AGENDA

1. Call to Order/Pledge of Allegiance

2. Additions to the Agenda

3. Presentations to Council/Citizens
   - CCEC/Fire Restriction Brent Bischoff

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. Old Business
   a. Ham Radio Operators Emergency Communications Trailer
   b. Rural Fire Department Contract
   c. PER for water and sewer
   d. Planning Commission number of board members

7. New Business
   a. Resolution 2019-08 Increasing the Visa Loan with Rogue Credit Union
   b. Planning Recommendation ROW – Jackson St.
   c. Arts Council Agreement/Proposal
   d. Rotary Management Agreement – approve revised agreement
   e. Council Rules Modification – Consent Calendar – Meeting Schedule

8. Consent Calendar
   a. Minutes of January 17, and January 29, 2019
   b. Appointments to Parks – Steven Dahl and TLT Committee – Faith King
   c. Re-appointment to Parks – Ross Smith
   d. Letter to Legislation Opposing HB 76 and HB 2614
   e. Request to close 8th Street for the POAC annual street fair August 2019
   f. Proclamation “Revive Civility” request from the League of Women Voters

9. Continuing Action Items
   e. Bd of Appeals   f. Web Site   g. Planning Procedures

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

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

12. Adjourn
City of Port Orford

CITY COUNCIL ADMINISTRATION REPORT

SUBJECT: Water/Sewer/Streets/Other

WATER:
- Hubbard Creek: the Dredge was pulled for repairs – on going.
- Water Plant: clay valves requiring attention again
- Leaks & Repairs: 2440 Arizona, 23rd St, Idaho & 11th service line leak that can’t seem to be found.
- Maintenance: Meters boxes and lids received for replacement and new services

SEWER:
- Sewer Plant: Maintaining quietly.
- Repairs & Maintenance: Lift station issues that have required calling out an electrician multiple times.
- New Services: Run camera for multiple properties.

STREETS:
- Maintenance: 8th St. ditch cleaned, lots of trimming
- ROW's: Jackson St. (in packet)

PARKS:
- Parks meeting day has been changed to the first Thursday of the month at 3:30 p.m.
- Appointment to vacant position (in packet)
- Approved Jubilee use of Battle Rock – requires council final approval
- Bio-swale has been adopted for maintenance by the Redfish Team, they also presented ideas for updating the visitor center.
- Working on Dog Park Rules, $1,900 has been raised so far for the horse arena improvements
- 2 New Volunteer Hosts at the Visitor Center – still looking for a couple more

Other:
- Permits
  - 716 Hwy 101 – Change of use/Remodel
  - 1035 Hwy 101 – Remodel
  - 1400 California – Single Family Dwelling
  - 1028 Idaho – Replacement of Mfg. Home
  - 1040 12th – Garage with living quarters
  - TLT Committee met Feb. 15, 2019 – Council will receive recommendation in March

SUBMITTED BY: **Terrie Richards** Terrie Richards, City Administrator
6. Old Business:
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 is 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.

Nov. 15, 2018 Council Meeting
STATE OF OREGON  
Department of Forestry

PERMISSION TO OPERATE DURING THE PERIOD WHEN A CLOSE-DOWN ORDER IS IN EFFECT

NOTIFICATION NO.: 17-02986.C  
CLOSE-DOWN ORDER NO.: 05
CLOSURE LEVEL: 2

Date: 8/18/18  
Time issued: 1500  
[JAH DVMN]  
Subdivision:

Landmark: (Sale Name) Cully County  
Section:

Pursuant to ORS Chapter 477, approval is hereby granted:

To:  
355 15th street  
Bend, Oregon

Address:

PROVIDED THE FOLLOWING REQUIREMENTS LISTED BELOW ARE MET:

POWER SAW

******COMPLY WITH REQUIREMENTS CHECKED******

A. POWER SAW EXCEPT AT LOADING SITES:
   [ ] Cutting unit is to be ____________________ trailed.
   [ ] A watchman will be provided for each set of cutters during the close-down period, and continue until _______ hours after shutdown for the day. The watchman will visually inspect the area where cutting has taken place.
   [ ] Watchman will have immediately available a 5 gallon pump filled with water.
   [ ] Watchman will have immediately available a fire extinguisher with a UL rating of at least 2A-100B.
   [ ] No felling of snags or bucking of windfalls permitted.
   [ ] Provide a communication system that will allow contact between the operation and the district office within a 10-minute period.
   [ ] Provide a ______ gallon engine with pumping equipment and sufficient hose to reach all portions of the work area.
   [ ] Humidity and wind speed instruments will be kept on the site. Measure and record humidity and wind speed every _______ hour. Written record of date, time, measurements, and name of person taking measurements will be maintained on site, available for inspection.
   [ ] Cease operations when humidity reaches ______ % or lower.
   [ ] Cease operations when wind speed reaches ______ mph or higher.
   [ ] No cutting permitted after ____________.
   [ ] If front exhaust discharge power saws are used, the area to be cut must be wet down immediately prior to cutting.

B. POWER SAW AT THE LOADING SITE:
   [ ] Use of saws is permitted ON MINERAL SOIL until ______ at the loading site.
   [ ] Humidity and wind speed instruments will be kept on the site. Measure and record humidity and wind speed every _______ hour. Written record of date, time, measurements, and name of person taking measurements will be maintained on site, available for inspection.
   [ ] Cease operations when humidity reaches ______ % or lower.
   [ ] Cease operations when wind speed reaches ______ mph or higher.
   [ ] A ______ gallon engine with pumping equipment and hose will be kept on site.

OTHER REQUIREMENTS

[ ] A power saw is not allowed to extend beyond ______ foot of the ground.

[ ] Adheres to fire restrictions.

This permission is void for non-compliance with any of the above requirements, and may be cancelled at any time by notification from the State Forester. This permission is void if closure level changes.

I agree to comply with the above requirements and certify the above agreements with my request for waiver.

[Signature of operator or authorized representative]

[Signature of operator or authorized representative]

STATE FORESTER

Authorized Representative
## INDUSTRIAL FIRE PREVENTION INSPECTION REPORT

**Date:** 8/2/2018

**Notification / Unit No.:**

**Sale or Job Name:** Coos Curry Highway

**Legal Description:** Curry County

### FIRE PREVENTION

**Operator:** Tesnax Tree GE

**Landowner:** Coos Curry Electric

### CHECKED THIS DATE

**REQUIRED**

<table>
<thead>
<tr>
<th>Equipment</th>
<th>OK THIS DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>☐ Spark Hazard Inspection</td>
<td></td>
</tr>
</tbody>
</table>

- **Fire Tools:** Number of workers in operation: 3
- **Water Supply / Pump / Hose:** Number of days: 1
- **Fire Watch:** Hours after operation: 1
- **Power Saws:** Number in operation: 4
- **Sprinklers / Exhaust Systems:** Number checked: 4
- **Excavator / Fire Extinguishers:** Number checked: 2
- **Trucks:** Number in operation: 2
- **Sprinklers / Exhaust Systems:** Number checked: 1
- **Other Power Driven Machinery and Engines:** Number in operation: 0
- **Spark Arrestors / Exhaust Systems:** Number checked: 0
- **Debris Accumulation Removal:** Number checked: 1
- **Exhaust Systems:** Number checked: 1
- **Other Power Driven Machinery and Engines:** Number in operation: 0
- **Spark Arrestors / Exhaust Systems:** Number checked: 0
- **Debris Accumulation Removal:** Number checked: 0
- **Other:**

### ADDITIONAL INFORMATION ON THE ITEMS CHECKED ABOVE:

- Operator may use power saws till 3pm, no trucks over 10 ft above ground.

### TIME / VIOLATION INFORMATION

- **EQUIPMENT**
  - **Inspection Time:** 1 Hr
  - **Message:** 30 Mins

- **HAZARD**
  - **Inspection Time:**
  - **Message:**

- **Fire Prevention Citation Issued**
- **Fire Prevention Warning Issued**
- **Statistics and/or rules violated:**
  - ORS
  - OAR
  - ORS
  - OAR

**Violation Comments:**

- (Signs / Signs)
- (Flats)
- (Flats)

---

**Additional Information:**

**THIS REPORT INDICATES THE CONDITIONS FOUND TO EXIST AT THE TIME OF THIS INSPECTION FOR THOSE ITEMS CHECKED OR NOTED ABOVE. IT DOES NOT IMPLY THAT ALL PARTS OF THE OPERATION WERE INSpected NOR DOES IT INDICATE ITEMS NOT INSpected ARE SATISFACTORY.**

**Signed:**

**Received by:**

**Copies Mailed:**

**State Forester's Representative:**

---

**06/01/19**

**WILL BE: OP / LO / PPT / DATA ENTRY / COPY REFERENCE**
As the designated person, I received this information February 1, 2019 to share with you as an elected official. Attached is the SEI Handout, please make every effort to follow the instructions to create your account. If you have questions, please email or call the number provided on page 19 of the handout.

ORS 244.162 requires the person designated by the public body to provide information explaining the requirements of ORS 244.050, 244.060, 244.070 and 244.090 to each newly elected or appointed public official serving the public body who is required to file a verified statement of economic interest under ORS 244.050.

The Oregon Government Ethics Commission (Commission) has been informed that you are a public official who is required by ORS 244.050 to electronically file a Statement of Economic Interest (SEI). The governing body you serve has provided us with your name, position, and email address. You will receive a system-generated email from ogec.notifications@egov.com, the Oregon Government Ethics Commission (Commission) to create a username, password and confirm your pre-filled personal profile information is correct and submit to the Commission. If you do not see emails from the Commission in your general email, you may find it has been routed to your junk email folder. You will need to mark the emails as “trusted” to keep them from going to your junk email in the future.

NOTE: Failure to complete and electronically file by the final filing date of April 15, may subject you to an automatic civil penalty of $10.00 for each of the first 14 days the SEI is late and $50.00 for each day thereafter, up to a maximum of $5,000 [ORS 244.350(4)(c)].

ALL ELECTED OFFICIALS MUST FILE THEIR SEI BEFORE APRIL 15, 2019
Statement of Economic Interest Handout

Oregon Government Ethics Commission
3218 Pringle Rd SE, STE 220
Salem OR 97302-1544
Phone: 503-378-5105
www.oregon.gov/OGEC
ANNUAL VERIFIED STATEMENT OF ECONOMIC INTEREST HANDBOOK

The Oregon Government Ethics Commission (Commission) has been informed that you are a public official who is required by ORS 244.050 to electronically file a Statement of Economic Interest (SEI). The governing body you serve has provided us with your name, position, and email address. You will receive a system-generated email from ogec.notifications@egov.com, the Oregon Government Ethics Commission (Commission) to create a username, password and confirm your pre-filled personal profile information is correct and submit to the Commission. If you do not see emails from the Commission in your general email, you may find it has been routed to your junk email folder. You will need to mark the emails as “trusted” to keep them from going to your junk email in the future.

NOTE: Failure to complete and electronically file by the final filing date of April 15, may subject you to an automatic civil penalty of $10.00 for each of the first 14 days the SEI is late and $50.00 for each day thereafter, up to a maximum of $5,000 [ORS 244.350(4)(c)].

ANNUAL VERIFIED STATEMENT OF ECONOMIC INTEREST FILING INSTRUCTIONS:

ORS 244.050 specifically identifies certain public officials who are required to electronically file the SEI. Your position is one of those listed. If you do not believe that you are required to file a SEI or if you have other questions, please call the Commission at (503) 378-5105 as soon as possible.

If you hold more than one position that is required to file, you will only electronically file one report.

If you have questions regarding your requirement to electronically file the Annual Verified Statement of Economic Interest report, contact the Oregon Government Ethics Commission at 503-378-5105 or email ogec.mail@oregon.gov.

Training: Training staff at the Oregon Government Ethics Commission (Commission) has produced training resources for SEI filers. These resources include instructional videos available on the Commission website. Webinars are scheduled annually to coincide with the filing deadlines of the Annual Verified Statement of Economic Interest reporting period. These training calendars are published on the Commissions website. Contact training staff by calling 503-378-5105 or email ogec.training@oregon.gov.
THE MOST COMMON ERRORS OFFICIALS MAKE DURING FILING ARE:

1. Failing to create a personal account profile.

2. Failing to list all sources of household income for question 2. All sources of income exceeding 10% of the total annual household income must be listed. The question includes the public position you hold. Do not overlook the fact that a pension or social security benefit represents part of the household income. [ORS 244.060(3)]

3. Listing a primary residence on question #3. The listing of the primary residence is not required. [ORS 244.060(4)(b)]

4. Office related events. Do not report any money paid by the governing body/employer for the purpose of attending office related events as described in ORS 244.020(7)(b)(F)&(H). Report only monies paid by sources other than your governing body/employer to attend office related events as described in ORS 244.020(7)(b)(F)&(H). [ORS 244.060(5)&(6)]

5. Completing items 7 to 10 when not necessary. A public official or candidate shall report the following additional economic interest for the preceding calendar year only if the source of that interest is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which the public official holds, or the candidate if elected would hold, an official position or over which the public official exercises, or the candidate if elected would exercise, any authority.

6. Failing to complete and file the required Annual Statement of Economic Interest (SEI) report by the deadline of April 15th, even if the 15th falls on a holiday or weekend. The Electronic Filing System is available 24/7. ORS 244.350(4)(c) prescribes assessment of a penalty of $10 for each of the first 14 days the SEI is late and $50 for each day thereafter that passes after the filing deadline date, up to a maximum of $5000.

7. Failing to respond to the email notifications. System generated emails come from ogec.notification@egov.com

8. Allocating the responsibility to complete the Annual Verified Statement of Economic Interest (SEI) report to another individual. It is the public official’s responsibility to complete and electronically sign one’s own form.
Item 4-A, ORS 244.020(7)(b)(F) – Reasonable expenses paid by any unit of the federal government, a state or local government, a Native American tribe that is recognized by federal law or formally acknowledged by a state, a membership organization to which a public body as defined in ORS 174.109 pays membership dues or a not-for-profit corporation that is tax exempt under section 501(c)(3) of the Internal Revenue Code, for attendance at a convention, fact-finding mission or trip, conference or other meeting if the public official is scheduled to deliver a speech, make a presentation, participate on a panel or represent state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

Item 4-B, ORS 244.020(7)(b)(H) – Reasonable food, travel or lodging expenses provided to a public official, a relative of the public official accompanying the public official, a member of the household of the public official accompanying the public official or a staff member of the public official accompanying the public official, when the public official is representing state government as defined in ORS 174.111, a local government as defined in ORS 174.116 or a special government body as defined in ORS 174.117.

(i) On an officially sanctioned trade-promotion or fact-finding mission; or

(ii) In officially designated negotiations, or economic development activities, where receipt of the expenses is approved in advance.

DEFINITIONS

"Business" means any corporation, partnership, proprietorship, firm, enterprise, franchise, association, organization, self-employed individual and any other legal entity operated for economic gain. This does not include income-producing not-for-profit corporations that are tax-exempt under section 501(c) of the Internal Revenue Code with which a public official or relative of a public official is associated in a non-compensated capacity. [ORS 244.020(2)]

"Income" means income of any nature derived from any source, including but not limited to any salary, wage, advance, payment, dividend, interest, rent, honorarium, return of capital, forgiveness of indebtedness, retirement income, real estate transactions, inheritance income, or anything of economic value received as income including income from government sources (i.e., social security, your public salary, etc.). [ORS 244.020(9)]
DEFINITIONS CONTINUED

"Honorarium" means a payment or something of economic value given to a public official in exchange for services upon which custom or propriety prevents the setting of a price. Services include, but are not limited to, speeches or other services rendered in connection with an event. [ORS 244.020(8)]

"Person" means, for purposes of this form, (a) the public official required to file a Statement of Economic Interest and (b) an individual, corporation, partnership, joint venture, and any other similar organization or association.

"Member of Household" means any person who resides with the public official. [ORS 244.020(11)]

QUESTIONS REQUIRING DISCLOSURE UNDER ORS CHAPTER 244:

1. BUSINESS OFFICE OR DIRECTORSHIP; BUSINESS NAME:

A. If you or a member of your household were an officer or director of a business (see definition of "business") during the preceding calendar year, please indicate that information below. (These would be personal business ventures, not the public position you hold. Items A and B may be the same and Item B may be subsidiary of parent company listed in Item A for example.) [ORS 244.060(1) & (2)]

You will list the Business Name, the Title of Office, Business Address, Held by Whom, and a Description of the Business.

B. List the names under which you or members of your household did business (see definition of "business" above) during the preceding calendar year:

You will list the Business Name, the Title of Office, Business Address, Held by Whom, and a Description of the Business.

2. SOURCES OF INCOME: Identify the sources of income (See definition of "income" on page 3) received by you or a member of your household, who is 18 years of age or over, during the preceding calendar year that produced 10% or more of the total annual household income. Your business would be a source, not the individual clients of your business. [ORS 244.060(3)]

You will list the Name of the Source, Address of the Source, and a Description of the Source.
3. **REAL PROPERTY**: List all real property (residential, commercial, vacant land, etc.) in which, during the preceding calendar year, you or a member of your household had any ownership interest, any option to purchase or sell, or any other right of any kind in real property, including a land sales contract, located within the geographical boundaries of the public entity you serve. Boundaries for legislators, or filers from state agencies, boards, commissions or institutions would be the state borders. Boundaries for local filers would be the limits of the city, county or district you serve. [ORS 244.060(4)(a)]

Do not list your principal residence. [ORS 244.060(4)(b)]

You will list a Description of the real property and Address.

4. **OFFICE RELATED EVENTS**:

A. List the amount of any expenses with an aggregate value exceeding $50 provided to you during the preceding calendar year, when participating in a convention, mission, trip, or other meeting as described in ORS 244.020(7)(b)(F), (see reference on page 2), which is an exception to gift restrictions. (Do not list expenses that were paid by the public body you represented.) [ORS 244.060(5)]

You will list the Date, Organization Name, Address, Nature of Event and Amount.

Any organization, unit of government, tribe or corporation that provides a public official with expenses with an aggregate value exceeding $50 for an event described in ORS 244.020(7)(b)(F) shall notify the public official in writing of the amount of the expense. The organization, unit, tribe or corporation shall provide the notice to the public official within 10 days after the date the expenses are incurred.

B. List the amount of any expenses with an aggregate value exceeding $50 provided to you during the preceding calendar year, when participating in a mission, negotiations, or economic development activities described in ORS 244.020(7)(b)(H), which is an exception to the gift restrictions. These events are those that were officially sanctioned or designated by your public body. Do not list expenses that were paid by the public body you represented. [ORS 244.060(6)]

You will list the Date, Organization Name, Address, Nature of Event and Amount.
5. **HONORARIA:** List all honoraria (*see definition*) allowed in ORS 244.042, with a value exceeding $15, received by you or a member of your household during the preceding calendar year. [ORS 244.060(7)]

You will need the Date, Organization Name, Nature of Event and Amount.

Under ORS 244.100(2) any person that provides a public official or candidate, or a member of the household of the public official or candidate, with an honorarium or other item allowed under ORS 244.042 with a value exceeding $15 shall notify the public official or candidate in writing of the value of the honorarium or other item. The person shall provide the notice to the public official or candidate within 10 days after the date of the event for which the honorarium or other item was received.

6. **SHARED BUSINESS WITH LOBBYIST:** List the name of any compensated lobbyist who was associated with a business with which you or a member of your household was also associated during the preceding calendar year. Example: The public official or household member is an employee or owner of a private company that also employs a lobbyist. Owning stock in a publicly traded company in which the lobbyist also owns stock is not a relationship that requires disclosure. [ORS 244.090(1)]

You will need the Name of the Lobbyist, the Name of the Business and the Type of the Business.

NOTES:

________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________
________________________________________________________________________

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PLEASE NOTE – Do NOT answer items 7, 8, 9, and 10 unless the source of the interest is derived from an individual or business that has a legislative or administrative interest or that has been doing business, does business or could reasonably be expected to do business with the governmental agency of which you hold an official position or over which you exercise any authority.

"Legislative or administrative interest" means an economic interest, distinct from that of the general public in any matter subject to the decision or vote of the public official acting in the public official’s capacity as a public official.

7. **INCOME OF $1,000 OR MORE**: Respond only if you or a member of your household received a source of income exceeding an aggregate amount of $1,000 during the preceding calendar year, and that income was derived from an individual or business that has been doing business, does business, or could reasonably be expected to do business with, or has a legislative or administrative interest in the governmental body you serve. [ORS 244.060(8)]

You will need to report the Income Source, Address and Description.

8. **DEBT OF $1,000 OR MORE**: Respond only if you or a member of your household owed a debt of $1,000 or more to a person (see definition of "person" on page 3) during the preceding calendar year, and that debt involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. Note: Do not list loans from state or federally regulated financial institutions (banks, etc.) or retail credit accounts and do not list the amounts owed. [ORS 244.070(1)]

You will need to list the Name of Creditor, Date of Loan, and Interest Rate of Loan.

9. **BUSINESS INVESTMENT OF MORE THAN $1,000**: Respond only if you or a member of your household had a personal, beneficial interest or investment in a business (see definition of "business" on page 3) of more than $1,000 during the preceding calendar year, if the investment involved an individual or business that did business with or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. (Note: Do not list the amount of the investment. Do not list individual items in a mutual fund or blind trust, or a time or demand deposit in a financial institution, shares in a credit union, or the cash surrender value of life insurance.) [ORS 244.070(2)]

You will list the Business Name, Address, and a Description of the Business.
10. SERVICE FEE OF MORE THAN $1,000: Respond only if you (not your business) received a fee of more than $1,000 in the preceding calendar year, from a person (see definition of “person” on page 3) for whom you performed a service, if the service involved an individual or business that did business with, or reasonably could be expected to do business with, or had a legislative or administrative interest in the public body you serve. (Do not list fees if you are prohibited from doing so by law or a professional code of ethics.) [ORS 244.070(3)]

11. VERIFICATION: Under penalties for false swearing/false affirmation, I declare that the information submitted in this electronic filing is, to the best of my knowledge and belief, true, accurate, and complete.

As with other provisions in Oregon Government Ethics law, it is each public official’s personal responsibility to ensure they comply with the requirements to complete and electronically submit the SEI by April 15th even if it falls on a weekend or a holiday.

If you have any questions regarding the Electronic Filing System, Annual Verified Statement of Economic Interest or the Oregon Government Ethics Commission, please contact our office

Oregon Government Ethics Commission
3218 Pringle Rd SE, STE 220
Salem, OR 97302-1544
Phone: 503-378-5105
Email: ogec.mail@oregon.gov
Website: www.oregon.gov/OGEC
City of Port Orford
Integrator Services
Due 2 pm, Marche 15, 2019

REQUEST FOR QUALIFICATIONS

The City of Port Orford is requesting sealed statement of qualifications from persons to provide Integrator Services for the City’s SCADA system. Interested parties will be provided sufficient information to prepare and submit qualifications for consideration by the City. It is the City’s intent to select the most advantageous statement of qualifications based on the evaluation criteria set forth in the request for qualifications (RFQ) packet. A copy of the RFQ packet may be obtained from the City of Port Orford at City Hall 555 20th St., Port Orford, OR 97465 or by calling 541-366-4568. All submissions must be sealed and clearly marked Integrator of Record Services Statement of Qualifications.
Port Orford
OREGON

THE CITY OF PORT ORFORD, OREGON

REQUEST FOR QUALIFICATIONS FOR INTEGRATOR SERVICES

February 05, 2019

Issued by: Terrie Richards, City Administrator

CITY OF PORT ORFORD, OREGON
REQUEST FOR QUALIFICATIONS FOR INTEGRATOR OF RECORD SERVICES
1. GENERAL

1.A Introduction and Background

The City of Port Orford is soliciting statements of qualifications (SOQ's) from firms to provide technical, design, and integration support to the City in the area of controls and SCADA (Supervisory Control and Data Acquisition) and to serve as the City's Integrator of Record (IOR). The City's goal is to utilize the support and resources of a single firm to provide these services to facilitate consistency, rapid response to needs, and a standard approach to developing and maintaining the City's controls and electrical systems moving forward.

The purpose of this RFQ is to aid the City in selecting the best firm or integration company to assist the City as they operate, maintain, expand and develop their control and SCADA networks.

1.B The IOR's Potential Scope of Services to the City of Port Orford

The City will direct the IOR to provide integration assistance in two ways:

1. Miscellaneous Services
2. Task-based Services

A brief description of each is provided below.

Miscellaneous Services

The City of Port Orford may require general integration services from their IOR for day to day issues that arise. This may include, but not be limited to the following:

1. On-site troubleshooting controls or programming issues.
2. Repairing sensors, PLC's, SCADA components, communications (wireless, cellular, or others), and otherwise maintaining the system.
3. Responding to requests to upgrade or change programming in PLC's or other systems.
4. Upgrading or installing software, firmware, or other systems.
5. Remotely accessing systems to review problems, troubleshoot, or answer questions about controls, SCADA or related systems.
6. Generally respond to requests for support from the City regarding controls, SCADA, etc. For general service tasks, the IOR will provide basic services to the City on a time and materials approach unless other arrangements or agreements are made as dictated by the General Services Agreement (Contract).
Task-Based Services

The IOR may be directed to undertake specific projects for the City that have a finite scope of work, are relatively larger in scale, or for any other reason the City wishes to assign the work on a task-basis to the IOR. In these cases, the assignment of work will follow the general process described below:

1. The Public Works Director (PWD) will describe a task or need to the IOR for a specific project.
2. The IOR may be asked to visit the City to meet with the PWD and review the need and conditions to gain a proper understanding of the issue and effort required to address it.
3. The PWD will ask the IOR to prepare a simple proposal describing the scope of work the IOR will provide, a proposed fee, and an estimated project timeline.
4. The PWD will review the IOR proposal. If appropriate, the proposal will be presented to the City Administrator (CA) and/or City Council (Council) if required for approval.
5. The CA/Council/PWD may choose to accept the proposal as is, reject the proposal, or negotiate a change of scope or fee with the IOR.
6. Once the proposal is accepted, the PWD will issue a task order or work order to the IOR to complete the project outlined in the proposal.
7. The IOR will track the task order with an independent project number separate from general service or miscellaneous support activities.
8. The City will assign task orders to the IOR as needed. The City will reserve the right to issue a general RFP for specific projects if they desire to have expanded competition, specialized expertise, or if the IOR elects to not accept a request for a specific work order. The City will maintain the necessary autonomy to ensure that the public interest and patrons of Port Orford are best served.
9. The award of a contract to an IOR does not guarantee that the selected firm will be assigned any or all City projects.

The City intends to undertake a number of projects over the next several years. These projects may include, but are not limited to the following:

1. Integration of communications between the new Wastewater Treatment Plant SCADA system and a future Water Treatment Plant SCADA system and Reservoir Controller.
2. Development of communication and telemetry for each of the major system components in the water and wastewater systems. This will include pump stations, water tanks, treatment facilities and other major components.
3. Other controls, SCADA, and telemetry improvements.
I.C  IOR Selection Process

The City will utilize the following general selection process in determining the most qualified and best consultant to serve as the City of Port Orford IOR.

1. Interested consultants will provide written statements of qualifications (SOQ’s) to the City based on the guidelines and information in this RFQ.

2. Consultants shall be licensed, bonded and insured and will meet the minimum qualifications outlined within this RFQ.

3. Consultants are required to certify non-discrimination in employment practices, and identify resident status as defined in ORS 279A.120.

4. A three to five member selection committee will review and rank all SOQ’s based upon the criteria established in this RFQ.

5. All consultants are required to comply with the provisions of Oregon Revised Statutes and Port Orford City Municipal Code.

6. If the choice of an IOR is obvious to the committee, the committee may recommend award of the contract based on the results of the SOQ review and without further evaluation.

7. However, if further evaluation is required, 2 or 3 firms may be short-listed to participate in an interview process. Additional evaluation steps may include, but not be limited to, an interview, a review of the firm’s hourly fee structure, a check of references, etc. All interviews, if required, will be on May 20th, 2014.

8. Based on the findings of the committee, a recommendation will be made to the City Administrator to bring to Council to award the IOR contract to the successful firm.

9. The City will then proceed to negotiate a contract with the selected consultant.

10. If an agreement cannot be reached with the selected consultant, the runner-up consultant will be contacted to negotiate an agreement, and so forth.

11. The City reserves the right to reject any and all proposals at any time, waive minor informalities in the screening process and/or terminate the selection process at any time.

I.D  IOR Minimum Requirements

The IOR that is selected for this project must be qualified and capable of completing the work that will be assigned to them through this contract. Minimum qualifications for potential IOR candidates must include:

1. The ability to demonstrate experience with the integration of public utility controls, telemetry, SCADA and similar systems to those in Port Orford.
2. Custom equipment and panels shall be supplied by a UL listed panel shop owned and operated by the candidate firm or a member of the candidate team.

3. The candidate integrators shall be recognized as a system integrator and be on record with the major suppliers of equipment that are likely to be used in Port Orford. The candidate IOR should list their affiliations and recognitions and certifications within their proposal (i.e. Rockwell, Allen Bradley, Cutler Hammer, etc.)

4. The candidate integrators shall be capable of having staff on site for on call or remote trouble shooting in a short time frame. Maintenance calls must be addressed in 24 hours or less from the initial call for support.

2. SOQ CONTENT

There is no limit on page number or the length of the SOQ’s. However, the City is not interested in brochures, boilerplate filler, or general information that is not relevant to the project at hand. The consultants responding to this RFQ are advised to provide a clear and responsive approach to addressing all issues noted in this RFQ.

Key elements to each SOQ should include, but not necessarily be limited to, the following items: (The identified elements are presented in no particular order.)

2.A Understanding of Need

The consultant should clearly state their understanding of the City’s need for an IOR and for the role an IOR should play for a small community. Specific examples and insights will be useful in this section. The consultant should explain the benefits an IOR can provide to Port Orford and how they have seen those benefits at work in other communities.

2.B Approach

The consultant should attempt to describe their approach to serving as the IOR for a small community like Port Orford, how they will communicate with the different departments at the City, and what policies they will follow when interacting with the City on projects and on a day to day basis.

2.C Experience

The consultant shall provide a description of their experience and expertise providing general integration services in the role of IOR for similar communities. Experience with water, wastewater, simple transportation systems, drainage facilities, and general municipal integration services will also be useful. All applicable experience should be presented.

2.D Project Team

Describe the proposed project team for the IOR contract. Describe who will be the key contacts and leaders of the team. Discuss who will interact with the City and the organizational structure that will be
proposed for the IOR. Discuss subcontractors that will be available to the City and why their services are important.

2.E Availability

It is important that the selected IOR be capable of responding to the City’s needs in a timely manner, complete projects on time, and be an efficient resource for the City. The SOQ should address the consultants approach to ensuring that the City’s needs will be met by their firm.

2.F References

Firms responding to this RFQ must provide a list of at least four (4) municipal client references within Oregon for which the firm or members of the firm have provided similar or related services within the past 5 years. A description of pertinent projects and current contact information for the agency authority should be provided.

3. SELECTION CRITERIA

The City will screen and rank the SOQ’s based on the criteria outlined in this section. The selection committee may elect to select a single best firm based on the following criteria and move forward to negotiations. Or, if required, two top-ranked teams will be identified for further evaluation. The City may then complete additional evaluations on the remaining consultants such as a review of the firm’s hourly fee schedule, participation in an interview process, etc. Using a combination of the information provided in the SOQ and the additional information received from the finalists, the selection panel will make a final choice and recommendation to the CA/Council to award the integration contract to the most qualified consultant.

A brief description of the primary selection criteria is provided below:

3.A Proximity of firm and key team members to Port Orford

The City wishes to work closely with the selected firm and desires fast and effective service. The consultant should address how they will provide effective service and how they will address travel costs and travel time issues. The City is hoping to engage with a consultant and a project team located within a four (4) hour drive, or less, from the City limits. Firms that exhibit the ability to provide faster support will be ranked higher.

3.B Experience and familiarity with the City of Port Orford

Firms and firm members who have specialized experience with or who have gained a specialized understanding of the City of Port Orford and their systems will be considered above firms and integrators without such an understanding. Describe your firm or firm member’s experience and/or describe the level of familiarity gained during the RFQ process.

3.C References

The selection committee will perform reference checks for each candidate. A minimum of four (4) municipal clients in Oregon where similar or related work was performed must be provided. References
where the consultant has served as the IOR are preferred. References should also be able to describe the firm’s responsiveness, availability, and ability to complete projects in a timely and orderly manner.

3.D Experience serving as IOR for other communities

Experience in the role of IOR for other communities will be considered positively. Proof of an understanding of the role of IOR and a track record of effectively providing this service is preferred. Experience providing similar services, though not as the IOR, should also be presented for consideration by the committee.

3.E Consultant’s understanding and approach and quality of the SOQ

These selection criteria will allow the selection committee to award points based on the quality of the SOQ, the consultant’s understanding of the City’s needs, the consultant’s approach to the work, or any other quality about the consultant’s proposal that sets it apart from any others.

A summary of the selection criteria points is provided in the following table.

<table>
<thead>
<tr>
<th>SELECTION CRITERIA SUMMARY</th>
<th>Relative Weight</th>
</tr>
</thead>
<tbody>
<tr>
<td>4.A Location of firm</td>
<td>15</td>
</tr>
<tr>
<td>4.B Familiarity with City</td>
<td>20</td>
</tr>
<tr>
<td>4.C References</td>
<td>15</td>
</tr>
<tr>
<td>4.D IOR or Relative Experience</td>
<td>30</td>
</tr>
<tr>
<td>4.E Understanding and Approach; Quality of SOQ</td>
<td>20</td>
</tr>
<tr>
<td>Total</td>
<td>100</td>
</tr>
</tbody>
</table>

4. SUBMISSION REQUIREMENTS

Each consultant must submit proposals to the City by no later than April 13, 2019 at 2:00 pm. Proposals must be clearly marked “Integrator of Record Services Statement of Qualifications” and directed to:

Integrator of Record Services Statement of Qualifications
Terrie Richards, City Administrator
P.O. Box 310
Port Orford, OR 97465

FAXED, ELECTRONIC OR E-MAIL COPIES WILL NOT BE ACCEPTED.

Each consultant must submit four (4) copies of their SOQ in a sealed envelope.

5. LIMITATIONS

This RFQ does not commit the City of Port Orford to paying any costs incurred by consultant in the submission or presentation of a proposal, or in making the necessary studies for the preparation thereof.
Further, the City of Port Orford reserves the right to:

- Accept or reject any and all submittals received as a result of this RFQ at any time;
- Negotiate with qualified consultants;
- Cancel the RFQ, in part or in whole, if it is determined to be in the best interest of the City to do so;
- Waive minor irregularities and formalities in the RFQ submittals;
- Seek further SOQ’s for integration services contracts, in whole or in part, for recommendations contained in the completed facilities plan;
- The City reserves the right to seek clarification on any point in any SOQ at any phase of the selection process;

No guarantee of work, financial obligation, or other assurance is made to any respondent of this RFQ whether selected or not for the role of IOR.

6. **INSURANCE REQUIREMENTS**

Each firm, by the submission of an SOQ, understands and agrees that the award of a contract shall be contingent upon the successful applicant providing the City with proof of the following insurance coverage:

1. **Liability insurance in the amount of $1,000,000.00 or greater, as follows:**
   a. Comprehensive commercial general liability insurance, including personal injury liability, blanket contractual liability and broad-form property damage liability coverage. The following minimum limits are required: Aggregate - $1,000,000.00; Products - $1,000,000.00; Personal & Advertising Injury - $1,000,000.00; Each occurrence - $1,000,000.00
   b. Commercial automobile liability insurance as a result of death or bodily injury to any persons, or destruction of or damage to any property arising out of the ownership, maintenance or use of any owned, non-owned or hired motor vehicle with limits of not less than $1,000,000.00 per occurrence. All coverage shall be on an occurrence basis and not on a claim made basis.
   c. Workers compensation coverage as required by law with a waiver of subrogation in favor of City including Employer’s liability coverage with limits of not less than $500,000.00 per occurrence; **OR**, alternatively, the Integrator shall provide documentation establishing to City’s satisfaction that the Integrator is exempt from Workers’ Compensation coverage pursuant to ORS Chapter 656.

2. The following inclusions to the integrator’s certificate of insurance shall be made:
   a. Waiver of transfer of rights of recovery against others to City.
   b. It is agreed that this insurance is primary to and non-contributory with any insurance maintained by City.
   c. The General Liability Coverage and Automobile Liability shall include endorsements for additional insured, naming the “CITY OF PORT ORFORD”, its elected officials,
employees, agents and volunteers as an additional insured. The additional insured endorsement shall be attached to the certificate of insurance.

d. The additional insured shall contain a severability of interest provision in favor of the City and a Waiver of Subrogation in favor of City.

e. All required coverage shall be written with companies that have at least an AmBest rating of B+ VII.

f. All insurance shall provide a 30 day notice of cancellation or material change.

7. FALSE OR MISLEADING STATEMENTS

If the review committee feels, at any time, that a consultant's SOQ contains false or misleading statements, references, or any other matter which does not support a function, attribute, capability, or condition as stated by the firm or firms submitting, the submittal shall be rejected, regardless of the status or the phase of the selection process.

8. ADDITIONAL QUESTIONS/REQUESTS FOR INFORMATION

Questions regarding this RFQ or the planned projects should be addressed to:

Terrer Richards, City Administrator
P.O. Box 310
Port Orford, OR 97465
(541) 366-4568
trichards@portorford.org

9. FUNDING

Not applicable.

10. AWARD OF CONTRACT

Promptly upon making the final determination of ranking, the City will proceed to negotiate a contract with the top ranked firm. If negotiations are not successful after 14 calendar days the City may choose to negotiate with the second ranked firm submitting a proposal, and so forth, until a contract is negotiated.

The City reserves the right, at its sole discretion, to end negotiations at any time and at any stage in the process, and to not award a contract to any firm. The provisions of ORS 279C.110 (5) govern the compensation level paid to the integrator. This statute provides: “The compensation level paid must be reasonable and fair to the City as determined solely by the City.”

All firms not selected will be notified by the City of its decision.

It is estimated that a contract will be awarded to the selected consultant sometime in June, 2014.
FFY-2019 Funding

Drinking Water Source Protection

Letter of Interest (LOI)
Request for Project Proposals

For consideration by the
State of Oregon
Drinking Water Protection Fund
ORS 285A.075 & 285A.213 (4)

Funding is made available under the Federal Safe Drinking Water Act section 1452(k) via a Local Assistance Set-Aside from the Oregon Safe Drinking Water Revolving Loan Fund Program. The Set-Aside provides grant and loan funding for eligible source water protection project activities.

This 2019 Funding Letter of Interest (LOI) packet will be used to gather project proposal requests. Each LOI received by the close date will be reviewed, rated, and ranked. Funding for eligible projects begins in 2019 based upon overall project ranking, readiness to proceed, and set aside funding. Awards must be spent two years from the date contracted. Unspent balances may be subject to forfeiture after the contracted deadline.

This request for
Letters of Interest
Opens on – Tuesday January 22\textsuperscript{nd}, 2019
CLOSES on – Friday March 15\textsuperscript{th}, 2019
The Oregon Health Authority (OHA) is requesting Letters of Interest (LOI) from drinking water systems for Drinking Water Source Protection projects for potential funding. Drinking water systems that submit an LOI meeting the project eligibility guidelines may be offered financial assistance to implement various drinking water source protection projects or activities.

Source water is the water from the rivers, streams, lakes, springs and underground sources that drinking water systems use to supply communities with safe drinking water. Drinking water source protection involves taking positive steps to manage potential sources of contamination and prevent pollutants from entering, reaching or contaminating sources of public drinking water.

For details on eligibility and eligible projects, please see “DWSP - General Information on Funding” at:

http://public.health.oregon.gov/HealthyEnvironments/DrinkingWater/SRF/Pages/spf.aspx

Next Step - after a Letter of Interest is submitted
Each Drinking Water Source Protection project proposal that’s submitted on a Letter of Interest form is reviewed and evaluated. Letters of Interest received from groundwater systems are reviewed and evaluated by OHA Drinking Water Services staff. Letters of Interest received from surface water systems are reviewed and evaluated by the Drinking Water Protection staff at the Department of Environmental Quality (DEQ), Water Quality Division.

Drinking Water Source Protection project submittals will be evaluated based upon five criteria:
• area and level of sensitivity of the drinking water source,
• presence of high-risk sources of contamination within the drinking water source area,
• contaminant detections at the source,
• prior and current risk reduction activities, and
• proposed project risk reduction potential

Each scored project is then placed on a numerically ranked Drinking Water Source Protection Project Priority List. OHA Drinking Water Services will notify the project contacts of their selection. Those projects that are ready to proceed to the financing phase may begin the funding process with the assistance of staff at Business Oregon. Information on funded project requirements including Business Oregon contact information is available in Appendix C of the Drinking Water Handbook.

MORE INFORMATION
1) Tom Pattee in the Springfield office of the OHA, Drinking Water Services, ph. 541-726-2587 ext 24 or by e-mail: tom.pattee@state.or.us
2) Adam DeSemple in the Portland office of the OHA, Drinking Water Services, ph. 971-673-0422; or by e-mail: adam.desemple@state.or.us.
LETTER OF INTEREST

DRINKING WATER SOURCE PROTECTION FUND – FUNDING 2019 (SWP-19-____)

- Please submit 1 copy of the Letter of Interest. This may be in an electronic or hardcopy format.
- You may attach additional sheets to your Letter of Interest to describe your project in response to Section 2.
- Information on how to complete the LOI is available via the “DWSP - General Information on Funding” link at http://public.health.oregon.gov/HealthyEnvironments/DrinkingWater/SRF/Pages/sf.aspx
- Information on funded project requirements including Business Oregon contact information is available in Appendix C of the Drinking Water Handbook.

SECTION 1: WATER SYSTEM INFORMATION

<table>
<thead>
<tr>
<th>Water System Name</th>
<th>PWS ID Number</th>
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</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Street Address</td>
<td>Mailing Address</td>
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<tr>
<td></td>
<td></td>
</tr>
<tr>
<td>Contact Name</td>
<td>Title</td>
</tr>
<tr>
<td>(Person we should contact with project questions)</td>
<td></td>
</tr>
<tr>
<td>Phone Number</td>
<td>Fax Number</td>
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<td></td>
<td></td>
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<tr>
<td>Federal Tax ID Number</td>
<td>DUNS Number</td>
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</table>

Date SAM (System for Award Management) Registration Expires

* For more information about DUNS and SAM see of section of the 5.6 of the Drinking Water Handbook.

Representation (Information may be found at https://www.oregonlegislature.gov/)

<table>
<thead>
<tr>
<th>Senate District Number</th>
<th>Senator’s Name</th>
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</table>

<table>
<thead>
<tr>
<th>House District Number</th>
<th>Representative’s Name</th>
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</thead>
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</tbody>
</table>

Page 3 of 8
Background Information

Public Water System Service Population: _____

Project Area Population (if project is regional or extends outside Drinking Water Source Area): _____

County where project is to occur: ______

Primary Source Water Type that will be protected by project:

- [ ] Groundwater (includes wells and springs)
- [ ] Surface water (rivers, streams, and groundwater under the direct influence of surface water)

SECTION 2: PROJECT INFORMATION

A. Project Title: (e.g., Garnet City Ag Pesticide Round-Up)

B. Project Type: Please refer to the “General Information on Funding and Rating Projects” document for more information on each of the types of projects that are eligible in this loan and/or grant funding. Please mark all that apply:

- [ ] Enhanced delineation
- [ ] Water quality evaluation
- [ ] Implementation
- [ ] Enhanced assessment
- [ ] Source protection planning
- [ ] Security

Are you requesting funds for an Emergency Project? Yes [ ] No [ ]

Are you requesting loan funds for Property Acquisition? Yes [ ] No [ ]

C. Project Cost

Total amount of Drinking Water Source Protection Funds Requested: $_____

Total amount of funds contributed by the Water System: $_____

Total amount of other funds: $_____

Total Project Cost: $_____

Identify source of other funds: ______

D. Describe the Opportunity/Problem: Clearly describe what risk or contaminant is being addressed and what is known about the extent of the opportunity/problem facing the water system (e.g., opportunity = risk reduction benefits, linkage with other projects; problems = well/surface water intake shutdowns, testing, potential contaminant sources, etc.). To provide the level of data necessary for an accurate evaluation, please refer to the “General Information on Funding and Rating Projects” document for the criteria used in the rating.
E. Project Description, Justification and Goals/Outcomes: Describe the specific source water protection activities and methods to be taken in the proposed project. If this project is part of a larger phased project, describe the overall project, but clearly identify the discrete activities of this phase for which funding is sought. Include details on the project goals and anticipated outcomes; e.g., how will the proposed work address the problem(s) identified above in Section C. Discuss the effectiveness of each major source water protection strategy to address the identified opportunity/problem.

F. Partnerships:
Is the project described above part of a larger project? Yes ☐ No ☐
If yes, will you be seeking additional funding for other project elements? Yes ☐ No ☐
If yes, would you like assistance identifying other funding sources? Yes ☐ No ☐

Use the table below to list all other significant organizational project partners and their roles and contributions for the discrete activity of this phase for which funding is sought. If additional rows are needed include as an attachment.

<table>
<thead>
<tr>
<th>Partner</th>
<th>Role</th>
<th>Contribution Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>(e.g., name of organization or individual)</td>
<td>(i.e., landowner, funder, completing specific activity/task)</td>
<td>(i.e., land access, cash, technical assistance)</td>
</tr>
</tbody>
</table>

G. Multiple Water Systems: Regional projects involve multiple communities and/or water systems attempting to address a common source water issue or issues. If this is a regional project with additional water systems that will be actively involved, please list them in the table below, include contact information and grant/loan amount that each will be applying for.

<table>
<thead>
<tr>
<th>Water System</th>
<th>Contact Name</th>
<th>Phone Number</th>
<th>Grant Amount</th>
<th>Loan Amount</th>
</tr>
</thead>
<tbody>
<tr>
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H. Project Location and Scope: Describe any other relevant information that will identify the location and scope of the proposed project (i.e., is it within 1000 ft of a surface water source or the 2-year time-of-travel zone/zone 1 for a groundwater source, otherwise identified sensitive areas, high risk sources, acreage, landowner consent, etc. Provide map with project location if needed).
I. Previously Implemented Protection Strategies: Briefly describe any risk-reduction plans or strategies previously developed and/or implemented to protect the drinking water source area(s).

J. Project Budget and Work Plan: In the table below, list project task/phase milestones with estimated amount of time to complete and estimated cost. Examples include planning, legal publication, permits, supplies, salaries and benefits, analytical costs, land surveys, equipment, travel, printing, postage, etc. Costs should reflect Bureau of Labor (BOLI) wage rates where appropriate. **Administrative expenses incurred by the loan/grant recipient are ineligible costs.** If administrative expenses are included in the project Work Plan/Budget below, they must be paid for with match funds or they can be considered an “in-kind contribution”.

<table>
<thead>
<tr>
<th>Activity</th>
<th>Estimated Start Date</th>
<th>Estimated Completion Date</th>
<th>DWSP Funds Requested</th>
<th>Water System Funds</th>
<th>Other Funds</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
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</tr>
<tr>
<td>Totals</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
</tbody>
</table>

Estimated Date of First Cash Reimbursement Request: ___

Project cost estimate Date Prepared: ___ Prepared by: ___

K. Procurement of Services:

Are you aware that if awarded DWSP funds, procuring goods or services is the responsibility of the eligible water systems and must be done in accordance with state procurement laws [ORS 279A, ORS 279B and ORS 279C]? Yes [ ] No [ ]

Are you aware that bid documents and resulting contracts must include federally required contract clauses and that Business Oregon must review bid documents 10 days before advertising and contracts 10 days before signing? Yes [ ] No [ ]
SECTION 3: FINANCING INFORMATION (FOR LOAN REQUESTS ONLY)

If the project is requesting loan funds for purposes including but not limited to property acquisition, complete the following loan information, otherwise skip to Section 4.

A. Source of funds for Loan repayment (check all that will apply):
   - [ ] Water-user fees
   - [ ] Voter-approved General Obligation bond
   - [ ] Connection fees
   - [ ] Reserves
   - [ ] Other funds: ______

B. Regarding cash flow, please check the frequency of funds available for debt repayment on requested loan:
   - [ ] Monthly
   - [ ] Quarterly
   - [ ] Annual

C. Total debt supported by the water system rates, fees, taxes or special assessments:
   1. Current debt paid by water fees $_____
   2. Current debt paid by property taxes $_____

D. Current average monthly residential water bill (based on 7,500 gallons) $_____

E. Current average annual property taxes paid per residence for water system debt $_____

SECTION 4: LETTER OF INTEREST CERTIFICATION

Certification: I certify to the best of my knowledge that all information contained in this Letter of Interest and any attached supplements is valid and accurate and that I am aware of the Drinking Water Source Protection funded project requirements as identified in Appendix C of the Drinking Water Handbook. I further certify that to the best of my knowledge:

1. The Letter of Interest has been approved by the governing body or is otherwise being submitted using the governing body’s lawful process, and
2. Signature authority is verified.

Check one:
   - [ ] Yes, I am the highest elected official. (e.g., Mayor, Chair or President)
   - [ ] No, I am not the highest elected official so I have attached documentation that verifies my authority to sign on behalf of the applicant. (Document such as charter, resolution, ordinance or governing body meeting minutes must be attached.)

_________________________  _______________________  
Signature                  Date

_________________________  _______________________  
Printed Name               Printed Title
Return Completed Letter of Interest to:

Oregon Health Authority-Drinking Water Services
Attn: Tom Pattee – 2019 DWSP Letter of Interest
444 A Street
Springfield, Oregon 97477

Email: tom.pattee@state.or.us
Telephone: (541) 726-2587 Ext: 24
Fax: (541) 726-2596
For the month of January, the total revenue and expenditures for all funds was $187,101.56 and $143,775.84 respectively. Following is a more detailed narrative of the activity per fund.

General Fund:
The General fund received $45,544.96 in revenue of which $6,631.40 was from property tax receipts, $29,733.50 from citations, $109.33 from the State Cigarette Tax, $1,103.92 in interest, $7,000.00 reimbursement from DLCD for work completed on the Tsunami Resilience Grant, $160.00 in lien search fees, $364.00 in Planning fees, $124.59 reimbursement for electricity for the Port Orford Ambulance, $110.00 in payment plan fees, $150.00 for a release of two impounded vehicles, $110.00 in payment plan fees, $364.00 in Planning fees, $28.22 franchise payment from Vonage, and $30.00 for business licenses. For the month of January, the General Fund disbursed $33,315.90 of which $12,486.18 was for wages, $4,532.60 in citation reimbursements and assessments, $2,469.56 for electricity, $242.26 for custodial services, $1,200.00 for legal services, $219.50 for office supplies, $200.00 for the municipal judge, $262.00 in bank fees, $1,813.34 for work our planner has done on the Tsunami Resilience Grant, $4,740.00 payment to Curry County Sheriff for dispatch services, $1,174.41 for new chairs for the Council Chambers, $1,279.06 for work done by our contract Planner in December and January, $307.25 for postage, $1,639.73 for work on the Egrets Bluff subdivision, $78.00 subscription to ENR, $24.37 for custodial supplies, $91.00 reimbursement of a building permit fee, $322.90 for telephone service, and $91.32 for internet service.

Parks:
Parks received $8,238.29 in revenue of which $7,992.47 form the fourth quarter TLT Tax, $50.00 rent for the Visitor Center, and $195.82 in interest. For the month of January, $8,495.15 was disbursed for Parks of which $2,393.84 was for payroll, $373.08 for fuel, $29.22 for telephone service, $489.81 for electricity, $3,509.79 for chairs for the American Legion Hall and Community Building, $74.81 for maintenance of Battle Rock Park, $10.69 for maintenance of the Community Building, $74.59 for maintenance of the Visitor Center, $42.75 for maintenance of Buffington Park, $32.06 for maintenance of the American Legion Hall, $42.06 for maintenance of the 12th ST boat ramp, $80.74 for custodial supplies, and $1,307.74 for custodial services.

Public Safety:
$32,985.47 was disbursed for the Police Department of which $30,570.05 was for payroll, $31.50 for office supplies, $1,011.56 for fuel, $38.44 for vehicle maintenance, $75.00 for Kings Online, $273.99 for uniforms, $358.47 for training, $31.46 for small tools, $150.00 annual membership fee to Oregon Association of Chiefs of Police, and $445.00 for telephone service. Public Safety received $5,802.05 in revenue of which $5,553.13 was from property tax receipts, $30.00 for burn permits, $15.00 for a police report, and $203.92 in interest.

Water Enterprise:
The Water Department received $37,865.75 in revenue of which $34,813.41 was from the December utility billing of which $2,213.27 is designated to be set aside for Water Capital Reserves, $2,676.00 for two new water connection, and $376.34 in interest. The Water Enterprise Fund paid out $36,343.71 of which $22,772.37 was for payroll, $31.49 for office supplies, $224.88 for postage, $449.62 for telephone services, $5,120.72 for electricity, $308.49 for fuel, $120.34 for maintenance of water lines, $19.98 for maintenance of the Water Treatment Plant, $500.00 for contact services, $152.35 for small tools, $1,140.90 for meter repairs, $3,735.87 for service on the Vac-Con truck and moving the dredge to the City shop, $39.99 for internet access, $764.47 for maintenance of pump stations, $322.24 for lab supplies, $210.00 for the renewal of an employee's water certification, and $430.00 for water quality testing.

Water Capital Reserves:
The Water Capital Reserve Fund received $315.20 in interest. The Water Capital Reserve Fund balance is now $137,493.60.
Sewer Enterprise:
The Sewer Enterprise Fund received $46,977.67 in cash receipts which consists of $8,164.45 in interest, $2,316.00 for three sewer hookup fees, and $43,845.22 was from the December utility billing of which $2,293.66 is designated to be set aside for Sewer Capital Reserve. The Sewer Enterprise fund outflow for January was $29,194.57 of which $21,204.38 was for payroll, $3,981.40 for electricity, $330.30 for telephone service, $252.20 for fuel, $4.49 for office supplies, $119.98 for internet service, $195.72 for two Hepatitis B surface test, $1,635.91 for maintenance at the Sewer Treatment Plant, $480.00 for maintenance of the pump stations, $577.95 for lab equipment, and $412.24 for postage.

Sewer Capital Reserves:
The Sewer Capital Reserves received $304.97 in interest. The Sewer Capital Reserve Fund balance is now $133,031.48.

Street Fund:
For January the Street Fund received $7,540.60 of which $7,415.04 was from the State Highway tax and $125.56 in interest. $3,441.04 was disbursed for Streets, of which $2,974.73 was for wages, $99.00 for the port-a-pott, $265.92 for fuel, $4.78 for office supplies, and $96.61 for electricity.

Streets Capital Improvement Fund
The Streets Capital Improvement Fund received $94.45 in interest and the new balance in now $41,287.41.

Equipment Replacement Fund:
The Equipment Replacement Fund received $81.77 in interest. The balance of the Equipment Replacement Fund is $38,243.02.

Water and Sewer SDC:
The Water SDC Fund received $721.55 in interest and $17,328.00 for two hook ups. The Sewer SDC Fund received $518.30 in interest and $15,768.00 for three hook ups for the month of January. The balances of the SDC funds are as follows:

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David Johnson
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Total Fund: 030 - WATER ENTERPRISE FUND:

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# Bank Transaction Report

**City of Port Orford**

## Transaction Detail

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Date: February 13, 2019

To: Tim Pogwizd, Mayor, City Council members & Terrie Richards, City Administrator

From: Patty Clark, Planning Assistant

I. City Planning Commission Activity

At the regular meeting of February 12, 2019 the Planning Commission accepted minutes of the January 15, 2019 planning commission meeting.

II. Public Hearing

• Amendments to the Port Orford Comprehensive Plan Goals and Policies
• Amendments to the Port Orford Comprehensive Plan Goals and Policies
• Amendments to the Port Orford Zone Map to include Tsunami Hazards Overlay Zone

(The public hearing will be continued at the March 12, 2019 Planning Commission Meeting)

III. Planning Matters

The Planning Commission approved the right-of-way usage license for 404 Jackson St. (see recommendation to council)

IV. Permit Clearance Activity

The City planning and public works staff review all requests for building permits within the city to determine whether the request complies with the city’s land use and public works regulations. The city staff confirms that building permit applications conform to these regulations by reviewing Permit Clearance forms that are filed with the city prior to applying to the county for the building permit.

During the months of January and February of 2019 the city received two applications for review.

1035 Oregon St., remodel of existing building. 4C zoned

404 Jackson St., siding and window replace. 10MU zoned
Port Orford Amateur Radio Club

Proposal: Amateur radio emergency communications trailer for the City of Port Orford, Oregon.

Equipment: Through donations and grants, the Port Orford Amateur Radio Club will purchase a trailer and all necessary equipment including radios, antennas, power sources (generator and solar), and all accessories to make an effective mobile emergency communications unit. City to provide fire and law enforcement equipment if necessary.

Ownership: The trailer and all equipment would be owned, registered and insured by the City of Port Orford.

Maintenance: The Port Orford Amateur Radio Club will be responsible for trailer maintenance within the financial and physical constraints of the club.

Storage: Safe, secure and easily accessible storage outside the tsunami zone would need to be provided.

Usage: Trailer equipment to be operated by persons licensed by the FCC who are members of the Port Orford Amateur Radio Club or those authorized by members of the club. The communications trailer is for emergency, public service, or other amateur radio related events requested by the City of Port Orford. The club members may also use the trailer for amateur radio events, such as the annual Field Day.
PORT ORFORD RURAL FIRE PROTECTION DISTRICT

January 7, 2019

Terrie Richards, City Administrator
City of Port Orford
PO Box 310
Port Orford, OR 97465

Dear Ms. Richards,

The current agreement between the Port Orford Rural Fire Protection District (PORFPD) and the City of Port Orford for the provision of fire services by PORFPD extends through the 2018-2019 fiscal year. The current contract is 15 years old. During this period, PORFPD has created many improvements to the fire services. These improvements have given the City as well as all rural locations lower fire ratings and savings in fire insurance.

However, there is a fiscal problem that needs to be resolved; that problem is the financial inequity of the contract. Since we consider the City of Port Orford and PORFPD to be partners working together to provide a necessary service, we ask each of you serving in the Port Orford City government to be open-minded while discussing and considering solutions.

When the contract amount was agreed upon 15 years ago, it was adequate because of the shared use of fire equipment and the City firehouse. The amount covered the PORFPD annual budget and the actual costs of providing fire protection to both the City and rural areas. After many years of using the Portland CPI to determine the City’s share of the operating budget for the PORFPD, the operating budget has fallen further behind each successive year. The Port Orford Rural Fire Protection District is asking for an increase in the annual amount the City contributes to the operating costs that PORFD incurs while providing fire protection services to the City.

Circumstances today are different from 15 years ago. There is a great disparity between the services rendered in the rural area as compared to the City. For example, during the FY2017-18, there were 44 calls to service in the City as compared only 9 in the rural areas. There have been several attempts to address this over the last year to no avail. In order to achieve parity in the contract between the PORFD and the City, the PORFD proposes that the City pay $0.83/1000 dollars of the City’s assessed value for fire services provided by PORFPD. This will equate to the $1.32 dollars/1000 dollars of tax valuation paid by rural residents.

It is PORFPD’s hope that a revised agreement can be established. The Port Orford Rural Fire Protection District is giving notice per Section12-11.2 of the current contract that this contract will be terminated in two years. It is our hope that the City and the Fire District can work together to reach a mutually
acceptable agreement that would become valid for the 2019-2020 fiscal year.

Please contact me to arrange a meeting at your earliest convenience. We look forward to an open, productive discussion of this matter. I can be reached at 541/332-0364 or nangelesco@frontier.com.

Thank you again for your consideration.

Nancy Angelesco

President, Board of Directors

cc: Tim Pogwizd, Mayor
    David Johnson, Financial Director
    City Councilors: James Auborn, Jim Campbell, Pat Cox, James Garratt, Carolyn LaRoche, Travis Williams
    PORFD Board of Directors: Brice Wagner, Ed Conyers, Joe Marsh, Frank Smith
    David Duncan, Fire Chief
INTERGOVERNMENTAL AGREEMENT BETWEEN THE CITY OF PORT ORFORD AND THE PORT ORFORD RURAL FIRE PROTECTION DISTRICT FOR FIRE PROTECTION SERVICES

THIS AGREEMENT, by and between the City of Port Orford, hereinafter referred to as the "City", and the Port Orford Rural Fire Protection District, hereinafter referred to as the "District", is made and entered into, effective the first day of November, 2003, for the purpose of providing unified fire protection.

RECITALS

WHEREAS, ORS 190.010 authorizes units of local government to enter into written agreements with other units of local government for the performance of any or all of the functions and activities of a party to the agreement including the consolidation of departments; and

WHEREAS, both the City and the District have reviewed the costs and benefits of a combined Fire Department, and have determined that a combined Fire Department would provide more efficient fire protection service at either no increase in cost to the taxpayers or at a possible savings;

AGREEMENT

NOW, THEREFORE, in consideration of each party's performance of the terms, conditions, and covenants herein, the City and the District agree as follows:

SECTION 1 – PURPOSE

1.1 The purpose of this Agreement is to provide the citizens of the City of Port Orford and the Port Orford Rural Fire Protection District with the highest level of fire protection, in the most efficient and cost-effective manner possible.

1.2 Recognizing the purpose and spirit with which this Agreement is entered into, the City and the District agree to consult, cooperate, meet, and work together in resolving, to the mutual satisfaction of both parties, any questions or problems which may hereafter arise in connection with performance under this Agreement.

SECTION 2 – TERM

The initial term of this Agreement shall be from the date it is entered into until June 30, 2005. Thereafter, starting on July 1, 2005, it shall be automatically renewed for subsequent two (2) year terms, or renegotiated with seven months prior notice given to the other party of such desire, unless terminated as provided in SECTION 12.
SECTION 3 – FIRE PROTECTION SERVICES TO BE PROVIDED BY THE DISTRICT

2.1 The District shall provide fire protection services to all properties within the City limits of Port Orford in the same manner and equal priority as provided to properties within District limits. Those fire protection services shall be provided at a level which will maintain, and improve if possible, the existing ISO rating for properties within the City limits.

2.2 The District shall review proposed City rules and regulations related to fire protection, and shall have all of the powers of the City with regard to the enforcement of the Fire Code and other fire protection rules and regulations, the enforcement of which would normally rest with the “Fire Chief” or “Fire Department”.

2.3 The District shall be responsible for preparing, maintaining, and submitting for City approval, an Operating Plan for the provision of the required services, which plan may be modified from time to time as may be needed, upon mutual agreement of the City Council and the District Board.

2.4 Except as otherwise specified herein, the District shall be responsible for paying for all cost of fire service pursuant to this Agreement, including insurance, equipment, personnel, operation and maintenance.

SECTION 4 – BURN PERMITS

3.1 The District shall be responsible for setting standards and overall regulations governing Burn Permits for open burning and burn barrels within the City limits, and for determining those periods when such burning will not be permitted.

3.2 Issuing Burn Permits, and setting and collecting fees shall be the responsibility of the City.

3.3 Utilization of Burn Permit Fees shall be at the discretion of the City. Reimbursements to the Fire Marshal for burn inspections shall also be the responsibility of the City, based on separate negotiation and agreement between the City and the Fire Marshal.

SECTION 5 – EMERGENCY RESPONSE TEAM PARTICIPATION

The District Fire Chief and Fire Department personnel will function as members of the City’s Emergency Response Team, as specified in applicable City emergency response ordinances, regulations, and guidelines. Accordingly, the District Fire Chief and appropriate Fire Department personnel will also participate in all Emergency Response Team training exercises.
SECTION 6 – PAYMENT FOR SERVICES

5.1 For the first year of this Agreement, in consideration for providing the fire protection services as specified herein, the City shall pay to the District an amount based on the shortened term of the first year payable on or before December 31, 2003. Subsequently, the City will pay to the District the amount of Twenty Three Thousand Seven Hundred Ninety Dollars ($23,790.00) payable on or before December 31st of each year.

6.2 On July 1 of each year the District shall have the right to increase the annual amount to be paid by the City for fire protection services during the upcoming Fiscal Year. The increase is limited by an amount not to exceed the Consumer Price Index for Urban Consumers (CPI-U) for Portland, Oregon, for the preceding calendar year, provided no annual increase shall exceed five percent (5%). In order to make such an increase, however, the District shall provide written notification to the City specifying the amount of the proposed increase. Such written notification must be received by the City Manager no later than March 1 preceding the proposed July 1 increase.

6.3 If the annual payment is not paid promptly when due, the District may terminate this agreement and its duties and obligations upon thirty (30) days written notice thereof to the City.

SECTION 7 – CITY EQUIPMENT, BUILDINGS AND FACILITIES

6.1 The City shall make available to the District, for the District’s use, all of the property of the City related to fire protection, including, but not limited to, its fire station, vehicles, and equipment. The property shall remain the property of the City during the term of this Agreement. The District shall have control over the use of said property. The District shall be responsible for maintaining said property to the same extent it maintains its own property, with the exception of major maintenance on the fire station as otherwise provided herein and major maintenance on vehicles and equipment until June 30, 2007, at which time the City will cede the vehicles and equipment over to the District. For vehicle and equipment, major maintenance is defined as any single repair item costing in excess of $2,000. The District shall maintain auto liability, comprehensive/collision, uninsured motorist and personal injury protection insurance on all vehicles and property damage insurance on all equipment. The City shall provide the District with a list of all assets being given over to the control of the District. Said list will be maintained and updated by the City and the District on an annual basis.

6.2 The City may, at its option, require that the District maintain a fire station at the existing facility adjacent to City Hall. The City shall be responsible for payment of the utilities on that fire station, and for major maintenance items including, insurance, building exterior, painting, fire bay doors, roofing, plumbing system, and electrical system. The District shall be responsible for payment of all other expenses, and for normal interior cleaning and repairs for damages caused by its own actions. The City may require that the existing fire station or offices in City Hall be vacated, upon six (6) months advance notice to the District, provided the District shall not be required to vacate these facilities sooner than
four (4) years following the date of this Agreement. In the event the city requires the District to vacate the facility, it shall be cleaned by the District and returned to the City in as good as condition as received, normal wear and tear excepted.

6.3 Prior to June 30, 2007, property of the City deemed surplus may be disposed of only with the consent of the City. In the event the District finds it necessary to replace a piece of City property, the City shall be granted the first right to purchase such replacement property, in which case the City would maintain ownership of such property. In the event the City allows its property to be utilized for “trade-in” on other property purchased by the District, the City shall receive compensation in an amount equal to the “trade-in” value. City property cannot be disposed of by the City without District approval.

6.4 The City shall be responsible for maintenance and repair of its water system, water lines, and fire hydrants, and for providing water through that system for the purposes of fire fighting, flow testing, flushing hydrants, and fire training.

SECTION 8 - REVIEW AND EVALUATION

In order to assist the City in reviewing and evaluating the effectiveness of this Agreement and the performance of the District under this Agreement:

7.1 The District Fire Chief and the City Administrator shall meet at least quarterly to review the fire service operations under this Agreement and under the District Operating Plan referred to in SECTION 3.

7.2 The District shall, on a quarterly basis, provide the City with monthly response and activity summaries for all areas within the city limits. On request, the District Fire Chief, or appropriate designee, shall be available to brief the City council and staff within twenty-four (24) hours of any major fire, HazMat Operation, accident, or other major incident occurring within the city limits involving the Fire Department.

7.3 During the term of this Agreement, the District shall provide the City with a copy of each annual budget at the time it is submitted to the District Board for adoption, and shall provide the City with a copy of each annual audit when completed.

SECTION 9 - LIABILITY

The District shall maintain a minimum of one million dollars ($1,000,000.00) general liability insurance. The District shall hold harmless, defend, and indemnify the City from any and all claims relating to the performance of the duties of the District pursuant to this Agreement. The District shall name the City as an "additionally insured" party on its liability insurance policy, and shall provide the City with certificates evidencing such coverage.
SECTION 10 – ANNEXATION OF DISTRICT PROPERTY

In the event that the City annexes any property within the District during the term of this Agreement, the City agrees that it will not exercise its right to withdraw such annexed property from the District as allowed by ORS 222.524, unless and until this Agreement has been amended to provide the District with additional compensation necessary to offset the loss of revenue caused by the reduction in the District tax base.

SECTION 11 – MATERIAL BREACH

11.1 A party who has cause to believe that the other party is in material breach of the terms and conditions of the Agreement shall give the party alleged to be in material breach written notice of said material breach, and allow not less than thirty (30) calendar days for the material breach to be corrected. If the material breach is not corrected within the specified time, the following remedies are available to the parties:

11.1.1 Request a meeting between the City Council and the District Board to discuss and attempt to resolve the dispute. Such a meeting shall be scheduled at the convenience of the City Council and District Board, but in no event later than thirty (30) days following that request.

10.1.2 Request an arbitration of any dispute pursuant to ORS 190.710 to 190.8000.

10.1.3 Bring an action in the Curry County Court to enforce any provision of this Agreement.

10.1.4 Declare this Agreement to be terminated, at which time the provisions of SECTION 12 shall be complied with.

11.2 Each of the described remedies are to be deemed cumulative and non-exclusive of any other remedy.

SECTION 12 – TERMINATION

11.1 This Agreement may be terminated by either party for material breach in accordance with the provisions of SECTION 11.

11.2 This agreement may be terminated by either party without material breach by the terminating party giving the other party written notice of its intention to terminate the Agreement. Such notice must be given at least two (2) years prior to the termination of the Agreement, although, by mutual consent of both parties, this Agreement may be terminated at any time on shorter notice.

12.3 Upon termination, including expiration of this Agreement, the following shall apply:
11.2.1 All City property shall be returned to the City, and all District property shall be returned to the District. Such property shall be returned in as good as condition as received, normal wear and tear excepted.

11.2.2 An accounting with regard to fees paid or owing shall be provided by the District within thirty (30) days of the effective date of termination. The sums referred to in SECTION 6 shall be prorated. Any overpayments made by the City to the District shall be paid back to the City within fifteen (15) days of the accounting date, and any amounts owed by the City to the District shall be paid to the District within fifteen (15) days of the accounting date.

11.3 In the event the parties disagree as to property ownership or the accounting, the following remedies are available to the parties:

11.3.1 Request a meeting between the City Council and the District Board to discuss and attempt to resolve the dispute. Such a meeting shall be scheduled at the convenience of the City Council and District Board, but in no event later than thirty (30) days following that request.

11.3.2 Request arbitration of any dispute pursuant to ORS 190.710 to 190.800.

11.3.3 Bring an action in the Curry County Court to resolve the dispute.

12.5 Each of the described remedies is to be deemed cumulative and non-exclusive of any other remedy.

SECTION 13 – NOTICES

Any notice required or allowed to be given by this Agreement shall be given by United States Mail, first class, postage pre-paid, addressed as follows:

TO THE CITY:  City Administrator
               City of Port Orford
               P.O. Box 310
               Port Orford, OR 97465

TO THE DISTRICT:  Board Chair
                   Port Orford Rural Fire Protection District
                   P.O. Box 363
                   Port Orford, OR 97465

Said notice shall be deemed received three (3) days after said mailing. If the address of either party changes, notice of the change of address shall be given to the other party in writing in the manner described above.
SECTION 14 – ATTORNEY FEES

Should either party be required to apply to any arbitration panel, or to any court, for enforcement of any of the terms of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney’s fees and costs incurred therein, whether or not on appeal.

SECTION 15 – ENTIRE AGREEMENT

This written Agreement is the entire agreement of the parties hereto, and contains all of the terms and conditions of the agreement between the parties. All prior agreements or understandings, whether written or verbal, are superseded by this Agreement and shall be of no force or effect as of the date this Agreement is entered into.

APPROVALS

This Agreement approved and entered into as of the effective date first written above, by the Mayor and City Council of the city of Port Orford and the Port Orford Rural Fire Protection District Board.

FOR THE CITY OF PORT ORFORD: FOR THE PORT ORFORD RURAL FIRE PROTECTION DISTRICT:

Gary Doran, Mayor date

John Johnston, Board Chair date

Erna Barnett, City Administrator date

Edna Auld, Board Secretary date
BACKGROUND:
USDA and Business Oregon was approached about funding and what was coming available for us to make improvements according to our Master Plan. The Master Plan details the needs of our water and sewer system and prioritizes them. Unfortunately, our Master Plan is five years old and in that time, our priorities have changed. The funding agencies require a current list of priorities to review when approached to fund projects for local governments.

Understanding the cost of a PER can be a burden on small cities USDA offers a couple of grant programs to assist the City in preparing the necessary documents needed to apply for the bigger project which would then be a loan/grant combo. One of the criteria for the 100% grant is that the City must demonstrate a financial need. If the cost of the reports is greater than what they can provide in grant assistance the City will have to provide evidence it can fund the remaining balance with personal funds or evidence of where the remaining funds will come from. The Council can choose to pay for a portion of the grant with a “Not to Exceed” amount. This is a reimbursement grant meaning the city would pay the upfront cost and USDA would reimburse the city that amount.

At the January 17, 2019 City Council meeting Council was asked to approve a Preliminary Engineering Report created by the engineers as required by the funding agencies. Both water and sewer PER’s together total $42,600. The Council scheduled a workshop for January 29, 2019 with the engineers to discuss the PER further.

The Council is again asked to approve the engineers to create the PER that is needed to seek funding for water and sewer improvements.

FISCAL IMPACT:
Council decision

RECOMMENDATION:
Motion: move to approve to the Engineers to create the Preliminary Engineering Report

Motion: move that the city contribute $$ to the grant for the Preliminary Engineering Report

SUBMITTED BY:

Terrie Richards
Terrie Richards, City Administrator
Greetings Terrie,

I heard similar things. Below is my understanding of how the City is moving forward based on the discussions at the workshop:

1) At next council meeting the council will approve development of the PER at the next council meeting
   a. We recommended the following projects be included in the PER
      i. All Phase I projects presented in the WMP
         1. WTP Filter Replacement and Air Scour
         2. Meter Replacement
         3. Priority 1 Waterline Replacement Projects
         4. Coast Guard Hill Road Reservoir Improvements
         5. Priority 2 Waterline Replacement Projects (These improvements include the Deady St. PS improvements discussed at the workshop)
      ii. Additional WTP improvements not included in Phase I Improvements (PLC, Contact Time, replaced valves, installation of generator...etc)
      iii. Coast Guard Hill Pump Station Replacement
   b. The cost of the PER for the projects listed above would be $20,000
      i. If the City would like to add more projects to this list we might have to adjust our fee
         1. If this is the case we can negotiate the adjustment after approval. We don't want to waste any additional time

2) At next council meeting, the council will approve developing a Request for Proposal for an “Integrator of Record” (IOR)

3) Once the IOR has been selected, pay them to complete the PLC improvements (assuming this is coming from budgeted funds)

4) The Council needs to determine how much they are willing to increase the rates.
   a. This can happen as the PER is being developed
   b. This will dictate the maximum loan amount/interest rate we could accept as part of the funding package

5) Once the PER is complete, the City would setup a One-Stop meeting with all funding agencies

6) The City will review the funding packages received
   a. If the most cost effective funding package requires user rate increases higher than what was determined to be acceptable, the council would need to determine which projects they would like to remove from the funding package

7) Once the funding package was accepted and finalized, the City could contract design work for funded projects

I hope this helps. Let me know if you have any questions.

Regards, James

From: Terrie Richards [mailto:trichards@portorford.org]
Sent: Wednesday, January 30, 2019 11:03 AM
To: A Speakman; J Parmenter
Subject: Port Orford Workshop
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.
Prolect NO. 183.00C
City of Port Orford
Preliminary Engineering Report Amendment
Attachment A - Draft
Date: 8/27/2018

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.

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**Labor Estimate**

1. Project Planning / Start-up
   - A. USDA RD Coordination | 8
   - B. Refine Project scope with City staff | 8

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<th>Labor Fee Subtotal</th>
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2. Existing Facilities
   - A. Define additional degraded facilities | 8

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3. Alternatives Considered
   - A. Evaluate Revised Alternatives | 8
   - B. Update Cost Estimates | 16

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4. Proposed Project (Recommended Alternative)
   - A. Prioritize and Revise | 8

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5. Conclusion, Recommendation, Financial
   - A. User Rate Analysis | 2
   - B. Update to 2018 Wastewater Planning Guideline | 16

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6. Solicit Funding
   - A. Prepare Intake Application | 4
   - B. Respond to Funder application questions. | 16
   - C. Provide Support for Final Funding Package | 16

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| Subtotal Labor | $17,400 |
| Reimbursable | $200 |
| **Total Estimate** | $17,600 |

**Reimbursable Estimate**

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**SUMMARY**

| Labor | $17,400 |
| Reimbursable | $200 |
| **Total Estimate** | $17,600 |
BACKGROUND:
In November 2016 during a time when the city was experiencing low volunteer applications, the council chose to take the Planning Commission from a seven-member board with two from the UGB to a five-member board with one from the UGB.

2.16.010 Creation.
A city planning commission consisting of five members is created. (Ord. 280 § 1, 1977) (Ord. 2017-01 § Nov. 2016)
Councilor Auborn was in opposition to this decision stating that a quorum of five is only three and if one is opposed to a decision put before them and by doing this the council is allowing two people to make decisions for the good of the city.
At the January 2019 City Council meeting Councilor Auborn asked the council to revisit this decision and go back to a seven member board.

FISCAL IMPACT:
None

RECOMMENDATION:
Motion: move to return the Planning Commission back to a seven member board.

SUBMITTED BY:
Terrie Richards
Terrie Richards, City Administrator
RESOLUTION 2019-08

A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD, INCREASING THE VISA LOAN ACCOUNT WITH ROUGE CREDIT UNION

WHEREAS, the City of Port Orford has a $25,000 Visa Loan Account with Rouge Credit Union in order to issue credit cards to the employees of the City of Port Orford; and

WHEREAS, the City of Port Orford has committed all of the $25,000; and

WHEREAS, the City of Port Orford has hired two new employees that need credit cards for when they travel out of town; and

WHEREAS, it is necessary to increase the Visa Loan Account by $5,000 to a maximum of $30,000,

NOW, THEREFORE,

BE IT RESOLVED by the Common Council of the City of Port Orford authorizes the Finance Director to increase the Visa Loan Account with Rouge Credit Union to the amount of $30,000.00

Approved by the Common Council of the City of Port Orford and effective this 21st day of February 2019.

__________________________
Tim Pogwizd, Mayor

ATTEST:

__________________________
Terrie Richards, City Recorder
Recommendation to City Council

From

Planning Commission

TO: Major and City Council
From: Port Orford Planning Commission
Date: February 13, 2019
Subject: Accept City Right-of-Way usage license for 404 Jackson St.

It is the recommendation of the Port Orford Planning Commission that the City Council approves the ROW usage license adopting the conditions as outlined from Public Works (Temporary gate only/remove after construction. Danger tree’s removed at owner’s expense and clean up. Be aware of future trail project.) This license would expire on September 1, 2019 but could be extended by a letter to the planning department explaining the reasons for the request of extension.
City of Port Orford
P.O. Box 310 Port Orford, OR 97465
(541) 332-3681

CITY RIGHT-OF-WAY USAGE LICENSE
City Ordinance Chapter 12.24

Licensee Information:
Name: Charles L. Faulk
Address: 404 Jackson St

Phone #: (831) 332-0265
Signature: [Signature]

Date: 2-4-19

Property location:
Street location: 404 Jackson St
Assessor's Map: 315-05
Lot#: 9000

Description of Improvements: Attach Drawings/Plans if available:
See Attached

Agreements:

1. Licensee confirms they are the owner of the property adjacent to the City's right of way.
2. Licensee agrees that this license is personal to the licensee, non-transferable and may be revoked by the City of Port Orford at any time and without notice to licensee.
3. Licensee agrees that the use of the City's right of way is limited to the specific use authorized by this license.
4. Licensee shall notify in writing any purchaser of the property of this revocable license.
5. Licensee shall have all utilities and property lines located and marked at licensee's expense before submitting permit. (Utility locate service 1-800-332-2344)
6. The City of Port Orford reserves the right to remove any ground cover, landscaping or structures without compensation to licensee/property owner for utility installation/repair, Street maintenance/repairs, Street widening, Sidewalk construction and/or any other Street improvements, Right-of-way maintenance or any other actions deemed necessary by the City of Port Orford.
7. HOLD HARMLESS CLAUSE: The licensee agrees that their performance under this license is at their own sole risk and that they shall indemnify the City of Port Orford, its agents and employees and hold harmless from any and all liability for damages, costs, losses and expenses resulting from, arising out of, or in any way connected with this license and from any loss arising from the licensee's use of the property, or from the licensee's failure to perform fully hereunder, and the licensee further agrees to defend the City of Port Orford, its agents, and employees, against all suits, actions or proceedings brought by any third party against them for which the license holder would be liable hereunder.
8. If applicant disagrees with the action of City Staff, an appeal may be filed with the City Council within 14 days of the action, or the decision becomes final.
9. Criteria that will be used to evaluate proposed right of way use:
   A. Potential impact on existing utilities (water, sewer, storm water, etc.) including potential future maintenance requirements for those utilities.
   B. Will the proposed use negatively impact visibility for traffic on adjoining roadways?
   C. Are there any other potential public safety concerns?
   D. Will the proposed use be likely to create negative visual impact on adjoining properties?
   E. Will the proposed use impact any other existing uses?
   F. Is granting the ROW usage license in the public interest?
Public Works Review
Name: Duane Eckhoff Title: Lead Person Date: 2/7/19
Recommendation: Approve: _____ Approve with conditions: X Deny: _____

Police Department Review
Name: Hank Hobart Title: Police Chief Date: 2/7-19
Recommendation: Approve: X Approve with conditions: _____ Deny: _____
Conditions: No unusual security concerns noted

City Administration Review and Final Decision
Name: Terri Richards Title: City Admin Date: 9/7/19
Approved: _____ Approved with conditions: X Denied: _____
Conditions: approved with above conditions

If Applicant disagrees with City Administration Review and Final Decision, the matter may be appealed to the City Council. Appeals must be in writing and requested within 14 days of the final administrative decision, or the decision becomes final.

In order to have standing to appeal, you must be the applicant, an adjoining property owner, or an adversely affected citizen of the City of Port Orford.
Please draw a plot plan to a suitable scale in the space provided below. Include items listed below, and any other relevant property information.

- Property lines
- Existing and proposed structures
- Existing and proposed driveways
- All easements
- Access road and tax lot numbers
- Acroage
- Existing and proposed water and sewer lines and their distance between all items on the plan.

CLEARLY LABEL AND SHOW DISTANCES BETWEEN ALL ITEMS ON THE PLOT PLAN

NOTE: Failure to draw an accurate plot plan of the proposed development will result in the delay of the review of your requested permit.

If site is not on a main thoroughfare give written or graphic directions and distance from main thoroughfare. Thoroughfare.

DRAW PLOT PLAN IN THE AREA BELOW
LEASE OF PUBLIC PROPERTY

LESSOR: City of Port Orford hereinafter referred to as "CITY"

AND:

LESSEES: Port Orford Arts Council hereinafter referred to as "POAC"

RECITALS:

The City is the owner of the Buffington Memorial Park on which a certain improvement known as the A-frame building is located. POAC wishes to lease the building from the City.

IN EXCHANGE IN A MUTUAL COVENANCE CONTAINED HEREIN

THE PARTIES AGREE:

1. ORIGINAL TERM. The City hereby leases to POAC the A-frame in the Buffington Memorial Park for one (1) year commencing on March 1, 2019 and continuing through February 29, 2020. The Lease shall continue from year to year unless either party gives the other written notice not less than 90 days prior to the end of the annual lease period that the lease is to be terminated by the election of that party. Other than the first year of the lease, each year the parties will meet and negotiate a rent for the succeeding year. The parties will sign an addendum to the lease each year setting out what the succeeding years lease payment will be.

2. POSSESSION. This lease shall commence on March 1, 2019 and continue through February 29, 2020.

3. RENT. POAC shall not be obligated to pay to the City any sum for this first year’s lease. However, POAC is responsible to pay in a timely matter, when due, all utilities, including electricity, water and sewerage, and at its own cost provide regular cleaning of the building. Furthermore, POAC is obligated to expend at least $1,500 for capital improvements to the building and to provide in-kind labor, including painting, carpentry, tile work, cleaning, flooring installation, and other related labor to make the building a desirable meeting facility.

4. PERMITTED USE OF THE PREMISES. The premises shall be used for the business of POAC and shall not be used for any other purpose without consent of the City. POAC shall secure liability insurance for the property and add the City as an additional insured. POAC shall assume any and all risk in connection with the use of the premises and will hold the City harmless for any damage or injury directly or indirectly arising from such use.
5. RESTRICTIONS ON USE. In connection with the use of the premises, POAC shall:

(a) Conform to all applicable laws and regulations of any public authority affecting the premises and the use and correct at POAC own expense any failure of compliance created through POAC fault or by reason of POAC use.

(b) Refrain from any activity which would make it impossible to insure the premises against casualty, would increase the insurance rate, or would prevent City from taking advantage of any ruling of the Oregon Insurance Rating Bureau or its successor, allowing City to obtain reduced premium rates for long-term fire insurance policies, unless POAC pay the additional cost of the insurance.

(c) Refrain from loading the floors beyond the point considered safe by a competent engineer or architect selected by City.

(d) Refrain from making any marks on or attaching any sign, insignia, antenna, aerial, or other devise to the exterior walls, windows, or roof of the premises without the written consent of City. POAC may erect signs in areas approved by the City. Signs are deemed a part of the real estate and shall be maintained by POAC, shall not deface the building and shall be easily removable.

(e) POAC shall not store anything outside except in areas approved by City. POAC shall use only trash and garbage receptacles approved by City. POAC shall dispose of trash and other matter in a manner acceptable to City, at POAC expense.

6. POAC REPAIRS & MAINTENANCE OBLIGATIONS. All repairs and maintenance of the building shall be the responsibility of POAC.

7. ALTERATIONS PROHIBITED. POAC shall make no substantial improvements or alterations to the building without first obtaining City’s written consent.

8. OWNERSHIP OF ALTERATIONS. All improvements and alterations performed on the leased premises by either City or POAC shall be the property of City when installed except that trade fixtures shall be the property of POAC if removed pursuant to paragraph regarding condition of premises at expiration.

9. LIABILITY INSURANCE. Before going into possession of the premises, POAC shall procure and thereafter during the term of the lease shall continue to carry the following insurance at POAC cost: Public liability and property damage insurance in a responsible company with limits of not less than $1,000,000 for injury to one person, $3,000,000 for injury to two or more persons in one occurrence, and $100,000 for damage to property. Such insurance shall cover all risks arising directly or indirectly out of Lessees’ activities on
or any condition of the leased premises whether or not related to an occurrence caused or contributed to by City's negligence, and shall protect POAC against claims of third persons. Certificates evidencing such insurance and bearing endorsements requiring 10 days written notice to City prior to any change or cancellation shall be furnished to City immediately.

10. DESTRUCTION. If the leased premises are destroyed or damaged such that the cost of repair exceeds 20 percent of the value of the structure before the damage, either party may elect to terminate the lease as of the date of the damage or destruction by notice given to the other in writing not more than 45 days following the date of damage. In such event all rights and obligations of the parties shall cease as of the date of termination, and POAC shall be entitled to the reimbursement of any prepaid amounts paid by POAC and attributable to the anticipated term. If neither party elects to terminate, POAC shall proceed to restore the leased premises to substantially the same form as prior to the damage or destruction. Work shall be commenced as soon as reasonably possible and thereafter shall proceed without interruption except for work stoppage on account of labor disputes and matters not under control of City.

11. LIENS.

(a) POAC shall pay as due all claims for work done on and for services rendered or material furnished to the leased premises and shall keep the premises free from any liens. If POAC fail to pay any such claim or to discharge any lien, City may do so and collect the cost as additional rent. Any amount so added shall bear interest at the rate of eighteen (18%) percent per annum from the date expended by City and shall be payable on demand. Such action by City shall not constitute a waiver of any right or remedy which City may have on account of POAC default.

(b) POAC may withhold payment of any claim in connection with a good-faith dispute of the obligation to pay, so long as City's property interests are not jeopardized. If a lien is filed as a result of nonpayment, POAC shall, within 10 days after knowledge of the filing, secure the discharge of the lien or deposit with City cash or sufficient corporate surety bond or other surety satisfactory to City in an amount sufficient to discharge the lien plus any costs, attorney fees, and other charges that could accrue as a result of a foreclosure or sale under the lien.

12. INDEMNIFICATION. POAC agrees to indemnify, defend, save harmless, discharge, release and forever acquit City, its elected officials, officers, and employees from and against any and all claims, demand, suits, and proceedings brought against City, for loss, property damage (including damage to the property which is the subject of this agreement),
personal injury or death that are alleged to have been caused by the POAC or any others in connection with the activities subject to this agreement. POAC duty to indemnify does not apply to the extent that the loss, property damage (including damage to the property which is the subject of this agreement), personal injury or death is determined to be caused by or resulting from the sole negligence of City and/or its employees. POAC recognizes that its obligation to City under this clause includes payment of all attorney’s fees, court costs, judgments, settlements, interest and other expenses of litigation arising out of such claims or lawsuits.

13. ASSIGNMENT AND SUBLEASE. No part of the leased property may be assigned, mortgaged, or subleased, nor may a right of use of any portion of the property be conferred on any third person by any other means, without the prior written consent of City. This provision shall apply to all transfers by operation of law. No consent in one instance shall prevent the provision from applying to a subsequent instance. City is not obligated to give consent.

14. DEFAULT IN RENT. Failure of POAC to pay any rent or other charge within 5 business days after written notice that it is due is a default.

15. DEFAULT IN OTHER COVENANTS. Failure of POAC to comply with any term or condition or fulfill any obligation of the lease other than the payment of rent or other charges within 15 days after written notice by City specifying the nature of the default with reasonable particularity is a default. If the default is of such a nature that it cannot be completely remedied within the 15 day period, this provision shall be complied with if Lessees begin correction of the default within the 15-day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.

16. ABANDONMENT. Failure of POAC for 35 days or more to occupy the property for one or more of the purposes permitted under this lease unless such failure is excused under other provisions of this lease shall be an abandonment of the property.

REMEDIES ON DEFAULT:

17. TERMINATION. In the event of default the lease may be terminated at the option of City by notice in writing to POAC. If the lease is not terminated by election of City or otherwise, City shall be entitled to recover damages from POAC for the default. If the lease is terminated, POAC liability to City for damages shall survive such termination, and City may reenter, take possession of the premises, and remove any persons or property
by legal action or by self-help with the use of reasonable force and without liability for damages.

18. **NON-WAIVER.** Waiver by either party of strict performance of any provision of this lease shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

19. **NOTICES.** Any notice required or permitted under this lease shall be given when actually delivered or 48 hours after being deposited in the United States mail as certified or registered mail, postage prepaid, addressed to the following address:

City of Port Orford

Port Orford, OR 97465

Port Orford Arts Council

Port Orford, OR 97465

Or to such other address as may be specified from time to time by either of the parties in writing.

**OWNER/LESSOR**

City of Port Orford

Date: __________

**TENANT/LESSEES**

POAC

Date: ________________
COMMUNITY CENTER MANAGEMENT AGREEMENT

AGREEMENT between the City of Port Orford, an Oregon municipal corporation, and the Rotary Club of Port Orford, an Oregon nonprofit corporation.

Recitals

1. The city of Port Orford (the City) is the owner of a facility known as the Community Building/American Legion Hall (the Facility), which is used for City, and community events.

2. The Rotary Club of Port Orford (the Manager) is a volunteer nonprofit corporation engaged in educational, social and charitable pursuits.

3. Both parties' desire to provide for an effective and efficient use of the Facility by the community, to promote community spirit, and aid the City by providing effective and efficient management of the Facility.

4. By entering into this Agreement, the management of the Facility will be undertaken by the Manager.

NOW, THEREFORE, the Parties agree as follows:

Section 1: Term. This Agreement shall take effect on __________, and shall expire 10 years later, unless earlier terminated as provided herein. This Agreement shall automatically renew for additional periods of one year, unless either Party provides the other Party with notice of intent not to renew this Agreement not less than sixty days prior to the anniversary of the expiration date.

Section 2: Ownership of Facility and Improvements. The Facility is and shall remain the property of the City, and any permanent improvements to the Facility shall inure to the benefit of the City. The Management is not a tenant of the City, and does not by this Agreement acquire any right to occupancy or possession of the Facility, except as an agent of the City in performance of its duties under this Agreement.

Section 3: Manager's Duties. The Manager shall perform the following:

(a) Operate the Facility as a community center, to provide meeting space for the public for community events and for social and other cultural activities;

(b) Provide routine and customary property management for the Facility, including but not limited to, scheduling of activities, and storage in the Facility. City shall maintain the interior and exterior of Facility in a clean and presentable condition. City shall set policies for the use of the Facility and shall approve a schedule of fees and costs;

(c) Collect all use fees, cleaning deposits, and other charges associated with use of the Facility, and shall remit such fees to the City no later than July 15 and January 15, along with a report of use of the Facility.

(d) The Manager will notify the City of any proposed modification to either building and provide notice to the City of the building reservation location is changed.

(e) Report to the City Council on the activities of the Manager in the management of the Facility not less than once annually. Manager shall report at such other times upon request by the City Council.
Manager agrees to make available for inspection by the City all records maintained by the Manager relating to its duties as defined herein, and to allow the City to conduct an audit thereof;

(f) Furnish necessary personnel to provide the services set forth in this Agreement. If such personnel are remunerated employees of the Manager, Manager shall be solely responsible for wages, benefits, workers' compensation insurance, unemployment insurance, and all other costs associated with such employees.

Section 4: Manager's Use of the Facility; Fund-raising Activities.

(a) Manager and the City acknowledge that the Manager plans to use the Facility for its own organizational, educational, cultural, social and charitable pursuits, unrelated to its management activities under this Agreement. In scheduling its events, Manager will give itself no special consideration.

(b) Manager and the City desire to make improvements to the Facility, and to that end, the Manager may engage in fund-raising activities for such purpose at the Facility.

(c) The Parties recognize that the City has an interest in seeing improvements made which are appropriate to, and enhance the functioning of, the Facility as a community facility, and the Manager may be able to assist the City in obtaining grants to make such improvements. To this end, the Manager may apply for grants to improve the Facility as an agent of the City, if the Manager, prior to making grant applications for improvements to the Facility, coordinates its plans with the City's Parks Commission. The City determines whether it deems the proposed improvement is appropriate, and, if so deemed, will cooperate with the Manager in preparing and/or submitting grant applications for such improvements. Nothing in this subsection shall be deemed to grant the Manager a property interest in the Facility, and any improvements constructed thereto shall be the sole property of the City.

(d) The City agrees to utilize funds from the regularly collected fees as follows: one-half of the proceeds will be utilized for the regular operation and maintenance of the Facility and one-half for enumerated improvements. Financial balance reports to be provided by the City to the Manager no later than May 31 and Nov. 30.

Section 5: Funds Available and Authorized. The City reasonably believes at the time of entering into this Agreement that sufficient funds will be available and authorized for expenditure to finance costs of this Agreement within the City's current and future appropriation or expenditure limitation, and that the city will be able to provide insurance for the Manager as set forth under Section 6 and Section 7 of this Agreement.

Section 6: Insurance. The City will maintain property insurance on the Facility and property owned by the City. The Manager will maintain property coverage on any property owned by the Manager. Both parties agree to waive subrogation for insured property losses.

The City will maintain liability insurance covering the City and its employees. The Manager will maintain general liability insurance covering the Manager and its employees and volunteers.

If requested the City shall name the Manager as an additional insured on its liability coverage.
If requested the Manager shall name the City as an additional insured on its liability coverage.

**Section 7: Utilities.** The City shall pay all utility costs associated with the regular operation of the Facility.

**Section 8: Maintenance, Repairs and Alterations.** The City shall provide all routine building maintenance and any structural repairs, which may be needed to maintain the integrity of the Facility as funds allow. Manager shall promptly notify the City of any maintenance needs or problems. The City and the Manager shall jointly prepare prioritized list of major projects for improvement, maintenance, and repair of the Facility.

**Section 9: Capital Improvements.** Once annually, Manager and City shall mutually agree upon a prioritized list of Capital improvements and Maintenance projects and the amount of available funds communicated to the Manager. This enumerated list will be funded as set forth in section 4(d). One-half of the rent receipts for the year will be dedicated specifically for projects related to the Community Building and the American Legion Hall independently. Capital Improvement funds will accrue in a dedicated line item until adequate funding is received for completion of the top prioritized projects. A record of the account will be provided by the City to the Manager on May 31 & Nov. 30 each year.

**Section 10: Expenditure of Funds.** One-half of the rent receipts for the year will be deposited in a dedicated line item for expenditure pursuant to Section 10 of this Agreement. As soon as possible after the end of the fiscal year, the priority list will be updated, and the amount of available funds communicated to Manager. If an expenditure, or project, is listed on the priorities list jointly developed, the Manager must present bills/invoices to the Finance Director for payment out of the available funds. If the project/expenditure is not on the list, prior approval will be needed before payment can be made.

**Section 11: Tax Liability.** The Parties agree to submit this Agreement to the Curry County Assessor for a determination whether this Agreement makes the Facility subject to ad valorem real property tax under Oregon Law. If the Assessor provides written documentation that this Agreement does not subject the Facility to such taxation, the Manager will refrain from engaging in any activity or use of the Facility beyond the scope of this Agreement which would subject the Facility, or any portion thereof, to ad valorem real property taxes, without first obtaining consent of the City.

**Section 12: Assignment.** The Manager shall not assign, transfer or attempt to assign or transfer or permit any involuntary assignment or transfer of its rights or obligations under this Agreement in whole or in part without the prior written consent of the City. Any such assignment, transfer, or attempt to assign or transfer, whether involuntary or voluntary, without prior written consent, shall render this Agreement automatically null and void.

**Section 13: No remuneration.** The Manager’s personnel shall perform the work required under this Agreement as Manager’s personnel, with no expectation of remuneration from the City. Although the City reserves the right to evaluate the quality of the Manager’s performance, the Manager is responsible for determining the appropriate means and manner of performing the work. Manager shall be responsible for all federal or state taxes applicable to any consideration conferred on the Manager under this Agreement.

**Section 14: Compliance with Applicable Law.** Manager shall comply with all federal, state and local laws and ordinances applicable to the work under this Agreement, including, without limitation, the provisions of ORS 279.312, 279.314, 279.316, 279.320 and 279.555, and all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

**Section 15: Indemnity.** Manager shall defend, save, hold harmless and indemnify the City, Its officers, employees, and agents from all claims, suits, or actions of whatsoever nature resulting from or arising out of the negligent
acts or intentional misconduct of the Manager, its officers, employees, subcontractors, or agents under this Agreement. The City shall likewise defend, hold harmless and indemnify the Manager, its officers, employees, and agents from all claims, suits, or actions of whatsoever nature resulting from or arising out of the negligent acts or intentional misconduct of the City, its officials, officers, employees, or agents under this Agreement.

Section 16: Severability. The Parties agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the Parties shall be construed and enforced as if the Agreement did not contain the particular terms or provision held to be invalid.

Section 17: Waiver. The failure of the City to enforce any provision of this Agreement shall not constitute a waiver by the City of that or any other provision.

Section 18: Execution and Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

Section 19: Termination; Default.

(a) Notwithstanding anything to the contrary herein, either party shall have the right to terminate the Management Agreement with thirty (30) days written notice to the other party.

(b) Parties’ timely performance is of the essence of this Agreement. Either Party, by delivering written notice of default, may immediately terminate this Agreement, in whole or in part. If either party fails to perform the obligations set forth in this Agreement within the times specified or allowed under this Agreement, or fails to perform any of the provisions of this Agreement, or so fails to pursue the obligations set forth in this Agreement as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice of such failure, does not correct such failure within fifteen calendar days, or such other period as the Parties’ may agree.

As directed by the City, Manager shall, upon termination, deliver to the City all documents, information, and other property that, if the Agreement had been completed, would be required to be furnished to the City. By Manager’s signature on this Agreement, Manager allows the City to use said documents for their intended use, without restriction.

(c) The rights and remedies of either Party provided in this section are not exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

Section 20: Building Policies and Fee Schedule; Review. The City Council will adopt policies, procedures and fees for building use and rental, and will attempt to review such policies, procedures and fees not less than once yearly. The policies, procedures and fees in effect as of the date of the execution of this Agreement are attached hereto as “Exhibit A” or successor thereof. The City will provide the Manager with notice of and opportunity to present input into such pending review or proposed change.

Section 21: Merger. This contract constitutes the entire Agreement between the Parties. The terms of this Agreement shall not be waived, altered, modified, supplemented or amended, in any manner whatsoever, except by written instrument. Any such waiver, alteration, modification, supplementation or amendment, if made, shall be effective only in the specific instance and for the specific purpose given and shall be valid and binding only if it is signed by all Parties’ to the Agreement. The failure of the City to enforce any provisions of the Agreement shall
not constitute a waiver by the City of that or any other provision. There are no understandings, agreements or representation, oral or written, regarding this Agreement except as specified or referenced herein. The Parties', by their signature of its authorized representative below, hereby acknowledge that it has read this Agreement, understand it, and agree to be bound by its terms and conditions.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be executed:

__________________________  __________________________
President, Port Orford Rotary Club  Date

__________________________  __________________________
Mayor, City of Port Orford  Date
EXHIBIT (A)
Port Orford Community Center
USE AND DEPOSIT FEE SCHEDULE PER-BUILDING FOR EITHER THE COMMUNITY BUILDING AND/OR THE AMERICAN LEGION HALL

Non-Local User ............................................................... $150.00 per day
(i.e., vendor, private socials)

Non-local Governmental Agency ........................................ $50.00 per day
(i.e., county or state agency presenting information to the community or similar)

Local Commercial .......................................................... $100.00 per day
(i.e., private businesses/vendors)

Local Non-commercial ..................................................... $50.00 per day
(i.e., private socials or similar)

Local Only - Off Site Rectangular Table/Folding Chair Rental ............. $10 per table/$2 per chair

Cleaning/Rental Deposit .................................................. $100 per event
(dust: mop, clean floors, sinks, bathrooms)

DEFINITIONS

Local User: A person who resides, an organization most of whose members reside, or a business whose owners reside in the service area of Port Orford, Sixes, Langlois Postal Service area.

Non-commercial: Means no admission charge and no selling or only incidental selling of merchandise is involved. (i.e., a free concert at which the performer has a tables selling the performer’s CD’s, t-shirts, etc.)

Commercial: Means to charge an admission fee for the event, or no admission is charged, but the major activity is the selling of goods or services.

Public/Non-profit means an organization whose role is community support, education, entertainment and/or edification of the local community. (i.e., a school club, a 501 c(3) organization, a volunteer group, an ad hoc community seeking to promote the community, etc.)

NOTE: The Port Orford Community Building will not be rented to any organization that discriminates or refuses membership to people because of their race, color, religion, ancestry, national origin, gender, age, marital or veteran status, physical or mental disability, sexual orientation, on-the-job injury, or any other legally protected characteristic or status.

Payment: NOTE: the deposit check must be paid separately.

Make all check payable to: Rotary Club of Port Orford/CB or ALH Rent

Paying in person: checks, applications, insurance etc. - Gold Beach Lumber, Port Orford

Mailing Rent: checks, applications, insurance etc. – Rotary Club of Port Orford, PO Box 1284
Port Orford, OR 97465
Council Rules
CITY OF PORT ORFORD

COUNCIL RULES

1.0 MEETINGS; GENERAL:

1.1 Meeting times: The council regular meeting shall be held on the third Thursday of each month at 3:30 p.m. in the council chambers. A City Council workshop session may be held in the small conference room 30-60 minutes before each Council meeting. The public is invited to attend the workshop sessions as well as the regular Council meetings immediately following the workshops. In the event a specified employee holiday falls on that Thursday, the council will meet on the first Friday following. The council may, at a regular or special meeting, designate a different day, time, and/or place for an upcoming regular meeting.

1.1.1 Council members and city staff whose presence at meetings is required shall be at the meeting place five (5) minutes prior to the scheduled start of the meeting so that the meeting can begin promptly.

1.2 Mayors Absence: In the event the Mayor is absent the Council President shall preside over the council meeting with full voting powers. In the event the Mayor and Council President are both absent the council shall move by motion and vote to elect another council member to be acting president, retaining full voting powers.

1.3 Council Absence: In the event that a council member knows he or she will not be able to attend a scheduled meeting, he or she will so notify either the Mayor or the City Administrator as soon as practicable.

1.4 Work Sessions: Work sessions shall be held in accordance with applicable state law. Such sessions shall be called by the Mayor, City Administrator or at the request of at least three council members in writing.

1.5 Special Meetings: A special meeting may be called by the Mayor or at the request of at least three council members, in writing, to the City Administrator.

1.5.1 No special meeting shall be held without at least 24 hours notice to the members of the governing body, the news media which have requested notice and the general public. In case of an actual emergency, a meeting may be held upon such notice as is appropriate to the circumstances, but the minutes for such a meeting shall describe the emergency justifying less than 24 hours notice.

1.6 Executive Sessions: Executive Sessions may be held during regular, or special sessions, so long as applicable statutes are met.

1.7 Public Hearings: Public Hearings shall be held in conjunction with regular scheduled council meetings whenever possible.

1.7.1 Hearings Officer: The presiding officer shall designate a Hearing Officer to conduct the public hearing when appropriate.
MEETINGS GUIDELINES

2.1 Quorums: A quorum shall consist of four (4) of the six (6) council members. If a quorum is not present at the time the meeting is called to order, the City Recorder shall immediately inform the absent members, except for those known to be unavoidably detained, that their presence is required to enable the Council to proceed. If the absent members do not appear after said notice, the meeting shall be adjourned.

2.2 Roberts Rules of Order: Robert's Rules of Order Revised shall be used as a general guide for conduct of Council meetings. The Council has an obligation to be clear and simple in its procedures and the consideration of issues before it. It should avoid invoking the finer points of Parliamentary procedure which may serve only to obscure the issues and to arouse the suspicion of the audience.

2.3 Agenda: The City Recorder shall, upon consultation with the City Administrator, prepare an agenda of the business to be conducted at regular Council meetings for the approval of the Mayor. No item shall be added to the agenda after Noon on the Friday preceding the meeting. The agenda shall be prepared in accordance with paragraph 2.3.1. The Council shall consider only those items on the agenda. Council members and the Mayor shall endeavor to have subjects they wish considered submitted to the City Recorder in time to be placed on the agenda. Additional material to be added to the agenda after the Friday before the council meeting should be submitted to staff for distribution to the council.

2.3.1 Order of Business: The order of business at regular council meetings shall be determined by the Mayor and City Administrator per the following items including but not limited to:

- Call to Order / Flag Salute
- Presentations to the Council/Citizens
- Citizen's Concerns (Sign-up required)—Citizens may comment on or provide information on old or new business agenda items.
- Departmental Reports
  - a) Administrative
  - b) Finance
  - c) Public Works
  - d) Police Department
  - e) Planning Commission
  - f) Mayors Report
  - g) Liaison Reports
    1) Port
    2) School District
    3) Fire Board
    4) Chamber of Commerce
    5) Watershed
    6) Parks/TLT
    7) Curry County
    8) Others as appropriate
  - h) Other Committee Reports, if applicable
- Old Business
- New Business
- Consent Calendar Move to #5 on the agenda

Continuing Action Items
Considerations
a) Citizen Considerations—Citizens may bring up any matters of concern for future consideration by the Council.
b) Staff Considerations
c) Councilor Considerations
d) Mayor Considerations
Future Meetings Date / Time
Adjourn

2.3.2 Consent Calendar items: Items on the consent calendar shall be removed from the consent calendar and placed under Continuing Action Items, Old Business, or New Business as appropriate upon the request of the Mayor, or at least one Councilor.

2.3.3 The Council shall, by consensus or majority vote, approve Mayor Appointments and removals of all officers of the City, members of all committees, commissions, and boards.

2.4 Citizen Concerns: Citizens desiring to have an issue placed on the agenda for discussion by the council shall, prior to Noon of the Friday preceding the council meeting, submit a letter explaining the issue to the Mayor and City Administrator. The issue shall be placed on the agenda if appropriate. It is expected that the petitioning party shall appear at the Council meeting to address the Council. The petitioning party shall confine their remarks to a five (5) minute presentation. (Additional time may be granted should the Mayor or members of the Council wish to question the petitioner.) Citizens shall also have the opportunity to address the Council under “Citizens Considerations” at the end of the meeting without going through the agenda process. Items brought up under Citizens Considerations may be considered by the Council at a future meeting.

2.4.1 Documents prepared by citizen groups working under the auspices of the City Council shall be submitted to the Council for approval only. There shall be no editing or changes made to the document, except correction of typographical errors, during the open Council meeting. Each document shall be submitted to a Council vote. If the vote to approve fails, then the document shall be returned to the originating organization for correction or amendment. Each of the council members who voted in the negative for editing changes may submit in writing to the originating group their comments for consideration and inclusion into the amended document. These written comments shall be submitted to the originating organization within ten (10) days after the Council vote.

2.4.2 Issues rose by a citizen during the Citizen Considerations period of the agenda, but not communicated to the Mayor and City Administrator by Noon of the Friday preceding the council meeting shall only be discussed by the Council if the Council first votes to consider said item.

2.4.3 Citizens are encouraged to provide comments, and to communicate their views to the City Council. Comments and suggestions may be submitted in writing or given at public meetings. Written comments may be read into the record of a public meeting, however, City Councilors, the Mayor, and City staff shall not be required to read submitted statements into the record. Citizens may read their own statements, or enlist the aid of another Citizen to read a letter to the Council.
2.5 Speaking by Council Members: Council members wishing to speak shall first receive recognition by the chair and shall confine his or her remarks to the topic under debate. Each council member shall be allowed an initial three (3) minutes to state his or her position on each agenda item. The presiding officer shall be required to ask the councilors to state their positions if they desire to do so. All councilors shall be given equal opportunity to speak.

When each councilor has been given the opportunity to state his or her views, the presiding officer shall once again offer each councilor a chance to comment on the views previously presented. Here again, the maximum comment period shall be limited to no more than three (3) minutes. The Mayor or presiding officer shall have, and be required to exercise authority to limit the speaker’s time to three (3) minutes. However, the Council may extend any speaker’s time limit by majority vote.

2.6 Speaking by Members of the Audience at a Public Hearing:

2.6.1 Members of the audience wishing to speak at the public comment period at a public hearing shall raise their hand and wait to be recognized by the chair. After recognition, that person shall come to the microphone provided, state his or her name and place of residence for the record, and limit his or her remarks to the issue under consideration. All remarks and questions shall be addressed to the presiding officer and not to any individual council member, staff member or other person. The chair may then designate a staff member or council member to answer the question, if appropriate. Public comment shall be limited to 5 minutes unless extended by the chair.

2.6.2 No member of the audience shall be allowed to speak at a Public Hearing more than once on any subject until other members of the audience choosing to speak have so spoken. In any event no member of the audience shall speak more than twice on the same issue at any one hearing.

2.6.3 After a public hearing has been closed, no member of the audience shall address the Council without first securing permission from the chair.

2.7 Speaking by Members of the Audience at City Council meetings:

2.7.1 The Oregon Public Meetings law is a public attendance law, not a public participation law. Members of the public must be allowed to attend meetings, but public comment is not a requirement under the law. The City of Port Orford wishes to receive appropriate public input at its meetings, and therefore, has promulgated these rules to maintain an orderly public comment process.

2.7.2 No person, be it a council member, city staff, or member of the audience, shall enter into any discussion unless first recognized by the chair.

2.7.3 Those members of the audience addressing the council at the beginning of a meeting under citizen concerns shall be limited to five (5) minutes. Public comment at this portion of the meeting shall be related to agenda items to be considered at the meeting. No member of the audience shall be allowed to speak at a City Council meeting more than once on any subject until other members of the audience choosing...
to speak have so spoken. In any event no member of the audience shall speak more than twice on the same issue at any one meeting.

2.7.4 After a motion has been made and seconded no member of the audience shall address the council without first securing permission from the chair.

2.7.5 Public comment under the “Citizen Considerations” portion of the meeting may be on any subject of concern to the speaker. Any Council action on the item of concern will be at a future meeting.

3.0 ORDER AND DECORUM:

3.1 Order by the Chair: The presiding officer (usually the Mayor) will have complete control of the meeting. Any attempt to override a decision of the presiding officer must be supported by a majority vote of the council members.

3.2 Council Etiquette: No council member will ever chastise, denigrate, or criticize anyone during an open council meeting. If attempts to deal with these problems in a private two-way conversation fail, then the council member may petition the Mayor to convene a full council executive session to deal with the problem. In no case shall a council member deal with any city employee personnel problems except through the City Administrator. The chain of command must be observed.

3.3 Sergeant-At-Arms: The Sergeant-At-Arms shall be a Police Officer

3.3.1 It shall be the duty of the Sergeant-At-Arms to assist the chair, as to maintain order and decorum at all meetings.

3.3.2 Any of the following shall be sufficient cause to remove any person from the council chambers for the duration of the meeting, if such conduct, in the opinion of the Sergeant at arms rises to the level of Disorderly Conduct.

A. The use of unreasonably loud, offensive or disruptive language.
B. The making of loud or disruptive noise.
C. The willful damage of furnishing or of the interior of the council chamber.
D. The refusal to obey any of the rules of conduct provided within this article, the limitations on occupancy and seating capacity.
E. The engaging of violent or distracting actions.

3.4 Meeting Disruptions: Unreasonably loud noise, or disruptive language or conduct, is hereby defined as that which obstructs the work or the conduct of business of the council.

3.4.1 Before the Sergeant-At-Arms removes any person from the meeting room for conduct described in paragraph 3.3.2, that person shall be given a warning by the chair to cease his or her conduct.

3.4.2 If the meeting is disrupted by members of the audience, the chair or a majority of the council members present may order that the council chambers be cleared.

3.5 Media: The taking of photographs, motion picture filming, and video recording in the council chambers shall be allowed except when the taking of such photographs, motion pictures or video recordings is disruptive to the business of the council.

Council Rules revised and adopted April 10, 2013, May 15, 2014 6 of 8
3.5.1 No unofficial flags, posters, placards or signs, shall be allowed within the council chambers. This restriction does not apply to armbands, emblems, badges or other articles worn on personal clothing of individuals, provided that such a size and nature do not interfere with vision, hearing or seating of other members of the audience.

3.5.2. MAYOR AND COUNCIL MEMBER CONDUCT
1. Representing City. If a Council member appears before another governmental agency or organization to give a statement on an issue, the Council member must state:
   a) Whether the statement reflects personal opinion or is the official position of the City; and
   b) Whether the statement is supported by a majority of the Council. If the Council member is representing the city, the Council member must support and advocate for the official city position on the issue rather than a personal viewpoint.

4.0 VOTING:

4.1 Duty to Vote: All council members present, when a question is called shall be entitled to vote unless otherwise disqualified by a conflict of interest as provided by Oregon Law. Unless an abstention is declared, it shall be considered a negative vote.

4.2 Method of Voting: Those council members voting for the question will so signify by roll call. The vote on every question shall be entered into the record. It shall not be in order for council members to explain their vote.

4.2.1 When not otherwise provided by City Charter, the concurrence of a majority of the members of the Council present shall be necessary to decide any question. In the event of a tie vote, the Mayor will have the deciding vote.

5.0 PUBLIC RECORDS/EMAIL POLICY:

5.1.1 Public Record Defined. A public record includes any document, book, paper, photograph, file, sound recording, machine readable electronic record or other material, regardless of physical form or characteristics, made, received, filed or recorded in connection with the transaction of public business, whether or not confidential or restricted in use.

5.1.2 Electronic Records. All communications on electronic office equipment have the same Public records character as they would have had they been sent on paper. Any electronic communications that may be exempt from disclosure under state public records law should be clearly marked as confidential and exempt from disclosure. Electronic records in any way relating to the business of the city created on electronic equipment not owned or provided by the city may also be subject review and disclosure under Oregon Public Records law.

5.1.3 Public Records. Public records created or received by Council members, including electronic mail messages, will be retained in accordance with Oregon Public Records Law and the rules of the Secretary of State and State Archivist.

5.1.4 Electronic Communications between Councilors. City Councilors will be provided a City email account specifically for City business. While Councilors can communicate amongst themselves via email, those emails may not include a quorum and may not be forwarded to
others in a manner which creates a quorum. All emails must be copied to the City Administrator for retention purposes.

5.1.5 Information to the City Council. Council agendas, Council packets, and minutes of previous Council meetings will be posted to the City website. An email message will be sent to each Councilor when information is posted to the website. Other information to the Council will be sent out via email. Councilors may request printed copies of individual correspondence if desired.

1 For the purpose of these rules, electronic mail (email) may be used to make a request in writing.
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, January 17, 2019 at 3:30 p.m. He then asked those present to rise and join him in the pledge of allegiance.

Proclamation of Abstract of the November 2018 election.

The Mayor then asked for a moment of silence for Mr. Jim Billings, he was the Chairman of the Visitor Center and the Parks Commission amongst other things.

This being the final duty of the outgoing Councilors Brett Webb, John Roorbach and Caroline Clancy (absent) the Mayor asked for approval of the minutes of November 9, November 15, November 30, 2018 and December 18, 2018.

Councilor Cox moved to approve the minutes with Councilor Auborn as second. Councilor Campbell abstained on the minutes of November 9 and November 30, 2018.

Motion carried 5 - 0

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

The Mayor then gave a certificate of appreciation, a small gift and their nameplate to Councilor Webb and Councilor Roorbach and thanked them for their service.

The City Recorder/Notary Richards then swore in the incoming Councilors Travis Williams, Carolyn LaRoche and James Garratt.

The Mayor then asked for a nomination for Council President. Councilor Auborn nominated Councilor Williams. Councilor Williams gracefully declined and nominated Councilor Cox for his experience on the board with Councilor Campbell as second.

Motion carried 6 - 0

Councilor Cox Aye Councilor LaRoche Aye Councilor Williams Aye
Councilor Auborn Aye Councilor Garratt Aye Councilor Campbell Aye
Additions to the Agenda - none

3. Special Presentation to Citizens/Council – ODOT Update on paving highway 101. Darrin Neavoll and Mark Leedom presented visual information for the council to see where the rapid flashers and bump outs will be placed. Mr. Neavoll thanked the police department for their help with the tree down in Humbug. Mr. Leedom went through each area of change. The grade school will have a center island with rapid flasher. The Council will do a workshop for sidewalk repairs. Paving in Port Orford will be in the spring/summer of 2021.

State Representative David Brock Smith gave a legislative run down. There were seventy-five bills dropped. Proposed tax/rate increase in gas and utilities.

4. Citizens Concerns

   Penny Suess requested a stop sign at Cemetery Loop as it can be dangerous trying to come off of Deady.

   Theresa Kolibaba inquired about the posting of the planning commission position she did not see it at the post office

The Mayor Liaison appointments were as follows:

- Port – Councilor Cox
- Fire Board – Councilor Garratt
- Water Shed/Health – Councilor LaRoche
- Main St/TLT – Councilor Williams
- Parks – Councilor Auborn
- Emergency Prep. – Councilor Campbell

Councilor Auborn asked for a liaison to Planning Councilor Campbell disagreed and asked Legal Counsel to explain. Ms. Kudlac stated that when application issues come up council is the second step for a decision and there are times there needs to be a clear division. The Council would like a planning representative to attend the council meetings for better communication between the Council and the Planning Commission.

5. Departmental Reports

6. Old Business

   a. The Police Levy. The Mayor stated that the Council is limited to what they can do as councilors and as the city. He asked Ms. Kudlac to speak on that. Ms. Kudlac stated that city employees can’t be advocates and council cannot use city resources to push a yes vote. Councilor Campbell asked if they could hold a town hall meeting. The Mayor agreed they do need a public outreach meeting because in his opinion this is the most important thing in front of them right now. A date was set for Wednesday, January 29, 2019 at 5:00 PM to 8:00 PM. Legal Counsel will verify if council chambers can used.

7. New Business

   a. Resolution 2019-06 Workers Compensation Coverage to Volunteers. Adding the Steering Committee involved with the Tsunami Readiness Grant and the volunteers that will be handing out a survey. Councilor Auborn moved to approve Resolution 2019-06 with Councilor Campbell as second.

   Motion carried 6 - 0

   b. Resolution 2019-07 To Change The Authorized Signatory for Checking and Savings at Rogue Credit Union. Councilor Cox moved to approve Resolution 2019-07 with Councilor Auborn as second.
c. Public Meetings Law. The Mayor asked Legal Counsel Ms. Kudlac to give the council a few tips. Ms. Kudlac told the council that if they were not able to attend the training provided by the LOC can be found on their website. One of the major things is the rules regarding emails. If a councilor wants to email a fellow councilor it needs to go through the city administrator. There are two reasons for this; one is so the city can maintain a record of that correspondence which the city is required to do. The other is to ensure a councilor does not create what is called a “serial meeting via email” and what that is when a councilor emails the group, they all start responding to one another, and that actually creates a public meeting. The majority of the council cannot email back it creates a quorum. It is ok to send information to fellow councilors through the city administrator but please do not respond to one another. It is the same as a quorum of councilors cannot get together at a coffee shop and talk about city business.

A Lane County Judge made a groundbreaking decision in regards to Public Meetings Law. If one councilor goes and talks to another councilor individually and then goes to another councilor on the same matter a meeting is created if the same subject is discussed - it is a violation of the public meetings law if it reaches a quorum. Those violating this law were found to be personally liable for a descent amount of money that the insurance did not cover.

The Mayor asked if Legal Counsel preferred that if the City Administrator sends out those emails they still not respond. Ms. Kudlac stated council can reply but go through the City Administrator and “do not reply all” it is not good practice. If the council is going to email one another, it should be information only without dialog and questions. If the council is going to have a conversation, it should be here with the full council.

The Mayor asked to speak on the Powers of a Councilor. Ms. Kudlac informed council that as elected officials they do not have the ability to bind the council on their own, that is what they come here and vote on. While speaking with their constituents a councilor should not give the representation that, they have the right to bind the council. A councilor’s power comes by sitting here and casting their vote. Letters - unless they have the vote of the council, they should not be signing letters as a councilor; letters should be signed as an individual. If the council has any questions on procedure contact Ms. Kudlac through the City Administrator. She will respond via email to all Councilors so they all get the same answer.

Councilor LaRoche asked what they were to do if a citizen wants something on the agenda. Ms. Richards stated the procedure is to contact the Mayor or three councilors together can ask for and agenda item. The Mayor stated that he very seldom would he not agree to putting something on the agenda. It gets tricky when three councilors ask for an agenda item, if one of the three talk to a fourth a quorum has been formed. Ms. Kudlac reminded the Council they have council rules, those rules are usually reviewed with every new council for changes. The Mayor said they are going to have a workshop to review the rules.

d. Amendment to the water and sewer master plan. The City Administrator explained to the Council for the City to move forward with funding projects a PER (Preliminary Engineering Report) is required. The sewer PER is $17,600 and the water is approximately $25,000. She stated that the two things that have to be done are the contact time and the PLC. Ms. Richards asked the Council to approve moving forward with the PER. After several minutes of discussion on replacing the PLC the Finance Director suggested they move ahead and get a firm quote to replace the PLC and vote on it at the next meeting. The Mayor liked Mr. Johnson’s suggestion.
Councilor Cox made the motion to move forward on replacing the PLC at the water plant with Councilor Auborn as second.

**Motion carried 6 - 0**

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The Council agreed to the PER on hold and have a workshop on January 29, 2019 at 5:00 PM.

5. Departmental Reports

- The CA presented a copy of the letter from the fire department asking if this was an agenda item for February. Mayor agreed.
- The CA presented a copy of the Curry County Board of Commissioners agenda suggesting they request the County’s meeting agenda’s to stay apprised of what the County is doing.
- The CA asked for a member at large to represent the community at the quarterly meeting with CTR to discuss trash issues. Ms. Ames raised her hand she was given an application.
- The CA asked the Council to approve a tree removal company to remove five trees on N. King Street that are in danger of damaging the home across the street. She received two proposal Blue Sky at $4,800.00 and Derrick Watjen at $2,500 to $3,000. Councilor Campbell moved to hire Derrick Watjen to do the job with Councilor Cox as second. After several minutes of discussion the vote was taken.
  
  **Motion carried 6 - 0**

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- The CA made the announcement for volunteers in Planning, Parks, Budget and Visitor Center Host.

8. Consent Calendar

a. Councilor Cox moved to appoint Michele Leonard and Dianne Schofield to the Planning Commission with Councilor Auborn as second. Councilor Auborn stated the he felt the Planning Commission should go back to a seven member board that it was not right that two people make decisions for the city.

  **Motion carried 6 - 0**

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9. Continuing Action


10 Considerations

a. Citizens

- Doreen Ames suggested having the Engineers audit the changes they have suggested. Suggested having a tree doctor come in and mark the viable trees bring in a logger and set aside the money received for projects.
- Karen Auborn reminded the Council about the Ford Foundation meeting on the 30th and it was requested the council attend. The Council moved the workshop to January 29, 2019.
- Beverly Bacak spoke for the Port Orford Arts Council stating the Parks Commission approved the Arts Council the use of the A-Frame. This information was not in the packet, she is asking the council to approve so they did not have to wait until the next meeting. The Mayor personally could not approve without having time to see the contract. He gave the council the opportunity to override his decision. After some
discussion Councilor Cox moved to allow the Arts Council the use of the A-Frame, no second. The Mayor explained there are things that need to be done before he could agree. Legal Counsel agreed with the Mayor and advised council there should be a written and signed agreement. Councilor Cox rescinded his motion. Ms. Bacak will have an agreement for the next meeting.

- Theresa Kolibaba suggested another answer to cutting the trees on N. King street. She believes anyone who wants to be on Planning or Council should have to show proof of residency. She stated the brush cleaning next to Ray’s it looks like brush was pushed into the wetland drainage.
- Penny Suess mentioned an article about Pacific Gales Golf Course that is disturbing to her. The Mayor explained his conversation with Mr. Haley that contradicts the article and their plans have not changed.
- Jack Pruitt congratulated the new council members. He stated his concern for road safety for bicycles and no one in town sells lights.

b. Staff – None

c. Council
- Councilor Garratt – Ord. Officer, Hold meeting twice a month, Adjust meeting time,
- Councilor LaRoche – Tree removal ordinance

d. Mayor – None

11. Future Meetings:
   City Council Meeting • February 21, 2019 • 3:30 PM • City Hall Council Chambers

12. Adjourn
There being no further business Mayor Pogwizd adjourned the meeting at 5:08 p.m.

Attest:

Mayor Tim Pogwizd

City Recorder, Terrie Richards
1. Call to Order

Mayor Tim Pogwizd called to order this Workshop Session of the Common Council of the City of Port Orford in the Gable Chambers on Tuesday, January 29, 2019 at 3:00 p.m.

Discussion:

Dyer Partnership James Parmenter began the meeting explaining the need for the PER and what it would look like and that it is a required document to go out for the much larger grants. The council will need to decide which projects they want in the PER stating that it is easier to remove an item than it is to add. Several projects were discussed, the council was asked for a list to move forward with.

The contact time issue was discussed in length as well as the PLC. The engineers suggested the best remedy for the contact time would be adding another tank — it would require a lot less maintenance than a line in the ground that could/would experience breaks in the future.

At the January 17, 2019, council meeting the council moved to replace the PLC. After Aaron Speakman of Dyer Partnership explained to the council that going out for a “Integrator” of record would save the city time and money and he explained what that meant. The council agreed that would be the thing to do.

It was suggested to do all the phase 1 projects with a booster pump at Coast Guard Hill tower.

The Council’s concerns were better answered in this workshop and asked that the PER go on the next agenda.

Adjourn

There being no further business Mayor Pogwizd adjourned the meeting at 4:40 p.m.

Attest:

Mayor Tim Pogwizd

City Recorder, Terrie Richards
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 Parks Commission.  

Name:  Steven Dahl  

Mailing Address:  P.O. Box 411  

Home Address:  735 Oregon Street  

Home Phone:  206-351-4284  Work Phone:  425-820-8227  Fax:  

E-mail:  stevenson@gmail.com  

Current Employment:  Unemployed  

Area of Interest:  Working with youth (great theatre)  helping tourists  

Area of expertise:  Avoiding manual labor, seriously hard and the easiest way to accomplish a task  17 years, Bothell Parks & Recreation  

Why do you want to serve?  I see a need @ the Visitor Center to "sell" the town more effectively, Be an Ambassador for the City of Port Orford.  

Previous service in this appointed position or similar position  1 year at Port Orford Planning Commission  

Other volunteer activities  Port Orford Library/Chess Club  Port Orford Arts Council  Port Orford Mainstreet Revitalization  

Does your schedule allow you to attend;  

Daytime Meetings  yes  no  Evening meeting  yes  no  

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

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

Additional Comments  

Date:  2-04-2019  Signature:  Steven Dahl  

Please return application to:  

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

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

Application for Committee, etc.  
January 2012  
1 of 1
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 TLT Committee

Name: Faith King

Mailing Address: P.O. Box 1291 Port Orford, OR 97465

Home Address: 475 5th St

cell

Home Phone: 916-690-1449 Work Phone: 

Fax: 

E-mail: faithking7624@icloud.com

Current Employment: retired

Area of Interest: _______________________________

Area of expertise: _______________________________

Why do you want to serve? To help Port Orford remain and grow as a viable city.

Previous service in this appointed position or similar position

__________________________________

Other volunteer activities Elk Grove Police Dept, Elk Grove Food Bank, Sacramento Blind Society (before we moved to P.O. full time)

Does your schedule allow you to attend;

Daytime Meetings ☑ yes ☐ no Evening meeting ☑ yes ☐ no

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

Have you ever been convicted of a crime? ☑ yes ☐ no If yes, please explain

Additional Comments ____________________________________________________________

Date: 1/17/19 Signature: F. King

Please return application to:

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

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

Application for Committee, etc. January 2012 1 of 1
APPLICATION FOR APPPOINTMENT 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 contraints of the applicable public records law.**

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

Name: Ross Smith

Mailing Address: P.O. Box 803 Port Orford 97465

Physical Address: 663 14th Street Port Orford

Home Phone: 541-346-1614 Work Phone: Fax:

E-mail: rosssmith582@gmail.com

Current Employment: retired

Your area of interest: Parks

Your area of expertise: retired - serving community

Why do you want to serve? I would like to see our parks improved and more available to the public.

Previous service in this appointed position of a similar position 1.5 years on commission.

Other volunteer activities main sttet improvement and scenic garden club.

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: 1/28/2019 Signature: Ross Smith

Please return to:

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

Phone: 541-332-3681 Fax: 877-281-5307 trichards@portrord.org
Gary,

Yes, the bracketed language in 809.220 and other places is removed, the effect of which is to remove the statutory language allowing courts to suspend for FTA and FTC. This whole movement has come about because a few courts are being very rigid and aggressive in dealing with judgment debtors, especially those facing financial hardship. Unfortunately, there are anecdotes of courts being quick to suspend, not working with folks on reasonable payment plans and not allowing reinstatement until the judgment is paid in full. This creates a problem for those few that cannot pay in full and need to drive to get to work and provide for their families. We are looking at alternatives, such as Hardship Permits for judgment debtors and statewide payment plan programs to answer these issues. But we need to dissuade the legislature from taking such a drastic step without some alternatives. Good luck… Carl

A. Carl Myers, Municipal Court Judge, City of Keizer; City of Jefferson, 1815 Commercial St. S., Salem, OR 97302, Telephone: 503.399.9219

From: Gary Milliman <gmilliman@brookings.or.us>
Sent: Wednesday, February 13, 2019 9:16 AM
To: Carl M <Carl@feiblemancase.com>
Subject: RE: [judgeserv] License Suspension Legislation

Carl...

I have reviewed both Bills. The Cities of Brookings, Port Orford and Gold Beach have asked me for assistance in crafting letters to Legislators. Am I correct that the matter of concern is removal of the language bracketed in 809.220?

From: Carl M [mailto:Carl@feiblemancase.com]
Sent: Tuesday, February 12, 2019 10:00 AM
To: Judges List Serve
Subject: [judgeserv] License Suspension Legislation

Colleagues: there are at least two proposed bills this session that will impair a court’s right to suspend driving privileges for FTA and FTC. HB 2614 eliminates a court’s ability to suspend for FTC and SB 776 will eliminate a court’s ability to suspend in both FTC and FTA cases. We need to let out bosses (City Council and County Commission) and others (Legal and Finance) know that these bills will have a serious impact on local collections. We judges cannot get involved in the revenue issues presented by this movement. We need the cities and counties to raise that issue. In my opinion, if either of these bills passes without major change, we will see municipal and JP courts close for lack of funding. Spread the word.

A. Carl Myers, Municipal Court Judge, City of Keizer; City of Jefferson, 1815 Commercial St. S., Salem, OR 97302, Telephone: 503.399.9219
February 13, 2019

Hon. Kate Brown
Governor
State of Oregon
900 Court Street NE, Ste 254
Salem, OR 97301

RE: “LETTER OPPOSING SB 776 AND HB 2614”

The purpose of this letter is to request your opposition to House Bill 2614 and Senate Bill 776 which, according to the Bill summaries, “Eliminates driving suspension for failure to appear on citation for traffic offences” and “Repeals driving privilege suspension for failure to pay traffic fines and eliminates imposition of driving privilege restrictions for failure to pay fine.”

We understand the issue is the burden that suspended driving privileges 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.

However, the proposed legislation will have a substantial negative impact on traffic safety by eliminating a commonly used method of enforcement used by rural courts in securing compliance with traffic laws and securing payment of fines.

Municipal Courts already address the economic impact issue in a number of ways. For example in Port Orford 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.

If defendants are unable to appear in person, Port Orford offers various options including trials by affidavit, telephone appearances and written requests for consideration. The Port Orford Judge reviews many letters each month from defendants who wish to explain the circumstances of their case or to request a reduction in the amount of fine due to financial hardship. Our Judge reads every letter and often makes adjustments to the amount of fine based upon financial hardship. Again, no documentation of hardship is required.

The 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
payment. Defendants are provided with many opportunities to contact the Court and work out payment arrangements. Suspension of driving privileges is used as a last resort.

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. In Port Orford Highway 101 is our “Main Street” and much of our enforcement efforts are focused along this corridor…which includes a School Safety Zone.

Without the ability to suspend driving privileges for failure to appear, out-of-state drivers will quickly learn that there are no consequences to driving recklessly in rural Oregon. The safety of our Port Orford citizens and children walking to school will be at risk.

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.

Please oppose SB 776 and HB 2514.

Sincerely,

__________________________
Tim Pogwizd, Mayor

Rep.DavidBrockSmith@oregonlegislature.gov
jmccauley@orcities.org
swinkels@orcities.org
sen.dallasheard@oregonlegislature.gov
Sen.MichaelDembrow@oregonlegislature.gov
Sen.LewFrederick@oregonlegislature.gov
Sen.JackieWinters@oregonlegislature.gov
sen.jamesmanning@oregonlegislature.gov
Sen.LaurieMonnesAnderson@oregonlegislature.gov
Rep.TawnaSanchez@oregonlegislature.gov
rep.carlapiluso@oregonlegislature.gov
Rep.AnnaWilliams@oregonlegislature.gov
carl@feiblemancase.com
sjud.exhibits@oregonlegislature.gov
hjudy.exhibits@oregonlegislature.gov
House Bill 2614

Sponsored by Representatives WILLIAMSON, BARKER; Representative POWER, Senators DEMBROW, FREDERICK, MANNING JR, MONNESS ANDERSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Repeals driving privilege suspension and eliminates imposition of driving privilege restrictions for failure to pay fine.

Takes effect on 91st day following adjournment sine die.

A BILL FOR AN ACT

Relating to driving privileges; creating new provisions; amending ORS 807.010, 807.120, 809.380, 809.415, 809.416 and 809.515; repealing ORS 809.210; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 807.010 is amended to read:

(1) A person commits the offense of operating a vehicle without driving privileges if the person operates a motor vehicle upon a highway or premises open to the public in this state and the person does not have an appropriate grant of driving privileges from this state in the form of a license, driver permit, endorsement or statutory grant of driving privileges allowing the person to engage in the particular type of operation.

(2) A person to whom a license or driver permit is issued commits the offense of violating license restrictions if the person operates a motor vehicle in any manner that violates restrictions that are placed upon the person's driving privileges by the Department of Transportation under ORS 807.120 or 807.122, by a court under ORS 809.210 or 809.270, or by the vehicle code.

(3) Nothing in this section is applicable to a person who is driving while suspended or revoked in violation of ORS 811.175 or 811.182. Persons who violate ORS 811.175 or 811.182 are subject to the provisions and penalties provided therein and are not subject to the penalties and provisions of this section.

(4) Except as provided in subsection (5) of this section, the offense described in subsection (1) of this section, operating a vehicle without driving privileges, is a Class B traffic violation.

(5) The offense described in subsection (1) of this section, operating a vehicle without driving privileges, that results from a person operating a motorcycle without a motorcycle endorsement, is a Class A traffic violation.

(a) The court shall suspend a fine imposed under subsection (5) of this section on the condition that the person, within 120 days of the date of sentencing:

(A) Complete a motorcycle education course established by the department under ORS 802.320;

and

(B) Obtain a motorcycle endorsement issued under ORS 807.170.

(b) The court shall set a hearing date for 120 days from the date of sentencing. At the hearing the court shall:

NOTE: Matter in bold faced type in an amended section is new. Matter italicized and bracketed is existing law to be omitted. New sections are in bold faced type.

LC 1396
(A) If the person has successfully completed the requirements described in paragraph (a)(A) and (B) of this subsection, [dismiss the fine imposed under subsection (5) of this section] enter a sentence of discharge; or

(B) If the person has not successfully completed the requirements described in paragraph (a)(A) and (B) of this subsection:

(i) Grant the person an extension based on good cause shown; or

(ii) Impose the fine under subsection (5) of this section.

(7) The offense described in subsection (2) of this section, operating in violation of license restrictions, is a Class B traffic violation.

SECTION 2. ORS 807.120 is amended to read:

807.120. (1) The Department of Transportation may place restrictions on any driving privileges granted a person if the department determines that there is good cause to restrict the driving privileges of the person in order to ensure the safe operation of a motor vehicle by the person.

(2) Restrictions placed on a driver license or driver permit by the department under this section shall be suitable to the driving ability of the person whose driving privileges are restricted. The restrictions may include:

(a) Restrictions on the type of motor vehicle the person may operate;

(b) Requirements for special mechanical control devices on motor vehicles operated by the person; or

(c) Any other restrictions the department determines appropriate to ensure the safe operation of a motor vehicle by the person.

(3) The department shall place a restriction on the commercial driver license of a person who performs the skill demonstration required under ORS 807.070 for issuance of a commercial driver license in a vehicle that:

(a) Is not equipped with air brakes. A restriction imposed under this paragraph prohibits the person from operating commercial motor vehicles equipped with service brakes that operate fully or partially by air pressure.

(b) Is equipped with air over hydraulic brakes. Air over hydraulic brakes includes any braking system operating partially by air pressure and partially by hydraulic pressure. A restriction imposed under this paragraph prohibits the person from operating commercial motor vehicles equipped with service brakes that operate solely by air pressure.

(c) Is equipped with an automatic transmission. A restriction imposed under this paragraph prohibits the person from operating commercial motor vehicles equipped with manual transmissions.

(d) Uses any connection other than a fifth wheel hitch between the power unit and a vehicle towed in combination with the power unit. A restriction under this paragraph prohibits the person from operating a commercial motor vehicle in combination with any other vehicle using a fifth wheel hitch between the power unit and first towed unit.

(4) The department shall place a restriction on the commercial driver license and the commercial learner driver permit of a person who does not pass an air brakes knowledge test administered under ORS 807.070. The restriction shall prohibit the person from operating a commercial motor vehicle with service brakes that operate fully or partially by air pressure.

(5) The department may impose restrictions under this section by setting forth the restrictions on the regular license form or by issuing a special form for licenses with restrictions.

(6) The department shall place restrictions on driving privileges under this section when ordered by a court under ORS 809.210 or 809.270. Any restriction imposed under this subsection shall be
made a part of the person's driving record and shall remain in effect until the court notifies the department in writing that the restrictions are removed.

(7) The department may impose restrictions under this section on driving privileges that are restored after having been suspended or revoked. The restrictions imposed under this subsection may include any restrictions that have been recommended by a convicting magistrate.

(8) The use of the term "restrictions" in this section includes any restrictions, conditions or requirements.

(9) Violation of any restrictions placed on driving privileges under this section is punishable as provided under ORS 807.010.

SECTION 3. ORS 809.380, as amended by section 30, chapter 76, Oregon Laws 2018, is amended to read:

ORS 809.380. All of the following apply to a person whose driving privileges have been suspended:

(1) The period of suspension shall last as long as provided for that particular suspension by law.

(2) During the period of suspension, the person is not entitled to exercise any driving privileges in this state except as provided under this subsection. Unless otherwise specifically provided by law, a person whose driving privileges are suspended may obtain, if the person qualifies, a hardship driver permit under ORS 807.240, and exercise driving privileges under the driver permit.

(3) Upon expiration of the suspension, the Department of Transportation shall reissue, upon request of the person, the suspended driving privileges and any license or driver permit that evidences the driving privileges. The reissuance shall be without requalification by the person except that the department may require the person to furnish evidence satisfactory to the department that the person is qualified to continue to exercise driving privileges in this state before the department reissues the driving privileges.

(4) The department may not issue any driving privileges in contradiction to this section.

(5) If the person fails to surrender to the department any license or driver permit issued as evidence of driving privileges that are suspended, the person is subject to the penalties under ORS 809.500.

(6) No reinstatement of suspended driving privileges will be made by the department until the fee for reinstatement of suspended driving privileges established under ORS 807.370 is paid to or waived by the department. The department may waive the reinstatement fee for any of the following reasons:

(a) The suspension occurred under ORS 809.419 for failure to take an examination upon request of the department under ORS 807.340.

(b) The suspension occurred under ORS 809.419 for failure to obtain required medical clearance upon request of the department under ORS 807.070 or 807.090.

(c) The suspension occurred under ORS 809.419 for incompetence to drive a motor vehicle or having a mental or physical condition or impairment that affects the person's ability to safely operate a motor vehicle.

(d) The suspension occurred under ORS 809.419 upon notification by the superintendent of a hospital under ORS 807.700 that a person should not drive.

(e) The suspension occurred under ORS 809.419 upon notification by a court under ORS 810.375 that a person charged with a traffic offense has been found guilty except for insanity.

(f) The department committed an error in issuing the suspension.

(g) The suspension was the result of an error committed by an insurance company in issuing or failing to issue a certification of insurance or in canceling a certification of insurance filed with the
department under ORS 806.270.

(h) The department issued the suspension without error because the person failed to respond as required under ORS 806.160 or to furnish proof of exemption under ORS 806.210 from the filing requirement of ORS 806.200, but the department later determines that the person in fact was in compliance with financial responsibility requirements as of the date of the department's letter of verification under ORS 806.150 or at the time of an accident described in ORS 806.200.

(i) The department issued the suspension without error because the person was not in compliance with financial responsibility requirements as of the date of the department's letter of verification under ORS 806.150 or at the time of an accident described in ORS 806.200, but the department later determines that the person reasonably and in good faith believed that the person was in compliance with financial responsibility requirements on the date of the department's letter of verification or at the time of the accident.

(j) The suspension was the result of an error committed by an insurance company in notifying the department regarding the correctness of a certification under ORS 806.160.

(k) The suspension occurred because the person failed to make future responsibility filings but the department later determines that the reason for the failure was that the person was a military reservist or a member of a national guard unit that was ordered to active military duty to a location outside of the United States. The effective date of the military orders must be prior to the effective date of a suspension issued by the department for failure to make a future responsibility filing.

(L) The department issued the suspension without error because the department received a notice to suspend from a court under ORS (809.210 or) 809.220, but the department later determines that the person in fact was in compliance with the requirements of the court prior to the effective date of the suspension.

**SECTION 4.** ORS 809.415, as amended by section 33, chapter 76, Oregon Laws 2018, is amended to read:

809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person who has a judgment of the type described under ORS 806.040 rendered against the person if the person does not settle the judgment in the manner described under ORS 809.470 within 60 days after its entry.

(b) A suspension under this subsection shall continue until the person does one of the following:

(A) Settles the judgment in the manner described in ORS 809.470.

(B) Has an insurer that has been found by the department to be obligated to pay the judgment, provided that there has been no final adjudication by a court that the insurer has no such obligation.

(C) Gives evidence to the department that a period of seven years has elapsed since the entry of the judgment.

(D) Receives from the court that rendered the judgment an order permitting the payment of the judgment in installments.

(e) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(2)(a) The department shall suspend the driving privileges of a person who falsely certifies the existence of a motor vehicle liability insurance policy or the existence of some other means of satisfying financial responsibility requirements or of a person who, after certifying the existence of a motor vehicle liability insurance policy or other means of satisfying the requirements, allows the policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsi-
(b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this subsection only if proof of compliance with financial responsibility requirements as of the date of the latter of verification from the department under ORS 805.150 is not submitted within 30 days after the date of the mailing of the department’s demand under ORS 806.160.

(c) A suspension under this subsection shall continue until the person complies with future responsibility filings.

(3)(a) The department shall suspend the driving privileges of a person who fails to comply with future responsibility filings whenever required under the vehicle code or fails to provide new proof for future responsibility filings when requested by the department.

(b) A suspension under this subsection shall continue until the person complies with future responsibility filings.

(c) A person whose initial obligation to make future responsibility filings is not based upon a conviction or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspension under this subsection. A person whose obligation to make future responsibility filings is based upon a conviction or other action by a court is entitled to administrative review under ORS 809.440 of a suspension under this subsection. A person whose suspension under this subsection is based on lapses in filing after the initial filing has been made is entitled to administrative review under ORS 809.440.

(4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The suspension shall continue until the earlier of the following:

(A) The person establishes to the satisfaction of the department that the person has performed all acts necessary under ORS 809.416 to make the person not subject to suspension.

(B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the suspension is imposed for a reason described in ORS 809.416 [(1)] or 20 years from the date the traffic offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2).

(b) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(5) Upon determination by the department that a person has committed an act that constitutes an offense described in ORS 809.310, the department may suspend any driving privileges or any identification card of the person determined to have committed the act. A suspension under this subsection shall continue for a period of one year.

(6) Upon determination by the department that a person has submitted false information to the department for the purpose of establishing or maintaining qualification to operate a commercial motor vehicle or hold commercial driving privileges, the department shall suspend the commercial driving privileges or the person’s right to apply for commercial driving privileges for a period of one year.

SECTION 5. ORS 809.416, as amended by section 34, chapter 76, Oregon Laws 2018, is amended to read:

809.416. [This section establishes circumstances that will make a person subject to suspension under ORS 809.415 (4) and what a person is required to do to make the person no longer subject to suspension. The following apply as described:] (1) A person is subject to suspension under ORS 809.415 (4) if the Department of Transportation receives notice from a court to apply this section under ORS 809.220. A person who is subject under this subsection remains subject until the person presents the department with notice issued
by the court showing that the person is no longer subject to this section or until 10 years have
elapsed from the date the traffic offense or violation of ORS 471.430 occurred, whichever is earlier.
This subsection [shall] does not subject a person to ORS 809.415 (4) for any pedestrian offense, bicycling offense or parking offense. Upon receipt of notice from a court, the department shall send a letter by first class mail advising the person that the suspension will commence 60 days from the date of the letter unless the person presents the department with the notice required by this subsection.

[2] A person is subject to suspension under ORS 809.415 (4) if the department receives a notice of suspension from a court under ORS 809.210 indicating that the person has failed or refused to pay a fine or obey an order of the court. A person who is subject under this subsection remains subject until the earlier of the following:

(a) The person presents the department with a notice of reinstatement issued by the court showing that the person:

[(A) Is making payments, has paid the fine or has obeyed the order of the court; or]

[(B) Has enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a registered apprentice under ORS 660.020; or]

[(b) Twenty years have elapsed from the date the traffic offense occurred.]

(3) Subsection (2) of this section does not subject a person to ORS 809.415 (4) for failure or refusal to pay a fine relating to any pedestrian offense, bicycling offense or parking offense. Upon receipt of a notice of suspension from a court, the department shall send a letter by first class mail advising the person that the suspension will commence 60 days from the date of the letter unless the person presents the department with the notice of reinstatement required by this subsection.

SECTION 6. ORS 809.515 is amended to read:

809.515. (1)(a) The Department of Transportation shall suspend the commercial driving privileges of a person if the department receives a notice from another jurisdiction that the person failed to appear, pay a fine or comply with an order of the court in a prosecution on a citation for a traffic offense or for a violation in the other jurisdiction that, if committed in this state, would be grounds for suspension under ORS 809.210 or 809.220, and the person held commercial driving privileges or was operating a commercial motor vehicle at the time of the offense. The period of a suspension under this subsection is the shorter of:

(A) Ten years; or

(B) Until the department receives notice from the other jurisdiction that the person appeared, paid the fine or complied with the court's order.

(b) The department shall suspend a person's commercial driving privileges under this subsection without regard to whether the other jurisdiction suspends any driving privileges of the person by reason of the person's failure to appear, pay a fine or comply with an order of the court.

(c) This subsection does not apply to failure to appear, pay a fine or comply with an order of the court in a proceeding relating to a parking, pedestrian, vehicle defect or bicycling offense.

(2) The department shall suspend the commercial driving privileges of a person if the department receives a notice from the Federal Motor Carrier Safety Administration that the person has been disqualified from operating a commercial motor vehicle and that the disqualification is due to a determination that the driving of that person constitutes an imminent hazard. The department shall immediately suspend commercial driving privileges under this subsection without hearing, but the person may request a post-imposition hearing under ORS 809.440 (4), without regard to any hearings conducted by the Federal Motor Carrier Safety Administration. The period of a suspension under
SECTION 7. ORS 809.210 is repealed.

SECTION 8. The amendments to ORS 807.010, 807.120, 809.380, 809.415, 809.416 and 809.515 by sections 1 to 6 of this 2019 Act and the repeal of ORS 809.210 by section 7 of this 2019 Act apply to conduct giving rise to a driving privilege restriction or driving privilege suspension on or after the effective date of this 2019 Act. Driving privilege restrictions or driving privilege suspensions imposed before the effective date of this 2019 Act shall be governed by law applicable to driving privilege restrictions and driving privilege suspensions in effect at the time of the most recent restriction or suspension.

SECTION 9. This 2019 Act takes effect on the 91st day after the date on which the 2019 regular session of the Eightieth Legislative Assembly adjourns sine die.
Senate Bill 776

Sponsored by Senators DEMBROW, FREDERICK, WINTERS, Representative SANCHEZ; Senators MANNING JR, MONNES ANDERSON, Representatives PILUSO, WILLIAMS

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure as introduced.

Eliminates driving suspension for failure to appear on citation for traffic offense.
Repeals driving privilege suspension for failure to pay traffic fines and eliminates imposition of driving privilege restrictions for failure to pay fine.

A BILL FOR AN ACT


Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 809.220 is amended to read:

809.220. This section establishes procedures that are applicable if a person [fails to appear on a citation for a traffic offense or] fails to appear on a citation for a violation of ORS 471.430 or 475B.316. All of the following apply to this section:

(1) If a defendant fails to make any appearance required by the court or by law in a proceeding charging the defendant with [a traffic offense or] with a violation of ORS 471.430 or 475B.316, the court:

[a] shall issue notice to the Department of Transportation to suspend for failure to appear if the defendant is charged with [a traffic crime or with] a violation of ORS 471.430 or 475B.316. If a court issues notice under this [paragraph] subsection, the department shall suspend the driving privileges of the person as provided under ORS 809.280.

[b] Shall issue notice to the department to implement procedures under ORS 809.416 if the defendant is charged with a traffic violation. If a court issues notice under this paragraph, the department shall implement procedures under ORS 809.416.

(2) In any notice to the department under this section, a court shall certify that the defendant failed to appear in the proceedings in the manner required by the court or by law.

(3) At any time within 10 years from the date the [traffic offense or] violation of ORS 471.430 or 475B.316 occurred, a court shall give a second notice to the department to reinstate the person's suspended driving privileges resulting from the original notice if any of the following occur:

(a) The fine for the offense is paid or the defendant has begun making payments.

(b) The court finds the defendant not guilty or orders a dismissal of the case.

(c) The court determines that the person's suspended driving privileges should be reinstated for good cause.

(4) The court may reissue a notice of suspension if the person ceases making payments before the fine is paid in full. The reissuance does not extend the original period of suspension.

NOTE: Matter in boldfaced type in an amended section is new; matter [italic and bracketed] is existing law to be omitted.
New sections are in boldfaced type.
(5) Notifications by a court to the department under this section shall be in a form prescribed by the department.

[(6) A court may not notify the department under this section for failure to appear on any parking, pedestrian or bicyclist offense.]

SECTION 2. ORS 153.061 is amended to read:

153.061. (1) Except as provided in subsection (2) of this section, a defendant who has been issued a violation citation must either:

(a) Make a first appearance by personally appearing in court at the time indicated in the summons; or

(b) Make a first appearance in the manner provided in subsection (3) of this section before the time indicated in the summons.

(2) If a defendant is issued a violation citation for careless driving under ORS 811.135 on which a police officer noted that the offense contributed to an accident and that the cited offense appears to have contributed to the serious physical injury or death of a vulnerable user of a public way, the officer may not enter the amount of the presumptive fine on the summons and the defendant must make a first appearance by personally appearing in court at the time indicated in the summons.

(3) Except as provided in this section, a defendant who has been issued a violation citation may make a first appearance in the matter before the time indicated in the summons by one of the following means:

(a) The defendant may submit to the court a written or oral request for a trial.

(b) The defendant may enter a plea of no contest by delivering to the court the summons and a check or money order in the amount of the presumptive fine set forth in the summons. The entry of a plea under the provisions of this paragraph constitutes a waiver of trial and consent to the entry of a judgment forfeiting the presumptive fine. A no contest plea under this section is not subject to the requirements of ORS chapter 135 relating to the entry of pleas and, upon receipt of the plea, the court may enter judgment against the defendant without taking further evidence.

(4) The court may require that a defendant requesting a trial under subsection (3) of this section deposit an amount equal to the presumptive fine established under ORS 153.019 and 153.020 or such other amount as the court determines appropriate if the defendant has failed to appear in any court on one or more other charges in the past. If the defendant does not deposit the amount specified by the court, the defendant must personally appear in court at the time indicated in the summons. The amount deposited by the defendant may be applied against any fine imposed by the court, and any amount not so applied shall be refunded to the defendant at the conclusion of the proceedings.

(5) The court may require a defendant to appear personally in any case, or may require that all defendants appear in specified categories of cases.

(6) If a defendant has entered a no contest plea in the manner provided in subsection (3) of this section, and the court determines that the presumptive fine is not adequate by reason of previous convictions of the defendant, the nature of the offense charged or other circumstances, the court may require that a trial be held unless an additional fine amount is paid by the defendant before a specified date. Notice of an additional fine amount under this subsection may be given to the defendant by mail. In no event may the court require a total fine amount in excess of the maximum fine established for the violation by statute.

(7) If a defendant [fails to make a first appearance on a citation for a traffic violation, as defined by ORS 801.557,] fails to make a first appearance or fails to appear at any other subsequent time set for trial or other appearance on a citation for a violation of ORS 471.430 or 475B.316, or fails
to appear at any other subsequent time set for trial or other appearance], the driving privileges of the
defendant are subject to suspension under ORS 809.220.

SECTION 3. ORS 153.073 is amended to read:

ORS 153.073. Unless notice is waived by the defendant, the court shall mail or otherwise provide to
the defendant notice of the date, time and place at least five days before the date set for trial under
ORS 153.070. If the citation is for [a traffic violation, or is for] a violation of ORS 471.430 or
475B.316, the notice must contain a warning to the defendant that if the defendant fails to appear
at the trial or other appearance, the driving privileges of the defendant are subject to suspension
under ORS 809.220.

SECTION 4. ORS 153.772 is amended to read:

ORS 153.772. When the court issues a notice under ORS 809.220 to suspend the driving privileges of
a person for failure to appear on a citation for a violation of ORS 471.430 or 475B.316, the district
attorney may not file an accusatory instrument charging the person with violating ORS 153.992.

SECTION 5. ORS 419C.306 is amended to read:

419C.306. (1) The summons shall require the person or persons who have physical custody of the
youth to appear and bring the youth before the court at the time and place stated in the summons.
The time for the hearing on the petition shall be fixed at a reasonable time, not less than 24 hours,
after the issuance of the summons. If it appears to the court that the welfare of the youth or of the
public requires that the youth immediately be taken into custody, the court may indorse an order
on the summons as provided in ORS 419C.080 (2) directing the officer serving it to take the youth
into custody.

(2) (a) Summons shall be issued to the legal parents of the youth, without regard to who has legal
or physical custody of the youth, and to the legal guardians, if any, of the youth.

(b) Parents or guardians summoned pursuant to paragraph (a) of this subsection shall appear
personally pursuant to the summons. Following the initial appearance, parents or guardians shall
appear as directed by the court.

(c) An employer may not discharge, threaten to discharge, intimidate or coerce any employee
by reason of the employee's attendance at a juvenile court hearing as required under paragraph (a)
of this subsection.

(d) This subsection may not be construed to alter or affect an employer's policies or agreements
with employees concerning employees' wages during times when an employee attends a juvenile
court hearing under paragraph (a) of this subsection.

(3) If the youth is 12 years of age or older, a certified copy of the summons shall be served upon
the youth. If the petition alleges that the youth is within the jurisdiction of the court for having
violated ORS 471.430 or 475B.316, the summons must contain a statement that, if the youth fails to
appear as required in the summons, the driving privileges of the youth are subject to suspension
under ORS 419C.472.

(4) Summons may be issued requiring the appearance of any person whose presence the court
deems necessary. When a summons is issued to a youth pursuant to a petition alleging jurisdiction
under ORS 419C.005, a copy of the summons shall be mailed to all victims whose names appear on
the petition pursuant to ORS 419C.255 (2). The copy of the summons shall be accompanied by a noti-
tice that the victim may be present for the youth's appearance before the court and is entitled to
request and receive notification of future hearings before the court in regard to the particular case.
The copy of the summons shall also be accompanied by a notice informing the victim of the pro-
visions of ORS 30.765.
SECTION 6. ORS 807.010 is amended to read:

807.010. (1) A person commits the offense of operating a vehicle without driving privileges if the person operates a motor vehicle upon a highway or premises open to the public in this state and the person does not have an appropriate grant of driving privileges from this state in the form of a license, driver permit, endorsement or statutory grant of driving privileges allowing the person to engage in the particular type of operation.

(2) A person to whom a license or driver permit is issued commits the offense of violating license restrictions if the person operates a motor vehicle in any manner that violates restrictions that are placed upon the person’s driving privileges by the Department of Transportation under ORS 807.120 or 807.122, by a court under ORS [809.210 or] 809.270, or by the vehicle code.

(3) Nothing in this section is applicable to a person who is driving while suspended or revoked in violation of ORS 811.175 or 811.182. Persons who violate ORS 811.175 or 811.182 are subject to the provisions and penalties provided therein and are not subject to the penalties and provisions of this section.

(4) Except as provided in subsection (5) of this section, the offense described in subsection (1) of this section, operating a vehicle without driving privileges, is a Class B traffic violation.

(5) The offense described in subsection (1) of this section, operating a vehicle without driving privileges, that results from a person operating a motorcycle without a motorcycle endorsement, is a Class A traffic violation.

(6)(a) The court shall suspend a fine imposed under subsection (5) of this section on the condition that the person, within 120 days of the date of sentencing:

(A) Complete a motorcycle education course established by the department under ORS 802.320;

and

(B) Obtain a motorcycle endorsement issued under ORS 807.170.

(b) The court shall set a hearing date for 120 days from the date of sentencing. At the hearing the court shall:

(A) If the person has successfully completed the requirements described in paragraph (a)(A) and (B) of this subsection, [dismiss the fine imposed under subsection (5) of this section] enter a sentence of discharge; or

(B) If the person has not successfully completed the requirements described in paragraph (a)(A) and (B) of this subsection:

(i) Grant the person an extension based on good cause shown; or

(ii) Impose the fine under subsection (5) of this section.

(7) The offense described in subsection (3) of this section, operating in violation of license restrictions, is a Class B traffic violation.

SECTION 7. ORS 807.120 is amended to read:

807.120. (1) The Department of Transportation may place restrictions on any driving privileges granted a person if the department determines that there is good cause to restrict the driving privileges of the person in order to ensure the safe operation of a motor vehicle by the person.

(2) Restrictions placed on a driver license or driver permit by the department under this section shall be suitable to the driving ability of the person whose driving privileges are restricted. The restrictions may include:

(a) Restrictions on the type of motor vehicle the person may operate;

(b) Requirements for special mechanical control devices on motor vehicles operated by the person; or
(c) Any other restrictions the department determines appropriate to ensure the safe operation of a motor vehicle by the person.

(3) The department shall place a restriction on the commercial driver license of a person who performs the skill demonstration required under ORS 807.070 for issuance of a commercial driver license in a vehicle that:
   (a) Is not equipped with air brakes. A restriction imposed under this paragraph prohibits the person from operating commercial motor vehicles equipped with service brakes that operate fully or partially by air pressure.
   (b) Is equipped with air over hydraulic brakes. Air over hydraulic brakes includes any braking system operating partially by air pressure and partially by hydraulic pressure. A restriction imposed under this paragraph prohibits the person from operating commercial motor vehicles equipped with service brakes that operate solely by air pressure.
   (c) Is equipped with an automatic transmission. A restriction imposed under this paragraph prohibits the person from operating commercial motor vehicles equipped with manual transmissions.
   (d) Uses any connection other than a fifth wheel hitch between the power unit and a vehicle towed in combination with the power unit. A restriction under this paragraph prohibits the person from operating a commercial motor vehicle in combination with any other vehicle using a fifth wheel hitch between the power unit and first towed unit.

(4) The department shall place a restriction on the commercial driver license and the commercial learner driver permit of a person who does not pass an air brakes knowledge test administered under ORS 807.070. The restriction shall prohibit the person from operating a commercial motor vehicle with service brakes that operate fully or partially by air pressure.

(5) The department may impose restrictions under this section by setting forth the restrictions on the regular license form or by issuing a special form for licenses with restrictions.

(6) The department shall place restrictions on driving privileges under this section when ordered by a court under ORS [809.210 or] 809.270. Any restriction imposed under this subsection shall be made a part of the person's driving record and shall remain in effect until the court notifies the department in writing that the restrictions are removed.

(7) The department may impose restrictions under this section on driving privileges that are restored after having been suspended or revoked. The restrictions imposed under this subsection may include any restrictions that have been recommended by a convicting magistrate.

(8) The use of the term "restrictions" in this section includes any restrictions, conditions or requirements.

(9) Violation of any restrictions placed on driving privileges under this section is punishable as provided under ORS 807.010.

SECTION 8. ORS 809.280, as amended by section 28, chapter 76, Oregon Laws 2018, is amended to read:

809.280. (1) Upon receipt of a court order under ORS 809.270, the Department of Transportation shall suspend the person's driving privileges. The suspension shall remain in effect until the department is notified by the court that the suspension is ended, except that, if the department is ordered to automatically reinstate the driving privileges upon the successful completion of a program, the department shall do so and shall notify the judge that the person has complied with the order of the judge.

(2) Upon receipt of a court order under ORS 809.120, the department shall suspend the person's driving privileges. The suspension shall be for the period ordered by the court. The court may only
order suspension for a period not to exceed 90 days.

(2) Upon receipt of a court notice under ORS 809.130 of an unsettled judgment, the department shall suspend the person's driving privileges and, subject to any other requirements of law, reinstate the driving privileges upon appropriate notification from the court under ORS 809.130, except that the department shall only impose the suspension after the department has determined that:

(a) The judgment was rendered against the person;

(b) The judgment has remained unsettled as described in ORS 809.470 for 60 days; and

(c) The judgment continues to be unsettled as described in ORS 809.470.

(4) Upon receipt of a court notice under ORS 419C.472 or 809.220, the department shall suspend the person's driving privileges for an indefinite period. The department shall reinstate driving privileges that have been suspended under this subsection upon notification by the court or upon the lapse of 10 years from the date the [traffic offense or] violation of ORS 471.430 or 475B.316 occurred, whichever comes first. [The department may not suspend any driving privileges under this subsection for a person's failure to appear on a parking, pedestrian or bicyclist offense.]

(5) Upon receipt of a court notice under ORS 810.310, the department shall suspend the person's driving privileges for an indefinite period. The department shall reinstate driving privileges that have been suspended under this subsection upon notification by the court or upon the lapse of 10 years from the date of suspension, whichever comes first.

(6) Upon receipt of a court order under ORS 809.260, the department shall suspend the person's driving privileges as follows:

(a) Upon receipt of the first order suspending driving privileges, the department shall suspend the person's driving privileges for one year, or until the person reaches 17 years of age, whichever is longer.

(b) Upon receipt of a second or subsequent order suspending driving privileges, the department shall suspend the person's driving privileges for one year or until the person reaches 18 years of age, whichever is longer.

(7) If the department receives notice from a court that it has withdrawn an order issued under ORS 809.260, the department shall immediately reinstate any driving privileges that have been suspended under subsection (6) of this section because of the issuance of the order.

(8) Upon receipt of a court order under ORS 165.805 or 471.430, the department shall suspend the person's driving privileges. The suspension shall be for the period ordered by the court. The court may only order suspension for a period not to exceed one year.

(9) Upon receipt of a court order under ORS 809.236, the department shall permanently revoke the person's driving privileges. The revocation shall remain in effect until the department is notified by a court that the person's driving privileges have been ordered restored.

(10) When a court orders suspension of driving privileges under ORS 811.109 (4), the department shall suspend the person's driving privileges. The suspension shall be for the period ordered by the court. The court may only order suspension for a period not to exceed 30 days.

(11) When a court orders suspension of driving privileges under ORS 811.109 (5), the department shall suspend the person's driving privileges. The suspension shall be for the period ordered by the court. The court may only order suspension for not less than 30 days and not more than 90 days.

(12) Upon receipt of a court order under ORS 811.135, the department shall suspend the person's driving privileges for one year.

SECTION 9. ORS 809.380, as amended by section 30, chapter 76, Oregon Laws 2018, is amended to read:
809.380. All of the following apply to a person whose driving privileges have been suspended:

(1) The period of suspension shall last as long as provided for that particular suspension by law.

(2) During the period of suspension, the person is not entitled to exercise any driving privileges in this state except as provided under this subsection. Unless otherwise specifically provided by law, a person whose driving privileges are suspended may obtain, if the person qualifies, a hardship driver permit under ORS 807.240, and exercise driving privileges under the driver permit.

(3) Upon expiration of the suspension, the Department of Transportation shall reissue, upon request of the person, the suspended driving privileges and any license or driver permit that evidences the driving privileges. The reissuance shall be without requalification by the person except that the department may require the person to furnish evidence satisfactory to the department that the person is qualified to continue to exercise driving privileges in this state before the department reissues the driving privileges.

(4) The department may not issue any driving privileges in contradiction to this section.

(5) If the person fails to surrender to the department any license or driver permit issued as evidence of driving privileges that are suspended, the person is subject to the penalties under ORS 809.500.

(6) No reinstatement of suspended driving privileges will be made by the department until the fee for reinstatement of suspended driving privileges established under ORS 807.370 is paid to or waived by the department. The department may waive the reinstatement fee for any of the following reasons:

(a) The suspension occurred under ORS 809.419 for failure to take an examination upon request of the department under ORS 807.340.

(b) The suspension occurred under ORS 809.419 for failure to obtain required medical clearance upon request of the department under ORS 807.070 or 807.090.

(c) The suspension occurred under ORS 809.419 for incompetence to drive a motor vehicle or having a mental or physical condition or impairment that affects the person's ability to safely operate a motor vehicle.

(d) The suspension occurred under ORS 809.419 upon notification by the superintendent of a hospital under ORS 807.700 that a person should not drive.

(e) The suspension occurred under ORS 809.419 upon notification by a court under ORS 810.375 that a person charged with a traffic offense has been found guilty except for insanity.

(f) The department committed an error in issuing the suspension.

(g) The suspension was the result of an error committed by an insurance company in issuing or failing to issue a certification of insurance or in canceling a certification of insurance filed with the department under ORS 806.270.

(h) The department issued the suspension without error because the person failed to respond as required under ORS 806.160 or to furnish proof of exemption under ORS 806.210 from the filing requirement of ORS 806.200, but the department later determines that the person in fact was in compliance with financial responsibility requirements as of the date of the department's letter of verification under ORS 806.150 or at the time of an accident described in ORS 806.200.

(i) The department issued the suspension without error because the person was not in compliance with financial responsibility requirements as of the date of the department's letter of verification under ORS 806.150 or at the time of an accident described in ORS 806.200, but the department later determines that the person reasonably and in good faith believed that the person was in compliance with financial responsibility requirements on the date of the department's letter of verifica-
tion or at the time of the accident.

(j) The suspension was the result of an error committed by an insurance company in notifying the department regarding the correctness of a certification under ORS 806.150.

(k) The suspension occurred because the person failed to make future responsibility filings but the department later determines that the reason for the failure was that the person was a military reservist or a member of a national guard unit that was ordered to active military duty to a location outside of the United States. The effective date of the military orders must be prior to the effective date of a suspension issued by the department for failure to make a future responsibility filing.

(L) The department issued the suspension without error because the department received a notice to suspend from a court under ORS 809.210 or 809.220, but the department later determines that the person in fact was in compliance with the requirements of the court prior to the effective date of the suspension.

SECTION 10. ORS 809.415, as amended by section 33, chapter 76, Oregon Laws 2018, is amended to read:

809.415. (1)(a) The Department of Transportation shall suspend the driving privileges of a person who has a judgment of the type described under ORS 806.040 rendered against the person if the person does not settle the judgment in the manner described under ORS 809.470 within 60 days after its entry.

(b) A suspension under this subsection shall continue until the person does one of the following:

(A) Settles the judgment in the manner described in ORS 809.470.

(B) Has an insurer that has been found by the department to be obligated to pay the judgment, provided that there has been no final adjudication by a court that the insurer has no such obligation.

(C) Gives evidence to the department that a period of seven years has elapsed since the entry of the judgment.

(D) Receives from the court that rendered the judgment an order permitting the payment of the judgment in installments.

(c) A person is entitled to administrative review under ORS 809.440 of a suspension under this subsection.

(2)(a) The department shall suspend the driving privileges of a person who falsely certifies the existence of a motor vehicle liability insurance policy or the existence of some other means of satisfying financial responsibility requirements or of a person who, after certifying the existence of a motor vehicle liability insurance policy or other means of satisfying the requirements, allows the policy to lapse or be canceled or otherwise fails to remain in compliance with financial responsibility requirements.

(b) Notwithstanding paragraph (a) of this subsection, the department may suspend under this subsection only if proof of compliance with financial responsibility requirements as of the date of the letter of verification from the department under ORS 806.150 is not submitted within 30 days after the date of the mailing of the department’s demand under ORS 806.160.

(c) A suspension under this subsection shall continue until the person complies with future responsibility filings.

(3)(a) The department shall suspend the driving privileges of a person who fails to comply with future responsibility filings whenever required under the vehicle code or fails to provide new proof for future responsibility filings when requested by the department.

(b) A suspension under this subsection shall continue until the person complies with future re-
sponsibility filings.
(c) A person whose initial obligation to make future responsibility filings is not based upon a
crime or other action by a court is entitled to a hearing under ORS 809.440 prior to a suspen-
sion under this subsection. A person whose obligation to make future responsibility filings is based
upon a crime or other action by a court is entitled to administrative review under ORS 809.440
of a suspension under this subsection. A person whose suspension under this subsection is based on
lapses in filing after the initial filing has been made is entitled to administrative review under ORS
809.440.
(4)(a) The department shall suspend driving privileges when provided under ORS 809.416. The
suspension shall continue until the earlier of the following:
(A) The person establishes to the satisfaction of the department that the person has performed
all acts necessary under ORS 809.416 to make the person not subject to suspension.
(B) Ten years from the date the traffic offense or violation of ORS 471.430 occurred if the sus-
pension is imposed for a reason described in ORS 809.416 [(1) or 20 years from the date the traffic
offense occurred if the suspension is imposed for a reason described in ORS 809.416 (2)].
(b) A person is entitled to administrative review under ORS 809.440 of a suspension under this
subsection.
(5) Upon determination by the department that a person has committed an act that constitutes
an offense described in ORS 809.310, the department may suspend any driving privileges or any
identification card of the person determined to have committed the act. A suspension under this
subsection shall continue for a period of one year.
(6) Upon determination by the department that a person has submitted false information to the
department for the purpose of establishing or maintaining qualification to operate a commercial
motor vehicle or hold commercial driving privileges, the department shall suspend the commercial
driving privileges or the person's right to apply for commercial driving privileges for a period of one
year.
SECTION 11. ORS 809.416, as amended by section 34, chapter 76, Oregon Laws 2018, is
amended to read:
809.416. [This section establishes circumstances that will make a person subject to suspension un-
der ORS 809.415 (4) and what a person is required to do to make the person no longer subject to
suspension. The following apply as described:]
[(1) A person is subject to suspension under ORS 809.415 (4) if the Department of Transporta-
tion receives notice from a court to apply this section under ORS 809.220. A person who is subject
under this subsection remains subject until the person presents the department with notice issued
by the court showing that the person is no longer subject to this section or until 10 years have
collapsed from the date the [traffic offense or] violation of ORS 471.430 or 475B.316 occurred, which-
ever is earlier. [This subsection shall not subject a person to ORS 809.415 (4) for any pedestrian of-
fense, bicycling offense or parking offense.] Upon receipt of notice from a court, the department shall
send a letter by first class mail advising the person that the suspension will commence 60 days from
the date of the letter unless the person presents the department with the notice required by this
subsection.
[(2) A person is subject to suspension under ORS 809.415 (4) if the department receives a notice
of suspension from a court under ORS 809.210 indicating that the person has failed or refused to pay
a fine or obey an order of the court. A person who is subject under this subsection remains subject
until the earlier of the following:]

([a] The person presents the department with a notice of reinstatement issued by the court showing that the person:]

[A] Is making payments, has paid the fine or has obeyed the order of the court; or

[B] Has enrolled in a preapprenticeship program, as defined in ORS 660.010, or is a registered apprentice under ORS 660.020; or

[b] Twenty years have elapsed from the date the traffic offense occurred.]

[3] Subsection (2) of this section does not subject a person to ORS 809.415 (4) for failure or refusal to pay a fine relating to any pedestrian offense, bicycling offense or parking offense. Upon receipt of a notice of suspension from a court, the department shall send a letter by first class mail advising the person that the suspension will commence 30 days from the date of the letter unless the person presents the department with the notice of reinstatement required by this subsection.]

**SECTION 12.** ORS 809.515 is amended to read:

809.515. (1)(a) The Department of Transportation shall suspend the commercial driving privileges of a person if the department receives a notice from another jurisdiction that the person failed to appear, pay a fine or comply with an order of the court in a prosecution on a citation for a traffic offense or for a violation in the other jurisdiction that, if committed in this state, would be grounds for suspension under ORS (809.210 or) 809.220, and the person held commercial driving privileges or was operating a commercial motor vehicle at the time of the offense. The period of a suspension under this subsection is the shorter of:

(A) Ten years; or

(B) Until the department receives notice from the other jurisdiction that the person appeared, paid the fine or complied with the court’s order).

(b) The department shall suspend a person’s commercial driving privileges under this subsection without regard to whether the other jurisdiction suspends any driving privileges of the person by reason of the person’s failure to appear, pay a fine or comply with an order of the court.

(c) This subsection does not apply to failure to appear, pay a fine or comply with an order of the court in a proceeding relating to a parking, pedestrian, vehicle defect or bicycling offense.

(2) The department shall suspend the commercial driving privileges of a person if the department receives a notice from the Federal Motor Carrier Safety Administration that the person has been disqualified from operating a commercial motor vehicle and that the disqualification is due to a determination that the driving of that person constitutes an imminent hazard. The department shall immediately suspend commercial driving privileges under this subsection without hearing, but the person may request a post-imposition hearing under ORS 809.440 (4), without regard to any hearings conducted by the Federal Motor Carrier Safety Administration. The period of a suspension under this section is the period of suspension prescribed by the Federal Motor Carrier Safety Administration, or one year, whichever is shorter.

**SECTION 13.** ORS 809.210 is repealed.

**SECTION 14.** The amendments to ORS 153.061, 153.073, 153.772, 419C.306, 807.010, 807.120, 808.220, 809.280, 809.380, 809.415, 809.416 and 809.515 by sections 1 to 12 of this 2019 Act and the repeal of ORS 809.210 by section 13 of this of this 2019 Act apply to conduct giving rise to a driving privilege restriction or driving privilege suspension on or after the effective date of this 2019 Act. Driving privilege restrictions or driving privilege suspensions imposed before the effective date of this 2019 Act shall be governed by law applicable to driving privilege restrictions and driving privilege suspensions in effect at the time of the most recent restriction or suspension.
February 8, 2019

Mayor Pogwizd and
Port Orford City Council
City of Port Orford
PO Box 310
555 W. 20 Street
Port Orford, OR 97465

Dear Mr. Mayor and City Councilors,

We come to you again this year to ask for you to authorize the closure of 8th Street between Highway 101 and Idaho for the second annual Port Orford Street Fair, scheduled for Saturday August 10th. We request that this block of 8th Street be closed from 8am to 6pm. The Street Fair runs from 11am to 5pm. This span of closure will allow vendors set-up and take-down time, and final clean-up. All property owners impacted by this closure are in support of the Street Fair happening again.

Last year the Port Orford Arts Council inaugurated the Street Fair and it was a raging success. Over 1,000 people attended, the block was lined with over 40 vendors (arts, crafts, food, information booths and more), live entertainment happened throughout the entire Fair and surrounding businesses reported terrific sales. Prior to the Fair twenty-one local businesses signed on as official sponsors.

For 2019 we expect the Street Fair to grow. We plan more vendors, more food, more sponsors, and more regional awareness of the event to encourage even more attendees than 2018.

Each year we hope to solidify this wonderful annual event, establishing as an important summer magnet drawing visitors and local residents to town. Based on the feedback we received last year, the Street Fair is poised to become second only to the Jubilee as a signature summer event for Port Orford.

Sincerely,

Beverly Bacak, President, Port Orford Arts Council
January 29, 2019

Port Orford City Council
Hand Delivered via City Administrator
Port Orford, Oregon 97465

Dear City Council Members,

The League of Women Voters in Curry County is requesting that the Curry County and City Governments consider signing a Proclamation declaring March to be a month of Reviving Civility. Some wish to call it “Civil Discourse” month; some “ Civility” month; some “ Reviving Civility” month.

We have attached an example of such proclamation for your consideration. The County Commission, Brookings and Gold Beach City Councils have all been sent similar requests.

We thank you in advance for your contemplation on this important matter.

Sincerely,

Mary Jane LaBelle
VP, LWVCC

cc. Terry Richards, City Administrator
James Garratt, City Councilor
CITY OF PORT ORFORD
PROCLAMATION

Revive Civility

WHEREAS, civil discourse is the free and respectful exchange of different ideas in a way that respects and affirms all persons, while hearing their perspectives; and

WHEREAS, heated rhetoric and a dramatic shift away from collaboration leaves us unable to solve the challenges confronting our community; and

WHEREAS, civility redness rudeness, ridicule and lack of respect for the open exchange of ideas; and

WHEREAS, civility improves our well-being, restores trust and encourages Americans to participate in building a brighter future for generations to come; and

WHEREAS, civility assists in the process of working together to create lasting solutions to our most pressing challenges while fostering respect among opposing groups; and

WHEREAS, community members should feel comfortable and respected while exploring world views outside their own; and

WHEREAS, recognizing the importance of civility and how it improves personal relationships leading to greater civil discourse, in recognition of the University of Arizona's National Institute of Civil Discourse's initiative, would like to invite all members of our community to exercise civility and respect toward each other and participate in reviving civility together.

NOW, THEREFORE, I, Tim Pogqizd, of the City of Port Orford do hereby proclaim February 21, 2019, to be REVIVE CIVILITY MONTH in this community and encourage all residents to practice civility by listening respectfully to people who have different views, avoiding language that is insulting or derogatory to others and supporting efforts to work together across ideological and political lines.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Port Orford, Oregon to be affixed this 21st of February, 2019.

Tim Pogqizd, Mayor
Subject: FW: County Building Official

From: Julie Schmelzer schmelzerj@co.curry.or.us Sent: Wednesday, February 13, 2019 11:42 AM
To: John Hutt! <huttjl@co.curry.or.us>; Terrie Richards trichards@portorford.org Cc: Court Boice <boicec@co.curry.or.us>

Subject: Re: County Building Official

Terrie,
We have an interim building official until one can be hired. It is still Dan Sigvartsen. We have just begun to advertise for a new position. Could you please withhold further discussions on the matter until we can meet? We did not advertise that the position would be sitting on local appeals boards, so that is something that I want to make sure we cover either in the advertisement, or in interviews.
Also, some communities in the state have decided to go away with local appeals boards (on Building Safety matters only) and rely on the state for those appeals. That is something that we will be discussing at a staff level once we have someone on staff.

Julie
Sent from my Verizon, Samsung Galaxy smartphone
-------- Original message --------
From: John Hutt! <huttjl@co.curry.or.us> Date: 2/12/19 5:33 PM (GMT-06:00)
To: Terrie Richards trichards@portorford.org Cc: Julie Schmelzer schmelzerj@co.curry.or.us
Subject: RE: County Building Official

Hello Terri,
We have a Director of County Operations, Julie Schmelzer, who presides over our Community Development Department. She is the best person to answer your question. I am cc-ing her on this response and asking you to work it out with her. I believe we have a Building Official, but I am not certain of who it is.

John R. Hutt!, Curry County Counsel, 541 247 3218

From: Terrie Richards [mailto:trichards@portorford.org]
Sent: Tuesday, February 12, 2019 12:37 PM
To: John Hutt! Subject: County Building Official

John,
I know the County has been going through some restructuring and some new people have been brought on board just recently.
Do we have a building official yet?
Port Orford would like to create a board of appeals for the abatement of dangerous buildings and the uniform code for the abatement of dangerous buildings adopted by council in May 1984 states the building official will be a part of that board.
I have been tasked with finding out who is the building official and discussing the subject with them. Can you help me with this information?

Terrie Richards, City of Port Orford, OR, City Admin/Recorder, PH:541-366-4508, Fax: 877-281-5307