



CITY OF CENTRAL POINT

Oregon

City Council Meeting Agenda Thursday, November 19, 2020

Mayor
Hank Williams

Ward I
Neil Olsen

Ward II
Kelley Johnson

Ward III
Melody Thueson

Ward IV
Tanea Browning

At Large
Rob Hernandez

At Large
Michael Parsons

Next Res(2070) Ord (1648)

I. REGULAR MEETING CALLED TO ORDER

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

IV. PUBLIC COMMENTS

Public comment is for non-agenda items. If you are here to make comments on a specific agenda item, you must speak at that time. Please limit your remarks to 3 minutes per individual, 5 minutes per group, with a maximum of 20 minutes per meeting being allotted for public comments. The council may ask questions but may take no action during the public comment section of the meeting, except to direct staff to prepare a report or place an item on a future agenda. Complaints against specific City employees should be resolved through the City's Personnel Complaint procedure. The right to address the Council does not exempt the speaker from any potential liability for defamation.

V. CONSENT AGENDA

A. LOC Elected Officials Training

B. Approval of October 22, 2020 City Council Minutes

VI. ITEMS REMOVED FROM CONSENT AGENDA

VII. ORDINANCES, AND RESOLUTIONS

A. Ordinance No. _____, An Ordinance Amending in Part CPMC Chapter 3.24 and Adding Redetermination and Appeal Provisions Regarding Transient Lodging Tax (Dreyer)

B. Ordinance No. _____, An Ordinance Amending in Part Central Point Municipal Code Chapter 5.04.010 Definitions and 5.04.100 Evidence of Doing Business (Dreyer)

C. Resolution No. _____, Approving the Award of Emergency Small Business Assistance Grants (Weber)

VIII. BUSINESS

A. Annual Storm Water Quality Report (Samitore)

B. Planning Commission Report (Humphrey)

C. Council Committee Assignments (Clayton)

D. Code Enforcement Annual Report (Clayton)

IX. MAYOR'S REPORT

X. CITY MANAGER'S REPORT

XI. COUNCIL REPORTS

XII. DEPARTMENT REPORTS

XIII. EXECUTIVE SESSION

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 Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

XIV. 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 to 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



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO: City Council **DEPARTMENT:** Administration

FROM: Chris Clayton, City Manager

MEETING DATE: November 19, 2020

SUBJECT: LOC Elected Officials Training

ACTION REQUIRED: Consent Agenda Item **RECOMMENDATION:**

Starting December 1 and continuing through December 15, the LOC will be conducting its popular “Elected Essentials” training program virtually for our 241 cities across the state. These are free, one-day workshops that cover the fundamentals of city government for both new and returning elected officials, as well as city staff.

For more information, including the full schedule, here is a link to the Elected Essentials page on our website:

<https://www.orcities.org/education/training/loc-training-calendar/details/elected-essentials>
<<https://protect-us.mimecast.com/s/CjZECL9RkWtP2IxcroQld?domain=orcities.us17.list-manage.com>>

We look forward to seeing you and your city representatives at one of our upcoming “Elected Essentials” trainings!

Best Regards,
Mike



Mike Cully, *Executive Director*

503-588-6550 direct: 503-540-6567 cell: 619-929-6640

1201 Court St. NE, Suite 200, Salem, OR 97301-4194

www.orcities.org



ATTACHMENTS:

1. LOC EEFlyer



ELECTED ESSENTIALS WORKSHOPS

New to city government? Need a refresher on government fundamentals?

Plan now to attend one of six FREE virtual trainings.

Topics covered include:

- Council Responsibilities
- Ethics
- Public Meetings
- Public Records
- Legal Powers & Impediments Affecting Elected Officials

The workshops will include live Q&A time with speakers following each topic.

There will be six virtual Elected Essential Trainings this year. We have allocated two regions to each date to help spread out the number of attendees at each training. If that date assigned to your region does not work in your schedule, please feel free to sign up for the date that works best for you. The map of LOC Regions can be found on the [LOC website](#).

Workshop Dates:

December 1 – Regions 1 & 5
 December 2 – Regions 6 & 7
 December 3 – Regions 3 & 4

December 11 – Regions 2 & 8
 December 14 – Regions 9 & 10
 December 15 – Regions 11 & 12

All workshops are 8:30 a.m. - 3:30 p.m.

REGISTER NOW! – www.orcities.org

For questions, please contact the LOC at loc@orcities.org or (503) 588-6550.

CITY OF CENTRAL POINT
Oregon

City Council Meeting Minutes
Thursday, October 22, 2020

I. REGULAR MEETING CALLED TO ORDER

The meeting was called to order at 7:00 PM by Mayor Hank Williams

II. PLEDGE OF ALLEGIANCE

III. ROLL CALL

Attendee Name	Title	Status	Arrived
Hank Williams	Mayor	Present	
Neil Olsen	Ward I	Present	
Kelley Johnson	Ward II	Present	
Melody Thueson	Ward III	Present	
Taneea Browning	Ward IV	Present	
Rob Hernandez	At Large	Present	
Michael Parsons	At Large	Present	

Staff members present: City Manager Chris Clayton; City Attorney Sydnee Dreyer; Finance Director Steve Weber; Police Chief Kris Allison; Police Captain Dave Croft; Parks and Public Works Director Matt Samitore; and City Recorder Deanna Casey.

IV. PUBLIC COMMENTS - NONE

V. CONSENT AGENDA

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Taneea Browning, Ward IV
SECONDER:	Melody Thueson, Ward III
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

- A. **Approval of October 8, 2020 City Council Minutes**
- B. **Approval of Donation to Butte Falls Police Department**

VI. ORDINANCES, AND RESOLUTIONS

- A. **Ordinance No. _____, An Ordinance Amending CPMC Chapter 9.68 Rules and Regulations of Public Parks, Section 9.68.020 Child Supervision to Comply with ORS 163.545 Child Neglect**

Parks and Public Works Director Matt Samitore stated that there were no recommended changes at the first meeting of an Ordinance updating language in the code to match ORS 163.545 in regards to children under the age of 10 not being supervised at City Parks. Officers would not be approaching children at our city parks to see if they are unsupervised. This would be a complaint driven issue. The penalty

would be our general penalty fine. Our goals is to keep children safe.

Michael Parsons moved to approve the Second Reading of Ordinance 2069, An Ordinance Amending CPMC Chapter 9.68 Rules and Regulations of Public Parks, Section 9.68.020 Child Supervision to Comply with ORS 163.545 Child Neglect.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Michael Parsons, At Large
SECONDER:	Kelley Johnson, Ward II
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

B. Resolution No. _____, Approving the Award of Emergency Small Business Assistance Grants

Finance Director Steven Weber stated that the City received seven applications for the CARES Grants. Two of the applications had already received grants through other avenues and were dis-qualified. We are presenting a Resolution approving funds for five businesses in Central Point. We have received a few more applications asking for funds and staff will return with another resolution once the deadline has passed and the state verifies they have not received other funds.

Rob Hernandez moved to approved Resolution No. 1647, Approving the Award of Emergency Small Business Assistance Grants. Tanea Browning seconded.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Rob Hernandez, At Large
SECONDER:	Tanea Browning, Ward IV
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

C. First Reading – Ordinance Amending in Part CPMC Chapter 3.24 and Adding Redetermination and Appeal Provisions Regarding Transient Lodging Tax

City Attorney Sydnee Dryer explained the intent of the proposed revisions to Chapter 3.24 is to mirror HB 4120’s provisions with regard to lodging intermediaries, and such entities’ duty to collect and remit lodging taxes. To date, one or more lodging intermediaries have not been collecting or remitting such taxes, and the City believes this amendment is necessary to ensure enforcement. In addition, in reviewing the City’s code, staff determined that additional provisions regarding redetermination and the appeal process were advisable to further clarify the process. The City’s lien process for unpaid transient lodging taxes was also revised. Under existing code, the City’s lien was recorded against personal property only, which may be less effective. Under the proposed revision, the City can record a lien against the real property and/or personal property thereby providing the City an additional enforcement mechanism.

Some transient lodging intermediaries have taken the position that unless a City’s code mirrors the language in state law, the intermediary need not collect the tax. In the cities of Corvallis and Jacksonville, code language state law and both cities have since been collecting from those intermediaries. The proposed revisions will now mirror state law and should resolve the lingering challenges to collection with these

Minutes Acceptance: Minutes of Oct 22, 2020 7:00 PM (CONSENT AGENDA)

businesses.

Tanea Browning moved to second reading An Ordinance Amending in part Central Point Municipal Code Chapter 3.24 and adding redetermination and appeal provisions regarding Transient Lodging Tax.

RESULT:	1ST READING [UNANIMOUS]
	Next: 11/12/2020 7:00 PM
MOVER:	Tanea Browning, Ward IV
SECONDER:	Melody Thueson, Ward III
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

D. First Reading - An Ordinance Amending in Part Central Point Municipal Code Chapter 5.04.010 Definitions and 5.04.100 Evidence of Doing Business

Mrs. Dreyer stated that the Council determined amendments are necessary to Central Point Municipal Code Chapter 5.04 in regards to Business Licenses, current code is not clear that all transient lodging facilities are required to obtain a business license. This results in potential inequities in enforcement. For example, hotels and bed and breakfast establishments obtain a license, but a facility operated within a single- family dwelling may not.

Staff is recommending amendments to the definitions section of 5.04 to clarify transient lodging facilities and those who are required to get a city business license. There are other amendments in the ordinance to help clarify language and organize requirements for a Central Point Business License. These amendments do not require property owners to get a business license.

Melody Thueson moved to second reading An Ordinance Amending in part Central Point Municipal Code Chapter 5.04.010 Definitions and 5.04.100 Evidence of Doing Business.

RESULT:	1ST READING [UNANIMOUS]
	Next: 11/12/2020 7:00 PM
MOVER:	Melody Thueson, Ward III
SECONDER:	Kelley Johnson, Ward II
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

VII. BUSINESS

A. Rogue Disposal & Recycling, Inc. 2020 CPI Rate Increase

City Manager Chris Clayton explained that the franchise agreement between the City of Central Point and Rogue Disposal allows for an annual consumer price index (CPI) rate adjustment. Any adjustment proposal must be reviewed by the Council to ensure mathematical accuracy and compliance with all provisions of the franchise agreement. Having reviewed Rogue Disposal & Recycling's proposed 1.3% rate increase and the current franchise agreement requirements, the proposed increase

Minutes Acceptance: Minutes of Oct 22, 2020 7:00 PM (CONSENT AGENDA)

is accurate and compliant with the current franchise agreement language.

Rogue Disposal representative Garry Penning addressed the council. The CPI rate adjustment proposed at the beginning of the year did not get approved by the other jurisdictions due to COVID-19 and issues attending Council meetings. We will be going back to the other jurisdictions once things are a little more stable. The proposed increase will begin January 1, 2021.

Kelley Johnson moved to approve the Rogue Disposal and Recycling 2021 Proposed Rate Adjustment of 1.3%.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Kelley Johnson, Ward II
SECONDER:	Michael Parsons, At Large
AYES:	Williams, Olsen, Johnson, Thueson, Browning, Hernandez, Parsons

VIII. MAYOR'S REPORT

Mayor Williams reported that:

- He attended the Oregon Mayors Association Board of Directors meeting.
- He attended the Fire Board meeting, they are very thankful for the help from Parks and Public Works when people were evacuated from their homes during the fires in September.
- He has been keeping informed on the Greenway clean up. Things are looking better than they have in years.
- He was disappointed in the virtual LOC Conference. It is difficult not being there in person. He had designated Council President Tanea Browning as a voting member for their board meeting.

IX. CITY MANAGER'S REPORT

City Manager Chris Clayton reported that:

- He attended the Emergency Operations Center meeting this morning including agencies such as FEMA, EPA, DEQ, Redcross and Jackson County. People seem to be frustrated with the recovery, however all agencies are moving as fast as they can with regulations and environmental issues. Some agencies are waiting on Governor Brown to authorize the 25% match to begin clean up. There has been an update on assessed value losses for both Phoenix and Talent.
- The Providence RV park property continues to progress for temporary housing. The Medford Water Commission has agreed to waive their SDC fees for this site. Central Point has already waived our SDC fees.
- He will send out the conceptual design for the Police Department Lobby tomorrow. We are able to use CARES funding for this project.
- Jackson County has installed a camera over the Ballot drop box this week and the Police Department will increase patrols between now and November 3rd.

- Transportation improvement projects through 2021-2024, consist of West Pine Street and the Scenic/99 Signal. ODOT is showing interest of diverting all money for the 21/24 project year to the Colman Creek Project to help with Phx/Talent area. This will become a topic of Conversation County wide because it would mean other jurisdictions would have to put off their projects until the 2025 - 2028 Program Cycle. He will send out a link to the ODOT Transportation Improvement Plan website.
- We are still having a good amount of development in Central Point. Les Schwab picked up their permits this week, and we have a new subdivision called Mayberry Place off Grant Road.
- He will send out a copy of the Medford gas tax plan to finance the Foot Hills bypass.
- The Jackson County Board of Commissioners should be discussing our Urban Growth Boundary application in the next week or two.

X. COUNCIL REPORTS

Council Member Melody Thueson reported that she attended the Employee Appreciation Lunch.

Council Member Kelley Johnson reported that:

- She attended the Virtual League of Oregon Cities (LOC) Conference. She agrees that a virtual is not the same as going to the event. There were some great sessions.
- She attended the Employee Appreciation Lunch for Parks and Public Works and Police Department.

Council Member Rob Hernandez reported that:

- He attended the Employee Appreciation Lunch
- He has been busy moving and hunting in Western Oregon.
- He is happy to see what is happening at Water Front Park area on the Greenway
- He has been working on the school bond committee.

Council Member Tanea Browning reported that:

- She attended the Employee Appreciation lunch.
- She attended the Virtual LOC Conference and Board meeting. The LOC Board meeting difficult virtually but we made it through.
- She attended the Fire District 3 Board meeting.
- She would like to revisit the Council Representative Committees list.
- Crater Works is in the 4th week for using the kitchen. They are having in person training.

Council Member Mike Parsons reported that he:

- Attended the Citizens Advisory Commission meeting.
- Attended the Employee Appreciation Lunch for the Police Department and Public Works help during the Alameda Fire.
- He attended a virtual RVSS meeting. They have also lost revenue because of the fires.

XI. DEPARTMENT REPORTS

Finance Director Steve Weber reported that LOC has put out bulletins that some CARES act funds are not being used around the state. We will be using all funding available to us.

Parks and Public Works Director Matt Samitore reported that:

- This Saturday is Liams Trunk or Treats in Twin Creeks. We have 40 plus cars registered to be giving out treats.
- The Greenway work is moving to the Boes Park area. They are working with organizations to remove the blackberries in that area.
- We will be spraying the The River Walk area to stop the black berries regrowth. There are salmon in the Bear Creek right now.
- Building is going well, the Car wash, Fire Stone Tires and Les Schwab should be breaking ground soon.
- We are planning the Dennis Richardson Memorial construction for the 2021-2024 budget cycle. We are estimating a cost of \$250,000. We were hoping to get support from Salem but we have not seen any donation responses yet.
- We hope to use ODOT funds to create evacuation routes around town. We have been looking at emergency exits and options for people to escape the city if we have a situation like the one we had this year.

Police Chief Kris Allison reported that:

- There was a meeting last week with DEA supervising agents. We have a good relationship with DEA and receive asset forfeitures through them.
- She attended a school district meeting regarding School Resource Officer's in our schools. The Department would like to go to board meetings quarterly.
- K-9 Gus and Officer Aplin received certification on their first attempt for a patrol dog certification.
- The department participated in a forum BASE to work with the black and Latino community in the valley.

XII. EXECUTIVE SESSION: ORS 192.660 (2) (h) Legal Counsel

Mike Parsons moved to Executive Session under ORS 192.660(2)(h) Legal Counsel. Tanea Browning seconded. All said "aye" and the meeting was adjourned to executive session at 8:17 p.m.

The City Council returned to regular session at 8:37 p.m. No further action was taken.

XIII. ADJOURNMENT

Rob Hernandez moved to adjourn. Kelley Johnson seconded and the meeting was adjourned at 9:17 p.m.

The foregoing minutes of the October 22, 2020, Council meeting were approved by the City Council at its meeting of _____, 2020.

Dated:

Mayor Hank Williams

ATTEST:

City Recorder

Minutes Acceptance: Minutes of Oct 22, 2020 7:00 PM (CONSENT AGENDA)



City of Central Point **Staff Report to Council**

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	City Attorney
FROM:	Sydnee Dreyer, City Attorney		
MEETING DATE:	November 19, 2020		
SUBJECT:	Ordinance No. _____, An Ordinance Amending in Part CPMC Chapter 3.24 and Adding Redetermination and Appeal Provisions Regarding Transient Lodging Tax		
ACTION REQUIRED:	Motion Ordinance 2nd Reading	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

In the 2018 session, the Oregon Legislature modified the language in the State's Lodging Tax Law (HB 4120). The modifications clarified that a Lodging Intermediary which accepts payment for, or facilitates lodging, is also the responsible party to collect and remit lodging taxes. Lodging intermediaries are those on-line entities that facilitate reservations at lodging facilities such as private homes, apartments, hotels, etc. Some intermediaries, generally those booking traditional hotel rooms have been collecting and remitting the City's lodging tax; others, generally those booking non-traditional lodging such as vacation homes or rooms, have not. HB 4120 is applicable to all lodging intermediaries within the state, unless a local jurisdiction's code provides otherwise.

The intent of the proposed revisions to Chapter 3.24 is to mirror HB 4120's provisions with regard to lodging intermediaries, and such entities' duty to collect and remit lodging taxes. To date, one or more lodging intermediaries have not been collecting or remitting such taxes, and the City believes this amendment is necessary to ensure enforcement. In addition, in reviewing the City's code, staff determined that additional provisions regarding redetermination and the appeal process were advisable to further clarify the process. The City's lien process for unpaid transient lodging taxes was also revised. Under existing code, the City's lien was recorded on against personal property only, which may be a less effective remedy. Under the proposed revision, the City can record a lien against the real property and/or personal property thereby providing the City an additional enforcement mechanism.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

Some transient lodging intermediaries have taken the position that unless a City's code mirrors with the language in state law, the intermediary need not collect the tax. In the cities of Corvallis and Jacksonville, code language was adopted that mirrors state law and both cities have since been collecting from those intermediaries. The proposed revisions will now mirror state law with respect to intermediaries, and should resolve the lingering challenges to collection with these businesses.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

STAFF RECOMMENDATION:

Move to approve ordinance.

RECOMMENDED MOTION:

Move to approve Ordinance No. _____ an Ordinance amending in part Central Point Municipal Code Chapter 3.24 and adding redetermination and appeal provisions regarding transient lodging tax.

ATTACHMENTS:

1. Ordinance - Transient Lodging Tax Amendments

ORDINANCE NO. _____
 AN ORDINANCE AMENDING IN PART CENTRAL POINT MUNICIPAL CODE CHAPTER 3.24 AND
 ADDING REDETERMINATION AND APPEAL PROVISIONS REGARDING TRANSIENT
 LODGING TAX

RECITALS:

- A. Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B. Upon review, the staff and city attorney for the City of Central Point determined that amendment to Chapter 3.24 Transient Lodging Tax is advisable to mirror the provisions of HB 4120 (2018) with regard to transient lodging intermediaries and to resolve challenges to collection of such tax by transient lodging intermediaries.
- C. Words ~~lined through~~ are to be deleted and words in **bold** are added.

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

SECTION 1. Chapter 3.24 is amended in part as set forth below and incorporated herein by reference.

Chapter 3.24 TRANSIENT LODGING TAX

Sections:

- [3.24.010 Definitions.](#)
- [3.24.020 Tax imposed.](#)
- [3.24.030 Collection of tax by ~~operator~~ **lodging tax collector**; rules for collection.](#)
- [3.24.040 ~~Operator~~**Lodging tax collector's duties.**](#)
- [3.24.050 Exemptions.](#)
- [3.24.060 Registration certificate of authority.](#)
- [3.24.070 Collections, returns and payments.](#)
- [3.24.080 Penalties and interest.](#)
- [3.24.090 Fraud, evasion, and ~~operator~~ **lodging tax collector delay.**](#)
- [3.24.100 **Redeterminations.**](#)
- [3.24.130 Security for collection of tax.](#)
- [3.24.140 Liens.](#)
- [3.24.150 Refunds issued by city.](#)
- [3.24.170 Refunds by ~~operator~~ **lodging tax collector to transient occupant.**](#)
- [3.24.180 Records.](#)
- [3.24.190 Confidentiality; **disclosure unlawful.**](#)
- [3.24.200 Disposition of transient room tax.](#)
- [3.24.210 Appeals.](#)
- [3.24.215 **Appeals to council.**](#)

[3.24.220 Violations.](#)
[3.24.230 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~~ **lodging tax collector** 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~~ **lodging tax collector** does not enter the rent due from an **occupant transient** into the record until the rent is paid.

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

“Council” means the city council of Central Point, Oregon.

“Director” means the finance director of the city of Central Point.

~~“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.~~

“Lodging Tax” means the tax assessed by the City of Central Point on occupants in lodging facilities.

“Lodging tax collector” means a **transient** lodging provider or a **transient** lodging intermediary.

“Manager” means the city manager of the city of Central Point, Oregon.

“Occupancy” means use or possession of or the right to the use or possession for lodging or sleeping purposes of transient lodging facility.

“Occupant” 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 an occupant checks out of a lodging facility shall not be included in determining the thirty-day period if the occupant is not charged rent for that day by the lodging tax collector. Any person occupying space in a lodging facility shall be considered an occupant until a period of thirty days has expired, unless there is an agreement in writing between the lodging tax collector and the occupant providing for a longer period of occupancy or the person 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 an occupant.

~~“Operator” means a person that 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 agent shall also be considered an operator for purposes of this chapter and shall have the same duties and liabilities as the principal. Compliance by either the operator or the 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~~ **the consideration charged, whether or not received by the lodging tax collector, for the occupancy of space in a lodging facility valued in money, goods, labor, credits, property, or other consideration valued in money, without any deduction.**

“Rent package plan” means the consideration charged for both food and rent where a single rate is made for the total of both. The amount applicable to rent for determination of transient ~~room~~ **lodging** tax under this chapter shall be the same charge made for rent when consideration 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.

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

“Transient Lodging Facility or Lodging Facility” means any structure, or any portion of any structure, which is occupied or intended or designed for short-term occupancy for dwelling, lodging or sleeping purposes and includes any hotel, motel, inn, condominium, house, cabin, apartment, public or private dormitory, fraternity, sorority, public or private club, space in a mobile home or trailer park, tent camping locations, or similar structures or spaces or portions thereof so occupied; provided such occupancy is for less than a 30-day period.

“Transient Lodging Intermediary or Lodging Intermediary” means a person other than a lodging provider that facilitates the retail sale of lodging and: (1) Charges for occupancy of the lodging facility; (2) Collects the consideration charged for occupancy of the lodging; or (3) Receives a fee or commission and requires the lodging provider to use a specified third party entity to collect the consideration charged for occupancy of the lodging.

“Transient Lodging Provider or Lodging Provider” means a person that furnishes transient lodging.

~~“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, 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” means 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, **each occupant shall pay** a tax of nine percent **of the total retail price, including all charges other than taxes, paid by a person for occupancy of the transient lodging.** ~~is imposed on any consideration rendered for the sale, service or furnishing of transient lodging.~~

~~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 chapter is in addition to and not in lieu of any state transient lodging tax. The tax constitutes a debt owed by the transient-occupant to the city, which is extinguished only by payment to the lodging tax collector and the debt is extinguished only when the tax is remitted by the operator to the city. The occupant transient shall pay the tax to the operator lodging tax collector at the time rent is paid. The lodging tax collector operator shall enter the tax into the record when rent is collected if the operator lodging tax collector keeps records on the cash accounting basis and when earned if the operator lodging tax collector 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-occupant to the operator lodging tax collector with each installment. The unpaid tax is due upon the transient’s occupant’s ceasing to occupy space in the transient lodging.~~

3.24.030 Collection of tax by operator lodging tax collector; rules for collection.

~~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 chapter.~~

The lodging provider or a lodging intermediary as described in CPMC [3.24.010](#), that collects the consideration charged for occupancy of a lodging facility, as applicable, is responsible for collecting any lodging tax and shall file a return of the tax with the City of Central Point Finance Department, or with any director identified by the City, reporting the amount of tax due during the reporting period to which the return relates.

In cases of credit or deferred payment of rent, the payment of tax to the operator lodging tax collector may be deferred until the rent is paid, and the operator lodging tax collector shall not be

liable for the tax until rent is paid or deferred payments are made. **Adjustments may be made for uncollectible rents and lodging taxes.**

The finance director shall enforce provisions of this chapter and shall have the power to adopt rules and regulations not inconsistent with this chapter as may be necessary to aid in the enforcement.

The rate imposed shall be rounded to the nearest whole cent.

3.24.040 Operator Lodging tax collector's duties.

Every ~~operator~~ **lodging tax collector** shall collect the tax imposed by this chapter at the same time the rent is collected from the ~~occupant transient~~. The amount of tax shall be stated separately in the ~~operator's lodging tax collector's~~ records and on the receipt given by the **lodging tax collector**. ~~operator. An operator~~ **A lodging tax collector** 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 **lodging tax collector** ~~operator~~, or that a portion will be refunded, except in the manner provided in this chapter.

3.24.050 Exemptions.

The tax shall not be imposed on:

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;

Transient lodging in a private residence that is used by members of the general public for temporary human occupancy for fewer than thirty days per year. **The exemption granted under this subsection does not apply to a dwelling unit that is rented out as a transient lodging using a platform of any kind provided by a lodging intermediary;**

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 thirty 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;~~

Any occupant for more than 30 consecutive calendar days (a person who pays for lodging on a monthly basis, irrespective of the number of days in such month, shall not be deemed an occupant for purposes of the lodging tax) where the rent is paid by the same person

throughout the consecutive period, and all dwelling units occupied are within the same facility;

Any federal government employee traveling on official government business, who presents an official government exemption certificate or official travel authorization (i.e. Red Cross); and/or

Any person who has diplomatic immunity.

No exemption shall be granted except upon a claim therefor made at the time the rent is collected, and under penalty of perjury, upon a form presented by the director.

3.24.060 Registration certificate of authority.

~~Each operator of a transient lodging facility~~ **Every person engaging or about to engage in the business of transient lodging** within the city shall register said business with the finance director on a form provided by the director, within fifteen calendar days after commencing business. Lodging tax collectors engaged in business at the time the ordinance codified in this Chapter is adopted must register not later than 30 calendar days after passage hereof. 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.

The registration form shall set forth the name in which ~~an operator~~ **the lodging tax collector** transacts or intends to transact business, the location of 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 **lodging tax collector** ~~operator~~.

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

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~~ **occupants** seeking occupancy. Failure to register does not relieve the ~~operator~~ **lodging tax collector** from collecting the tax or a person from paying the tax. The certificate of authority shall set forth:

- A. The name of the **lodging tax collector** ~~operator~~;
- B. The address of the transient lodging facility;
- C. The date the certificate was issued;
- D. The following statement:

This ~~transient occupancy~~ **lodging tax collector** registration certificate signifies that the person named on the certificate has fulfilled the requirements of the transient lodging tax ordinance of the City of Central Point by registration with the Finance Director for the purpose of collecting the ~~room~~ **lodging** tax imposed by said City and remitting the tax to the Finance Director. This certificate does not authorize any person to conduct any unlawful business or to conduct any

lawful business in an unlawful manner, or to operate a transient lodging facility without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of the City of Central Point. This certificate does not constitute a permit.

3.24.070 Collections, returns and payments.

Every ~~operator~~ **lodging tax collector** 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, 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 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 U.S. 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.

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

At the time the return is filed, the full amount of the tax collected shall be remitted to the director.

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

For good cause, the ~~finance~~ director may extend the time for filing a return or paying the tax for a period not to exceed three months. Further extension may be granted only by the 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](#).

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

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

The 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.

3.24.080 Penalties and interest.

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

B. Continued Delinquency. Any ~~operator~~ **lodging tax collector who has not been granted an extension of time for remittances of tax due and** 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 of the amount of the tax in addition to the ten percent penalty first imposed.

C. Fraud. If the Finance director determines that the nonpayment of any remittance due under this chapter is due to fraud or intent to evade the provisions thereof, a penalty of twenty-five percent of the amount of the tax shall be added thereto in addition to the penalties assessed under this chapter **3.24.080(A) and (B)**.

D. Interest. In addition to the penalties imposed, any ~~operator~~ **lodging tax collector** who fails to remit any tax imposed by this chapter shall pay interest at the rate of one percent per month 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 Merge with Tax. Every penalty imposed and such interest as accrues under the provisions of this chapter shall become a part of the tax required to be paid.

F. Petition for Waiver. Any ~~operator~~ **lodging tax collector** who fails to remit the tax within the required time may petition the city manager for waiver and refund of the penalty or a portion of it. The 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](#)

3.24.090 Fraud, evasion, and operator lodging tax collector delay.

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 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 shall procure such facts and information as are able to be obtained, upon which to base the assessment of any tax imposed by this chapter and payable by any operator, the director shall proceed to determine and assess against such operator the tax, interest and penalties provided for within this chapter.

In case such determination is made, the 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 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 determination is final and the amount thereby is immediately due and payable and shall become final within ten days after the notice has been given.

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. (Ord. 2025 §1(part), 2016; Ord. 1996 §1(part), 2014; Ord. 1707 §1(part), 1994).

A. Deficiency determination. If the director determines that the returns are incorrect, she or he may compute and determine the amount required to be paid upon the basis of the facts contained in the return or returns, or upon the basis of any information within her or his possession or that may come into her or his possession. One or more deficiency determinations may be made of the amount due for one, or more than one period; and the amount so determined shall be due and payable immediately upon service of notice, as provided in this chapter; after which, the amount determined is delinquent. Penalties on deficiencies shall be applied as set forth in [Section 3.24.080](#).

1. In making a determination, the director may offset overpayments, if any, which may have been previously made for a period or periods, against any underpayment for a subsequent period or periods, or against penalties and interest on the underpayments. The interest on underpayments shall be computed in the manner set forth in [Section 3.24.080](#).

2. The director shall give to the lodging tax collector a written notice of her or his determination. The notice may be served personally or by mail; if by mail, the notice shall be addressed to the lodging tax collector at her or his address as it appears in the records of the director. In case of service by mail of any notice required by this Chapter, the service is complete at the time of deposit in the United States Post Office.

3. Except in the case of fraud, intent to evade the provisions of this chapter or authorized rules and regulations, every deficiency determination shall be made and notice thereof mailed within three years after the last day of the month following the close of the

monthly period for which the amount is proposed to be determined, or within three years after the return is filed, whichever period expires the later.

4. Any determination shall become due and payable immediately upon receipt of notice, and shall become final within ten days after the director has given notice thereof; provided, however, the lodging tax collector may petition redemption and refund if the petition is filed before the determination becomes final, as provided in this chapter.

B. Fraud; refusal to collect; evasion. If any lodging tax collector shall fail or refuse to collect said tax or to make, within the time provided in this chapter, any report and remittance of said tax or any portion of the tax required by this chapter, or makes a fraudulent return or otherwise willfully attempts to evade the provisions of this chapter, the director shall proceed in such manner as she or he may deem best to obtain facts and information on which to base an estimate of the tax due.

1. As soon as the director has determined the tax due that is imposed by this chapter, from any lodging tax collector who has failed or refused to collect the same and to report and remit said tax, she or he shall proceed to determine and assess against such lodging tax collector the tax, interest, and penalties provided in this chapter. In case such determination is made, the director shall give a notice in the manner aforesaid of the amount so assessed. Such determination and notice shall be made and mailed within three years after discovery by the director of any fraud, intent to evade or failure or refusal to collect said tax, or failure to file return.

2. Any determination shall become due and payable immediately upon receipt of notice and shall become final within ten days after the director has given notice thereof; provided, however, the lodging tax collector may petition redemption and refund, if the petition is filed before the determination becomes final, as provided in this chapter.

C. Lodging tax collector delay. If the 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, or if any determination will be jeopardized by delay, the director shall thereupon make a determination of the tax or amount of tax required to be collected, noting the fact upon the determination.

1. The amount so determined, as provided in this chapter, shall be immediately due and payable; and the lodging tax collector shall immediately pay same determination to the director after service of notice thereof. Provided, however, the lodging tax collector may petition, after payment has been made, for redemption and refund of such determination, if the petition is filed within ten days from the date of service of notice by the director.

3.24.100 Redeterminations.

A. Any person against whom a determination is made under [Section 3.24.090](#), or any person directly interested, may petition for a redetermination and redemption and refund within the time required in [Section 3.24.090](#) of this chapter. If a petition for redetermination and refund is not filed within the time required in [Section 3.24.090](#), the determination becomes final at the expiration of the allowable time.

B. If a petition for redetermination and refund is filed within the allowable period, the director shall reconsider the determination; and, if the person has so requested in her or his petition, shall grant the person an oral hearing and shall give her or him ten days' notice of the time and place of the hearing. The director may continue the hearing from time to time as may be necessary.

C. The director may decrease or increase the amount of the determination as a result of the hearing; and, if an increase is determined, such increase shall be payable immediately after the hearing.

D. The order or decision of the director upon a petition for redetermination of redemption and refund becomes final ten days after service upon the petitioner of notice thereof, unless appeal of such order or decision is filed with the City Manager within the 10 days after service of such notice.

E. No petition for redetermination of redemption and refund or appeal therefrom shall be effective for any purpose unless the lodging tax collector has first complied with the payment provisions of this chapter.

3.24.130 Security for collection of tax.

If the 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~~ **lodging tax collector** to deposit security in the form of cash, bond or other security. The amount of security shall be fixed by the director and shall not be greater than twice the ~~operator's~~ **lodging tax collector's** estimated average quarterly liability for the period for which the ~~operator~~ **lodging tax collector** files returns. The ~~operator~~ **lodging tax collector** has the right to appeal to the city manager any decision of the finance director made under this provision **as provided in Section 3.24.210.**

Within three years after the tax becomes payable or within three years after a determination becomes final, the director may bring an action in the name of the city in the courts of this or another state 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 personal property used in the transient lodging facility of the operator.~~

~~The finance director shall cause the lien to be recorded in the 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 may be foreclosed upon and sold as provided by law as may be necessary to discharge said lien.~~

A. The tax imposed by this chapter, together with the interest and penalties provided in this chapter, shall be and until paid remain a lien from the date of its docketing with the city recorder of the city against all real property occupied by the lodging facility. This lien shall have priority over all other liens and encumbrances of any character. The lien may be foreclosed on and the property sold as may be necessary to discharge the lien in the manner specified in ORS 223.505 through 223.595.

B. The tax imposed by this chapter, together with the interest and penalties provided in this Chapter, shall be and until paid remain a lien from the date of its docketing with the city

manager of the city against all property of the lodging tax collector intermediary as authorized by local, state or federal law. This lien shall have priority over all other liens and encumbrances of any character. The lien may be foreclosed on as provided by local, state or federal law.

C. Any lien for a delinquent lodging tax may be released by the director when the full amount determined to be due has been paid to the city; and the lodging tax collector or person making such payment shall receive a receipt therefor, stating that the full amount of taxes, penalties, and interest thereon have been paid and that the lien is thereby released and the record of the lien is satisfied.

3.24.150 Refunds issued by city.

~~Operator~~ **Lodging tax collector's** refunds: Whenever the amount of any tax, interest or penalty has been paid more than once, or has been erroneously or illegally collected or received by the city under this chapter, it may be refunded, provided a verified claim in writing therefor, stating the specific reasons upon which the claim is founded, is filed with the finance director within three years from the date of payment. 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~~ **lodging tax collector from whom it was collected, or by whom paid; and the balance may be refunded to such lodging tax collector**, or their administrators, executors or assignees.

~~Transient~~ **Occupant** refunds: Whenever tax required by this chapter has been collected by the ~~operator~~ **lodging tax collector** and deposited with the finance director and later is determined to be erroneously collected, it may be refunded by the finance director/city to the ~~transient~~, **occupant** 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.

3.24.170 Refunds by ~~operator~~ lodging tax collector to ~~transient~~ occupant.

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

3.24.180 Records.

Records required: It shall be the duty of every ~~operator~~ **lodging tax collector** 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~~ **lodging tax collector** may have been liable for the collection of and payment to the city. The ~~operator~~ **lodging tax collector** shall maintain guest records of room rents, accounting books and records of income. The ~~operator~~ **lodging tax collector** 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~~ **lodging tax collector's** income tax reports. If the director finds the books and records of the ~~operator~~ **lodging tax collector** are deficient in that they do not provide adequate support for transient room tax reports filed, or the ~~operator's~~ **lodging tax collector's** accounting system is unauditible, it shall be the responsibility of the ~~operator~~ **lodging tax collector** 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~~ **lodging tax collector** 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~~ **lodging tax collector** 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~~ **lodging tax collector**.

3.24.190 Confidentiality – Disclosure Unlawful.

~~The finance director or a person having an administrative or clerical duty under the provisions of this chapter shall not make known in any manner the business affairs, operations or information obtained by an investigation of records and equipment of a person required to file a return or pay a transient occupancy tax or a person visited or examined in the discharge of official duty; or the amount or source of income, profits, losses or expenditures contained in a statement or application; or permit a statement or application, or a copy of either, or a book containing an abstract or particulars to be seen or examined by any person.~~

~~However, nothing in this section shall be construed 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 chapter, 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. It shall be unlawful for the director or any person having an administrative or clerical duty under the provisions of this chapter to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person required to obtain a lodging tax certificate of authority or pay a lodging tax, or any other person visited or examined in the discharge of official duty; or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth in any statement or application; or to permit any statement or application, or copy of either, or any book containing any abstract or particulars thereof to be seen or examined by any person. Provided, that nothing in this subsection shall be construed to prevent:

1. The disclosure to, or the examination of, records and equipment by another city official, employee, or agent for collection of taxes for the sole purpose of administering or enforcing any provisions of this chapter; or collecting taxes imposed under this chapter.

2. The disclosure, after the filing of a written request to that effect, to the taxpayer herself or himself, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, of information as to any paid tax, any unpaid tax or amount of tax required to be collected, or interest and penalties; further provided, however, that the city attorney approves each such disclosure, and that the director may refuse to make any disclosure referred to in this paragraph when, in her or his opinion, the public interest would suffer thereby.

3. The disclosure of the names and addresses of any persons to whom lodging tax registration certificates have been issues.

4. The disclosure of general statistics regarding taxes collected or business done in the city.

3.24.200 Disposition of transient room tax.

All revenues received by the 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.

~~Any operator aggrieved by any decision of the finance director with respect to the amount of such tax, interest and penalties, if any, may appeal to the 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 city manager within ten days of mailing of the notice of a decision, request a hearing with the city council on the matter. The city manager shall fix a time and place for hearing the appeal, as prescribed by the city council, and shall give the appellant not less than ten days' written notice of the time and place of the hearing 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.~~

~~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.~~

A. Any person aggrieved by any decision of the director may appeal to the city manager by filing a notice of appeal with the director within ten days of the serving or mailing of the notice of a decision given by the director. The director shall fix a time and place for hearing such appeal, and shall give the appellant ten days' written notice of the time and place of hearing.

B. The city manager shall have the power, and it shall be her or his duty:

1. To hear and determine appeals of orders or decisions of the director made upon petitions for redetermination of tax. The city manager may affirm, modify or reverse such orders or decisions, or dismiss the appeals therefrom, as may be just, and shall prescribe such forms, rules and regulations relating to appeals as she or he may deem necessary. In the review of the director's decision or order the city Manager may take such evidence and make such investigation as she or he may deem necessary. She or he shall give notice of her or his determination in the manner prescribed for service of notice of a director's decision, and shall file a copy of each such determination with the director with certification thereon of the date of service thereof. Such determination shall become final ten days thereafter, and shall thereupon become due and payable, subject to interest and penalties, and enforceable by the director in like manner as an order or decision of the director.

2. To approve, modify or disapprove all forms, rules and regulations prescribed by the director in the administration and enforcement hereof; and such forms, rules and regulations shall be subject to and become effective only on such approval.

3. To hear and determine in such manner as shall be just, any protest, which may be made by any person who may be interested, to any form, rule or regulation approved or prescribed by the city manager.

4. To grant for good cause, applications for extensions of time in excess of one month for making any return or payment of tax, and to prescribe rules therefor.

5. To make such investigations as she or he deems advisable regarding the imposition and administration of the lodging tax and report the findings to council. To act in an advisory capacity to council on matters pertaining to the lodging tax and enforcement problems, and recommend to council the adoption, amendment or repeal of legislation pertaining thereto.

3.24.215 Appeals to Council.

Any person aggrieved by any decision of the city manager may appeal to council of the city by filing a notice of appeal with the director within ten days of the serving or mailing of the notice of the decision given by the city manager. The director shall transmit said notice of appeal, together with the file of said appealed matter, to council, who shall fix a time and place for hearing such appeal from the decision of the city manager. Council shall give the appellant not less than ten days' written notice of the time and place of hearing of said appealed matter. Action by council on appeals shall be decided by a majority of the members of council present at the meeting where such appeal is considered.

3.24.220 Violations.

It is unlawful for any operator **lodging tax collector** 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 a supplemental return or other data required by the finance director or to render a false or fraudulent report. ~~with intent to defeat or evade the determination of any amount due required by this chapter.~~

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.

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

3.24.230 Severability.

If any part of this chapter is for any reason held to be unconstitutional (or otherwise invalid), such decision shall not affect the validity of the remaining portions of this chapter 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 another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) 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 October 2020.

Mayor Hank Williams

ATTEST:

City Recorder



City of Central Point **Staff Report to Council**

ISSUE SUMMARY

TO:	City Council	DEPARTMENT: City Attorney
FROM:	Sydnee Dreyer, City Attorney	
MEETING DATE:	November 19, 2020	
SUBJECT:	Ordinance No. _____, An Ordinance Amending in Part Central Point Municipal Code Chapter 5.04.010 Definitions and 5.04.100 Evidence of Doing Business	
ACTION REQUIRED:	Motion Ordinance 2nd Reading	RECOMMENDATION: Approval

BACKGROUND INFORMATION:

Following discussion with council, city staff determined that amendments are necessary to Chapter 5.04, as current code does not make clear that all transient lodging facilities are required to obtain a business license, thereby resulting in potential inequities in enforcement. For example, hotels and bed and breakfast establishments obtain a license, but a facility operated within a single family dwelling may not.

In order to clarify that the business license code applies to all transient lodging facilities, the City is proposing amendments to the definitions section. In addition, city staff has modified section 5.04.100 outlining evidence that creates a prima facie case that a business is being operated.

Council moved this Ordinance to a Second Reading with one revision. The definition of a "business" has been revised to clarify that reference to transient lodging is based on the definition in Chapter 3.24.

FINANCIAL ANALYSIS:

LEGAL ANALYSIS:

These amendments are necessary to avoid conflicting interpretations as to the applicability of the business license code to transient lodging facilities.

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

STAFF RECOMMENDATION:

Move to approve ordinance.

RECOMMENDED MOTION:

Move to approve Ordinance No. _____ an Ordinance amending in part Central Point Municipal Code Section 5.04.010 Definitions and 5.04.100 Evidence of doing business.

ATTACHMENTS:

1. Ord Amending Ch 5.04 Business License Definitions

ORDINANCE NO. _____
AN ORDINANCE AMENDING IN PART CENTRAL POINT MUNICIPAL CODE CHAPTER 5.04.010
DEFINITIONS AND 5.04.100 EVIDENCE OF DOING BUSINESS

RECITALS:

- A.** Pursuant to CPMC, Chapter 1.01.040, the City Council, may from time to time make revisions to its municipal code which shall become part of the overall document and citation.
- B.** Upon review, the staff and city attorney for the City of Central Point determined that amendment to the definition of conducting business, and evidence of doing business, be revised to ensure application of business license code to all persons providing transient lodging.
- C.** Words ~~lined through~~ are to be deleted and words **in bold** are added.

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

SECTION 1. Chapter 5.04.010 is amended in part as set forth below and incorporated herein by reference.

Chapter 5.04
BUSINESS LICENSES

Sections:

- 5.04.010 Definitions.
- 5.04.020 Purpose and scope.
- 5.04.030 Business licenses required.
- 5.04.040 Applications.
- 5.04.050 Issuance.
- 5.04.060 Posting.
- 5.04.070 Contents.
- 5.04.080 Two or more business premises--Two or more businesses on same premises.
- 5.04.090 Fee--Term.
- 5.04.091 Exceptions.
- 5.04.092 License renewals.
- 5.04.095 Special events.
- 5.04.100 Evidence of doing business.
- 5.04.110 Penalties.
- 5.04.115 Transfers of business.
- 5.04.120 Business license fee schedule.

5.04.010 Definitions.

The following terms as used in this chapter shall have the meanings assigned to them:

A. ~~“Business” means any activity carried on with the intent:~~

- ~~1. That a profit be realized therefrom; and~~
- ~~2. That the profit, if any, inures to the benefit of the owner or owners of the activity.~~

Business means any enterprise, trade, activity, profession, occupation, private educational facility, or any kind of calling carried on for profit or livelihood within city limits. This includes transient lodging facilities as defined in Chapter 3.24, and year-round business-type activities that are operated by non-profits, such as a thrift store.

B. “Profit” means the excess of gross receipts over expense.

C. “Expenses” means the cost of goods sold, the expense of services rendered and all other expenses or disbursements, accrued or otherwise, ordinarily incidental to the operation of a business.

D. “Doing or transacting business” means any act or series of acts performed in the course or pursuit of a business activity ~~–on more than one occasion or day in a calendar quarter and not as a one-time or isolated activity or event.~~ **A person is presumed to be *DOING BUSINESS* in the city and subject to Chapter 5.04 if engaged in any of the following:**

- (1) Advertising or otherwise professing to be doing business within the city;**
- (2) Delivering goods or providing services to customers within the city;**
- (3) Owning, leasing, or renting personal or real property within the city which is used as a transient lodging facility; or**
- (4) Engaging in any activity in pursuit of gain which is not otherwise exempted in this chapter.**

It is not a defense to this Chapter that a business is not profitable.

SECTION 2. Chapter 5.04.100 is amended in part as set forth below and incorporated herein by reference.

5.04.100 Evidence of doing business.

In the trial of any alleged violation of this chapter, evidence that the defendant made a public representation, by way of advertisement by newspaper, radio, television, **online**, or similar media, ~~or through transient lodging intermediaries~~, **or** by signs conspicuously displayed for public view that such business was being conducted, expressly or impliedly offering to sell goods or services in the course of such business to the public or any segment thereof, constitutes prima facie evidence that the defendant was transacting the business suggested by such public representation, within the city on the date or dates during which such representations were made.

SECTION 2. Codification. Provisions of this Ordinance shall be incorporated in the City Code and the word "ordinance" may be changed to "code", "article", "section", "chapter" or another word, and the sections of this Ordinance may be renumbered, or re-lettered, provided however that any Whereas clauses and boilerplate provisions (i.e. Recitals A-C) 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 November, 2020.

Mayor Hank Williams

ATTEST:

City Recorder

3 | Ordinance No. _____; November ____, 2020



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO: City Council **DEPARTMENT:** Finance

FROM: Steven Weber,

MEETING DATE: November 19, 2020

SUBJECT: Resolution No. _____, Approving the Award of Emergency Small Business Assistance Grants

ACTION REQUIRED: Motion
Resolution

RECOMMENDATION: Approval

BACKGROUND INFORMATION:

This is the second round of grant awards through the City's emergency small business assistance grant program through Business Oregon. Through Resolution No. 1647 at the October 22nd City Council meeting, the City Council awarded 5 different businesses grant funds totaling \$20,000. The City has received an additional 12 grant applications from Central Point businesses. The list of applicants was sent to Business Oregon for their review and eligibility determination. 10 of the 12 applicants were approved to move forward to City Council for grant award approval. The 2 applications that were deemed ineligible had received other federal monies (PPP, EIDL, etc.) in excess of our

FINANCIAL ANALYSIS:

A supplemental budget was approved by the City Council through Resolution No. 1635 at the August 13, 2020 meeting to accept and expend grant funds for the purpose of providing emergency small business grant wards to eligible Central Point businesses.

LEGAL ANALYSIS:

N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

Economic Development Goal 1 – Diversify the City's local economy and economic base.

Strategies: (f) Maintain and expand public/private partnerships to determine the community's commitment to and support for economic expansion.

STAFF RECOMMENDATION:

Approve resolution as presented.

RECOMMENDED MOTION:

I move to approve Resolution No. _____, a resolution of the City of Central Point approving the award of emergency small business assistance grants.

ATTACHMENTS:

1. RESO Emergency Small Business Grant Award #2

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF CENTRAL POINT
APPROVING THE AWARD OF EMERGENCY SMALL BUSINESS ASSISTANCE
GRANTS

Recitals:

- A. The City of Central Point applied for and was awarded an emergency small business assistance grant through Business Oregon to assist local businesses that have been affected by the coronavirus pandemic.
- B. The Central Point Development Commission approved \$50,000 to be used as the matching funds for the small business assistance grant program.
- C. The City of Central Point had previously awarded five local businesses grant assistance through Resolution No. 1647 at the October 22nd City Council meeting.
- D. Business Oregon has reviewed the most recent list of grant applicants and has determined ten applicants are eligible to be presented to City Council for approval of grant awards.

The City of Central Point resolves as follows:

Section 1.

To award emergency small business assistance grant funding to the following:

1. Central Point Cleaners	\$ 5,000
2. Crater Café LLC	\$ 5,000
3. Eugene Mandell	\$ 2,500
4. Kenda’s Treasures	\$ 5,000
5. Justine Garrett Hair	\$ 2,500
6. Volamos Boutique	\$ 2,500
7. EZ Sleep Mattress	\$ 5,000
8. The Crater Foundation	\$ 2,500
9. Fusion Martial Arts	\$ 5,000
10. Central point Pawn Plus	\$ 5,000

Passed by the Council and signed by me in authentication of its passage this 12th day of November 2020.

Mayor Hank Williams

ATTEST

Attachment: RESO Emergency Small Business Grant Award #2 (1334 : Emergency Business Assistance Grant Awards)

Deanna Casey MMC, Recorder



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Public Works
FROM:	Matt Samitore, Parks and Public Works Director		
MEETING DATE:	November 19, 2020		
SUBJECT:	Annual Storm Water Quality Report		
ACTION REQUIRED:	Information/Direction	RECOMMENDATION:	Approval

BACKGROUND INFORMATION:

The City assumed administration and oversight over the Storm Water Quality program from Rogue Valley Sewer Services (RVSS) in early 2019. One of the items that RVSS previously reported on was storm water quality development, outreach, program successes, future projects

Under our first year of administrative control, the City has implemented various field training, community outreach programs, and ordinance updates. We have been delighted with the results, as we have been able to handle issues immediately and efficiently, all of which have benefited the development community. More specifically, having our team and one dedicated inspector has led to excellent direct communication with developers and builders about the program requirements and working with them to implement cost-effective methods/solutions for current and future erosion control.

The City has also submitted to the Oregon Department of Environmental Quality (DEQ) an application to handle all erosion control plans in-house. Currently, the City is allowed to issue permits for projects that are less than one acre in size

Lastly, the staff is working with the other design professionals to update our Storm Water Manual for the region.

FINANCIAL ANALYSIS: N/A

LEGAL ANALYSIS: N/A

COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:

2040 Strategic Plan

Strategic Priority: Community Investment

GOAL 4 - Manage growth to provide places that are timeless and loved by the community.

STRATEGY 1 – Engage the community in placemaking focus groups to learn what characterizes places that are distinctly Central Point and desirable as growth occurs in the Urban Growth Boundary.

STRATEGY 2 – Continually monitor and update the community's land use to reflect the community's preferences for how new growth areas will look, feel, and function. (As the City grows in response to market demand, this supports the creation of urban form and architectural character informed by the community's vision for its future.

STRATEGY 3 – Provide a professional land development review process that is efficient, collaborative, and solution-oriented.

STRATEGY 4 – Develop a toolkit of incentives to leverage in exchange for more desirable community places that provide public amenities associated with needed housing, employment, and other services, including but not limited to: public plazas, open space, parks, affordable housing, value-added design to attract professional office and other uses that provide more living-wage jobs).

STRATEGY 5 – When developing new parks or updating features of our older parks, involve the community in these planning efforts so that these facilities meet the needs of our citizens. Each park should reflect the individual character of the neighborhood in which they reside. Continually reevaluate the needs of our community in terms of parks and facilities.

STAFF RECOMMENDATION: Review the project information in attached PowerPoint Presentation.

RECOMMENDED MOTION: N/A

ATTACHMENTS:

1. July 2020



Public Works Department

Matt Samitore, Direct
Mike Ono, CFM, Environmental Service/ GIS Coordinat

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Phase 2 Report for 2020

Public Education, Outreach and Involvement

- Bear Creek Stewardship Day was scheduled for September 26th. 2020 but had to be canceled due to the wildfires. Last year, 232 people participated in removing more than 2.5 tons of trash and 1 acre of invasive blackberries from the Bear Creek Greenway.
 - This is a regional program that the City of Medford, Phoenix, Talent, Ashland, and Central Point participate in by picking up trash along the Bear Creek Greenway.
- Staff designed and printed new brochures to hand out to the public and contractors
 - Guidelines for Concrete Truck Washouts and Saw Cutting
 - Painting Without Polluting
 - Pressure Washing
 - Carpet Cleaning
- Salmon Watch class at Scenic Middle School had to be canceled this year due to COVID, but we are working with RVCOG to make some educational videos for the classes, possibly.
- Arbor Day this year, which is usually in April, had to be canceled due to COVID.
- Several articles were published in the City newsletters on how things impact our storm drains, such as leaves, fertilizers, chlorines from pools, paints, dog waste, and other pollutants.
- Staff is looking into replacing old storm drain inlet stickers with new ones that say “No Dumping - Drains to Stream.” The old ones are peeling and wearing off.

Illicit Discharge Detection and Elimination

- Storm Drain Protection Ordinance in place, Municipal Code 8.05.
- City Stormwater website has been redone to include a new page on **Reporting a Spill** and **Stormwater Quality Documents and Information**.
 - The **Reporting a Spill** web page gives information on who to call and what information will be needed when reporting the spill. The City after hour’s number is also listed.
 - The **Stormwater Quality Documents and Information** give access to the 2004 Stormwater Management Plan prepared by RVSS, the new City NPDES Phase 2 General Permit from DEQ, Annual Reports from RVSS for the City, and the current Rogue Valley Stormwater Design Manual.
- Illicit Incident reports
 - April –At the Grange, some white milky substance was running from the grain loading bay to the nearby storm drain. The manager was notified, and the incident was corrected and cleaned up. No citation was issued.
 - May - A sediment discharge at Creekside Apartment occurred while the contractor was dewatering a trench. The contractor was pumping muddy water into the street curb, and the storm drain. The contractor was warned, and the incident was corrected and cleaned up. No citation was issued.
 - June 24th – A trail of white fertilizer was spilled on N 10th Street from Upton Rd. to Fair City Market and down N. 3rd St., approximately 500ft. City crews cleaned up fertilizer with a street sweeper. Staff investigated to find the owner of the spill but was unsuccessful. Checked with

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Attachment: July 2020 [Revision 1] (1331 : Storm Water Quality Report 2019-2020)

the Grange to see if they had any machinery returned or filled that day, only one but was filled with a blueish type of fertilizer, which was not the same.

Construction Site Runoff Control

- The City has applied for the 1200CN permit, which will allow the City to become an agent for DEQ. Once the City gets the permit, we will then issue local development projects that disturb soil up to 5 acres. This will speed up the permitting process and bring extra income to the City.
- Below are the projects that the City is currently monitoring in Central Point
 - Current Developments greater than 1 acre (10 DEQ Sites):
 - Twin Creeks Subdivision
 - Smith Crossing Apartments
 - Chicory Village Subdivision
 - View Crest Subdivision
 - Premier Car Wash
 - Tail Lite
 - Crater Parking Lot
 - Les Schwab
 - Nelson Building
 - RV Microdevices
 - Less than 1 acre: (8 Sites)
 - 547 E Pine
 - 30 Freeman Ct.
 - Covington Village
 - Reed Medical Building
 - Dominos
 - Paramount Estates
 - Southern Oregon Spine & Rehab
 - Covington Village
 - Approximately 30 SFD's

Post-Construction Site Management

- Adopted the Rogue Valley Stormwater Quality Design Manual.
- Low impact development or Green Infrastructure – stormwater control using vegetation, soil, and natural processes to manage stormwater. We currently have 31 facilities in the City (12 are City maintained).
- The City is designing a Regional Stormwater treatment area off Gebhard Road to treat the stormwater coming out of the future development between Hamrick, Beebe Rd, and Gebhard Rd.
- Added parking to Flanagan Park and included a stormwater swale to treat the stormwater runoff.
- Public Works is working with the School District to design a swale at Jewett Elementary.

Pollution Prevention and Good Housekeeping

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- The City is designing the new city shop with Best Management Practices to control pollution runoff that may run into the storm drains such as:
 - Covered or contained areas that will prevent stormwater runoff from getting contaminants into the storm drain.
 - Recycling and Waste management
 - Cleaning Practices
 - Product Waste & Storage
 - Spill Prevention
- The staff has finished inspection of the City-owned stormwater treatment features, including vaults, swales, and rain gardens, below and above ground detention facilities.
- The City crews are implementing new technology for stormwater management to keep sediment and pollutants out of the inlets when working in the field.
- A closer look at the Public Works operating and maintenance procedures will have to be reviewed to see if some areas can be improved upon to reduce the discharge of pollutants.



City of Central Point **Staff Report to Council**

ISSUE SUMMARY

TO:	City Council	DEPARTMENT:	Community Development
FROM:	Tom Humphrey, Community Development Director		
MEETING DATE:	November 19, 2020		
SUBJECT:	Planning Commission Report		
ACTION REQUIRED:	Information/Direction	RECOMMENDATION:	Not Applicable



A. Public Hearing to consider a Tentative Plan for the development of a 12-lot residential subdivision (Mayberry Place) on 3.65 acres in the Residential Single Family (R-1-10) zoning district. The proposal includes the re-plat of Parcel 2 of the Cook Partition (No. 57-2006) into two (2) lots and a public utility easement modification. The project site is located on Grant Road and is identified on the Jackson County Assessor's Map as 37S 2W 10BC, Tax Lots 2200 and 2301. File No. SUB-20003. Applicant: W.L Moore Construction, Inc. Agent: Herb Farber. Farber Consulting. This is one of the last 'large lot' subdivisions the City will likely process. Staff identified issues with road dedication, project access, storm water dispersal and the disposition of significant trees. The City is working with Jackson County Roads to limit access to Grant Road from a new street. An irrigation pond on site is no longer important and will be drained and filled in with authorization from the Division of State Lands. Storm water runoff, one calculated, will be directed to existing storm water infrastructure. Finally, the applicant will work to preserve a significant 66 inch spruce tree that is situated between two of the proposed new lots. The applicant and the Planning Commission agreed with the conclusions and the findings in the staff report and the Commission approved the subdivision.

B. Public Hearing to consider the 2020 update of the City of Central Point Natural Hazard Mitigation Plan (NHMP) File No. CPA-20002. Applicant: City of Central Point. The City's NHMP was last acknowledged by the state in 2011 and has been updated in accordance with the Disaster Mitigation Act of 2000 and the FEMA Local Mitigation Planning Handbook. Updating this document is important to assure that mitigation strategies account for changes in the community as it grows and as new information about hazards becomes available. Wildfire that have occurred during the past two years have made this update even more important and will qualify the City for disaster assistance when needed. This document was reviewed and recommended for City approval by the Citizens Advisory Committee in October. The Planning Commission accepted the findings in November's staff report and recommended approval of this proposal with the understanding that further coordination with other Rogue Valley jurisdictions and agencies will occur.

Miscellaneous: Planning staff reviewed and answered questions about various development projects and planning applications occurring around the City.



City of Central Point **Staff Report to Council**

ISSUE SUMMARY

TO:	City Council	DEPARTMENT: Administration
FROM:	Chris Clayton, City Manager	
MEETING DATE:	November 19, 2020	
SUBJECT:	Council Committee Assignments	
ACTION REQUIRED: Information/Direction		RECOMMENDATION:

The City Council usually reviews committee, commission, and board assignments after the first of the year following a general election or after the appointment of a new council member. However, this year, Council Member Browning suggested that we review the assignments earlier due to her appointment to the League of Oregon Cities (LOC) Board and because all Council incumbents will be returning for an additional term. Each of these assignments represents an important opportunity for the City of Central Point to maintain relations with regional agencies and partners.

Council Member Browning stated she is currently assigned to attend the RVCOG Board of Directors and Fire District No. 3 Board of Directors meetings. She would be willing to have those assigned to other Council members if there is interest.

Council Member Neil Olsen is assigned to the Bear Creek Greenway Committee, which no longer meets regularly, and the City has created its own Ad-Hoc Greenway Committee that other council members attend. Mr. Olsen would be willing to attend the CAC, Fire District No. 3, or the Parks and Recreation Committee meetings.

Recommended Action: Review and discuss the attached Council Committee and Board list.

Recommended Motion: Move to approve the City Council Representatives Boards, Commissions, Committees, Foundations Assignments, as discussed.

ATTACHMENTS:

1. Local Committee Representatives 2019

City Council Representatives Boards, Commissions, Committees, Foundations

1. **RVCOG Board of Directors Meetings**, Tanea Browning
4th Weds, monthly, 11:45 a.m.
Contact: 664-6676 ext. 202

2. ~~**Bear Creek Greenway Committee**, Neil Olsen~~
~~Meetings vary.~~
~~Contact: Steve Lambert 774-6231, lambersm@jacksoncounty.org~~
~~Andrew Austill, AustilAR@jacksoncounty.org~~

3. **Jackson County Expo Board**, Mayor Williams,
3rd Tuesday each month, 6:00 p.m. Fair Board Room
Contact: Helen Funk, 541-774-8270

4. **So. Oregon Regional Econ. Dev. Inc. (SOREDI)**, Rob Hernandez
1st Tuesday each month, 3:30 alternating between Medford and G.P
Contact: Angie 773-8946

5. **School District No. 6 Board Meeting**, Rob Hernandez
2nd and 4th Tuesday of each month, 7:30 p.m. Location varies
Contact: Robin 541-494-6200

6. **Medford Water Commission**, Hank Williams, Chris Clayton
1st and 3rd Wednesday each month, 12:30 p.m. Lausman Annex.
Contact: Medford Water Commission 774-2430

7. **Transportation Advocacy Committee (TRADCO)**, Hank Williams
2nd Tuesday each month, 12:00 p.m. Jackson County
Contact: Kim Parducci 774-2100

8. **Airport Advisory Committee**, Tom Humphrey, Kelley Johnson
3rd Monday of each month, Noon at Airport Terminal
Contact: Vicki Waltner 541-776-7222

9. **Rogue Valley Area Commission on Transportation, (RVACT)** Tom
Humphrey
2nd Tuesday each month, 9:00 a.m. Location varies
Contact: Stephanie Thume 423-1368

10. **Jackson County Fire District No. 3 Board**, Tanea Browning
3rd Thursday each month, 5:15 p.m. White City Station
Contact: 541-826-7100

- 11. **RVTD Board Meetings**, Kelley Johnson
last Wednesday of the month 5:30 p.m. at Medford Court House
- 12. **Visitor Information Center**, Tanea Browning
4th Thursday each month, 12:00 p.m.
Contact: Chamber 664-5301
- 13. ~~**Regional Sewer Rate Committee**, Mike Parsons
Quarterly on the 2nd Monday of the Month, 12:00 p.m. RVSS on Vilas
Contact: Carl Tappert, 541-779-4144~~
- 14. **Rogue Valley Sewer Systems**, Mike Parsons
3rd Wednesday each month, 11:30 Lunch 12:00 – 1:30 meeting.
138 W. Vilas Road
Contact: Carl Tappert 541-779-4144
- 15. **RVCOG Executive Committee**, _____
4th Weds each month, 11:00 a.m. at Avista Utilities Rm B
Contact: 664-6676 ext 202
- 16. **Central Point Citizens Advisory Committee**, Mike Parsons
6:30 p.m. 2nd Tuesday - January, April, July, October (Subject to
Change) Contact: Tom Humphrey 541-423-1025
- 17. **Parks and Recreation Commission**, Mike Parsons
Quarterly, Council Chambers
Contact: Dave Jacobs 541-423-1042
- 18. **Parks and Recreation Foundation**, Mike Parsons
Meetings vary Contact: Dave Jacobs 541-423-1042
- 19. **Jail Advisory Committee**, Michael Parsons
Meetings vary Contact: Sheriff Sickler SickleNJ@jacksoncounty.org

2019 Transportation Representative Mike Quilty appointed on 1/10/2019

- 1. **Metropolitan Planning Organization (RVMPO) Policy Committee**,
Representative Mike Quilty, Hank Williams,
- 2. **Oregon Rail Leadership Group**,
- 3. **Oregon Metropolitan Planning Organization Consortium**
- 4. **Oregon Freight Advisory Group**
- 5. **Oregon State Transportation Improvement Program Stakeholders
Group**
- 6. **West Cost Corridor Coalition**
- 7. **Rogue Valley Area Commission on Transportation (RVACT)** as
representative of RVMPO

Attachment: Local Committee Representatives 2019 (1333 : Council Committee Assignments)



City of Central Point Staff Report to Council

ISSUE SUMMARY

TO: City Council **DEPARTMENT:**
Administration

FROM: Chris Clayton, City Manager

MEETING DATE: November 19, 2020

SUBJECT: Code Enforcement Annual Report

ACTION REQUIRED: Information/Direction **RECOMMENDATION:**

Brief PowerPoint Presentation on the CSO position, Code Enforcement Stats from 3rd Qtr, 2020, as well as highlighting two accomplishments from this year.

ATTACHMENTS:

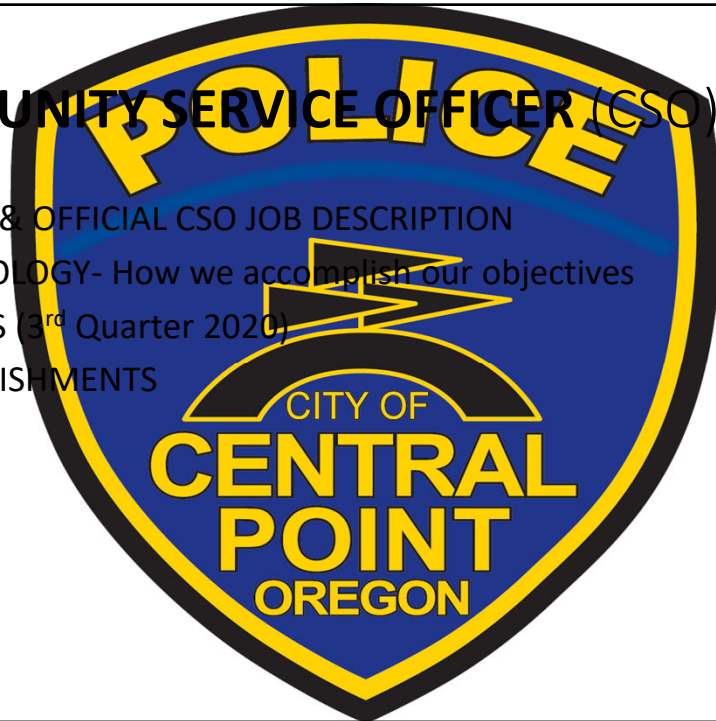
1. CSO Update 2020_

COMMUNITY SERVICES & CODE ENFORCEMENT



COMMUNITY SERVICE OFFICER (CSO)

- PURPOSE & OFFICIAL CSO JOB DESCRIPTION
- METHODOLOGY- How we accomplish our objectives
- STATISTICS (3rd Quarter 2020)
- ACCOMPLISHMENTS



Attachment: CSO Update 2020_ (1342 : Code Enforcement Annual Report)

PURPOSE



- Fulfill the police department mission in support of the City's efforts to achieve its strategic priorities and goals.
 - Address liability issues as identified and defined by those who reside, visit and/or conduct business within the City of Central Point. (Largely citizen generated complaints)
 - Proactively collaborate with community members to prevent crime and perceived disorder. (Shopping carts, abandoned furniture, greenway, etc.)
 - Be an ambassador for public and private resources available to our citizens.

CSO JOB DESCRIPTION



- Perform routine non-sworn police work.
- Assist police officers in the performance of their duties.
- Perform traffic control.
- Assist in crime scene investigations.
- Enforce the City of Central Point Municipal Code.
- Enforce city parking ordinances.
- Weed abatement.
- Investigate and remove abandoned vehicles.
- Respond to animal care and control issues.
- Organize and coordinate community outreach such as crime prevention, neighborhood watch and public safety awareness.
- Effectively testify in court.
- ***Other duties as assigned.****

Attachment: CSO Update 2020_ (1342 : Code Enforcement Annual Report)

METHODOLOGY- How we achieve our objectives.

- **Provide Excellent Customer Service-**

- Prompt response to calls for service.
- Follow Up.
- Follow Through.

- **Compliance**

- Voluntary
- Involuntary



“Voluntary Compliance”

- **Effective communication (validation)-**

- Acknowledge each person’s experience by listening and understanding.

- **Education-**

- *Complainants* may call to report a situation that is contrary to their personal values and standards presuming it is a violation of the municipal code.
- *Violators* are often simply unaware of their offense and quickly correct the issue.
- *Community Service Officer*- Care must be taken to gather all of the facts and circumstances surrounding a given situation.

- **Empathy & Equity-**

- Discretion is exercised so all parties involved have the *opportunity* to feel a given course of action is reasonable and fair.



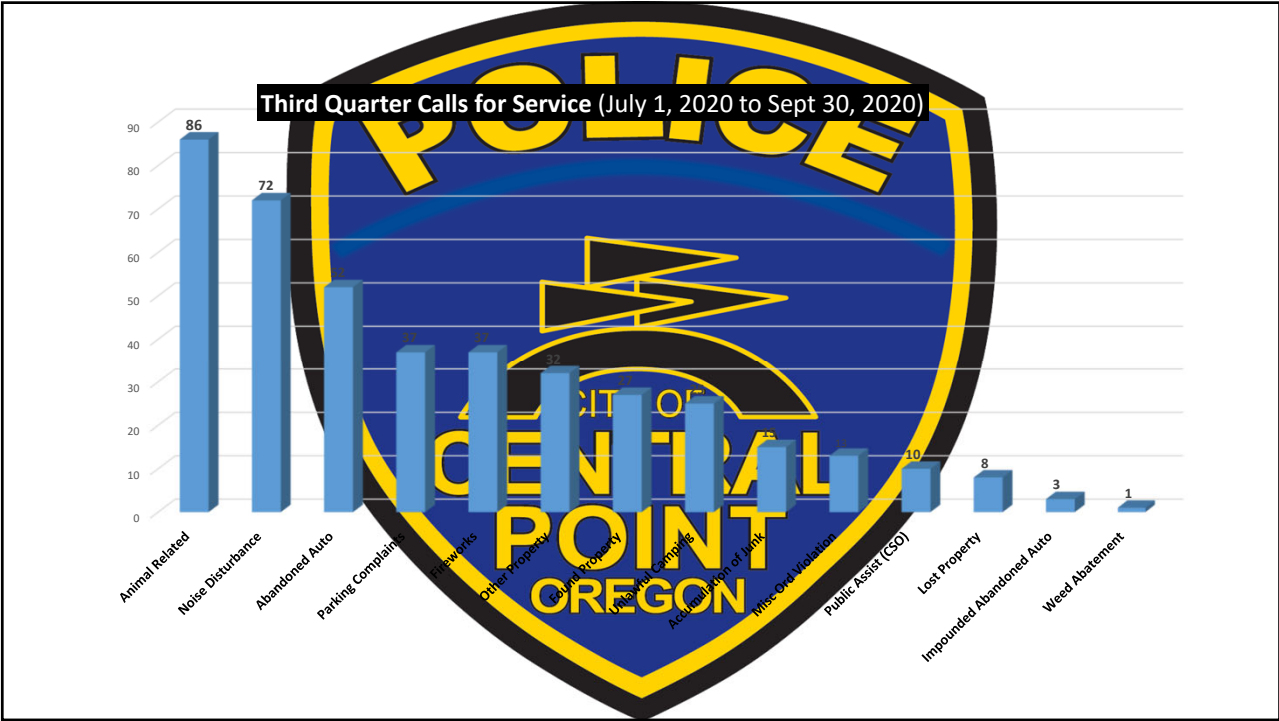
“Involuntary Compliance”

- **Citation-**
 - Standard fine is \$250 per day.
 - Court appearance is generally 1 month from date of citation.
 - Frequency of citations is determined on a case by case basis.
- **Nuisance Property-**
 - A specific location where *two or more* nuisance activities have occurred during any *thirty-day period*. **Nuisance Activities:** Harassment; intimidation; disorderly conduct; assault or menacing, sexual abuse, contributing to the delinquency of a minor or sexual misconduct, public indecency; prostitution or related offenses; alcoholic liquor violations; theft; arson.....etc.
- **Eviction-**
 - Once notified, property owners are generally quick to evict tenants engaging in nuisance activities.
- **Property Lean, Foreclosure and Demolition-**

“OTHER DUTIES AS ASSIGNED”

- Remove abandoned shopping carts and dispose of property therein.
- Assist with community parades and special events.
- Assist with the CPPD Explorer Post and host high school internships. (22)
- Shuttle fleet vehicles for maintenance.
- Transport vehicle fleet tires between Quality Tire and Upton storage.
- Transport prisoner property to and from Upton storage as needed.
- Deliver subpoenas to those who live outside of the city limits.
- Conduct child safety seat installations and inspections. (41,13)
- Assist with E Pine St Flag Detail
- Department Safety Inspections (Fire Extinguishers, etc.)





Attachment: CSO Update 2020_ (1342 : Code Enforcement Annual Report)



ACCOMPLISHMENTS-
CSO Fleet Vehicles

Replaced 2WD 2006 Nissan Frontier with 4WD 2020 Ford Rangers.



ACCOMPLISHMENTS-
1210 Freeman Rd.

- Chronic Nuisance Property/ Drug Traffic/ Warrants
- Numerous conversations with the property owners
- Dozens of Citations
- Several Court Appearances
- Community Meetings with Neighbors
- Countless Follow Ups
- Nearly 5 years!

Attachment: CSO Update 2020_ (1342 : Code Enforcement Annual Report)

ACCOMPLISHMENTS- 1210 Freeman Rd.



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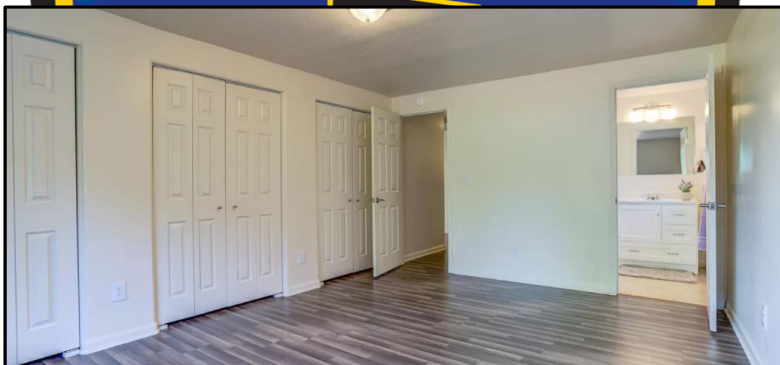
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ACCOMPLISHMENTS- 1210 Freeman Rd.



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Attachment: CSO Update 2020_ (1342 : Code Enforcement Annual Report)

PRIMARY OBJECTIVE:



Livability!

PRIMARY OBJECTIVE:

- Identify a need.



Attachment: CSO Update 2020_ (1342 : Code Enforcement Annual Report)

PRIMARY OBJECTIVE

- Identify a need.




PRIMARY OBJECTIVE

- Partner with available resources!




SoHumane
Southern Oregon Humane Society

JACKSON COUNTY
Health & Human Services

Oregon Department of Fish & Wildlife

C.A.T.S.
Committed Alliance To Strays



Attachment: CSO Update 2020_ (1342 : Code Enforcement Annual Report)

PRIMARY OBJECTIVE

- Make a difference!









THANK YOU!

Questions??

CITY OF
CENTRAL POINT
OREGON

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