? [ ] yes [ ] no

Have you ever been convicted of a crime? [ ] yes [ ] no If yes, please explain.

Additional comments: Disorderly Conduct 1991 Arizona

Date: 1/7/19 Signature: Dianne Schofield

Please return to:

City of Port Orford
P.O. Box 310
Port Orford, Oregon 97465

Phone: 541-332-3681 Fax: 1-877-281-5307 email trichards@portorford.org