

**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
Elizabeth Simas,
Director

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

Police
Kris Allison Chief

**CITY OF CENTRAL POINT
City Council Meeting Agenda
February 11, 2016**

Next Res. 1444
Next Ord. 2024

- I. **REGULAR MEETING CALLED TO ORDER – 7:00 P.M.**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **PUBLIC APPEARANCES – *Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization.***
- V. **SPECIAL PRESENTATION**
 - **RVCOG Annual Report**
- VI. **CONSENT AGENDA**

Page 2 - 8 A. Approval of January 28, 2016 Council Minutes
9 B. Approval to cancel the February 25, 2016 City Council Meeting.
10 - 12 C. Approval of OLCC Application for Art4Joy
- VII. **ITEMS REMOVED FROM CONSENT AGENDA**
- VIII. **PUBLIC HEARING, ORDINANCES, AND RESOLUTIONS**

14 - 18 A. Ordinance No. _____, an Ordinance of the City of Central Point Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring Ordinance (Dreyer)

20 - 25 B. Resolution No. _____, A Resolution Approving Referral to the Electors of the City of Central Point a Question of Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer within the City (Dreyer)

27 - 47 C. Ordinance No. _____, Amending Chapter 3.24 Transient Lodging Tax (Adams)

IX. BUSINESS

40 A. Planning Commission Report (Humphrey)

51 - 68 B. Commission/Committee Appointments (Clayton)

X. MAYOR'S REPORT

XI. CITY MANAGER'S REPORT

XII. COUNCIL REPORTS

XIII. DEPARTMENT REPORTS

XIV. EXECUTIVE SESSION

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 Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XV. 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.

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
January 28, 2016**

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: Allen Broderick, Bruce Dingler, Brandon Thueson, Tanea Browning, and Rick Samuelson were present. Mike Quilty was excused.

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 PRESENTATIONS

- **Planning Commission Recognition** – Community Development Director Tom Humphrey presented Tim Schmeusser with a plaque recognizing him for his time on the Planning Commission. Mr. Schmeusser moved out of town and is no longer eligible to be a commission member.
- **Child Trafficking Awareness Presentation** – Caleb LaPlante explained to the Council the importance of the Child Trafficking Awareness Proclamation that they approved at the last meeting. He explained that we have a big problem along the I-5 Corridor and it is essential that we get the word out so that people are aware of this criminal activity happening in our towns.

VI. CONSENT AGENDA

- A. Approval of January 14, 2016 City Council Minutes
- B. Approval of Surplus Item to School District
- C. Acceptance of Second Quarter Financial Statements

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

VII. ITEMS REMOVED FROM CONSENT AGENDA - None

VIII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS

A. Ordinance No. 2023, An Ordinance Annexing into the city of Central Point Property Described as Map No. 372W01BA, Tax Lot 800 – 185 West Vilas

City Manager Chris Clayton explained this is the second reading of an ordinance that has been before the Council in the past. This is an Island property located next to Don Jones Memorial Park. Notifications have been sent to all property owners with no response.

The Council moved the ordinance to second reading on January 14, 2016 setting an annexation date of January 29, 2019.

Brandon Thueson moved to approve Ordinance No. 2023, Annexing into the city of Central Point Property Described as Map No. 372W01BA, Tax Lot 800 – 185 West Vilas Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

B. Public Hearing – First Read of an Ordinance of the City of Central Point Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring Ordinance

City Attorney Sydnee Dreyer stated that the Central Point Council has been proactive in regards to Marijuana Sales and grows in the city limits. To be consistent with new state law the Council reduced the current tax rate to 3% without limiting its ability to increase that tax in the future, or to tax medical marijuana, should state law change. State law is only permitting local tax on recreational sales of marijuana, and only upon referral of the question to the voters of Central Point at the next general election.

Under state law, a city that adopts an ordinance that prohibits the establishment of a medical or recreational marijuana processor, dispensary, or recreational producer, wholesaler, or retailer may not impose a tax or fee. This measure would become effective if the measure proposing to prohibit the establishment of marijuana entities does not pass by a majority of votes.

Several of the cities in Southern Oregon are referring this issue to the voters in November. Staff will return at the second reading with a Resolution sending the measure to the vote of the people in November.

Bruce Dingler moved to second reading an Ordinance of the City of Central Point Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring Ordinance Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

C. First Reading of an Ordinance Amending Chapter 3.24 Transient Lodging Tax of the Central Point Municipal Code

Finance Director Bev Adams stated that in recent months, the addition of online travel agencies purchasing blocks of hotel rooms for resale has prompted an examination and update of the Transient Room Tax ordinance. During a review, we consulted with local cities regarding their changes as well as the state lodging tax laws. We used the State as a reference to clarify and confirm that our ordinance compliments the state rules which will make it easier for the hotel operators to report and disburse taxes collected. The proposed changes will update definitions, and collection of tax, refunds, liens and appeals.

There was discussion about the designated 25% of the tax collected to City Parks. This is a minimum amount but historically the city has designated much more than that for to parks. It is mandated that a portion of the tax collected be used to promote tourism within the city. There was suggestion that more of this tax should be dedicated to parks. It was explained that we do not want to tie our hands on dedicating a large amount to any one organization. Things change and this allows the Council to distribute the funds to the best organization for the City.

Rick Samuelson moved to second reading an Ordinance Amending Chapter 3.24 Transient Lodging Tax of the Central Point Municipal Code.

Roll call: Hank Williams, yes; Bruce Dingle, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

D. Resolution No. 1443, A Resolution of the City of Central Point Acknowledging Expiration of System Development Charge (SDC) Credits for Parks and Open Space within the Snowy Butte Station Development

Parks and Public Works Director Matt Samitore explained why the city has System Development Charge Credits on the books. When developers pay for upsizing waterlines, storm drains facilities or parks the city holds a credit for them. But the credits expire after 10 years per ORS. As of December 2015 the City has two credits that have expired.

The Snowy Butte Station Development was a redevelopment of the old Central Point Mill site. The credits were established for parks. A large detention pond was installed adjacent to Daisy Creek which used up some of the credits. One lot remains vacant, which was slated to have a small playground associated with it. The remaining balance is \$53,627. The City has encouraged the developer to use the credits but there have been no building plans submitted.

The city cannot keep the liability of the credits on the books for over 10 years. The auditors recommend expiring these credits and clean up our financial statements.

Allen Broderick moved to approve Resolution No. 1443, A Resolution of the City of Central Point Acknowledging Expiration of System Development Charge (SDC) Credits for Parks and Open Space within the Snowy Butte Station Development. Bruce Dinger seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

E. Resolution No. 1443, A Resolution of the City of Central Point Acknowledging Expiration of System Development Charge (SDC) Credits for Water Upsizing in the Blue Grass Downs Subdivision

The second set of SDC credits were established as part of the Blue Grass Downs Subdivision. The development was asked to upsize a waterline from 8" to 12" to supply water for future expansion. The remaining balance is \$3,710.00.

Allen Broderick moved to approve Resolution No. 1443, A Resolution of the City of Central Point Acknowledging Expiration of System Development Charge (SDC) Credits for Water Upsizing in the Blue Grass Downs Subdivision Roll call: Hank Williams, yes; Bruce Dinger, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

IX. BUSINESS

A. Award of Bid for Parks and Recreation Master Plan

Mr. Samitore explained that the Public Works Department recently sent a Request for Qualifications for a Parks and Recreation Master Plan. Staff only received one proposal. Conservation Technix out of Portland has completed several master plans for communities of similar size. Staff has interviewed the firm and felt good about the meeting. Staff budgeted \$100,000 for the project and the bid came in at \$89,500. It will take approximately 18 months to complete.

Allen Broderick moved to award the bid for the Parks and Recreation Master Plan to Conservation Technix. Brandon Thueson seconded. Roll call: Hank Williams, yes; Bruce Dinger, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

B. Award of Bid for City Backflow Testing Program

Mr. Samitore stated that the Public Works Department sent a request for qualifications for the City instituted backflow prevention program. Staff received four proposals for the prevention testing program. A Team Backflow Service from Keizer, OR was the lowest bid with \$9.95 per service with a retest charge of \$9.95. Typically 2% of the backflow devices fail and will need a retest.

Current rates for city customers are \$1.00 per month if a resident has a registered backflow or has an in ground sprinkler system. Residents who do not have either are charged \$0.25 per month. The bid of \$9.95 per service is less

than what the city anticipated. Extra funds would be used to work with the 2,000 properties within the downtown area that currently do not have backflow devices. The current budget does not have the backflow revenue or expenditures. A mid-year budget adjustment will be needed to add the two line items. The additional fund could be put into a savings funds for an incentive program.

Taneea Browning moved to award the bid for backflow testing program to A Team Backflow Service from Keizer. Brandon Thueson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Taneea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

X. MAYOR'S REPORT

Mayor Williams reported that he attended:

- The Medford Water Commission meeting which was uneventful.
- The Study Session on Monday night.
- The Employee Recognition Breakfast and was very impressed with the reaction of the employees who won awards.

XI. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- The Council could form an adhoc committee for the Parks and Recreation Master Plan. If three members of the Council are interested in being involved in the process.

Rick Samuelson made a motion to create an Adhoc Committee with Taneea Browning, Allen Broderick and Rick Samuelson to be involved with the Parks and Recreation Master Plan. Bruce Dingler seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Taneea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; and Rick Samuelson, yes. Motion approved.

- Brandon Thueson would like to be an alternate on the Adhoc Committee.
- He was very pleased with the turn out for the Employee Recognition Breakfast. Twin Creeks always does a great job hosting the event. It is always nice to see Council members supporting the employees.
- There has been positive feedback regarding Montgomery Meats, a new butcher and restaurant on First Street.
- Public Works is prepared to assist in case of flooding for this next storm. They have sandbags ready to assist our citizens.
- The City has received the second payment for the rail crossing. This is one step closer to starting the construction.

XII. COUNCIL REPORTS

Council Member Allen Broderick reported that he:

- Attended the Parks and Recreation meeting last week where they talked about the Parks Master Plan project. They are also cutting back on the Parks Maintenance Contract, it will be cost effective for the city to hire a new employee rather than pay a landscaper.
- Attended the Study Session this week.

- Has been to Montgomery Meats and recommends it.

Council Member Tanea Browning reported that:

- She attended greeters at Bobbio's this month. They are celebrating their 3rd anniversary and the opening of their White City Store.
- She attended the Fire District 3 Board meeting. There was discussion about the contract between the District and Mercy Flights transport. The Board requested further discussion on the matter.
- She attended the Study Session on Monday.
- She attended the Employee Recognition Breakfast.
- She is working hard on the Central Point Area Chamber Awards Banquet. They will be recognizing new, small and large businesses along with Educator of the Year and Citizen of the Year. They will also be having a special recognition for Police and Fire for their commitment to our community. This event is February 6th from 5 – 8.
- There will be a ribbon cutting on February 2nd at 9:30 a.m for Montgomery Meats on First Street.

Council Member Bruce Dingler attended the Study session and the Awards Breakfast.

Council Member Rick Samuelson attended the:

- Awards Breakfast on Wednesday morning.
- the Study Session on Monday night.
- Post Fair Board meeting where they discussed issues regarding the 2015 Fair.

Council Member Brandon Thueson attended:

- A JC Greenway meeting. They are researching grants to help pay for repairs caused by roots pushing up the path. They are also reviewing the Joint Powers agreement with the Cities along the Greenway.
- The Study Session on Monday night.

XIII. DEPARTMENT REPORTS

Parks and Public Works Director Matt Samitore reported that:

- They have made an offer for the Event Coordinator Position. Cory Shaw should start work on Monday morning.
- When reviewing the Parks Maintenance Agreement it was decided we could save the city money by hiring an additional Parks Maintenance worker. They will be working on hiring for that position in the next couple months.
- The Public Works Customer Service Representative will be moving from the Public Works location to City Hall. This position will report to the Department Director rather than the Public Works Supervisor. He works very closely with the Finance Department and it will be more efficient with him located in City Hall.

Police Chief Kris Allison reported that:

- The Department has had several high profile cases lately. They are having great success in closing cases fast and apprehending the suspects.
- The awards banquet was very well attended by all employees. This is a great way to show how our employees shine. It is always nice to have the City Council members attend.
- A last minute recognition went to three officers who saved a citizens life this week.
- The Community Recognition award went to 7-Eleven and their employees this year. They have been very supportive of the D.A.R.E. program.
- She will be meeting with a Latino advocate next week to make sure we are doing what we can to reach out to this group of citizens.

Finance Director Bev Adams had no report.

Community Development Director Tom Humphrey stated that:

- Staff has been working on the Costco Application process. The Planning Commission will be deliberating on the application on Tuesday.
- They are working with local representatives to get water out to the Tolo area.
- SOREDI will begin working on their Long Range Plans next week.

XIV. EXECUTIVE SESSION – No Executive Session

XV. ADJOURNMENT

Bruce Dingler moved to adjourn, Rick Samuelson seconded, all said “aye” and the Council Meeting was adjourned at 8:16 p.m.

The foregoing minutes of the January 28, 2016, Council meeting were approved by the City Council at its meeting of February 11, 2016.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder

Staff Report



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

TO: Honorable Mayor and City Council
FROM: Deanna Casey, City Recorder
SUBJECT: Cancellation of Council Meeting
DATE: February 11, 2016

February 25, 2016 Meeting Cancellation

Staff is recommending and prepared to cancel the February 25, 2016 City Council meeting. Currently the only item we have for the meeting is the Fire District Annual Report scheduled for that meeting.

Chief Peterson has agreed to change his presentation to the March 10, 2016 meeting.

RECOMMENDED MOTION:

Approve the Consent agenda as presented.



ADMINISTRATION DEPARTMENT

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STAFF REPORT

February 11, 2016

AGENDA ITEM:

OLCC Application for Art4Joy

STAFF SOURCE:

Deanna Casey, City Recorder

BACKGROUND/SYNOPSIS:

The City has received an OLCC Application for Art4Joy Studio. The Police Department has completed their background check and everything seems to be in order.

FISCAL IMPACT:

There is no financial impact to the City.

ATTACHMENTS:

OLCC Application.

RECOMMENDATION:

Staff recommends approval of the OLCC Application.

PUBLIC HEARING REQUIRED:

No Public Hearing is required.

SUGGESTED MOTION:

Approve the Consent Agenda as presented.



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Kristine Allison
Chief

Date: 02/01/2016

From: Chief Kristine Allison
To: Honorable Mayor Williams
Subject: Request for OLCC License

RE: Art 4 Joy / Persons associated therewith

Files of the Central Point Police Department contain no information pertinent to the request.

Respectfully,

A handwritten signature in cursive script that reads "Kristine Allison".

Chief Kristine Allison
Central Point Police Department

Ordinance

Referring Marijuana Retail Tax to Voters



STAFF REPORT

January 28, 2016

AGENDA ITEM: Public Hearing and First Reading - An Ordinance of the City of Central Point Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring Ordinance.

STAFF SOURCE:

Sydnee Dreyer, City Attorney

BACKGROUND/SYNOPSIS:

In November 1998, Oregon voters approved the Oregon Medical Marijuana Act (OMMA) which allowed medical use and possession of marijuana. In 2013 the legislature approved House Bill 3460 amending the OMMA to allow medical marijuana dispensaries. In 2014, the City adopted Ordinance No. 1992 adopting a tax of 5% on sales of medical and recreational marijuana codified as Chapter 3.30 to the Central Point Municipal Code. In September 2014, the City further amended Chapter 3.30 to provide for the city council's ability to increase the marijuana tax rate in the future. Future adjustment of the rate was deemed necessary if public safety costs/impacts were not completely mitigated by the initial rates established in Chapter 3.30. The revision set a ceiling of twenty-five percent (25%) and allowed future adjustment by city council resolution. In November 2014, following the city's adoption of a marijuana tax, Oregon voters approved Measure 91 (M91) legalizing recreational marijuana including growth, processing, delivery and sale of recreational marijuana and personal possession/growth of such marijuana.

Subsequent to adoption of Chapter 3.30, including the revisions thereto, the legislature adopted House Bill 3400 (HB 3400) further amending the OMMA and M91. Pursuant to HB 3400, local government may not impose a tax higher than 3% on recreational marijuana sales. Any such local tax is to be referred to the voters at a general election. It does not appear local government is authorized to tax medical marijuana.

To be consistent with HB 3400, the City reduced the current tax rate to 3% without limiting its ability to increase that tax in the future, or to tax medical marijuana, should state law change. Such amendment was adopted as Ordinance No. 2018. A savings clause was also added to provide that if any portion of the ordinance was deemed in conflict with federal or state law, the ordinance would be construed as if that inconsistent provision did not exist. Though the City has adopted a 3% tax on both medial and recreational marijuana, state law

will permit such local taxing only upon recreational sales of marijuana, and only upon referral of the question to the voters of Central Point at the next general election.

Under state law, a city that adopts an ordinance that prohibits the establishment in the area subject to the jurisdiction of the city of a medical marijuana processor, medical marijuana dispensary, or recreational marijuana producer, processor, wholesaler, or retailer may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. This measure would become operative only if the measure proposing to prohibit the establishment of any of those marijuana entities does not pass by a majority of votes.

FISCAL IMPACT:

M91 provides for a state-wide taxing structure on the sale of marijuana as follows:

Section #33

A tax is imposed on the privilege of engaging in business as a marijuana producer at the rate of:

***\$35 dollars per ounce of all marijuana flowers;
\$10 dollars per ounce on all marijuana leaves; and
\$5 dollar for every immature plant.***

The taxes collected under this section would be placed in the Oregon Marijuana Account and would be distributed as follows:

***Forty percent shall be transferred to the Common School Fund
Twenty percent shall be transferred to the Mental Health Alcoholism and Drug Services Account
Fifteen percent shall be transferred to the State Police Account
Ten percent shall be transferred to cities based on population
Ten percent shall be transferred to counties
5 percent shall be transferred to Oregon Health Authority.***

City Revenue: There is no precise way of predicting whether licensed recreational marijuana businesses would develop in the City. Furthermore, predicting the tax revenue generated by the development of such uses is equally inaccurate. However, the City recently referred the question of whether to ban both medical and recreational marijuana uses within the boundaries of the City at the next general election. Should either City ban pass by a majority vote, the City will not receive its share of any state tax revenue on the sales of marijuana, although City staff believes that Central Point's share of 10% of the state tax revenue will likely be insufficient to address the impacts to Central Point, nor may the City charge a local 3% tax.

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.

ATTACHMENTS:

Ordinance Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer and Referring Ordinance.

RECOMMENDATION:

-
- A. The proposed ordinance is consistent with previous efforts of the City Council to create a disincentive to the establishment of licensed and registered marijuana uses within Central Point and to minimize the potential adverse impacts resulting therefrom.
 - B. The City's strategic plan emphasizes a proactive City government that adopts policies aligning with the community's values.
 - C. Central Point citizen surveys conducted in 2011 & 2013 identify public safety as the highest priority for citizens of Central Point.
 - D. The proposed ordinance renders the tax consistent with the rate permitted under HB 3400 but will only become effective should the referred measures to ban marijuana uses fail to pass by a majority vote.

City Staff Recommendation:

- 1. Approve the ordinance and move to a second reading.

PUBLIC HEARING REQUIRED:

Yes

SUGGESTED MOTIONS:

I move to second reading an ordinance imposing a three percent tax on the sale of marijuana items by a marijuana retailer and referring ordinance.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF CENTRAL POINT IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER AND REFERRING ORDINANCE

RECITALS:

- A. The city council previously adopted Ordinance No. 2018 imposing an initial tax of three percent on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the City;
- B. Section 34a of House Bill 3400 (2015) provides that to impose the tax upon marijuana sales a city council must adopt an ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;
- C. The city council desires to impose said three percent tax on the sale of recreational marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;

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

DEFINITIONS:

Marijuana item has the meaning given that term in Oregon Laws 2015, chapter 614, section 1.

Marijuana retailer means a person who sells marijuana items to a consumer in this state.

Retail sale price means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

TAX IMPOSED. As described in section 34a of House Bill 3400 (2015), the City of Central Point hereby imposes a tax of three percent on the retail sale price of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city.

COLLECTION. The tax shall be collected at the point of sale of a marijuana item by a marijuana retailer at the time at which the retail sale occurs and remitted by each marijuana retailer that engages in the retail sale of marijuana items as provided in Central Point Municipal Code Chapter 3.30.

REFERRAL. This ordinance shall be referred to the electors of Central Point at the next statewide general election on Tuesday, November 8, 2016.

Passed by the Council and signed by me in authentication of its passage this _____ day of _____, 2016.

Mayor Hank Williams

ATTEST:

City Recorder

Resolution

Referring to Voters a 3% tax on Marijuana Sales



STAFF REPORT

January 28, 2016

AGENDA ITEM: Public hearing and consideration of resolution approving referral to the electors of the City of Central Point the question of imposing a three percent tax on the sale of marijuana items by a marijuana retailer within the City.

STAFF SOURCE:

Sydnee Dreyer, City Attorney

BACKGROUND/SYNOPSIS:

At its meeting on January 28, 2016, the Council moved to second reading an ordinance imposing a 3% tax on the sale of marijuana items by a marijuana retailer and referring the question to the voters. This resolution before the Council is the second step, which adopts the ballot title, summary and explanatory statement and authorizes the City recorder to take all necessary steps to file with the County elections official.

As stated at the January 28th meeting, the question to tax marijuana retail sales would become operative only if the measures also on the ballot proposing to prohibit the establishment of marijuana entities does not pass by a majority of votes.

FISCAL IMPACT:

City Revenue: There is no precise way of predicting whether licensed recreational marijuana businesses would develop in the City. Furthermore, predicting the tax revenue generated by the development of such uses is equally inaccurate. However, the City recently referred the question of whether to ban both medical and recreational marijuana uses within the boundaries of the City at the next general election. Should either City ban pass by a majority vote, the City will not receive its share of any state tax revenue on the sales of marijuana, although City staff believes that Central Point's share of 10% of the state tax revenue will likely be insufficient to address the impacts to Central Point, nor may the City charge a local 3% tax.

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.

ATTACHMENTS:

A Resolution Approving Referral to the Electors of the City of Central Point the Question of Imposing a Three Percent Tax on the Sale of Marijuana Items by a Marijuana Retailer within the City.

RECOMMENDATION:

-
- A. The proposed ordinance is consistent with previous efforts of the City Council to create a disincentive to the establishment of licensed and registered marijuana uses within Central Point and to minimize the potential adverse impacts resulting therefrom.
 - B. The City's strategic plan emphasizes a proactive City government that adopts policies aligning with the community's values.
 - C. Central Point citizen surveys conducted in 2011 & 2013 identify public safety as the highest priority for citizens of Central Point.
 - D. The proposed ordinance renders the tax consistent with the rate permitted under HB 3400 but will only become effective should the referred measures to ban marijuana uses fail to pass by a majority vote.

City Staff Recommendation:

- 1. Approve the resolution.

PUBLIC HEARING REQUIRED:

Yes.

SUGGESTED MOTIONS:

I move to approve a resolution approving referral to the electors of the City of Central Point the question of imposing a three percent tax on the sale of marijuana items by a marijuana retailer within the City.

RESOLUTION NO. _____

A RESOLUTION APPROVING REFERRAL TO THE ELECTORS OF THE CITY OF CENTRAL POINT THE QUESTION OF IMPOSING A THREE PERCENT TAX ON THE SALE OF MARIJUANA ITEMS BY A MARIJUANA RETAILER WITHIN THE CITY

RECITALS:

- A. Whereas, section 34a of House Bill 3400 (2015) provides that a city council may adopt an ordinance to be referred to the voters that imposes up to a three percent tax or fee on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city;
- B. Whereas, the city of Central Point city council adopted Ordinance No. 2018 which imposes a tax of three percent on the sale of marijuana items in the area subject to the jurisdiction of the city;

THE CITY OF CENTRAL POINT, RESOLVES AS FOLLOWS:

SECTION 1. DEFINITIONS.

Marijuana item has the meaning given that term in Oregon Laws 2015, chapter 614, section 1.

Marijuana retailer means a person who sells marijuana items to a consumer in this state.

Retail sale price means the price paid for a marijuana item, excluding tax, to a marijuana retailer by or on behalf of a consumer of the marijuana item.

SECTION 2. MEASURE. A measure election is hereby called for the purpose of submitting to the electors of the city of Central Point a measure imposing a three percent tax on the sale of marijuana items by a marijuana retailer in the area subject to the jurisdiction of the city, a copy of which is attached hereto as "Exhibit "A," and incorporated herein by reference.

SECTION 3. ELECTION CONDUCTED BY MAIL. The measure election shall be held in the city of Central Point on November 8, 2016. As required by ORS 254.465, the measure election shall be conducted by mail by the County Clerk of Jackson County, according to the procedures adopted by the Oregon Secretary of State.

SECTION 4. DELEGATION. The City of Central Point authorizes the City Recorder or her designee, to act on behalf of the city and to take such further action as is necessary to carry out the intent and purposes set forth herein, in compliance with the applicable provisions of law.

SECTION 5. PREPARATION OF BALLOT TITLE. The ballot title for the measure set forth as Exhibit "A" to this resolution is hereby adopted.

SECTION 6. NOTICE OF BALLOT TITLE AND RIGHT TO APPEAL. Upon receiving the ballot title for this measure, the City Recorder shall publish in the next available edition of a newspaper of general circulation in the city a notice of receipt of the ballot title, including notice that an elector may file a petition for review of the ballot title.

SECTION 7. EXPLANATORY STATEMENT. The explanatory statement for the measure, which is attached hereto as "Exhibit "B," and incorporated herein by reference, is hereby approved.

SECTION 8. FILING WITH COUNTY ELECTIONS OFFICE. The City Recorder shall deliver the Notice of Measure Election to the county clerk for Jackson County for inclusion on the ballot for the November 8, 2016 election.

SECTION 9. EFFECTIVE DATE. This resolution is effective upon adoption.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF CENTRAL POINT, OREGON ON THE DATE LAST WRITTEN BELOW.

Signed by me in open session in authentication of its passage this day of February 11, 2016.

Mayor Hank Williams

ATTEST:

City Recorder Deanna Casey

EXHIBIT "A"

BALLOT TITLE

Imposes city tax on marijuana retailer's sale of marijuana items

QUESTION

Shall City of Central Point impose a three percent tax on the sale in the City of Central Point of marijuana items by a marijuana retailer?

SUMMARY

Under state law, a city council may adopt an ordinance to be referred to the voters of the city imposing up to a three percent tax or fee on the sale of marijuana items in the city by a licensed marijuana retailer.

Approval of this measure would impose a three percent tax on the sale of marijuana items in the city by a licensed marijuana retailer. The tax would be collected at the point of sale and remitted by the marijuana retailer.

Under state law, a city that adopts an ordinance that prohibits the establishment in the area subject to the jurisdiction of the city of a medical marijuana processor, medical marijuana dispensary, or recreational marijuana producer, processor, wholesaler, or retailer may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. This measure would become operative only if the measure proposing to prohibit the establishment of any of those marijuana entities does not pass by a majority of votes.

EXHIBIT "B"

EXPLANATORY STATEMENT

Approval of this measure would impose a three percent tax on the sale of marijuana items by a marijuana retailer within the city. There is no way to estimate the amount of revenue the tax would provide to the city. There are no restrictions on how the city may use the revenues generated by this tax. However, this measure will become operative only if the ballot measure prohibiting the establishment of certain marijuana registrants and licensees fails.

Under Measure 91, adopted by Oregon voters in November 2014 and amended by the Legislature in 2015, the Oregon Liquor Control Commission must license the retail sale of recreational marijuana. The 2015 Legislation provides that a city council may adopt an ordinance imposing up to a three percent tax on the sale of marijuana items (which include marijuana concentrates, extracts, edibles, and other products intended for human consumption and use) by retail licensees in the city, but the council must refer that ordinance to the voters at a statewide general election. The City of Central Point city council has adopted an ordinance imposing a three percent tax on the sale of marijuana items by a retail licensee in the city, and, as a result, has referred this measure to the voters.

However, this measure will become operative only if the ballot measures prohibiting the establishment of certain marijuana registrants and licensees fails. Under state law, a city that adopts an ordinance that prohibits the establishment in the area subject to the jurisdiction of the city of a medical marijuana processor, medical marijuana dispensary, or recreational marijuana producer, processor, wholesaler, or retailer may not impose a tax or fee on the production, processing or sale of marijuana or any product into which marijuana has been incorporated. As a result, if the voters pass a prohibition ordinance, this tax measure will not become operative, even if it also receives a majority of votes.

Ordinance

Amending the Transient Room Tax



Staff Report

Finance Department
Bev Adams, Finance Director

To: Mayor & Council
From: Bev Adams, Finance Director
Date: January 28, 2016
Subject: Transient Lodging Tax ordinance revision

Background:

In recent months, the addition of online travel agencies purchasing blocks of hotel rooms for resale has prompted an examination and update of the Transient Room Tax ordinance. During this review, we consulted with the City of Medford on their changes as well as the State lodging tax laws (ORS 320.300 – 320.990). We used the State as a reference to clarify and confirm that our ordinance compliments the state rules, making it easier for the hotel operators in reporting and disbursing taxes collected.

Other than updating and/or expanding descriptions and clarifying wording, there are few material changes to the ordinance. The changes to note are:

Definitions (3.24.010):

- Expanded description of transient lodging
- Added "Transient Lodging Intermediary" to include online hotel sales
- Changed ordinance language from first contact of City Manager to Finance Director

Collection of tax by operator (3.23.030):

- Changed Finance Director authority to extend payments from one month to three months
- City Manager to grant additional time – changed from Council

Collections, returns and payments (3.24.070)

- Added that records shall be retained for a period of 3 years and 6 months

Security for collection of tax (3.24.130):

- Removed \$5,000 limit

Liens (3.24.140):

- Added advertising & filing fees to liens
- Added that lien "is superior to all subsequent liens"
- Added City and/or County lien docket

Refunds issued by City (3.24.150):

- Required that any refund given by the hotel operator shall be noted on the tax reporting form to the City

Refunds by operator to transient (3.24.170):

- Added that any transient refund due that has been already paid to the City, shall be reimbursed from the City

Disposition of tax (3.24.200):

- Added that 25% of transient room tax shall be used for the purpose of promoting, recreational, cultural, convention and tourist related activities

Appeals (3.24.210):

- Added appeal - Finance Director decisions to City Manager
- Added second appeal & hearing – City Manager decisions to City Council

There are two attachments to this staff report:

Attachment "A": The copy is the original ordinance showing all the edits that have been made. The underlined sections are additions, the strikethrough sections are omissions.

Attachment "B": This is a copy of the ordinance with all the changes incorporated (without all the edits showing), much clearer to read.

I am giving you both copies so that you may have the final copy for easier reading, and of course the first for review of the edits.

Recommended Action:

That Council review, make changes as desired, and approve first reading of updated Transient Lodging Tax ordinance.

ORDINANCE NO. _____

**AN ORDINANCE AMENDING CHAPTER 3.24 TRANSIENT LODGING TAX
OF THE CENTRAL POINT MUNICIPAL CODE**

Recitals:

- A. The addition of online travel agencies purchasing blocks of hotel rooms for resale has prompted an examination and update of the Transient Room Tax in the City of Central Point.
- B. Our current ordinance compliments the state rules, making it easier for the hotel operators in reporting and disbursing taxes that are collected.
- C. Staff would like to update and expand descriptions and clarify words.
- D. Recommended changes are relevant to definitions, collection of tax, liens, refunds, disposition of tax, and appeals.

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

Section 1. Chapter 3.24 Transient Lodging Tax is here by amended to read as follows:

Chapter 3.24
TRANSIENT LODGING TAX

Sections:

3.24.010 Definitions.

3.24.020 Tax imposed.

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

3.24.040 Operator's duties.

3.24.050 Exemptions.

3.24.060 ~~Operator's registration~~ Registration form and certificate certificate of authority.

3.24.070 Collections, returns and payments.

3.24.080 ~~Delinquency penalties~~ Penalties and interest.

3.24.090 ~~Deficiency determinations~~ Fraud, evasion and operator delay

3.24.130 ~~Security for collection~~ Collection of tax.

3.24.140 Liens.

3.24.150 Refunds issued by city.

3.24.170 Refunds by operator to transient.

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

3.24.190 Confidentiality.

3.24.200 Disposition ~~and use~~ of transient room tax funds.

3.24.210 Appeals. ~~to the city council.~~

3.24.220 Violations.

3.24.230 ~~Actions to collect~~Severability.

3.24.010 Definitions.

For purposes of this chapter, the following definitions apply:

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

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

“Cash accounting” means a system of accounting in which the operator does not enter the rent due from a transient into the record until the rent is paid.

“City” means the City of Central Point, Oregon.

“Council” ~~/city council~~ means the ~~city~~**City council** ~~Council~~ of Central Point, Oregon.

“Director” means the Finance Director of the City of Central Point.

“Manager” means the City Manager of the City of Central Point, Oregon.

“Hotel” means any structure, or any portion of any structure, which is occupied or intended or designed for transient occupancy for thirty days or less for dwelling, lodging, or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, lodging house, rooming house, apartment house, public or private dormitory, fraternity, sorority, public or private club, and also means space or portion thereof so occupied, provided such occupancy is for less than a thirty-day period.

“Occupancy” means use or possession of, or the right to **the use or possession for lodging or sleeping purposes of transient lodging space** ~~, a room or rooms or any portion thereof for transient lodgings.~~

“Operator” means a person ~~who is the proprietor of that transient~~**furnishes transient lodging facility in any capacity. When an operator’s functions are performed through a managing agent or transient lodging intermediary agent of a type other than an employee, the managing agent shall also be considered an operator. For operator for purposes of this chapter, ordinance and shall have the same duties and liabilities**

as the principal. ~~C~~ompliance by either the operator or the ~~managing~~ agent shall be considered compliance by both. **Operator herein shall also include a Transient Lodging Tax Collector as defined by state law.**

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

“Rent” means the total retail price, including all charges other than taxes, **rendered for the sale, service or furnishing of transient lodging whether or not received by the operator, for the occupancy of transient lodging space valued in money, goods, labor, credits, property, or other considerations valued in money, without any deduction.** ~~paid by a person for occupancy of the transient lodging.~~

“**Rent package plan**” means the consideration charged for both food and rent where a single rate is made for the total of both. ~~The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the transient lodging operator’s business. Where the consideration charge includes both food and rent in a single rate, T~~the amount applicable to rent for determination of transient room tax under this ~~chapter~~ **ordinance** shall be the same charge made for rent of the identical room when **consideration** it is not a part of a package plan. **This concept is intended to follow State of Oregon Administrative Rule (OAR #150-320-305) regarding services included in the fee for purposes of determining the total retail price.**

“Tax” means either the tax payable by the transient or the aggregate amount of taxes due from an operator **or transient lodging intermediary** during the period for which ~~the operator~~ **all are** is required to report collections.

“~~Director~~” means ~~the city of Central Point city manager, or his designee.~~**(moved to above alpha order)**

“Transient” means an individual who occupies or is entitled to occupy space in a transient lodging facility for a period of thirty consecutive days or less, counting portions of days as full days. The day a transient checks out of a hotel shall not be included in determining the thirty-day period if the transient is not charged rent for that day. A person occupying space in a transient lodging facility shall be considered a transient

until a period of thirty days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy or the tenant actually extends occupancy more than thirty consecutive days. A person who pays for lodging on a monthly basis, regardless of the number of days in the month, shall not be considered a transient.

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

“Transient lodging” means: Hotel, motel and inn dwelling units that are used for temporary overnight human occupancy; spaces used for parking recreational vehicles or erecting tents during periods of human occupancy; houses, cabins, condominiums, apartment units or other dwelling units, or portions of any of these dwelling units that are used for temporary human occupancy.

“Transient Lodging Intermediary” mean a person other than a transient lodging provider that facilitates the retail sale of transient lodging and charges for the occupancy of transient lodging.

3.24.020 Tax imposed.

For the privilege of occupancy in any transient lodging, a tax of nine percent (9%) is imposed on any consideration rendered for the sale, service or furnishing of transient lodging.

For the privilege of occupancy in any transient lodging facility, a transient shall pay a tax in the amount of nine percent of the rent charged for the privilege of occupancy in a transient lodging facility in the city. The tax must be computed on the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging. The total retail price paid by a person for occupancy of transient lodging that is part of a travel package may be determined by reasonable and verifiable standards from books and records kept in the ordinary course of the operator’s business. The tax shall be collected by the operator that receives the consideration rendered for occupancy of the transient lodging. The tax imposed by this ordinance is in addition to and not in lieu of any state transient lodging tax. The tax constitutes a debt owed by the transient to the city, and the debt is extinguished only when the tax is remitted by the operator to the city. The transient shall pay the tax to the operator at the time rent is paid. The operator shall

enter the tax into the record when rent is collected if the operator keeps records on the cash accounting and when earned if the operator keeps records on the accrual accounting basis. If the rent is paid in installments, a proportionate share of the tax shall be paid by the transient to the operator with each installment. The unpaid tax is due upon the transient's ceasing to occupy space in the transient lodging. ~~In all cases, rent paid or charged for occupancy shall exclude the sale of goods, services or commodities.~~

3.24.030 Rules for collection of tax by operator. Collection of tax by operator.

~~A. Every operator renting rooms in this city shall collect a tax from the occupant, the occupancy of which is not exempted under the terms of this ordinance.~~

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

~~B. The director Finance Director shall enforce this chapter and may adopt rules and regulations provisions of this ordinance and shall have the power to adopt rules and regulations not inconsistent with this ordinance as may be necessary to aid in the for-enforcement.~~

~~C. The rent collected on portions of a dollar, fractions of a penny of tax, shall not be remitted rate imposed shall be rounded to the nearest whole cent.-~~

3.24.040 Operator's duties.

~~An Every operator shall collect the tax imposed by this ordinance at the same time when the rent is collected from the transient. The amount of tax shall be stated separately in the operator's records and on the receipt given by the operator. An operator shall not advertise that the tax will not be added to the rent, that a portion of it will be assumed or absorbed by the operator, or that a portion will be refunded, except in the manner provided in this chapter. (Ord. 1996 §1(part), 2014; Ord. 1707 §1(part), 1994).~~

3.24.050 Exemptions.

The tax shall not be imposed on:

~~A. An occupant staying for more than thirty consecutive days, or a person paying for lodging on a monthly basis regardless of the number of days in the month; Transient lodging in a hospital, health care facility, long term care facility or any other residential facility that is licensed, registered or certified by the Department of Human Services or the Oregon Health Authority;~~

A dwelling unit in a facility providing treatment for drug or alcohol abuse or providing mental health treatment;

~~B. Transient lodging in a private residence that is used by members of the general public for temporary human occupancy for fewer than 30 days per year;~~

Transient lodging which is funded through a contract with a government agency for the purpose to provide emergency or temporary shelter; other than this temporary emergency exception, the taxes herein apply to state and local government workers;

Transient lodging at a nonprofit youth or church camp, nonprofit conference center or other nonprofit facility;

Transient lodging that is leased or otherwise occupied by the same person for a consecutive period of 30 days or more during the year. The requirements of this subsection are satisfied even if the physical dwelling unit changes during the consecutive period if all dwelling units occupied are within the same facility, and the person paying consideration for the transient lodging is the same person throughout the consecutive period.

~~A person who rents a private home, vacation cabin or similar facility from an owner who personally rents the facility incidentally to the owner's personal use, except a bed and breakfast;~~

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

~~D. Any room donated to a nonprofit organization claiming exemption under IRS Code 501;~~

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

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

~~G. Any federal government employee traveling on official government business, who presents an official government exemption certificate or official travel authorization.~~

3.24.060 Operator's registration Registration form and certificate Certificate of authority. 

A. Each operator of a transient lodging facility within the city shall register said business with the ~~director~~**Finance Director**, on a form provided by the ~~director~~**Director**, within fifteen **calendar** days after commencing business. **The privilege of registration after the date of imposition of such tax shall not relieve any person from the obligation of collection or payment of tax regardless of registration.**

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

~~C.~~ The ~~director~~**Director** shall, within ten days after registration, issue without charge a **“Certificate of authority—Authority”** to each registrant to collect the tax from the occupant, together with a duplicate thereof for each additional place of business of each registrant. Certificates shall be nonassignable and nontransferable and shall be surrendered immediately to the director upon the cessation of business at the location named or upon its sale or transfer.

~~D.~~ Each certificate of authority shall state the place of business to which it applies, shall be prominently displayed therein so as to be seen and be readily apparent to all transients seeking occupancy. Failure to register does not relieve the operator from collecting the tax or a person from paying the tax. The certificate of authority shall set forth:

1. The name of the operator;
2. The address of the transient lodging facility;
3. The date the certificate was issued;
4. The following statement: “This transient occupancy registration certificate signifies that the person named on the certificate has fulfilled the requirements of the transient lodging tax ordinance of the ~~city~~**City** of Central Point by ~~registering~~**registration** with the ~~director~~**Finance Director** for the purpose of collecting the room tax imposed by ~~the said Ceity of Central Point~~ and remitting the tax to the **Finance D**irector. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, or to operate a transient lodging facility without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the ~~city~~**City** of Central Point. This certificate does not constitute a permit.”

3.24.070 Collections, returns and payments.

A. Every operator shall, on or before the fifteenth day of the month following the end of each calendar quarter (in the months of April, July, October and January), file a return with the **Finance Director**, on forms provided by the ~~city~~**City**, specifying the total rent subject to this chapter and the amount of tax collected under this chapter. A return shall not be considered filed until it is actually received by the ~~director~~**Finance Director, in said office either by personal delivery, by mail, or by any commercially reasonable means, including but not limited to electronic or telephonic transfer, or private delivery service. For purposes of determining delinquencies, the date of delivery is the later of receipt of the return or receipt of the tax by the Finance Director.** If the return is mailed, the postmark **date from the United States Postal Service** shall be considered the date of delivery for determining delinquencies. **Private delivery services shipping date may be treated as an equivalent to the US Postal Service for purposes of the postmark rule. If the return is delivered in person, it must be received on or before the due date during posted business hours.** The initial return may be for less than the three months preceding the due date. **The business quarters are:**

First quarter: January, February, March

Second quarter: April, May, June

Third quarter: July, August, September

Fourth quarter: October, November, December

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

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

~~D.~~ Nondesignated payments shall be applied in the order of the oldest liability first, with the payment credited first toward any accrued penalty, then to interest, then to the underlying tax until the payment is exhausted. Crediting of a payment toward a specific reporting period will be first applied against any accrued penalty, then to interest, then to

the underlying tax. If the **Finance D**irector, ~~in his or her sole~~**their sole** discretion, determines that an alternative order of payment application would be in the best interest of the ~~city~~**City** in a particular tax or factual situation, ~~the director may order~~**direct** such a change. The ~~director~~**Director** may establish shorter reporting periods for any operator if ~~the director deems it~~**deemed** necessary in order to ensure collection of the tax. The ~~director~~**Director** also may require additional information in the return relevant to payment of the liability. When a shorter return period is required, penalties and interest shall be computed according to the shorter return period. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the ~~city~~**City** until payment is made to the ~~director~~**Finance Director**. A separate trust bank account is not required in order to comply with this provision.

~~E.~~ For good cause, the **Finance D**irector may extend the time for filing a return or paying the tax for a **period not to exceed three months.**~~more than one month.~~ Further extension may be granted only by the ~~city council~~**approval of the City Manager**. An operator to whom an extension is granted shall pay interest at the rate of one percent per month on the amount of tax due, without proration for a fraction of a month. If a return is not filed and if the tax and interest due are not paid by the end of the extension granted, the interest shall become a part of the tax for computation of penalties prescribed in Section [3.24.080](#).

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

~~G.~~ Every operator must keep and preserve in an accounting format established by the **Finance D**irector records of all sales made by the facility and such other books or accounts as may be required by the ~~director~~**Director**. Every operator must keep and preserve for a period of three years **and six months** all such books, invoices and other records. The ~~director~~**Director** shall have the right to inspect all such records at all reasonable times.

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

3.24.080 Delinquency penalties. Penalties and interest.

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

B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty-one days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of fifteen percent **(15%)** of the amount of the tax in addition to the **ten percent (10%)** ~~amount of the tax and the~~ penalty first imposed.

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

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

~~E. Penalties with Tax.~~ Every penalty imposed, and such interest as accrues under the provisions of this ~~section ordinance,~~ shall become a part of the tax required to be paid.

~~F. Petition for Waiver.~~ Any operator who fails to remit the tax within the required time may petition the ~~city~~ **City Manager** ~~council~~ for waiver and refund of the penalty or a portion of it. The ~~council~~ **Manager** may, if good cause is shown, direct a refund of the penalty or a portion of it. **At the City Manager's discretion, a petition for waiver may be forwarded and addressed by a hearing before the City Council.** Any such hearing will be conducted under the procedures described in Section [3.24.210](#) **of this ordinance.**

3.24.090 Deficiency determinations Fraud, Evasion, and Operator delay.

A. If the **Finance Director** determines that a return is incorrect, that required reports or returns have not been filed, that a report is fraudulent, or that an operator has otherwise failed to comply with the terms of this chapter, the ~~director~~ **Director** shall proceed in

such manner as deemed best to obtain facts and information on which to base the estimate of tax due. As soon as the ~~director~~**Director** shall procure such facts and information as is able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any operator, the ~~director~~**Director** shall proceed to determine and assess against such operator the tax, interest and penalties provided for ~~by this~~**within this chapter ordinance.**

B. In case such determination is made, the ~~Finance D~~**Finance Director** shall give a written notice of the amount so assessed by having it served personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at the last known place of address. Any deficiency is due and payable ten days after the ~~director~~**Director** serves its written notice. The operator may appeal such determination as provided in Section [3.24.210](#) within ten days of service of the deficiency notice. If no appeal is filed, the ~~director's~~**Director's** determination is final and the amount thereby is immediately due and payable **and shall become final within 10 days after the notice has been given.**

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

3.24.130 Security for collection of tax.

A. If ~~t~~~~The director~~**Finance Director** believes that the collection of any tax or any amount of tax required to be collected and paid to the City will be jeopardized by delay, the **Director** may make a determination of the tax required to be collected, **and** may require an operator to deposit security in the form of cash, bond or other security. The amount of security shall be fixed by the ~~director~~**Director** and shall not be greater than twice the operator's estimated average quarterly liability for the period for which the operator files returns. ~~or five thousand dollars, whichever amount is less.~~ **The Operator has the right to appeal to the City Manager any decision of the Finance Director made under this provision.**

B. Within three years after the tax becomes payable or within three years after a determination becomes final, the ~~director~~**Director** may bring an action in the name of

the ~~city~~ **City** in the courts of this ~~state~~, ~~or~~ another state ~~or~~ of the United States to collect the amount delinquent and penalties and interest.

3.24.140 Liens.

Notice of lien may be issued by the Finance Director whenever the operator is in default of the payment of said tax and subsequent penalties and fees.

After a determination of taxes owing has become final, such taxes, together with all applicable interest and penalties, **advertising costs and filing fees** shall become a lien on **all tangible** ~~the real~~ **personal** property used in the ~~operation of the~~ transient lodging facility. **of the operator.**

The ~~director~~ **Finance Director** shall cause the lien to be recorded in the ~~city's~~ **City and/or County** lien docket **and it shall remain a lien from the date of its recording and superior to all subsequent recorded liens on all tangible personal property used in the Transient Lodging of the operator**, and the ~~lien may thereafter be foreclosed in the same manner as in the case of liens for local improvements, as set forth in ORS 223.505 to 223.595~~ **upon sold as provided by law as may be necessary to discharge said lien.**

3.24.150 Refunds issued by city.

Operator refunds: ~~A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the city~~ **City** under this ~~chapter~~ **ordinance**, it may be refunded, ~~as provided in subsections B and C of this section,~~ provided a **verified** claim in writing therefor, stating ~~under penalty of perjury the specific grounds~~ **reasons** upon which the claim is founded; is filed with the ~~director~~ **Finance Director** within three years ~~of~~ **from** the date of payment. ~~The claim must be on forms furnished by the director.~~ **If the claim is approved by the Director, the excess amount collected or paid may be refunded or taken as credit on any amounts due and payable from the operator or their administrators, executors or assignees.**

~~B. An operator may claim a refund, or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the director that the person from whom the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.~~

~~C. Transient refunds: Whenever tax required by this ordinance has been collected by the operator and deposited with the Finance Director and later is determined to erroneously collected, it may be refunded by the Finance Director/City to the transient, provided a verified claim in writing, stating the specific reason for the claim, is filed with the Director within three years from the date of payment. A transient may obtain a refund of taxes overpaid or paid more than once, or erroneously or illegally collected or received by the city, by filing a claim in the manner provided in subsection A of this section, but only when the tax was paid by the transient directly to the director, or when the transient having paid the tax to the operator, established to the satisfaction of the director that the transient has been unable to obtain a refund from the operator who collected the tax.~~

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

3.24.170 Refunds by operator to transient.

~~If the tax has been collected by the operator and it is later determined that the transient occupied the hotel for a period exceeding thirty days without interruption, the operator shall refund the tax to the transient. The operator shall account for the collection and refund to the director~~**Finance Director/City on the City's tax report form.** ~~If the operator has remitted the tax prior to refund or credit to the transient, the operator shall be entitled to a corresponding refund, which shall be also be reported on the City's tax report form.~~

3.24.180 Records. required from operators--Examination.

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

~~transient room tax reports filed, or the operator's accounting system is inauditable, it shall be the responsibility of the operator to improve their accounting system to the satisfaction of the director.~~

~~B. During normal business hours and after notifying the operator, the director, or an authorized representative, may examine books, papers and accounting records, including the operator's federal and state income tax returns, to verify the accuracy of a return or, if no return is made, to determine the amount to be paid. (Ord. 1996 §1(part), 2014; Ord. 1707 §1(part), 1994).~~

Records required: It shall be the duty of every operator to keep and preserve guest records, accounting books, records of the room sales and income tax returns for a period of three years and six months after they come into being as may be necessary to determine the amount of such tax as the operator may have been liable for the collection of and payment to the City. The operator shall maintain guest records of room rents, accounting books and records of income. The operators must, at a minimum, include a daily room rental register, a room billing/revenue daily journal, a cash receipt and deposit journal, and a cash disbursements journal/check register for all authorized deductions. These records and books shall reconcile to the transient room tax reports and be auditable. They shall also reconcile to the operator's income tax reports. If the director finds the books and records of the operator are deficient in that they do not provide adequate support for transient room tax reports filed, or the operator's accounting system is un-auditable, it shall be the responsibility of the operator to improve their accounting system to the satisfaction of the Finance Director.

Examination of records: The Finance Director or any person authorized in writing by the Director may examine the books, papers and accounting records relating to room sales of any operator during normal business hours. The examination of records is for the purpose of verifying the accuracy of any return made, or if no return is made, to ascertain and determine the amount required to be paid. Notification shall be given to the operator liable for the tax at least two weeks prior to the examination of records, and the Director may request certified copies of annual tax returns covering the operator.

3.24.190 Confidentiality.

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

However, nothing in this subsection shall be construed as to prevent the disclosure to, or the examination of records and equipment for the collection of taxes or the purpose of administering or enforcing any provisions of this ordinance, the collecting of taxes imposed, the names and addresses to whom Transient Occupancy Registration Certificates have been issued, the general statistics regarding taxes collected or transient business transacted within the City of Central Point,

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

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

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

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

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

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

~~G. The disclosure of records related to a business's failure to report and remit the tax when the report or tax is in arrears for over six months or the tax arrearage exceeds five thousand dollars. The city council expressly finds and determines that the public interest~~

~~in disclosure of such records clearly outweighs the interest in confidentiality under ORS [192.501](#)(5).~~

3.24.200 Disposition and use of transient room tax funds.

All revenues received by the ~~city~~ **City** from the tax shall be deposited in the general fund. **Twenty five percent of the balance of the proceeds shall be used directly or indirectly for the purpose of promoting, recreational, cultural, convention and tourist related activities and services for the city of Central Point.**

3.24.210 Appeals. to the city council.

A. Any operator aggrieved by any decision of the ~~Finance Director~~ **Finance Director** with respect to the amount of such tax, interest and penalties, if any, may appeal to the ~~city council~~ **City Manager**. **If the operator is still aggrieved by the City Manager's decision following an appeal resulting from the Finance Director's ruling on an issue, may, by filing a notice of appeal with the ~~director~~ City Manager within ~~fifteen~~ **ten (10)** days of mailing of the notice of a decision, request a hearing with the City Council on the matter.** The ~~city~~ **City manager** ~~Manager~~ shall fix a time and place for hearing the appeal, as prescribed by the ~~city~~ **City council** ~~Council~~, and shall give the appellant ~~fifteen~~ **not less than ten (10)** days written notice of the time and place of the hearing ~~before the city council of said appealed matter. The parties shall be entitled to appear personally and by counsel to present such facts, evidence and arguments as may tend to support the respective positions on appeal.~~

~~B. The appellant shall pay a nonrefundable appeal fee to facilitate the appeal. Appeal fees shall be set at one hundred fifty dollars for each decision appealed, and may be adjusted by resolution of the city council.~~

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

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

- ~~1. At the commencement of the hearing, explain the relevant issues involved in the hearing, applicable procedures and the burden of proof.~~
- ~~2. At the commencement of the hearing, place on the record the substance of any written or oral ex parte communications concerning any relevant and material fact in~~

~~issue at the hearing which was made outside the official proceedings during the pendency of the proceeding. The parties shall be notified of the substance of the communication and the right to rebut the communication. Notwithstanding the above, the parties are prohibited from engaging in ex parte communications with the members of the city council.~~

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

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

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

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

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

~~E. The action of the director shall be stayed pending the outcome of an appeal properly filed pursuant to this section.~~

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

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

Action by the City Council on appeals shall be by motion, passed by a majority of the members present at the meeting where the appeal is considered..

3.24.220 Violations.

~~A. It is unlawful for any operator or any other person so required to fail or refuse to **register or** furnish any return required to be made, or fail or refuse to furnish ~~the a~~~~

supplementary return or other data required by the **Finance Director** or to **enter** **render** a false or fraudulent report, with intent to defeat or evade the determination of any amount due required by this chapter.

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

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

~~3.24.230 Actions to collect.~~

~~Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city of Central Point for the recovery of such amount. In lieu of filing an action for the recovery, the city, when taxes due are more than thirty days delinquent, can submit any outstanding tax to a collection agency. So long as the city has complied with the provisions set forth in ORS697.105, in the event the city turns over a delinquent tax account to a collection agency, it may add to the amount owing an amount equal to the collection agency fees, not to exceed the greater of fifty dollars or fifty percent of the outstanding tax, penalties and interest owing. (Ord. 1996 §1(part), 2014).~~

3.24.230 Severability.

If any part of this ordinance is for any reason held to be unconstitutional (or otherwise invalid), such decision shall not affect the validity of the remaining portions of this ordinance or any part thereof.

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. 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 _____, 2016.

Mayor Hank Williams

ATTEST:

City Recorder

Business

**Planning Commission
Report**



PLANNING DEPARTMENT MEMORANDUM

Date: February 11, 2016
To: Honorable Mayor & Central Point City Council
From: Tom Humphrey AICP, Community Development Director
Subject: Planning Commission Report

The following items were presented by staff and discussed by the Planning Commission at a meeting on February 2, 2016. It should be noted that this item was not a public hearing. The hearing was conducted in January.

- A. Consideration of a Conditional Use Permit application for the construction of a 161,992 square foot membership warehouse and fuel facility on an 18.28 acre site at the southwest corner of Hamrick and Table Rock Road.** The project site is within the Federal Way Business Park Subdivision in the Industrial (M-1) zoning district, and is identified on the Jackson County Assessor's map as 37S 2W 12B, Tax Lots 213, 214, 215, and 216. **File No. 15022.** Approval Criteria: CPMC 17.76, Conditional Use Permits. **Applicant:** Costco Wholesale; **Agent:** Steve Bullock, MG2. The Commission Chair described the purpose of the meeting was to deliberate upon this application based upon evidence in the record received during the period for public testimony and input. Various members of city staff including the City Attorney and a Traffic Consultant were present to answer questions raised by Commission members during their deliberation. The Commission unanimously approved the Conditional Use Permit based on the Staff Report dated January 5, 2016 including the exhibits and findings in that report and subject to the recommended conditions of approval also in that report.

As an informational item, the Commission was informed that the Southern Oregon Veterans Benefit (SOVB) formally withdrew their Conditional Use Permit application to place a Vietnam Veteran's Memorial Wall in Don Jones Park.

Business

**Committee
Appointments**

Citizens Advisory Committee

Citizen Advisory Committee members do not have termination dates. Unless a member has given notice to the city of resignation, the members are renewed annually. David Painter is the current chairperson. All members have indicated that they would like to remain on the Committee.

Current members are: Larry Martin Jeff Pfeifer David Painter
 Sam Inkley Eric Snyder Wade Six
 Linda Reel Patrick Smith (unless appointed to PC)

Staff recommends appointment of David Painter as Chair.

Park and Recreation Commission

The term for Patricia Alvarez, John Beck, Deven Howard, and Lee Orr expired on December 31, 2015. We have not received any applications for new members at this time.

Mark Ludwiczak is currently the Chairperson and has been very active with the Commission.

Current members are: Patricia Alvarez John Beck Deven Howard
 Mark Ludwiczak Neil Olsen Lee Orr
 Carl Orndoff

Staff recommends reappointment of Patricia Alvarez, John Beck, Deven Howard, and Lee Orr with an expiring term date of December 31, 2018 and reappointment of Mark Ludwiczak as Chair.

Multicultural Committee

The term for Christina Garrett expired at the end of December, 2015. Staff has spoken with Mrs. Garrett and she has indicated that she is willing to continue on the committee. Amy Sweet is the current chair. Darlene Taylor gave her resignation in January.

Current members are:

Amy Sweet Christina Garrett Dolores Cadwallader

Staff recommends reappointment of Christina Garrett with expiration date of December 31, 2018 and Amy Sweet as Chairperson.

Budget Committee

Staff does not have any recommendations for the Budget Committee at this time. We have received a notice from Randy Sparacino who is resigning from the Committee. Staff will return with recommendations after we have advertised for vacancies.

FISCAL IMPACT:

There is no financial impact to the City.

ATTACHMENTS:

Committee Applications

PUBLIC HEARING REQUIRED:

No Public Hearing is required for Committee Appointments.

RECOMMENDATION: (4 Motions)

- 1) Motion appointing three members to the Planning Commission on Mayor Williams recommendation. Please specify which position each new member is filling.
- 2) Motion to reappointment David Painter as Chair of the Citizens Advisory Committee.
- 3) Motion to reappointment of Patricia Alvarez, John Beck, Deven Howard, and Lee Orr with an expiring term date of December 31, 2018 and reappointment of Mark Ludwiczak as Chair.
- 4) Staff recommends reappointment of Christina Garrett with expiration term of December 31, 2018 and Amy Sweet as Chairperson.



**APPLICATION FOR APPOINTMENT TO
CITY OF CENTRAL POINT COMMITTEE**

Name: Elizabeth Powell Date: 1-6-2016

Address: [REDACTED] Hawk Dr, Central Point

Home Phone: _____ Business Phone: [REDACTED] Cell Phone: [REDACTED]

Fax: _____ E-mail: [REDACTED]

Are you a registered voter with the State of Oregon? Yes No _____

Are you a city resident? Yes No _____

Which committee(s) would you like to be appointed to: _____

(Please make sure the dates below work with your schedule before applying. Council and Planning Commission members are required to file an Annual Statement of Economic Interest to the State of Oregon.)

Meeting Dates (All meeting dates are subject to change or additions, times vary for each committee):

- Budget Committee: Meetings vary in April Annually
- Citizens Advisory Committee: 2nd Tuesday of every quarter
- Council Study Sessions: 3rd Monday of each month
- Multicultural Committee: 2nd Monday of every quarter
- Planning Commission: 1st Tuesday of each month
- Parks and Recreation Committee/Foundation: Meeting dates vary

Employment, professional, and volunteer background:

Realtor with RE/MAX Ideal Brokers in Medford
Chair, Community Outreach Committee for Rogue Valley Assoc. of Realtors
Advisory Director, Rogue Valley Assoc. of Realtors

Community affiliations and activities:

Application Committee, Habitat for Humanity
Women Entrepreneur's of So Oregon
Medford Chamber of Commerce

Previous City appointments, offices, or activities:

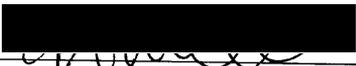
Site Plan and Architectural Commission, Medford OR
Intern, City Managers Office, Redlands, CA
Volunteer, City Managers Office, Crescent City, CA

As additional background for the Mayor and City Council, please answer the following questions.

1. Please explain why you are interested in the appointment and what you would offer to the community. I ask lots of questions, analyze from various viewpoints and propose multiple stances on a number of issues that may be concerns to a wide demographic of Community Members. I enjoy helping others and being a representative of the Community in which I live.
2. Please describe what you believe are the major concerns of the City residents and businesses that this committee should be concerned about.
Jobs, businesses thriving here, corporations, marijuana growth, taxes.
3. Please provide any additional information or comments which you believe will assist the City Council in considering your application.
I believe in being involved and want to do so long term.
Also, please review my attached resume, (it is my business resume).
4. Do you anticipate that any conflicts of interest will arise if you are appointed; and if so, how would you handle them? No. If issues were to arise, they'd be handled with tact and diligence.

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any council, advisory committee, board or commission I may be appointed to. All information/documentation related to service for this position is subject to public record disclosure.

Signature: _____



Date: 1-6-2016

Elle POWELL

REALTOR, RE/MAX IDEAL BROKERS

AWARDS

- + Executive Club RE/MAX International
- + Rookie of the Year 2014 RE/MAX Ideal Brokers, Inc Oregon
- + Rookie of the Year 2013 RE/MAX Coastal Redwoods California

EDUCATION

- AI Real Estate School
State of Oregon
Licensed December 2013
- Superior Real Estate School
State of California
Licensed August 2013
- Bachelor of Economics
University of Redlands
Class of 2013

EXPERIENCE

- Listing Agent, Buyer's Agent & Dual Agent SFR's
- Foreclosures (Bank, HUD, Fannie Mae)
- Short Sales
- Investment Properties
- Owner Carries
- Multiple Dwelling Units
- Vacant Lot / Land
- Commercial



ORGANIZATIONS

- Chair, Community Outreach; RVAR
- Advisory Director; RVAR
- RVAR (Rogue Valley Assoc. of Realtors)
- DNAOR (Del Norte Assoc. of Realtors)
- WCR (Women's Council of Realtor's)
- YPN (Young Professionals Network)
- CAR (California Assoc. of Realtor's)
- NAR (National Assoc. of Realtor's)
- WESO (Women Entrepreneur's of So Oregon)
- ASWA (American Soc. of Women Accountants)
- NABE (National Assoc. of Business Economics)
- Application Committee, Habitat for Humanity
- Medford Chamber of Commerce



Elizabeth "Elle" Powell, Broker

c: 541 [REDACTED]

e: [REDACTED]

w: EllePowell.realtor





**APPLICATION FOR APPOINTMENT TO
CITY OF CENTRAL POINT COMMITTEE**

Name: Ray Harrison Date: 12/2/15

Address: [REDACTED] Evan Way Central Point

Home [REDACTED] Business Phone: [REDACTED] Cell Phone: [REDACTED]

Fax: [REDACTED] E-mail: [REDACTED]

Are you a registered voter with the State of Oregon? Yes No

Are you a city resident? Yes No

Which committee(s) would you like to be appointed to: _____

(Please make sure the dates below work with your schedule before applying. Council and Planning Commission members are required to file an Annual Statement of Economic Interest to the State of Oregon.)

Meeting Dates (All meeting dates are subject to change or additions, times vary for each committee):

- Budget Committee: Meetings vary in April Annually
- Citizens Advisory Committee: 2nd Tuesday of every quarter
- Council Study Sessions: 3rd Monday of each month
- Multicultural Committee: 2nd Monday of every quarter
- Planning Commission: 1st Tuesday of each month
- Parks and Recreation Committee/Foundation: Meeting dates vary

Employment, professional, and volunteer background:

*Customer Service / Sales - RUTD Board MPO-PAC
Central Point City Council - RUSS Board RUCOG Board
Jackson City Roads*

Community affiliations and activities:

Volunteer for BOB - Harvest Festival etc.

Previous City appointments, offices, or activities:

Council & Planning Commission

As additional background for the Mayor and City Council, please answer the following questions.

1. Please explain why you are interested in the appointment and what you would offer to the community.

I am interested in continuing to serve the City - My longtime serve gives me experience in past city actions plus my ongoing involvement in the Valley sets the city's growth in perspective.

2. Please describe what you believe are the major concerns of the City residents and businesses that this committee should be concerned about.

*For residents - taxes - on going service like Parks
For business - the ability to grow and attract new businesses - roads & parking*

3. Please provide any additional information or comments which you believe will assist the City Council in considering your application.

We are involved to serve are community - keeping promises to our residents is important or giving good reason why we cannt.

4. Do you anticipate that any conflicts of interest will arise if you are appointed; and if so, how would you handle them?

Conflicts of interest may arise - I will follow the rules - declare my conflict and handle if something comes up.

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any council, advisory committee, board or commission I may be appointed to. All information/documentation related to service for this position is subject to public record disclosure.

Signature: _____

Date: _____



**APPLICATION FOR APPOINTMENT TO
CITY OF CENTRAL POINT COMMITTEE**

Name: PATRICK L. SMITH Date: 12-2-2015

Address: [REDACTED] BRANDON ST, CENTRAL POINT

Home Phone: 541 [REDACTED] Business Phone: [REDACTED] Cell Phone: 541- [REDACTED]

Fax: [REDACTED] E-mail: [REDACTED]

Are you a registered voter with the State of Oregon? Yes No

Are you a city resident? Yes No

Which committee(s) would you like to be appointed to: PLANNING COMMISSION
(Please make sure the dates below work with your schedule before applying. Council and Planning Commission members are required to file an Annual Statement of Economic Interest to the State of Oregon.)

Meeting Dates (All meeting dates are subject to change or additions, times vary for each committee):

- Budget Committee: Meetings vary in April Annually
- Citizens Advisory Committee: 2nd Tuesday of every quarter
- Council Study Sessions: 3rd Monday of each month
- Multicultural Committee: 2nd Monday of every quarter
- Planning Commission: 1st Tuesday of each month
- Parks and Recreation Committee/Foundation: Meeting dates vary

Employment, professional, and volunteer background:

U.S. NAVY, RET. CHIEF WARRANT OFFICER, ENGINEERING TECH
U.S. ARMY CORPS OF ENGINEERS, LIST CREW, POWER PLANT OPERATOR
BOARD OF DIRECTORS, AEGIS DESIGN GROUP, SEATTLE WA
~~BE~~ CURRENTLY RETIRED

Community affiliations and activities:

I RECENTLY TOURED THE CITY'S PUBLIC WORKS, SPECIFICALLY THE WATER DISTRIBUTION SYSTEM. I TOOK MIKE MC CLEATHAN ON A TOUR OF LIST CREEK TO SHOW THE OTHER TYPE OF WATER MGMT.

Previous City appointments, offices, or activities:

CITIZEN'S ADVISORY COMMITTEE, CURRENT MEMBER

As additional background for the Mayor and City Council, please answer the following questions.

1. Please explain why you are interested in the appointment and what you would offer to the community. *IT WOULD BE AN HONOR TO USE MY LIFE EXPERIENCES TO ASSIST IN DEVELOPING THIS COMMUNITY. I HAVE STRONG ORGANIZATIONAL SKILLS AND BACKGROUND IN PROJECT MANAGEMENT. I FEEL I AM A ~~GOOD~~ GOOD PROBLEM SOLVER DUE TO LISTENING AND EVALUATING ALL SIDES OF AN ISSUE.*

2. Please describe what you believe are the major concerns of the City residents and businesses that this committee should be concerned about.

*AFFORDABLE HOUSING,
CRIME, DOWNTOWN REVITALIZATION
CONCERNS ABOUT THE MANAGING ISSUES.
JOB DEVELOPMENT*

3. Please provide any additional information or comments which you believe will assist the City Council in considering your application.

EDGER AND WILLING TO PARTICIPATE TO GIVE TIME AND EFFORTS TO MAKE THE CITY A MORE WONDERFUL PLACE.

4. Do you anticipate that any conflicts of interest will arise if you are appointed; and if so, how would you handle them?

NONE

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any council, advisory committee, board or commission I may be appointed to. All information/documentation related to service for this position is subject to public record disclosure.

Signature: _____

Date: 12-2-2015

City of Central Point, Oregon
140 S 3rd Street, Central Point, OR 97502
541.664.3321 Fax 541.664.6384
www.centralpointoregon.gov



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

**APPLICATION FOR APPOINTMENT TO
CITY OF CENTRAL POINT COMMITTEE**

Name: Rob Hernandez Date: 2/5/15

Address: [redacted] Boes Avenue Central Point, OR 97502

Home Phone: (541) [redacted] Business Phone: (541) [redacted] Cell Phone: (541) [redacted]

Fax: _____ E-mail: [redacted]

Are you a registered voter with the State of Oregon? Yes X No _____

Are you a city resident? Yes X No _____

Which committee(s) would you like to be appointed to: Budget Committee? PLANNING Commission
(Please make sure the dates below work with your schedule before applying. Council and Planning Commission members are required to file an Annual Statement of Economic Interest to the State of Oregon.)

Meeting Dates (All meeting dates are subject to change or additions, times vary for each committee):

- Budget Committee: Meetings vary in April Annually
- Citizens Advisory Committee: 2nd Tuesday of every quarter
- Council Study Sessions: 3rd Monday of each month
- Multicultural Committee: 2nd Monday of every quarter
- Planning Commission: 1st Tuesday of each month
- Parks and Recreation Committee/Foundation: Meeting dates vary

Employment, professional, and volunteer background:

1995 To Present	Co-Owner President	S&B James Construction Co
2006 To Present	Co-Owner Vice President	S&B James Construction Management Co.
1974 thru 1994	Regional Purchasing Manager	Boise Cascade Corp. Western Oregon
2008 thru 2011	Board Member and Board Chair Oregon Construction Contractors Board.	
2002 thru Present	Board Member Oregon-Columbia Chapter Associated General Contractors	

Community affiliations and activities:

2005/2006	President Central Point Rotary Club
1994 thru 2005	Budget Committee Member School District #6 Central Point
2011 To Present	Budget Committee Member Jackson County Fire District 3

Previous City appointments, offices, or activities:

~~None to Date~~ **BUDGET COMMITTEE**

As additional background for the Mayor and City Council, please answer the following questions.

1. Please explain why you are interested in the appointment and what you would offer to the community.

I have lived in Central Point for over 50 years. My wife and I have grown up here and graduated from Crater High School, as did our 3 children. We are planning to continue living in Central Point and I would like to contribute some of my time to the community. I feel that the administrative and decision making skills learned over the past 40 years in corporate management and business ownership would be beneficial to the City of Central Point.

2. Please describe what you believe are the major concerns of the City residents and businesses that this committee should be concerned about.

Maintain the "uncomplicated livability" of Central Point.

3. Please provide any additional information or comments which you believe will assist the City Council in considering your application.

My previous Budget Committee and Board of Directors experiences.

4. Do you anticipate that any conflicts of interest will arise if you are appointed; and if so, how would you handle them?

Police Chief Kris Allison is my wife's younger sister. I would not anticipate any conflict of interest.

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any council, advisory committee, board or commission I may be appointed to. All information/documentation related to service for this position is subject to public record disclosure.

Signature: _____

Date: 12/5/15

As additional background for the Mayor and City Council, please answer the following questions.

1. Please explain why you are interested in the appointment and what you would offer to the community.

I moved to the city of Central Point at the end of 2014. Our decision to buy a home in Central Point was made based on the community soundness, resources, friendliness and perceived future. I believe my years of experience in business would be an asset to the committee. I have been successful in leadership roles, lead teams of up to 26 people, managed multi-million dollar budgets and am an accomplished organization development professional and speaker. I also am eager to be part of this community not just "live" here. I feel my skills and experience would translate easily to the commission process. I have time to devote to this opportunity since I am retired from full time employment.

2. Please describe what you believe are the major concerns of the City residents and businesses that this committee should be concerned about.

Where people live, work, play and the quality of these experiences depends largely upon something people may not always think about - land use planning. I feel it is a civic responsibility for government to help residents, businesses, and property owners articulate and achieve a vision for how they want their community to look and function. Land use planning is a prelude to the rise of new buildings, continuation of farming, and the task of protecting property values. I also believe city officials must establish clear goals and priorities to guide development, revitalization, and preservation and institute regulations to govern decision making for the future.

3. Please provide any additional information or comments which you believe will assist the City Council in considering your application.

I was a task force member on the County of Kauai Vision 2000 group which developed a vision for future development for Kauai. This task force brought government, businesses and multi-cultural residents together in a process that resulted in a shared vision that was the underpinning for the future of Kauai beyond the year 2000.

4. Do you anticipate that any conflicts of interest will arise if you are appointed; and if so, how would you handle them?

I do not anticipate any conflicts of interest since I have no business affiliations at this time.

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any council, advisory committee, board or commission I may be appointed to. All information/documentation related to service for this position is subject to public record disclosure.

Signature: _____

Date: _____

12/30/2015



**APPLICATION FOR APPOINTMENT TO
CITY OF CENTRAL POINT COMMITTEE**

Name: Chris Richey Date: 1/29/16

Address: [REDACTED] 5th St, Central Point, OR 97502

Home Phone: _____ Business Phone: _____ Cell Phone: [REDACTED]

Fax: _____ E-mail: [REDACTED]

Are you a registered voter with the State of Oregon? Yes No _____

Are you a city resident? Yes No _____

Which committee(s) would you like to be appointed to: _____

(Please make sure the dates below work with your schedule before applying. Council and Planning Commission members are required to file an Annual Statement of Economic Interest to the State of Oregon.)

- Meeting Dates (All meeting dates are subject to change or additions, times vary for each committee):**
- Budget Committee: Meetings vary in April Annually
 - Citizens Advisory Committee: 2nd Tuesday of every quarter
 - Council Study Sessions: 3rd Monday of each month
 - Multicultural Committee: 2nd Monday of every quarter
 - Planning Commission: 1st Tuesday of each month
 - Parks and Recreation Committee/Foundation: Meeting dates vary

Employment, professional, and volunteer background:

I have worked in sales, management, insurance and investing. I am currently employed as a mortgage originator with Wells Fargo. Over the last couple of years I have volunteered at every event in Central Point, including 4th of July, Cheese Festival, Easter, Christmas, Battle of the Bones, etc.

Community affiliations and activities:

I am currently a director ~~on~~ on the board for the Central Point Chamber of Commerce. I am also a football official with the R.U.F.O.A. and spend several nights each week during football season as a referee for youth games.

Previous City appointments, offices, or activities:

N/A

As additional background for the Mayor and City Council, please answer the following questions.

1. Please explain why you are interested in the appointment and what you would offer to the community.

I have lived in Central Point for all but about 5 years of my life. I tell people on almost a daily basis that they should consider buying a home in our wonderful city. I want to be involved to ensure the prosperity of our city, my fellow citizens, and the businesses in the area. I am an advocate for Central Point, and have an extensive network to support our goals.

2. Please describe what you believe are the major concerns of the City residents and businesses that this committee should be concerned about.

I feel that our citizens are most concerned about their safety and their future. We are dealing with those concerns with the way we support our Police Department and our schools. Business owners I've spoken with are concerned about our lack of locations and parking, as well as the diversity of our local economy.

3. Please provide any additional information or comments which you believe will assist the City Council in considering your application.

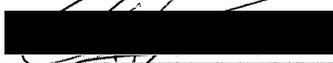
I realize that local politics can be difficult, but after attending many City Council meetings and getting involved with the community through volunteering and the Chamber, I am very proud to live here. I want to make sure we continue in this positive direction.

4. Do you anticipate that any conflicts of interest will arise if you are appointed; and if so, how would you handle them?

I can't think of anything that would pose a conflict of interest if I was appointed to one or more of the committees.

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any council, advisory committee, board or commission I may be appointed to. All information/documentation related to service for this position is subject to public record disclosure.

Signature: _____



Date: _____

1/29/16

**APPLICATION FOR APPOINTMENT TO
CITY OF CENTRAL POINT COMMITTEE**

Name: DAVID C. VOGEL Date: FEB 3, 2016

Address: [REDACTED] SHADOW WAY, CENTRAL POINT

Home Phone: _____ Business Phone: _____ Cell Phone: [REDACTED]

Fax: _____ E-mail: [REDACTED]

Are you a registered voter with the State of Oregon? Yes No _____

Are you a city resident? Yes No _____

Which committee(s) would you like to be appointed to: PLANNING, BUDGET
(Please make sure the dates below work with your schedule before applying. Council and Planning Commission members are required to file an Annual Statement of Economic Interest to the State of Oregon.)

Meeting Dates (All meeting dates are subject to change or additions, times vary for each committee):

- 2 Budget Committee: Meetings vary in April Annually
- Citizens Advisory Committee: 2nd Tuesday of every quarter
- Council Study Sessions: 3rd Monday of each month
- Multicultural Committee: 2nd Monday of every quarter
- 1 Planning Commission: 1st Tuesday of each month
- Parks and Recreation Committee/Foundation: Meeting dates vary

Employment, professional, and volunteer background:

RETIRED AFTER A CAREER IN ELECTRONICS
HAVE BEEN A VOLUNTEER WITH CPPD FOR 5 YEARS
MY WIFE & I ARE VOLUNTEERS WITH THE MEDICAL
Community affiliations and activities: FOOD PROJECT.

Previous City appointments, offices, or activities:

MY WIFE IS ON THE SOEGD BOARD AND I
MANAGED HER ELECTION CAMPAIGN.

As additional background for the Mayor and City Council, please answer the following questions.

1. Please explain why you are interested in the appointment and what you would offer to the community.

2. Please describe what you believe are the major concerns of the City residents and businesses that this committee should be concerned about.

3. Please provide any additional information or comments which you believe will assist the City Council in considering your application.

4. Do you anticipate that any conflicts of interest will arise if you are appointed; and if so, how would you handle them?

My signature affirms that the information in this application is true to the best of my knowledge. I understand that misrepresentation and/or omission of facts are cause for removal from any council, advisory committee, board or commission I may be appointed to. All information/documentation related to service for this position is subject to public record disclosure.

Signature:



Date:

FEB 3, 2016