Central Point
City Hall
541-664-3321

City Council

Mayor
Hank Williams

Ward I
Bruce Dingler

Ward II
Kelly Geiger

Ward III
Ellie George

Ward IV
Allen Broderick

At Large
David Douglas
Rick Samuelson

Administration
Chris Clayton, City Manager
Deanna Casey, City Recorder

Community Development
Tom Humphrey, Director

Finance
Bev Adams, Director

Human Resources
Barb Robson, Director

Parks and Public Works
Matt Samitore, Director
Jennifer Boardman, Manager

Police
Kris Allison Chief

CITY OF CENTRAL POINT
City Council Meeting Agenda
October 9, 2014

Next Res. 1413
Next Ord. 1996

I. REGULAR MEETING CALLED TO ORDER – 7:00 P.M.

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC APPEARANCES – *Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization.*

V. SPECIAL PRESENTATION - VIPS Graduation

VI. CONSENT AGENDA

Page 2 - 9 A. Approval of September 11, 2014 Council Minutes

VII. ITEMS REMOVED FROM CONSENT AGENDA

VIII. PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS

11 - 31 A. Ordinance No. _____, Amending Central Point Municipal Code Chapter 3.24 Transient Room Tax (Clayton)

34 - 41 B. Public Hearing – First Reading An Ordinance Amending Portions of Central Point Municipal Code Chapter 16 Subdivisions in Regards to Structures over City Easements (Samitore)

IX. BUSINESS

43 - 50 A. Review of Rogue Disposal & Recycling's Annual Consumer Price Index Based Rate Adjustment (Clayton)

-- B. Enterprise Zone Adoption Update (Humphrey)

-- C. Planning Commission Report (Humphrey)

X. MAYOR'S REPORT

XI. CITY MANAGER'S REPORT

XII. COUNCIL REPORTS

XIII. DEPARTMENT REPORTS

XIV. EXECUTIVE SESSION – ORS 192.660 (2)(e) and 192.660 (2)(h)

The City Council may adjourn to executive session under the provisions of ORS 192.660 (2) (e) Real Property Transactions and (h) Legal Counsel. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XV. ADJOURNMENT

Consent Agenda

CENTRAL POINT
City Council Meeting Minutes
September 11, 2014

I. REGULAR MEETING CALLED TO ORDER

Mayor Williams called the meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE

Chief Allison provided a time line of the September 11 events and a moment of silence was held prior to the Pledge of Allegiance.

III. ROLL CALL:

Mayor: Hank Williams
Council Members: Allen Broderick, Bruce Dingler, Kelly Geiger, and Rick Samuelson were present. David Douglas and Ellie George were absent.

City Manager Chris Clayton; City Attorney Sydnee Dreyer; Police Chief Kris Allison; Community Development Director Tom Humphrey; Finance Director Bev Adams; Parks and Public Works Director Matt Samitore; Captain Brian Day; IT Manager Jason Richman; and City Recorder Deanna Casey were also present.

IV. PUBLIC APPEARANCES - None

V. CONSENT AGENDA

A. Approval of August 14, 2014 City Council Minutes
B. Approval of Proclamation for Mayor's United Month

Allen Broderick moved to approve the Consent Agenda as presented. Kelly Geiger seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

VI. ITEMS REMOVED FROM CONSENT AGENDA - None

VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

A. Public Hearing/Ordinance No. 1994, Amending Ordinance No. 1992 Central Point Municipal Code Chapter 3.30 Marijuana and Marijuana-Infused Product Tax and Declaring an Emergency

City Manager Chris Clayton explained after discussion and adoption of Ordinance 1992 the City Council expressed that they would like the option to amend the tax in the future. Future adjustment of the rate may be necessary if public safety costs/impacts are not completely mitigated by the initial rates. The proposed amendments set a rate ceiling of twenty-five percent and allow future adjustment by council resolution. Legal analysis suggests that the twenty-five percent ceiling is reasonable and legally defensible.

He explained the proposed state-wide tax structure on the sale of legalized marijuana. Taxes collected under the state structure would be placed in an account and distributed by the Oregon Liquor Control Commission.

City Staff is recommending an emergency clause for this ordinance because there will not be a second meeting in September and the ordinance must be in effect prior to the November election.

There was discussion if the Council should consider increasing the tax to the limit this evening to discourage this type of business in Central Point. The majority of Council members were satisfied with the current rate but like that there is an option to increase it in the future if it is warranted.

Mayor Williams opened the public hearing.

Kay Harrison, Central Point resident.
Mrs. Harrison stated that she understands the situation being pushed upon the Cities and Counties by decisions made at the State level. She understands the need for medical marijuana, but is not in favor of marijuana for recreational use. Taxes are not going to cover the cost of issues that will arise because of this issue but it may help.

Mayor Williams closed the public hearing.

Kelly Geiger moved to approve Ordinance No. 1994, Amending Ordinance No. 1992 Central Point Municipal Code Chapter 3.30 Marijuana and Marijuana-Infused Product Tax and Declaring an Emergency. Allen Broderick seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

B. Second Reading, Ordinance No. 1995, Amending Central Point Municipal Code Chapter 5.24 Adult Businesses

Mr. Clayton explained that this is the second reading of an ordinance updating the Municipal Code relating to adult businesses. During recent changes to the Municipal Code the City Attorney noticed that several changes needed to be made to the Adult Business License section. Definitions were outdated and the elimination of chapter 5.24.030 section B regarding Planning Commission Discretion.

There were no recommended changes at the first reading and public hearing on August 14, 2014. Council inquired about not allowing these types of businesses in Central Point at the first reading. City Attorney Dreyer stated that the city can regulate place and time but cannot disallow the type of business.

Allen Broderick moved to approve Ordinance No. 1995, Amending Central Point Municipal Code Chapter 5.24 Adult Businesses. Kelly Geiger

seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

C. Public Hearing/First Reading, An Ordinance Amending Central Point Municipal Code Chapter 3.24 Transient Lodging Tax

Mr. Clayton explained that a recent review of the Central Point transient lodging tax has revealed the need to amend, clarify, and redefine portions of chapter 3.24. Many of the processes, definitions, collection procedures and penalties described in the chapter warranted an update. The proposed amendments are aimed at providing clear understanding of the process and procedure for businesses and residents subject to provisions of this specific tax.

Staff is not recommending an increase to the lodging tax rate. Research has indicated that Central Point's current rate of 9% is consistent with both Ashland and Medford and is reasonable for the state of Oregon. The 2014/15 budget projections show transient lodging tax revenue of $390,000.

In reviewing definitions we did clarify vacation rentals and bed and breakfasts for Central Point. There is currently no way to regulate a tax on these types of rentals in Central Point. We do not require a business license for them, and they are not registered with the City. There are cities in the area where these types of businesses could bring in tax revenue but Central Point does not have the industry at this time to put regulation in place to try and track them. Staff is not recommending implementing a tax on these types of businesses at this time, but it could be reviewed and implemented in the future.

Mayor Williams opened the public hearing. No one came forward and the public hearing was closed.

Bruce Dingler made a motion to move to second reading An Ordinance Amending Central Point Municipal Code Chapter 3.24 Transient Lodging Tax. Kelly Geiger seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

D. Resolution No. 1410, Authorizing the City Manager to Sign the Twin Creeks Crossing Project Letter of Understanding

Parks and Public Works Director Matt Samitore explained that the City of Central Point was awarded a grant in the amount of $2,670,000 for the construction of the Twin Creeks Rail Crossing associated with the 2015-2018 Oregon Surface Transportation Improvement Program (STIP Grant). This grant requires a match of $994,406.55. The City has reached an agreement with Twin Creeks Development, LLC for $500,000 towards its share of the crossing. Twin Creeks will also be obligated to complete an additional $250,000 of estimated costs of the project including the irrigation and sewer relocation, and construction of the Griffin Creek and Twin Creeks Crossing Floodway overflow culverts.

With both of these agreements in place the City's contribution will be a maximum of $244,406.55, but could be substantially less depending on how much value is associated with the work that is currently underway. This Resolution allows the City manager to sign a Project letter of Understanding. A formal legally binding agreement will be required prior to acceptance of the funds.

Allen Broderick moved to approve Resolution No. 1410, Authorizing the City Manager to Sign the Twin Creeks Crossing Project Letter of Understanding. Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

E. Resolution No. 1411, Recommending Adoption of an Agreement Between the City of Central Point and the Oregon State Department of Consumer and Business Services, Building Codes Division

Information Technology Director Jason Richmond explained that ORS 455.095 provides that Oregon State Department of Consumer and Business Services develop a system to manage and carry out the building inspection programs for municipalities. To fund the program the state implemented a 4% fee on permits to build and operate the system. Many of the local agencies have already implemented this ePermitting system. It will be beneficial for the City of Central Point, it's contractors, and citizens by providing a unified online system across all agencies for permitting services.

There is no fiscal impact to the city because the system is funded through a fee that has been collected through building permits. We expect the program to be up and running in the first part of November. Most of the work will be done by the state through their end of the system and it will be managed by the state. All municipalities will be using the same system so citizens and developers will know the process no matter where they go when it comes to building permits and inspections.

Allen Broderick moved to approve Resolution No. 1411, Recommending Adoption of an Agreement between the City of Central Point and the Oregon State Department of Consumer and Business Services, Building Codes Division. Kelly Geiger seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

F. Resolution No. 1412, Recommending Adoption of an Agreement between the City of Central Point and the Central Point Chamber of Commerce for Contract operation for the City's Visitor Information Center.

Mr. Clayton stated that the previous agreement between the City and the Central Point Chamber of Commerce expired December 31st, 2013. The Chamber has been in a period of transition during recent months and is currently concluding the process of selecting new leadership. This transitional period has allowed the

City to review and revise portions of the agreement for contract services of the Visitors Information Center (VIC). He explained several changes to the proposed agreement that were recommended by the Chamber and the City. These can be agreed to by the City Council and then ratified by the Chamber at their next Board meeting.

The City will be reducing the amount paid to the Chamber in order to recuperate the amount that was overpaid to them last year. There will be changes made to the reporting requirements and a Council or City representative will be allowed at the Chamber Board meetings.

Council Member Geiger stated that the City has been very helpful in assisting the Chamber during this time and he has been grateful. Things should be turning around for the Chamber and he is confident that the Board will agree to the suggestions made tonight and ratify the agreement at their next meeting. He would like to abstain from the vote because he is on the Chamber Board and does not feel that he should vote on this issue.

Rick Samuelson made a motion to approve Resolution No. 1412, Recommending Adoption of an Agreement between the City of Central Point and the Central Point Chamber of Commerce for Contract operation for the City's Visitor Information Center with recommended changes. Allen Broderick seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Kelly Geiger, abstain; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

VIII. BUSINESS

A. Water Treatment Facility Engineering Feasibility Discussion

Mr. Clayton explained that during a previous council discussion, he was directed to have the City Engineer develop a scope of work and cost estimate for a feasibility analysis studying infrastructure-related issues for the Northwest Urban Reserve area (NWURA). The NWURA is not adjacent to the City's existing water system infrastructure. When the City provides water to this area, significant improvements will be needed to expand the existing water system. The purpose of this preliminary study is to evaluate the feasibility of developing an independent source of supply to serve the NWURA and to expand the independent source of supply to eventually serve the City's entire water system. Critical infrastructure planning will also be performed to determine the water system facilities and general location of those facilities.

Complicating this issue is the current rate analysis being performed by the Medford Water Commission (MWC). One aspect of the MWC's study includes diverting all Big Butte Springs water to inside Medford Customers at a lower rate, leaving the more expensive water supplied from the Rogue River for the other municipalities to use. Should the MWC Board select this option, Central Point's current rates could be significantly impacted. Such an impact would further justify the exploration of water supply options outside of the current supply from MWC.

The proposed feasibility study has a projected cost of $27,619. This study was not specifically identified in the 2014/2015 budget; however, the project could be funded via discretionary funds or a supplemental budget.

There was discussion that the City of Central Point will always have a relationship with the MWC, we have joint lines and connections. The feasibility study would be specifically for the NWURA. In order to supply the entire city from our own water source it would be a long term solution and something that would need a long term planning and funds. Council was in agreement that there is not a rush to complete the study and we should wait for the next budget process to have it approved. City staff should plan to do this study in the 2015/2016 budget year. At that time we will also know the results of the MWC rate study and what they plan to do with their findings.

IX. MAYOR'S REPORT

Mayor Williams reported that:

- He attended the Water Commission meeting, they are in the process of reviewing the water rate study.
- He attended a lunch with Peoples Bank, they have some very interesting business propositions for the City.
- He attended a meeting with Rogue Community College representatives. They are interested in locating a campus in Central Point.
- He will be attending the League of Oregon Cities Conference at the end of the month.

X. CITY MANAGER'S REPORT

Mr. Clayton reported that:

- The Jackson County will be building a new Municipal Court building on Hamrick across from the Super 8. They will be annexing the property into the City and building a new location. They have agreed to allow a Police Department Substation within this building.
- There is a Study Session on Monday night.
- He will be attending the League of Oregon Cities Conference at the end of the month in Eugene. We will be receiving a CIS Safety Award.
- There will be an Executive Session tonight to discuss real property transactions.

XI. COUNCIL REPORTS

Council Member Bruce Dingler – No Report.

Council Member Rick Samuelson reported that he attended an RVCOG meeting where they talked about local gardeners and the bus transit between Medford and Grants Pass.

Council Member Kelly Geiger reported that he attended a SOREDI meeting where they were updated on the EDGE campaign. He has been working with the Chamber Board on hiring their new CEO Lisa O'Connor.

Council Member Allen Broderick reported that:

- He attended the Multicultural Committee meeting. There are currently 3 members on that Committee. They are dedicated and want to continue but would like the Council to expand their option for membership. He proposed to change the Ordinance to allow business owners or teachers who don't live in the city limits be members on this committee.
- He attended the Parks Foundation meeting and would like to propose bringing back to Council the BOB donation. He recommends an annual donation of $10,000 made to the Parks Foundation out of the Battle of the Bones proceeds every year.
- He would like to see an Airport sign and a Highway 62 sign at the Central Point Exit. There is no reason for I-5 traffic to go all the way into Medford and then back track to the Airport. Mr. Samitore will look into the signage issue.

XII. DEPARTMENT REPORTS

Finance Director Bev Adams reported that the new City Auditors have been here this week.

Parks and Public Works Director Matt Samitore reported that there is a delay on the Highway 99 repaving project because of some issues with RVSS.

Police Chief Kris Allison reported that there will be an Open House this Saturday at the Police Department, along with the Citywide Yard Sale and a bike rodeo.

Information Technology Director Jason Richmond reported that the city is working on a new phone system that should be up and running late next week.

Community Development Director Tom Humphrey reported that:

- He attended a SOREDI breakfast for recruiting businesses from out of state.
- RVACT will be talking about the Exit 33 changes in November.
- He will be working on the Urban Growth Expansion with Jackson County Planning Commission; there will be several joint meetings between the County and the City regarding this expansion.
- There are new businesses interested in the Destination Boot Camp process. He will be starting up again in October for anyone that is interested in joining the group.

XIII. EXECUTIVE SESSION – ORS 192.660 (2)(e) Real Property Transactions

Kelly Geiger made a motion to adjourn into executive session under ORS 192.660 (2)(e) Real Property Transactions. Rick Samuelson seconded. All said "aye" and the meeting was adjourned to executive session at 8:36 p.m.

The Council returned to regular session at 9:00 p.m. No further action was taken.

XIV. ADJOURNMENT

Rick Samuelson moved to adjourn, Kelly Geiger seconded, all said "aye" and the Council Meeting was adjourned at 9:02 p.m.

The foregoing minutes of the September 11, 2014, Council meeting were approved by the City Council at its meeting of October 9, 2014.

Dated:

_____
Mayor Hank Williams

ATTEST:

_____
City Recorder

Return to Agenda

Ordinance

Transient Room Tax Amendments

ADMINISTRATION DEPARTMENT

140 South 3rd Street · Central Point, OR 97502 · (541) 664-7602 · www.centralpointoregon.gov

STAFF REPORT

October 9, 2014

AGENDA ITEM: Ordinance No. _ An ordinance amending Central Point Municipal Code Chapter 3.24 – transient lodging tax

STAFF SOURCE:

Chris Clayton, City Manager
Sydnee Dreyer, City Attorney

BACKGROUND/SYNOPSIS:

A recent review of the Central Point transient lodging tax revealed the need to amend, clarify, and redefine portions of Central Point Municipal Code (CPMC) chapter 3.24. Many of the processes, definitions, collection procedures and penalties described in CPMC chapter 3.24 warranted updating. The proposed amendments are aimed at providing clear understanding of process and procedure for businesses/residents subject to provisions of the Central Point transient lodging tax.

FISCAL IMPACT:

Although the proposed revisions are extensive, staff is not recommending an increase to the transient lodging tax rate. Staff research indicates that Central Point's current rate of 9% is consistent with both Ashland and Medford. Furthermore, a review of similar taxes throughout the state of Oregon indicates that a 9% transient lodging tax is reasonable, and not at a level that warrants adjustment.

The 2014/2015 budget projects $390,000 in transient lodging tax revenue during the current fiscal cycle.

ATTACHMENTS:

1. Ordinance amending chapter 3.24 of the Central Point Municipal Code allowing future adjustment of the transient lodging tax.

RECOMMENDATION:

City staff is recommending adoption of the attached ordinance amendments.

PUBLIC HEARING REQUIRED:

No – Public Hearing was offered on September 11, 2014.

SUGGESTED MOTION:

I move to approve Ordinance number ____ amending Central Point Municipal Code chapter 3.24 transient lodging tax.

Return to Agenda

ORDINANCE NO. _____

AN ORDINANCE AMENDING CENTRAL POINT MUNICIPAL CODE CHAPTER 3.24 TRANSIENT ROOM TAX

Recitals:

A. Words ~~lined through~~ are to be deleted and words **in bold** are added.

B. A recent review of the Room Tax revealed the need to amend, clarify and redefine portions of the code.

C. The proposed amendments are aimed at providing clear understanding of process and procedure.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 3.24 Transient Room Tax is hereby amended to read as follows:

Chapter 3.24

TRANSIENT ~~ROOM~~LODGING TAX

Sections:

3.24.010 Definitions.

3.24.020 Tax imposed.

3.24.030 Rules for collection of tax by ~~operator~~**Operator**.

3.24.040 Operator's duties.

3.24.050 Exemptions.

3.24.060 Operator's registration form and certificate of authority.

3.24.070 Collections, returns and payments.

3.24.080 Delinquency penalties.

3.24.090 Deficiency determinations.

~~3.24.100 Fraud--Refusal to collect--Evasion--Determination.~~

~~3.24.110 Operator delay.~~

~~3.24.120 Redetermination.~~
3.24.130 Security for collection of tax.
3.24.140 Liens.
3.24.150 Refunds by **issued by** city~~ to operator~~.
~~3.24.160 Refunds by city to transient.~~
3.24.170 Refunds by ~~operator~~**Operator** to transient.
3.24.180 Records required from ~~operator~~**Operator**--Examination.
3.24.190 Confidentiality.
3.24.200 Disposition and use of transient room tax funds.
3.24.210 Appeals to the city council.
3.24.220 ~~Penalties and violations~~**Violations**.
3.24.230 ~~Penalties--Collection~~**Actions to Collect**.

3.24.010 Definitions.

For purposes of this chapter, the following definitions apply:

"Accrual accounting" means a system of accounting in which the ~~operator~~**Operator** enters the rent due from a transient into the record when the rent is earned, whether or not it is paid.

"Bed and Breakfast " means a single-family dwelling, or part thereof, other than a motel, hotel or multiple family dwelling, where traveler's accommodations and breakfast are provided for a fee on a daily or weekly room rental basis.

"Cash accounting" means a system of accounting in which the ~~operator~~**Operator** does not enter the rent due from a transient into the record until the rent is paid.

"Council/city council" means the city council of Central Point, Oregon.

~~"~~"Hotel~~"~~ **"** means ~~a part of a~~**any** structure~~ that~~**, or any portion of any structure which** is occupied or **intended or** designed for **transient** occupancy ~~by transients~~ for **30 days or less for dwelling,** lodging**,** or sleeping ~~including a~~**purposes, and includes any** hotel, inn, tourist home or house, motel, studio hotel, ~~bachelor hotel,~~ lodging house, rooming house, apartment house, **public or private** dormitory, **fraternity, sorority,** public or private club, ~~mobile home or house~~

~~trailer at a fixed location, recreational vehicle and trailer park, or similar structure or portions~~**and also means space or portion** thereof so occupied, provided such occupancy is for ~~twenty-seven days or~~ less **than a 30-day period**.

"Occupancy" means use or possession of, or the right to use or possess, a room ~~in a hotel for lodging or sleeping~~**or rooms or any portion thereof for transient lodgings**.

"Operator" means a person who is the proprietor of a ~~hotel~~**transient lodging facility** in any capacity. When an ~~operator's~~**Operator's** functions are performed through a managing agent of a type other than an employee, the managing agent shall also be considered an ~~operator~~**Operator**. For purposes of this chapter, compliance by either the ~~operator~~**Operator** or the managing agent shall be considered compliance by both.

"Person" means an individual, firm, partnership, joint venture, association, social club, fraternal organization, fraternity, sorority, public or private dormitory, joint stock company, corporation, estate, trust, business trust, receiver, trustee, syndicate, or another group or combination acting as a unit.

"Rent" means the ~~gross rent, exclusive of~~ **total retail price, including all charges** other ~~services;~~**than taxes, paid by a person for occupancy of the transient lodging. The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the transient lodging Operator's business. Where** the consideration ~~charged~~**charge includes both food and rent in a single rate, the amount applicable to rent for determination of transient room tax under this chapter shall be the same charge made for rent of the identical room when it is not a part of a package plan**.

"Tax" means either the tax payable by the transient or the aggregate amount of taxes due from an ~~operator~~**Operator** during the period for which the ~~operator~~**Operator** is required to report collections.

~~"Tax administrator~~**"Director**" means the city of Central Point city manager, or his designee.

"Transient" means an individual who occupies or is entitled to occupy space in a ~~hotel~~**transient lodging facility** for a period of ~~twenty-seven~~**thirty (30)** consecutive days or less, counting portions of days as full days. The day a transient checks out of a hotel shall not be included in determining the ~~twenty-seven~~**thirty** day period if the transient is not charged rent for that day. A person occupying space in a ~~hotel~~**transient lodging facility** shall be considered a transient until a period of ~~twenty-seven~~**thirty (30)** days has expired unless there is an agreement in writing between the ~~operator~~**Operator** and the occupant providing for a longer period of occupancy or the tenant actually extends occupancy more than ~~twenty-seven~~**thirty (30)** consecutive days. A person who pays for lodging on a monthly basis, regardless of the number of days in the month, shall not be considered a transient.

"Transient Lodging" means hotel, bed and breakfast, or any part thereof, which are used or designed for occupancy by transients for dwelling, lodging or sleeping purposes and which are rented or intended for rent on a daily or weekly basis, or any period of thirty (30) days or less to transients for a charge or fee paid or to be paid for rental or use of facilities.

3.24.020 Tax ~~imposed~~Imposed.

~~A~~**For the privilege of occupancy in any transient lodging facility, a** transient shall pay a tax in the amount of nine percent of the rent charged for the privilege of occupancy in a ~~hotel~~**transient lodging facility** in the city. The tax constitutes a debt owed by the transient to the city, and the debt is extinguished only when the tax is remitted by the ~~operator~~**Operator** to the city. The transient shall pay the tax to the ~~operator~~**Operator** at the time rent is paid. The ~~operator~~**Operator** shall enter the tax into the record when rent is collected if the ~~operator~~**Operator** keeps records on the cash accounting and when earned if the ~~operator~~**Operator** keeps records on the accrual accounting basis. If the rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the ~~operator~~**Operator** with each installment. **The unpaid tax is due upon the transient's ceasing to occupy space in the transient lodging.** In all cases, rent paid or charged for occupancy shall exclude the sale of goods, services or commodities.

3.24.030 Rules for collection of tax by ~~operator~~Operator.

~~A. Every operator renting space for lodging or sleeping shall collect a tax from the occupant. The tax collected or accrued constitutes a debt owed by the operator to the city.~~

~~B.~~**A.** In cases of credit or deferred payment of rent, the payment of tax to the ~~operator~~**Operator** may be deferred until the rent is paid, and the ~~operator~~**Operator** shall not be liable for the tax until ~~credits are~~**rent is** paid or deferred payments are made. Adjustments may be made for uncollectible accounts.

~~C~~**B**. The ~~tax administrator~~**Director** shall enforce this chapter and may adopt rules and regulations necessary for enforcement.

~~D~~**C**. The rent collected on portions of a dollar, fractions of a penny of tax, shall not be remitted.

3.24.040 Operator's duties.

An ~~operator~~**Operator** shall collect the tax when the rent is collected from the transient. The amount of tax shall be stated separately in the ~~operator's~~**Operator's** records and on the receipt given by the ~~operator~~**Operator**. An ~~operator~~**Operator** shall not advertise that the tax will not be added to the rent, that a portion of it will be assumed or absorbed by the ~~operator~~**Operator**, or that a portion will be refunded, except in the manner provided in this chapter.

3.24.050 Exemptions.

The tax shall not be imposed on:

A. An occupant staying for more than ~~twenty-seven days~~**thirty (30) consecutive days, or a person paying for lodging on a monthly basis regardless of the number of days in the month**;

B. A person who rents a private home, vacation cabin or similar facility from an owner who personally rents the facility incidentally to the owner's personal use**, except a Bed and Breakfast**;

C. Any occupant whose rent is paid for a hospital room or to a medical clinic, convalescent home, or home for aged people, or to a public institution owned and operated by a unit of the government.

D. Any room donated to a non-profit organization claiming exemption under IRS code 501;

E. Any home occasionally exchanged with a home outside the City without payment of rent;

F. Any person housed through an emergency shelter or disaster program where the rent is paid with government assistance funds;

G. Any Federal Government employee traveling on official government business, who presents an official Government Exemption Certificate or official travel authorization.

3.24.060 Operator's registration form and certificate of authority.

A. ~~Every person engaging or about to engage in business as an operator~~**Each Operator** of a ~~hotel in~~ **transient lodging facility within** the ~~city~~**City** shall register **said business** with the tax administrator**,** on a form provided by the ~~tax administrator~~**Director,** within fifteen days after ~~beginning~~**commencing** business.

B. The registration form shall set forth the name in which an ~~operator~~**Operator** transacts or intends to transact business, the location of his place or places of business and such other information to facilitate the collection of the tax as the ~~tax administrator~~**Director** may require. The registration shall be signed by the ~~operator~~**Operator**.

C. The ~~tax administrator~~**Director** shall, within ten days after registration, issue without charge a certificate of authority to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the ~~tax administrator~~**Director** upon the cessation of business at the location named or upon its sale or transfer. ~~Each certificate and duplicate shall state the place of business to which it is applicable and shall be prominently displayed therein so as to be seen and come to the notice readily of all occupants and persons seeking occupancy. Failure to register does not relieve the operator from collecting the tax or a person from paying the tax.~~

D. Each certificate of authority shall state the place of business to which it applies, shall be prominently displayed~~, and~~ **therein so as to be seen and be readily apparent to all transients**

seeking occupancy. Failure to register does not relieve the Operator from collecting the tax or a person from paying the tax. The certificate of authority shall set forth:

1. The name of the ~~operator~~**Operator**;

2. The address of the ~~hotel~~**transient lodging facility**;

3. The date the certificate was issued;

4. The following statement: "This transient occupancy registration certificate signifies that the person named on the certificate has fulfilled the requirements of the transient ~~room~~**lodging** tax ordinance of the city of Central Point by registering with the ~~tax administrator~~**Director** for the purpose of collecting the room tax imposed by the city of Central Point and remitting the tax to the ~~tax administrator.~~**Director.** This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a ~~hotel~~**transient lodging facility** without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the city of Central Point. This certificate does not constitute a permit."

3.24.070 Collections, returns and payments.

A. ~~The taxes collected by an operator are payable to the tax administrator on a quarterly basis on the fifteenth day of the following month for the preceding three months and are delinquent on the last day of the month in which they are due.~~**Every Operator shall, on or before the fifteenth (15th) day of the month following the end of each calendar quarter (in the months of April, July, October and January) file a return with the Director, on forms provided by the City, specifying the total rent subject to this chapter and the amount of tax collected under this chapter. A return shall not be considered filed until it is actually received by the Director. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.** The initial return may be for less than the three months preceding the due date. The quarters are:

First quarter: January, February, March

Second quarter: April, May, June

Third quarter: July, August, September

Fourth quarter: October, November, December

B. ~~A return showing tax collections for the preceding quarter shall be filed with the tax administrator, in a form prescribed by the tax administrator, before the sixteenth day of the month following each collection quarter.~~

~~C. The operator may withhold five percent of the tax collected to cover the expense of collecting and remitting the tax.~~

~~D~~. Returns shall show the amount of tax collected or due for the related period. The ~~tax administrator~~**Director** may require returns to show the total rentals on which the tax was collected or is due, gross receipts of the ~~operator~~**Operator** for the period, a detailed explanation of any discrepancy between the amounts, and the amount of rentals exempt.

~~E. The operator shall deliver the return and the tax due to the tax administrator's office. If the return is mailed, the postmark shall be considered the date of delivery for determining delinquencies.~~

~~F.~~ **C. At the time the return is filed, the full amount of the tax collected shall be remitted to the Director. Payments received by the Director for application against existing liabilities will be credited toward the period designated by the taxpayer under conditions that are not prejudicial to the interest of the City. A condition considered prejudicial is the imminent expiration of the statute of limitations for a period or periods.**

D. Non-designated payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to the underlying tax. If the Director, in his or her sole discretion, determines that an alternative order of payment application would be in the best interest of the City in a particular tax or factual situation, the Director may order such a change. The Director may establish shorter reporting periods for any Operator if the Director deems it necessary in order to ensure collection of the tax. The Director also may

require additional information in the return relevant to payment of the liability. When a shorter return period is required, penalties and interest shall be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by Operators pursuant to this chapter shall be held in trust for the account of the City until payment is made to the Director. A separate trust bank account is not required in order to comply with this provision.

E. For good cause, the ~~tax administrator~~**Director** may extend the time for filing a return or paying the tax for not more than one month. Further extension may be granted only by the city council. An ~~operator~~**Operator** to whom an extension is granted shall pay interest at the rate of one percent per month on the amount of tax due, without proration for a fraction of a month. If a return is not filed and if the tax and interest due are not paid by the end of the extension granted, the interest shall become a part of the tax for computation of penalties prescribed in Section 3.24.080.

~~G. The tax administrator~~**F. Every Operator required to remit the tax imposed in this chapter shall be entitled to retain five percent (5%) of all taxes due to defray the costs of bookkeeping and remittance.**

G. Every Operator must keep and preserve in an accounting format established by the Director records of all sales made by the dispensary and such other books or accounts as may be required by the Director. Every Operator must keep and preserve for a period of three (3) years all such books, invoices and other records. The Director shall have the right to inspect all such records at all reasonable times.

H. The Director may require returns and payment of the taxes for other than monthly/quarterly periods in individual cases to ensure payment or to facilitate collection by the city.

3.24.080 Delinquency ~~penalties.~~Penalties

~~A. An operator who has not been granted an extension of time for remittance of tax due and~~ **Any Operator** who fails to remit ~~the tax prior to delinquency~~ **any portion of any tax imposed by this chapter within the time required** shall pay a penalty of ten percent **(10%) of the amount** of the tax ~~due in addition to the tax~~.

~~B. An operator who has not been granted an extension of time for remittance of tax due and who fails to pay a~~

A. **Any Operator who fails to remit any** delinquent remittance **on or** before ~~the expiration~~**a period** of ~~thirty-one~~**31** days following the date on which the remittance **first** became delinquent**,** shall pay a second delinquency penalty of fifteen percent **(15%)** of the **amount of the** tax ~~due~~**,in addition to** the amount of the tax~~,~~ and the ~~ten percent~~ penalty first imposed.

~~C.~~

B. If the ~~tax administrator~~**Director** determines that **the** nonpayment of ~~a~~**any** remittance **due under this chapter** is due to fraud~~ or intent to evade the tax~~, a penalty of twenty-five percent **(25%) of the amount** of the tax shall be added **thereto in addition** to the penalties stated in ~~subsections~~**subparagraphs** A and B of this section.

~~D.~~

C. In addition to the penalties imposed~~ by this section, an operator~~**, any Operator** who fails to remit ~~the required~~**any** tax **imposed by this chapter** shall pay interest at the rate of one percent **(1%)** per month~~, without proration for portions of a month,~~ **or fraction thereof** on the **amount of the** tax~~ due~~, exclusive of penalties, from the date on which the ~~tax~~**remittance** first became delinquent until paid.

~~E. Each~~

D. **Every** penalty imposed**,** and ~~the~~**such** interest ~~accrued~~**as accrues** under **the** provisions of this section**,** shall ~~be merged with and~~ become **a** part of the tax required to be paid.

F. An ~~operator~~**Operator** who fails to remit the tax within the required time may petition the **city** council for waiver and refund of the penalty or a portion of it. The council may, if good cause is shown, direct a refund of the penalty or a portion of it. ~~(Ord. 1707 §1(part), 1994).~~ **Any such hearing will be conducted under the procedures described in section 3.24.210.**

3.24.090 Deficiency determinations.

A.~~-~~ If the ~~tax administrator determines that the returns are incorrect, the tax administrator may compute and~~**Director** determine ~~the amount required to be paid on the basis of the facts contained in the~~ **that a** return **is incorrect, that required reports** or returns ~~or upon the basis of~~

~~any information within the tax administrator's possession or that may come into his or her possession.~~

~~B. A deficiency determination may be made on the amount due for one or more than one period. The determined amount shall be payable immediately on service of notice, after which the determined amount is delinquent. Penalties on deficiencies shall be applied as provided in Section 3.24.080.~~

~~C. In making a determination, the tax administrator may offset overpayments that~~ have **not** been ~~made against a deficiency for a subsequent period or against penalties and interest on the deficiency. The interest on the deficiency shall be computed as provided in Section 3.24.080.~~

~~D. A determination becomes payable immediately on receipt of notice and becomes final within fifteen days after mailing. However, the operator may petition for redemption and refund by filing a petition before the determination becomes final. (Ord. 1707 §1(part), 1994).~~

~~3.24.100 Fraud--Refusal to collect--Evasion--Determination.~~

~~A. If an operator fails or refuses to collect the tax, make the~~ **filed, that a** report ~~or remit the tax, or makes a~~ **is** fraudulent ~~return~~**,** or **that an Operator has** otherwise ~~wilfully attempts~~**failed** to ~~evade~~**comply with** the ~~tax payment~~**terms of this chapter**, the ~~tax administrator~~**Director** shall **proceed in such manner as deemed best to** obtain facts and information on which to base ~~an~~**the** estimate of ~~the tax due. After determining the tax due and the interest and penalties, the tax administrator shall give notice of the total amount due.~~**tax due. As soon as the Director shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any Operator, the Director shall proceed to determine and assess against such Operator the tax, interest and penalties provided for by this chapter.**

~~B. Determination and notice shall be made and mailed within three years after discovery of fraud, intent to evade, failure or refusal to collect the taxes, or failure to file a return. The determination becomes payable immediately on receipt of notice and becomes final fifteen days after mailing.~~

~~C. The operator may petition for redemption and refund if the petition is filed before the determination becomes final.~~

~~D. The tax administrator shall give the operator written notice of the determination. If notice is mailed it shall be addressed to the operator at the address that appears on the records of the tax administrator, and service is complete when the notice is deposited in the mail.~~

~~E. Except in the case of fraud or intent to evade the tax, a deficiency determination shall be made and notice mailed within three years after the last day of the month following the close of the quarterly period for which the determination has been made or within three years after the return is filed, whichever is later. (Ord. 1707 §1(part), 1994).~~

~~3.24.110 Operator delay.~~

~~If the tax administrator believes that collection of the tax will be jeopardized by delay, or if a determination will be jeopardized by delay, the tax administrator shall determine the tax to be collected and note facts concerning the delay on the determination. The determined amount is payable immediately after service of the notice. After payment has been made, the operator may petition for redemption and refund of the determination if the petition is filed within fifteen days from the date of mailing of notice by the tax administrator. (Ord. 1707 §1(part), 1994).~~

~~3.24.120 Redetermination.~~

~~A. An operator against whom a determination is made under Section 3.24.090, 3.24.100 or 3.24.110, or a person directly interested, may petition for a redetermination, redemption and refund within fifteen days from the date the notice was mailed. If a petition for redetermination and refund is not filed within the time required, the determination is final on expiration of the allowable time.~~

~~B. If a petition for redetermination and refund is filed within the allowable period, the tax administrator shall reconsider the determination and, if the operator requested a hearing in the petition, shall grant the hearing and give the operator fifteen days notice of the time and place of the hearing. The tax administrator may continue the hearing if necessary.~~

~~C. The tax administrator may change the amount of the determination as a result of the hearing. If an increase is determined, the increase is payable immediately after the hearing.~~

~~D. The decision of the tax administrator on a petition for redetermination becomes final fifteen days after mailing of notice on the petitioner unless appeal of the decision is filed with the council within fifteen days after notice is mailed.~~

~~E. A petition for redetermination or an appeal is not effective unless the operator has complied with the payment provisions. (Ord. 1707 §1(part), 1994).~~

B. In case such determination is made, the Director shall give a written notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the Operator so assessed at the last known place of address. Any deficiency is due and payable 10 days after the Director serves its written notice. The Operator may appeal such determination as provided in section 3.24.210 within 10 days of service of the deficiency notice. If no appeal is filed, the Director's determination is final and the amount thereby is immediately due and payable.

C. Except as provided herein, every deficiency determination shall be made and notice mailed within 3 years after a return was originally filed or subsequently amended, whichever period expires later. In the case of the filing of a false or fraudulent return with the intent to evade this chapter, a failure to file a required return, or willful refusal to collect and remit the tax, a deficiency determination may be made, or a proceeding for the collection of such deficiency may be commenced, at any time.

3.24.130 Security for collection of tax.

A. The ~~tax administrator~~**Director** may require an ~~operator~~**Operator** to deposit security in the form of cash, bond or other security. The amount of security shall be fixed by the ~~tax administrator~~**Director** and shall not be greater than twice the ~~operator's~~**Operator's** estimated average quarterly liability for the period for which the ~~operator~~**Operator** files returns or five thousand dollars, whichever amount is less.

B. Within three years after the tax becomes payable or within three years after a determination becomes final, the ~~tax administrator~~**Director** may bring an action in the name of the city in the courts of this state, another state or the United States to collect the amount delinquent and penalties and interest.

3.24.140 Liens.

After a determination of taxes owing has become final, such taxes, together with all applicable interest and penalties, shall become a lien on the real property used in the operation of the ~~hotel. The tax administrator~~**transient lodging facility. The Director** shall cause the lien to be recorded in the city's lien docket, and the lien may thereafter be foreclosed in the same manner as in the case of liens for local improvements, as set forth in Oregon Revised Statutes 223.505 to 223.595.

3.24.150 Refunds issued by ~~city to operator~~City.

~~When~~**A. Whenever** the **amount of any** tax, ~~penalty or~~ interest **or penalty** has been **overpaid or** paid more than once**,** or has been erroneously or illegally collected or received by the ~~tax administrator~~**City under this chapter**, it may be refunded ~~if~~**as provided in subparagraphs (B) and (C) of this section, provided** a ~~written verified~~ claim **in writing therefore,** stating **under penalty of perjury** the specific ~~reason for~~**grounds upon which** the claim is **founded, is** filed **with the Director** within three **(3)** years ~~from~~**of** the date of payment. The claim **must be on forms furnished by the Director.**

B. An Operator may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the Director that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be ~~submitted on forms provided by~~**allowed unless the amount of** the tax ~~administrator. If the claim is approved, the excess amount may be~~**so collected has either been** refunded to the ~~operator~~**transient** or ~~it may be~~ credited to ~~an amount~~ **rent subsequently** payable by the ~~operator and any balance refunded. (Ord. 1707 §1(part), 1994).~~**transient to the Operator.**

~~**3.24.160 Refunds by city to**~~ **C. A** transient~~.~~

~~If the tax has been collected by the operator and deposited with the tax administrator and it is later determined that the tax was~~ **may obtain a refund of taxes overpaid or paid more than once, or** erroneously or illegally collected or received by the ~~tax administrator, it may be refunded to the~~ **City, by filing a claim in the manner provided in subparagraph (A) of this section, but only when the tax was paid by the transient directly to the Director, or when the** transient ~~if a written verified claim stating the specific reason for the claim is filed~~

~~with~~**having paid the tax to the Operator, established to** the ~~tax administrator within three years~~**satisfaction of the Director that the transient has been unable to obtain a refund** from the ~~date of payment.~~**Operator who collected the tax.**

D. No refund shall be paid under the provisions of this section unless the claimant establishes that right hereto by written records showing entitlement thereto.

3.24.170 Refunds by ~~operator~~Operator to transient.

If the tax has been collected by the ~~operator~~**Operator** and it is later determined that the transient occupied the hotel for a period exceeding ~~twenty-seven~~**thirty (30)** days without interruption, the ~~operator~~**Operator** shall refund the tax to the transient. The ~~operator~~**Operator** shall account for the collection and refund to the ~~tax administrator.~~**Director.** If the ~~operator~~**Operator** has remitted the tax prior to refund or credit to the transient, the ~~operator~~**Operator** shall be entitled to a corresponding refund.

3.24.180 Records required from ~~operators~~Operators--Examination.

A. It shall be the duty of every ~~operator~~**Operator** liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of three years and six months, all records, books, reports, income tax reports and other matters required by this chapter as may be necessary to determine the amount of such tax as the ~~operator~~**Operator** may have been liable for the collection of and payment to the city, which records the ~~tax administrator~~**Director** shall have the right to inspect at all reasonable times as set forth below. Every ~~operator~~**Operator** shall maintain guest records of room rents, accounting books and records of income. The ~~operators~~**Operators** must, at a minimum, include a daily room rental register, a room billing/revenue daily journal, a cash receipt and deposit journal, and a cash disbursements journal/check register for all authorized deductions. These records and books shall reconcile to the transient room tax reports and be auditable. They shall also reconcile to the ~~operator's~~**Operator's** income tax reports. If the ~~tax administrator~~**Director** finds the books and records of the ~~operator~~**Operator** are deficient in that they do not provide adequate support for transient room tax reports filed, or the ~~operator's~~**Operator's** accounting system is inauditable, it shall be the responsibility of the ~~operator~~**Operator** to improve their accounting system to the satisfaction of the ~~tax administrator~~**Director**.

B. During normal business hours and after notifying the ~~operator~~**Operator**, the ~~tax administrator~~**Director**, or an authorized representative, may examine books, papers and accounting records~~ related to room rentals~~**, including the Operator's federal and state income tax returns,** to verify the accuracy of a return or, if no return is made, to determine the amount to be paid.

3.24.190 Confidentiality.

The ~~tax administrator~~**Director** or a person having an administrative or clerical duty under the provisions of this chapter shall not make known in any manner the business affairs, operations or information obtained by an investigation of records and equipment of a person required to file a return or pay a transient occupancy tax or a person visited or examined in the discharge of official duty; or the amount or source of income, profits, losses or expenditures contained in a statement or application; or permit a statement or application, or a copy of either, or a book containing an abstract or particulars to be seen or examined by any person. However, nothing in this section shall be construed to prevent:

A. Disclosure to or examination of records and equipment by a city official, employee or agent for collecting taxes for the purposes of administering or enforcing the provisions or collecting the taxes imposed by this chapter;

B. Disclosure, after filing a written request, to the taxpayer, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, of information concerning tax paid, unpaid tax, amount of tax required to be collected, or interest and penalties. However, the city attorney shall approve each disclosure, and the ~~tax administrator~~**Director** may refuse to make a disclosure referred to in this subsection when, in the ~~tax administrator's~~**Director's** opinion, the public interest would suffer;

C. Disclosure of names and addresses of persons making returns;

D. Disclosure of general statistics regarding taxes collected or business done in the city.

E. Presentation of evidence to the court, or other tribunal having jurisdiction in the prosecution of any criminal or civil claim for amount due the City under this chapter; or

F. The disclosure of information when such disclosure of conditionally exempt information is ordered under public records law procedures; or

G. The disclosure of records related to a business' s failure to report and remit the tax when the report or tax is in arrears for over six months or the tax arrearage exceeds $5,000.00. The City Council expressly finds and determines that the public interest in disclosure of such records clearly outweighs the interest in confidentiality under ORS 192.501(5).

3.24.200 Disposition and use of transient room tax funds.

All revenues received by the city from the tax shall be deposited in the general fund.

3.24.210 Appeals to the city council.

A. ~~A person~~**Any Operator** aggrieved by ~~a~~**any** decision of the **Director with respect to the amount of such** tax ~~administrator~~**, interest and penalties, if any,** may appeal to the city council by filing a notice of appeal with the ~~tax administrator~~**Director** within fifteen **(15)** days of mailing of the notice of a decision. The city manager shall fix a time and place for hearing the appeal, as prescribed by the city council, and shall give the appellant fifteen days written notice of the time and place of the hearing before the city council. ~~At such hearing, the council may take any action it deems necessary regarding the matters before it at the hearing, and action on the appeal shall be by resolution passed by a majority of the council members present at the meeting where the appeal is considered.~~

B. The appellant shall pay a nonrefundable appeal fee to facilitate the appeal. Appeal Fees shall be set at $150 for each decision appealed, and may be adjusted by Resolution of the city council.

C. The parties shall be entitled to appear personally and by counsel and to present such facts, evidence and arguments as may tend to support the respective positions on appeal.

D. The city council shall afford the parties an opportunity to be heard at an appeal hearing after reasonable notice. The city council shall take such action upon the appeal it sees fit. The city council shall at a minimum:

1) At the commencement of the hearing, explain the relevant issues involved in the hearing, applicable procedures and the burden of proof.

2) At the commencement of the hearing place on the record the substance of any written or oral ex parte communications concerning any relevant and material fact in issue at the hearing which was made outside the official proceedings during the pendency of the proceeding. The parties shall be notified of the substance of the communication and the right to rebut the communication. Notwithstanding the above, the parties are prohibited from engaging in ex parte communications with the members of the city council.

3) Testimony shall be taken upon oath or affirmation of the witnesses.

4) The city council shall ensure that the record developed at the hearing shows a full and fair inquiry into the relevant and material facts for consideration for the issues properly before the hearings officer.

5) Written testimony may be submitted under penalty of false swearing for entry into the record. All written evidence shall be filed with the City recorder no less than (5) five working days before the date of the hearing.

6) The city council shall hear and consider any records and evidence presented bearing upon the Director's determination of amount due, and make findings affirming, reversing or modifying the determination.

7) Informal disposition may be made of any case by stipulation, agreed settlement, consent order or default.

F. The action of the Director shall be stayed pending the outcome of an appeal properly filed pursuant to this section.

G. Failure to strictly comply with the applicable appeal requirements, including but not limited to the required elements for the written notice of appeal, time for filing of the notice of appeal, and payment of the applicable appeal fee, shall constitute jurisdictional defects resulting in the summary dismissal of the appeal.

H. The findings of the city council shall be final and conclusive, and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

3.24.220 ~~Penalties and violations~~Violations.

A. It is unlawful for any ~~operator~~**Operator** or any other person so required to fail or refuse~~ to register as required herein, or~~ to furnish any return required to be made, or fail or refuse to furnish the supplementary return or other data required by the ~~tax administrator~~**Director** or to enter a false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this chapter.

~~**3.24.230 Penalties--Collection.**~~

B. Violation of any provision of this chapter of this code shall be punishable by the general penalty. Every day in which the violation is caused or permitted to exist constitutes a separate infraction, and the punishment therefor shall be in addition to any other penalty, interest, sum or charge imposed by this code or this chapter. Delinquent taxes and fees, penalty and interest imposed by this chapter and this code may be collected in a civil action.

C. The remedies provided by this section are not exclusive and shall not prevent the City from exercising any other remedy available under the law, nor shall the provisions of this ordinance prohibit or restrict the City or other appropriate prosecutor from pursuing criminal charges under state law or City ordinance.

3.24.230 Actions to Collect

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the City. Any such tax collected by an Operator which has not been paid to the City shall be deemed a debt owed by the Operator to the City. Any person owing money to the City under the provisions of this ordinance shall be liable to an action brought in the name of the City of Central Point for the recovery of such amount. In lieu of filing an action for the recovery, the City, when taxes due are more than

30 days delinquent, can submit any outstanding tax to a collection agency. So long as the City has complied with the provisions set forth in ORS 697.105, in the event the City turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty dollars or fifty percent of the outstanding tax, penalties and interest owning.

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to “code”, “article”, “section”, "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 3. Effective date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2014.

_____
Mayor Hank Williams

ATTEST:

_____
City Recorder

Return to Agenda

Ordinance No. _____, (091114)

Ordinance

Chapter 16 Amendments

ADMINISTRATION DEPARTMENT

140 South 3rd Street · Central Point, OR 97502 · (541) 664-7602 · www.centralpointoregon.gov

STAFF REPORT

September 30, 2014

AGENDA ITEM: First Reading of an Ordinance Amending Portions of Central Point Municipal Code Chapter 16 Subdivision in regards to Structures over City Easements

Consideration of an ordinance amending portions of Chapter 16 Subdivisions in regards to structures over city easements.

STAFF SOURCE:

Matt Samitore, Parks & Public Works Director

BACKGROUND/SYNOPSIS:

This past summer the City had to enforce several structures that were illegally constructed over City utility easements. In trying to enforce the removal of the structures it became clear that the current municipal code does not clearly define that structures are prohibited to be constructed over the city easements.

The revised ordinance addresses the difference between a city easement and public utility easement as well as defines what is allowed to be constructed over a city easement.

FISCAL IMPACT:

None.

ATTACHMENTS:

1. Ordinance revisions to the definitions section and the easements section are attached.

RECOMMENDATION:

City Staff: City staff recommends approving the first reading.

PUBLIC HEARING REQUIRED:

Yes

SUGGESTED MOTION:

I move to second reading an ordinance amending portions of Central Point Municipal Code Chapter 16 Subdivisions in regards to structures over city easements.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING PORTIONS OF CENTRAL POINT MUNICIPAL CODE CHAPTER 16 SUBDIVISIONS IN REGARDS TO STRUCTURES OVER CITY EASEMENTS

Recitals:

A. Words ~~lined through~~ are to be deleted and words **in bold** are added.

B. Chapter 16.08 Definitions is to be amended to include "City Utility Easement" and "Structure".

C. Chapter 16.24.030 Blocks – Easements will be amended to further clarify what is allowed in a city utility easement.

THE PEOPLE OF THE CITY OF CENTRAL POINT DO ORDAIN AS FOLLOWS:

SECTION 1. Chapter 16.08 Definitions is hereby amended to read as follows:

Chapter 16.08
DEFINITIONS

Sections:

16.08.010 Definitions.

16.08.010 Definitions.

As used in this title the masculine gender includes the feminine and neuter gender and the singular includes the plural. The following words and phrases, unless the context otherwise requires, shall have the meanings assigned to them.

1. "Alley" means a narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

2. "Applicant" means the owner or contract purchaser of the property sought to be subdivided, partitioned or developed, or the person duly authorized in writing by such person or persons to act as agent to seek subdivision, partition or development, and in connection therewith, to bind the property to any conditions thereof.

3. “Building line” means a line on a plat indicating the limit beyond which buildings or structures may not be erected.

4. “City” means any representative of the city of Central Point authorized to make the decision in question, including but not limited to the public works director, the city manager, the planning commission or the city council.

5. “City Utility Easement” is an easement that is dedicated or granted for City water, sewer or storm drain.

6.~~5~~. “Cul-de-sac” (dead-end street) means a short street having one end open to traffic and being terminated by a vehicle turn-around.

7.~~6~~. “Development plan” means any plan as defined in Central Point Municipal Code Section 15.16.010.

8. ~~7~~. “Easement” means a grant of the right to use a strip of land for specific purposes.

9. ~~8~~. “Final plat” means the final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a subdivision, and where applicable, includes a partition plat prepared by a registered professional land surveyor.

10. ~~9~~. “Flag lot” means a lot or parcel surrounded by other parcels on all sides and connected to the public right-of-way by a privately owned driveway or easement for ingress and egress.

11. ~~10~~. “Half street” means a portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street has been or could later be provided in another subdivision.

12. ~~11~~ “Lot” means a parcel of land intended as a unit for transfer of ownership or for development.

13. ~~12~~ “Major partition” means a partition which includes the creation of a road or street.

14. ~~13~~ “Minor partition” means a partition which does not include the creation of a road or street.

15. ~~14~~. “Partition” means either an act of partitioning land or an area or tract of land partitioned as defined by this chapter.

16 ~~15~~. “Partition plat” means the final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor land partition.

17 ~~16~~. “Partitioned land” means to divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. “Partitioned land” does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving the state or intestate succession; and “partitioned land” does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.

18 ~~17~~. “Pedestrian way” means a right-of-way for pedestrian traffic.

19 ~~18~~. “Person” means an individual, firm, partnership, corporation, company, association, syndicate or any legal entity, and including any trustee, receiver, assignee or other similar representative thereof.

20 ~~19~~. “Planning commission” means the planning commission of the city.

21 ~~20~~. “Reversed corner lot” means a corner lot, the side street line of which is substantially a continuation of the front lot line of the first lot to its rear.

22. ~~21~~ “Right-of-way” means all areas conveyed or dedicated to the public or city, or in actual use by the public or city, for vehicular, pedestrian or utility use.

23 ~~22~~. “Road” or “street” means a public or private way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land.

24 ~~23~~. “Roadway” means the portion or portions of street rights-of-way developed for vehicular traffic.

25 ~~24~~. “Sidewalk” means a pedestrian walkway with permanent surfacing.

26 ~~25~~. “Street” means the entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and the placement of utilities and includes the terms road, highway, avenue, alley or other similar designations.

27. "Structure" means anything built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. This includes, but is not limited to, carports, swimming pools, hot tubs, permanent signs, above ground gas or liquid storage tanks, fences, railings, sheds, manufactured homes, antennae, satellite dishes, well pump houses, mechanical equipment, and portable buildings. It also includes tents, awnings, stands, carts, and tables, except those used temporarily for an itinerant use. It does not include portable items solely for sale or temporary storage on the premises, including manufactured homes, portable buildings, and vehicles.

28 ~~27~~. "Subdivide land" means to divide a parcel of land into four or more parcels within a year.

29 ~~28~~. "Subdivision" means either an act of subdividing land or a tract of land subdivided as defined in this chapter.

30 ~~29~~. "Through lot" means a lot having frontage on two parallel or approximately parallel streets other than alleys.

31 ~~30~~. "Tentative plan" means the diagram and text containing all of the descriptions, locations, specifications, provisions and information concerning a proposed subdivision or partition.

32 ~~31~~. "Underground utilities" include all public and private services including but not limited to electrical power, television cable, gas, telephone, sewer, water and storm sewer.

SECTION 2. Chapter 16.24 Blocks and Lots – Design Standards is hereby amended to read as follows:

Chapter 16.24
BLOCKS AND LOTS--DESIGN STANDARDS

Sections:

16.24.010 Blocks--Length, width and shape.
16.24.020 Blocks--Sizes.
16.24.030 Blocks--Easements.
16.24.040 Lots--Uses.
16.24.050 Lots--Size and determination.
16.24.060 Through lots.
16.24.070 Lot side lines.

16.24.080 Large lot subdivision.

16.24.010 Blocks--Length, width and shape.

The lengths, widths and shapes of blocks shall be designed with due regard to providing adequate building sites suitable to the special needs of the type and use contemplated, needs for convenient access, circulation, control and safety of street traffic and limitations and opportunities of topography.

16.24.020 Blocks--Sizes.

Blocks shall not exceed twelve hundred feet in length except blocks adjacent to arterial streets or unless the previous adjacent layout or topographical conditions justify a variation. The recommended minimum distance between intersections on arterial streets is three hundred feet.

16.24.030 Blocks--Easements.

A. Utility Lines. Easements for electric lines or other non-city owned public utilities may be required, and shall be a minimum of ten feet in width located on the exterior portion of a single property. Easements for city utilities (i.e., water, storm drain and sanitary sewer mains) shall be a minimum of fifteen feet in width located on the exterior portion of a single property. Tie-back easements six feet wide by twenty feet long shall be provided for utility poles along lot lines at change of direction points of easements.

1. Structures Located Within a City Utility Easement.

a. Except for public utilities and for signs when developed in accordance with Chapter 15.24 (Sign Code) of this Code, no person shall locate, construct, or continue to locate a Structure (as defined in chapter 16.08 of the Central Point Municipal Code) within a City Utility Easement (as defined in chapter 10.08 of the Central Point Municipal Code), except as provided in subsections 1(b) and 2 below.

b. Notwithstanding the foregoing, the City may approve fencing, concrete block walls/fencing, retaining walls, and similar fencing/wall structures that are otherwise in compliance with the Building Code, and with the clearance provisions noted herein, over an easement subject to the following requirements:

i. Said fencing or wall structures that interfere with the installation, maintenance, access, or operation of a public utility or City utility

may be removed by the utility provider or the City at the sole cost of owner.

ii. Any replacement or relocation of the fencing or wall structures shall be at the sole cost of the property owner or occupant.

iii. Owners and occupants of property shall not be entitled to compensation for damages related to removal of the fencing or wall structures.

2. Grass, Asphalt, and Concrete Installed Within a City Utility Easement

a. Subject to the limitations of the Building Code, lawful owners and occupants of property may install grass, asphalt and concrete within a City Utility Easement.

b. In the course of installing, accessing, maintaining, or operating its facilities in a City Utility Easement, a public utility or the City as the case may be, may move or remove any asphalt, concrete, or vegetation located within said easement. After the same are moved or removed and after completion of the necessary work, the grass, asphalt or concrete shall be repaired and replaced in a reasonable manner at the sole cost of the public utility or City.

c. Owners and occupants of property shall not be entitled to compensation related to damages to grass, asphalt, or concrete so long as the repairs and replacement are done in a reasonable manner and in a reasonable time frame.

B. Watercourses. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there may be required a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose. Streets, parkways or access roads parallel to major watercourses may be required.

C. Pedestrian Ways. In any block over seven hundred fifty feet in length a pedestrian way may be required. The minimum width of the pedestrian right-of-way must be at least six feet in width which shall be hard surfaced through the block and curb to curb in order to provide easy access to schools, parks, shopping centers, mass transportation stops or other community services. If conditions require blocks longer than twelve hundred feet, two pedestrian ways may be required for combination pedestrian way and utility easement. When essential for public convenience,

such ways may be required to connect to cul-de-sacs. Long blocks parallel to arterial streets may be approved without pedestrian ways if desirable in the interests of traffic safety

16.24.040 Lots--Uses.

A. The city may, in its discretion, deny approval for the creation of any lot by any manner if the effect of such creation of lot would be to facilitate perpetuation of a nonconforming use.

B. No lot shall be created unless it is in compliance with all applicable provisions of this code.

16.24.050 Lots--Size and determination.

Lot sizes shall conform with the zoning ordinance and shall be appropriate for the location of the subdivision and for the type of development and use contemplated. In the case of irregular lots, the width shall be measured along the front building line. In no case shall the average depth be more than two and one-half times the width. Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.

A. In areas that cannot be connected to sewer lines, minimum lot sizes shall be sufficient to permit sewage disposal by an engineered system in accordance with Department of Environmental Quality, Jackson County environmental quality section, and public works standards. Such lot sizes shall conform to the requirements of the Jackson County environmental quality section.

B. Where property is zoned and planned for business or industrial use, other widths and areas may be required, at the discretion of the city. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

16.24.060 Through lots.

Through lots shall be avoided except where essential to reduce access to primary or secondary arterial streets or streets of equivalent traffic volume, reduce access to adjacent nonresidential activities, or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least ten feet may be required along the line of lots abutting such adjacent street. There shall be no right of access across such planting screen easements.

16.24.070 Lot side lines.

The side lines of lots shall run at right angles to the street upon which the lots face, as far as practicable, or on curbed streets they shall be radial to the curve.

16.24.080 Large lot subdivision.

In subdividing tracts into large lots which at some future time are likely to be resubdivided, the location of lot lines and other details of the layout shall be such that the resubdivisions may readily take place without violating the requirements of these regulations and without interfering with the orderly development of streets or other utilities. Restrictions of building locations in relationship to future rights-of-way shall be made a matter of record if the city considers it necessary.

SECTION 3. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word Ordinance may be changed to “code”, “article”, “section”, "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions need not be codified and the City Recorder is authorized to correct any cross-references and any typographical errors.

SECTION 4. Effective date. The Central Point City Charter states that an ordinance enacted by the council shall take effect on the thirtieth day after its enactment. The effective date of this ordinance will be the thirtieth day after the second reading.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2014.

_____
Mayor Hank Williams

ATTEST:

_____
City Recorder

Return to Agenda

Ordinance No. _____, (100914)

Business

Rogue Disposal Rate Increase Review

ADMINISTRATION DEPARTMENT

140 South 3rd Street · Central Point, OR 97502 · (541) 664-7602 · www.centralpointoregon.gov

STAFF REPORT
October 9th, 2014

AGENDA ITEM: Review of Rogue Disposal & Recycling's annual consumer price index based rate adjustment

STAFF SOURCE:

Chris Clayton, City Manager

BACKGROUND/SYNOPSIS:

The Franchise Agreement between the City of Central Point and Rogue Disposal allows for an annual consumer price index (CPI) rate adjustment. The adjustment must be reviewed by the City to ensure accuracy and that all the provisions of the franchise agreement are met. Having reviewed Rogue Disposal & Recycling's proposed 1.7% rate increase, and the requirements of the current franchise agreement, I have found the calculations to be both accurate and appropriate.

FISCAL IMPACT:

The proposed 1.7% CPI adjustment will result in the following rates (beginning January 1st, 2015) for Central Point residential customers:

35 gallon cart @ curb $17.03/per month
65 gallon cart @ curb $28.54/per month
95 gallon cart @ curb $40.05/per month

Note: Commercial and specialty rate information is included in the attached rate schedule.

ATTACHMENTS:

1. Rogue Disposal & Recycling notification letter
2. Consumer price index (CPI) information
3. Adjusted rate schedule information

RECOMMENDATION:

1. Provide additional comments to Rogue Disposal and Recycling on their proposed annual rate adjustment.

2. Approve Rogue Disposal and Recycling's proposed annual rate adjustment.

PUBLIC HEARING REQUIRED:

No

Return to Agenda

SUGGESTED MOTION:

I move to approve the Rogue Disposal and Recycling's 2015 proposed rate adjustment of 1.7%.

PO Box 3187
Central Point OR 97502
541 779 4161
Fax 541 779 4366

September 25, 2014

Mr. Christopher Clayton
City Administrator
City of Central Point
155 South 2nd St.
Central Point, OR 97502

RE: City of Central Point Solid Waste Collection Franchise Agreement Sec. 7.5
Our File No: RET II 13A

Dear Mr. Clayton:

Paragraph 7.5 of the Solid Waste Collection Franchise Agreement between the City of Central Point (City) and Rogue Disposal & Recycling, Inc., (Rogue), provides for an annual adjustment of approved service rate schedule based on the change in the Consumer Price Index during the previous year. Please accept this letter as Rogue's implementation of the 7.5 provisions. Set forth below is Rogue's detailed calculation of the adjustment to each "Rate Category Rate" (RCR) in the improved service rate schedule, then in effect, calculated in accordance with the Annual Rate Adjustment Formula set forth under Section 7.5.

The Consumer Price Index (CPI) percentage change between August 2013 (233.9) and August 2014 (237.9) equals a percentage change of 1.7%. Please see enclosed table taken from the Bureau of Labor Statistics Data setting forth the Consumer Price Index-All Urban Consumers for years 2013 and 2014. Accordingly, under the Annual Rate Adjustment Formula, the service rate for a particular rate category is multiplied by 1.7% plus the current service rate which equals the "Adjusted Rate Category Rate" (ARCR). For example, residential garbage/curbside recycling-one-can current rate of $16.75 renders the following adjustment:

$16.75 x 1.7% (CPI) = $.28

Thus, the rate as of January 1, 2015 adjusted for the CPI (1.7%) equals:

$16.75 + $.28 = $17.03 (ARCR)

I have enclosed a copy of Exhibit "D" Schedule of Approved Maximum Monthly Collection Rates for City of Central Point, effective January 1, 2014, which sets forth the current RCR. The new rates reflecting the ARCR are attached hereto as Exhibit "C", amended as of January 1, 2015.

Under the franchise, the City has 30 days to review the increase for the cost of living calculations.

As required by the franchise, 30 days written notice (this includes electronic notice for our customers who have opted for "paperless" communication) will be provided to customers of all rate changes. In an effort to proceed with this rate change as environmentally friendly and inexpensively as possible, our goal is to use statement inserts (as well as electronic notices) to notify customers of this rate change in our October 31 billing. *Timing wise, to enable us to do this, we would ask that any calculation questions you may have be submitted to us by Friday, October 24, 2014.*

After review of this information, please inform me as to whether you agree that the calculations set forth herein are accurate. I can be reached on my direct line at 541.494.5409.

Thank you for your attention to this matter.

Very truly yours,

Brenda B. Olfson

Brenda B. Olfson
I/S & Finance Operations Manager
Rogue Disposal & Recycling, Inc.

SMG/ERS
Encl

CONSUMER PRICE INDEXES PACIFIC CITIES AND U. S. CITY AVERAGE
August 2014
ALL ITEMS INDEXES
(1982-84=100 unless otherwise noted)

CAP100914

MONTHLY DATA	All Urban Consumers (CPI-U)						Urban Wage Earners and Clerical Workers (CPI-W)					
	Indexes			Percent Change			Indexes			Percent Change		
				Year ending		1 Month ending				Year ending		1 Month ending
	Aug 2013	Jul 2014	Aug 2014	Jul 2014	Aug 2014	Aug 2014	Aug 2013	Jul 2014	Aug 2014	Jul 2014	Aug 2014	Aug 2014
U. S. City Average	233.877	238.250	237.852	2.0	1.7	-0.2	230.359	234.525	234.030	1.9	1.6	-0.2
(1967=100)	700.593	713.691	712.498	-	-	-	686.169	698.580	697.105	-	-	-
Los Angeles-Riverside-Orange Co.	239.219	243.727	243.556	2.0	1.8	-0.1	232.245	236.963	236.504	2.1	1.8	-0.2
(1967=100)	706.758	720.079	719.571	-	-	-	686.354	700.298	698.942	-	-	-
West	236.591	241.850	241.660	2.3	2.1	-0.1	231.084	236.051	235.820	2.2	2.0	-0.1
(Dec. 1977 = 100)	382.436	390.937	390.630	-	-	-	371.801	379.794	379.421	-	-	-
West – A*	241.088	247.079	246.740	2.5	2.3	-0.1	234.142	239.691	239.327	2.4	2.2	-0.2
(Dec. 1977 = 100)	393.127	402.896	402.344	-	-	-	379.031	388.013	387.424	-	-	-
West – B/C**(Dec. 1996=100)	142.228	144.435	144.317	1.8	1.5	-0.1	142.227	144.681	144.470	1.9	1.6	-0.1

BI-MONTHLY DATA	All Urban Consumers (CPI-U)						Urban Wage Earners and Clerical Workers (CPI-W)					
	Indexes			Percent Change			Indexes			Percent Change		
				Year ending		2 Months ending				Year ending		2 Months ending
	Aug 2013	Jun 2014	Aug 2014	Jun 2014	Aug 2014	Aug 2014	Aug 2013	Jun 2014	Aug 2014	Jun 2014	Aug 2014	Aug 2014
San Francisco-Oakland-San Jose	246.072	253.317	253.354	3.0	3.0	0.0	242.903	250.085	249.877	2.9	2.9	-0.1
(1967=100)	756.494	778.767	778.880	-	-	-	739.659	761.531	760.897	-	-	-
Seattle-Tacoma-Bremerton	242.767	247.642	247.185	2.0	1.8	-0.2	239.343	244.293	244.471	2.2	2.1	0.1
(1967=100)	740.048	754.908	753.515	-	-	-	709.892	724.573	725.101	-	-	-

* A = 1,500,000 population and over

** B/C = less than 1,500,000 population

Dash (-) = Not Available.

Release date Sep. 17, 2014. The next monthly releases are scheduled for Oct. 22, 2014. The next bi-monthly releases are scheduled for Nov. 20, 2014.

Please note: Customers can receive hotline information by calling the BLS West Region Information Office: (415) 625-2270.

This card is available on the day of release by electronic distribution. Just go to www.bls.gov/bls/list.htm and sign up for the free on-line delivery service. For questions, please contact us at BLSinfoSF@BLS.GOV or (415) 625-2270.

EXHIBIT C
CITY OF CENTRAL POINT, OREGON
ROGUE DISPOSAL AND RECYCLING, INC.
MAXIMUM MONTHLY COLLECTION RATES
EFFECTIVE JANUARY 1, 2015

Residential Collection

Garbage/Curbside Recycling			
35 gallon cart @ curb (1 can service)	$	17.03	Per month
65 gallon cart @ curb (2 can service)	$	28.54	Per month
95 gallon cart @ curb (3 can service)	$	40.05	Per month
Each Additional Can Serviced Weekly	$	11.51	Per month
Extra 32 gallon Can or Bag On Route	$	4.26	Each
Special Pick-up - Non-Garbage Customer	$	14.44	Each
Recycling Cart - Non-Garbage Customer	$	5.03	Per month
Green Waste Cart - Garbage Customer	$	4.50	Per month
Green Waste Cart - Non-Garbage Customer	$	5.77	Per month

Commercial (Front-Load)

Monthly Front-Load Rates by Container size and Frequency of Pickup

	1 1/2 YD	2 YD	3 YD	4 YD	6 YD	8 YD
1 x Week	$ 114.01	$ 148.61	$ 176.05	$ 227.94	$ 327.51	$ 426.99
2 x Week	$ 184.68	$ 239.47	$ 331.84	$ 422.69	$ 591.56	$ 758.85
3 x Week	$ 266.90	$ 340.49	$ 474.66	$ 598.73	$ 903.13	$ 1,207.58
4 x Week	$ 349.12	$ 428.48	$ 607.39	$ 810.82	$ 1,187.33	$ 1,565.38
5 x Week	$ 416.95	$ 516.44	$ 760.32	$ 1,005.56	$ 1,474.47	$ 1,943.33
6 x Week	$ 473.20	$ 618.95	$ 903.13	$ 1,198.91	$ 1,760.10	$ 2,321.36
Extra p/u	$ 41.10	$ 49.74	$ 67.07	$ 84.43	$ 119.03	$ 153.64

Industrial (Roll-off)

DROP BOX SERVICE RATES

	RATE PER LOAD		DAILY RENT	
SIZE	**LOOSE**	**COMPACT**	**PERM**	**TEMP**
10 Yard Box (rate per haul)	$ 232.40	$ 389.48	$ 2.48	$ 4.94
20 Yard Box (rate per haul)	$ 349.36	$ 661.17	$ 3.10	$ 6.18
27 Yard Box (rate per haul)	$ 431.40		$ 3.70	$ 7.42
30 Yard Box (rate per haul)	$ 466.03		$ 3.70	$ 7.42
33 Yard Box (rate per haul)	$ 499.16		$ 3.70	$ 7.42
40 Yard Box (rate per haul)	$ 604.65		$ 3.70	$ 7.42
50 Yard Box (rate per haul)	$ 756.13		$ 3.70	$ 7.42

EXHIBIT C
CITY OF CENTRAL POINT, OREGON
ROGUE DISPOSAL AND RECYCLING, INC.
MAXIMUM MONTHLY COLLECTION RATES
EFFECTIVE JANUARY 1, 2015

Residential Collection Miscellaneous Charges

$ 23.86	Exchange Roll Cart
$ 1.97	32 Gal Can Extra GW Pick-Up
$ 1.36	Extra GW Cart Rent Per Month
$ 2.59	On Call Extra GW Cart Pick-up
$ 6.42	Recycle Bin Not Returned
$ 2.59	For Each Addtl Resident Roll Cart
$ 22.01	Off Route Charge
$ 53.15	35 Gal Lost Cart Replacement
$ 61.81	65 Gal Lost Cart Replacement
$ 77.87	95 Gal Lost Cart Replacement
$ 5.55	Cart/Can not at Curb (per Month)
$ 5.80	Long Driveway with Cart (per Month)
$ 98.89	Misc. Labor (Truck and Driver) per Hour
$ 43.26	Misc. Labor (Helper) per Hour
$ 41.90	Small Quantity Pgm - 5 Pre-Paid Bags
$ 57.86	Small Quantity Pgm - 10 Pre-Paid Bags
$ 64.27	1st Appliance
$ 32.14	Ea. Additional Appliance
$ 12.36	Tire - Passenger
$ 24.72	Tire - Truck
$ 24.72	Misc. Loose Waste - Per Yard
$ 7.79	Christmas Tree - Per 3 Ft Section

Commercial Collection Special Charges

$ 24.72	Per month temporary container rental
$ 24.72	Per month temporary cardboard only; waived if minimum p/u every other week
$ 32.14	Trip charge/pull fee
$ 49.44	Cleaning
$ 49.44	Deposit
$ 49.44	Pickup & Delivery
$ 14.84	Pull Out from 30-90 ft (multiply by p/u per week)
$ 11.13	Key Acct
$ 6.18	Per month auto lock container
$ 19.78	Lock replacement
$100.11	6 yd. or under FL compactor cleaning fee

		Deliver	Pickup
$108.28	Bin for a day - 5 yard - 24 hours 1 Dump		
$122.72	Bin for a week-end - 5 yard - 48 hours 1 Dump	Fri	Mon am
$137.15	Bin for 72 hours - 5 yard - 1 Dump	1st day	4th day
$ 83.66	Yard debris bin for a day - 5 yard - 24 hours 1 Dump		
$ 97.61	Yard debris bin for a week-end - 5 yard 1 Dump	Fri	Mon am
$111.58	Yard debris bin for 72 hours - 5 yard 1 Dump	1st day	4th day

Industrial Special Charges

$ 33.02	Compactor - Per Yard Under 20 Yds
$ 30.55	Compactor - Per Yard 20 Yds and Over
$110.02	Compactor Cleaning
$ 32.14	Trip Charge(move box @ location) / Turn Around Charge
$103.84	Haul Fee - Asbestos Box (Requires special per yard disposal charge)
$103.84	Wood Box Haul Fee
$ 2.48	Per Mile, starting after border boundary
$ 24.72	Car tire in drop box
$ 37.08	Truck tire in drop box
$ 64.27	Haul Fee to haul appliance from landfill to transfer station

EXHIBIT D
CITY OF CENTRAL POINT, OREGON
ROGUE DISPOSAL AND RECYCLING, INC.
MAXIMUM MONTHLY COLLECTION RATES
EFFECTIVE JANUARY 1, 2014

Residential Collection

Garbage/Curbside Recycling			
35 gallon cart @ curb (1 can service)	$	16.75	Per month
65 gallon cart @ curb (2 can service)	$	28.07	Per month
95 gallon cart @ curb (3 can service)	$	39.39	Per month
Each Additional Can Serviced Weekly	$	11.32	Per month
Extra 32 gallon Can or Bag On Route	$	4.19	Each
Special Pick-up - Non-Garbage Customer	$	14.20	Each
Recycling Cart - Non-Garbage Customer	$	4.95	Per month
Green Waste Cart - Garbage Customer	$	4.42	Per month
Green Waste Cart - Non-Garbage Customer	$	5.67	Per month

Commercial (Front-Load)

Monthly Front-Load Rates by Container size and Frequency of Pickup

	1 1/2 YD	2 YD	3 YD	4 YD	6 YD	8 YD
1 x Week	$ 112.10	$ 146.13	$ 173.11	$ 224.13	$ 322.04	$ 419.85
2 x Week	$ 181.59	$ 235.47	$ 326.29	$ 415.62	$ 581.67	$ 746.17
3 x Week	$ 262.44	$ 334.80	$ 466.73	$ 588.72	$ 888.03	$ 1,187.39
4 x Week	$ 343.28	$ 421.32	$ 597.24	$ 797.27	$ 1,167.48	$ 1,539.21
5 x Week	$ 409.98	$ 507.81	$ 747.61	$ 988.75	$ 1,449.82	$ 1,910.85
6 x Week	$ 465.29	$ 608.60	$ 888.03	$ 1,178.87	$ 1,730.68	$ 2,282.56
Extra p/u	$ 40.41	$ 48.91	$ 65.95	$ 83.02	$ 117.04	$ 151.07

Industrial (Roll-off)

DROP BOX SERVICE RATES

	RATE PER LOAD		DAILY RENT	
SIZE	**LOOSE**	**COMPACT**	**PERM**	**TEMP**
10 Yard Box (rate per haul)	$ 228.52	$ 382.97	$ 2.44	$ 4.86
20 Yard Box (rate per haul)	$ 343.52	$ 650.12	$ 3.05	$ 6.08
27 Yard Box (rate per haul)	$ 424.19		$ 3.64	$ 7.30
30 Yard Box (rate per haul)	$ 458.24		$ 3.64	$ 7.30
33 Yard Box (rate per haul)	$ 490.82		$ 3.64	$ 7.30
40 Yard Box (rate per haul)	$ 594.54		$ 3.64	$ 7.30
50 Yard Box (rate per haul)	$ 743.49		$ 3.64	$ 7.30

EXHIBIT D
CITY OF CENTRAL POINT, OREGON
ROGUE DISPOSAL AND RECYCLING, INC.
MAXIMUM MONTHLY COLLECTION RATES
EFFECTIVE JANUARY 1, 2014

Residential Collection Miscellaneous Charges

$ 23.46	Exchange Roll Cart
$ 1.94	32 Gal Can Extra GW Pick-Up
$ 1.34	Extra GW Cart Rent Per Month
$ 2.55	On Call Extra GW Cart Pick-up
$ 6.31	Recycle Bin Not Returned
$ 2.55	For Each Addtl Resident Roll Cart
$ 21.64	Off Route Charge
$ 52.26	35 Gal Lost Cart Replacement
$ 60.78	65 Gal Lost Cart Replacement
$ 76.57	95 Gal Lost Cart Replacement
$ 5.46	Cart/Can not at Curb (per Month)
$ 5.70	Long Driveway with Cart (per Month)
$ 97.24	Misc. Labor (Truck and Driver) per Hour
$ 42.54	Misc. Labor (Helper) per Hour
$ 41.20	Small Quantity Pgm - 5 Pre-Paid Bags
$ 56.89	Small Quantity Pgm - 10 Pre-Paid Bags
$ 63.20	1st Appliance
$ 31.60	Ea. Additional Appliance
$ 12.15	Tire - Passenger
$ 24.31	Tire - Truck
$ 24.31	Misc. Loose Waste - Per Yard
$ 7.66	Christmas Tree - Per 3 Ft Section

Commercial Collection Special Charges

$ 24.31	Per month temporary container rental
$ 24.31	Per month temporary cardboard only; waived if minimum p/u every other week
$ 31.60	Trip charge/pull fee
$ 48.61	Cleaning
$ 48.61	Deposit
$ 48.61	Pickup & Delivery
$ 14.59	Pull Out from 30-90 ft (multiply by p/u per week)
$ 10.94	Key Acct
$ 6.08	Per month auto lock container
$ 19.45	Lock replacement
$ 98.44	6 yd. or under FL compactor cleaning fee

		Deliver	Pickup
$106.47	Bin for a day - 5 yard - 24 hours 1 Dump		
$120.67	Bin for a week-end - 5 yard - 48 hours 1 Dump	Fri	Mon am
$134.86	Bin for 72 hours - 5 yard - 1 Dump	1st day	4th day
$ 82.26	Yard debris bin for a day - 5 yard - 24 hours 1 Dump		
$ 95.98	Yard debris bin for a week-end - 5 yard 1 Dump	Fri	Mon am
$109.71	Yard debris bin for 72 hours - 5 yard 1 Dump	1st day	4th day

Industrial Special Charges

$ 32.47	Compactor - Per Yard Under 20 Yds
$ 30.04	Compactor - Per Yard 20 Yds and Over
$108.18	Compactor Cleaning
$ 31.60	Trip Charge(move box @ location) / Turn Around Charge
$102.10	Haul Fee - Asbestos Box (Requires special per yard disposal charge)
$102.10	Wood Box Haul Fee
$ 2.44	Per Mile, starting after border boundary
$ 24.31	Car tire in drop box
$ 36.46	Truck tire in drop box
$ 63.20	Haul Fee to haul appliance from landfill to transfer station

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