

**Central Point  
City Hall  
541-664-3321**

**City Council**

**Mayor**  
Hank Williams

**Ward I**  
Bruce Dinger

**Ward II**  
Michael Quilty

**Ward III**  
Brandon Thueson

**Ward IV**  
Allen Broderick

**At Large**  
Rick Samuelson  
Tanea Browning

**Administration**  
Chris Clayton, City  
Manager  
Deanna Casey, City  
Recorder

**Community  
Development**  
Tom Humphrey,  
Director

**Finance**  
Bev Adams, Director

**Human Resources**  
Elisabeth Simas,  
Director

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

**Police**  
Kris Allison Chief

**CITY OF CENTRAL POINT  
City Council Meeting Agenda  
December 10, 2015**

Next Res. 1438  
Next Ord. 2019

- 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. CONSENT AGENDA**

Page 2 - 9      A. Approval of November 12, 2015 Council Minutes

**VI. ITEMS REMOVED FROM CONSENT AGENDA**

**VII. PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS**

- 11 - 25      A. Resolution No. \_\_\_\_\_, A Resolution Amending the Financial Management Policy of the City of Central Point (Adams)
- 27 - 33      B. Public Hearing - Ordinance No. \_\_\_\_\_, An Ordinance Amending Title 5 of the Central Point Municipal Code, by adding Chapter 5.41 Recreational Marijuana Retailers and Declaring an Emergency (Humphrey)
- 35 - 38      C. Resolution No. \_\_\_\_\_, A Resolution of the City of Central Point Setting Water Rates as per Medford Water Rate Analysis (Samitore)
- 39            D. Resolution No. \_\_\_\_\_, A Resolution of the City of Central Point Setting An Inflationary Water Rate Adjustment (Samitore)

- 41 - 45 E. Ordinance No. \_\_\_\_\_, An Ordinance Amending the Transportation System Plan (TSP) of the Central Point Comprehensive Plan Refining the Southerly Extension of the Gebhard Road to East Pine Street (Humphrey)
- 47 - 52 F. Public Hearing – First Reading, An Ordinance Annexing to the City of Central Point Property Described as Map No. 372W01BA, Tax Lot 800, 185 West Vilas Road (Clayton)
- 53 - 59 G. Public Hearing – First Reading, An Ordinance Annexing to the City of Central Point Property Described as Map No. 372W01BA, Tax Lot 900, 225 West Vilas Road (Clayton)

**VIII. MAYOR’S REPORT**

**IX. CITY MANAGER’S REPORT**

**X. COUNCIL REPORTS**

**XI. DEPARTMENT REPORTS**

**XII. EXECUTIVE SESSION - ORS 192.660 (2)(i) Employee Evaluation**

The City Council may adjourn to executive session under the provisions of ORS 192.660. Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

**XIII. ADJOURNMENT**

Individuals needing special accommodations such as sign language, foreign language interpreters or equipment for the hearing impaired must request such services at least 72 hours prior to the City Council meeting. To make your request, please contact the City Recorder at 541-423-1026 (voice), or by e-mail at: [Deanna.casey@centralpointoregon.gov](mailto:Deanna.casey@centralpointoregon.gov) .

Si necesita traductor en español o servicios de discapacidades (ADA) para asistir a una junta publica de la ciudad por favor llame con 72 horas de anticipación al 541-664-3321 ext. 201

# Consent Agenda

**CITY OF CENTRAL POINT  
City Council Meeting Minutes  
November 12, 2015**

**I. REGULAR MEETING CALLED TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

**III. ROLL CALL:** Mayor: Hank Williams  
Council Members: Bruce Dingler, Brandon Thueson, Tanea Browning, Rick Samuelson, and Mike Quilty were present. Allen Broderick was absent.

City Manager Chris Clayton; City Attorney Sydnee Dreyer; Police Chief Kris Allison; Community Development Director Tom Humphrey; Finance Director Bev Adams; Human Resource Director Elizabeth Simas; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey were also present.

**IV. PUBLIC APPEARANCES - None**

**V. SPECIAL PRESENTATION**

Mayor Williams presented a Proclamation to the Crater Comet Football team captains recognizing their 2015 Football Season.

**VI. CONSENT AGENDA**

- A. Approval of October 22, 2015 City Council Minutes
- B. Appointment of Multicultural Committee Member Dolores Cadwaller
- C. Acceptance of Quarterly Financial Statement
- D. Proclamation in Recognition of Crater Comet Football

**Brandon Thueson moved to approve the consent agenda as presented.** Rick Samuelson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

**VII. ITEMS REMOVED FROM CONSENT AGENDA - None**

**VIII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS**

- A. **Public Hearing – First Reading of an Ordinance Amending the Transportation System Plan (TSP) of the Central Point Comprehensive Plan Refining the Southerly Extension of Gebhard Road to East Pine Street**

Planning Manager Don Burt explained that the Development Commission contracted with JRH Engineering to assist with the evaluation of route alternatives for the southerly extension of Gebhard Road to East Pine Street. The Development Commission wishes to pre-define and adopt a route that will be applied to the general area's development proposals, assuring completion of a north/south collector extension from Gebhard Road to East Pine. There will be a traffic signal on E. Pine Street which is located between the Hamrick signal and the Penninger Lane signal. Identifying a route prior to a site plan ensures proper road alignment with other developments. The Gebhard extension is necessary for future development along Gebhard Road.

Several public meetings were held with stake holders and concerned citizens. They started with 14 alternative route ideas. Each route was compared and consolidated into four basic options. The Planning Commission recommends alternative "C" for the alignment. The purpose of the TSP amendment is to provide a more definitive alignment of Gebhard Road to be applied as a condition of development.

There was discussion regarding the current structures that the extension must take into consideration. They tried to choose an option with the least amount of impact to surrounding property owners. This project will be phased in over the next several years depending on the development along Gebhard Road.

Mayor Williams opened the Public Hearing.

Ernest Mingus, Beebe Road resident.

Mr. Mingus stated he was in attendance at all the public meetings. One of the property owners affected by this option does not want the diagonal curve to cut across his property. They have been working for days to come up with other options for the Council to choose. The concern is that the Walmart property will develop before Beebe Farms and then the owner will have no options available to him. He would like staff and Council to review the options again and come up with a design that does not dissect Beebe Farms.

John Whiting, Hidden Grove Association representative.

Mr. Whiting said the Hidden Grove Association is not in favor of the round-a-bout options. They would like to see a clean extension of Gebhard Road so that it is easier for them to get into the subdivision without the round-a-bouts.

No more citizens came forward. Mayor Williams closed the public hearing.

It was explained that the round-a-bouts are a traffic calming device. There needs to be traffic calming measures taken so speed will not be a problem. This extension is not to get traffic to their designation as fast as possible. Tonight the Council is amending the TSP to show a connection of Gebhard Road. The only thing that would not be changed is the location of the traffic signal on Pine Street.

There was discussion that the current residents would like to see the plan firmed up in case the Walmart Property develops before them. It was explained that

any development would need to go before the Planning Commission. When a plan is submitted the City would include surrounding property owners in public hearings.

**Mike Quilty moved to second reading an Ordinance a Amending the Transportation System Plan (TSP) of the Central Point Comprehensive Plan Refining the Southerly Extension of Gebhard Road to East Pine Street.** Tanea Browning seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Tanea Browning, yes; Brandon Thueson, yes; Rick Samuelson, no; and Mike Quilty, yes. Motion passes.

## **IX. BUSINESS**

### **A. Audit Presentation – This item was heard under Special Presentations**

Finance Director Bev Adams introduced Paul Neilson, CPA from Isler CPA, LLC. Mrs. Adams explained that electronic copies of the Comprehensive Annual Financial Report (CAFR) will be provided to the Council before the end of December.

Mr. Neilson provided the Comprehensive Annual Financial Report for the year ended June 30, 2015. Mr. Neilson explained the audit preparation and their responsibilities under the law. There were no errors to mention in the report. There was nothing of significance to report to the Council. He explained about GASB 68 which was implemented this year to track pension obligations for the city. There was an early budget transfer intended for 2016/2017 which made that line item over budget. This was not significant because it was budgeted, it just came out early. There isn't a penalty for the extra payment; a comment was included in the report.

No action was taken at this time. Staff will return when the document is complete.

### **B. Medford Water Commission Fee Increase Options**

Parks and Public Works Director Matt Samitore explained that the Medford Water Commission (MWC) will be increasing their rates after a recently completed cost of service study. The newly adopted rate structure includes two primary components. 1) a 17% increase to the winter consumptive rate and a 13% increase to the summer consumptive rate. 2) base rates have increased to the Other Cities customer group by 13%.

Staff has prepared several options for the Council to consider for covering the cost of the MWC increase. In addition staff has included a 1% inflationary increase, which is recommended in our five year rate analysis. If approved by Council the MWC rate offset would go into effect January 1, 2016 and the City's inflationary rate would be implemented in April when our normal rate increase would occur.

The Water Commission has stated that a 13% annual increase will be necessary for the next five consecutive years in order to fund their projected budgetary needs. With this in mind, staff is anticipating that similar increases should occur each year through 2020.

Mr. Samitore presented four options that will cover the increase.

Option A: Base Rate Only. The base rate option includes an additional \$1.35 to the base rate to cover the MWC increase, the City water portion is \$0.15 or 1%.

Option B: Tier Rates Only. Tier Rates would increase by 5%. Each of the tiers would increase by \$0.01 to cover the City of Central Point's inflationary increase.

Option C: Hybrid Option – Base and Tier Rates. This option increases the base rate by \$0.50 and the tiered rates by 3%. The Central Point 1% increase will be \$0.15 on the base rate.

Option D: Hybrid Option with creation of Tier 4. This option includes a creation of Tier 4 and would target the top 5% of the residential customer base. The creation of a new tier would apply to residential users consuming over 7,000 cubic feet of water per month. The remaining portion of this option would include a \$0.50 increase to the base rate, a 1% increase to the existing tiers, and a \$0.15 increase to the base rate for the Central Point inflationary increase.

There was discussion that it is financially sound to put the entire increase on the base rate. That would be a guaranteed amount every month to help with the MWC increase.

**Mike Quilty moved that City Staff return with a Resolution to implement Option C for a Water Rate Increase.** Tanea Browning seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Rick Samuelson, yes; and Mike Quilty, yes. Motion approved.

### **C. Planning Commission Report**

Community Development Director Tom Humphrey presented the Planning Commission report for November 3, 2015.

- The Commission reviewed findings of fact and conclusions of law to support the Planning Commission's October 6, 2015 decision to approve White Hawk Estates Transit Oriented Development (TOD) Master Plan. The 18.91 acre project site is in the eastside TOD district east of Gebhard Road and north of Beebe Road. The project site is within the LMR-Low Mix Residential and MMR-Medium Mix zoning districts. The commission affirmed their decision from October during which they determined the applicant satisfactorily addressed the criteria for the master plan and

major issues including; 1) the Gebhard Road alignment; 2) Soil contamination in the proposed park site; 3) shallow well impact and mitigation and 4) traffic control improvements.

- The Commission affirmed their decision from the October 6, 2015 meeting during which they determined that the applicant satisfactorily addressed the criteria for tentative plan approval which are now satisfactory to property owners who were originally concerned with the proposal. They reviewed findings of fact and conclusions of law to support their decision approving a tentative partition plan to create three parcels in the LMR-Low Mix Residential and MMR-Medium Mix Residential zoning districts within the Eastside TOD District.
- The Commission considered the Coordinated Population Forecast prepared by Portland State University for Jackson County. Population forecasts are a necessary comprehensive planning tool and serve as the basis for identifying long term land and infrastructure needs. These numbers will be important for projecting the City's housing and consequently the land use needs when adjusting the UGB later next year. After discussion, the Commission directed staff to initiate the process for amending the population element.
- The Commission was informed of the Council's direction for staff to initiate a UGB Amendment for CP-3. Commission members were asked to provide input for the Conceptual Plan that is being created as part of the amendment process. Members offered their opinions about employment-based zoning, open space and access to the area other than Peninger Road. Their input will be used to create the Conceptual Plan draft document.
- There was a discussion with the City Attorney regarding protocol for meetings, conflicts of interest, ex parte contact and bias. These items were all discussed in preparation for the December meeting.

## **X. MAYOR'S REPORT**

Mayor Williams reported that he attended:

- the Central Point Study Session.
- the Fair Board Study Session.
- a Medford Water Commission meeting. Mr. Clayton provided a letter explaining the views of Central Point regarding their rate study.
- the Central Point Chamber mixer and the Medford Chamber Forum where Central Point was able to highlight city attractions.
- the Veterans Day Celebration at Don Jones Memorial Park.

## **XI. CITY MANAGER'S REPORT**

City Manager reported that:

- Crater High School would like to upgrade their score board, but what they have planned does not meet our sign requirements.
- He received a lot of positive feedback on the Veterans Day Celebration event. The Parks and Recreation Department always does a great job.

- There is still a property dispute between the Beltone property and the neighboring property owners. The City is maintaining that this is a civil dispute and we will not be getting involved.
- There will be an Executive Session tonight to receive legal advice.

## **XII. COUNCIL REPORTS**

Council Member Mike Quilty reported that:

- He attended several transportation meetings. There are funds available for transportation infrastructure.
- He attended the Airport Advisory Committee meeting. They have reported that they have seen an increase in passenger seats filled. They are considering Newel Barber Field for the Vietnam Memorial Wall.
- He attended the Oregon MPO in Portland and saw their use of a street car for the downtown area.
- He has seen the initial report from ODOT and DLCD on air portion.

Council Member Brandon Thueson reported that:

- He attended the Study Session.
- He attended a School Board meeting where they discussed the Crater Hall of Fame, there is a joint effort to bring that back. They have an energy savings program that should help their electric bills.
- There will be a Holiday Hustle Race in Twin Creeks.

Council Member Rick Samuelson reported that:

- He attended an RVCOG meeting. The Jackson County Library District is working on a five year plan.
- He went on a tour of Emergency Communications of Southern Oregon facility. They have invited Elected Officials to tour the facility.
- He thought the Veterans Day Ceremony was very nice.

Council Member Bruce Dinger reported that he attended the Study Session.

Council Member Tanea Browning reported that:

- She was super excited about the opportunities presented at the main street revitalization with small-scale manufacturing working. She enjoyed it so much she went twice. The Central Point Chamber and Community Development Director Tom Humphrey will be working together on a plan to engage existing businesses and property owners on some of the opportunities.
- She attended the “Discover and Dream” community building session with the Central Point Library. It will be interesting to see the results of the data collected. We hope it will give an in-depth look at the demographics for the city and how the facilities are currently being used.
- She attended the Veterans Day celebration at Don Jones Memorial Park.
- She attended the Chamber Mixer at The Point. We were able to go into the new portion of the building that will soon be a sit down coffee shop.
- She attended the Medford Chamber Forum.

### **XIII. DEPARTMENT REPORTS**

Human Resource Director Elizabeth Simas explained that it is time for the City Manager evaluation. She provided each member with a copy of last year's evaluation and a form to use for this year. There will be an Executive Session at the December meeting to present the evaluation.

Parks and Public Works Director Matt Samitore:

- Thanked everyone who attended the Veterans Day Event.
- The contractor for Freeman Road was supposed to install trees not shrubs. The City has received several calls regarding the shrubs. These will be moved to a park and trees will be planted along Freeman Road.
- They are working on estimates for the wall at the corner of Beebe Road and Hamerick.

Police Chief Kris Allison reported that:

- They have launched the Crater SRO Facebook page. This page will help get information out to the parents and students.
- The Community meetings are going well. They have been meeting on Thursday evenings so it is hard for her to attend, but Captain Croft is doing a great job.
- They did PD Testing last weekend, they will be moving several good candidates on to the assessment phase.
- Last week Lt. Clark and several officers assisted in the Greenway Sweep. This was again a successful clean up.

Finance Director Bev Adams reported that:

- Staff will be holding their annual Volunteers in Police Service Awards Dinner on the 18<sup>th</sup> at 11:00. All the Council Members are invited.
- The Transient Room Tax Audit will begin next week. She can provide more information at the December Council meeting.

Community Development Director Tom Humphrey reported that:

- The City has received three applications from Costco, they are currently being routed to all the effected jurisdictions for comment before it goes to the Planning Commission.
- It looks like the Vietnam Wall Memorial discussion will be held at the January Planning Commission. They are in the process of reviewing other location options.

City Attorney Sydnee Dryer reported that the City Council could have a study session on the laws regarding marijuana. We can review what the cities can and cannot regulate.

**XIV. EXECUTIVE SESSION**

**Mike Quilty moved to adjourn to Executive Session under ORS 192.660(2)(h) Legal Counsel.** Tanea Browning seconded. All said "aye" and the meeting was adjourned to executive session at 8:57 p.m.

The meeting was returned to regular session at 9:17 p.m.

No action was taken.

**XV. ADJOURNMENT**

Rick Samuelson moved to adjourn, Brandon Thueson seconded, all said "aye" and the Council Meeting was adjourned at 9:18 p.m.

The foregoing minutes of the November 12, 2015 Council meeting were approved by the City Council at its meeting of December 10, 2015.

Dated:

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

# **Resolution**

## **Financial Policy Amendments**



Staff Report

To: Mayor & Council  
From: Bev Adams, Finance Director BA  
Date: December 10, 2015  
Subject: Financial Policy revision

**Background:**

This is a request to revise the City's Financial Policy. Several changes have been made since the last revision to the policy which was adopted May 9, 2013. A copy of the financial policy is attached with the proposed revisions highlighted in gray. You may find the specific changes as follows:

- Page 2 (removing requirement for investments to mature within 18 months – ORS 294.135 (b) allows beyond this period for specific savings)
- Page 4 (removing High Tech Crime Fund - which is in the process of being closed & Housing Fund - which is closed)
- Page 5 (replacing "annual" with "biennial" budget)
- Page 6 (removing High Tech Crime Fund)
- Page 7 (removing Housing Fund)

**Explanation for the above changes:**

- a. The Housing Fund has been closed for two years.
- b. The High Tech Crime lab is closed and the High Tech Crime Fund is being closed in this budget period.
- c. We moved from an annual budget to biennial - the first biennial budget being adopted June 2015.
- d. The removal of the "18 month maturity" period allows for city investments to be governed by all provisions of ORS 294.135; not prohibited from making certain investments by placing unnecessary limits through the financial policy beyond those imposed by the State.

With these changes, the financial policy will be current with accounting, budgeting and investment practices. A resolution to adopt these proposed revisions is attached following the copy of the policy.

**Recommended Action:**

That Council review and adopt the attached resolution revising the City's Financial Policy.

## **City of Central Point**

### **Financial Management Policy**

#### **Scope**

This financial management policy applies to all fiscal activities of the City of Central Point.

#### **Objectives**

The objective of this financial policy is as follows:

- To ensure the legal use of all City funds through efficient systems of financial security and internal control.
- To carry out the City Council's goals and policies through the budget process.
- To provide and maintain essential public programs, services, facilities, utilities, infrastructure, and capital equipment.
- To employ revenue policies that prevent undue or unbalanced reliance on any one source, distribute the cost of municipal services fairly, and provide adequate funds to operate desired programs.
- To protect and enhance the City's credit rating.

#### **Cash Management**

- The Finance Director will forecast the City's cash inflows and outflows that will allow the City to keep its debt service to a minimum and to maximize the yield on temporary investments.
- Revenue and expenditure projections will be reviewed by the Finance Director on a monthly basis to determine the validity of assumptions, new information, and accuracy of seasonal or periodic fluctuations.
- The City's cash flow shall be managed with the goal of maximizing the total return on investments.

## Investments

- All City funds shall be invested to provide safety of principal, a sufficient level of liquidity to meet cash flow needs, and to provide the maximum yield possible. Apart from petty cash and allowance for normal movement and transfer of cash as needed, one hundred percent of all idle cash will be invested.
- Cash may only be investment as authorized by ORS. 294.035 to 294.046, and 294.135 to 294.155, which includes the requirement that investments shall mature within 18 months of the acquisition date. The City will not invest in stocks nor shall it speculate or deal in futures or options.
- The City will conduct business only with financial institutions such as the Local Government Investment Pool, banks, investments brokers, investment bankers, trustees, paying agents and registrants that are deemed credit worthy.
- Management responsibility for the investment program shall rest with the City's Finance Director or delegate who shall adhere to ORS. 294.145 in managing the investment program for the City.
- Objectives:
  - a. **Safety:** Safety of principal is the foremost objective of the City. Each investment transaction shall be undertaken in a manner which seeks to ensure preservation of capital and avoidance of capital losses through securities defaults, erosion of market value or other risks.
  - b. **Liquidity:** The City's Finance Director shall match the investment portfolio with cash flow requirements. Due to the changing requirements of cash flow caused by factors not totally within the control of the City's Finance Director, the ability to convert a security into cash must be considered.
  - c. **Yield:** Investments of the City shall be acquired in a manner designed to attain the maximum rate of return through all budget and economic cycles while taking into account restraints on investment instruments, cash flow characteristics of transactions and safety of principal.
  - d. **Reporting:** The Finance Director shall maintain detail records of each investment in a form that allows for periodic reporting. On a quarterly basis, the City's outstanding investments and fiscal year to date investment income will be presented to City Council.

## Accounting

- The City will maintain a fund accounting and financial reporting system that conforms with Generally Accepted Accounting Principles (GAAP) and Oregon Local Budget Law, and will issue a Comprehensive Annual Financial Report (Audit report) each fiscal year. The Comprehensive Annual Financial Report will show fund expenditures and revenues on both a GAAP and budget basis for comparison purposes.

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- Pursuant to state law, the City shall have an annual financial and compliance audit, and prepare financial statements based on the audited financial information. The audit shall be performed by certified public accounting (CPA) firm, licensed to practice as Municipal Auditors in the State of Oregon. This report, including the auditor's opinion and specific reports as required by Oregon state regulations, shall be filed no later than six (6) months following the end of the fiscal year. The Finance Director shall be responsible for establishing a process to ensure timely resolution of audit recommendations, if any.
- Full disclosure will be provided in financial statements and bond representations.
- The accounting system will be maintained to monitor expenditures and revenues with thorough analysis by the City Manager and Finance Director.
- Monthly financial reports will be provided to management containing department revenues and expenditures actual to date with comparison to the budget.
- Quarterly summary financial reports will be provided to City Council and management with revenues and expenditures in summary form for each operating fund with explanations of significant financial variations to budget.
- Fund balances and reserves will be maintained in accordance with GASB 54, the Governmental Accounting Standards Board ruling for reporting dedicated resources. Categories for reporting fund balances are:
  - a) Non-spendable – these are nonliquid assets (i.e. inventory, prepayments) and liquid assets that have legal constraints preventing their use (i.e. principal of an endowment)
  - b) Restricted – assets which are constrained by an external entity (i.e. covenants in bond contracts)  
(As it is the City's policy to fully comply with bond documents, covenants, inter-agency agreements, or contracted service agreements, amounts specified in any of these documents shall be included as restricted fund balance.)
  - c) Committed – constraints created by the City Council. Constraints are enacted by resolution and must be in place prior to the end of the fiscal year.
  - d) Assigned – similar to committed except constraint is not legally binding. May be created by the City Council or staff and can be created after the end of a fiscal period.
  - e) Unassigned – only the General Fund has an unassigned category. This represents any excess of total fund balance after the prior four categories are deducted.

**General Fund:**

The General Fund balance may contain committed resources beyond those stipulated in this financial policy for contingency and fund carryover purposes. The City Council shall adopt by resolution the commitment specifying the purpose, dollar amount and duration of the committed amount.

General Fund cash reserves may be set aside for purposes that create a sound financial operating environment, and may be assigned by the City Council, City Manager, or the

Finance Director. Assignments generally are to build cash reserves for a one-time or limited duration purchase

**Special Revenue Funds:**

Street, High Tech Crime Unit, and Housing Funds have has restricted balances for those resources received and dedicated to be used for a specific purpose. Under this financial policy, these the Street Fund funds shall maintain a committed fund balance for contingency and ending fund balance in the amount as specified, for each fund. Assigned balances may also be created as necessary under the same policy as for the General Fund.

**Enterprise Funds:**

Water, Stormwater, and Building Funds must retain any debt service reserve obligations as restricted. Terms of the reserves are generally specified in the associated bond documents, covenants, or agreements. Under this financial policy, these funds shall maintain a committed fund balance for contingency and ending fund balance in the amount stated for each fund. Assigned balances may also be created as necessary under the same policy as for the General Fund

**Debt and Capital Project Funds**

General obligation debt service balances are restricted by state statute and are always categorized as restricted.

Capital project fund balances (whether general government or enterprise) should be nominal and sufficient to cover any short term liabilities. Larger balances may occur if the City receives cash for restricted purposes to be expended in future years, such as proceeds received from debt issuance or receipts from developers in lieu of current construction of infrastructure.

The order in which categories are expended can affect future financial flexibility. Generally, more restricted resources shall be expended prior to less restricted resources

- Annually, the City may submit documentation to obtain the Certificate of Achievement for Excellence in financial reporting from the Government Finance Officers Association (GFOA).. (Determination to participate will be based on the cost not outweighing the benefit.)

**Operating Budgetary Policy**

- A Budget Committee will be appointed in conformance with ORS 294.414. The Budget Committee's chief purpose is to review the city's proposed budget and to approve a budget and maximum tax levy for City Council consideration. The Budget Committee may consider and develop recommendations on other financial issues as delegated by the City Council.
- In addition to a line-item budget that focuses on items to be purchased (such as supplies and equipment), departments will provide the Budget Committee information on programs being funded; what each program is committed to accomplish in long

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term goals and in short-term objectives, and provide performance measures that will demonstrate the achievement of program objectives.

- The City will finance current expenditures with current revenues; and will avoid budgetary practices that obligate future resources to cover current expenditures.
- The City budget will support City Council goals and priorities and the long-range needs of the community.
- The City Council shall delegate authority to the City Manager in managing the budget after it is formally adopted by the City Council. The City Manager may further delegate levels of authority for the daily operations of the budget to department directors as deemed appropriate.
- Adjustments to the ~~annual~~ biennial budget will be made when needed with changes approved and adopted by the City Council in accordance with ORS 294.471-473.
- To maintain fund integrity, the City will manage each fund as an independent entity in accordance with applicable statutes and with generally accepted accounting principles.
- The City may allocate direct and administrative costs to each fund based upon the cost of providing these services; and will recalculate the cost of these services at least bi-annually to identify the impact of inflation and other cost increases.
- The City's designation for capital outlay items that are considered fixed assets are expected to last more than one year and cost over \$5,000.
- Annually, the City may submit documentation to obtain the Award for Distinguished Budget Presentation from the Government Finance Officers Association. (GFOA) (Determination to participate will be based on the cost not outweighing the benefit.)

## **Fund Structure and Fund Balance**

### **General Fund**

The General Fund will be used to account for all financial resources and expenditures except those to be accounted for in another fund. Resources include working capital, carryover, taxes, licenses and permits, intergovernmental revenue, fines and forfeitures, charges for services, miscellaneous revenues, and inter-fund transfers. Expenditures are for Administration, Mayor and Council, Finance, Parks and Recreation, Community Development, Police, and Interdepartmental departments. The General Fund uses the modified accrual method of accounting.

### **Minimum Fund Balance**

- The General Fund will maintain a fund balance carryover of 15 to 25 percent of total annual revenues, not including grant or loan monies. This is the minimum determined

Financial Management Policy

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to be needed to maintain the City's credit worthiness and to adequately provide for economic uncertainties and cash flow needs. .

- The City will budget a contingency appropriation to provide for unanticipated expenditures of a non-recurring nature or shortfalls in projected revenues. The minimum contingency will be maintained at not less than 2 percent of annual revenues less budgeted prior year carryover.

### **High Tech Crime Fund**

The High Tech Crime Fund was established to account for resources and expenditures used to fulfill the mission of the Southern Oregon High Tech Crimes task force which is to hold accountable those who commit criminal acts through the use of technology and the Internet. This fund uses the modified accrual method of accounting.

- The High Tech Crime Task Force Fund will maintain a fund balance carryover of at least 5 to 10 percent of total annual revenues. This is the minimum determined to be needed to adequately provide for economic uncertainties and cash flow needs.
- The High Tech Crime Task Force Fund balance generally will contain assigned reserves, other than those provided by grants and from governmental agencies which are restricted for use on special projects.
- The City will budget a contingency appropriation to provide for unanticipated expenditures of a non-recurring nature or shortfalls in projected revenues. The minimum contingency will be maintained at not less than 2 percent of annual revenues less budgeted prior year carryover.

### **Street Fund**

The Street Fund revenues are from state and local fuel tax, grants, franchise fees, charges for services and miscellaneous sources. Expenditures are for the maintenance, repair, surfacing and construction of city streets and associated infrastructure.

- The Street Fund will maintain a fund balance carryover of at least 25 percent of total annual revenues, not including grant or loan monies. This is the minimum determined to be needed to maintain the City's credit worthiness and to adequately provide for economic uncertainties and cash flow needs.
- System development charges for transportation are included in the Street Fund balance. This portion of the fund balance is restricted and shall not be used in determining the minimum fund balance.

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- The City will budget a contingency appropriation to provide for unanticipated expenditures of a non-recurring nature or shortfalls in projected revenues. The minimum contingency will be maintained at not less than 5 percent of annual revenues less budgeted prior year carryover.

**Housing Fund**

The Housing Fund revenues are from the repayment of interest free loans. The initial loans were from Community Development Block Grant funds used for home weatherization and wood stove replacement programs. Expenditures can only be used for an eligible CDBG project, donated to a food bank that receives USDA funding, food purchased and donated to a smaller local food pantry, or donated to an eligible non-profit housing rehabilitation organization.

- The purpose of the Housing Fund is to account for funds from a grant program. There is no minimum fund balance.
- The City may budget a contingency appropriation to provide for unanticipated expenditures of a non-recurring nature or shortfalls in projected revenues. There is no required minimum contingency for this fund.

**Capital Improvement Fund**

The Capital Improvement Fund was established to account for resources used for the acquisition or construction of major capital projects. This fund uses the modified accrual method of accounting.

This fund accounts for revenues from un-bonded assessment payments, construction grants, parks system development fees, and other resources. Expenditures are for construction, property and equipment acquisition and replacement, improvements and related purposes, and the repayment of short term debt principal and interest incurred in financing improvements.

- The purpose of the Capital Improvement Fund is to accumulate funds prior to a large construction project; therefore, there is no set minimum fund balance.
- System Development Charges (SDCs) for parks are included in this fund balance. This portion of the fund balance is legally restricted and shall be accounted for separately from the unrestricted portion of the fund balance.
- The City may budget a contingency appropriation to provide for unanticipated expenditures of a non-recurring nature or shortfalls in projected revenues. There is no required minimum contingency for this fund.

## **Debt Service Fund**

The Debt Service Fund accounts for the accumulation of resources for the payment of general long-term debt principal and interest. Expenditures and revenues are accounted for on the modified accrual method of accounting.

- All of the monies within the Debt Service Fund are restricted for debt service until the specific debt is repaid in full. Oregon State Statutes prohibit cities from using this money for any other purpose.
- The Debt Service Fund will maintain a balance of annual revenue as required by the specific debt instrument. This is the minimum needed to maintain the City's credit worthiness and to adequately provide for economic uncertainties and cash flow needs.
- No contingency is required for this fund.

## **Reserve Fund**

The Reserve Fund accounts for the accumulation of resources to pay for any service, project, property, or equipment that the City can legally perform or acquire. Specific projects or services must be specified and reserves can only be spent for those purposes and directly from the fund. Money cannot be transferred out of the reserve fund into another fund. Expenditures and revenues are accounted for on the modified accrual method of accounting.

- The purpose of the Reserve Fund is to accumulate funds for future needs; therefore, there is no set minimum fund balance.
- No contingency is required for this fund.

## **Enterprise Funds**

Enterprise funds account for operations: (a) that are financed and operated in a manner similar to private business enterprise, where costs (expenses, including depreciation) of providing goods and services are financed primarily through user charges; or (b) where the governing body has determined that periodic determination of revenues earned, expenses incurred, and/or net income is appropriated for capital maintenance, public policy, management control, accountability, or other purposes.

Enterprise funds use full accrual basis of accounting for annual financial statement purposes. However, the enterprise activities use a modified accrual basis of accounting for budgetary purposes. This assures budgetary compliance with such expenditures as capital construction and acquisition, as well as debt principal transactions.

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## **Building Fund**

The Building Fund accounts for building safety operations. Revenues are from the issuances of building permits. Expenditures are for the operations of the building division. The city provides structural, plumbing, electrical and mechanical inspections.

- The Building Fund will maintain a carryover balance of at least 25 percent of total annual revenues, not including grant or loan monies. This is the minimum determined to be needed to maintain the City's credit worthiness and to adequately provide for economic uncertainties and cash flow needs.
- The City will budget a contingency appropriation to provide for unanticipated expenditures of a non-recurring nature or shortfalls in projected revenues. The minimum contingency will be maintained at not less than 2 percent of annual revenues less budgeted prior year carryover.

## **Water Fund**

The Water Fund accounts for water distribution operations. Revenues are from sales of water, charges for services, and miscellaneous sources. Expenditures are for operations, capital construction, and retirement of debt.

- The Water Fund will maintain a carryover balance of at least 25 percent of total annual revenues, not including grant or loan monies. This is the minimum determined to be needed to maintain the City's credit worthiness and to adequately provide for economic uncertainties and cash flow needs.
- System Development Charges are included in the Water fund balance. This portion of the fund balance is restricted and shall not be used in determining the minimum fund balance.
- The City will budget a contingency appropriation to provide for unanticipated expenditures of a non-recurring nature or shortfalls in projected revenues. The minimum contingency will be maintained at not less than 5 percent of annual revenues less budgeted prior year carryover.

## **Stormwater Fund**

The Stormwater Fund accounts for storm drain maintenance operations. Revenues are from charges for services. Expenditures are for operations, capital construction, and retirement of debt.

- The Stormwater Fund will maintain a carryover balance of at least 25 percent of total annual revenues, not including grant or loan monies. This is the minimum determined

to be needed to maintain the City's credit worthiness and to adequately provide for economic uncertainties and cash flow needs.

- System Development Charges are included in the Stormwater fund balance. This portion of the fund balance is restricted and shall not be used in determining the minimum fund balance.
- The City will budget a contingency appropriation to provide for unanticipated expenditures of a non-recurring nature or shortfalls in projected revenues. The minimum contingency will be maintained at not less than 5 percent of annual revenues less budgeted prior year carryover.

### **Internal Services Fund**

The Internal Services Fund is used for the accounting of goods or services provided to other internal departments and supported on a cost reimbursement basis. Internal service funds use full accrual accounting methods for annual financial statement purposes; however, for budgetary purposes accounting is on a modified accrual basis. This assures budgetary compliance with such expenditures as capital construction and acquisition as well as debt principal transactions.

The fund is divided into Facilities Maintenance, Administration, and Fleet Maintenance divisions. Expenditures are for personnel, materials and services and capital outlay. These functions are supported by charges for services to other direct service departments and divisions throughout the city.

- The Public Works Services Fund is an internal service fund and is supported by other funds on a cost reimbursement basis for services provided; therefore, there is no set minimum fund balance.
- No contingency is required for this fund

### **Revenues**

- The City will estimate its annual revenues by an objective, analytical process. Because most revenues are sensitive to conditions outside the City's control, estimates will be conservative.
- The City will make every effort to maintain a diversified and stable revenue base to protect its operations from short-term fluctuations in any one revenue source.

- The City will establish charges for enterprise funds that fully support the total cost of the enterprise. Utility rates will be reviewed annually and will be adjusted as needed to account for major changes in consumption and cost increases.
- The City will charge user fees to the direct beneficiaries of city services in an attempt to recover all or part of the cost of providing that service. User fees will be reviewed bi-annually to insure that direct and overhead costs are being recovered.
- To the extent practicable, new development shall pay necessary fees to meet all identified costs associated with that development.
- The City will aggressively pursue collection of all delinquent accounts receivable. When necessary, collection procedures will include termination of service, submission to collection agencies, foreclosure, and other available legal remedies.

### **Expenditures**

- The City will provide employee compensation in accordance with collective bargaining agreements, approved compensation strategies, and applicable state and federal law.
- Estimated wage increases and changes in employee benefits will be included in the proposed budget under Personnel Services.
- The City is committed to maintaining and improving the productivity of its staff by providing a proper working environment, adequate equipment and supplies, and appropriate training and supervision.
- A "social service" appropriation will be included in the proposed budget; and will increase or decrease relative to the overall revenues available.
- A "tourism promotion" appropriation will be included in the proposed budget. This appropriation will increase or decrease relative to the overall available hotel tax revenues.

### **Purchasing**

- The City will purchase materials, supplies, and equipment through a competitive process that provides the best product for the least cost.
- The City will implement, maintain and abide by an approved purchasing policy. The policy shall clearly state approved purchasing limits for all staff members; and the process and method by which purchases will be made.

## **Capital**

- The City will provide for adequate maintenance of equipment and capital assets by making available contributions for future capital improvements to ensure that monies will be available to replace City vehicles and facilities.
- The City will update its five-year capital improvements program bi-annually; identifying capital needs and potential capital funding sources. The capital improvements program will reflect the priorities of the City Council and the long-range needs of the community.
- The City will determine and use the most appropriate method for financing all new capital projects.
- Special accounts dedicated for capital improvements will be segregated in the accounting system and used only for the intended capital purposes.

## **Debt**

- The City shall not use long-term borrowing to finance current operations.
- Capital projects financed through bond proceeds will be financed for a period not to exceed the useful life of the project.
- Whenever possible, enterprise debt will be self-supporting. Regardless of the type of debt issued, the City will establish a one-year reserve for all self-supporting debt.
- The City will seek to maintain and improve its bond rating to minimize borrowing costs and to ensure access to credit markets.
- The City will keep the final maturity of general obligation bonds at or below 20 years, with the exception of water supply and land acquisition which will be limited to 30 years.
- The City will maintain good communications with bond rating agencies about its financial condition.

## **Risk Management**

- The City will provide an active risk management program that protects City assets through loss prevention as well as appropriate levels of insurance.

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- In the event that conditions are such that the City is unable to meet carryover limits as set forth and approved by Council as stated within this policy; staff will then apprise Council of the shortfall and immediately take action for remedy by initiating additional revenue sources or by curtailment of expenses.

## **Glossary of Terms**

### **Capital Expenditure**

A capital expenditure is an item which generally has a useful life of one or more years, such as machinery, land, furniture, equipment or buildings, and is valued at more than \$5,000.

### **Capital Project**

A capital project is a major construction or purchase which often requires either an outside revenue source such as a grant, bond, loan or other source of funding.

### **Depreciation**

Depreciation is a system of accounting which distributes the cost of a capital asset over the useful life of the asset. In accordance with Oregon Local Budget Law, depreciation is not budgeted by the City.

### **Expenditure**

An expenditure is a term for money spent by the City for the programs and projects included within the annual budget.

### **Fund**

A fund is an accounting based division within the budget for independent fiscal and accounting requirements.

### **Infrastructure**

Infrastructure refers to the large-scale system and services that are necessary for economic activity; such as the City's streets, water lines, storm drains, etc.

### **Modified Accrual Accounting**

Revenues are recorded within the accounting period in which they become available and measurable; and expenditures are recorded in the accounting period in which the liability is incurred.

### **Revenue**

Revenues are monies received by the City from both tax and non-tax sources.

### **System Development Charges**

System Development Charges are fees assessed on new construction to cover the demands placed on city services; and typically cover water, streets, storm drains and park costs.

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RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AMENDING THE FINANCIAL MANAGEMENT POLICY  
FOR THE CITY OF CENTRAL POINT**

**RECITALS:**

- A. Whereas the Mayor and City Council are committed to the highest standards of financial management, periodic updating of financial policies is necessary to assure consistent and rational financial management.
- B. The Mayor and Council have reviewed the attached Financial Management Policy and wish to clarify and enact the updated financial procedures that govern the operations of the City of Central Point.

**THE CITY OF CENTRAL POINT RESOLVES:**

**Section 1:** To adopt the amended Financial Management Policy for the City of Central Point.

**Passed by the Council and signed by me in authentication of its passage this December 10, 2015.**

\_\_\_\_\_  
**Hank Williams, Mayor**

**ATTEST:**

\_\_\_\_\_  
**Deanna Casey, City Recorder**

# **Ordinance**

## **Amending Title 5 by Adding Chapter 5.41 Recreational Marijuana Retailers**



**STAFF REPORT**  
December 10, 2015

**AGENDA ITEM (File No. 15033)**

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**Consideration of Ordinance No. \_ An ordinance amending Chapter 5 – adding Section 5.41 to the CPMC regarding Recreational Marijuana Retailers, and declaring an emergency.**

**STAFF SOURCE:**

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Sydnee Dreyer, City Attorney  
Tom Humphrey, Community Development Director

**BACKGROUND/SYNOPSIS:**

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In November 2014, Oregon voters approved Measure 91 (M91) legalizing recreational marijuana including growth, processing, delivery and sale of recreational marijuana and personal possession and growth of such marijuana. M91 permits cities to adopt reasonable time place manner restrictions on the location and operation of recreational marijuana retailers upon findings that such uses may result in adverse social and economic impacts to the City.

**FISCAL IMPACT:**

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**City Revenue:** There is no precise way of predicting whether a recreational marijuana retailer will develop in the City. Furthermore, predicting the tax revenue generated by the development of such uses is equally inaccurate, although it is apparent that Central Point's share of 10% of the state tax revenue will likely be insufficient to address the impacts to Central Point.

**City Expenditures:** Similar to alcohol, the legalization of marijuana will likely impact the costs associated with providing adequate public safety. At a minimum, new programs will need to be developed for prevention/education and treatment. These new program costs will be in addition to the necessary training required for our public safety officers.

**DISCUSSION:**

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The Oregon Liquor Control Commission (OLCC) will begin accepting applications to license Recreational Marijuana Retailers as of January 4, 2016. As such, the ordinance (Attachment 1) contains an emergency clause providing that this time place manner restriction would be enacted, and become effective, immediately in order to meet the January 4 deadline.

As with the previous municipal code revisions to address marijuana dispensaries in Central Point, city planning staff will follow-up the amendments to Chapter 5 with revisions to Chapter 17, Zoning Code and identify 'Recreational Marijuana Retailers' as conditional uses in the following three Commercial zoning districts; C2(M), C-4 and C-5.

**ATTACHMENTS:**

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1. Ordinance amending Chapter 5 of the Central Point Municipal Code adding Section 5.41 Recreational Marijuana Retailers, and declaring an emergency.

**FINDINGS:**

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1. The proposed ordinance is consistent with previous efforts of the City Council to create a disincentive to the establishment of licensed marijuana uses within Central Point and to minimize the potential adverse impacts resulting from them.
2. The City’s strategic plan emphasizes a proactive city government that adopts policies aligning with the community’s values.
3. Central Point citizen surveys conducted in 2011 & 2013 identify public safety as the highest priority for citizens of Central Point.
4. The proposed ordinance is a reasonable time, place and manner restriction upon recreational marijuana retail uses.

**ACTION:**

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Open the public hearing to consider an ordinance amending CPMC Chapter 5 and; 1) approve the ordinance declaring an emergency, 2) approve the ordinance with revisions declaring an emergency, 3) continue the ordinance to a second reading, or 4) deny the ordinance.

**RECOMMENDATION:**

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Approve Ordinance No. \_\_\_\_, An Ordinance of the City of Central Point Amending Chapter 5 of the Central Point Municipal Code adding Section 5.41 Recreational Marijuana Retailers, and Declaring an Emergency.

**SUGGESTED MOTION:**

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I move to approve Ordinance No. \_\_\_\_, An Ordinance of the City of Central Point Amending Chapter 5 of the Central Point Municipal Code adding Section 5.41 Recreational Marijuana Retailers, and Declaring an Emergency.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 5 OF THE CENTRAL POINT MUNICIPAL CODE, BY ADDING CHAPTER 5.41 RECREATIONAL MARIJUANA RETAILERS AND DECLARING AN EMERGENCY**

Recitals:

- A. The entire section of 5.41 shall be added.
- B. in November 2014, Oregon voters approved Measure 91 (M. 91) legalizing personal possession, growth, processing, delivery and sale of nonmedical marijuana; and
- C. the issue of whether a local government believes a certain type of business should operate within its jurisdictional limits is a local government decision, the enforcement of which is subject to the general and police powers of that jurisdiction;
- D. the City finds that retail sales of recreational marijuana may result in adverse social and economic impacts to the City including increased crime, and physical deterioration in the general areas of such businesses;
- E. the City of Central Point is a home-rule Municipal corporation; and
- F. Section 4 of the Central Point Charter provides: “The City shall have all powers which the constitutions, statutes and common law of the United States and of this state expressly or impliedly grant or allow municipalities, as fully as though this charter specifically enumerated each of those powers.”;
- G. the City Council believes it is in the best interests for the health, safety and welfare of the citizens of Central Point to enact a time place manner ordinance regulating recreational marijuana retail businesses within the jurisdictional boundaries of the City of Central Point;

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

SECTION 1. Title 5 BUSINESS LICENSEES AND REGULATIONS of the Central Point Municipal Code is hereby amended to include a new Chapter 5.41, regulating recreational marijuana retailers.

**CHAPTER 5.41  
RECREATIONAL MARIJUANA RETAILERS**

Sections:

- 5.41.010 Purpose.
- 5.41.020 Definitions.
- 5.41.030 Regulations for recreational marijuana retailers.

5.41.040 License--Registration--Required.

5.41.050 License--Period.

5.41.060 License--Fees.

#### 5.41.010 Purpose.

It is recognized that the presence of recreational marijuana retailers within the community of Central Point may result in adverse social and economic impacts, increased crime incidents, and physical deterioration in the general areas of such businesses. It is evident that regulations applicable to such recreational marijuana retailers are necessary to protect minors and to preserve the character, safety and stability of residential areas that are in proximity to such commercial businesses. The purpose of this section is to establish regulations applicable to recreational marijuana retailers, as defined in the Oregon Revised Statutes, Oregon Administrative Rules and in Section [5.41.020](#).

#### 5.41.020 Definitions.

For purposes of this chapter, the following terms and business types are defined in this section:

“Cultivation” means a location where marijuana is grown, produced, cultivated or harvested for use by a licensed recreational marijuana retailer.

“Marijuana” means all parts of the plant Cannabis family Moraceae, including, but not limited to, its dried leaves and flowers, any marijuana products and extracts derived therefrom.

"Marijuana products" means products that contain marijuana or marijuana extracts and are intended for human consumption.

“Processing marijuana” means processing, compounding, or converting marijuana into marijuana products or marijuana; processing, compounding, or converting marijuana extracts either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis; the packaging or repackaging of marijuana items; the labeling or relabeling of any package or container of marijuana item; or the drying of marijuana for retail sales.

“Recreational Marijuana Retailer” means a recreational marijuana retailer licensed by the Oregon Liquor Control Commission “OLCC” under Measure 91 to sell recreational marijuana.

#### 5.41.030 Regulations for recreational marijuana retailer.

A. Recreational marijuana retailers may be granted a conditional use permit by the planning commission in accordance with the requirements of the zoning district in which the retailer is proposed, and in accordance with the following regulations:

1. Evidence that the retailer is currently licensed by the OLCC under the state of Oregon’s recreational marijuana licensing program;

2. The proposed use complies with all requirements set forth for the issuance of a conditional use permit (Chapter [17.76](#));
3. The lot on which the retailer is proposed to be located is classified commercial and includes the following designations: C-2(M) commercial medical district, C-4 tourist and office commercial district, and C-5 thoroughfare commercial district;
4. The retailer shall be located in a permanent building and may not locate in a trailer, cargo container or motor vehicle;
5. The subject lot is not within five hundred feet of the nearest residential (R) zoning district;
6. The lot is not within one thousand feet of any lot upon which there is located an educational institution primarily attended by minors, a public park or recreational facility, a day nursery or child care center, or any other public facility which is customarily utilized by minors;
7. The lot is not within one thousand feet of any lot upon which there is located another recreational marijuana retailer or medical marijuana dispensary business;
8. The exterior appearance of the structure shall be consistent with the appearance of existing commercial structures on abutting lots or within the immediate neighborhood, so as not to cause blight, deterioration, or avoidable depreciation in property values within the general vicinity;
9. The retailer shall be permitted an identification sign but shall not exhibit advertisements, displays, or any other promotional or advertising materials that may be visible to the public outside the structure;
10. All doorways, windows and other openings shall be located, covered or screened in such a manner to prevent a view into the interior from any exterior public or semipublic area;
11. No recreational marijuana retailer, as defined in this chapter, shall have operating hours earlier than eight a.m. or later than six p.m. of the same day and only Monday through Saturday, except as specifically permitted by the terms of the conditional use permit;
12. Cultivation or processing of recreational marijuana at the site of the retailer is prohibited;
13. The retailer shall provide for secure disposal of marijuana remnants or by-products; such remnants or by-products shall not be placed within the facility's exterior refuse containers;
14. Drive-through services are prohibited.

B. The planning commission may, at its discretion, conduct a poll or survey of residents and property owners in the vicinity of a proposed recreational marijuana retailer if such poll or survey is determined to be necessary to adequately assess the social, economic or other impacts of the proposed business.

C. Applicants for licenses under this chapter must file with the city recorder a sworn application in writing for the license which shall give the following information:

1. The name of the applicant;
2. Permanent home address and full local address of the applicant;
3. A brief description of the nature of the business and goods to be sold, if any;
4. Length of time for which the right to do business is desired;
5. The location of the proposed recreational marijuana retailer.

D. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished by a fine as defined by Section [1.16.010](#).

#### 5.41.040 License--Registration--Required.

No person, or his employee or agent, shall engage in or conduct within the city any recreational marijuana retailer business unless the license fee has been paid and a license issued as provided herein. No person, his employee or agent shall engage in or conduct within the city any recreational marijuana retailer business unless the person possesses a current license from the OLCC under the state's recreational marijuana licensing system. The city shall not issue a business license to any recreational marijuana retailer while a moratorium is in effect prohibiting the operation of such business

#### 5.41.050 License--Period.

License for recreational marijuana retailers shall be for annual periods commencing on July 1st of each year. License renewals shall be consistent with criteria established in Section [5.04.092](#).

#### 5.40.060 License--Fees.

The license fee to be charged by the city designee for a recreational marijuana retailer business license shall be as set forth in the city of Central Point business license fee schedule as set in Section [5.04.120](#).

**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 other 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. Declaration of Emergency: It is in the best interest of the citizens of Central Point to have regulations in place when the State of Oregon begins issuing Recreational Marijuana Retail licenses. This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this Ordinance takes effect on its passage.

**PASSED** by the Council and signed by me in authentication of its passage this 10th day of December 2015.

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Mayor Hank Williams

ATTEST:

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City Recorder

# **Resolution**

## **Water Rate Increases for City and MWC**



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STAFF REPORT

**To:** City Council  
**From:** Matt Samitore, Director, Parks & Public Works  
**Subject:** 2016 Water Rate Adjustment Resolution  
**Date:** December 2, 2015

**AGENDA ITEM:**

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Water Rate Increase 2015

**STAFF SOURCE:**

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Matt Samitore, Director

**SUMMARY:**

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The Medford Water Commission (MWC) has recently completed a new cost of service study (COS) and associated rate analysis. Moreover, during their October 22<sup>nd</sup>, 2015 Board Meeting, the Medford Water Commission Board approved staff's rate increase recommendation, allowing the Medford Water Commission to fund their budgeted operational needs, as well as their long term capital projects/needs. The newly adopted rate structure includes two primary components. First, it includes a 17% increase to the winter consumptive rate (from \$0.48 to \$0.56) and a 13% increase to the summer consumptive rate from (\$0.67 to \$0.76 per gallon). Second, all base rates have increased to the Other Cities customer group by 13%.

At the November City Council meeting staff presented four options to the council to account for the cost increase. The council unanimously asked to bring back an option which included a combination of base rate and tier rate increases. To compensate for the increase from the MWC the base rate increases by \$0.50 and the tier rates by 3%.



**SUGGESTED MOTION:**

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1. Approve Medford Water Commission rate adjustment and Central Point inflationary rate adjustment increasing the base rate by \$0.50 and the consumptive/volume rate by 3% effective January 1, 2016.

Motion 2:

2. Approve Central Point inflationary rate adjustment of \$0.15 effective April 1, 2016.

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF CENTRAL POINT SETTING  
WATER RATES AS PER MEDFORD WATER COMMISSION RATE ANALYSIS

Recitals:

- A. In October of 2015 the Medford Water Commission completed a new rate analysis. The analysis stated that the Commission needed to raise rates to the other cities group by a combined rate of 13% for wholesale water purchases in order to raise enough revenue for the operations and capital improvements.
  
- B. In November of 2015 the Central Point City Council recommended a rate methodology to pass along the increase to the residents and businesses of the City of Central Point. The methodology included a \$0.50 base rate increase and a 3% increase to the tier rates.

**The City of Central Point resolves as follows:**

**Section 1.** Effective January 1, 2016, the City of Central Point water base rate shall increase by \$0.50 and each tier will increase by 3% to cover the 13% increase implemented by the Medford Water Commission.

Passed by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of December 10, 2015.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY OF CENTRAL POINT  
SETTING INFLATIONARY WATER RATE ADJUSTMENT

Recitals:

- A. In March 2013, the City of Central Point conducted an update to the 2009 water rate study. Based on the findings of that study it was determined that in the best interest of the City's water utility service, business water rates will be amended annually based upon annual growth, Capital Improvement needs, and loan requirements.
- B. In March 2013, a study by Financial Consultant Services (FCS) Group, Inc. determined that rates needed to stabilize the fund are equal to 1% based upon 2015/2016 water consumption. The rate is equivalent to \$0.15 on the base rate.

**The City of Central Point resolves as follows:**

**Section 1.** Effective April 1, 2016, the City of Central Point Water Rates shall increase by \$0.15 to the base rate as recommended by the 2009 water rate study.

Passed by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of February, 2015.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

# **Ordinance**

## **TSP Amendments Gebhard Road Alignment**

## STAFF REPORT

December 12, 2015

### AGENDA ITEM: File No. 15024

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*Second Reading* for the Consideration of an Amendment to the Comprehensive Plan, Transportation System Plan (TSP) to incorporate Option “C” as the preferred routing for the southerly extension of Gebhard Road. **Applicant:** City of Central Point.

### STAFF SOURCE:

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Don Burt AICP, Planning Manager  
Tom Humphrey AICP, Community Development Director

### BACKGROUND:

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The City’s Development Commission contracted with JRH Transportation Engineering to assist with the evaluation of route alternatives for the southerly extension of Gebhard Road to East Pine Street as generally illustrated in Figure 7.1 of the TSP. The purpose of evaluating route alternatives is to pre-define, and adopt as part of the City’s TSP, a route that will be applied to the general area’s development proposals, thus assuring completion of a north/south collector extension from Gebhard Road to East Pine Street.

The identification of a preferred route initially focused on Gebhard Road, and included considerable public input, particularly from the study area residents. The following is an accounting of the public meeting dates and outcomes:

**February 11, 2015** a public workshop was conducted to discuss and identify alternative routes. Most of the workshop participants were stakeholders (property owners) within the Study Area. At the workshop the participants identified fourteen (14) alternative route ideas for Gebhard Road. Each of the alternatives were compared and consolidated into four basic options (*Gebhard Road Alignment Study, June 17, 2015*).

**June 17, 2015** another workshop was held, inviting property owners within and adjacent to the Study Area to comment on the draft *Gebhard Road Alignment Study*. At the workshop each of the four options were presented and discussed. At the end of the workshop a vote was taken on each of the options. The consensus was for Option “C”.

**July, 7, 2015**, a draft of the Gebhard Road Alignment Study dated June 17, 2015 was presented to the Planning Commission for their initial review. The public was again invited to comment. Discussion was continued to the August 4<sup>th</sup> Planning Commission meeting.

**July 14, 2015** the *Gebhard Road Alignment Study, June 17, 2015* was presented to the Citizens Advisory Committee (CAC). The CAC’s consensus was for Option “C”.

**August 4, 2015** the *Gebhard Road Alignment Study, June 17, 2015* was presented and discussed with the Planning Commission and the public. It was the Planning Commission’s recommendation to proceed with Option “C”.

**August 13, 2015** the *Gebhard Road Alignment Study, June 17, 2015* was presented and discussed with the Development Commission. The Development Commission's consensus was to accept Option "C" as recommended by the Planning Commission and to proceed with incorporation of Option "C" as part of the City's TSP.

**October 6, 2015** the Planning Commission held a public hearing taking public comment on amendments to the TSP incorporating Option "C". The comments from the public hearing have been addressed in the *Gebhard Road Alignment Study, October 6, 2015*". The Planning Commission approved Resolution No. 824 forwarding to the City Council a recommendation to amend the TSP to include the re-alignment of Gebhard Road per Option "C".

**November 12, 2015** the City Council held a public hearing and received comment on the TSP amendments. It was determined that the language in the TSP is flexible enough to address property owner concerns about alignments south of Beebe Road. The Council moved the TSP Ordinance to a second reading and adoption.

Although Option "C" is referred to as the Gebhard Road alignment it is based on a series of street segments linked by roundabouts to provide a north/south collector connection between Wilson Road and East Pine Street. The pre-dominant road in this system is Gebhard Road, and is therefore referred to as the Gebhard Road alignment. For reasons presented in the *Gebhard Road Alignment Study, October 6, 2015* Option "C" is the most practical means of providing for a north/south collector through the area.

## **FINDINGS**

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**INTRODUCTION:** The City's 2008 Transportation System Plan (TSP) currently designates Gebhard Road as a collector street, with the expectation that it will be extended southerly to East Pine Street<sup>1</sup>. Figure 7.1 of the TSP identifies, in a very general manner, the extension of Gebhard Road to East Pine Street. This TSP amendment provided a more definitive alignment of Gebhard Road to be used in the area's development. The functional classification of Gebhard Road remains as a minor collector street.

A recommendation or a decision to approve or to deny an application for an amendment to the comprehensive plan is based on written findings and conclusions that address the following:

- A. Approval of the request is consistent with the applicable statewide planning goals;
- B. Approval of the request is consistent with the Central Point comprehensive plan; and
- C. The amendment complies with OAR 660-012-0060 of the Transportation Planning Rule.

**FINDING:** Pursuant to OAR 660-12-0005(25)(36), the identification of the future alignment of Gebhard Road is considered a "Refinement Plan" and "Transportation Plan Development" providing additional information regarding the alignment and development standards for Gebhard Road, a designated collector street. The proposed Gebhard Road alignment is considered a minor amendment for the following reasons:

1. It moves the alignment easterly to avoid prior physical conflicts with environmental lands and topography.
2. The currently designated function and standards for Gebhard Road remains as a minor collector street. The proposed Gebhard Road alignment does not re-define Gebhard Road's current minor collector street designation, or design.

<sup>1</sup> City of Central Point 2008 Transportation System Plan, Section 7.2.2.2(3) and Figure 7.1

3. The proposed alignment does not alter, or otherwise adversely affect, lands within the vicinity of the proposed alignment or their zoning and land use designations.

**FINDING, Citizen Involvement:** The proposed TSP amendment is considered a minor amendment per CPMC Section 17.96 and is subject to procedural Type III notification per CPMC Section 17.050.400. The notification requirement for Type III actions have been met. Additionally, the City has conducted numerous neighborhood work sessions to gather in put and discuss alignment options (see Background above).

**FINDING:** Pursuant to OAR 660-12-0005(36), identification of the future alignment of Gebhard Road is considered "Transportation Project Development", the intent of which is to refine and facilitate implementation of Project No. 220 of the City's TSP, the southerly extension of Gebhard Road. The TSP is being amended to include reference to the *Gebhard Road Alignment Study* as relates to the already existing Project No. 220.

**FINDING: OAR 660-0012,** This amendment has been prepared in compliance with Oregon state adopted rules governing preparation and coordination of transportation system plans which are collectively referred to as the Transportation Planning Rule (TSP).

**FINDING: OAR 660-012-0010(1).** The proposed alignment of Gebhard Road is considered "transportation project development" for Project No. 220 of the TSP. the intent of the alignment of Gebhard Road is to identify a refined location, alignment, and preliminary design for Gebhard Road as per Project No.220.

**FINDING: OAR 660-012-0010(2).** The proposed TSP amendment will reference the *Gebhard Road Alignment Study, October 6, 2015* as the official alignment of Gebhard Road as it extends southerly. In addition ti the reference the TSP amendment will also include amendments to prior illustrations in the TSP as relates to Gebhard Road.

**FINDING: OAR 660-012-0060.** The proposed amendment does not require, or cause, any changes in the area's land use designations, or zoning. As such OAR 660-012-0060 is not applicable. The purpose of the amendment is to refine the location and design criteria for the southerly extension of Gebhard Road, and to reference the *Gebhard Road Alignment Study* as a support document to the TSP.

In an effort to assist Planning Commissioners in their review and recommendation to the City Council, staff limited attachments to excerpts from the TSP chapters that should be amended and which are now part of the ordinance. Copies of one or both IAMPs are available upon request.

## **ATTACHMENTS**

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Attachment "A" – Ordinance No. \_\_\_ An Ordinance Amending the Transportation System Plan (Tsp) of the Central Point Comprehensive Plan Refining the Southerly Extension of Gebhard Road to East Pine Street

## **ACTION**

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Consider the second reading of the proposed amendments to the TSP, and 1) approve the ordinance; 2) approve the ordinance with revisions; 3) deny the proposal.

## **RECOMMENDATION**

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Approve Ordinance No. \_\_\_ An Ordinance Amending the Transportation System Plan (Tsp) of the Central Point Comprehensive Plan Refining the Southerly Extension of Gebhard Road to East Pine Street.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING THE TRANSPORTATION SYSTEM PLAN (TSP)  
OF THE CENTRAL POINT COMPREHENSIVE PLAN REFINING THE  
SOUTHERLY EXTENSION OF GEBHARD ROAD TO EAST PINE STREET.

Recitals:

- A. Words ~~lined through~~ are to be deleted and words **in bold** are added.
- B. The City of Central Point (City) is authorized under Oregon Revised Statute (ORS) Chapter 197 to prepare, adopt and revise comprehensive plans and implementing ordinances consistent with the Statewide Land Use Planning Goals.
- C. The City has coordinated its planning efforts with the State in accordance with ORS 197.040(2)(e) and OAR 660-030-0060 to assure compliance with goals and compatibility with City Comprehensive Plans.
- D. Pursuant to the requirements set forth in CPMC Chapter 17.96.100 Comprehensive Plan and Urban Growth Boundary Amendments – Purpose and Chapter 17.05.500, Type IV Review Procedures, the City has initiated an application and conducted the following duly advertised public hearings to consider the proposed amendment:
  - a) Planning Commission hearing on October 6, 2015
  - b) City Council hearings on November 12, 2015 and December 10, 2015.

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

Section 1. Amendments to TSP Chapter 7 – Street System, 2008 - 2030 to read:

**7.2.2.2 Year 2020 Roadway Deficiencies:** By 2020 it is projected that sixteen (16) intersections will exceed performance standards during one or both peak hours without any improvements. This represents 46% of the City's key intersections. The results of the operational analysis for the Year 2020 scenario are summarized in Table 7.3. The table lists each intersection within the study area separately, with the corresponding mobility standard for A.M. and P.M. conditions. The following identifies each of the sixteen intersections and a general description of the improvements needed to meet a minimum LOS "D":

**3. Gebhard Road Extension.** *Between 2020 and 2030* ~~By Year 2020~~, it is forecast that Gebhard Road, **a designated collector street**, will be extended **southerly** to intersect with E. Pine Street approximately 700 feet west of Hamrick Road (**Figure 7.1**). **The proposed routing and alignment of the Gebhard Road extension is illustrated in Figure 7.1.1 and is expected to be improved as the area develops<sup>21</sup>. The specific alignment of Gebhard Road m be further refined as needed, but will generally follow the routing as illustrated in Figure 7.1.1.** In addition to the extension of Gebhard Road, its intersection with East Pine Street would **will** need to be signalized **as the commercial property along East Pine Street is developed. Both the signalization of Gebhard Road at East Pine Street and the southerly extension of Gebhard Road are compliant with ODOT's IAMP 33<sup>22</sup>.**

<sup>21</sup> *Gebhard Road Alignment Study, October 6, 2015, City of Central Point.*

<sup>22</sup> *Gebhard Road Intersection Traffic Impact Analysis, City of Central Point, June 4, 2015, JRH Transportation Engineering*

Section 2. Codification. Provisions of this Ordinance shall be incorporated in the City Comprehensive Plan and the word Ordinance may be changed to “code”, “article”, “section”, “chapter”, or other 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 \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

# **Ordinance**

## **Annexation of Two Properties on W. Vilas**



**STAFF REPORT**  
December 10<sup>th</sup>, 2015

**AGENDA ITEM:** Consideration of individual ordinances and public hearings regarding involuntary annexation of “island” properties located near Don Jones Park (185 & 225 Vilas Road).

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**STAFF SOURCE:**

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Chris Clayton, City Manager  
Sydnee Dreyer, City Attorney

**BACKGROUND:**

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Annexation is used to incorporate territory into the city to ensure the efficient provisions of municipal services and to incorporate urbanizing lands into the city. Experience has demonstrated that property owners are reluctant to annex when they already receive the majority of municipal services without the burden of city taxes or utility fees.

Periodically, the Central Point city council has considered city-wide “blanket” involuntary annexation of “island” properties located throughout the city. Thus far, the City Council has felt that the tax benefits and equity issues surrounding blanket annexations did not outweigh the negative consequences that would ultimately be realized by impacted property owners. Understandably, this sentiment has led to a city policy that initiates annexation only when absolutely necessary, or when the annexation is property owner driven.

In the northeastern portion of Central Point, two “island” properties currently exist and share a border with Don Jones Park. One of the properties, 185 West Vilas Road, is a blighted property with code enforcement/public safety concerns which could be more appropriately addressed if the property were annexed into city limits. This property is frequently included in complaints received from area residents. The neighboring property, 225 West Vilas Road, is also an “island” property, but remains in reasonable condition.

**LEGAL FRAMEWORK FOR INVOLUNTARY ANNEXATION:**

---

The City’s policies on annexation are based on State of Oregon law which contains a number of provisions related to involuntary “island” annexations. Specifically, a city may annex unincorporated territory that is surrounded by the city limits boundary. Such territories are often referred to as “islands,” and may be unilaterally annexed without consent of the owner(s). A property is surrounded if it is bounded by the city on all sides, or by the city and a body of water or Interstate 5 (ORS 222.750(2)).

The process for annexing “island” properties is as follows: The City may annex territory pursuant to ORS 222.750 after holding at least one public hearing on the subject for which

notice has been mailed to each record owner of real property in the territory proposed to be annexed. However, consent of the owner or resident of the subject property is not required.

**TIMING:**

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Where the property is zoned for, and in, residential use when the annexation is initiated by the City, the City must specify an effective date for the annexation that is not less than 3 nor more than 10 years from the date of the approval of the annexation.

Within 60 days of approval of the annexation, the City recorder must record with the County a notice stating that the annexation is delayed and specify the effective date of such annexation. Additionally 90-120 days before the annexation takes effect, the City recorder must notify the County clerk of the annexation.

Notwithstanding the foregoing, if the property is sold during the period of delayed annexation, the property becomes part of the City immediately upon transfer of ownership. It is advisable to include such language in the notice recorded with the County.

**FISCAL IMPACTS:**

---

If the above-described properties were annexed into the city limits the following fiscal impacts would be realized:

1. The property owners would begin paying the city's tax rate of \$4.47/\$1,000 in assessed value.
2. The property owners would begin paying appropriate rates for the city's street, storm drain, parks maintenance and public safety utility fees.
3. The property owners would have the option of connecting to the city's water system (already available at each property). If connected, standard city water rates and service connection fees would apply.
4. If the annexation process is initiated by the City Council, the property owners would not be required to pay the city's annexation related Planning Department fees (\$3,900 plus the cost to prepare necessary survey documents).

**RECOMMENDATION:**

---

Given the proximity to one of the city's primary recreational facilities, as well as the ongoing code enforcement/public safety concerns, should the city council consider involuntarily annexation of these properties?

Both of these properties already receive the bulk of city services (i.e. streets, storm drain, parks maintenance and public safety) and yet they are not required to pay the associated utility fees. This is a matter of utility customer equity and in staff's opinion, should be the primary determining factor for the majority of involuntary annexations. Beyond the utility customer equity issue, one of the properties represents a code enforcement/public concern very near the city's most frequently visited park facility. Unfortunately, Jackson County's code enforcement efforts tend to be far more lenient and are unwilling to address current

nuisance problems. With this in mind, jurisdictional authority to address these concerns is essential to the city abating the associated nuisance issues.

**ATTACHMENTS:**

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1. Ordinances approving annexation of 185 & 225 West Vilas Road.
2. Exhibit map of “island” properties under consideration.
3. Property owner letter of notification.

**PUBLIC HEARING REQUIREMENT**

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ORS 222.750 requires a public hearing be conduct on the involuntary annexation of property.

**POSSIBLE ACTION:**

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Approval of individual ordinances annexing the following properties:

1. 185 West Vilas Road; Map No. 372W01BA, Tax Lot 800
2. 225 West Vilas Road; Map No. 372W01BA, Tax Lot 900

**ORDINANCE NO.**

**AN ORDINANCE ANNEXING INTO THE CITY OF CENTRAL POINT  
PROPERTY DESCRIBED AS  
Map No. 372W01BA, Tax Lot 800  
185 West Vilas**

**RECITALS:**

**A.** Pursuant to ORS 222.750, the City is authorized to annex into the corporate boundaries of the City any property that is surrounded by the corporate boundaries of the City after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property proposed to be annexed.

**B.** Whereas, notice was mailed to the record owner of real property located at 185 West Vilas, more particularly described as Map No. 372W01BA, Tax Lot 800 (the "Subject Property") on November 19, 2015. The Subject Property is depicted on the attached Exhibit "A".

**C.** Whereas, the Subject Property, is surrounded by the corporate boundaries by the City and adjacent to Don Jones Park is zoned residential and is in residential use.

**D.** Whereas, the Subject Property is fully served by City facilities.

**E.** Whereas, a public hearing on the annexation was held by the City Council on December 10, 2015.

Now therefore,

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

**SECTION 1.** The Subject Property, more particularly depicted and described in the attached Exhibit "A" is hereby approved for annexation into the corporate boundaries of the City.

**SECTION 2.** The effective date of such annexation is January 10, 2019. Notwithstanding the foregoing, the Subject Property that is subject to delayed annexation shall become part of the City immediately upon transfer of ownership.

SECTION 3. The City Reorder of Central Point, Oregon is hereby authorized and directed to (a) cause notice of the delayed annexation to be recorded by the Jackson County Clerk within 60 days after the date of approval of this Ordinance approving annexation; and to (b) notify the Jackson County Clerk not sooner than 120 days and not later than 90 days before the annexation takes effect.

**PASSED** by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_ 2015.

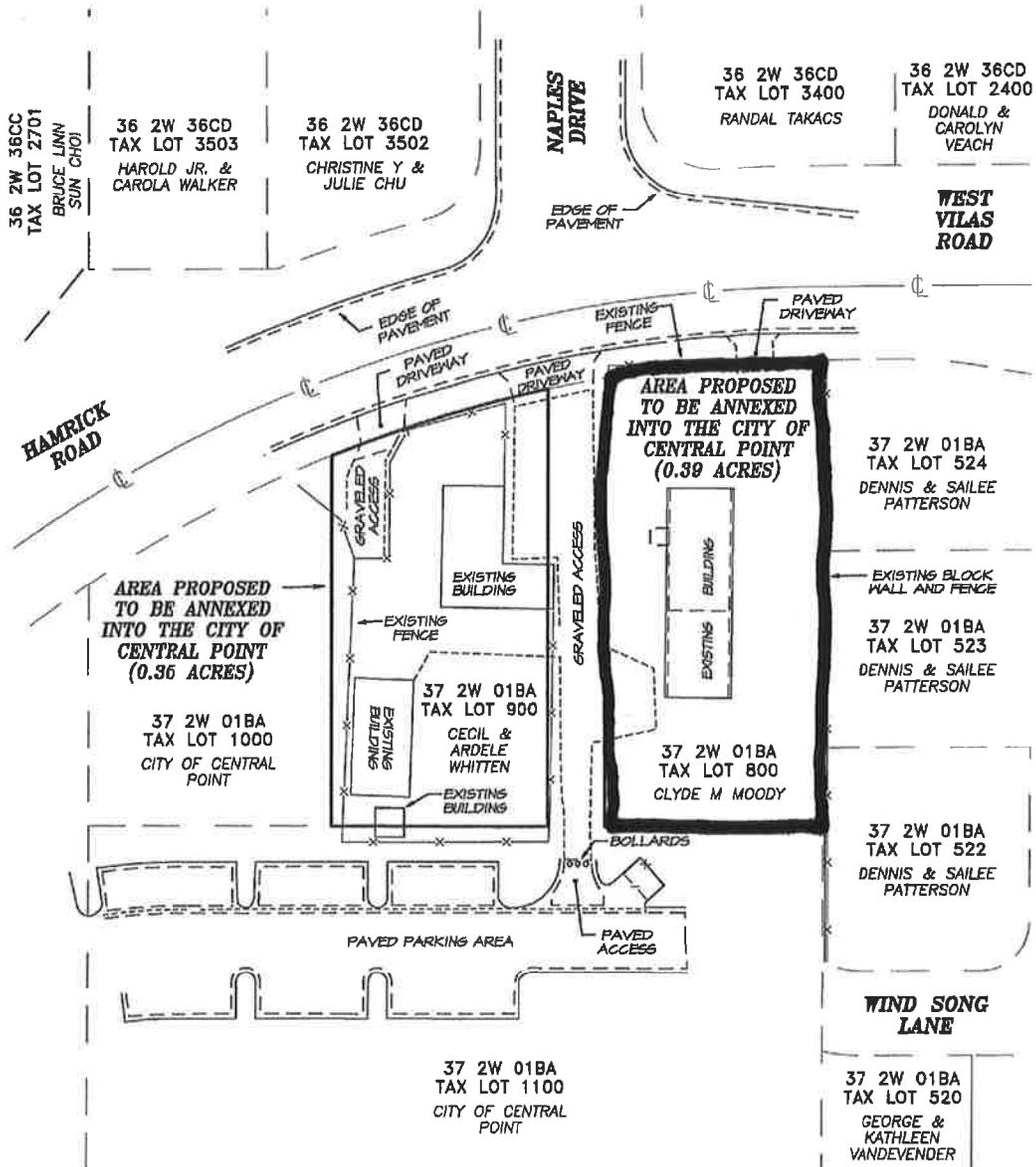
\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

# PROPOSED ANNEXATION

A proposed annexation into the City of Central Point, being located in the Northeast One-quarter of the Northwest One-quarter of Section 1, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon.



**REGISTERED  
PROFESSIONAL  
LAND SURVEYOR**

*Robert V. Neathamer*

**OREGON  
JULY 19, 1994  
ROBERT V. NEATHAMER  
2675**

**PREPARED BY:** Neathamer Surveying, Inc.  
3126 State St., Suite 203  
P.O. Box 1584  
Medford, Oregon 97501  
Phone (541) 732-2869  
FAX (541) 732-1382

**SCALE 1" = 60'**      *Renewal Date 12/31/16*

**PLOT DATE:** December 4, 2015      **PROJECT NUMBER:** 15066  
Sheet 1 of 1      © NR

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ANNEXING INTO THE CITY OF CENTRAL POINT  
PROPERTY DESCRIBED AS  
Map No. 372W01BA, Tax Lot 900,  
225 W. Vilas**

**RECITALS:**

**A.** Pursuant to ORS 222.750, the City is authorized to annex into the corporate boundaries of the City any property that is surrounded by the corporate boundaries of the City after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property proposed to be annexed.

**B.** Whereas, notice was mailed to the record owner of real property located at 225 West Vilas, more particularly described as Map No. 372W01BA, Tax Lot 900 (the "Subject Property") on November 19, 2015. The Subject Property is depicted on the attached Exhibit "A".

**C.** Whereas, the Subject Property, is surrounded by the corporate boundaries by the City and adjacent to Don Jones Park is zoned residential and is in residential use.

**D.** Whereas, the Subject Property is fully served by City facilities.

**E.** Whereas, a public hearing on the annexation was held by the City Council on December 10, 2015.

Now therefore,

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

SECTION 1. The Subject Property, more particularly depicted and described in the attached Exhibit "A" is hereby approved for annexation into the corporate boundaries of the City.

SECTION 2. The effective date of such annexation is January 10, 2019. Notwithstanding the foregoing, the Subject Property that is subject to delayed annexation shall become part of the City immediately upon transfer of ownership.

SECTION 3. The City Reorder of Central Point, Oregon is hereby authorized and directed to (a) cause notice of the delayed annexation to be recorded by the Jackson County Clerk within 60 days after the date of approval of this Ordinance approving annexation; and to (b) notify the Jackson County Clerk not sooner than 120 days and not later than 90 days before the annexation takes effect.

**PASSED** by the Council and signed by me in authentication of its passage this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

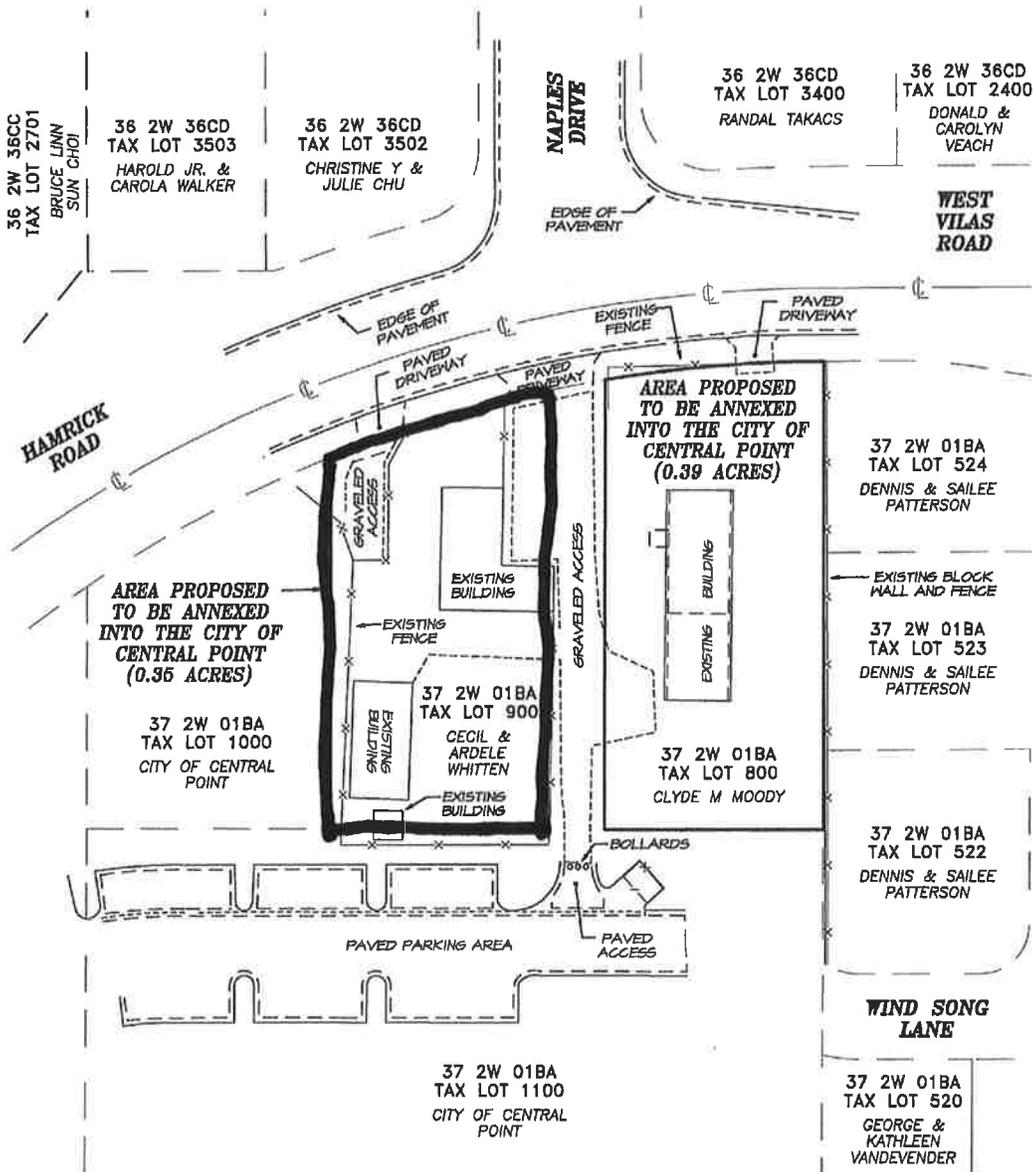
\_\_\_\_\_  
Mayor Hank Williams

ATTEST:

\_\_\_\_\_  
City Recorder

# PROPOSED ANNEXATION

A proposed annexation into the City of Central Point, being located in the Northeast One-quarter of the Northwest One-quarter of Section 1, Township 37 South, Range 2 West of the Willamette Meridian, Jackson County, Oregon.



**REGISTERED  
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*Robert V. Neethamer*

OREGON  
JULY 19, 1994  
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2675

**PREPARED BY:** Neethamer Surveying, Inc.  
3126 State St., Suite 203  
P.O. Box 1584  
Medford, Oregon 97501  
Phone (541) 732-2869  
FAX (541) 732-1382

SCALE 1" = 60'      Renewal Date 12/31/16

PLOT DATE: December 4, 2015      PROJECT NUMBER: 16066  
Sheet 1 of 1      © NR

**AMENDED NOTICE OF PUBLIC HEARING ON ANNEXATION**

NOTICE IS HEREBY GIVEN TO ALL INTERESTED PERSONS, THAT:

The City of Central Point, Oregon proposes to institute annexation proceedings, pursuant to ORS 222.750 to enlarge and extend the boundary limits of said city to include the following described properties:

Map No. 372W01BA, Tax Lot 900, Map No. 372W01BA, Tax Lot 800

One (1) public hearing will be held by and before the City Council of Central Point, Oregon on December 10, 2015, at 7:00 p.m., at the Central Point City Council Chambers, 140 S. 3<sup>rd</sup> Street, Central Point, Oregon, for all persons interested in the above proposed annexations. At said time and place all such persons shall have the right to appear and be heard. At such hearing, if approved, the City will specify an effective date for the proposed annexations that is not less than three (3) or more than ten (10) years after the date the City proclaims annexation.

If you have questions concerning the annexation process, please contact Matt Samitore, Parks and Public Works Director, (541) 664-3321 (ext. 205), [Matt.Samitore@centralpointoregon.gov](mailto:Matt.Samitore@centralpointoregon.gov).

A copy of ORS 222.750 setting forth the criteria for island annexations is attached hereto as well as a map of the proposed annexations.



Properties next to Don Jones Park

**Legend**  
City Limits



## **CRITERIA FOR "ISLAND ANNEXATION"**

**222.750 Annexation of unincorporated territory surrounded by city.** (1) As used in this section:

(a) "Creek" means a natural course of water that is smaller than, and often tributary to, a river, but is not shallow or intermittent.

(b) "River" means a large, continuous and natural stream of water that is fed along its course by converging tributaries and empties into an ocean, lake or other body of water.

(2) When territory not within a city is surrounded by the corporate boundaries of the city, or by the corporate boundaries of the city and the ocean shore, a river, a creek, a bay, a lake or Interstate Highway 5, the city may annex the territory pursuant to this section after holding at least one public hearing on the subject for which notice has been mailed to each record owner of real property in the territory proposed to be annexed.

(3) This section does not apply when the territory not within a city:

(a) Is surrounded entirely by water; or

(b) Is surrounded as provided in subsection (2) of this section, but a portion of the corporate boundaries of the city that consists only of a public right of way, other than Interstate Highway 5, constitutes more than 25 percent of the perimeter of the territory.

(4) Unless otherwise required by its charter, annexation by a city under this section must be by ordinance or resolution subject to referendum, with or without the consent of any owner of real property within the territory or resident in the territory.

(5) For property that is zoned for, and in, residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved. The city recorder or other officer performing the duties of the city recorder shall:

(a) Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to delayed annexation is located within 60 days after the city proclaims the annexation approved; and

(b) Notify the county clerk of each county in which any part of the territory subject to delayed annexation is located not sooner than 120 days and not later than 90 days before the annexation takes effect.

(6) Notwithstanding subsection (5) of this section, property that is subject to delayed annexation becomes part of the city immediately upon transfer of ownership.

(7) This section does not limit provisions of a city charter, ordinance or resolution that are more restrictive than the provisions of this section for creating or annexing territory that is surrounded as described in subsection (2) of this section.

(8) If a city charter, ordinance or resolution requires the city to conduct an election in the city, the city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the governing body of the city finds that a majority of the votes cast in the city and the territory combined favor annexation, the governing body, by ordinance or resolution, shall proclaim the annexation approved. The proclamation shall contain a legal description of each territory annexed.

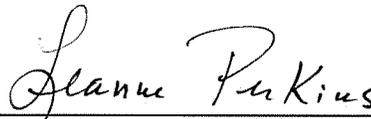
**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that I served a true copy of the AMENDED NOTICE OF PUBLIC HEARINGS ON ANNEXATION upon the following individuals:

Cecil N. and Ardele M. Whitten  
7993-A Atlantic Avenue  
White City, OR 97503

Clyde M. Moody  
9001 West Evans Creek Road  
Rogue River, OR 97537

Dated this 19<sup>th</sup> day of November, 2015.



---

Leanne Perkins  
Legal Assistant to SYDNEE B. DREYER  
Huycke O'Connor Jarvis LLP  
City Attorney for City of Central Point  
823 Alder Creek Drive  
Medford OR 97504  
(541) 772-1977