

**CITY OF PORT ORFORD  
VIRTUAL SESSION OF THE COMMON COUNCIL  
THURSDAY, NOVEMBER 18, 2021 AT 5:30 P.M.**

**AGENDA**

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1. Call to Order
2. Additions to the Agenda
3. Presentations to Council/Citizens
4. Consent Calendar
  - a. Approve Minutes October 21, 2021 (Pg. 1-7)
5. Citizens' Concerns (Speak Only for Old & New Business Items on the Agenda)

**HEARING ORDINANCE 2022-03 BUILDING HEIGHT AMENDMENTS- Additional Attached 198 pgs.**

6. Departmental Reports-

- |                           |                              |                        |               |
|---------------------------|------------------------------|------------------------|---------------|
| a. Public Works (pg. 8-9) | b. Administration (pg.10-22) | c. Finance (pg. 23-24) | d. Planning   |
| e. Liaison                |                              |                        |               |
| Fire District- Garratt    | TLT- Pogwizd                 | Watershed- LaRoche     | Health- Burns |
| Port- Cox                 | Parks- Tidey                 | Emergency Mgmt.- Burns |               |
| School District- Kessler  |                              |                        |               |

7. Old Business

- a. Seasonal Gas Tax (pg. 25-36)
- b. Vacation Rentals (pg. 37)
- c. A-Frame Discussion for Arts and Parks (pg. 38)
- d. First Reading Ordinance 2022-03 Building Height Amendments (Additional Attachment)
- e. Second Reading Ordinance 2022-03 Building Height Amendments (Additional Attachment)

8. New Business

- a. Water Curtailment Ordinance 2022-04- Draft Review (pg. 39-46).
- b. TLT Committee Appointment- Steve Courtier (pg.47)
- c. Liquor License Approval- Mr.s Ed's (pg. 48-57)
- d. Right of Way Usage License- 28 Geer Circle (pg. 58-64)
- e. Right of Way Usage License- 1080 Lakeshore Dr. (pg. 65-69)
- f. Approval of New Employee Manual (pg. 70-118)
- g. Approval of Parks Commission Top 10 Goals (pg. 119-120)

9. Considerations

- |            |          |              |          |
|------------|----------|--------------|----------|
| a. Citizen | b. Staff | c. Councilor | d. Mayor |
|------------|----------|--------------|----------|

10. Future Meetings

Thursday, December 16, 2021, Regular Council Meeting 5:30 Virtual

11. EXECUTIVE SESSION ORS 192.660 (1) (a) Personnel

12. Adjourn

**PUBLIC:** When you join the meeting (5-10 min. prior to the meeting)

- If you plan to speak/comment during the meeting (when permissible to do so), please announce your name and “how” you are joining the meeting (i.e. by computer and/or phone). Speak slowly and clearly, so the organizer may “find” you and identify your “caller” location.
- Please wait to be called on to speak, to avoid talking over someone.
- When you are not speaking, please mute yourself (so the organizer doesn’t have to do this).
- Please limit side conversations and multitasking while you are in the meeting.
- Be aware even if you are not on camera, sound can be heard over unmuted phones and will be distracting. And if you are on camera “absences” will be noticeable, and also distracting.
- To minimize feedback noise, we will only have the meeting host, Mayor, and one other speaker unmuted at any time during the meeting.
- Please be aware that if poor etiquette is being observed, it may be called out so you have an opportunity to fix the situation.

**City of Port Orford**  
**City Council Special Meeting**  
**In the Gable Chambers / Virtual participants**  
**Thursday, October 21, 2021 at 5:30 P.M.**

<b>Mayor and Council</b>	<b>Present</b>	<b>City Staff</b>	<b>Present</b>
<i>Pat Cox, Mayor</i>	X	<i>CA Ginsburg</i>	X
<i>Gary Burns</i>	X	<i>Shala Kudlac, City Attorney</i>	X
<i>Tim Pogwizd, President</i>	X	<i>John Isadore, Public Works</i>	Excused
<i>Lorrin Kessler</i>	X	<i>Chief Hobart, Police</i>	
<i>James Garratt</i>	X		
<i>Carolyn LaRoche</i>	X		
<i>Greg Tidey</i>	X		

Others Present: Suess/Gurnee, Steve Lawton, Ciaran Fraser, Ann Vileisis, Linda Tarr, Daniel DeSurra, Craig Rosenaur, Doug Calamar, Julie Gavrilko, Monica Ward of Curry County, Leila Thompson, Chris Hawthorne, Susan Russell from Arts Council.

**1. Call to Order**

President Cox called to order this Meeting of the Common Council on Thursday, October 21, 2021, at 5:32 p.m.

**2. Additions to the Agenda: None.**

**3. Presentation to Council / Citizens:**

**a. Text my Gov Presentation (pg. 1-5):** Carson, Technical Expert at Text my Gov reported he has presented their platform to CA Ginsburg. He described the platform as a 2-way texting system for citizens to receive alerts from their city as well as be able to text in and receive answers to questions or report issues. Carson shared his screen with councilors, which showed the presentation describing the texting system platform. System setup and training is included with the system. A la carte cost is 3000 annually with an initial setup one-time fee. A price proposal has been provided to CA Ginsburg. A discussion on this system will be added to the agenda next meeting.

**4. Consent Calendar**

**a. Approve Minutes September 16, 2021:** Councilor Pogwizd moved to approve the minutes for the September 16, 2021, council meeting with Councilor Burns as second.

***Motion carried 6-0.***

Discussion: None.

***Councilor Garratt      Yes      Councilor LaRoche      Yes      Councilor Burns      Yes***  
***Councilor Kessler      Yes      Councilor Tidey      Yes      Councilor Pogwizd      Yes***

4 **b. Approve Minutes September 23, 2021:** Councilor Pogwizd moved to approve the  
 5 minutes for the September 23, 2021, special council meeting with Councilor Burns as  
 6 second. *Motion carried 6-0.*

7 Discussion: None.

8 *Councilor Garratt* Yes *Councilor LaRoche* Yes *Councilor Burns* Yes  
 9 *Councilor Kessler* Yes *Councilor Tidey* Yes *Councilor Pogwizd* Yes

10  
 11 **5. Citizens' Concerns:**

12 Leila Thompson, resident of Port Orford spoke on the use of the A-frame at Buffington Park.  
 13 She outlined that the A-frame was used by a youth club and children in the 90's. She  
 14 supported the city council in bringing the A-frame back into full community use. She asked  
 15 the City Council to support the Parks Commission in that vision. Ms. Thompson addressed  
 16 the topic of vacation rentals. She confirmed that not all Airbnb owners live out of town. Her  
 17 Airbnb helps pay household expenses and would like councilors to consider the different  
 18 circumstances of Airbnb owners.

19  
 20 Chris Hawthorne, business owner of four Airbnbs, disagrees with what has been stated  
 21 regarding Airbnb guests and the local economy. He can verify the Airbnbs contribute a lot to  
 22 the Port Orford economy. He, as well as other Airbnb owners, lives in the community and  
 23 spends the earnings and expenses of the accommodations in Port Orford. He is able to verify  
 24 that three of the four Airbnbs eat out in Port Orford at least once a day. He is aware of the  
 25 housing crises that afflicts Port Orford and many, if not all, communities on the west coast,  
 26 which is due to many factors. There are limited high-end accommodations available to  
 27 travelers that want to explore this area of the south coast and spend their money here. They  
 28 will find another town if they are not able to locate a place to stay in Port Orford. He would  
 29 like the city council to give careful consideration to the Airbnbs that currently exist and  
 30 consider the ramifications to the town if a blanket rule affecting everybody is made.

31  
 32 Craig Rosenaur, Port Orford homeowner, reiterated that half of the last meeting was spent  
 33 discussing the water system repair needs. It seemed to Mr. Rosenaur that the vacation rental  
 34 homeowners are being blamed for the water problems. He accounted for the lack of  
 35 affordable hotels. He stated that he spends the money on his vacation rental expenses locally.  
 36 He is concerned that people on the council are misquoting the facts, stating that vacation  
 37 rental owners are making a lot of money. He corrected that the owners spent a lot of money  
 38 and gambled on an investment in Port Orford. He was told that he did not need a permit. He  
 39 feels the councilors have singled his property out by implementing the building height  
 40 restrictions lowering the allowable height of his building, thus lowering the value of his  
 41 property. Mr. Rosenaur reported taking property that was said to be a teardown and made  
 42 into something nice. He questions why a particular hotel is closed most of the time. He  
 43 suggested it be used for a senior living or affordable housing. The water problems need  
 44 addressed and repaired by the city. He feels that long-term rentals are a business just as short-  
 45 term rentals.

4 Daniel Desurra, Port Orford homeowner, expressed his appreciation to the councilors for  
5 addressing the topic of short-term rentals. He owns long-term rentals. He would like to see  
6 the council consider making short-term rentals an asset to Port Orford, so it is a win-win  
7 situation for the owner and the community. He supports getting the short-term rentals  
8 permitted so they pay taxes to the communities to bring revenue to the community to help  
9 with the infrastructure of the water system. Out of state and out of country investors are  
10 looking for short-term rentals to purchase as an investment, which is a concern to him. He  
11 would like to see short-term rental permits limited to local people. Typically, vacation rentals  
12 are higher-end rent and not the only cause of the lack of affordable housing.

13  
14 Steve Lawton expressed appreciation to the councilors and planning commissioners for  
15 looking at the vacation rental topic. He feels the responsible vacation rentals in town  
16 contribute to the local economy. He would like Port Orford to find the right number of  
17 vacation rentals that meet the economic needs of the local economy without risking running  
18 out of water during the driest months, which are the peak tourist months. He expressed  
19 appreciation to John and public works staff for the work they have done on the water  
20 infrastructure.

## 21 22 **6. Department Reports**

23 **a. Public Works:** John Isadore reviewed the written report he submitted in the packet. Civil  
24 West is helping with temporary fixes on the dam leak. Electrical components for finish  
25 water pump at the treatment plant was received but still waiting for the pump. They are  
26 waiting for two more quotes on the Coast Guard Hill pump station. Water intake has  
27 increased significantly. Mr. Isadore addressed parking in the right of ways. There is a  
28 large RV on one right of way over the water access. He is hoping this will be on the  
29 agenda next meeting to review right of way parking, especially when affecting water  
30 mains and utilities. The new wastewater treatment employee is very knowledgeable and a  
31 great addition to the city. Mr. Isadore reported the park benches at Battle Rock are  
32 donated. There are plaques installed that have to be removed due to rot. Mr. Steve  
33 Lawton volunteered to replace the benches.

34 **b. Administration:** A new officer has been hired, which makes four officers plus a  
35 parttime traffic person.

36 **c. Finance:** Information for the grant for the Ocean View paving has been sent. It will take  
37 45 days to get the funding back.

38 **d. Planning:** No report from Planning. They have an upcoming meeting that will address  
39 height restrictions.

### 40 **e. Liaison:**

41 **Fire District** – Councilor Garratt met with a representative and was informed that they  
42 are maintaining status quo They will contact Councilor Garratt if something of interest  
43 comes up.

44 **Port** – Mayor Cox reported they progressed with the phase 1 funding of the Build Back  
45 Better grant. They are hopeful. They started on some infrastructure funding through  
46 Connect Oregon.

4 **Schools** – Councilor Kessler reported the school system has 227 students. The track and  
5 steps going down are complete and will be used this year.

6 **TLT** – Councilor Pogwizd and CA Ginsburg will be working together to get the TLT  
7 Committee ready for the January grants.

8 **Watershed** – Councilor LaRoche introduced Linda Tarr. Linda Tarr updated on the  
9 watershed. She encouraged the city administration to accept the Forest Management Plan  
10 grant. The scope of work on the outreach for the grant will be changed from the kiosk at  
11 the co-op to a proposed brochure for the city with education around the watershed. They  
12 discussed the possibility of using the TLT funds for a possible brochure educating  
13 citizens about conservation. The brochures can go in motel rooms and vacation rentals.

14 **Parks:** Councilor Tidey reported three more applications for commissioners, making  
15 seven. Applicants have been interviewed. Funding is going forward with the playground  
16 improvement plans.

17 **Emergency Management** – New educational information has been received, which will  
18 be reviewed prior to a plan for the school program.

19 **Health** – See above.

20

## 21 7. Old Business

### 22 a. **Water Infrastructure / State of Emergency / Ending-Adjusting Water Restrictions:**

23 Councilor Pogwizd moved to end the emergency water restrictions in Port Orford with  
24 Councilor Garratt as second. *Motion withdrawn.*

25 **Discussion:** CA Ginsburg asked that water restrictions be ended with the exception of  
26 new installs. Supported by John Isadore. The restrictions were for 60 days, which expires  
27 November 1. John Isadore would like to see this extended for new installs until the  
28 dredging of the dam is complete, city has storage for water back and the finished water  
29 treatment pumps are replaced, and the city can “ramp up” the tracer study. Legal Counsel  
30 Kudlac advised a more formal process will be needed to extend the moratorium for new  
31 developments. This will include a hearing process, and notice will have to be given to  
32 DLCD. The same process will be needed for the vacation rentals if an extended  
33 moratorium is put in place for new vacation rentals. Mayor Cox suggested making a  
34 policy that implements a conservation plan automatically when the water is down to a  
35 certain level. Legal Counsel Kudlac stated that policy will eliminate the moratoriums and  
36 is a better course of action. An ordinance will have to be in put in place. A moratorium  
37 extension directed at new users can be considered singling out new users. Councilor  
38 Garratt suggested developing an ordinance over this wet season for the future. He  
39 suggested dismissing the current motion on the table and allow the current moratorium to  
40 expire in a week or so, which might help the water flow. Councilor Pogwizd rescinded  
41 his motion and Councilor Garratt rescinded his second.

42 **b. Vacation Rentals Moratorium:** Mayor Cox addressed comments from the public’s  
43 understanding that the city council is shutting down vacation rentals. Mayor Cox  
44 corrected that the moratorium was to assist the city in managing or controlling the  
45 growth. The city does not want to obliterate vacation rentals or make them go away. He

clarified that the city wants to promote business and promote new people in town, but the city wants a good balance. This is a large-scale problem, not just Port Orford.

Councilor Pogwizd made a motion to table vacation rentals until the city council can meet with planning to give planning clear direction on what council wants to see with Commission Garratt as second. ***Motion Rescinded.***

Discussion: Councilor Pogwizd clarified that he made the motion due to the fact that this discussion has taken place two to three times in the past, and he would like to see progress. He would like to see each councilor arrive at the meeting with Planning with five or more bullet points they would like to see in the vacation rental discussion. This is supported by Councilor Garratt. Legal Counsel Kudlac advised councilors this has to involve the city planner; thus, she contacted the city planner and made her aware. The code that might be adopted as relevant to vacation rentals will generally be a land use. Councilor Pogwizd rescinded his motion. He reminded councilors that Councilor Kessler had a motion in place for a moratorium, but no action was taken since Legal Counsel Kudlac was not in attendance. Commissioner Garratt rescinded his second.

Councilor Kessler moved for Port Orford begin the process of putting a moratorium in place for allowing establishment of any new vacation rental businesses within the City of Port Orford with Councilor Burns as second. ***Motion passed 5-1.***

Discussion: Councilor Garratt advised this motion will start the process and feels it should put a moratorium “in place.” Councilor Pogwizd would like the motion to include, “until Planning can present findings to the council.” Legal Counsel Kudlac stated the timeline will be put in the findings that have to be adopted in a hearing after proper notice. There will have to be a plan for the city to work out of the moratorium.

<b><i>Councilor Garratt</i></b>	<b><u>No</u></b>	<b><i>Councilor LaRoche</i></b>	<b><u>Yes</u></b>	<b><i>Councilor Burns</i></b>	<b><u>Yes</u></b>
<b><i>Councilor Kessler</i></b>	<b><u>Yes</u></b>	<b><i>Councilor Tidey</i></b>	<b><u>Yes</u></b>	<b><i>Councilor Pogwizd</i></b>	<b><u>Yes</u></b>

c. **ADUs, Send to Planning:** Mayor Cox asked councilors if they want to start the ADU conversation and send directions to Planning. Councilor Burns moved to have a workshop with planning on ADUs for clear direction with Councilor Pogwizd as second. ***Motion passed 6-0.***

Discussion: Councilor Garratt agrees for councilors to meet with planning prepared with items of interest for presentation. A workshop will be scheduled.

<b><i>Councilor Garratt</i></b>	<b><u>Yes</u></b>	<b><i>Councilor LaRoche</i></b>	<b><u>Yes</u></b>	<b><i>Councilor Burns</i></b>	<b><u>Yes</u></b>
<b><i>Councilor Kessler</i></b>	<b><u>Yes</u></b>	<b><i>Councilor Tidey</i></b>	<b><u>Yes</u></b>	<b><i>Councilor Pogwizd</i></b>	<b><u>Yes</u></b>

## 8. New Business

a. **Seasonal Gas Tax:** Info has been presented to councilors in their packet. Councilor Garratt would like councilors to make a draft of the tax. He would like to see interaction with the public once drafted. The draft should include a definition of the season, amount of tax, how the tax revenue will be used, and how to go about educating the public. CA Ginsburg will put together a draft to be on the next agenda.

4 **b. Parks Commissioner Appointment, Kelly Bechtel:** Councilor Burns moved to accept  
5 Ms. Bechtel's application for the Parks Commissioner with Councilor Tidey as second.

6 *Motion carried 6-0.*

7 Discussion: This candidate was interviewed by the Parks Commission.

8 *Councilor Garratt Yes Councilor LaRoche Yes Councilor Burns Yes*

9 *Councilor Kessler Yes Councilor Tidey Yes Councilor Pogwizd Yes*

10 **c. Parks Commissioner Appointment, Clark Kocurek:** Councilor Tidey moved to  
11 approve the application from Clark Kocurek for the Parks Commissioner with Councilor  
12 Burns as second. *Motion carried 6-0.*

13 Discussion: Mr. Kocurek lives in the urban growth boundary and not in the city limits.

14 The commission will have two members in the urban growth boundary.

15 *Councilor Garratt Yes Councilor LaRoche Yes Councilor Burns Yes*

16 *Councilor Kessler Yes Councilor Tidey Yes Councilor Pogwizd Yes*

17 **d. Parks Commissioner Appointment, Aimee Munford:** Councilor Pogwizd moved to  
18 approve the application from Aimee Munford for Parks Commissioner with Councilor  
19 Burns as second. *Motion carried 6-0.*

20 Discussion: PO box is listed on the application. A physical address is needed. Councilors  
21 discussed applicant interview protocol.

22 **e. Right of Way – Cynthia Freeman:** Ms. Freeman wants to put plants in the right of  
23 way at 250 15<sup>th</sup> Street. The plants will not be on a waterline or city service and is  
24 approved by the Police Chief. Applicant is present and stated the plants are 12 feet back  
25 from the roadway and waterline. There is no parking available due to a ditch. Drainage is  
26 not impaired. Councilor Burns moved to approve the right of way application with  
27 Councilor Tidey as second. *Motion carried 6-0.*

28 Discussion: As above.

29 *Councilor Garratt Yes Councilor LaRoche Yes Councilor Burns Yes*

30 *Councilor Kessler Yes Councilor Tidey Yes Councilor Pogwizd Yes*

31  
32 **f. A-Frame Discussion, Arts Council / Parks:** Councilor Tidey introduced Bryan  
33 Thompson from the Parks Commission. Commissioner Thompson introduced himself as  
34 the Chair for Parks Commission, high school cross country coach and elementary track  
35 and field coach. He is very involved with families in the community. He reviewed the  
36 plans for the A-frame with councilors. The Parks Commission voted to revoke the Arts  
37 Council's contract renewal in hopes the Arts Council and city can use the A-frame for  
38 events in unison. The Parks Commission would like to see the A-frame used for events  
39 involving family, which is not possible currently due to the Arts Council's insurance  
40 issues. Parks Commissioners are hoping the A-frame can become a hub for community  
41 events. The City of Port Orford insurance will cover family events as they already do at  
42 the Legion Hall. A 90-day notice contract requirement will have to be met.

43 Susan, a representative of the Arts Council, advised councilors that their lease was signed  
44 in 2018 prior to COVID. The lease stipulated the Arts Council had to invest \$1,500 a year  
45 for building improvements and pay the utilities, which was satisfied. The Arts Council  
46 would like an opportunity to recoup some of their funds, which was prevented in the



recent past due to COVID restrictions. Susan is in favor of sharing the A-frame with the city; however, other Arts Council members are not.

Councilor Tidey moved to table this discussion until the next meeting with Councilor Burns as second. **Motion carried 6-0.**

Discussion: Councilor Garratt called point of order that City Council is 30 minutes past the time of meeting termination and advised continuing this at the next meeting. CA Ginsburg suggested being a mediator at a joint meeting; however, Councilor Pogwizd advised it is a council issue and not an administrative issue. Legal Counsel Kudlac advised this decision has to be made before the end of November to honor the contract. The termination would go into effect February at the time of the current contract expiring.

<i>Councilor Garratt</i>	<u><i>Yes</i></u>	<i>Councilor LaRoche</i>	<u><i>Yes</i></u>	<i>Councilor Burns</i>	<u><i>Yes</i></u>
<i>Councilor Kessler</i>	<u><i>Yes</i></u>	<i>Councilor Tidey</i>	<u><i>Yes</i></u>	<i>Councilor Pogwizd</i>	<u><i>Yes</i></u>

**9. Considerations**

**a. Citizens:**

Monica Ward from Curry County is attendance for her own awareness due to plans at the county level.

Steve Lawton advised that Banks, Oregon extended their moratorium on new development four times due to water issues. He encouraged councilors to think about the best water infrastructure management practices. He expressed his appreciation to the Planning Commission for their outstanding job.

**b. Staff:** John Isadore expressed concern that the owner of a motor home added gravel to a right of way to accommodate parking their motorhome without a permit. The city ordinance does state that the property owner is responsible for maintaining the right of way.

**c. Councilor:** Councilor Pogwizd suggested that RV parking on right of way property be on next month’s agenda. There is nothing currently in the ordinances. CA Ginsburg stated she contacted the motorhome owner, and they did not cooperate.

**d. Mayor:** None.

**10. Future Meetings**

**Thursday, November 18, 2021, Regular Council Meeting 5:30 virtual**

**11. Adjourn:** There being no further business, Mayor Cox Adjourned the meeting at 8:15 p.m.

Attest:

\_\_\_\_\_  
Mayor, Pat Cox

\_\_\_\_\_  
City Recorder, Jessica Ginsburg

## Public Works report for the month of October 2021

### Water Plant: Op's - NO Run Days 4

Raw water into plant 6,290,00 Treated water 4,083,000.

### Immediate Major Issues Water

Hubbard's, Raw Water Pump #1 / Reservoir Dredging / Dam leakage

1. Hubbard's raw water pump Installed and repairs completed.
2. Dredging waiting quote and permitting.
3. Dam leakage, Civil West Engineering schedule of temporary repairs in December.

Water Treatment plant, Finished Water Pump Replacement / Pressure relief valve on raw water

1. Finished water pump replacement, waiting on delivery of new pump / electrical parts were delivered and are on site.
2. Pressure relief valve repairs, still needs to be addressed.

Coast Guard Hill Pump Station, Complete Skid Controls / pumps and piping replacement

1. Coast guard hill pump station, one vender is working on quote, waiting on second vender also.

Main & Branch line leaks average water is 50%, we should around 15% or less

### Water leaks Repaired:

- Wyoming & 13<sup>th</sup> called out at 2:00 AM secured water and repaired.
- 1" Jackson and 8<sup>th</sup> repaired

### New Services in October 2021

- No new services installed

### Meter Swop out's

- No meter swaps

## Public Works report for the month of October 2021

### Waste Water plant: Op's:

Grit system and classifier replacement on going.

Repairs & maintenance plant / collections.

- **Grit removal system**, some parts received continue working on repairs.
- **Humus Pond Sludge**, waiting on quote pond hasn't been dredge or pumped in many years
- **Idaho Lift Station Controls**, Reese installed new updated electrical components to keep lift-station in operation.
- **Wyoming**, lift-station went down during rain storm, Reese responded and was able to trouble shoot and repair.
- **25<sup>th</sup> Street Lift-Station**, went down we were able to fix 1 pump in order to get it going. Parts on order to repair pump 2
- **Blower #1**, runs
- **Pending Influent Flow Meter**, update meter no longer supported will need to be replaced and updated.

### Streets Maintenance:

- **Continue summer time maintenance**, mowing and trimming as needed and time allows
- **Fire Hydrant Main**. Started annual hydrant maintenance on going.
- **ODOT conflicts**, waiting on ODOT
- **Removed several signs**, that were no longer needed
- **Replaced two broken off posts.**
- **Trees**, cleaned up and disposed of blown down trees

### Parks

- **Battle Rocks**, Roof leaks in both bathrooms and rotten wood around sky-lights.
- **Interpretive trail**, wooden decking and railings are failing (rotten).
- Pick up and disposal of trash and debris in parks.
- Un-clog & clean 12<sup>th</sup> St & Battle Rock bathrooms (26 time's)
- Continue mowing and trimming of parks as time allows.

### PW Works Equipment PM

- Vac-con needs replacement, hydraulic / electric issues / tank is rusted out.
- Run and Pm generators monthly
- Run and Pm pumps / small equipment monthly
- (work in progress) Continue working on Public Works shop cleanup and organize
- (work in progress) Continue disposal of old junk and garbage.

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 11/18/2021

SUBJECT: Administration Report

ITEM NO: 6 b.

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### Projects Completed:

Union Contract Approved and Signed in July 2021

Ocean View repaving project completed and the submission for grant reimbursement in November 2021

New Waste Water Treatment Plant Operator Started in September 2021

Contractor Hired for City Hall repairs

Utility Accounts Receivable Reviewed and Collections letters sent.

Main Street has volunteered to upgrade outside of City Hall beginning the Spring of 2022. Applying for TLT Grant funds for this project. (Grant Application Attached)

Business Licenses revenue was budgeted for \$6,500 Currently we have received over \$12,000

### Ongoing Projects and Updates:

Water Infrastructure Grants- In speaking with Monica Ward at the County she is going to assist us in the process. From the last conversation we had we will begin this process in Spring to Summer of 2022.

Building Inspector- Curry County Building Inspector received complaints about a few houses in Port Orford. We went around and he did his inspection and we have red tagged 3 houses for Cleanup/Demolition. They have 30 days to appeal the decision. Otherwise it needs to be completed within 60 days or the city will have to take care of these places. We have a few options to get the funds back will discuss at the next city council meeting. We also have the option to do burn to learns on these properties however testing for asbestos and lead have to be conducted 1<sup>st</sup>.

Citation Clean up- I have been reviewing the Open Citation listing and as of November 10<sup>th</sup> I have reviewed \$590,017.14. We have sent \$300,392.41 in Collection letters, \$190,891 needs to be reserved on the balance sheet, \$11,915 are international tickets that will be Written off, \$21,460 has paid, \$26,806 is current receivables (within 30 days), \$38,553 need additional research.

TLT Committee and Grant Application- We have received 1 application for the TLT Committee we still need 3 to 4 more. Will be reaching out again to the people on the Committee last year to see if they are interested in joining again. The Grant Application and Instructions have been updated for this year and attached to this report. (Attachment 6.b.1)

Utility Clerk/Receptionist Applications- We have received multiple applications for the Utility Clerk job posting. We are continuing to have interviews and are confident to have someone training with Patty shortly.

I will be doing the Planning and Court items for this position till we are confident that they have mastered Utilities then we can discuss more responsibility on that desk.

Emergency Management Planning- I have had multiple meetings with Monica Ward and Pamela Reber regarding an Emergency Management Plan. I have attached a worksheet that has been put together with action items that we are working on or need to work on (Attachment 6.b.2). Monica is coming into the office on Friday November 12<sup>th</sup> to help us set and review 2022 goals.

Watershed Project- We have had multiple meetings with Linda Tarr, Erin Minster and Jackie Fern. We have developed a draft of the Scope of Work for Business Oregon Grant Contract-Forest Management Project (Attachment 6.b.3) The next step is the Forest Management Plan. There is money in the grant for this to be written by an outside party. Linda Tarr and I are working on possible organizations/people that can help us with this. In the next few weeks John and I will be taking a walk on to the Water Shed property with Linda and also possibly Erin.

Kayak Launch- I have been working with Dave Lacy and his team. The next step is community outreach. They are working on different ways to do this. We also have a memorial rock near where that kayak launch is going to be and it is going to have to be moved. I will contact the family that is listed on the rock.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

**CITY OF PORT ORFORD**  
**City Beautification and Tourism Development Fund**  
***Grant Application Instructions for 2021-2022***

Grant projects are to be designed to 1) enhance and/or beautify the city; 2) promote the development of the city's tourism industry through promotion outside the city; or 3) support activities designed to attract tourists to the city. All projects must reflect the full diversity of Port Orford and benefit to the community.

**I - Applying for a Grant – Illegible Applications will not be accepted.**

1. Applicant must use current year's form for a grant to be considered. Any change in the form will disqualify an application.
2. Electronic applications are available by emailing a request to [jginsburg@portorford.org](mailto:jginsburg@portorford.org) or go to [portorford.org](http://portorford.org), Government, Committees, TLT; click on the box at the right.
3. The application must be completed in full. Please be as detailed as possible.
4. Applicant must show they can match the amount of the grant. No grant shall exceed 50% of the total project cost. The 50% match may be in the form of volunteer hours, monies in the treasury, and/or monies expended for the grant project beyond the amount of the grant. Businesses require a full 50% cash match, only.
5. All applications are to be at City Hall on or before 4:00 p.m., February 19, 2022. City Hall is located at 555 W. 20<sup>th</sup> Street, P.O. Box 310, Port Orford, OR 97465. 541-332-3681 ext.240.
6. **Events funded by TLT grants should be advertised at least 100 miles from Port Orford, and at least 60 days before the event.** Tear sheets can be included in the final report. Also, all events should provide information regarding their event to the organizations on the Media List provided by the TLT Committee that offer free PR on their event calendars

**II - The Review Process**

1. All grant applicants will be notified of the time, date, and location of a meeting where the committee will review applications. It would be helpful to have a representative from your organization at that meeting to answer any questions if a follow up meeting is deemed necessary.
2. Applicants will be notified if their grant application is not accepted due to non-compliance.
3. The committee will submit the approved applications to the City Council for a vote
4. Grantees will be notified of the City Councils final approval.

**READ THIS: below are the instructions for receiving the funds, as well as reporting requirements; please keep these instructions until a financial report is submitted to the City upon project completion.**

**III - Drawing Funds**

1. **To receive the grant funds, your organization must submit a Check Request to City Hall** and mail it to City of Port Orford, P.O. Box 310, Port Orford, OR 97465 or hand deliver it to 555 West 20<sup>th</sup> Street

**IV - Required Reports – To Be Considered for Future TLT Grants, You Must:**

1. Within **sixty (60) days after the completion** of the funded project, provide a financial report, including copies of all invoices paid with grant funds as well as invoices or volunteer time for matching funds. Mail the report and substantiating materials to the City address.
2. If the project expenses are less than the grant money requested, those funds must be returned to the City by **June 15, 2022**, or the completion of your project.
3. If the project is not completed by **June 30, 2022**, a progress report must be sent to the City by that date, including reasons for extension of your grant period and estimated completion date.
4. We request two photos of your completed beautification project or event for the City's records.

**CITY OF PORT ORFORD**  
**City Beautification and Tourism Development Fund**  
 2021-2022 GRANT APPLICATION FORM

Grant project design requirements: 1) your project must enhance and/or beautify the city; 2) promote the development of the city's tourism industry through promotion outside the city; or 3) support projects designed to attract visitors to the city. All projects must reflect the full diversity of the Port Orford community.

1. Project Name: \_\_\_\_\_
2. Organization or Business Name: \_\_\_\_\_
3. Contact Name(s) and Title: \_\_\_\_\_
4. Phone Number(s): \_\_\_\_\_ E-mail: \_\_\_\_\_
5. Is organization a non-profit? \_\_\_\_\_ Number: \_\_\_\_\_
6. Previous recipient of TLT Grant Funds? Yes \_\_\_ No \_\_\_ if yes, when and how were the funds used?  
 \_\_\_\_\_  
 \_\_\_\_\_
7. Grant Project Narrative: A detailed description of the proposed project or the activity and how it will help the City regarding Tourism and Beautification must be included with the application. (Limit to attached page)
8. Projected start date: \_\_\_\_\_ Projected completion date: \_\_\_\_\_
9. Amount requested in this application:    \$ \_\_\_\_\_
10. Budget (use attached sheet) a 50% match is required. Businesses must match 50% in cash.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Send or deliver application to City of Port Orford, P.O. Box 310, 555 West 20<sup>th</sup> Street, Port Orford, OR 97465 or e-mail to [jginsburg@portorford.org](mailto:jginsburg@portorford.org)





**CITY OF PORT ORFORD**  
**City Beautification and Tourism Development Fund**  
 2021-2022 GRANT APPLICATION FORM

**BUDGET:**

**Project/Program Expenses**

Line Item	Total Cost	TLT Funds	Other Revenue Source
Total	\$	\$	\$

**Other Revenue Sources: include source, amount, and status (i.e. planned, pending, secured)**

Source (Amount)	Status	Source (Amount)	Status

Is the project/program budget included in your organization's operating budget? \_\_\_\_\_

*You may change the number of rows in the tables above as needed. However, all information must be included and the project/program budget is limited to one single sided page*

As described in the TLT Ordinance;

No grant shall exceed fifty percent (50%) of the total project cost. No funds shall be disbursed until the grant recipient shows, to the satisfaction of the City, that it has the matching funds in cash or cash equivalent.

Action Item #	Lead	Hazard	Mitigation Action	Status/ Description/Partners PS=Problem Statement	Priority	Timeline /Cost	Goals met by Action	Curry County	City of Brookings
Gold Beach 21-MH-XX	City of Gold Beach	Earthquake	Seek funding to retrofit buildings and/or infrastructure at risk of damage in a high magnitude earthquake.	City Hall is within the tsunami zone, so it doesn't qualify for state seismic retrofit funding. Discussions have occurred about relocation but there is no clear direction about where to move due to the lack of level ground and landslide risk. School district conducted seismic retrofits with this funding. Partners: Curry County Emergency Management & Road Department	Low	Long/ High	1,2		
Gold Beach 21-FL-XX	City of Gold Beach	Flood	Ensure continued compliance in the National Flood Insurance Program (NFIP) through enforcement of local floodplain management ordinances.	Ongoing 2016 Action #10-FL-01 The city adopted the updated maps in 2018. Partners: FEMA, DLCD.	High	6-12 months/ Staff time	1,2,5	X	X
Gold Beach 21-LS-01	City of Gold Beach	Landslide	Continue to identify and map high risk slide areas to create an accurate logistical assessment.	Ongoing 2016 Action Gold Beach 16-LS-01	High	Long/ High	1,2	X	X
Port Orford 21-MH-XX	City of Port Orford	Multi-Hazard	Relocate Port Orford facilities out of the local (not distant) tsunami zone with seismic upgrades: City of Port Orford City Hall, Police, Fire Depts at 555 20th Street	Partners: Curry County Emergency Management & Road Department	H	2-5 years/ \$2.5 million	1,2,3,4,5		
Port Orford 21-MH-XX	City of Port Orford	Multi-Hazard	Develop and implement an Emergency Operations Plan (EOP).	Status: From discontinued 2016 Action #16-MH-02. The City's EOP would follow the County's update. Partners: Curry County Emergency Management, Oregon Emergency Management.	M	2-5 years/ \$75k	1,2,3,4,5	X	

**Natural Hazard Mitigation Actions 2022-2026**

<p><b>Curry County NHMP Goals:</b></p>	<p><b>Goal 1:</b> Save lives and reduce injuries</p>	<p><b>Goal 2:</b> Minimize and prevent damage to public and private services, buildings and infrastructure, protect natural and cultural resources as a part of these efforts.</p>	<p><b>Goal 3:</b> Reduce economic losses by improving lifelines to Curry County from Interstate 5 (communications, supply, and evacuation routes).</p>	<p><b>Goal 4:</b> Increase public and private sector involvement, including the whole community, in natural hazard mitigation and critical facilities planning, with increased education, outreach, awareness, and collaboration.</p>	<p><b>Goal 5:</b> Increase among t and loca</p>
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Action Item #	Lead	Hazard	Mitigation Action	Status/ Description/Partners PS=Problem Statement	Priority	Timeline /Cost	Goals met by Action	Curry County	City of Brookings
Port Orford 21-MH-XX	City of Port Orford	Multi-Hazard	Develop and implement a Continuity of Operations Plan (COOP).	Status: From discontinued 2016 Action #16-MH-02. The City is working with high school volunteers to assist with backup document scanning and other COOP implementation. The County is developing a strategy for training on COOP with FEMA EMI. Partners: Curry County Emergency Management, Oregon Emergency Management.	L	3-5 years/ \$125k	1,2,3,4,5	X	
Port Orford 21-MH-XX	City of Port Orford	Multi-Hazard	Work with Curry County to maintain and implement the updated Emergency Operations Plan and the Natural Hazard Mitigation Plan including systems for disaster warnings, and procedures for the protection of citizens in the case of earthquakes, tsunamis and other natural disasters. <u>Monica to revise.</u>	Status: Ongoing/ revised 2016 Action #16-MH-01 Action components: <ul style="list-style-type: none"> <li>Regularly brief the City Council and Planning commission regarding the EOP and NHMP.</li> <li>Meet with Curry County Emergency Management on at least a quarterly basis.</li> <li>Request input, support and technical assistance from Oregon Regional Solutions.</li> </ul> Partners: Curry County Emergency Management. Source: Port Orford Comprehensive Plan, Goal 7 Section, Policy 5.	H - M - L	<u>2-5 years/</u> <u>\$125k</u>	1,2,3,4,5	X	

Action Item #	Lead	Hazard	Mitigation Action	Status/ Description/Partners PS=Problem Statement	Priority	Timeline /Cost	Goals met by Action	Curry County	City of Brookings
Port Orford 21-MH-XX	City of Port Orford	Multi-Hazard	Prepare a post-tsunami redevelopment plan for the City of Port Orford as opportunities for funding such a plan become available.	Status: This work will likely be done in conjunction with Curry County Recovery Plan efforts. Not started/ revised 2016 action #16-MH-03; continued from 2010 plan. Partners: Curry County Emergency Management, Dept. of Geology and Mineral Industries, Oregon Emergency Management, Dept. of Land Conservation and Development	M	2-5 years/ \$125k	1,2,3,4,5	X	
Port Orford 21-MH-XX	City of Port Orford	Multi-Hazard	Continue to implement and enhance public education program regarding earthquakes and tsunamis.	New signage, pamphlets, staff time. Status: Ongoing 2016 Action #16-MH-04. Partners: City of Port Orford Police and Fire Port Orford School District, DOGAMI, OEM.	M	2-5 years/ \$50k	1,2,4,5	X	
Port Orford 21-MH-XX	City of Port Orford	Multi-Hazard	Continue to review the City of Port Orford Comprehensive Plan for the need to update hazard specific section to reflect the latest information on seismic and tsunami hazards.	Status: <del>Ongoing</del> Revised 2016 Action #16-MH-05. Partners: DOGAMI, City of Port Orford Planning, Public Works.	M	\$25k	1,2,4,5		
Port Orford 21-MH-XX	City of Port Orford	Multi-Hazard	Identify and map all roads, logging trails, and private drives to access during a catastrophic event.	Status: Ongoing 2016 Action #16-MH-06. Partners: City of Port Orford Planning Dept., Curry County Emergency Services, Private Logging Companies, USFS, BLM.	L	2-5 years/ \$25k	1,2,3,4,5		
Port Orford 21-DR-XX	City of Port Orford	Drought	Develop and maintain a resilient water supply for Port Orford.	Very high priority. In 2014 a bond for \$42 million was requested of voters, but in 2021 this will only cover 60% of the costs. PS: The City of Port Orford issued a state of emergency on 9/1/2021 due to water supply issues related to the drought, impoundment structural issues, distribution system leaks, and demand. Partners: City of Port Orford, Curry County Emergency Services.	H	2-5 years/ \$70 million	1,2,5	X	

**Natural Hazard Mitigation Actions 2022-2026**

<b>Curry County</b>	<b>Goal 1:</b>	<b>Goal 2:</b>	<b>Goal 3:</b>	<b>Goal 4:</b>	<b>Goal 5:</b>
<b>NHMP Goals:</b>	Save lives and reduce injuries	Minimize and prevent damage to public and private services, buildings and infrastructure, protect natural and cultural resources as a part of these efforts.	Reduce economic losses by improving lifelines to Curry County from Interstate 5 (communications, supply, and evacuation routes).	Increase public and private sector involvement, including the whole community, in natural hazard mitigation and critical facilities planning, with increased education, outreach, awareness, and collaboration.	Increase among p and loca

Action Item #	Lead	Hazard	Mitigation Action	Status/ Description/Partners PS=Problem Statement	Priority	Timeline /Cost	Goals met by Action	Curry County	City of Brookings
Port Orford 21-DR-XX	City of Port Orford	Drought	Repair or retrofit the Port Orford water supply to reduce or eliminate leaks.	High priority repairs to the dam are needed; the plan for the repairs should be ready in r Dec. 2021. PS: Hubbard Creek and the water storage provided by the impoundment there is the sole drinking water supply source for Port Orford. PS: Water leaks result in loss of 40% of treated drinking water supply (per 9/21 County drought declaration); expensive repairs are needed to mitigate severe water losses.	H - M - L	2-5 years/ \$500k	1,2,5		
Port Orford 21-DR-XX	City of Port Orford	Drought	Repair or retrofit the Port Orford distribution system to reduce or eliminate leaks.	PS: Water leaks result in loss of 40% of treated drinking water supply (per 9/21 County drought declaration); expensive repairs are needed to mitigate severe water losses.	H - M - L	2-5 years/ \$500k	1,2,5		
Port Orford 21-DR-XX	City of Port Orford	Drought	Develop a backup water source other than Garrison Lake for the Port Orford municipal drinking water system.	Status: The City is reviewing their water rights. PS: Hubbard Creek and the water storage provided by the impoundment is the sole drinking water supply source for Port Orford.	H - M - L	2-5 years/ \$500k	1,2,5		
Port Orford 21-EQ-XX	City of Port Orford	Earthquake	Upgrade/Retrofit Critical facilities to reduce potential of earthquake collapse.	Status: Schools done, verify others. Ongoing 2010 action #10-EQ-01. Partners: Port Orford School District, Business Oregon, Curry County Emergency Management, DOGAMI	H - M - L	2-5 years/ \$500k	1,2,3,4,5		

Action Item #	Lead	Hazard	Mitigation Action	Status/ Description/Partners PS=Problem Statement	Priority	Timeline /Cost	Goals met by Action	Curry County	City of Brookings
Port Orford 21-LS-XX	City of Port Orford	Landslide	Continue to identify and map high risk slide areas to create an accurate logistical assessment.	Status: Ongoing 2016 Action #16-LS-01. Partners: City of Port Orford Public Works, DOGAMI, Oregon Department of Transportation	H - M - L	<u>2-5 years/</u> <u>\$125k</u>	1,2,3,4,5		
Port Orford 21-LS-XX	City of Port Orford	Landslide	Evaluate current and high hazard slides for mitigation possibilities and funding sources.	Status: Started 2016 Action #16-LS-02. Partners: City of Port Orford Public Works Coos County Highways, Oregon Department of Transportation	H - M - L	<u>2-5 years/</u> <u>\$125k</u>	1,2,3		
Port Orford 21-TS-XX	City of Port Orford	Tsunami	Work with other agencies and community organizations to develop natural disaster shelters outside the tsunami inundation zone.	Status: Disaster cache work has begun, shelters have not. Ongoing/revised 2016 Action #16-TS-01 Partners: Curry County Emergency Management, Dept. of Geology and Mineral Industries, Oregon Emergency Management, FEMA, NANOOS <a href="http://nvs.nanoos.org/TsunamiEvac">http://nvs.nanoos.org/TsunamiEvac</a> Source: Port Orford Comprehensive Plan, Goal 7 Section, Hazard Policy 7.	H - M - L	<u>2-5 years/</u> <u>\$125k</u>	1,2,3,4,5	X	
Port Orford 21-WF-XX	City of Port Orford	Wildfire	Through multi-agency coordination, develop an abatement plan for control of noxious weeds, specifically Gorse, Scotch Broom and Butterfly Brush.	Status: In 2021, planning for gorse is happening at watershed level via the Port Orford Watershed Committee. Ongoing 2016 Action #16-WF-01. Partners: Private Land Owners within the City, Curry County, Weed Board	H - M - L	<u>2-5 years/</u> <u>\$75k</u>	1,2,4,5		
Port Orford 21-WF-XX	City of Port Orford	Wildfire	Continue wildfire prevention through public education programs to target residents, tourist, and companies in the area.	Status: Ongoing 2016 Action #16-WF-03. Partners: City of Port Orford Fire Department, Oregon Department of Forestry, Coos Forest Protection Association.	H - M - L	<u>2-5 years/</u> <u>\$25k</u>	1,2,4,5		

**PORT MITIGATION ACTIONS**

## Draft Scope of Work for Business Oregon Grant Contract - Forest Management Planning Project

### Forest Management:

The City of Port Orford will hire a sustainable forestry consultant to: (1) conduct an assessment and provide management planning guidance for the portion of the property currently held by The Conservation Fund that is within the City's Drinking Water Source Area (see attached maps) and (2) inform the City on how management of this property can be integrated into management/restoration of other parcels owned by the City.

**Commented [EM1]:** Is it a portion or a parcel?

The work will be done in consultation with the City and partners (watershed council, conservation organizations, and DEQ drinking water protection staff) to ensure it helps meet the long-term goal of maintaining the parcel as ecologically resilient forestland with minimal management intervention, except to address specific risks such as wildfire, invasive plants, or erosion. Gorse, a noxious weed, has infested many acres within the City's DWSA creating a significant fire hazard. This project will be coordinated, as needed, with gorse management and community engagement efforts performed as part of project U20010 (Watershed Invasive Species Management and Control), which creates a Wildfire Risk Reduction Plan focused on gorse control with the DWSA. [The Wildfire Risk Reduction plan is to be developed in 2022.

**Commented [EM2]:** You could at this point add something like "experience with forest management and the specific risks mentioned previously is needed in order to effectively develop the plan.

One way to narrow choices is to require bids to include "experience" with "specific activities". You could mention experience with gorse control in forest management as a ranking criteria. Just a thought, take or leave won't hurt my feelings.

**Formatted:** Not Highlight

The sustainable forestry consultant will:

- (1) Work with the City to clearly establish and document long-term management objectives for the parcel, connect management of that parcel with neighboring city-owned parcels, and determine how that fits within overall goals for Hubbard Creek Watershed protection.
- (2) Characterize the parcel in terms of terrain and geography, historical context, and ecological services provided (e.g. erosion control, flood management, invasives control, hydrologic benefits, etc.)
- (3) Assess and document current forest characteristics, forest health condition, management objectives, existing water quality risks, and desired future conditions and timing for any needed management.
- (4) Assess and document forest health risks (e.g. wildfire, invasive species, climate change impacts, insect and disease, etc.)
- (5) Develop management strategies for reducing risks over time (e.g. thinning from below to address ladder fuels, invasives removal/management, erosion control) and ensuring long-term resiliency of the forest land and resistance to disturbance.
- (6) Produce a draft Forest Management Plan that incorporates information listed above and meets requirements of likely funders for acquisition. Circulate for review by City and partners.
- (7) Finalize Forest Management Plan, share with partners, and ~~represent~~ present findings/~~present~~ to City Council and staff.

### Outreach:

- (1) The City of Port Orford will work with the Port Orford Watershed Council, DEQ, and partners to develop a brochure for residents about best practices for drinking water protection. The Watershed Council and partners will assist in distributing this information to residents.

(2) Curry Watersheds Partnership or other watershed partners will assist with K-8 education about how drinking water can become contaminated by common land-use practices, along with actions to promote pollution prevention and land stewardship of watersheds.



# City of Port Orford

## Financial Reportable Revenue and Expenses

### OCTOBER 31, 2021

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#### **General Fund**

- Revenue represents Business Licenses, Property and Liquor Taxes, Franchise Fees and Citations
- 34% of this month's expenses are payroll related – no overtime

#### **Parks Fund**

- Revenue is from Transient Lodging Tax
- Seasonal custodial services and restroom supplies make up most of this month's expenses

#### **Public Safety Fund**

- Revenues are from Property Taxes – will see an uptick in November/December
- 80% of this month's expenses are payroll related
- \$2,200 in overtime

#### **Water Enterprise Fund**

- Revenue represents the monthly water billing to City residents
- 40% of this month's expenses are payroll related
- \$1,400 in overtime pay
- \$4,400 was spent on repairs to pump stations

#### **Sewer Enterprise Fund**

- Revenue represents the monthly sewer billing to City residents
- 72% of this month's expenses are payroll related – no overtime

#### **Street Fund**

- Revenue represents State ODOT taxes
- 89% of this month's expenses are payroll related – no overtime

#### **Overall Notes:**

- 1) Parks seasonal worker is done until Spring
- 2) Admin & Public Safety will see an uptick in Property Tax revenues in November/December
- 3) We will get reimbursement from the State for the Oceanview paving - \$75K

October 9, 2021

Port Orford, Oregon

# Income Statement Group Summary

City of Port Orford

For Fiscal: 2021-2022 Period Ending: 10/31/2021

Account Type	Original Total Budget	Current Total Budget	MTD Activity	YTD Activity	Budget Remaining
<b>Fund: 010 - GENERAL FUND</b>					
Revenue	929,383.00	929,383.00	24,138.04	226,765.99	702,617.01
Expense	929,383.00	929,383.00	32,842.04	92,763.72	836,619.28
<b>Fund: 010 - GENERAL FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-8,704.00</b>	<b>134,002.27</b>	<b>-134,002.27</b>
<b>Fund: 014 - PARKS FUND</b>					
Revenue	260,516.00	260,516.00	51,665.13	93,553.95	166,962.05
Expense	260,516.00	260,516.00	8,071.08	31,241.79	229,274.21
<b>Fund: 014 - PARKS FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>43,594.05</b>	<b>62,312.16</b>	<b>-62,312.16</b>
<b>Fund: 020 - PUBLIC SAFETY</b>					
Revenue	588,755.00	588,755.00	962.31	6,082.92	582,672.08
Expense	588,755.00	588,755.00	39,740.42	139,989.96	448,765.04
<b>Fund: 020 - PUBLIC SAFETY Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-38,778.11</b>	<b>-133,907.04</b>	<b>133,907.04</b>
<b>Fund: 030 - WATER ENTERPRISE FUND</b>					
Revenue	1,075,142.00	1,075,142.00	40,316.22	185,257.38	889,884.62
Expense	1,075,142.00	1,075,142.00	61,764.99	181,197.92	893,944.08
<b>Fund: 030 - WATER ENTERPRISE FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-21,448.77</b>	<b>4,059.46</b>	<b>-4,059.46</b>
<b>Fund: 031 - WATER CAPITAL RESERVES</b>					
Revenue	83,408.00	83,408.00	76.50	341.26	83,066.74
Expense	83,408.00	83,408.00	0.00	0.00	83,408.00
<b>Fund: 031 - WATER CAPITAL RESERVES Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>76.50</b>	<b>341.26</b>	<b>-341.26</b>
<b>Fund: 035 - SEWER ENTERPRISE FUND</b>					
Revenue	1,321,853.00	1,321,853.00	52,103.31	231,105.90	1,090,747.10
Expense	1,321,853.00	1,321,853.00	30,607.71	98,900.96	1,222,952.04
<b>Fund: 035 - SEWER ENTERPRISE FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>21,495.60</b>	<b>132,204.94</b>	<b>-132,204.94</b>
<b>Fund: 036 - SEWER CAPITAL RESERVES</b>					
Revenue	255,359.00	255,359.00	76.50	333.69	255,025.31
Expense	255,359.00	255,359.00	0.00	0.00	255,359.00
<b>Fund: 036 - SEWER CAPITAL RESERVES Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>76.50</b>	<b>333.69</b>	<b>-333.69</b>
<b>Fund: 040 - STREET FUND</b>					
Revenue	177,933.00	177,933.00	8,629.82	31,124.39	146,808.61
Expense	177,933.00	177,933.00	14,776.75	109,786.97	68,146.03
<b>Fund: 040 - STREET FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-6,146.93</b>	<b>-78,662.58</b>	<b>78,662.58</b>
<b>Fund: 042 - STREETS CAPITAL IMPROVEMENT</b>					
Revenue	32,451.00	32,451.00	8.50	21.45	32,429.55
Expense	32,451.00	32,451.00	0.00	0.00	32,451.00
<b>Fund: 042 - STREETS CAPITAL IMPROVEMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>8.50</b>	<b>21.45</b>	<b>-21.45</b>
<b>Fund: 045 - EQUIPMENT REPLACEMENT FUND</b>					
Revenue	113,884.00	113,884.00	34.00	149.90	113,734.10
Expense	113,884.00	113,884.00	0.00	0.00	113,884.00
<b>Fund: 045 - EQUIPMENT REPLACEMENT FUND Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>34.00</b>	<b>149.90</b>	<b>-149.90</b>
<b>Fund: 061 - WATER SYSTEM DEVELOPMENT</b>					
Revenue	516,563.00	516,563.00	187.01	9,913.59	506,649.41
Expense	516,563.00	516,563.00	0.00	0.00	516,563.00
<b>Fund: 061 - WATER SYSTEM DEVELOPMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>187.01</b>	<b>9,913.59</b>	<b>-9,913.59</b>
<b>Fund: 062 - SEWER SYSTEM DEVELOPMENT</b>					
Revenue	339,889.00	339,889.00	119.01	10,650.75	329,238.25
Expense	339,889.00	339,889.00	0.00	0.00	339,889.00
<b>Fund: 062 - SEWER SYSTEM DEVELOPMENT Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>119.01</b>	<b>10,650.75</b>	<b>-10,650.75</b>
<b>Total Surplus (Deficit):</b>	<b>0.00</b>	<b>0.00</b>	<b>-9,486.64</b>	<b>141,419.85</b>	

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 11/18/2021

SUBJECT: Seasonal Gas Tax

ITEM NO: 7 a.

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### Previous Council Meeting:

A decision was made that we would begin the process of writing an Ordinance for Seasonal Gas Tax.

### Goal for November 2021 Council Meeting

After doing research on different cities that have implemented a Season Gas Tax. I have come across the Ordinance for the City of Sisters Oregon. It is a much bigger city however; it is written in the form of a Business License Tax on Motor Vehicle Fuel Dealers. I have attached it to this documentation for you to review. If this is what we like I can change it to be seasonal and curtail it towards the City Of Port Orford.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

Sample

**CITY OF SISTERS****ORDINANCE NO. 388****AN ORDINANCE OF THE CITY OF SISTERS IMPOSING A BUSINESS LICENSE TAX ON MOTOR VEHICLE FUEL DEALERS**

**WHEREAS**, the City maintains over 42 lane miles of roads, the majority of the street infrastructure is fair condition due pavement overlays during the sewer system construction and to the influx of new development during the past five years; and

**WHEREAS**, the City's street system is beginning to age and deteriorate and significant new investment in preventative maintenance is need to avoid even more costly repairs down the line; and

**WHEREAS**, the City of Sisters conducted a street condition analysis and recommends a street maintenance and improvement plan on annual basis along with full reconstruction of the roads that have reached the end of their life span will provide a well maintained transportation system and increase the lifespan of the existing street infrastructure; and

**WHEREAS**, the City recognizes the significant financial impact over the long term to the General Fund if it continues to transfer funds to the Street Fund for street maintenance costs; and

**WHEREAS**, the City acknowledges the need for a dedicated revenue source to stabilize the Street Fund and pay for needed repairs;

**NOW, THEREFORE**, the City of Sisters does hereby ordain as follows:

**Section 1. Title.** This Chapter shall be known as the "Motor Vehicle Fuel License Tax" and shall be codified as Chapter 3.06 of the Sisters Municipal Code.

**Section 2. Definitions.**

As used in this ordinance, unless the context requires otherwise:

1) "Aircraft fuel" means any gasoline and any other inflammable or combustible gas or liquid by whatever name such gasoline, gas or liquid is known or sold, usable as fuel for the operation of aircraft, except gas or liquid, the chief use of which, as determined by the City is for purposes other than the propulsion of aircraft.

2) "City" means City of Sisters, a municipal corporation of the State of Oregon.

3) "Dealer" means any person who:

a) Imports or causes to be imported motor vehicle fuel for sale, use or distribution in, and after the same reaches the City, but "Dealer" does not include any person who imports into the City motor vehicle fuel in quantities of 500 gallons or less purchased from a supplier who is licensed as a dealer hereunder and who assumes liability for the payment of the applicable license tax to the City; or

b) Produces, refines, manufactures or compounds motor vehicle fuels in the City for use, distribution or sale in the City; or

c) Acquires in the City for sale, use or distribution in the City motor vehicle fuel with respect to which there has been no license tax previously incurred.

4) "Distribution" means, in addition to its ordinary meaning, the delivery of motor vehicle fuel by a dealer to any service station or into any tank, storage facility or series of tanks or storage facilities connected by pipelines, from which motor vehicle fuel is withdrawn directly for sale or for delivery into the fuel tanks of motor vehicles whether or not the service station, tank or storage facility is owned, operated or controlled by the dealer.

5) "Highway" means every way, thoroughfare and place of whatever nature, open for use of the public for the purpose of vehicular travel.

6) "Motor Vehicle" means all vehicles, engines or machines, movable or immovable, operated or propelled by the use of motor vehicle fuel.

7) "Motor Vehicle Fuel" means and includes diesel and gasoline and any other flammable or combustible gas or liquid, by whatever name such as diesel and gasoline, gas or liquid is known or sold, usable as fuel for the operation of motor vehicles, except gas or liquid, the chief use of which, as determined by the City, is for purposes other than the propulsion of motor vehicles upon the highways.

8) "Person" includes every natural person, association, firm, partnership, or corporation.

9) "Service Station" means and includes any place operated for the purpose of retailing and delivering motor vehicle fuel into the fuel tanks of motor vehicles.

### **Section 3. Tax Imposed.**

A business license tax is hereby imposed on every dealer. The tax imposed shall be paid monthly to the City or its duly authorized agent. The City may delegate to any department of the City enforcement of any portion or all of this ordinance.

### **Section 4. Amount and Payment.**

1) Subject to subsections (2) and (3) of this section, in addition to any fees or taxes otherwise provided for by law, every dealer engaging in his own name, or in the name of others, or in the name of his representatives or agents in the City, in the sale, use or distribution of motor vehicle fuel, shall:

- a) Not later than the 25th day of each calendar month, render a statement to the City or its duly authorized agent of all motor vehicle fuel sold, used or distributed by him in the City as well as all such fuel sold, used or distributed in the City by a purchaser thereof upon which sale, use or distribution the dealer has assumed liability for the applicable license tax during the preceding calendar month.
  - b) Pay a license tax computed on the basis of three cents per gallon of such motor vehicle fuel so sold, used or distributed as shown by such statement in the manner and within the time provided in this ordinance.
- 2) In lieu of claiming refund of the tax as provided in Section 20, or of any prior erroneous payment of license tax made to the City by the dealer, the dealer may show such motor vehicle fuel as a credit or deduction on the monthly statement and payment of tax.
  - 3) The dealer shall be entitled to a deduction from the total tax owed in the amount of five percent (5%). This deduction shall reimburse the dealer for the administrative cost of collection of the tax.
  - 4) The license tax shall not be imposed wherever it is prohibited by the Constitution or laws of the United States or of the State of Oregon.

**Section 5. License Requirements.**

No dealer shall sell, use or distribute any motor vehicle fuel until he has secured a dealer's license as required herein.

**Section 6. License Applications and Issuance.**

- 1) Every person, before becoming a dealer in motor vehicle fuel in this City, shall make an application to the City for a license authorizing such person to engage in business as a dealer.
- 2) Applications for the license must be made on forms prescribed, prepared and furnished by the City.
- 3) The applications shall be accompanied by a duly acknowledged certificate containing:
  - a) The business name under which the dealer is transacting business.
  - b) The place of business and location of distributing stations in the City and in areas adjacent to the City limits in the State of Oregon.
  - c) The name and address of the managing agent, the names and addresses of the several persons constituting the firm or partnership and, if a corporation, the corporate name under which it is authorized to transact business and the names and addresses of its principal officers and registered agent.
- 4) The application for a motor vehicle fuel dealer's license having been accepted for filing, the City shall issue to the dealer a license in such form as the City may prescribe to transact business

in the City. The license so issued is not assignable, and is valid only for the dealer in whose name it is issued.

5) The City shall keep and file all applications with an alphabetical index thereof, together with a record of all licensed dealers

**Section 7. Failure to Secure License.**

1) If any dealer sells, distributes or uses any motor vehicle fuel without first filing the certificate and securing the license required by Section 6, the license tax shall immediately be due and payable on account of all motor vehicle fuel so sold, distributed or used.

2) The City shall proceed forthwith to determine, from the best available sources, the amount of such tax, and it shall assess the tax in the amount found due, together with a penalty of 100% of the tax, and shall make its certificate of such assessment and penalty. In any suit or proceeding to collect such tax or penalty or both, the certificate is prima facie evidence that the dealer therein named is indebted to the City in the amount of the tax and penalty therein stated.

3) Any tax or penalty so assessed may be collected in the manner prescribed in Section 11 with reference to delinquency in payment of the tax or by court action.

**Section 8. Revocation of License.**

The City shall revoke the license of any dealer refusing or neglecting to comply with any provision of this ordinance. The City shall mail by certified mail addressed to such dealer at his last known address appearing on the files of the City, a notice of intention to cancel. The notice shall give the reason for the cancellation. The cancellation shall become effective without further notice if within 10 days from the mailing of the notice the dealer has not made good its default or delinquency.

**Section 9. Cancellation of License.**

1) The City may, upon written request of a dealer, cancel any license issued to such dealer, the cancellation to become effective 30 days from the date of receipt of the written request.

2) If the City ascertains and finds that the person to whom a license has been issued is no longer engaged in the business of a dealer, the City may cancel the license of such dealer upon investigation, after 30 days notice has been mailed to the last known address of the dealer.

**Section 10. Remedies Cumulative.**

Except as otherwise provided in Sections 11 and 13 the remedies provided in Sections 7, 8 and 9 are cumulative. No action taken pursuant to those sections shall relieve any person from the penalty provisions of this ordinance.

**Section 11. Payment of Tax and Delinquency.**

1) The license tax imposed by Sections 3 and 4 shall be paid on or before the 25th day of each month to the City which, upon request, shall receipt the dealer therefor.

- 2) Except as provided in subsection (4) of this section, to any license tax not paid as required by subsection (1) of this section, there shall be added a penalty of one percent of such license tax.
- 3) Except as provided in subsection (4) of this section, if the tax and penalty required by subsection (2) of this section are not received on or before the close of business on the last day of the month in which the payment is due, a further penalty of ten percent shall be paid in addition to the penalty provided for in subsection (2) of this section.
- 4) If the City determines that the delinquency was due to reasonable cause and without any intent to avoid payment, the penalties provided by subsections (2) and (3) of this section shall be waived. Penalties imposed by this section shall not apply when the penalty provided in Section 7 has been assessed.
- 5) If any person fails to pay the license tax or any penalty provided for by this ordinance, the amounts thereof shall be collected from such person for the use of the City. The City shall commence and prosecute to final determination in any court of competent jurisdiction an action to collect the same.
- 6) No dealer who collects from any person the tax provided for herein shall knowingly and willfully fail to report and pay the same to the City as required herein.

**Section 12. Monthly Statement of Dealer.**

Every dealer in motor vehicle fuel shall render to the City or its duly authorized agent on or before the 25th day of each month, on forms prescribed, prepared and furnished by the City, a signed statement of the number of gallons of motor vehicle fuel sold, distributed or used by him during the preceding calendar month. The statement shall be signed by the licensee. All statements filed with the City, as required in this section, are public records.

**Section 13. Failure to File Monthly Statements.**

If any dealer, except one subject to Section 7, fails to file the report required by Section 12, the City shall proceed forthwith to determine from the best available source the amount of motor vehicle fuel sold, distributed or used by such dealer for the period unreported, and such determination shall be prima facie evidence of the amount of such fuel sold, distributed or used. The City immediately shall assess the license tax in the amount so determined, adding thereto a penalty of ten percent for failure to report. The penalty shall be cumulative to other penalties provided in this ordinance. In any suit brought to enforce the rights of the City under this section, the certificate of the City showing the amount of tax, penalties and costs unpaid by any dealer and that the same are due and unpaid to the City is prima facie evidence of the facts as shown.

**Section 14. Billing Purchasers.**

Bills shall be rendered to all purchasers of motor vehicle fuel by dealers in motor vehicle fuel. The bills shall separately state and describe to the satisfaction of the City the different products shipped there under and shall be serially numbered except where other sales invoice controls acceptable to the City are maintained. The bills required hereunder may be the same as those required under ORS 319.210.



**Section 15. Failure to Provide Invoice or Delivery Tag.**

No person shall receive and accept any shipment of motor vehicle fuel from any dealer, or pay for the same, or sell or offer the shipment for sale, unless the shipment is accompanied by an invoice or delivery tag showing the date upon which shipment was delivered and the name of the dealer in motor vehicle fuel.

**Section 16. Transporting Motor Vehicle Fuel in Bulk.**

Every person operating any conveyance for the purpose of hauling, transporting or delivering motor vehicle fuel in bulk shall, before entering upon the public highways of the City with such conveyance, have and possess during the entire time of his hauling or transporting such motor vehicle fuel an invoice, bill of sale or other written statement showing the number of gallons, the true name and address of the seller or consignor, and the true name and address of the buyer or consignee, if any, of the same. The person hauling such motor vehicle fuel shall at the request of any officer authorized by the City to inquire into or investigate such matters, produce and offer for inspection the invoice, bill of sale or other statement.

**Section 17. Exemption of Export Fuel.**

1) The license tax imposed by Section 3 and 4 shall not be imposed on motor vehicle fuel:

a) Exported from the City by a dealer; or

b) Sold by a dealer in individual quantities of 500 gallons or less for export by the purchaser to an area or areas outside the City in containers other than the fuel tank of a motor vehicle, but every dealer shall be required to report such exports and sales to the City in such detail as may be required.

2) In support of any exemption from license taxes claimed under this section other than in the case of stock transfers or deliveries in his own equipment, every dealer must execute and file with the City an export certificate in such form as shall be prescribed, prepared and furnished by the City, containing a statement, made by some person having actual knowledge of the fact of such exportation, that the motor vehicle fuel has been exported from the City, and giving such details with reference to such shipment as the City may require. The City may demand of any dealer such additional data as is deemed necessary in support of any such certificate, and failure to supply such data will constitute a waiver of all right to exemption claimed by virtue of such certificate. This City may, in a case where it believes no useful purpose would be served by filing of an export certificate, waive the certificate.

3) Any motor vehicle fuel carried from the City in the fuel tank of a motor vehicle shall not be considered as exported from the City.

4) No person shall, through false statement, trick or device, or otherwise, obtain motor vehicle fuel for export as to which the City tax has not been paid and fail to export the same, or any portion thereof, or cause the motor vehicle fuel or any portion thereof not to be exported, or divert or cause to be diverted the motor vehicle fuel or any portion thereof to be used, distributed or sold in the City and fail to notify the City and the dealer from whom the motor vehicle fuel was originally purchased of his act.

5) No dealer or other person shall conspire with any person to withhold from export, or divert from export or to return motor vehicle fuel to the City for sale or use so as to avoid any of the fees imposed herein.

6) In support of any exemption from taxes on account of sales of motor vehicle fuel in individual quantities of 500 gallons or less for export by the purchaser, the dealer shall retain in his files for at least three years an export certificate executed by the purchaser in such form and containing such information as is prescribed by the City. This certificate shall be prima facie evidence of the exportation of the motor vehicle fuel to which it applies only if accepted by the dealer in good faith.

**Section 18. Fuel in Vehicle Coming into City Not Taxed.**

Any person coming into the City in a motor vehicle may transport in the fuel tank of such vehicle motor vehicle fuel for his own use only and for the purpose of operating such motor vehicle without securing a license or paying the tax provided in Sections 3 and 4, or complying with any of the provisions imposed upon dealers herein, but if the motor vehicle fuel so brought into the City is removed from the fuel tank of the vehicle or used for any purpose other than the propulsion of the vehicle, the person so importing fuel into the City shall be subject to all the provisions herein applying to dealers.

**Section 19. Fuel Sold or Delivered to Dealers.**

1) A dealer selling or delivering motor vehicle fuel to dealers is not required to pay a license tax thereon.

2) The dealer in rendering monthly statements to the City as required by Sections 4 and 12 shall show separately the number of gallons of motor vehicle fuel sold or delivered to dealers.

**Section 20. Refunds.**

Refunds will be made pursuant to applicable state and federal laws. Claim forms for refunds may be obtained from the Finance Department.

**Section 21. Examination and Investigations.**

The City, or its duly authorized agents, may make any examination of accounts, records, stocks, facilities and equipment of dealers, service stations and other persons engaged in storing, selling or distributing motor vehicle fuel or other petroleum product or products within this City, and such other investigations as it considers necessary in carrying out the provisions of this ordinance. If the examinations or investigations disclose that any reports of dealers or other persons theretofore filed with the City pursuant to the requirements herein have shown incorrectly the amount of gallonage or motor vehicle fuel distributed or the tax accruing thereon, the City may make such changes in subsequent reports and payments of such dealers or other persons, or may make such refunds, as may be necessary to correct the errors disclosed by its examinations or investigations.

**Section 22. Limitation on Credit for or Refund of Overpayment and on Assessment of Additional Tax.**

1) Except as otherwise provided in this ordinance, any credit for erroneous overpayment of tax made by a dealer taken on a subsequent return or any claim for refund of tax erroneously overpaid filed by a dealer must be so taken or filed within three years after the date on which the overpayment was made by the City.

2) Except in the case of a fraudulent report or neglect to make a report, every notice of additional tax proposed to be assessed under this ordinance shall be served on dealers within three years from the date upon which such additional taxes become due.

**Section 23. Examining Books and Accounts of Carrier of Motor Vehicle Fuel.**

The City or its duly authorized agents may at any time during normal business hours examine the books and accounts of any carrier of motor vehicle fuel operating within the City for the purpose of checking shipments or use of motor vehicle fuel, detecting diversions thereof or evasion of taxes in enforcing the provisions of this ordinance.

**Section 24. Records to be Kept by Dealers.**

Every dealer in motor vehicle fuel shall keep a record in such form as may be prescribed by the City of all purchases, receipts, sales and distribution of motor vehicle fuel. The records shall include copies of all invoices or bills of all such sales and shall at all times during the business hours of the day be subject to inspection by the City or its authorized officers or agents.

**Section 25. Records to be Kept Three Years.**

Every dealer shall maintain and keep, for a period of three years, all records of motor vehicle fuel used, sold and distributed within the City by such dealer, together with stock records, invoices, bills of lading and other pertinent papers as may be required by the City. In the event such records are not kept within the State of Oregon, the dealer shall reimburse the City for all travel, lodging, and related expenses incurred by the City in examining such records. The amount of such expenses shall be an additional tax imposed hereunder.

**Section 26. Use of Tax Revenues.**

1) The City Manager and Manager's designated representative shall be responsible for the disposition of the revenue from the tax imposed by this ordinance in the manner provided by this section.

2) For the purposes of this section, net revenue shall mean the revenue from the tax imposed by this ordinance remaining after providing for the cost of administration and any refunds and credits authorized herein.

3) The net revenue shall be used only for the construction, reconstruction, improvement, repair, maintenance, operation and use of public highways, roads and streets within the City, including street lighting and storm drainage. The net revenue received by the City shall be credited to the Street Fund for the purposes provided herein.

**Section 27. Separability.**

If any portion of this Chapter is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

**Section 28. Chapter 3.** All remaining provisions of Chapter 3 of the Sisters Municipal Code are reaffirmed in their entirety.

**Section 29. Effective Date:**

Adopted by the City Council of the City of Sisters and approved by the Mayor this 13<sup>th</sup> day of August, 2009. This Chapter will be effective September 12, 2009.

  
\_\_\_\_\_  
Lon Kellstrom, Mayor

Attest:

  
\_\_\_\_\_  
Kathy Nelson, City Recorder



## FINANCE

### Fuel Tax

#### Motor Vehicle Fuel Tax

The City of Sisters maintains over 53 lane miles of roads. The City's street maintenance and improvement plan will provide a well maintained transportation system and increase the lifespan of the existing street infrastructure. The City acknowledges the need for a dedicated revenue source to pay for needed improvements and repairs and therefore approved Ordinance No. 388 imposing a local gas tax.

#### Tax Imposed

The Motor Vehicle Fuel Tax imposes a \$.03 per gallon tax on motor vehicle fuel sold, used or distributed in the City by a motor vehicle fuel dealer.

#### License Requirements

No dealer shall sell, use or distribute any motor vehicle fuel until a dealer's license is secured.

To obtain a City of Sisters Motor Vehicle Fuel Dealer License print the application below and return to City Hall at 520 E. Cascade Avenue or mail to City of Sisters, P.O. Box 39, Sisters, Oregon 97759.

#### Monthly Statement

Every motor vehicle fuel dealer is required to submit the Fuel Tax Monthly Report Form on or before the 25th day of the month following collection of the fuel tax.

This report shows the number of gallons of motor vehicle fuel sold, distributed or used during the preceding calendar month. Payment of fuel tax collected is submitted with the monthly report. Fuel dealers are entitled to deduct 5% of tax owed for administrative costs.

# Supporting Documents

 Fuel Tax Report Form (570 KB)

**Name: Joseph O'Neill**

**Finance Director**

**(541) 323-5222**

[joneill@ci.sisters.or.us](mailto:joneill@ci.sisters.or.us)

**Name: Kim Keeton**

**Accounting Technician**

**(541) 323-5209**

[kkeeton@ci.sisters.or.us](mailto:kkeeton@ci.sisters.or.us)

**Name: Julie Pieper**

**Finance Admin Assistant**

**(541) 549-6022**

[jpieper@ci.sisters.or.us](mailto:jpieper@ci.sisters.or.us)

[Home](#) | [Contact Us](#) | [Staff Login](#) | [Webmail](#)

**520 East Cascade | PO Box 39 | Sisters, Oregon 97759 | Phone: 541-549-6022 | Fax: 541-549-0561 | City  
Hall Lobby Open Monday-Thursday 8:00 am- 5:00 pm, Friday 8:00 am – 12:00 pm**

Select Language | ▼

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 11/18/2021

SUBJECT: Vacation Rentals

ITEM NO: 7 b.

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### Previous Council Meeting:

A motion passed for the City of Port Orford to begin the process of putting a Moratorium in place allowing for planning to take over the process of setting rules and regulations for Vacation Rentals

### Goal for November 2021 Council Meeting

At the last meeting it was discussed that a workshop should be held so that when planning does take over the process they have a set of items that City Council would like to see addressed. Each counselor was suggested to bring 5 or more ideas to this workshop for discussion.

When would we like to have this workshop take place so that we can continue to move in a positive direction.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 11/18/2021

SUBJECT: A-Frame Discussion for Arts and Parks

ITEM NO: 7 c.

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### Previous Council Meeting:

At the Council meeting in October it was decided that the council would table the discussion about termination of the Arts Council Contract with the City for the A-Frame house. They need a 90-day notice in order to terminate the contact. Arts would like the opportunity to re-coup the funds that they have used to upgrade and keep the A-frame over the last year or 2 due to Covid. Therefore, they are asking for another year on the contact to at least make them "whole" again.

### Goal for November 2021 Council Meeting

The suggestion is that Parks hold a meeting with the Arts Council to see if an agreement can be made between the two parties. Then the agreement can be brought back to council for approval in the December 2021 meeting.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator



# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 11/18/2021

SUBJECT: Water Curtailment Ordinance 2022-04 (DRAFT)

ITEM NO: 8 a.

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### Previous Council Meeting:

With the water infrastructure issues and water restrictions that we put in place during the summer there were discussions about setting in place a Water Curtailment Ordinance. Jessica has done a lot of research and has attached a draft of the Water Curtailment Ordinance for City Council to Review.

### Goal for November 2021 Council Meeting

After reviewing the new Water Curtailment Ordinance please give suggestions and have discussion on the Draft in order to continue with the process to get the Water Curtailment Ordinance ultimately implemented into the City Municipal Code.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

## ORDINANCE NUMBER 2022-04

### AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF PORT ORFORD

The Common Council of the City of Port Orford hereby ordains that the following Ordinance 2022-04 be adopted for Water Curtailment

#### CHAPTER 13.05

##### SECTIONS:

<b>13.05.010</b>	<b>Title</b>
<b>13.05.020</b>	<b>Purpose</b>
<b>13.05.030</b>	<b>Definitions</b>
<b>13.05.040</b>	<b>Application of Procedure</b>
<b>13.05.050</b>	<b>Levels of Concern</b>
<b>13.05.060</b>	<b>Regulation of Prinking and Water During Level of Concern Conditions</b>
<b>13.05.070</b>	<b>Nonessential Residential Water</b>
<b>13.05.080</b>	<b>Nonessential Commercial or Industrial Use</b>
<b>13.05.090</b>	<b>Gutter Flooding</b>
<b>13.05.100</b>	<b>Regulation of Applications for New Water Services</b>
<b>13.05.110</b>	<b>Penalty</b>
<b>13.05.120</b>	<b>Variances</b>

This chapter, together with the any amendments codified in this chapter, shall be known and may be cited as the City of Port Orford Water Curtailment Code and will be referred to herein as "this code".

#### **13.05.020 - Purpose:**

The City hereby declares that water shortage emergency condition exists in the City of Port Orford when the Hubbard's Creek holding pond is below standards set by the Public Works Supervisor. City Administrator and the Public Works Supervisor acknowledges that during such times of low water supply the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply of the City to the extent that there would be insufficient water for human consumption, sanitation, fire protection and aquatic life protection.

In order to conserve the water supply for the greatest public benefit with particular regards to domestic use, sanitation, fire protection, safety, and aquatic life protection, the City adopts the following regulations and restrictions on the delivery and consumption of water during drought conditions.

**13.05.030 - Definitions:**

In the case where a definition of a term is found to be in conflict with a definition or term in any other City ordinance or regulation, the more restrictive definition shall apply.

**Customer:** means any person designated in city records to receive City of Port Orford water service.

**City Administrator:** means the City Administrator of the City of Port Orford, or any authorized employee of the City of Port Orford designated by him/her

**Person:** means any person, firm, entity, partnership, association, corporation, company or organization of any kind.

**Water:** means water from the City of Port Orford, unless expressly provided otherwise or required by contract.

**Water Curtailment Measures:** means any restrictions or rules set forth in this Ordinance to address the First, Second, Third or Fourth Levels of Concern set forth herein.

**First Level of Concern:** means when water reaches \_\_\_\_\_ feet in Hubbard's Creek Holding pond or \_\_\_\_\_ feet in the treated water tank.

**Second Level of Concern:** means when water reached \_\_\_\_ feet in Hubbard's Creek Holding Pond and/or \_\_\_\_ feet in the treated water tank.

**Third Level of Concern:** means when water reaches \_\_\_\_\_ feet in Hubbard's Creek Holding Pond and/or \_\_\_\_\_ feet in the treated water tank.

**Fourth Level of Concern:** means when water reached \_\_\_\_\_ feet in Hubbard's Creek Holding Pond and/or \_\_\_\_\_ feet in the treated water tank; or when the State of Oregon declares a drought emergency in Curry County Oregon.

**Designated Party:** Persons designated by the City Administrator to

**13.05.040 –Application and Procedure:**

The provision of the Ordinance shall apply to all customers using water provided by the City of Port Orford at such times as Hubbard's creek decreases to \_\_\_\_\_ or less. Upon implementation of the Water Curtailment Measures, such measures shall remain in effect until the stream flow has increased about trigger level for a continuous 24 hours as verified by the Public Works Supervisor or City Administrator.

The Penalty provisions for the Ordinance will not be enforced unless and until public notice has been posted in at least three (3) public places or notice has been published in the local newspaper after the first confirmation of Second, Third or Fourth Level of concern conditions, evidenced by the measurement in Hubbard's Creek Holding Pond. Notice shall be republished for each separate occurrence of Second, Third, or fourth level of concern conditions following a non-drought period.

**13.05.050 –Levels of Concerns:**

No employee or contractor of the city in the watershed shall violate any rules and regulations adopted by the city to protect the purity of the water and prevent pollution.

**13.05.060 – Regulation of Prinking and Water During Level of Concern Conditions:**

- 1) First Level of Concern: Conditions, persons and customers are requested to voluntarily reduce their water use. The City may issue a formal or informal request for such reduction, including a summary of the water level condition, the reason for the requested curtailment, and a warning that mandatory curtailment will be required if the voluntary measures do not sufficiently reduce water usage by 20% within 30 days.
- 2) Second Level of Concern: Conditions, no person or customers shall sprinkle, water or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, gardens, vegetables, flowers, or any other vegetation, except as follows:
  - a. Irrigation, sprinkling, and/or watering is only permitted by residences west of Hwy 101 on even numbered calendar days.
  - b. Irrigation, sprinkling, and or watering is only permitted by residences east of Hwy 101 on odd-numbered calendar days.
- 3) Third Level of Concern: Conditions, no person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers, plants, vines, flowers or any other vegetation. Direct hand watering of food producing plants (herbs, fruit, and vegetable) shall be permitted.

- 4) Fourth Level of Concern: conditions, there is imposed on persons and customers a mandatory reduction in water usage as follows:
- a. No person or customer shall sprinkle, water, or irrigate any shrubbery, trees, lawns, grass, ground covers plants, vines, flowers gardens or any other vegetation.
  - b. For residential customers, the City may issue a maximum daily allotment for water use per meter. A person or customer who exceeds the maximum daily allotment shall be subject to the penalty provisions of the Ordinance.
  - c. The City may require the use of shower flow restrictors, toilet damming devices, or other water conservation devices.
  - d. Bulk water sales shall be suspended.

**13.05.070- Nonessential Residential Water Use:** The following residential water uses are hereby determined to be nonessential and are prohibited during Second, Third and Fourth Level of Concern Conditions.

- 1) The use of water to wash any motor bike, motor vehicle, boat (excluding Commercial Fishing Vessels), trailer, airplane or other vehicle, except when such water is used at a commercial washing facility;
- 2) The use of water to wash down any sidewalk, walkway, driveway, parking lot, tennis court or other hard-surfaced area, or any building or structure;
- 3) The use of water to fill, refill or add to any indoor or outdoor swimming pool, Jacuzzi pool, except for the following: neighborhood fire control purposes, where the pool has a recycling water system and evaporative cover, or where the use of the pool is required by a medical doctor's prescription; and
- 4) The use of water in a fountain or pond for aesthetic or scenic purposes, except where necessary to support aquatic life.

**13.05.080 – Nonessential Commercial or Industrial Use:** During Second, Third and Fourth level of concern conditions, the following commercial and/or industrial water uses are hereby determined to be nonessential and are prohibited:

- 1) Serving City water for drinking at a restaurant, hotel, café, cafeteria, or other public place where food is sold, served, or offered for sale, to any person unless requested by such person;
- 2) The use of water for scenic or recreational ponds and lakes, except for the minimum amount required to support aquatic life;
- 3) The use of water from hydrants for constructions purposes, fire drills, or any purpose other than fire-fighting
- 4) The use of water by a golf course to irrigate any portion of its grounds except those areas designated as tees and greens;
- 5) The use of water for dust control

**13.05.090 – Gutter Flooding:** No person or customer shall cause water to run to waste in any gutter or drain during a Second, Third, or Fourth level of concern.

**13.05.100 – Regulation of Applications for New Water Services:** No new, additional, further expanded or increased-in-size water services connections, meters, services lines, pipeline extensions, mains, or other water service facilities of any kind shall be allowed, approved or installed during a Second, Third, or Fourth Level of Concern.

**13.05.110 - Penalty:** The following penalty provisions apply to violations of this Ordinance:

- 1) Penalties for violating this Ordinance shall be cumulative in that they me be in additional to, not in lieu of, other penalties, remedies, or surcharges established by this chapter.
- 2) Second Level of Concern: Any Customers who exceed the 2 times their annual average of water usage shall pay a surcharge of two (2) times the rate for water delivered in excess of the average volume.

- 3) Third Level of Concern: Any customers who excess 2-4 times their annual average of water usage shall pay a surcharge of three (3) times the rate for water delivered excess of the average volume.
  
- 4) Fourth Level of Concern: Any Customers who exceeds 4 and over their annual average of water usage shall pay a surcharge of four (4) times the rate for water delivered in excess of the average volume.

**13.05.120 -Variances:** The City Administrator may, in writing, grant temporary variances for prospective uses of water otherwise prohibited after determining that due to unusual circumstances, failure to grant such variances would cause an emergency condition affecting health, sanitation or fire protection.

The City Council shall ratify or revoke any such variance or adjustment as its next scheduled meeting. Any such variance or adjustment so ratified, may be revoked by later action of the City Council.

No such variance shall be retroactive or otherwise justify any violation of this Ordinance occurring prior to issuance of said temporary variance.

The foregoing ordinance was enacted by the Common Council of the City of Port Orford this \_\_\_<sup>th</sup> day of \_\_\_1 and effective the \_\_\_<sup>th</sup> day of \_\_\_by the following vote:

DATED :

Passed or Failed by the following Roll Call Vote

Yes: \_\_\_\_\_

No: \_\_\_\_\_

Passed \_\_\_\_\_ Failed \_\_\_\_\_

\_\_\_\_\_  
Mayor Pat Cox

ATTEST:

\_\_\_\_\_  
Jessica Ginsburg, City Recorder



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 BOARD

Name: STEVE COURTIER

Mailing Address: P.O. BOX 1314, PORT ORFORD

Physical Address: 2 VISTA DR, PORT ORFORD

Home Phone: (541) 999-0131 Work Phone: Fax:

E-mail: COURTMANDOO@YAHOO.COM

Current Employment: RETIRED

Your area of interest:

Your area of expertise: MANAGEMENT, LOCAL & GOVERNMENT BUDGETS

Why do you want to serve? TO HELP SERVE OUR COMMUNITY & CONTINUE MY COMMITMENTS TO THE TLT COMMITTEE.

Previous service in this appointed position of a similar position I WAS A 4 YR TLT COMMITTEE MEMBER PREVIOUSLY

Other volunteer activities ROTARY CLUB OF PORT ORFORD

Does your schedule allow you to attend?

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

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

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

Additional comments:

Date: 31 OCT 21

Signature: [Handwritten Signature]

Please return to:

City of Port Orford

P.O. Box 310

Port Orford, OR 97465

Phone: 541-366-4568

Fax: 877-281-5307

jginsburg@portorford.org



# LIQUOR LICENSE APPLICATION

PRINT FORM

RESET FORM

1. Application. **Do not include** any OLCC fees with your application packet (the license fee will be collected at a later time). Application is being made for:

License Applied For:	CITY AND COUNTY USE ONLY
<input type="checkbox"/> Brewery 1 <sup>st</sup> Location	Date application received and/or date stamp:
Brewery Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/>	Name of City or County:
<input type="checkbox"/> Brewery-Public House (BPH) 1 <sup>st</sup> location	<u>City of Port Orford</u>
BPH Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/>	Recommends this license be:
<input type="checkbox"/> Distillery	<input checked="" type="checkbox"/> Granted <input type="checkbox"/> Denied
<input checked="" type="checkbox"/> Full On-Premises, Commercial	By: <u>[Signature]</u>
<input type="checkbox"/> Full On-Premises, Caterer	Date: <u>11-4-21</u>
<input type="checkbox"/> Full On-Premises, Passenger Carrier	
<input type="checkbox"/> Full On-Premises, Other Public Location	
<input type="checkbox"/> Full On-Premises, For Profit Private Club	
<input type="checkbox"/> Full On-Premises, Nonprofit Private Club	
<input type="checkbox"/> Grower Sales Privilege (GSP) 1 <sup>st</sup> location	
GSP Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/>	
<input type="checkbox"/> Limited On-Premises	
<input type="checkbox"/> Off-Premises	
<input type="checkbox"/> Warehouse	
<input type="checkbox"/> Wholesale Malt Beverage & Wine	
<input type="checkbox"/> Winery 1 <sup>st</sup> Location	
Winery Additional location (2 <sup>nd</sup> ) <input type="checkbox"/> (3 <sup>rd</sup> ) <input type="checkbox"/>	
(4 <sup>th</sup> ) <input type="checkbox"/> (5 <sup>th</sup> ) <input type="checkbox"/>	

2. Identify the applicant(s) applying for the license(s). **ENTITY (example: corporation or LLC) or INDIVIDUAL(S)<sup>1</sup>** applying for the license(s):

Edward J Howck  
App #1: NAME OF ENTITY OR INDIVIDUAL APPLICANT      App #2: NAME OF ENTITY OR INDIVIDUAL APPLICANT

App #3: NAME OF ENTITY OR INDIVIDUAL APPLICANT      App #4: NAME OF ENTITY OR INDIVIDUAL APPLICANT

3. Trade Name of the Business (Name Customers Will See)  
MR Eds ESPRESSO, Juice and underground Pub

4. Business Address (Number and Street Address of the Location that will have the liquor license)  
1870 OREGON STREET

City <u>PORT ORFORD</u>	County <u>CURRY</u>	Zip Code <u>97465</u>
----------------------------	------------------------	--------------------------

<sup>1</sup> Read the instructions on page 1 **carefully**. If an entity is applying for the license, list the name of the entity as an applicant. If an individual is applying as a sole proprietor (no entity), list the individual as an applicant.



# LIMITED LIABILITY COMPANY (LLC) QUESTIONNAIRE

LLC Name MR Eds ESPRESSO, JUICE AND UNDERGROUND PUB

Trade Name of Business (Name Customers Will See) MR Eds Espresso, Juice and Underground Pub

The LLC named in this document is a (see page 1 for definitions):  Manager-Managed LLC  Member-Managed LLC

**This section is ONLY for a manager-managed LLC.** (Directions on page 1. You may include information on a separate sheet.)

Name of Managing Member (please print)	Name of Managing Member (please print)
Edward J Howck	

**This section is for BOTH a manager-managed LLC and a member-managed LLC.** (Directions on page 1. You may include information on a separate sheet.)

Name of Member (please print)	Percentage of issued membership held
Edward J Howck	100%

**This section is ONLY for an LLC with the listed officers.** (Directions on page 1. You may include information on a separate sheet.)

Title	Name (please print)
President	
Secretary	
Treasurer	
Vice president with responsibility over the operation of the business	

**SERVER EDUCATION DESIGNEE** (Directions on page 1)

Name (please print)	Date of Birth

**SIGNATURE** (Directions on page 1)

NAME of Signing Person (please type or print) Edward J Howck

Edward J Howck DATE 10-30-21  
SIGNATURE of signing person (may electronically sign)

**This box for OLCC use ONLY**

Only for an applicant of record: SOS Number \_\_\_\_\_ Current at time of issuing license (yes/no) \_\_\_\_\_

Does the entity hold, or has it ever held, an OLCC-issued liquor license? \_\_\_\_\_



# LIQUOR LICENSE APPLICATION

5. Trade Name of the Business (Name Customers Will See) <b>MR EDS ESPRESSO JUICE AND UNDERGROUND PUB</b>			
6. Does the business address currently have an OLCC liquor license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
7. Does the business address currently have an OLCC marijuana license? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO			
8. Mailing Address/PO Box, Number, Street, Rural Route (where the OLCC will send your license certificate, renewal application and other mailings as described in OAR 845-004-0065[1].) <b>PO BOX 213</b>			
City <b>PORT ORFORD</b>	State <b>OR</b>	Zip Code <b>97465</b>	
9. Phone Number of the Business Location <b>541 253 6125</b>		10. Email Contact for this Application and for the Business <b>E.PUB@YAHOO.COM</b>	
11. Contact Person for this Application <b>EDWARD J HOUCK</b>		Phone Number <b>541 253 6125</b>	
Contact Person's Mailing Address (if different)	City	State	Zip Code

Please note that liquor license applications are public records. A copy of the application will be posted on the OLCC website for a period of several weeks.

**ATTESTATION: \*\*READ CAREFULLY AND MAKE SURE YOU UNDERSTAND BEFORE SIGNING THIS FORM\*\***

I understand that marijuana is **prohibited** on the licensed premises. This includes marijuana use, consumption, ingestion, inhalation, samples, give-away, sale, etc. I attest that all answers on all forms and documents, and all information provided to the OLCC as a part of this application are true and complete.

I affirm that I have read **OAR 845-005-0311** and all individuals (sole proprietors) or entities with an ownership interest (other than waivable ownership interest per OAR 845-005-0311[6]) are listed as license applicants in #2 above. I understand that failure to list an individual or entity who has an unwaivable ownership interest in the business may result in denial of my license or the OLCC taking action against my license in the event that an undisclosed ownership interest is discovered after license issuance.

**Applicant(s) Signature**

- Each individual (sole proprietor) listed as an applicant must sign the application below.
- If an applicant is an entity, such as a corporation or LLC, at least one **INDIVIDUAL who is authorized to sign for the entity** must sign the application.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign the application. If an individual other than an applicant signs the application, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. **Applicants are still responsible for all information on this form.**

Edward J Houck      Edward J Houck      10-30-21      \_\_\_\_\_  
 App. #1: (PRINT NAME)      App #1: (SIGNATURE)      App #1: Signature Date      Atty. Bar Information (if applicable)

\_\_\_\_\_  
 App. #2: (PRINT NAME)      App #2: (SIGNATURE)      App #2: Signature Date      Atty. Bar Information (if applicable)

\_\_\_\_\_  
 App. #3: (PRINT NAME)      App #3: (SIGNATURE)      App #3: Signature Date      Atty. Bar Information (if applicable)

\_\_\_\_\_  
 App. #4: (PRINT NAME)      App #4: (SIGNATURE)      App #4: Signature Date      Atty. Bar Information (if applicable)



# OREGON LIQUOR CONTROL COMMISSION INDIVIDUAL HISTORY FORM

1. Name (Print):	HOUCK Last	Edward First	J Middle
2. Other names used (maiden, other):			
3. Do you have a Social Security Number (SSN) issued by the United States Social Security Administration? Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> If yes, you must list your SSN: 551-19-4650			
<b>SOCIAL SECURITY NUMBER DISCLOSURE:</b> As part of your application for an initial or renewal license, Federal and State laws require you to provide your Social Security Number (SSN) to the Oregon Liquor Control Commission (OLCC) for child support enforcement purposes (42 USC § 666(a)(13) & ORS 25.785). If you are an applicant or licensee and fail to provide your SSN, the OLCC may refuse to process your application. Your SSN will be used only for child support enforcement purposes unless you indicate below.  Based on our authority under ORS 471.311 and OAR 845-005-0312(6), we are requesting your <u>voluntary consent</u> to use your SSN for the following administrative purposes only: to match your license application to your Alcohol Server Education records (where applicable), and to ensure your identity for criminal records checks. OLCC will not deny you any rights, benefits or privileges otherwise provided by law if you do not consent to use of your SSN for these administrative purposes (5 USC § 552(a)).			
4. Do you consent to the OLCC's use of my SSN as described above? Check this box: <input checked="" type="checkbox"/>			
5. Date of Birth (DOB):	JANUARY (mm)	13 (dd)	1967 (yyyy)
6. Driver License or State ID #:	6077902		7. State
8. Contact Phone:	541-253-6125		
9. E-mail Address:	e.PUB@YAHOO.COM		
10. Mailing Address:	PO Box 213 (Number and Street)	PORT ORFORD (City)	OR 97465 (State) (Zip Code)
11. In the past 10 years, have you been convicted of a felony or a misdemeanor in a U.S. state outside of Oregon? No <input checked="" type="checkbox"/> Yes <input type="checkbox"/> (If yes, explain in the space provided, below) Unsure <input type="checkbox"/> Choose this option and provide an explanation if, for example: you were arrested or went to court, but are unsure of whether there was a conviction; you paid a fine or served probation or parole, but are unsure of whether there was a conviction; or if you know you had a conviction, but you are unsure of whether the conviction has been removed from your record, etc.			



OREGON LIQUOR CONTROL COMMISSION  
**INDIVIDUAL HISTORY FORM**

12. Do you, or any entity that you are a part of, currently hold or have you previously held a recreational marijuana license in Oregon? (Note: marijuana worker permits are not marijuana licenses.)

No  Yes \_\_\_\_\_ Please list licenses (and year(s) licensed) below    Unsure \_\_\_\_\_ Please include an explanation:

13. Do you, or any entity that you are a part of, hold an alcohol license in a U.S. state outside of Oregon?

No  Yes \_\_\_\_\_ Please list licenses (and year(s) licensed) below    Unsure \_\_\_\_\_ Please include an explanation:

14. Do you or any entity that you are a part of, have any other liquor license applications pending with the OLCC?

No  Yes \_\_\_\_\_ Please list applications below    Unsure \_\_\_\_\_ Please include an explanation:

You must sign your own form (electronic signature acceptable). Another individual, such as your attorney or an individual with power of attorney, **may not** sign your form.

**Affirmation**

Even if I receive assistance in completing this form, I affirm by my signature below, that my answers on this form are true and complete. I understand the OLCC will use the above information to check my records, including but not limited to my criminal history. I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print):	HOECK Last	EDWARD First	J Middle
---------------	---------------	-----------------	-------------

Signature: <i>Edward J. Hoek</i>	Date: 10-30-21
----------------------------------	----------------

**This box for OLCC use ONLY**  
\_\_\_\_\_ Does the individual currently hold, or has the individual previously held, an OLCC- issued liquor license?



## OREGON LIQUOR CONTROL COMMISSION

### Real Property Attestation

**IMPORTANT:** Please read Oregon Administrative Rule (OAR) 845-005-0311 [here](#) before completing this form.

- OAR 845-005-0311 defines who has an ownership interest in the business proposed to be licensed and allows the OLCC to refuse to issue a license if the applicant is not the owner of the business or an undisclosed ownership interest exists.
- Subsection (4)(b) of this rule includes as an ownership interest any person or entity owning the real or personal property of the premises proposed to be licensed, unless the owner of the property has given control over the property to another party via a lease or rental agreement or similar agreement.
- As a part of completing this "Real Property Attestation" form, applicants confirm they have read and understand OAR 845-005-0311.

MR Ed's ESPRESSO, JUICE and UNDERGROUND PUB

Business Trade Name (the name customers see)

1870 OREGON STREET, PORTORFORD 97465

Business Address (street, city, zip code)

#### Definitions

- "Real property" means the real estate (land) and generally whatever is erected or affixed to the land (for example, the building) at the business address.
- "Common area" is a privately owned area where two or more parties (property tenants) have permission to use the area in common. Examples include the walking areas between stores at a shopping center, lobbies, hallways, patios, parking lots, etc. An area's designation as a "common area" is typically identified in the lease or rental agreement.

#### ATTESTATION

##### All applicants have read OAR 845-005-0311 and:

1. Each applicant shown on the Liquor License Application form has read and understands OAR 845-005-0311.
2. Only the applicant(s) shown on the Liquor License Application form have an ownership interest in the real property to be used as a part of the licensed business.
3. The licensed premises at the business address proposed to be licensed either:
  - a. Does not include any common areas; or
  - b. Does include one or more common areas; however, only the applicant(s) have the exclusive right to engage in alcohol sales and service in the area to be included as part of the licensed premises.
    - In this circumstance, the applicant(s) acknowledges responsibility for ensuring compliance with liquor laws within and in the immediate vicinity of the licensed premises, including in portions of the premises that are situated in "common areas" and that this requirement applies at all times, even when the business is closed.
4. The premises address at the business address proposed to be licensed matches the premises business address listed on the Liquor License Application form.
5. The licensed premises at the business address above either:
  - a. Has no area on property controlled by a public entity (like a city, county, or state); or
  - b. Has one or more areas on property controlled by a public entity (like a city, county, or state) and the public entity has given at least one of the applicant(s) or licensee(s) permission to exercise the privileges of the license in the area.



# OREGON LIQUOR CONTROL COMMISSION

## Real Property Attestation

MR ODS ESPRESSO, JUICE AND UNDERGROUND PUB  
Business Trade Name (the name customers see)

1870 OREGON STREET PORT ORFORD, OR 97465  
Business Address (street, city, zip code)

### Applicant(s) Signature

- Each individual listed as an applicant must sign this form.
- If an applicant is an entity, such as a corporation or LLC, at least one INDIVIDUAL who is authorized to sign for the entity must sign this form.
- An individual with the authority to sign on behalf of the applicant (such as the applicant's attorney or an individual with power of attorney) may sign this form. If an individual other than an applicant signs this form, please provide written proof of signature authority. Attorneys signing on behalf of applicants may list the state of bar licensure and bar number in lieu of written proof of authority from an applicant. **Applicants are still responsible for all information on this form.**

10-30-21  
Date

### If an attorney

\_\_\_\_\_  
(Print Name) (State of bar licensure) (Bar number)

### If an applicant

EDWARD J HOUCK  
Applicant #1 (Print Name)

*Edward J Houck*  
Applicant #1 (Signature)

\_\_\_\_\_  
Applicant #2 (Print Name)

\_\_\_\_\_  
Applicant #2 (Signature)

\_\_\_\_\_  
Applicant #3 (Print Name)

\_\_\_\_\_  
Applicant #3 (Signature)

\_\_\_\_\_  
Applicant #4 (Print Name)

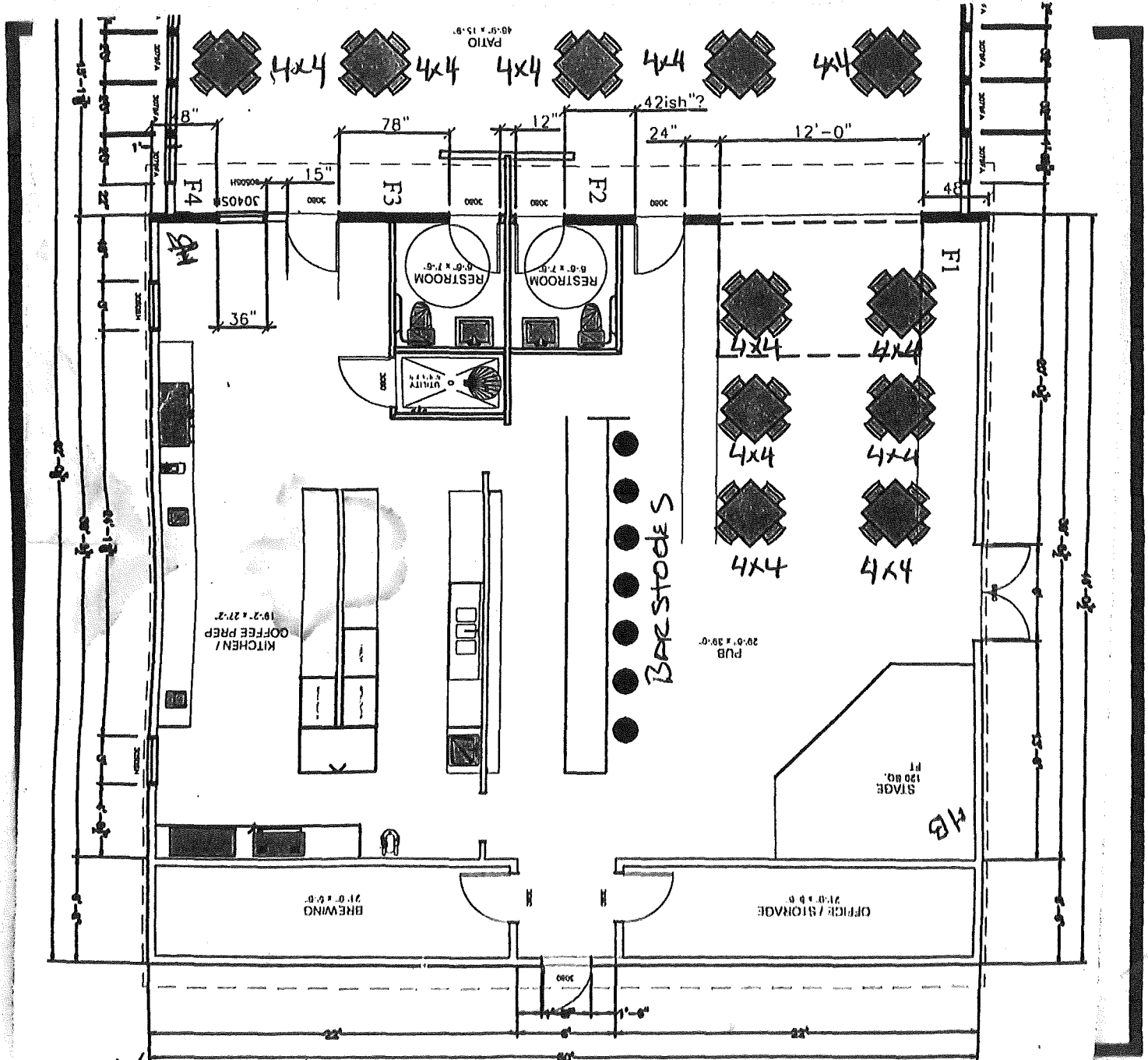
\_\_\_\_\_  
Applicant #4 (Signature)





# OREGON LIQUOR CONTROL COMMISSION FLOOR PLAN

- **Your floor plan must be submitted on this form.**
- Use a separate Floor Plan Form for each level or floor of the building.
- The floor plan(s) must show the specific areas of your premises (e.g. dining area, bar, lounge, dance floor, video lottery room, kitchen, restrooms, outside patio and sidewalk cafe areas.)
- Include all tables and chairs (see example on back of this form). Include dimensions for each table if you are applying for a Full On-Premises Sales license.



Applicant Name: Edward V. Howck  
 Trade Name (dba): MREDS ESPRESSO, VOICE AND UNDER  
 City and ZIP Code: PORTORFORD 97465 9 ground PUB

.....OLCC USE ONLY.....  
 MINOR POSTING ASSIGNMENT(S)  
 Date: \_\_\_\_\_ Initials: \_\_\_\_\_



# OREGON LIQUOR CONTROL COMMISSION BUSINESS INFORMATION

Please Print or Type

Applicant Name: Edward J Houck Phone: 541 253 6125

Trade Name (dba): Mozes Espresso, Juice and Underground Pub

Business Location Address: 1870 Oregon Street

City: Port Orford ZIP Code: 97465

## DAYS AND HOURS OF OPERATION

### Business Hours:

Sunday	<u>6:30 AM</u> to <u>9 PM</u>
Monday	<u>1</u> to <u>1</u>
Tuesday	<u>1</u> to <u>1</u>
Wednesday	<u>1</u> to <u>1</u>
Thursday	<u>1</u> to <u>1</u>
Friday	<u>1</u> to <u>1</u>
Saturday	<u>1</u> to <u>1</u>

### Outdoor Area Hours:

Sunday	<u>1</u> to <u>1</u>
Monday	<u>1</u> to <u>1</u>
Tuesday	<u>1</u> to <u>1</u>
Wednesday	<u>1</u> to <u>1</u>
Thursday	<u>1</u> to <u>1</u>
Friday	<u>1</u> to <u>1</u>
Saturday	<u>1</u> to <u>1</u>

The outdoor area is used for:

- Food service Hours: 6:30 to 9:00 PM
- Alcohol service Hours: 3:00 PM to 9:00 PM
- Enclosed, how RAILING & WALLS

The exterior area is adequately viewed and/or supervised by Service Permittees.

\_\_\_\_\_  
(Investigator's Initials)

Seasonal Variations:  Yes  No If yes, explain: \_\_\_\_\_

## ENTERTAINMENT

Check all that apply:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Live Music     | <input type="checkbox"/> Karaoke                |
| <input checked="" type="checkbox"/> Recorded Music | <input type="checkbox"/> Coin-operated Games    |
| <input type="checkbox"/> DJ Music                  | <input type="checkbox"/> Video Lottery Machines |
| <input checked="" type="checkbox"/> Dancing        | <input type="checkbox"/> Social Gaming          |
| <input type="checkbox"/> Nude Entertainers         | <input type="checkbox"/> Pool Tables            |
|  | <input type="checkbox"/> Other: _____           |

## DAYS & HOURS OF LIVE OR DJ MUSIC

Sunday	_____ to _____
Monday	_____ to _____
Tuesday	_____ to _____
Wednesday	_____ to _____
Thursday	<u>7:00</u> to <u>9:00 PM</u>
Friday	<u>7:00</u> to <u>9:00 PM</u>
Saturday	<u>7:00</u> to <u>9:00 PM</u>

## SEATING COUNT

Restaurant: 45 Outdoor: 20

Lounge: \_\_\_\_\_ Other (explain): \_\_\_\_\_

Banquet: \_\_\_\_\_ Total Seating: 65

<b>OLCC USE ONLY</b>	
Investigator Verified Seating: _____ (Y) _____ (N)	
Investigator Initials: _____	
Date: _____	

I understand if my answers are not true and complete, the OLCC may deny my license application.

Applicant Signature: Edward J Houck Date: 10-30-21

1-800-452-OLCC (6522)

www.oregon.gov/olcc

(rev. 12/07)



OREGON LIQUOR CONTROL COMMISSION

WRITTEN PROPOSAL FOR A FULL ON-PREMISES SALES LICENSE, COMMERCIAL ESTABLISHMENT

Please Print or Type

Applicant / Licensee Edward J Houck

Trade Name of the Business (Name Customers Will See)

MREDS espresso, juice and underground pub

Business Address 1870 Oregon Street, Port Orford, OR 97465 (Number, Street Address, City, and Zip Code)

I certify that I have read and will follow OAR 845-006-0459, 845-006-0460, and 845-006-0466.

I will offer at least five different meals during my regular meal period. My regular meal period will last at least three hours if my business is open after 5:00 pm and will last at least two hours if my business is not open after 5:00 pm.

My regular meal period will be from 630 AM to 900 PM (Start Time) (End Time)

During my regular meal period I will have a minimum of 30 indoor dining seats located in areas of the licensed premises regularly open to the public where each table top or seating area provides a minimum space that will accommodate a place setting consisting of a plate or dish, glassware, napkin and utensils for each seat. I understand that seats at counters in entertainment areas, seats at bars, and seats in outdoor areas do not qualify as dining seating.

At times other than my regular meal period I will make at least five different substantial food items available in all areas where alcohol service is available. Substantial food items are food items that are typically served as a main course or entrée.

I understand that discouraging food service is a violation of OAR 845-006-0466. Examples of discouraging food service include not taking, preparing, or delivering a food order in a timely manner; over-pricing food for the clientele of my business; offering or serving unpalatable food; failing to provide required food service; and failing to provide a food service menu in a timely manner when requested by the patron.

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Name (Print) Edward J Houck

Signature Edward J Houck Date 10-30-21

# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 11/18/2021

SUBJECT: Right of Wat Permits

ITEM NO: 8 d & e.

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### Goal for November 2021 Council Meeting

Public Works is looking into this and we will have more information by the time City Council meets.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

**City of Port Orford**  
P.O. Box 310, Port Orford, Ore. 97465  
(541) 332-3681 / Fax (877) 281-5307

**CITY RIGHT-OF-WAY USAGE LICENSE**

City Ordinance Chapter 12.24

**Licensee Information:**

Name: Paramount Utility-Karina Smith Phone #: 720-726-4016  
Address: 2481 S 2nd St. Lebanon OR 97355 Signature: [Signature]  
Property location: 23 Geer Cir port orford, OR 97465  
Assessors Map: 4700 Lot#: \_\_\_\_\_

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

**Description of Improvements:** Attach Drawings / Plans if available:

Directional drill or bore and place new ug conduits up to (2) in. Capacity to thirty-six (36) in min. Cover place or replace small pedestal or vault, each

**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 permit 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 permit 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 permit 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?

**OFFICE USE ONLY**

**PUBLIC WORKS REVIEW**

Reviewed By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Recommendation: Approve \_\_\_\_\_ Approve w/Conditions \_\_\_\_\_ Deny \_\_\_\_\_

Conditions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**POLICE DEPARTMENT REVIEW**

Name: \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Recommendation: Approve \_\_\_\_\_ Approve w/Conditions \_\_\_\_\_ Deny \_\_\_\_\_

Conditions \_\_\_\_\_  
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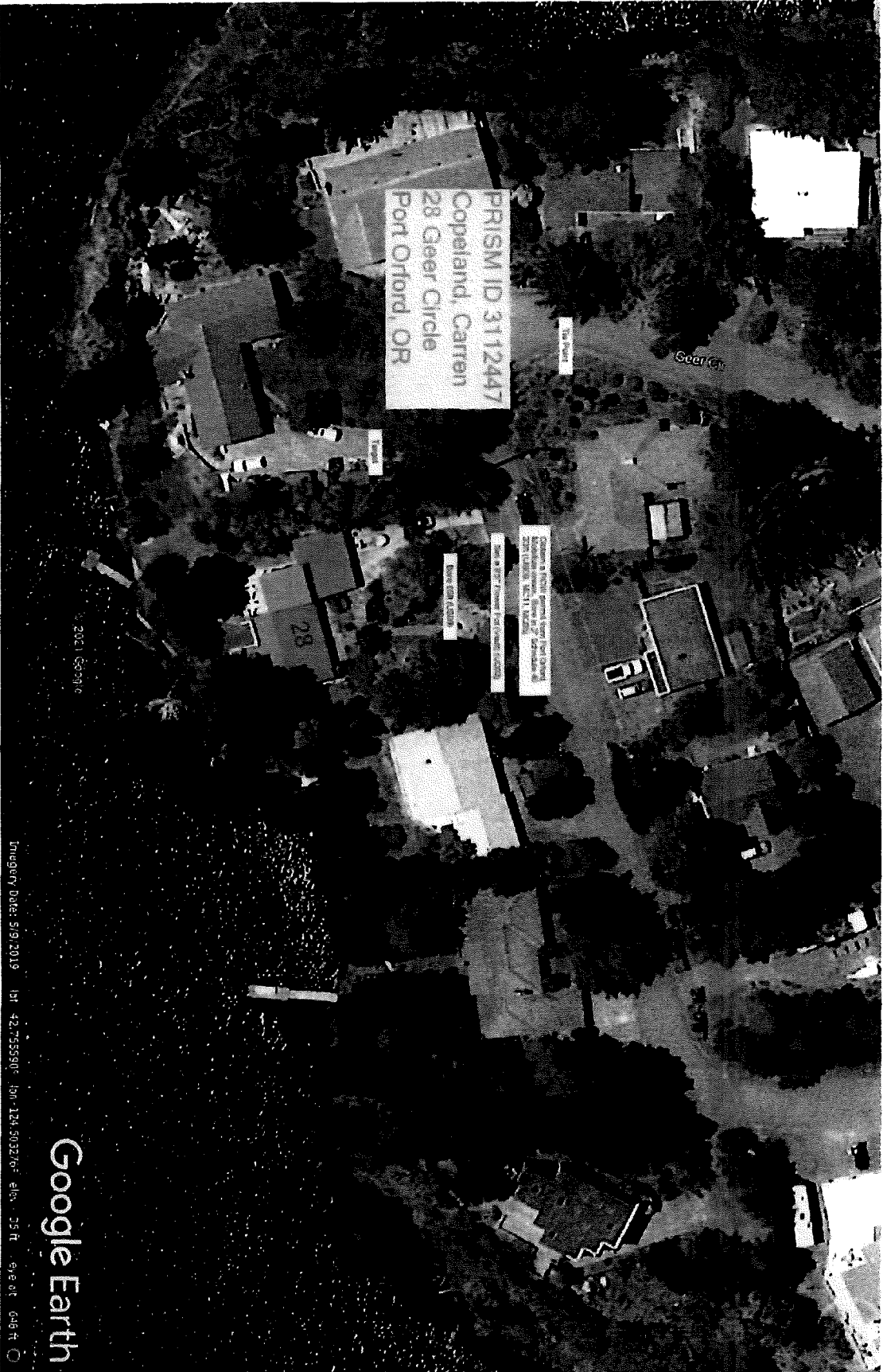
**CITY ADMINISTRATION REVIEW & FINAL DECISION**

Recommendation: Approve \_\_\_\_\_ Approve w/Conditions \_\_\_\_\_ Deny \_\_\_\_\_

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 30 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.



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 Port Orford, OR

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Carren Copeland  
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 Port Orford, OR 97130

PRISM ID 3112447

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© 2021 Google

Imagery Date: 5/9/2019 | Lat: 42.755990° | Lon: 124.503276° | Elev: 25 ft | Eye alt: 646 ft

Google Earth

### CHARTER COMMUNICATIONS CONSTRUCTION SURVEY

#### Google Earth Map

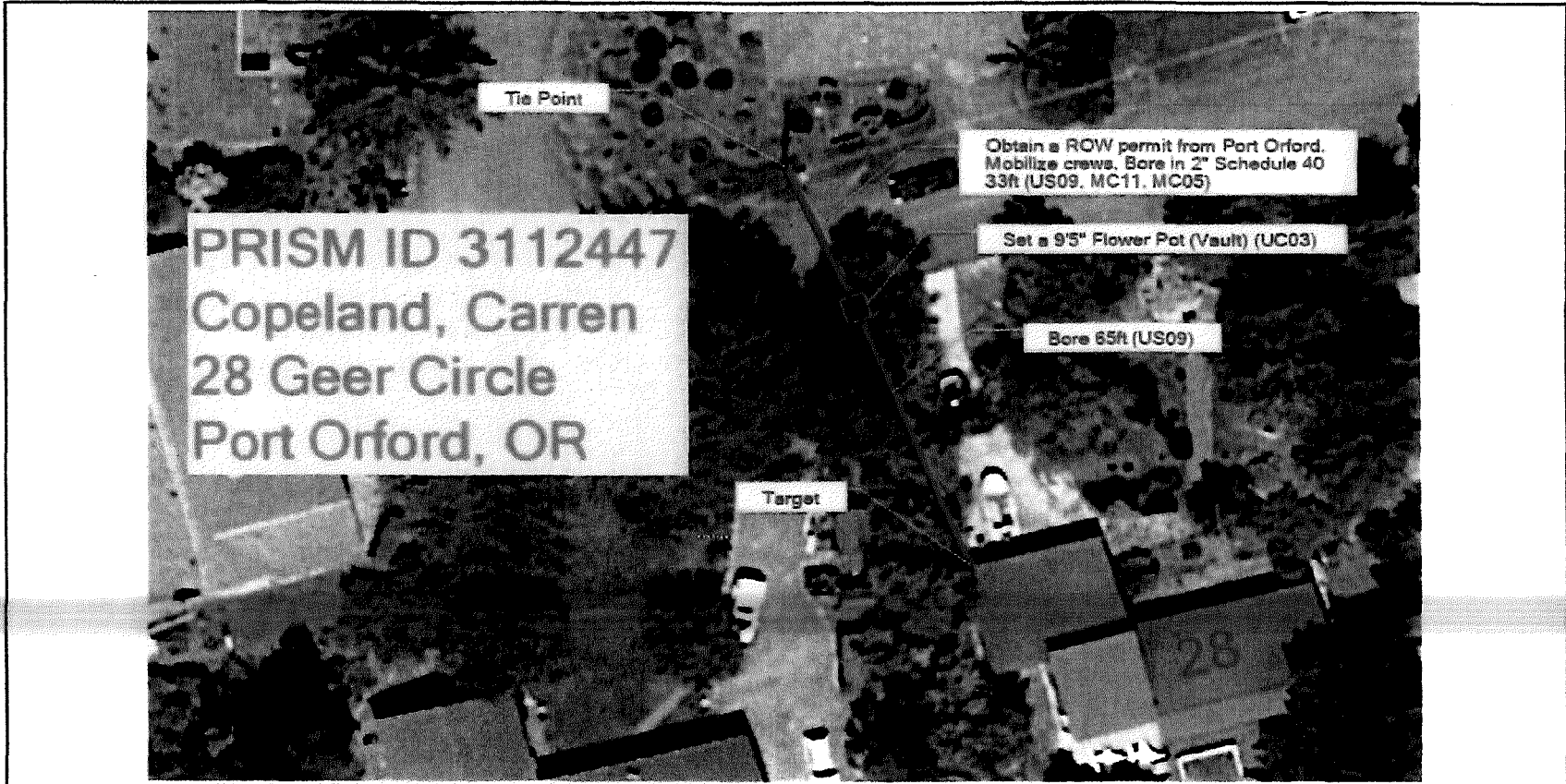
Detail from Right Of Way to Interior MPOE/demarc in or at the premises.

Insert a Google Earth Map

"If MTU, detailed description MUST contain Entire Building Layout, Rack, and Power Locations"

Aerial Google or Bing hybrid picture with route highlighted from OSP tie in point to the venue (using the color scheme for aerial and UG from the Survey Color Code tab)

\*Field Map, Google Earth Map, and SOW Map tabs are for field map(s). Use Interior/Exterior 1, 2, and 3 tabs for pictures of the interior, exterior, and rack/wall mount.\*





Field Map

CHARTER COMMUNICATIONS CONSTRUCTION SURVEY

Field Map

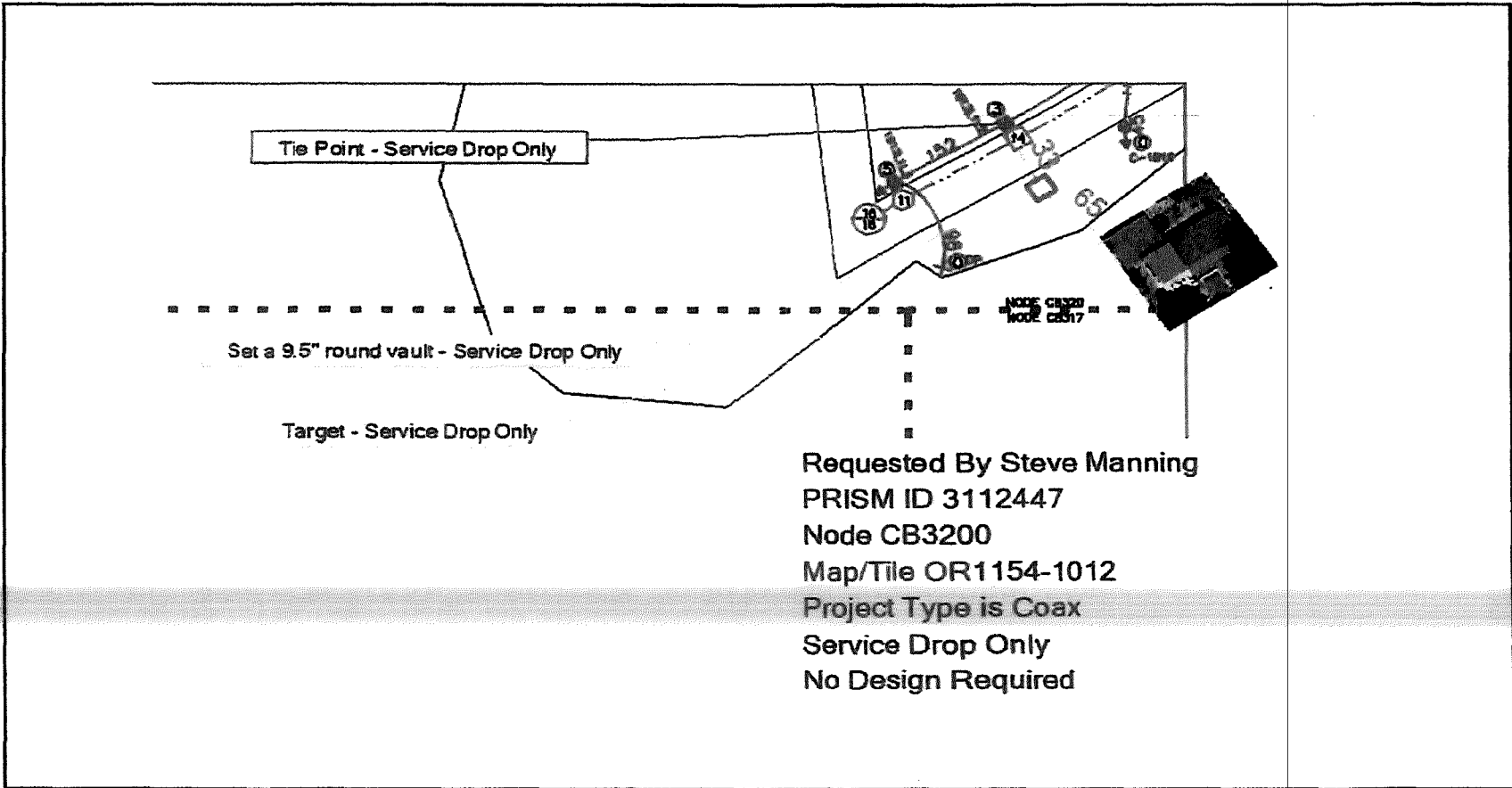
Detail from Right Of Way to Interior MPOE/demarc in or at the premises.

Insert Field Map

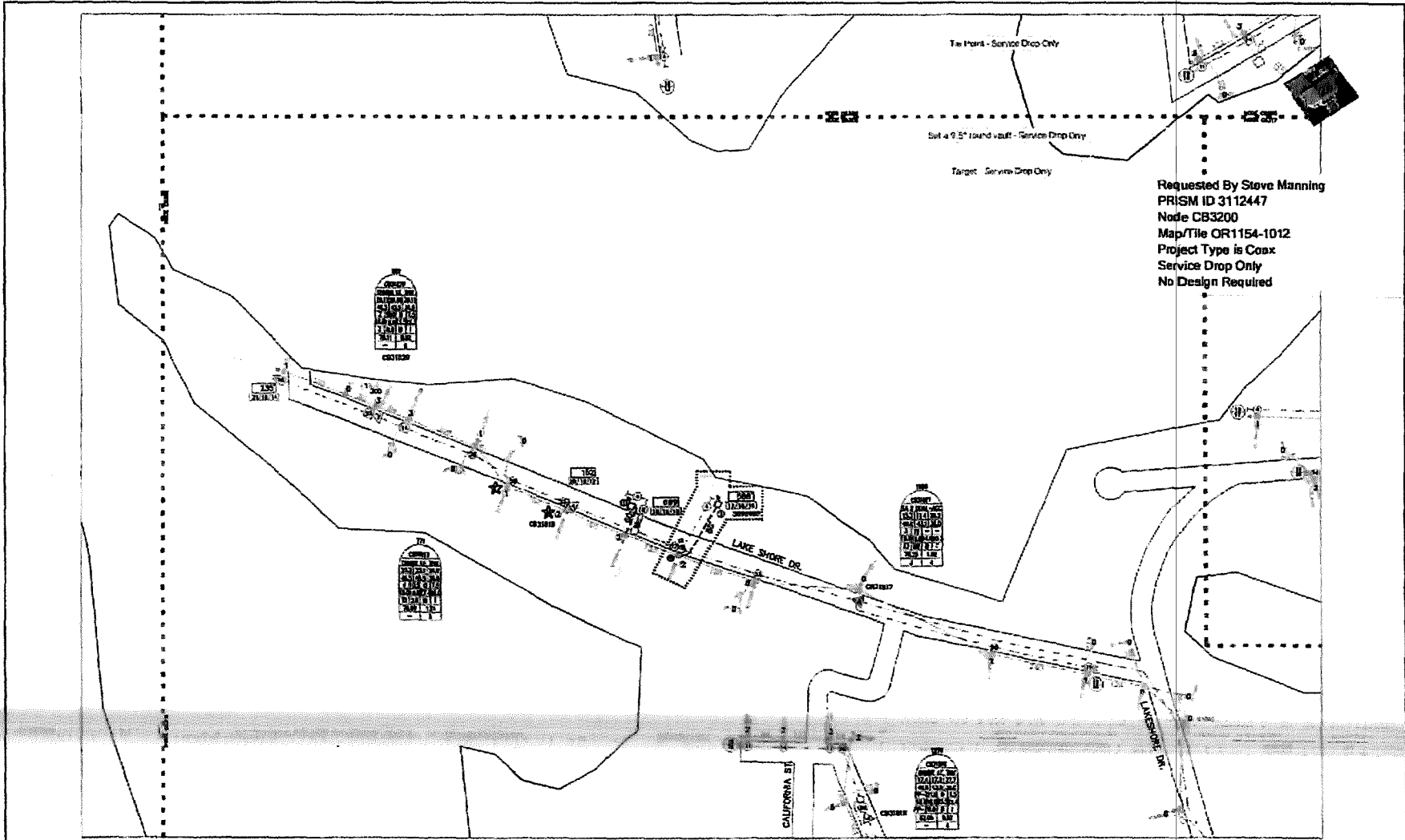
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\*Field Map, Google Earth Map, and SOW Map tabs are for field map(s). Use Interior/Exterior 1, 2, and 3 tabs for pictures of the interior, exterior, and rack/wall mount.\*



Requested By Steve Manning  
PRISM ID 3112447  
Node CB3200  
Map/Tile OR1154-1012  
Project Type is Coax  
Service Drop Only  
No Design Required



Requested By Steve Manning  
 PRISM ID 3112447  
 Node CB3200  
 Map/Tile OR1154-1012  
 Project Type is Coax  
 Service Drop Only  
 No Design Required

LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL	LINE SYMBOL
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20

**Spectrum**

PORT ORFORD, OREGON

SCALE	0	100'	
PRISM ID	OR1154-1012	OR1154-1013	OR1154-1014
PROJECT	OR1154-1011	OR1154-1012	OR1154-1013
DATE	OR1153-1011	OR1153-1012	OR1153-1013

# City of Port Orford

P.O. Box 310, Port Orford, Ore. 97465

(541) 332-3681 / Fax (877) 281-5307

## CITY RIGHT-OF-WAY USAGE LICENSE

City Ordinance Chapter 12.24

### Licensee Information:

Name: Paramount Utility-Kathie Smith Phone #: 720-726-4016 Date: \_\_\_\_\_  
 Address: 2481 52nd St. Lebanon OR, 97355 Signature: [Signature]  
 Property location: 1080 Lakeshore Dr  
 Assessors Map: \_\_\_\_\_ Lot#: \_\_\_\_\_

### Description of Improvements: Attach Drawings / Plans if available:

Install new riser, splice passive device, per each device, open trench and place new 1/2" conduits, to four (4) inch capacity to thirty-six (36) inch cover, place each coax cable in empty duct, Directional drill, or bore and place new 1/2" conduits, place or replace medium vault.

### 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.
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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.
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**PUBLIC WORKS REVIEW**

Reviewed By: \_\_\_\_\_ Title: \_\_\_\_\_ Date: \_\_\_\_\_

Recommendation: Approve \_\_\_\_\_ Approve w/Conditions \_\_\_\_\_ Deny \_\_\_\_\_

Conditions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**POLICE DEPARTMENT REVIEW**

Name: \_\_\_\_\_ Title \_\_\_\_\_ Date \_\_\_\_\_

Recommendation: Approve \_\_\_\_\_ Approve w/Conditions \_\_\_\_\_ Deny \_\_\_\_\_

Conditions \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CITY ADMINISTRATION REVIEW & FINAL DECISION**

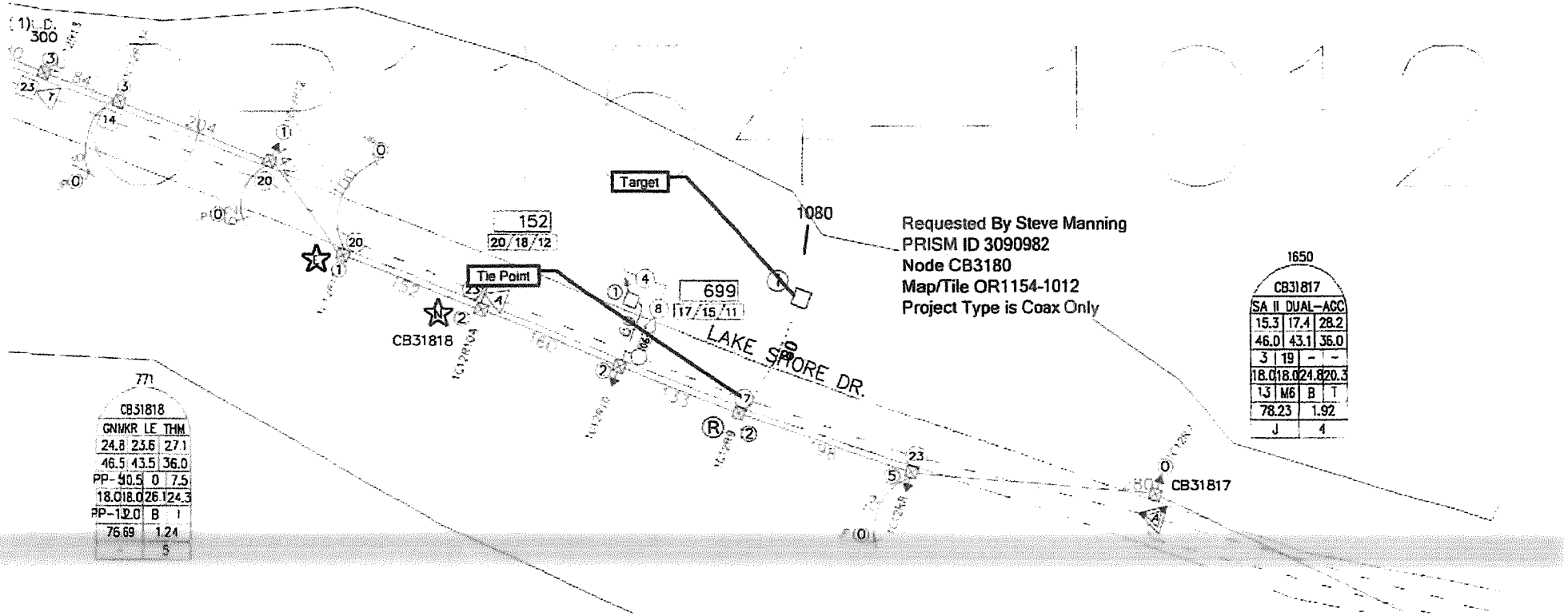
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CB31829



Requested By Steve Manning  
 PRISM ID 3090982  
 Node CB3180  
 Map/Tile OR1154-1012  
 Project Type is Coax Only

771

CB31818		
GNMKR LE THM		
24.8	23.6	27.1
46.5	43.5	36.0
PP-40.5	0	7.5
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# Untitled Map

Write a description for your map.

## Legend

- ?? Garrison Lake Cottage
- ?? Port Orford Skatepark
- 1080 Lakeshore Dr



Google Earth

200 ft

# City of Port Orford

CITY COUNCIL AGENDA DOCUMENTATION

Date: 11/18/2021

SUBJECT: New Employee Manual

ITEM NO: 8 f.

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Goal for November 2021 Council Meeting

To review and approve the Updated Employee Manual.

---

SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator



# City of Port Orford Employee Handbook

Updated November 2021

TITLE PAGE

City of Port Orford

November 2021

Welcome!

Welcome to City of Port Orford, we're glad to have you on our team. We believe that our employees are our most valuable assets. In fact, we attribute our success as an organization in significant part to our ability to recruit, hire, and maintain a motivated and productive workforce. We hope that during your employment with City of Port Orford, you will become a productive and successful member of City of Port Orford's team.

This employee handbook describes, in summary, the personnel policies and procedures that govern the employment relationship between City of Port Orford and its employees, other than those found in applicable collective bargaining agreements. The policies stated in this handbook are subject to change at any time at the sole discretion of City of Port Orford with or without prior notice. This handbook supersedes any prior handbooks or written policies of City of Port Orford that are inconsistent with its provisions. It does not, however, substitute for collective bargaining agreement provisions. To the extent that a provision in a valid collective bargaining agreement contradicts or is inconsistent with what is in this employee handbook, the collective bargaining agreement provision controls.

This handbook does not create a contract of employment between City of Port Orford and its employees. With the exception of employees who are subject to a collective bargaining agreement, all employment at City of Port Orford is "at will." That means that either you or City of Port Orford may terminate this relationship at any time, for any reason, with or without cause or notice (unless you are subject to a collective bargaining agreement or written contract of employment). No supervisor, manager, or representative of City of Port Orford other than the City Administrator has the authority to enter into any agreement with you regarding the terms of your employment that changes our at-will relationship or deviates from the provisions in this handbook, unless the change or deviation is put in writing and signed by City of Port Orford (or that is included in a collective bargaining agreement).

You may receive updated information concerning changes in policy from time to time, and those updates should be kept with your copy of the handbook. If you have any questions about any of the provisions in the handbook, or any policies that are issued after the handbook, please ask the City Administrator.

Sincerely,

Mayor Pat Cox

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- Negative stereotyping.
- Displaying racist symbols anywhere on City of Port Orford property.
- "Teasing" or mimicking the characteristics of someone with a physical or mental disability.
- Criticizing or making fun of another person's religious beliefs, or "pushing" your religious beliefs on someone who doesn't have them.
- Threatening, intimidating, or hostile acts that relate to a protected class or protected activity; or
- Written or graphic material that denigrates or shows hostility or aversion toward an individual or group because of the protected status.

This is not a complete list. All employees are expected to exercise common sense and refrain from other similar kinds of conduct.

### Complaint Procedure

Employees, volunteers, or interns who have experienced a sexual assault, any harassment, discrimination in violation of this policy, who have witnessed such behavior, or who have credible information about such behavior occurring, are expected and should bring the matter to the attention of the City Administrator or the City Administrator, or a supervisor or member of management as soon as possible. Employees are strongly encouraged to document the information or incident in any written or electronic form, or with a voice mail message (or phone call). An employee who experiences or witnesses' harassment is encouraged, but not required, to tell the harasser that the behavior is offensive and unwanted, and that he/she wants it to stop.

### Investigation and Confidentiality

All complaints and reports will be promptly and impartially investigated and will be kept confidential to the extent possible, consistent with City of Port Orford's need to investigate the complaint and address the situation. If conduct in violation of this policy is found to have occurred, City of Port Orford will take prompt, appropriate corrective action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

Employees who have been subjected to harassment, sexual assault, or discrimination are encouraged to use the City of Port Orford's complaint-reporting procedure, described above, to ensure a timely, thorough investigation and handling of the situation. Employees may, however, seek redress from the Oregon Bureau of Labor and Industries (BOLI) pursuant to ORS 659A.820 to 659A.865, or in a court under any other available law, whether criminal or civil. Although the City of Port Orford cannot provide employees with legal advice, employees should be aware of the statute of limitations applicable to harassment or discrimination claims under ORS 659A.030, 659A.082 or 659A.121 (five years). Further, before an employee can take any legal action against the City of Port Orford, the employee must provide written notice of the claim within 180 days of the act or omission the employee claims has caused him/her harm. When an employee can prove harm because of unlawful harassment or discrimination in an administrative proceeding or in a court, remedies available to the employee include enforcement of a right, imposition of a penalty, or issuance of an order to the employee's employer (in limited circumstances).



prohibited by this policy, regardless of the circumstances, and regardless of whether others participate in the conduct or did not appear to be offended. All employees are encouraged to discuss this policy with their immediate supervisor, any member of the management team, or with the City Administrator, at any time if they have questions relating to the issues of discrimination or harassment.

This policy applies to and prohibits sexual or other forms of harassment that occur during working hours, during City of Port Orford-related or –sponsored trips (such as conferences or work-related travel), and during non-working hours when that off-duty conduct creates an unlawful hostile work environment for any of City of Port Orford's employees. ***Such harassment is prohibited whether committed by City of Port Orford employees or by non-employees (including elected officials, members of the community, volunteers, interns, and vendors).***

### Sexual Harassment

Sexual harassment includes unwelcome sexual advances, requests for sexual favors, or other verbal or physical conduct of a sexual nature (regardless of whether such conduct is "welcome"), when:

1. Submission to such conduct is made either implicitly or explicitly a term or condition of employment.
2. Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Some examples of conduct that could give rise to sexual harassment are unwanted sexual advances; demands for sexual favors in exchange for favorable treatment or continued employment; sexual jokes; flirtations; advances or propositions; verbal abuse of a sexual nature; comments about an individual's body, sexual prowess, or deficiency; talking about your sex life or asking others questions about theirs; leering or whistling; unwelcome touching or assault; sexually suggestive, insulting, or obscene comments or gestures; displays of sexually suggestive objects or pictures; making derogatory remarks about individuals who are gay, lesbian, bisexual or transgender; or discriminatory treatment based on sex.

This is not a complete list.

### Other Forms of Prohibited Harassment

City of Port Orford policy also prohibits harassment against an individual based on the individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Such harassment may include verbal, written or physical conduct that denigrates, makes fun of, or shows hostility towards an individual because of that individual's protected class or protected activity, and can include:

- Jokes, pictures (including drawings), epithets, or slurs.

## **I. Equal Employment Opportunity (EEO) Policies**

The following EEO Policies apply to all employees. Members of management elected officials and employees alike are expected to adhere to and enforce the following EEO Policies. Any employee's failure to do so may result in discipline, up to and including termination.

All employees are encouraged to discuss these EEO Policies with the City Administrator at any time if they have questions relating to the issues of harassment, discrimination or bullying, or what it means to work in a respectful workplace.

### **A. No-Discrimination, No-Retaliation Policy**

The City of Port Orford provides equal employment opportunity to all qualified employees and applicants without unlawful regard to race, color, religion, sex, gender identity, pregnancy (including childbirth and related medical conditions), sexual orientation, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other status protected by applicable federal, Oregon, or local law. The City of Port Orford also recognizes an employee's right to engage in protected activity under Oregon and federal law, as discussed in various policies below, and will not retaliate against an employee for engaging in protected activity.

The City of Port Orford's commitment to equal opportunity applies to all aspects of the employment relationship — including but not limited to, recruitment, hiring, compensation, promotion, demotion, transfer, disciplinary action, layoff, recall, and termination of employment.

### **B. Statement Regarding Pay Equity**

The City of Port Orford supports Oregon's Pay Equity Law and federal and Oregon laws prohibiting discrimination between employees based on a protected class (as defined by Oregon law) in the payment of wages or other compensation for work of comparable character. Employees who believe they are receiving wages or other compensation at a rate less than that at which the City of Port Orford pays wages or other compensation to other employees for work of comparable character are encouraged to discuss the issue with the City Administrator.

See also "Statement Regarding Pay Practices" policy, below.

### **C. No-Harassment Policy**

The City of Port Orford prohibits harassment of any kind or sexual assault in the workplace, or harassment or sexual assault outside of the workplace that violates its employees, volunteers, and interns' right to work in a harassment-free workplace. Specifically, City of Port Orford prohibits harassment or conduct related to an individual's race, color, religion, sex, pregnancy, sexual orientation, gender identity, national origin, age, disability, genetic information, veteran status, domestic violence victim status, or any other protected status or activity recognized under Oregon, federal or local law.

Each member of management is responsible for creating an atmosphere free of discrimination, harassment, and sexual assault. Further, all employees are responsible for respecting the rights of other employees and to refrain from engaging in conduct

### Protection Against Retaliation

City of Port Orford prohibits retaliation in any way against an employee because the employee has made a good-faith complaint pursuant to this policy or the law, has reported (in good faith) sexual assault, harassing or discriminatory conduct, or has participated in an investigation of such conduct.

Employees who believe they have been retaliated against in violation of this policy should immediately report it to the City Administrator or any supervisor or member of management. Any employee who is found to have retaliated against another employee in violation of this policy will be subject to disciplinary action up to and including termination of employment.

See also the No-Discrimination, No-Retaliation Policy, above, and the Reporting Improper and Unlawful Activity Policy, below.

### Other Resources Available to Employees

The City of Port Orford provides an Employee Assistance Program (EAP) through Cascade Centers to employees and dependents who are enrolled in City of Port Orford's medical coverage. For access to confidential help 24 hours a day, seven days a week, call toll-free: 1-800-433-2320, or go online to [www.cascadecenters.com](http://www.cascadecenters.com). The EAP program provides confidential counseling services and educational tools such as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, and others.

The City of Port Orford cannot provide legal resources to its employees or referrals to specific attorneys. Employees may contact the Oregon State Bar for more information: <https://www.osbar.org/public/>.

### Other Employee Rights

Nothing in this policy is intended to diminish or discourage an employee who has experienced workplace harassment or discrimination, or sexual assault, from talking about or disclosing his/her experience.

The City of Port Orford is committed to creating and maintaining a workplace free of sexual assault, harassment, discrimination, and retaliation and it has confidence in the process it has developed for addressing good-faith complaints. However, Oregon law requires the City of Port Orford to inform employees that if they have been aggrieved by workplace harassment, discrimination or sexual assault and want to enter into an agreement with the City of Port Orford regarding his/her experience and/or employment status, the employee should contact the City Administrator. The employee's request to enter into such an agreement must be in writing (email or text is acceptable). Requests of this nature will be considered on a case-by-case basis; such agreements are not appropriate for every situation. If the City of Port Orford and employee do reach an agreement, the City of Port Orford will not require an employee to enter into a nondisclosure agreement (which would prohibit the employee from discussing or communicating about his/her experiences in the workplace or the terms of the agreement) or a non-disparagement agreement (which would prohibit the employee from speaking slightly about the City of Port Orford or making comments that would lower the City of Port Orford in rank or reputation). If, however, the employee makes a request for an agreement under this paragraph, nondisclosure and non-disparagement

are terms that the City of Port Orford and the employee may agree to. The employee will have seven days to revoke the agreement after signing it.

#### D. No-Bullying Policy

City of Port Orford strives to promote a positive, professional work environment free of physical or verbal harassment, "bullying," or discriminatory conduct of any kind. City of Port Orford, therefore, prohibits employees from bullying one another or engaging in any conduct that is disrespectful, insubordinate, or that creates a hostile work environment for another employee for any reason. For purposes of this policy, "bullying" refers to repeated, unreasonable actions of individuals (or a group) directed towards an individual or a group of employees, which is intended to intimidate and that creates a risk to the health and safety of the employee(s). Examples of bullying include:

1. Verbal Bullying: Slandering, ridiculing, or maligning a person or his/her family; persistent name calling that is hurtful, insulting or humiliating; using a person as butt of jokes; abusive and offensive remarks.
2. Physical Bullying: Pushing; shoving; kicking; poking; tripping; assault, or threat of physical assault; damage to a person's work area or property.
3. Gesture Bullying: Non-verbal threatening gestures, glances that can convey threatening messages.
4. Exclusion Bullying: Socially or physically excluding or disregarding a person in work-related activities. In some cases, failing to be cooperative and working well with co-workers may be viewed as bullying.
5. Cyber Bullying: Bullying that takes place using electronic technology, which includes devices and equipment such as cell phones, computers, and tablets as well as communication tools including social media sites, text messages, chat, and websites. Examples of cyberbullying include transmitting or showing mean-spirited text messages, emails, embarrassing pictures, videos or graphics, rumors sent by email or posted on social networking sites, or creating fake profiles on websites for co-workers, managers or supervisors or elected officials.

This is not a complete list.

Employees who have experienced bullying in violation of this policy, who has witnessed an incident of bullying, or who have credible information about an incident, are expected and should bring the matter to the attention of their supervisor or a member of management as soon as possible. If conduct in violation of this policy is found to have occurred City of Port Orford will take prompt, appropriate action, and any employee found to have violated this policy will be subject to disciplinary action, up to and including termination of employment.

#### E. Pregnancy Accommodation Policy

Employees who are concerned that their pregnancy, childbirth, or a related medical condition (including lactation) will impact their ability to work should contact the City Administrator to discuss their options for continuing to work and, if necessary, leave of

absence options. The City of Port Orford will provide one or more reasonable accommodations pursuant to this policy for employees with known limitations unless such accommodations impose an undue hardship on the City of Port Orford's operations.

Although this policy refers to "employees," the City of Port Orford will apply this policy equally to an applicant with known limitations caused by pregnancy, childbirth, or a related medical condition.

#### Requesting a Pregnancy-Related Accommodation

Employees who are concerned that their pregnancy, childbirth, or a related medical condition will limit their ability to perform their duties should request an accommodation as soon as it becomes apparent that a reasonable accommodation may be necessary to enable the employee to work. All requests for accommodation should be made with the City Administrator and should specify which essential functions of the employee's job cannot be performed without a reasonable accommodation. In most cases, information from the employee's doctor may be needed to assist the [City of Port Orford] and the employee find an effective accommodation, or to verify the employee's need for an accommodation. Both the City of Port Orford and employee must monitor the employee's accommodation situation and adjust as needed.

#### No Discrimination, No Retaliation

The City of Port Orford prohibits retaliation or discrimination against any employee who, under this policy: (1) asked for information about or requested accommodations; (2) used accommodations provided by the City of Port Orford; or (3) needed an accommodation.

Employees who ask about, request, or use accommodations under this policy and applicable Oregon law have the right to refuse an accommodation that is unnecessary for the employee to perform the essential functions of the job or when the employee doesn't have a known limitation. Under Oregon law, an employer can't require an employee to use [sick leave] [OFLA] if a reasonable accommodation can be made that doesn't impose an undue hardship on the operations of the City of Port Orford. Also, no employee will be denied employment opportunities if the denial is based on the need of the City of Port Orford to make reasonable accommodations under this policy.

#### Leave of Absence Options for Pregnant Employees

Employees who are pregnant or experiencing pregnancy-related medical conditions should also be aware of their leave of absence options under [Oregon's sick leave law], [the Oregon Family Leave Act]. See policies on page [Location] or speak with the City Administrator.

### F. Reporting Improper or Unlawful Conduct — No Retaliation

Employees may report reasonable concerns about the City of Port Orford's compliance with any law, regulation or policy, using one of the methods identified in this policy. The City of Port Orford will not retaliate against employees who disclose information that the employee reasonably believes is evidence of:

- A violation of any federal, Oregon, or local law, rules, or regulations by the City of Port Orford.
- Mismanagement, gross waste of funds, abuse of authority.
- A substantial and specific danger to public health and safety resulting from actions of the City of Port Orford; or
- The fact that a recipient of government services is subject to a felony or misdemeanor arrest warrant.

Further, in accordance with Oregon law, the City of Port Orford will not prohibit an employee from discussing the activities of a public body or a person authorized to act on behalf of a public body with a member of the Legislative Assembly, legislative committee staff acting under the direction of a member of the Legislative Assembly, any member of the elected governing body of a political subdivision, or an elected auditor of a city, county, or metropolitan service district.

#### Employee Reporting Options

In addition to the city's Open-Door Policy (Section V Miscellaneous Policies Subsection G), employees who wish to report improper or unlawful conduct should first talk to his/her supervisor. If you are not comfortable speaking with your supervisor, or you are not satisfied with your supervisor's response, you are encouraged to speak with the City Administrator. Supervisors and managers are required to inform the City Administrator about reports of improper or unlawful conduct they receive from employees.

Reports of unlawful or improper conduct will be kept confidential to the extent allowed by law and consistent with the need to conduct an impartial and efficient investigation.

If the City of Port Orford were to prohibit, discipline, or threaten to discipline an employee for engaging in an activity described above, the employee may file a complaint with the Oregon Bureau of Labor and Industries or bring a civil action in court to secure all remedies provided for under Oregon law.

#### Additional Protection for Reporting Employees

Oregon law provides that, in some circumstances, an employee who discloses a good faith and objectively reasonable belief of the city's violation of law will have an "affirmative defense" to any civil or criminal charges related to the disclosure. For this defense to apply, the employee's disclosure must relate to the conduct of his/her coworker or supervisor acting within the course and scope of his/her employment. The disclosure must have been made to: (1) a state or federal regulatory agency; (2) a law enforcement agency; (3) a manager with the city; or (4) an Oregon-licensed attorney who represents the employee making the report/disclosure. The defense also only applies in situations where the information disclosed was lawfully accessed by the reporting employee.

#### Policy Against Retaliation

The City of Port Orford will not retaliate against employees who make reports or disclosures of information of the type described above when the employee reasonably believes he/she is disclosing information about conduct that is improper or unlawful, and who lawfully accessed information related to the violation (including information that is exempt from disclosure as provided in Oregon law or by City of Port Orford policy).

In addition, the City of Port Orford prohibits retaliation against an employee for participating in good faith in any investigation or proceeding resulting from a report made pursuant to this policy. Further, no City of Port Orford employee will be adversely affected because he/she refused to carry out a directive that constitutes fraud or is a violation of local, Oregon, federal or other applicable laws and regulations. The City of Port Orford may take disciplinary action (up to and including termination of employment) against an employee who has engaged in retaliatory conduct in violation of this policy.

This policy is not intended to protect an employee from the consequences of his/her own misconduct or inadequate performance simply by reporting the misconduct or inadequate performance. Furthermore, an employee is not entitled to protections under this policy if the City of Port Orford determines that the report was known to be false, or information was disclosed with reckless disregard for its truth or falsity. If such a determination is made, an employee may be subject to discipline up to and including termination of employment.

## **II. Employment Status**

### **A. Introductory Period of Employment**

All new employees, including current employees who are promoted or transferred within the City of Port Orford, are hired into an introductory training period that generally lasts no less than 90 days. The introductory period is an extension of the employee selection process. During this period, you are considered to be in training and under observation and evaluation by your manager. Evaluation of your adjustment to work tasks, conduct and other work rules, attendance and job responsibilities will be considered during the introductory period. This period gives you an opportunity to demonstrate satisfactory performance for the position, and provides an opportunity to determine if your knowledge, skills and abilities and the requirements of the position match. It is also an opportunity for you to decide if the City of Port Orford meets your expectations of an employer.

At or before the end of the introductory period, a decision about your employment status will be made. The City of Port Orford will decide whether to: (1) Extend your introductory period; (2) Move you to regular, full-time, or regular, part-time status; or (3) Terminate your employment.

Employees are not guaranteed any length of employment upon hire or transfer/promotion; both you and City of Port Orford may terminate the employment relationship during the introductory period for any lawful reason. Further, completion of the introductory period or continuation of employment after the introductory period does not entitle you to remain employed by City of Port Orford for any definite period of time. Both you and City of Port Orford are free to terminate the employment relationship, at any time, with or without notice and for any reason not prohibited by law.

### **B. Employee Classification**

City of Port Orford classifies employees as follows:

1. Regular Full-time: Employment in an established position requiring 40 hours or more of work per week. Generally, full-time employees are eligible to participate in City of Port Orford's benefit programs.
2. Regular Part-time: Employment requiring less than 40 hours of work per week. Normally a part-time schedule, such as portions of days or weeks, will be established. Occasional workweeks of over 40 hours will not constitute a change in status from part-time to full-time. Regular, part-time employees working 20 or more hours are eligible for certain benefits received by those employees who work regular full-time (40 hours). These benefits are determined on a prorated schedule of hours. For example, a benefit eligible part-time employee working 20 hours or more in a week will accrue vacation leave benefits at a pro-rated rate versus an employee working full time (40 hours). Health benefit premiums are also determined based on a pre-rated basis.
3. Temporary: Employment in a job established for a specific purpose, for a specific period of time, or for the duration of a specific project or group of assignments. Temporary employment can either be full-time or part-time. Temporary employees are not eligible for benefits other than those mandated by applicable law.

Additionally, all employees are defined by federal and Oregon law as either "exempt" or "nonexempt," which determines whether the employee is eligible for overtime. Employees will be instructed as to whether they are exempt or non-exempt at the time of hire or when a promotion or demotion occurs. All employees, regardless of employment classification, are subject to all City of Port Orford rules and procedures.

### C. The Workweek

The workweek is a seven-day work period beginning Monday at 12:00 a.m. through Sunday at 11:59 p.m. Typically, business hours are from Monday through Friday, 7:30 a.m. through 4:30 p.m. For specific workday schedules and workweek schedules for each employee will be determined by the appropriate manager based on the city of Port Orford's needs.

#### Meal Periods and Rest Breaks

Non-exempt employees are required to take a paid, uninterrupted 15-minute rest break for every four-hour segment or major portion thereof in the work period. The rest break should be taken in the middle of each segment, whenever possible. Whenever a segment exceeds two hours, the employee must take a rest break for that segment.

Non-exempt employees are required to take at least a 30-minute unpaid meal period when the work period is six hours or greater. The law requires an uninterrupted period in which the employee is relieved of all duties. No meal period is required if the work period is less than six hours. If, because of the nature or circumstances of the work, an employee is required to remain on duty or to perform any tasks during the meal period, the employee must inform his/her supervisor before the end of the shift so that City of Port Orford may pay the employee for that work.

Meal periods and rest breaks are mandatory and are not optional. An employee's meal period and rest break(s) may not be taken together as one break. Meal periods and rest



breaks may not be "skipped" in order to start work late or leave early. An employee who fails to abide by this policy and applicable laws may be subjected to discipline, up to and including termination.

Employees with questions about the rest or meal breaks available should contact the City Administrator.

#### E. Rest Breaks for Expression of Breast Milk

The City of Port Orford will provide reasonable rest periods to accommodate an employee who needs to express milk for her child eighteen (18) months of age or younger. If possible, the employee will take the rest periods to express milk at the same time as the rest breaks or meal periods that are otherwise provided to the employee. If not possible, or if the employee is exempt from overtime laws, the employee is entitled to take a reasonable period each time the employee has a need to express milk.

The City of Port Orford will treat the rest breaks used by the employee for expressing milk as paid rest breaks up to the amount of time the City of Port Orford is required to provide as paid rest breaks and/or meal periods under applicable personnel rules or collective bargaining agreements. Additional time needed beyond the paid rest breaks and/or meal periods may be taken as unpaid time.

If an employee takes unpaid rest breaks, the City of Port Orford may, at the discretion of the employee's supervisor, allow the employee to work before or after her normal shift to make up the amount of time used during the unpaid rest periods. The City of Port Orford will allow, but not require, an employee to substitute paid leave time for unpaid rest periods taken in accordance with this policy.

The City of Port Orford will make a reasonable effort to provide the employee with a private location within proximity to the employee's work area to express milk. For purposes of this policy, "close proximity" means within walking distance from the employee's work area that does not appreciably shorten the rest or meal period. A "private location" is a place, other than a public restroom or toilet stall, near the employee's work area for the employee to express milk concealed from view and without intrusion by other employees or the public.

If a private location is not within proximity to the employee's work area, the City of Port Orford will identify a private location the employee can travel to. The travel time to and from the private location will not be counted as a part of the employee's break period.

#### Notice

An employee who intends to express milk during work hours must give their supervisor or the City Administrator reasonable oral or written notice of her intention to do so to allow the City of Port Orford time to make any preparations necessary for compliance with this rule.

#### Storage

Employees are responsible for storing expressed milk. Employees may bring a cooler or other insulated food container to work for storing the expressed milk. If an office provides

access to refrigeration for personal use, an employee who expresses milk during work hours may use the available refrigeration.

## F. Overtime

### Time-and-a-Half

City of Port Orford pays one and one-half times a non-exempt employee's hourly rate for all hours worked over 40 in any workweek. See "Employee Classification," above.

Paid hours not actually worked (for example, sick, vacation, holidays, and family leave) will be counted toward the 40 hours worked per workweek required to receive overtime pay.

### Assignment of Overtime Work

You may be required to work overtime. When overtime work is required by City of Port Orford on a particular job on a shift commencing on a day other than Saturday, Sunday, or a holiday, the non-exempt employee performing that job at the conclusion of his/her straight-time hours will normally be expected to continue to perform the job on an overtime basis. When overtime work is assigned by City of Port Orford on a Saturday, Sunday, or holiday, it generally will be assigned in order of seniority to the employees who regularly perform the work involved.

When overtime is required by City of Port Orford on a Sunday or on a holiday, City of Port Orford will endeavor to give the employees required to work notice of their assignment during their last shift worked prior to such Sunday or holiday.

### Supervisor Authorization

No overtime may be worked by non-exempt employees unless specifically authorized in writing by a supervisor or manager. Employees who work unauthorized overtime may be subject to discipline up to and including termination.

### Compensatory (Comp) Time

Compensatory time off in lieu of overtime pay is allowed at the city's discretion. Overtime hours can be paid or, at the employee's option with City of Port Orford approval, accumulated at time and one-half up to a maximum of 80 hours and taken as comp time off.

### Timekeeping Requirements

All non-exempt employees must accurately record time worked on a timecard for payroll purposes. Employees are required to record their own time at the beginning and end of each work period, including before and after the meal period. Employees also must record their time whenever they leave the building for any reason other than City of Port Orford business. Filling out another employee's timecard, allowing another employee to fill out your timecard, or altering any timecard will be grounds for discipline up to and including termination. An employee who fails to record his/her time may be subjected to discipline as well.

Salaried exempt employees also may be required to record their time on either a timecard or timesheet. These employees will be instructed separately on this process.

## G. Employee-Incurred Expenses and Reimbursements

The City of Port Orford will pay actual and reasonable business-related expenses you incur in the performance of your job responsibilities if they are: (1) listed below or elsewhere in this handbook; and (2) pre-approved by your supervisor/manager before they are incurred. The City of Port Orford will not pay for or reimburse the costs incurred by a spouse, registered same-sex domestic partner or travel companion who accompanies the employee on City of Port Orford-approved travel.

Employees must provide a completed and signed expense report and evidence of proof of purchase (receipts) within one month of the expense being incurred or the employee risks forfeiting his/her payment or reimbursement.

Some examples of actual and reasonable business-related expenses that the City of Port Orford will reimburse/pay for are:

- *Conferences or Workshops:*
- *Education:*
- *Meals:*
- *Mileage and Parking:* Employees will be reimbursed for authorized use of their personal vehicles at a rate established by the Internal Revenue Service. Reasonable parking costs are also reimbursed upon submission of receipts on an expense report. Any traffic citations or court-ordered fees relating to driving or parking offenses (including parking tickets) are the responsibility of the employee and will not be reimbursed by the City of Port Orford.

## H. Payroll Policies

You will be paid twice a month. Paydays are generally the 5<sup>th</sup> and the 20<sup>th</sup> day of each month. If the payday falls on either a Saturday or a Sunday, paychecks will be distributed on the Friday prior to the established payday. If a Port Orford holiday falls on payday, you will receive your paycheck on the last workday prior to the holiday.

The City of Port Orford does not provide advance payments of salary or loans from salary to be earned.

Net pay will be directly deposited into the employee's bank account unless an employee request otherwise. If an employee requests to pick up his/her paycheck from City of Port Orford, only the employee named on the paycheck will be allowed to do so unless the employee provides written permission to City of Port Orford for someone else to receive the check.

## I. Statement Regarding Pay Practices

The City of Port Orford makes all efforts to comply with applicable Oregon and federal wage and hour laws. In the event you believe that the City of Port Orford has made any improper deductions, has failed to pay you for all hours worked or for overtime, has failed to pay you in accordance with the law, or has failed to properly calculate your wages in any way, you must immediately report the error to the City Administrator. City of Port Orford will investigate all reports of improper pay practices and will reimburse employees for any improper deductions or omissions. No employee will suffer retaliation or

discrimination for reporting an error or complaint regarding the City of Port Orford's pay practices.

See also "Statement Regarding Pay Equity" policy, above.

#### J. Reporting Changes to an Employee's Personal Data

Because personnel records are used to administer pay and benefits, and other employment decisions, employees are responsible for keeping information current regarding changes in name, address, phone number, exemptions, dependents, beneficiary, etc. Keeping your personnel records current about pay, deductions, benefits and other matters is important. If you have changes in any of the following items, please notify the City Administrator to ensure that the proper updates are completed as quickly as possible:

- Name.
- Marital status/Domestic Partnership (for purposes of benefit eligibility determination only).
- Address or telephone number.
- Dependents.
- Person to be notified in case of emergency.
- Other information having a bearing on your employment; and
- Tax withholding.

Employees may not intentionally withhold information from City of Port Orford about the items listed above in order to continue to receive benefits or anything of value for themselves or anyone else. Upon request, City of Port Orford may require employees to provide proof of marital status/domestic partnership status. Employees who violate this policy may be subject to discipline, up to and including termination.

#### K. Performance Reviews

All City of Port Orford employees will receive periodic performance reviews. Performance reviews serve as one factor in decisions related to employment, such as training, merit pay increases, job assignments, employee development, promotions, retention, and discipline/termination. Any employee who fails to satisfactorily perform the duties of his/her position is subject to disciplinary action (including termination).

City of Port Orford's goal is to provide an employee with his/her first formal performance evaluation within six months after hire or promotion. After the initial evaluation, the City of Port Orford will strive to provide a formal performance review on an annual basis.

Reviews will generally include the following:

- An evaluation of the employee's quality and quantity of work
- A review of exceptional employee accomplishments
- Establishment of goals for career development and job enrichment
- A review of areas needing improvement
- Setting of performance goals for the employee for the following year.

Employees who disagree with a performance evaluation may submit a written response with reasons for disagreement. The employee's response shall be filed with the employee's performance evaluation in the employee's personnel file. Such response

must be filed not later than 30 days following the date the performance evaluation was received.

Supervisors and managers are encouraged to provide employees with informal evaluations of their employees' work on an as-needed basis.

### **III. Time Off and Leaves of Absence**

#### **A. Attendance, Punctuality and Reporting Absences**

Employees are expected to report to work as scheduled, on time and prepared to start work. Employees are also expected to remain at work their entire work schedule, except for unpaid break periods or when required to leave on authorized the city business, and perform the work assigned to or requested of them. Late arrivals, early departures, or other absences from scheduled hours are disruptive and must be avoided.

Unless specified otherwise in a policy below, employees who will be unexpectedly absent from work for any reason or who will not show up for work on time must inform their supervisor via phone or text no later than 30 minutes before the start of the employee's shift/workday. Not reporting to work and not calling to report the absence is a no-call/no-show and is a serious matter. The first instance of a no call/no show will result in a final written warning. The second separate offense may result in termination of employment with no additional disciplinary steps. A no call/no show lasting three days may be considered job abandonment and may result in termination of employment.

#### **B. Vacation**

It is the policy of City of Port Orford to provide each full-time employee with vacation time on a periodic basis. The amount of vacation to which an employee becomes entitled is determined by the employee's length of service as of his/her employment anniversary date. For regular, full-time employees, vacation accrues as follows:

1. At the end of twelve (12) months of service, one week, or 40 hours, of vacation.
2. Thirteen (13) months to twenty-four (24) months of service two years of service, two weeks, or 80 hours, of vacation per year.
3. Twenty-five (25) months to ten (10) years of service, three weeks, or 120 hours, of vacation per year.
4. Eleven (11) years or more of service, four weeks, or 160 hours, of vacation per year.

Regular, part-time employees earn vacation on their employment anniversary date in the proportion that their normally scheduled number of hours bears to 40 per week. For example, a regular, part-time employee who usually works 20 hours per week would earn 20 hours of vacation upon completing his/her first year of service.

Vacation does not accrue between employment anniversary dates and may not be taken until it is earned. Vacation time must be used in the anniversary year after which it is earned and may not be carried over past the employee's next anniversary date. For example, an employee with two weeks' vacation as of his/her third anniversary date must use the two weeks prior to his/her fourth anniversary date. If an employee fails to

take earned vacation time before the employee's anniversary date, he/she is in violation of this policy and will not earn any further vacation until that unused vacation has been taken.

Earned vacation must be taken. Employees are not entitled to pay in lieu of taking time off for vacation, and will not be paid for accrued, but unused vacation at the time of termination (regardless of the reason). Vacation must be scheduled with one's supervisor at least two weeks in advance of the date(s) the employee wishes to take as vacation.

### C. Sick Leave

City of Port Orford provides eligible employees with sick leave in accordance with Oregon's Paid Sick Leave Law. This policy will be updated as necessary to reflect changes in and to ensure compliance with Oregon law.

Employees with questions about this policy may contact the City Administrator. Please also refer to the Oregon Sick Leave Law poster that is posted in the main city hall office and is incorporated here by reference.

#### Eligibility and Accrual of Paid Sick Leave

Under Oregon's Paid Sick Leave Law and this policy, "employee" includes part-time, full-time, hourly, salaried, exempt, and non-exempt employees. Sick leave runs concurrently with Oregon Family Medical Leave, federal Family and Medical Leave and other leave were allowed by law.

Employees begin to accrue paid sick leave on the first day of employment but may not use paid sick leave until the 91st day of employment. After the 91st day of employment, paid sick leave may be used as it is accrued.

Employees may accrue and use up to 40 hours of paid sick leave per calendar year. Paid sick leave shall accrue at the rate of one hour for every 30 hours worked until the 40-hour yearly accrual cap is reached. Paid sick leave shall be taken in hourly increments.

#### Pay Rate and Carryover

Paid sick leave will be paid at the employee's regular rate of pay. Exempt employees are presumed to work 40 hours in each workweek for purposes of their sick leave accrual unless their normal workweek is less than 40 hours, in which case sick leave is accrued based on the employee's normal workweek. Generally, sick leave pay will be included in the paycheck for the next payroll period after sick leave is used, provided the employee submits adequate documentation verifying that the absence was for a qualifying reason as defined in the "Use of Sick Leave" section below.

Sick leave is meant to be used or carried over; any unused sick leave will not be cashed out upon separation from employment. If an employee leaves employment and is rehired within 180 days, the employee's sick leave balance will be restored.

Employees may carry over up to a maximum of 40 hours of accrued and unused sick leave for use in a subsequent calendar year but may use only 40 hours of sick leave each calendar year. Sick leave accrual is capped at 80 hours.

#### Use of Sick Leave

Up to 40 hours of paid sick leave may be used each calendar year for any of the following reasons:

1. For the diagnosis, care, or treatment of a mental or physical illness, injury or health condition or need for preventive medical care. This is available for the employee or his/her covered family member.
  - "Family member" means the eligible employee's spouse, same-gender domestic partner (as described in ORS 106.300 to 106.340), biological child, adopted child, stepchild, foster child; same-gender domestic partner's child, parent, adoptive parent, stepparent, foster parent, parent-in-law; same-gender domestic partner's parent, grandparent, grandchild; and any individual with whom the employee has or had an *in loco parentis* relationship.
2. For any purpose allowed under the Oregon Family Leave Act, including bereavement leave.
3. If the employee, or the employee's minor child or dependent, is a victim of domestic violence, harassment, sexual assault or stalking as defined by Oregon law and requires leave for any of the purposes under Oregon's domestic violence leave law (ORS 659A.272).
4. In the event of certain public health emergencies or other reasons specified under Oregon's sick leave law.

Employees absent from work for a qualifying reason must use accrued sick time hours for that reason and on each subsequent day of absence.

#### Employee Notice of Need for Sick Leave

*Foreseeable Sick Leave.* If the need for sick leave is foreseeable, an employee must notify the City Administrator as soon as practicable before the leave is to begin. Generally, an employee must provide at least 10 days' notice for foreseeable sick leave. The request shall include the anticipated duration of the sick leave, if possible. Employees must make a reasonable effort to schedule foreseeable sick time in a manner that minimally disrupts the operations of the city. Employees must notify the City Administrator of any change in the expected duration of sick leave as soon as is practicable.

*Unforeseeable Sick Leave:* If the need for sick leave is unforeseeable, the employee must notify the City Administrator as soon as practicable and comply generally with the city's call-in procedures.

An employee must contact his/her supervisor daily while on sick leave unless an extended period of sick leave has been prearranged with the supervisor or when off work on protected leave. The employee shall inform his/her supervisor of any change in the duration of sick leave as soon as practicable.

If an employee fails to provide proper notice or make a reasonable effort to schedule leave in a manner that is only minimally disruptive to the organization and operations, the city may deny the use and legal protections of sick leave.

#### Sick Leave Documentation

If an employee takes more than three consecutive scheduled workdays as sick leave, the city may require reasonable documentation showing that the employee was absent for an approved reason. Reasonable documentation includes documentation signed by

a healthcare provider, or documentation for victims of domestic violence, harassment, sexual assault, or stalking.

### **Sick Leave Abuse**

If the city suspects sick leave abuse, including but not limited to repeated use of unscheduled sick leave or repeated use of sick leave adjacent to weekends, holidays, vacations and paydays, the city may require documentation from a healthcare provider. Employees found to have abused sick leave as described here may also be subject to discipline, up to and including termination.

#### **D. Holidays and Personal Holidays**

City of Port Orford recognizes ten holidays each year when the city offices are closed. All full-time employees will receive their regular straight-time compensation for each holiday. Regular part-time employees receive pay for each designated holiday in the proportion that their normally scheduled number of hours equals 40 hours per week. The holidays recognized are:

- New Year's Day
- Martin Luther King, Jr.'s Day
- President's Day
- Memorial Day
- Independence Day
- Labor Day
- Veteran's Day
- Thanksgiving Day
- Day after Thanksgiving
- Christmas Day

A holiday that falls on a weekend will be observed on either the preceding Friday or the following Monday to coincide with local custom.

To be eligible for holiday pay, an employee must have worked his/her regularly scheduled hours the workday before and the workday after the holiday or have been on an approved vacation day or any other excused absence under City of Port Orford policy. If an employee is on vacation when a holiday is observed, the employee will be paid for the holiday and will be granted an alternate day of vacation at a later date.

Any hourly, non-exempt employee required to work on a holiday will receive double-time payment for the hours worked.

#### **Personal Holiday**

Employees may select one additional day off with pay (known as "Personal holiday") during a calendar year.

Personal holiday may only be used in full-day increments; partial days are not allowed.

Employees must coordinate requests for floating holidays with their manager.

#### **E. Medical Leave**

The Medical Leave Program provides extended medical leave for eligible employees who have exhausted their leave under the Oregon sick leave law due to their own serious illness or injury, or due to the need to care for an immediate family member who



has experienced a serious illness or injury. The Medical Leave is unpaid; however, employees may use all accruals including sick leave, vacation leave, personal holiday, or comp time to cover days absent.

Eligibility All regular full-time or part-time employees who work twenty (20) hours or more per week (.50 FTE or greater)] may request medical leave, after completing a full year of continuous employment. The employee must have exhausted his or her accrued leave, in the fiscal year during which the request occurs; and the employee must have exhausted his or her own accrued leave and must be facing unpaid time of three (3) or more workdays due to the illness or injury. City of Port Orford retains the right to request medical documentation to determine whether the illness or injury is deemed a serious health condition for themselves or a family member.

Family Member is defined as a spouse (including registered, same-sex domestic partners), parent (biological, adoptive, step, foster, or *in loco parentis*), parent of a registered, same-sex domestic partner, parent-in-law, grandparent, grandchild, or "child". "Child" includes a biological, adopted, foster or stepchild, the child of a registered, same-sex domestic partner, or a child with whom the employee is in a relationship of *in loco parentis*. For purposes of Serious Health Condition Leave, the "child" can be any age.

Only one (1) employee from the same family, may use Medical Leave to care for a family member, and that employee must be solely responsible for the physical care of the family member.

#### F. Donated Medical Leave Policy

The purpose of donated vacation leave is to assist any eligible employee with additional leave through the donations of eligible co-workers. All full-time regular employees are eligible to request or donate vacation time in cases deemed as "hardship" by the City Administrator. All donations will be kept confidential, and donors will remain anonymous.

Typically, city of Port Orford does not solicit donated leave for time loss related to pandemic illnesses, such as COVID-19 or H1N1 flu virus.

To qualify for a leave donation, an employee must meet the eligibility requirements of the Medical Leave Policy.

An employee who is receiving, or is eligible to receive, any type of retirement disability, short-term or long-term disability insurance, or other supplemental income is not eligible to receive donated leave.

Donated hours must not be processed in an amount greater than that which is approximately necessary to cover the employee's next occurring pay period.

If otherwise qualifying, donated leave may be used to provide paid Medical Leave that would otherwise be unpaid but may not extend past the length of the approved Medical Leave entitlement.

Donated leave may not be used to extend employment beyond the point that it would otherwise end by operation of law, rule, policy, or regulation. For example, if an employee would have otherwise been terminated due to layoff or other reasons, donated leave may not be used to extend employment.

The Requesting Employee (Recipient) If requested to do so, provide documentation for a non-work related seriously disabling illness or injury, as certified by a physician.

Have exhausted all vacation, sick, and compensatory accrued leave and not be on, or eligible for, disability leave or pay.

Have worked one full year at city of Port Orford and have received satisfactory performance evaluations.

Submit a request for donated leave to the City Administrator indicating reason and anticipated amount of lost work time.

The Donating Employee: Must complete and submit a designated form indicating the desire to make a non-coerced donation.

May donate up to a maximum of 40 hours of vacation time per calendar year but must retain a minimum of 40 hours of vacation leave.

Any decision by the City Administrator regarding Medical Leave Donation will be binding.

Donated time is calculated using the number of hours donated at the donator's hourly wage, and the recipient's hourly wage.

## G. Bereavement Leave

Up to 40 hours of bereavement leave will be granted to employees who have worked for the city for 90 or more days. This leave is provided to employees who have experienced the death of a family member and is unpaid; employees, however, may use accrued sick leave during the bereavement leave period. "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse. Requests for bereavement leave must be made to the employee's immediate supervisor before the leave is to begin. This leave will be administered in accordance with Oregon's sick leave law, and

the time off will be deducted from the employee's sick leave bank. Please see the City Administrator for more information.

Bereavement leave may be used to attend the funeral or alternative to a funeral of the family member, to decide necessitated by the death of the family member, or to grieve the death of the family member. The two weeks of bereavement leave must be taken in the 60-day period following notice of death of a family member and will be deducted from the employee's available leave time under OFLA. For purposes of this policy, "Family Member" is defined to include the employee's spouse, same-sex domestic partner (registered), child, parent, parent-in-law, grandparent, or grandchild, or the same relations of an employee's same-sex domestic partner (registered) or spouse.

Employees who wish to take bereavement leave must inform the city as soon as possible after receiving notification of a Family Member's death. Although prior notice is not required, verbal notice must be provided within 24 hours of beginning leave. Written notice must be provided to the city within three days of returning to work. Employees are required to use any available sick leave during the period of bereavement leave; vacation time will be used if the employee has no available sick leave.

## H. Jury and Witness Duty

### Jury Duty

the city will grant employees time off for mandatory jury duty and/or jury duty orientation. A copy of the court notice must be submitted to the employee's manager to verify the need for such leave. Employees will be paid their regular hourly rate of pay while on jury duty, therefore the employee will not accept the jury duty pay.

The employee is expected to report for work when doing so does not conflict with court obligations. It is the employee's responsibility to keep his/her supervisor or manager informed about the amount of time required for jury duty.

### Witness Duty

Time spent serving as a witness in a work-related, legal proceeding will be treated as time worked for pay purposes, provided the time served occurs during regularly scheduled hours, the employee is subpoenaed to testify, and the employee submits witness fees to the City Administrator upon receipt.

Except for employee absences covered under the city's "Crime Victim Leave Policy" or "Domestic Violence Leave and Accommodation Policy," employees who are subpoenaed to testify in non-work-related legal proceedings must use any available vacation time to cover their absence from work. If the employee does not have any available vacation time, the employee's absences may be unexcused and may subject the employee to discipline, up to and including termination. Employees must present a copy of the subpoena served on them to their supervisor for scheduling and verification purposes no later than 24 hours after being served.

## I. Religious Observances Leave and Accommodation Policy

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

business. Employees may use vacation or unpaid time for religious holy days or to participate in a religious observance or practice; if accrued leave is not available, then an employee may request to take unpaid leave. Requests for religious leave or accommodation should be made with the City Administrator.

#### J. Crime Victim Leave Policy

Any employee who has worked an average of at least 25 hours per week for 180 days is eligible for reasonable, unpaid leave to attend criminal proceedings if the employee or his/her immediate family member (defined below) has suffered financial, social, psychological, or physical harm as a result of being a victim of certain felonies, such as kidnapping, rape, arson, and assault.

"Immediate family member" includes a spouse, registered same-sex domestic partner, father, mother, sibling, child, stepchild, or grandparent.

Employees who are eligible for crime victim leave must:

- Use any accrued, but unused vacation/sick leave during the leave period.
- Provide as much advance notice as is practicable of his/her intention to take leave (unless giving advance notice is not feasible); and
- Submit a request for the leave in writing to the City Administrator as far in advance as possible, indicating the amount of time needed, when the time will be needed, and the reason for the leave.

In all circumstances, the city may require certification of the need for leave, such as copies of any notices of scheduled criminal proceedings that the employee receives from a law enforcement agency or district attorney's office, police report, a protective order issued by a court, or similarly reliable sources.

#### K. Domestic Violence Leave and Accommodation Policy

All employees are eligible for reasonable unpaid leave to address domestic violence, harassment, sexual assault, or stalking of the employee or his/her minor dependents.

Reasons for taking leave include the employee's (or the employee's dependent's) need to: seek legal or law enforcement assistance or remedies; secure medical treatment for or time off to recover from injuries; seek counseling from a licensed mental health professional; obtain services from a victim services provider; or relocate or secure an existing home.

Leave is generally unpaid, but the employee may use any accrued vacation or sick leave while on this type of leave.

When seeking this type of leave, the employee should provide as much advance notice as is practicable of his/her intention to take leave, unless giving advance notice is not feasible.

Notice of need to take leave should be provided by submitting a request for leave in writing to the City Administrator as far in advance as possible, indicating the time needed, when the time will be needed, and the reason for the leave. the city will then generally require certification of the need for the leave, such as a police report, protective order or other evidence of a court proceeding, or documentation from a law

enforcement officer, attorney, healthcare professional, member of the clergy, or victim services provider.

If more leave than originally authorized needs to be taken, the employee should give the city notice as soon as is practicable prior to the end of the authorized leave. When taking leave in an unanticipated or emergency situation, the employee must give verbal or written notice as soon as is practicable. When leave is unanticipated, this notice may be given by any person on the employee's behalf.

Finally, employees who are victims of domestic violence, harassment, sexual assault, or stalking may be entitled to a "reasonable safety accommodation" that will allow the employee to more safely continue to work, unless such an accommodation would impose an "undue hardship" on the city. Please contact the City Administrator immediately with requests for reasonable safety accommodations.

#### L. Military Leave

Employees who wish to serve in the military and take military leave should contact the City Administrator for information about their rights before and after such leave. You are entitled to reinstatement upon completion of military service, provided you return or apply for reinstatement within the time allowed by law.

Further, eligible employees called for initial active duty for training and for all periods of annual active duty for training as a member of the National Guard, National Guard Reserve or of any reserve component of the Armed Forces of the United States or of the United States Public Health Service, may be entitled to leave with pay for all regular workdays that fall within a period not to exceed 15 calendar days in any federal training year. Weekend drill obligations are not considered "federal active duty" for training under this policy; other requirements apply. Please contact the City Administrator for more information and to make arrangements for this paid leave.

### IV. Employee Benefits

#### A. Healthcare Benefits

Employees who meet the definition of "benefit eligible" under both the city policy and that of its health insurance provider are entitled to the benefit options offered by the city. That means the city offers medical insurance for all its regular, full-time and eligible part-time employees unless otherwise established by law. The city pays the cost of individual coverage for its regular, full-time employees. Part-time employees working a regular schedule of 20 hours or more are eligible for health-insurance coverage.

The group insurance policy and the summary plan description issued to employees set out the terms and conditions of the health insurance plan offered by the city. These documents govern all issues relating to employee health insurance. As other employee benefits are offered by the city, employees will be advised and provided with copies of relevant plan documents. Copies are available from the City Administrator.

#### B. Employee Assistance Program (EAP)

This free, confidential service is provided by Cascade Centers and is available to all employees and dependents covered on a CIS Regence medical plan. The EAP can be used to assist employees and eligible family members with any personal problems, large

or small. Each covered employee and eligible family members can receive up to five (5) personal counseling sessions per situation per year. Sessions can be face to face, over the phone, or online for concerns such as marital conflict, conflict at work, depressions, stress management, family relationships, anxiety, alcohol, or drug abuse, grieving a loss, and career development services.

Cascade Centers also provides educational tools as resources relating to eldercare, childcare, legal consultation, financial coaching, identity theft, home ownership, and gym membership discounts.

More information regarding this service can be obtained by contacting the City Administrator, or you can contact Cascade Centers directly at 1-800-433-2320, or at [www.cacadecenters.com](http://www.cacadecenters.com).

### C. Workers' Compensation and Safety on the Job

You are protected by workers' compensation insurance under Oregon law. This insurance covers you in case of occupational injury or illness by providing, among other things, medical care, and compensation and temporary or other disability benefits. Employees are expected to work safely and in a safe environment.

#### Steps to Take if You are Injured on the Job

If you are injured on the job, the city wants to know about it and expects to learn about it no later than 24 hours after your injury (report all work-related injuries to your supervisor).

If you seek treatment for your work-related injury and want to apply for workers' compensation benefits, you must do all the following:

1. Report any work-related injury to your supervisor. You must report the injury no later than 24 hours after injury.
2. Seek medical treatment and follow-up care if required.
3. Promptly complete a written Employee's Claim Form (Form 801) and return it to the City Administrator.

*Failure to timely follow these steps may negatively affect your ability to receive benefits.*

#### Return to Work

If you require workers' compensation leave, the city will strive to reemploy you in the most suitable vacant position available at the conclusion of that leave. However, you must first submit documentation from a health care provider who is familiar with your condition certifying your ability to return to work and perform the essential functions of the position.

When returning from a workers' compensation leave you have no greater right to reinstatement than if you had been continuously employed rather than on leave. For example, if you would have been laid off had you not been on leave, or if your position is eliminated, and no equivalent or comparable positions are available, then you may not be entitled to reinstatement. These are only examples, and all reinstatement/reemployment decisions are subject to the terms of any applicable collective bargaining agreement. The city does not discriminate against employees who suffer a workplace injury or illness.

### Early Return-to-Work Program

Our Return-to-Work program provides guidelines for returning you to work at the earliest possible time after you have suffered an on-the-job injury or illness that results in time loss. This program is not intended as a substitute for reasonable accommodation when an injured employee also qualifies as an individual with a disability. The Return-to-Work Program is intended to be transitional work, to enable you to return to your regular job in a reasonable period of time.

The Return-to-Work program for job-related injuries consists of a team effort by the city, injured employees and their treating physicians, and our workers' compensation insurance carrier claims staff. The goal is to return our employees to full employment at the earliest possible date that is consistent with their medical condition and the advice of the treating physician.

If your doctor determines that you are able to perform modified work, the city will attempt to provide you with a temporary job assignment for a reasonable period of time until you can resume your regular duties (except were provided as an accommodation for a disability). If, due to a work-related injury, you are offered a modified position that has been medically approved, failure to phone in or report at the designated time and place may affect your compensation and employment with the city. While you are on modified or transitional work, you are still subject to all other the city rules and procedures.

### Overlap with Other Laws

the city will account for other leave and disability laws that might also apply to your situation, such as the Americans with Disabilities Act (ADA) and FMLA or OFLA. If, after returning from a workers' compensation leave, it is determined that you are unable to perform the essential functions of your position because of a qualifying disability, you may be entitled to a reasonable accommodation, as governed by the ADA and/or applicable Oregon laws covering disabilities in the workplace.

#### I. PERS (Public Employees' Retirement System) Benefits

the city participates in the Public Employees Retirement System (PERS); therefore, your designation as a Tier I, Tier II, or Oregon Public Service Retirement Plan (OPSRP) member will depend on your prior PERS service and PERS rules. An employee's designation and eligibility for participation in PERS or the OPSRP are determined by law. For more information about these plans, please contact PERS at 1-888-320-7377 or visit their website at [www.oregon.gov/PERS](http://www.oregon.gov/PERS). For information about the city's contributions to employee PERS or OPSRP plans, please see the City Administrator.

the city will consider allowing PERS-eligible employees to retire from his/her employment with the city and then rehiring them, as permitted under Oregon law. The city will consider, among other factors, the uniqueness of the employee's skills or experience, the needs of the city, and the ability of existing employees to perform the work of the retiring employee. Please see the City Administrator for more information

## **V.** Miscellaneous Policies

### A. Alcohol/Drug Use, Abuse and Testing

The city works to maintain a safe and efficient work environment. Employees who misuse controlled substances, prescription or illegal drugs, or alcoholic beverages pose a risk both to themselves and to everyone who comes into contact with or depends upon them and risks damage to the city's reputation.

The city expects employees to report to work in a condition that is conducive to performing their duties in a safe, effective, and efficient manner. An employee's off-the-job as well as on-the-job involvement with drugs and alcohol can have a significant impact on the workplace and can present a substantial risk to the employee who is using alcohol and drugs, to coworkers and others.

This policy applies to all employees (except where noted in this policy or where it is inconsistent with applicable law and/or collective bargaining agreement principles). This policy revises and supersedes all previous drug and alcohol testing policies and practices.

### Prohibited Conduct

- Possession, transfer, use or being under the influence of any alcohol while on the city property, on the city time, while driving the city vehicles (or personal vehicles while on the city business), or in other circumstances which adversely affect the city operations or safety of the city employees or others.
- Law enforcement employees may possess or transfer alcohol during the performance of their law enforcement duties, e.g., collecting evidence.
  - The conduct prohibited by this rule includes consumption of any intoxicating liquor within four hours of reporting to work or during rest breaks or meal periods. If use of alcoholic liquor or an alcohol "hangover" adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee's blood alcohol content exceeds .02 percent, the employee will be deemed "under the influence" for purposes of this rule.
- Possession, distribution, dispensing, sale, attempted sale, use, manufacture or being under the influence of any narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance while on the city property, on the city time, while driving the city vehicles (or personal vehicles while on the city business), or in other circumstances which adversely affect the city operations or safety of the city employees. Employees may not have any detectable amount of narcotic, hallucinogen, stimulant, sedative, drug, or other controlled substance in system while on the city property or on the city time.
  - Law enforcement employees may possess narcotics, drugs or other controlled substances while engaging in law enforcement duties, e.g., collecting or transporting evidence.
  - The conduct prohibited by this rule includes consumption of any such substance prior to reporting to work or during rest breaks or meal periods. If use of such substances or withdrawal symptoms adversely affects an employee's physical or mental faculties while at work to any perceptible degree, or the employee tests "positive" for any such substances by screening and confirmation tests, the employee will be deemed "under the influence" for purposes of this rule.



- As used in this policy, "controlled substance" includes, but is not limited to, any controlled substance listed in Schedules I through V of the Federal Controlled Substance Act, including marijuana that is otherwise lawful to use under Oregon, Washington, or any other state's law.
- Bringing to the city property, or possessing, items or objects on the city property that contain any "controlled substance," including, for example, "pot brownies" and candy containing marijuana. This prohibition does not apply to law enforcement employees who bring or possess such items in connection with law-enforcement work. No employee, regardless of position held, may knowingly serve items containing marijuana or any other "controlled substance" to co-workers, members of the public, or elected officials while on work time or on/in the city property.
- Bringing marijuana-related equipment or any devices marketed for use or designed specifically for use in ingesting, inhaling or otherwise introducing marijuana (among other drugs), such as pipes, bongs, "vape" pens, smoking masks, roach clips, and or other drug paraphernalia. This prohibition does not apply to employees who possess such items in connection with law enforcement work.
- Bringing equipment, products or materials that are marketed for use or designed for use in planting, propagating, cultivating, growing, or manufacturing marijuana, including live or dried marijuana plants to the city property. This prohibition does not apply to employees who possess such items in connection with law enforcement work.

#### Prescription Drugs and Medical Marijuana

Except for medical marijuana, nothing in this rule is intended to prohibit the use of a drug taken under supervision by a licensed health care professional, where its use does not present a safety hazard or otherwise adversely impact an employee's performance or the city operations.

Employees must inform their supervisor about their use of any prescription or over-the-counter drugs that could affect their ability to safely perform the duties of their position. If an employee's use of such prescription drugs could adversely affect the city operations or safety of the city employees or other persons, the city may reassign the employee using the prescription drugs to other work or take other appropriate action to accommodate the physical or mental effects of the medication. Failure to report use of prescription drugs covered by this rule will subject an employee to disciplinary action, up to and including termination. (Although an employee is not required to provide the city with the name(s) of the prescription medication(s) taken, medical verification of the prescription may be required.)

The use of marijuana, which is a Schedule 1 controlled substance under federal law, is expressly prohibited under this policy, even if its medical use is authorized under state law. Employees who use medical marijuana in connection with a disability should discuss with their supervisor other means of accommodating the disability in the workplace, as the city will not agree to allow an employee to use medical marijuana as an accommodation. (See "Disability Accommodation Policy," above.)

### Reasonable Cause Testing

If there is reasonable cause to suspect that an employee is under the influence of controlled substances or alcohol during work hours or has used drugs or alcohol in violation of this policy, the city may require the employee to undergo testing for controlled substances or alcohol.

As used in this policy, unless the context indicates otherwise:

- The terms "test" and "testing" shall be construed to mean job impairment field tests, laboratory tests, breathalyzer tests, and other tests of saliva, blood, and urine. No testing shall be performed under this rule without the approval of the City Administrator or the City Administrator's designee.
- "Reasonable cause" as used in this policy means an articulable belief based on specific facts and reasonable inferences drawn from those facts that an employee is more likely than not under the influence of controlled substances or alcohol or has used drugs or alcohol in violation of this policy. Circumstances which can constitute a basis for determining "reasonable cause" may include, but are not limited to:
  - a pattern of abnormal or erratic behavior.
  - information provided by a reliable and credible source.
  - direct observation of drug or alcohol use.
  - presence of the physical symptoms of drug or alcohol use (*i.e.*, glassy, or bloodshot eyes, alcohol odor on breath, slurred speech, poor coordination and/or reflexes).
  - unexplained significant deterioration in individual job performance.
  - unexplained or suspicious absenteeism or tardiness.
  - employee admissions regarding drug or alcohol use; and
  - unexplained absences from normal work areas where there is reason to suspect drug or alcohol related activity.

Supervisors should detail in writing the specific facts, symptoms or observations that form the basis for their determination that reasonable cause exists to warrant alcohol or controlled substance testing of an employee or a search. This documentation shall be forwarded to the City Administrator. Whenever possible, supervisors should locate a second employee or witness to corroborate their "reasonable cause" findings.

An employee whose initial laboratory screening test for controlled substances yields a positive result shall be given a second test. The second test shall use a portion of the same test sample withdrawn from the employee for use in the initial screening test. If the second test confirms the initial positive test result, the employee shall be notified of the results in writing by the City Administrator. The letter of notification shall state the particular substance identified by the laboratory tests. The employee may request a third test of the sample within 24 hours of receiving the letter of notification, but such testing will be paid for by the employee.

### Post-Accident Testing

Employees are subject to testing when they: (a) cause or contribute to accidents that seriously damage the city vehicle, machinery, equipment, or property; (b) result in an injury to themselves or another employee requiring offsite medical attention; or (c) when

the city has reasonable cause to believe that the accident or injury may have been caused by drug or alcohol use.

#### Search of Property

When reasonable cause exists to believe an employee possesses alcohol or a controlled substance on the city property or has otherwise violated provisions of this rule regarding possession, sale or use of controlled substances or alcohol, the city may search the employee's possessions located on the city property, including but not limited to, clothes, locker, lunchbox, toolbox, and desk. Employees should have no expectation of privacy in any items they bring on to the city property, or in property, equipment or supplies provided by the city to employee.

#### Employee Refusal to Test/Search

An employee who refuses to consent to a test or a search when there is reasonable cause to suspect that the employee has violated this policy is subject to disciplinary action up to and including termination. The reasons for the refusal shall be considered in determining the appropriate disciplinary action.

An employee who refuses to cooperate with any tests required by this policy is also subject to discipline, up to and including termination. This includes, but is not limited to, tampering with, or attempting to tamper with, a specimen sample, using chemicals or other ingredients to mask or otherwise cover up the presence of metabolites, drugs, or alcohol in a specimen, or providing a blood or urine specimen that was produced by anyone or anything other than the employee being tested.

#### Crimes Involving Drugs and/or Alcohol

Employees shall report:

- Any criminal arrest or conviction for drug- or alcohol-related activity within five days of the arrest or conviction.
- Entry into a drug court or diversion program; or
- Loss or limitation of driving privileges when the employee's job is identified as requiring a valid driver's license (regular or CDL).

Failure to report as required will result in disciplinary action up to and including termination.

#### Drug and Alcohol Treatment

The city recognizes that alcohol and drug use may be a sign of chemical dependency and that employees with alcohol and drug problems can be successfully treated. The city is willing to help such employees obtain appropriate treatment.

An employee who believes that he/she has a problem involving the use of alcohol or drugs should ask a supervisor or the City Administrator for assistance.

The city will work with an employee to identify all benefits and benefit programs that may be available to help deal with the problem. Attendance at any rehabilitation or treatment program will be a shared financial responsibility of the employee and the city to the extent its existing benefits package covers some or all of the program costs.

Although the city recognizes that alcohol and drug abuse can be successfully treated and is willing to work with employees who may suffer from such problems, it is the employee's responsibility to seek assistance *before* drug or alcohol problems lead to disciplinary action. Once a violation of the city policy is discovered, the employee's willingness to seek the city or outside assistance will not "excuse" the violation and generally will have no bearing on the determination of appropriate disciplinary action.

#### Discipline and Consequences of Prohibited Conduct

An employee who tests positive for drugs or alcohol in accordance with this policy will be subject to either termination or a last-chance agreement.

A last-chance agreement is an agreement whereby an employee who would otherwise be terminated is provided an opportunity to address his/her substance abuse issue and/or performance or safety issues. The last-chance agreement will inform the employee of the problems noted with his/her performance and to specify the performance required for the employee to achieve in order to continue to be employed by the city. Violation of the provisions of a last-chance agreement shall result in immediate termination of the employee, notwithstanding the provisions of any other personnel rule.

#### Confidentiality

All information from an employee's drug and alcohol evaluation is confidential and only those with a need to know are to be informed of test results. Disclosure of such information to any other person, agency, or the city is prohibited unless written authorization is obtained from the employee.

#### B. Cellular Devices Policy

This policy applies to employee use of cell phones, smart phones (including iPhones, "smartphones" and similar devices), tablets and similar devices, all of which are referred to as "cellular devices" in the Cellular Devices Policy.

#### Cell Phones and Cellular Devices in General

Employees are allowed to bring personal cell phones and cellular devices to work with them. During working hours, however, employees should refrain from using them except in an emergency or during a meal period or rest break.

Employees who use personal or the city-provided cell phones/cellular devices may not violate the city's policies against harassment and discrimination. Thus, employees who use a personal or the city-provided cell phone/cellular device to send a text or instant message to another employee (or to a citizen or someone not employed by city) that is harassing or otherwise in violation of the city's no-harassment and no-discrimination policies will be subject to discipline up to and including termination.

Nonexempt employees may not use their personal or the city-provided cell phone/cellular device for work purposes outside of their normal work schedule without written authorization in advance from the City Administrator. This includes, but is not limited to, reviewing, sending, and responding to emails or text messages, and responding to calls or making calls. Employees who violate this policy may be subject to discipline, up to and including termination.

### Employee Use of the city -Provided Cell Phones/Cellular Devices

Cell phones/cellular devices are made available to the city employees on a limited basis to conduct the city's business. Determinations as to which employees receive the city-provided cell phones will be made on a case-by-case basis; employees are not guaranteed a cell phone or cellular device. In some cases, the city may provide a monthly cellular telephone allowance to employees who regularly make calls on behalf of the city away from the office (see the City Administrator for more information).

Employees who receive a cell phone or cellular device from the city must agree to not use the cell phone/cellular device for personal use except in emergency situations and must abide by all aspects of the Cellular Device Policy. Further, employees who receive a cell phone or cellular device from the city must acknowledge and understand that because the cell phone/cellular device is paid for and provided by the city, or subsidized by the city, any communications (including text messages) received by or sent from the cell phone/cellular device may be subject to inspection and review if the city has reasonable grounds to believe that the employee's use of the cell phone violates any aspect of the Cellular Device Policy or any other the city policy. An employee who refuses to provide the city access to his/her personal cell phone/cellular device in connection with an investigation and after reasonable notice may be subject to discipline, up to and including termination.

Employees may not use the city-provided cell phones or cellular devices to call 1-900, 1-976 or similar "pay per minute" services. Further, family and friends may not use an employee's the city-provided cell phone/cellular device.

### Employee Use of Cell Phones/Cellular Devices with Cameras

Cameras of any type, including cell phones or cellular devices with built-in cameras and video photography options, may not be used during working hours, or at any the city-sponsored function unless authorized to do so by the City Administrator.

### Cell Phones/Cellular Devices and Public Records

The city-related business conducted on the city-provided or personal cell phones/cellular devices may be subject to disclosure and production under Oregon's Public Records laws or in connection with litigation filed against the city.

### Cell Phone/Cellular Device Use While Driving

The use of a cell phone or cellular device while driving may present a hazard to the driver, other employees, and the general public. Subject to a few narrow exceptions for emergency or public safety purposes, Oregon law also prohibits the use of handheld cell phones while driving, even if the driving is for work-related reasons. This policy is meant to ensure the safe operation of the city vehicles and the operation of private vehicles while an employee is on work time. It applies equally to the usage of employee-owned cell phones and phones provided or subsidized by the city.

Employees are prohibited from using handheld cell phones for any purpose while driving on the city-authorized or the city-related business. This policy also prohibits employees from using a cell phone or other cellular device to send or receive text or "instant" messages while driving on the city business (other than those employees engaged in law enforcement work). Should an employee need to make a business call while driving, the

employee must locate a lawfully designated area to park and make the call, unless the employee uses a hands-free cell phone or cellular device for the call. In either situation, such calls should be kept short and should the circumstances warrant (for example, heavy traffic, bad weather), the employee should locate a lawfully designated area to park to continue or make the call, even if the employee is using a hands-free device. Violation of this policy will subject the employee to discipline, up to and including termination.

#### C. Use of the city Email and Electronic Equipment, Facilities and Services

The city uses multiple types of electronic equipment, facilities, and services for producing documents, research and communication including, but not limited to, computers, software, email, copiers, telephones, voicemail, fax machines, online services, cell phones (including text messaging), the Internet and any new technologies used in the future. This policy governs the use of such the city property.

#### Ownership

All information and communications in any format, stored by any means on or received via the city's electronic equipment, facilities or services is the sole property of the city.

#### Use

All the city's electronic equipment, facilities and services are provided and intended for the city business purposes only and not for personal matters, communications, or entertainment. Access to the Internet, websites and other electronic services paid for by the city are to be used for the city business only. This means, for example, that employees may not use the city-provided Internet, or the city electronic equipment, facilities, and services to:

- Display or store any sexually explicit images or documents, or any images or documents that would violate the city's no-harassment, no-discrimination or bullying policies.
- Play games (including social media games) or to use apps of any kind.
- Engage in any activity that violates the rights of any person or the city, and that is protected by copyright, trade secrets, patent, or other intellectual property (or similar laws or regulations).
- Engage in any activity that violates the rights to privacy of protected healthcare information or other the city-specific confidential information.
- Engage in any activity that would introduce malicious software purposefully into a workstation or network (e.g., viruses, worms, Trojan horses).
- Download or view streaming video for personal use. This includes, without limitation, YouTube videos, movies, and TV shows. Streaming audio is allowed, provided it does not contain explicit material, adversely affect network speed, or interfere with others' ability to work.

Further, employees may not use the city-provided email addresses to create or manage personal accounts (e.g., shopping websites, personal bank accounts, and social media accounts). the city email addresses for professional-based social media accounts such as LinkedIn may be allowed with the approval of the employee's supervisor.

### Inspection and Monitoring

Employee communications, both business and personal, made using the city electronic equipment, facilities, and services are not private. Any data created, received, or transmitted using the city equipment, facilities or services are the property of the city and usually can be recovered even though deleted by the user.

All information and communications in any format, stored by any means on the city's electronic equipment, facilities, or services, are subject to inspection at any time without notice. Personal passwords may be used for purposes of security, but the use of a personal password does not affect the city's ownership of the electronic information, electronic equipment, facilities, or services, or the city's right to inspect such information. the city reserves the right to access and review electronic files, documents, archived material, messages, email, voicemail, and other such material to monitor the use of all of the city's electronic equipment, facilities and services, including all communications and internet usage and resources visited. the city will override all personal passwords if it becomes necessary to do so for any reason.

### Personal Hardware and Software

Employees may not install personal hardware or software on the city's computer systems without approval from the City Administrator. All software installed on the city's computer systems must be licensed. Copying or transferring of the city-owned software may be done only with the written authorization of the City Administrator.

### Unauthorized Access

Employees are not permitted unauthorized access to the electronic communications of other employees or third parties unless directed to do so by the city management. No employee can examine, change, or use another person's files, output, or username unless he/she has explicit authorization from the City Administrator to do so.

### Security

Many forms of electronic communication are not secure. Employees who use cell phones, cordless phones, fax communications or email sent over the Internet should be aware that such forms of communication are subject to interception and these methods of communicating should not be used for privileged, confidential, or sensitive information unless appropriate encryption measures are implemented.

### Inappropriate Web Sites

The city's electronic equipment, facilities or services must not be used to visit Internet sites that contain obscene, hateful, or other objectionable materials, or that would otherwise violate the city's policies on harassment and discrimination.

#### D. Social Media

For purposes of this policy, "social media" includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, journal, or diary, personal or commercial website, social networking web site, web bulletin board or a chat room, whether or not associated or affiliated with the city, as well as any other form of electronic communication.

Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of co-workers, or otherwise adversely affects our citizens or people who work on behalf of the city or the city's legitimate business interests may result in disciplinary action up to and including termination.

#### Prohibited Postings

Employees will be subject to discipline, up to and including termination, if they create and post any text, images or other media that violate any the city policies, including the city's no-harassment and no-discrimination and workplace violence policies. Similarly, postings that include threats of violence, that are physically threatening or intimidating, bullying, or harassing, will not be tolerated and may subject an employee to discipline, up to and including termination.

Do not create a link from your blog, website, or other social networking site to the city-owned or maintained website without identifying yourself as the city employee.

Express only your personal opinions. Never represent yourself as a spokesperson for the city unless you are authorized by your manager/supervisor to do so. If the city is a subject of the content you are creating, be clear and open about the fact that you are a city employee and make it clear that your views do not represent those of the city or its employees or elected officials.

#### Encouraged Conduct

Always be fair and courteous to co-workers, the citizens we serve, the city's employees and elected officials, and suppliers or other third parties who do business with the city.

Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers, or by utilizing our Open-Door Policy, than by posting complaints to a social media outlet. If you decide to post complaints or criticism, avoid using statements, photographs, video, or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage citizens, co-workers, the city employees, or elected officials, that might constitute harassment or bullying, and/or that violate the city policies. Examples of such conduct might include offensive posts that a reasonable person would perceive as calculated to intentionally harm an individual's personal or professional reputation, posts that could contribute to a hostile work environment based on race, sex, disability, religion, gender identity, age, national origin, or any other status protected by law or the city policy.

Maintain the confidentiality of the city's confidential information. Do not post internal reports, policies, procedures or other internal, the city-related confidential communications or information. (See "Confidential the city Information" policy, below.)

Nothing in this policy is meant to prevent an employee from exercising his/her right to make a complaint of discrimination or other workplace misconduct, engage in lawful collective bargaining activity, or to express an opinion on a matter of public concern that does not unduly disrupt the city operations. Employees are free to express themselves as private citizens on social media sites, but an employee's exercise of expression is balanced against the city's interest in the effective and efficient fulfillment of its responsibilities to the public.



### Request for Employee Social Media Passwords

The city's supervisors and managers are prohibited by law from requiring or requesting an employee or an applicant for employment to disclose or to provide access through the employee's or applicant's username and password, password or other means of authentication that provides access to a personal social media account. This includes, without limitation, a username and password that would otherwise allow a supervisor/manager to access a private email account not provided by the city.

Nothing in this policy prohibits the city from requiring an employee to produce content from his/her social media or internet account in connection with a city-sponsored investigation into potential misconduct, unlawful or unethical behavior, or policy or rule violations.

#### E. Confidential the city Information

Employees must not access, use, or disclose sensitive or confidential information or data except in accordance with the city policies, practices, and procedures, and as authorized by state or federal laws or regulations. Employees with access to confidential information, including but not limited to customer or employee financial, medical, or personal information (including, without limitation, Social Security numbers), are responsible for the safekeeping and handling of that information to prevent unauthorized disclosure. Employees who access, use, or disclose confidential information contrary to Oregon or federal laws or for personal use or financial gain may be subject to civil or criminal penalties under those laws, in addition to appropriate disciplinary action for violating this policy.

No records or information including (without limitation) protected medical data, documents, files, records, computer files or similar materials (except in the ordinary course of performing duties on behalf of the city) may be removed from our premises without permission from the City Administrator. Likewise, any materials developed by the city's employees in the performance of their jobs is the property of the city and may not be used for personal or financial gain. Additionally, the contents of records or information otherwise obtained regarding the city's business may not be disclosed to anyone, except where required for a business purpose or when required by law.

#### F. Ethics

At the city, we believe in treating people with respect and adhering to ethical and fair business practices. We expect employees to avoid situations that may compromise their reputation or integrity, or that might cause their personal interests to conflict with the interests of the city or the city 's citizens.

We at the city are public employees, and as such, are also subject to the State of Oregon's ethics laws. In some cases, these laws provide additional limitations on employees, such as prohibitions on gifts and strict definitions of conflict of interest. If you are coming to the city from work in the private sector, you may find that some activities that are common business practices in the private sector are prohibited in the public sector. Information on these laws is available at the Oregon Government Ethics Commission website: <http://www.oregon.gov/OGEC>.

If you have questions about whether an activity meets the cities or Oregon's ethical standards, please talk with the City Administrator. Employees who violate the Ethics

Policy, or who violate Oregon ethics laws, may be subject to disciplinary action up to and including termination.

#### G. Open-Door Policy

The city's Open-Door Policy is based on our belief that open, honest communication between managers and employees should be a common business practice. The city's managers and supervisors are responsible for creating a work environment where employee input is welcomed, and where issues are identified early and shared without the fear of retaliation (when the employee provides the input in good faith). If you have a complaint, suggestion, or question about your job, working conditions, or the treatment you are receiving from anyone in the city, please raise them first with your immediate supervisor. If you are not satisfied with the response from your immediate supervisor, or if your issue involves your immediate supervisor, request to have the facts/situation reviewed by the City Administrator.

#### H. Outside Employment

Generally, employees may obtain employment with an employer other than the city or engage in private income-producing activity of their own so long as that activity is not otherwise prohibited by these rules. Employees are responsible for assuring that their outside employment does not conflict with these rules.

An employee is prohibited from, directly or indirectly, soliciting or accepting the promise of future employment based on the understanding that the offer is influenced by the employee's official action.

Employees may not accept outside employment that involves:

- The use of the city time (including the employee's work time), the city facilities, equipment and supplies, or the prestige or influence of the employee's position with the city. In other words, the employee may not engage in private business interests or other employment activities on the city's time or using the city's property.
- The performance of an act that may later be subject to control, inspection, review, or audit by the department for whom the employee works (or by a state agency); or
- Receipt of money or anything of value for performance of duties that the employee is required to perform for the city.

The city requires employees to report outside employment to the City Administrator before the outside employment begins. Thereafter, an employee must provide an update to his/her the City Administrator on an annual basis, or sooner if any changes in outside employment occurs. Employees who accept outside employment in violation of this policy may be subject to discipline, up to and including termination.

#### I. Criminal Arrests and Convictions

Employees must promptly and fully disclose to their supervisor on the next working day:

1. All drug- or alcohol-related arrests, citations, convictions, guilty pleas, no contest pleas, or diversions that result from conduct which occurred while on duty, on the city property, or in a city vehicle (see "Alcohol/Drug Use, Abuse and Testing" policy above).

2. All arrests, citations, convictions, guilty pleas, or no contest pleas that result from crimes involving theft or misappropriation of property, including money; or
3. If you are arrested, cited, or convicted of a violation of any law that will prevent you from performing the essential functions of your position.

Reporting an arrest or conviction will not automatically result in termination of employment. Situations will be evaluated on a case-by-case basis.

Employees who are unavailable to report for work because they have been sent to jail or prison may not use sick leave or vacation time to cover the absence, and may be subject to disciplinary action, including termination.

#### J. Political Activity

Employees may engage in political activity except to the extent prohibited by Oregon law when on the job during working hours. This means that employees cannot:

- Be required to give money or services to aid any political committee or any political campaign.
- Solicit money or services (including signatures) to aid or oppose any political committee, nomination or election of a candidate, ballot measure or referendum, or political campaign while on the job during working hours (this is not intended to restrict the right of the city employees to express their personal political views); or
- Be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

#### K. Bad Weather/Emergency Closing

Except for regularly scheduled holidays identified by the city (see "Holidays" section, above), the city is open for business on Mondays through Fridays during normal business hours. If there are circumstances beyond our control, such as inclement weather, a national crisis, or other emergencies that make one or more of our office locations inaccessible for all or part of a regularly scheduled workday, the City Administrator (or his/her designee) will decide whether to and to what extent the city will close and notify all employees by phone call or text on the employees number provided in their personnel file.

In the event of extreme bad weather, we recognize that each employee's ability to safely reach work may be different. If you cannot safely report to work in such circumstances, you should contact your manager. If staff cannot reach the office and are able to serve the city from home, you should do so subject to approval by your manager or supervisor. Safety and a trustworthy approach are your guides.

In the situation where the office is open, yet the employee's ability to safely reach work the employee will use vacation for that day.

#### F. Driving While on Business

Employees using a private vehicle to conduct the city's business must possess a valid driver's license and must carry auto liability insurance. Employees who use their own vehicles for authorized the city business use should make any necessary arrangements with their insurance carriers.

The city may verify the validity of your driver's license and/or your driving record at the time of hire and at any point during your employment. Once you are employed with the city, we will receive automated reports from the Department of Motor Vehicles (DMV). The reports notify the city when there are transactions on your driving record such as speeding tickets and citations.

While on the city business, drivers are expected to make every reasonable effort to operate their vehicle safely, with due regard for potential hazards, weather, and road conditions. Drivers are to obey all traffic laws, posted signs and signals, and requirements applicable to the vehicle being operated. Seatbelts are to be used in all vehicles while on business. Drivers are to ensure that the use of prescribed or over the counter drugs does not interfere with their ability to drive while on business; operating a vehicle under the influence of alcohol or controlled substances is prohibited. Employees are responsible for notifying their manager of any subsequent restrictions, limitations, or other change in their driving status within 72 hours of the change or new restrictions/limitations. See also, "Cell Phone Use While Driving" policy, above.

Employees who receive a ticket or citation while driving a Company-owned vehicle or while on Company business will be responsible for paying the fine (if any) associated with the ticket or citation and may face discipline up to and including termination.

#### G. Workplace Violence

The city recognizes the importance of a safe workplace for employees, customers, vendors, contractors, and the public. A work environment that is safe and comfortable enhances employee satisfaction as well as productivity. Therefore, threats and acts of violence made by an employee against another employee, volunteer, elected official, or member of the public with respect to that person's life, health, well-being, family, or property will be dealt with in a zero-tolerance manner by the city.

All employees have an obligation to report any incidents that pose a real or potential risk of harm to employees or others associated with the city, or that threaten the safety, security, or financial interests of the city. Employees are also strongly encouraged to report threats or acts of violence by non-employees, such as vendors or citizens, against any employee, volunteer, or elected official. Employees should make such reports directly to the City Administrator.

The city also may conduct an investigation of a current employee where the employee's behavior raises concern about work performance, reliability, honesty, or potentially threatens the safety of co-workers or others. See policy on "Workplace Inspections."

#### H. Workplace Inspections — No Right to Privacy or Confidentiality

This policy applies to inspections and investigations conducted by the city pursuant to policy or law unless otherwise modified by a different policy in this Handbook.

An employee investigation may include, but is not limited to, investigation of criminal records; it may also include a search of desks, work areas, file cabinets, voicemail systems and computer systems. *Employees are strongly discouraged from storing personal items in the desks, lockers, work areas, file cabinets and other office equipment or furniture, as well as voicemail and computer systems assigned to them by the city; these areas are not private.*

All information related to reports generated from inspections and investigations, including the name of the reporting employee(s), will be kept as confidential as possible under the circumstances.

### I. Smoke-Free Workplace

The city provides a tobacco-free environment for all employees and visitors. For purposes of this policy, "tobacco" includes the smoking of any tobacco-based product, smoking in any form (including, without limitation, cigars, and e-cigarettes), and the use of oral tobacco products or "chew/spit" tobacco. Marijuana is also prohibited under this policy. This policy applies to employees, volunteers, and any visitors to the city property, vehicles, or facilities/buildings.

The city buildings and vehicles are tobacco- and marijuana-free areas. Tobacco/marijuana use is prohibited during working hours. Further, the city prohibits tobacco/marijuana use in or around the city vehicles and equipment or machinery.

If you wish to smoke tobacco, you must do so outside of the city's facilities/buildings, only in designated smoking areas, and out of visitor view. Smoking is not allowed near building entrances; Oregon law prohibits smoking within 10 feet of building entrances and other openings, including second-story windows. The city has established employee smoking areas that your supervisor can show you.

## VI. Termination of Employment

### A. Workplace Rules and Prohibited Conduct

Any violation of the rules or prohibited conduct in this policy may result in discipline, up to and including termination. This list of prohibited conduct is illustrative only; other types of conduct injurious to security, personal safety, employee welfare and the city's operations, some of which are described elsewhere in this Handbook, may also be grounds for discipline, up to and including termination.

- Falsification of employment or other the city records.
- Recording of work time of another employee or allowing any other employee to record your work time or allowing falsification of any time sheets (your own or another employee's).
- Theft or the deliberate or careless damage or destruction of any the city property, or the property of any other employee, citizen, vendor or third party.
- Unauthorized use of the city equipment, materials, or facilities.
- Provoking a fight or fighting during work hours or on the city property.
- Carrying firearms or any other dangerous weapon on the city premises at any time.
- Engaging in criminal conduct while at work.
- Causing, creating, or participating in a significant or substantial disruption of work during working hours on the city property.
- Insubordination, including but not limited to failure or refusal to obey the orders or instructions of a supervisor or member of management, or the use of abusive or threatening language toward another the city employee, customer, or vender.
- Failure to notify a supervisor when unable to report to work, or when leaving work during normal working hours without permission from a supervisor to do so.

- Failure to observe work schedules, including rest breaks and meal periods. You are expected to be at work on time, remain until your workday ends, and perform the work assigned to or requested of you.
- Sleeping or malingering on the job.
- Excessive personal telephone calls during working hours.
- Unprofessional appearance during normal business hours.
- Failing to attend scheduled work sessions and related activities at conferences, workshops, or educational events that are paid for by the city.
- Misrepresentation of the city policies, practices, procedures, or your status or authority to enter into agreements on behalf of the city. Employees may not use the city's name, logo, likeness, facilities, assets, or other resources of the city for personal gain or private interests.
- Violations of the Ethics Policy or Oregon's Ethics laws.
- Violation of any safety, health, security or the city policy, rule, or procedure. Employees are expected to act in accordance with all appropriate codes, laws, regulations, and policies, regardless of whether they are set by the city or outside regulatory or legislative bodies.
- Failing to timely pay water/sewer/tax accounts with the city on time, and/or whose the city -provided services are disconnected. This includes, without limitation, situations where the employee writes a check to the city that is refused for payment due to non-sufficient funds.
- Harassment or discrimination that violates the city policy.

This statement of prohibited conduct does not alter the city's policy of at-will employment. Except for employees subject to a collective bargaining agreement or contract of employment, the city remains free to terminate the employment relationship at any time, with or without cause or notice.

#### B. Corrective Action/Discipline Policy

Employees are expected to always perform to the best of their abilities. There will be occasions, however, where employees perform at an unsatisfactory level, violate a policy or law, or commit an act that is inappropriate. When performance or conduct does not meet the city standards, the city will determine whether it will terminate the employee's employment or provide the employee a reasonable opportunity to correct the deficiency through progressive discipline (such as, in no particular order, verbal warnings, written warnings, suspensions without pay, and demotions). The corrective action process will not always commence with a verbal counseling or include a sequence or steps. Some acts, particularly those that are intentional or serious, warrant more severe action (including termination) on the first or subsequent offense.

In lieu of terminating the employment of an employee for serious violations of the city policies, procedures, and rules and for other inappropriate behavior or conduct, the city may choose to provide the employee a final opportunity to continue employment in the form of a last-chance agreement. the city may also choose to send the employee to a training or an education opportunity.

In all cases, the city will determine the nature and extent of any discipline based upon the circumstances of each individual case and, where applicable, collective bargaining agreement provisions. the city may proceed directly to a written warning, demotion, last

chance agreement, or termination for misconduct or performance deficiency, without any prior disciplinary steps, when the city deems such action appropriate. the city retains the right to terminate any employee's employment at any time and for any reason, with or without advance notice or other prior disciplinary action (other than those employees who are subject to a collective bargaining agreement or contract of employment).

#### B. Retirement or Resignation from Employment

If you choose to resign or retire, it is anticipated that you will give the city as much notice as possible — preferably a minimum of two weeks. When giving your two-weeks' notice, vacation, personal, or sick days should not be used in lieu of notice. If you do not give two-weeks' notice of your intent to leave the city, you will not be eligible for re-employment at a later date.

Employees who miss three or more consecutive workdays without contacting their immediate supervisor are typically considered to have resigned their employment.

If the employee's decision to resign is based on a situation that could be corrected, the employee is encouraged to discuss it with the City Administrator before making a final decision.

Employees must return all the city property, including phones, computers, identification cards, credit cards, keys, and manuals, to the City Administrator on or before their last day of work.

#### C. References

All requests for references or recommendations must be directed to the City Administrator. No manager, supervisor or employee is authorized to release references for current or former employees. Managers and supervisors are expressly prohibited from providing LinkedIn "recommendations" or using a website on the internet to discuss a current or former employee's performance or termination of employment.

By policy, the city discloses only the dates of employment and position(s) held of former employees. Former employees who authorize additional disclosures must make a request to do so in writing.

## Employee Acknowledgement

### Acknowledgment of Receipt of 2021 Personnel Policies

#### Employee Handbook –November 2021

I acknowledge that I have received and will read a copy of the city's 2021 Employee Handbook I also understand that a copy of the Employee Handbook is available to me at any time to review in the City Administrators office and on the internal city shared drive.

I understand that the city has adopted the Employee Handbook only as a general guide about policies, work rules and the work environment, and that they are subject to change at any time in the city's sole discretion. I also understand that the Employee Handbook control over any other contradictory statements, other than those found in applicable collective bargaining agreements. I acknowledge that the policies and procedures in the Employee Handbook are not an employment contract and are not intended to give me any express or implied right to continued employment or to any other term or condition of employment.

I understand that either the city or I may terminate my employment relationship at any time, for any lawful reason, with or without cause, and with or without notice, unless my employment is covered under a collective bargaining agreement. Other than promises that may be found in that collective bargaining agreement, I acknowledge that no promises have been made to me that are inconsistent with this "at will" statement.

I have reviewed or will review the city's policies regarding equal employment opportunity and that the city aims to provide a workplace free of harassment and discrimination. I will bring any questions or concerns I have regarding equal employment opportunities, discrimination, retaliation or harassment to the City Administrator, or any trusted manager or supervisor.

During my employment with the city, I understand that it is my responsibility to remain informed about the policies as revisions, updates and new polices as issued, and to ask questions about any interpretation of any of the policies.

I have read this acknowledgement carefully before signing.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

The original of this document will be kept in the Employee's personnel file. A copy will be provided to the Employee upon request.



# City of Port Orford

## CITY COUNCIL AGENDA DOCUMENTATION

Date: 11/18/2021

SUBJECT: 10 Goals for Buffington Park

ITEM NO: 8 g.

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### Goal for November 2021 Council Meeting

To review and approve the goals that the Parks Commission has set up for Buffington Park.

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SUBMITTED BY:

Jessica Ginsburg

Jessica Ginsburg, City Administrator

## Top 10 Goals for Buffington Park: 2022

For City Council Approval

1. **New Playground:** Fundraising currently. Finding appropriate vendor. Remove trees as necessary for safety and expansion.
2. **Tennis Courts/Pickleball.** Maintaining court surface. Update/Install necessary Lighting. Permanent pickleball nets on 1 court-side, leaving 1 tennis court; 2 pickleball courts. Trim branches on East Side.
3. **All Bleachers** by Baseball field, skate park: Repaint, new pressure treated wood and regular maintenance on dilapidated structures.
4. **Pavers** installed at well-used walking areas. Pavers are being stored at Water Treatment plant.
5. **Signage and painting.** Old mill site block signage. Common "themed" signage throughout park. Paint old areas new colors.
6. **Disc Golf and Nature Trail Area:** Open up areas around perimeter of nature trail. Install Disc Golf holes. Expand holes into Buffington main.
7. **Bathroom by Playground:** Paint bathrooms and touch-up necessary features.
8. **Skate Park:** Expand skate park for a "street-style" area. Bids for concrete. Remove necessary trees that are filling bowl with debris. Update/install necessary lighting in existing lighting structures.
9. **Concrete Wall by basketball courts:** Mural artwork. Inside area: attach bouldering holds.
10. **Horse Arena:** Remove rotten wood and replace with pressure treated. Paint all.