

**CITY OF CENTRAL POINT  
City Council Meeting Agenda  
January 11, 2017**

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

**City Council**

**Mayor**  
Hank Williams

**Ward I**  
Bruce Dingler

**Ward II**  
Michael Quilty

**Ward III**  
Brandon Thueson

**Ward IV**  
Tanea Browning

**At Large**  
Rob Hernandez  
Vacant

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

**Community  
Development**  
Tom Humphrey,  
Director

**Finance**  
Steven Weber,  
Director

**Human Resources**  
Elizabeth Simas,  
Director

**Parks and Public  
Works**  
Matt Samitore,  
Director

**Police**  
Kris Allison Chief

Next Res. 1523  
Next Ord. 2042

- I. **REGULAR MEETING CALLED TO ORDER – 7:00 P.M.**
- II. **PLEDGE OF ALLEGIANCE**
- III. **ROLL CALL**
- IV. **PUBLIC APPEARANCES – *Comments will be limited to 3 minutes per individual or 5 minutes if representing a group or organization.***
- V. **CONSENT AGENDA**  
  
Page 2 - 11    A. Approval of December 14, 2017 City Council Minutes
- VI. **ITEMS REMOVED FROM CONSENT AGENDA**
- VII. **PUBLIC HEARINGS**  
  
13 - 16    A. Public Hearing - Resolution No. \_\_\_\_\_, Declaring Certain Real Property at 75 Bush Street/466 South First Street Surplus and Authorizing the Sale of Such Property (Weber)
- VIII. **ORDINANCES AND RESOLUTIONS**  
  
18 - 22    A. Ordinance No. 2042, An Ordinance Amending the Central Point Municipal Code Section 17.05.600(H) Regarding City Council Review Provisions (Humphrey)  
  
24 - 51    B. Resolution No. \_\_\_\_\_, Approving the 2018 City Council Rules (Dreyer)  
  
53 - 57    C. Resolution No. \_\_\_\_\_, Authorizing Staff to Enter into an Agreement Between the City of Central Point and the Rogue Valley Council of Governments (RVCOG) to Participate in the Brownfields Assessment Coalition (Humphrey)

**VIII. BUSINESS**

59 A. Planning Commission Report (Humphrey)

61 - 67 B. 2018 Utility Rate Discussion (Samitore)

**IX. MAYOR'S REPORT**

**X. CITY MANAGER'S REPORT**

**XI. COUNCIL REPORTS**

**XII. DEPARTMENT REPORTS**

**XIII. EXECUTIVE SESSION**

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 Under the provisions of the Oregon Public Meetings Law, the proceedings of an executive session are not for publication or broadcast.

**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 at: [Deanna.casey@centralpointoregon.gov](mailto:Deanna.casey@centralpointoregon.gov).

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

# Consent Agenda

**CITY OF CENTRAL POINT  
City Council Meeting Minutes  
December 14, 2017**

**I. REGULAR MEETING CALLED TO ORDER**

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

**II. PLEDGE OF ALLEGIANCE**

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

City Manager Chris Clayton; City Attorney Sydnee Dreyer; Police Captain Dave Croft; Community Development Director Tom Humphrey; Parks and Public Works Director Matt Samitore; IT Director Jason Richmond; and City Recorder Deanna Casey were also present.

**IV. PUBLIC APPEARANCES**

Anthony Ulloa, Phoenix Resident

Mr. Ulloa explained that he was in a car accident on November 25<sup>th</sup> while traveling on Biddle Road. He is concerned that there will be more accidents at the Biddle/Table Rock intersection. It is an unsafe intersection with the amount of traffic going through because of the new Costco. There should have been improvements made before the Costco opened. He has PTSD because of the accident and will no longer drive through this intersection. He did state that the Central Point Police were very helpful and did an amazing job during the accident.

City Manager Chris Clayton explained the future plans for the intersection. He will continue to be in contact with the County in regards to improvements.

Larry Martin, CAC Member and Irrigation District Representative

Mr. Martin updated the Council on SB865. This bill requires cities to submit notice to Irrigation Districts in regards to new construction. Central Point is already including the district in regards to notices and plans. SB865 also requires the district to report to the cities regarding land use issues that could impact a city. He appreciates the City of Central Point and their corporation with letters of support for several state level projects they have been working on.

**V. CONSENT AGENDA**

City Manager Chris Clayton requested that Item B of the Consent Agenda be removed for additional discussion.

- A. Approval of November 9, 2017 City Council Minutes**
- C. Letter of Support for Rogue Disposal & Recycling, Inc. regarding Comingled Materials**

**Mike Quilty made a motion to approve Items A and C of the Consent Agenda.** Tanea Browning seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

## **VI. ITEMS REMOVED FROM CONSENT AGENDA**

### **B. Approval of Reappointments to City Committees and Commissions**

City Manager Chris Clayton explained that the appointment of the Citizen Advisory Chair was inadvertently left off the reappointment list. Staff recommends reappointing David Painter to the Chair position for 2018. There were no other changes or recommendations from the original staff report.

**Allen Broderick moved to approve the list of recommended reappointments to City Committees and Commissions including David Painter as Citizen Advisory Committee Chair for 2018.** Brandon Thueson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

## **VII. PUBLIC HEARINGS, ORDINANCES AND RESOLUTIONS**

### **A. Ordinance No. 2041, An Ordinance Amending CPMC Chapter 17.05.300 (C); 17.05.300(E); and 17.05.400(C), to increase the Public Notification Requirements for Type II and Type III Land Use Applications**

Community Development Director Tom Humphrey presented an amended staff report and Ordinance for the second reading of An Ordinance Amending the CPMC increasing the Public Notification Requirements for Type II and Type III Land Use Applications. There was discussion regarding the two types of land use applications. The Community Development Director is authorized to approve or deny Type II decisions while Type III decisions go to the Planning Commission for final decision. There was discussion regarding the time frame for sending out notices and the 120 day period for approval of applications set by the state.

**Mike Quilty moved to approve Ordinance No. 2041, An Ordinance Amending CPMC Chapter 17.05.300 (C); 17.05.300(E); and 17.05.400(C), to increase the Public Notification Requirements for Type II and Type III Land Use Applications.** Brandon Thueson seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

### **B. First Reading – An Ordinance Amending the Central Point Municipal Code Section 17.05.600(H) Regarding City Council Review Provisions**

Mr. Humphrey explained that it has been discussed that there were insufficient provisions in place with respect to: Timing of call-up procedures, vote requirements for call-up procedures, hearings procedures and overlapping appellate procedures in our land use ordinances. At the direction of the Council staff has researched similar processes in other cities and have provided the proposed ordinance for adoption.

The Planning Commission considered these amendments at a public hearing in November and raised questions about conflicting processes. They wondered if the Council might remand Commission decisions once they are reviewed. The City Attorney recommended against language to allow the Council to remand back the Commission due to the time limitations once the City accepts a land use application. The City Council would retain the "last word" in land use decision regardless of review or appeal to the Council.

There was discussion regarding the appellate fee being refunded if the Council were to exercise its review authority. The proposed Ordinance is necessary to ensure the Council Review authority is well defined and the process set forth avoids inconsistent application and/or to avoid appeal based upon failure to follow appropriate procedures.

There was discussion that in the case of a review or an appeal the Council would receive the same information that the Planning Commission was given in order to make an informed decision. If the city is close to the 120 limit the City Council would be able to hold a special Council meeting to come to an informed decision.

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

**Bruce Dingler moved to second reading An Ordinance Amending the Central Point Municipal Code Section 17.05.600(H) Regarding City Council Review Provisions.** Tanea Browning seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

**C. Resolution No. 1521, A Resolution Revising the Classification Pay Plan**

City Manager Chris Clayton explained that Part A has been updated to reflect the reallocating of duties following the departure of the Parks and Recreation Manager; the reorganization includes adding a Recreation Specialist and reclassification of the Recreation Programs Coordinator to Park Planner.

Parks and Public Works Supervisor has been added to the salary schedule for the promotion of our current Foremen. Principal Planner has been added to the salary schedule due to the supervision of planning staff being transferred to this position.

The changes in Part C of the pay plan has been updated to reflect the 1.7% U.S. City Average CPI as set forth in the Management Compensation Plan. The adjustments were to the salary schedule range minimums and maximums, not to individual salaries. Pay changes for management employees are tied to performance and limited to the parameters set by the management compensation plan.

**Brandon Thueson moved to approve Resolution 1521, A Resolution Revising the Classification Pay Plan.** Rob Hernandez seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

**D. Resolution No. 1522, A Resolution Authorizing the City Manager to Sign an IGA with Jackson County for Distribution of Civil Forfeiture Assets in Jackson County Case No. 17CV33924**

City Attorney Sydnee Dreyer explained that the City acted as a forfeiting agency in a civil forfeiture regarding Jackson County Case No. 17CV33924. ORS 131A.360(2) requires that if the forfeiting agency is not a county, the agency shall enter into an agreement under ORS Chapter 190, with the County in which the property was seized to provide a portion of the forfeiture proceeds to the County.

In this situation the County's share of the forfeiture assets would be \$0 for the reason that the case did not involve any County personnel, the sheriff's office, or the District Attorney's office. The Agreement is applicable to this case only, and in the event of a future civil forfeiture in which the City is the forfeiting agency, the County's share will be negotiated at that time.

**Allen Broderick moved to approve Resolution No. 1522, A Resolution Authorizing the City Manager to Sign an IGA with Jackson County for Distribution of Civil Forfeiture Assets in Jackson County Case No. 17CV33924.** Tanea Browning seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

**VIII. BUSINESS**

**A. Planning Commission Report**

Community Development Director Tom Humphrey presented the Planning Commission Report from December 5, 2017.

- The Commission held a public hearing to consider amendments to CPMC 17.05.600(H) – General Procedural Provisions, City Council Review. Staff presented the amendments to the council review procedures. The Commission voted in support of the proposed ordinance.
- The Commission held a public hearing to consider a Conceptual Land Use and Transportation Plan for Urban Reserve Areas CP-5 and CP-6. The Commission heard testimony from county residents living in the CP-5A and

CP-6A urban reserve areas. There were comments both in favor and opposition to the plan. Concerns primarily focused on property owners not wanting to be annexed into the city, and the need for a parks/open space buffer between future and existing development. The Commission determined that more work is needed to refine the land use allocations, specifically regarding the parks and open space buffers. The Public Hearing was continued to February 6, 2018.

- Staff introduced a summary of the working draft Land Use Element to the Commission. The Land Use Element consists of text and maps, which addresses the purpose and scope of each land use allocation, and assigns a specific land use to each property within the City's Urban area. Changes to the map correct errors and inconsistencies, incorporate changes proposed by other and address changing condition. A Public Hearing on the Land Use Element is scheduled for January 2, 2018.

## **B. Water Account Policy for Foreclosed Properties**

### **Allen Broderick recused himself from the dais because of a potential Conflict of Interest.**

Finance Director Steven Weber explained that in 2016 the Council adopted Ordinance 2029 allowing a delinquent water account to become a lien against the property if the customer is the owner of the property.

Current practice has been to put the water account in the name of the lender when the property owner provides the city with a notice of foreclosure. The outstanding balance at that time remains the responsibility of the property owner. Any new charges are the responsibility of the lender. Unpaid balance becomes a lien against the property.

In almost all instances, when a property is purchased through a sheriff's sale, there is a lien on the property for unpaid charges that the new owner is unaware of and feel they should not be responsible to pay. Staff provided examples of when a house has gone through a short sale, or foreclosure and the proper lien searches have not been done. This delays the sale of the property and sometimes stops the sale altogether. There are situations where a property owner may think that all the past due bills are paid, but in reality they have just been transferred into a lien on the property causing issues when the owner goes to sell the property. Lenders don't always change the water accounts into their name when attempting a foreclosure. There are times when there is not activity on the account and staff can assume that the owners have moved out and let the home go to the bank, but that does not stop the utility fees from accumulating and eventually becoming a lien.

There was discussion if the policy is to protect the current owner or the future owner. Should we continue to charge the fees if the property is empty. How much authority does the Council wish to give staff in order to accommodate these fees or waive them depending on different situations. There will be times when a property sale may be able to close if the fees are waived, but there will not be



time to come before the Council to ask permission to waive the fees. Should the city be waiving fees for one property when all the other properties are still responsible for the fees.

Council agreed that staff should have the authority to review each situation accordingly. If there is evidence that a foreclosure notice was issued, and that the home is vacant as evidenced by a lack of use of utilities, Council would like to give staff authority to waive some fees following the vacancy of the property. Each situation will be different and Council feels that Department Directors should have the authority to waive under certain circumstances. In no case should fees be waived prior to the adoption of Ordinance 2029.

Proposed policy would provide that if an owner can show proof of notice of foreclosure, and there has been no consumption for at least 60 days staff would have authority to waive fees accumulating after the 60-day vacancy period. If Staff does not feel that fees should be waived, or there are other circumstances that do not meet this criteria, a person could request a hearing before Council.

**Mike Quilty moved to establish a policy allowing staff to waive fees going back to 2016 in situations where there is evidence of foreclosure and evidence that the home has been vacant for at least 60-days.** Rob Hernandez seconded.

There was continued discussion to clarify if the Council was intending to set policy at the meeting tonight or directing staff to return with a policy regarding this issue. City Attorney Dreyer attempted to clarify the motion in the form of a policy stating that staff can review the past 60 days of consumption to determine if fees could be waived. There was discussion regarding the motion and the intent of the Council. The Council decided to clarify the motion and have staff bring back a policy for its review rather than adopt the policy that night.

**Mike Quilty clarified his motion stating that Staff should bring back a policy for council approval regarding the issues of Water Account Collections and Foreclosures based on the direction provided by Council as to evidence of vacancy and timing discussed tonight..** Rob Hernandez seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

Council Member Allen Broderick addressed the Council from the podium. He stated that he is representing a client who needed an answer tonight regarding the lien on his property. He tried to do the right thing and move out of his home when foreclosure notice came. After five years he found out that the bank never put the property in its name and a lien of \$1300 was put on the property. He now has an offer for the sale of the property but without a decision tonight the sale may not go through. This owner cannot wait until January, and the buyer is not willing to purchase the property subject to that lien. He stated that he brought this issue to the attention of the Council years ago and nothing was ever done about the current policy to help property owners in situations like this.

Mrs. Dreyer stated that this was not noticed as a public hearing and the Council is not in a position to make a decision to write off these fees tonight. The new recommended policy would not necessarily help in this situation much because the fees would only be retroactive to 2016 not the five years needed by the seller.

**Mr. Broderick returned to his seat at the dais.**

### **C. Parks Commission Report**

Parks and Public Works Director Matt Samitore presented the Parks and Recreation Commission Report from December 7, 2017.

- The Commission discussed the request to use unmanned Aerial Vehicles (Drones) in City Parks. Because of FFA regulations most of the parks in Central Point would be limited to a height restriction. It was also decided that the use of Drones would be covered under CPMC 8.06 Flying Model Aircraft, which restricts the use of Model Aircraft in the City Limits.
- The Commission reviewed the Inclusive Playground designs for Robert Pfaff Park.
- The Commission has begun discussions to revise the Special Event and Gazebo reservation applications along with the related fees and damage deposits.
- They will continue discussions of seasonal vendor applications for various activities around town.

## **IX. MAYOR'S REPORT**

Mayor Williams reported that he attended several Rogue Valley Lunches this week including the SOREDI Open House, Medford Water Commission, and the Medford Chamber Forum.

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

City Manager Chris Clayton reported that:

- He is happy to announce that 466 S. First Street/75 Bush Street has been demolished and cleaned up.
- He attended the Medford Chamber Forum where Avista Utilities had a speaker who talked about the affordability rate in Jackson County.
- On Tuesday Morning Central Point Chamber will be holding Greeters here in the Council Chambers.
- Next Thursday is the City Attorney's Holiday Party, Council Members and City Staff are invited to attend.
- He has been in contact with Collin Grant regarding the marijuana grows in the Urban Reserve Areas. They will be working together with the County to get some enforcement in the area in regards to non-compliance with Marijuana Grows.
- Staff has been in contact with Mr. Hamlin regarding the extension of Federal Way to connect with Airport Road.

## **XI. COUNCIL REPORTS**

Council Member Mike Quilty reported that:

- He was one of the judges for Providence Festival of Trees, a great event with beautiful trees.
- He attended two MPO meetings last month, and had an unscheduled meeting today regarding bridges in the valley.
- He attended the Lights Parade and the Tree lighting at City Hall.
- He attended the meet and greet for the new Airport Director. They talked about aviation grants coming to the area. He also attended the retirement party for the previous Airport Manager Mr. Burns.
- They are looking for a second PAC member for the MPO, we need an additional member from Central Point to fill this position.

Council Member Brandon Thueson reported that:

- He attended the Bear Creek Greenway meeting. They have seen great results using the County Inmates Program to help clean the path.
- He attended the lights parade and tree lighting with a couple of his family members.
- He attended the Crater Foundation Auction.
- He attended the Costco Grand Opening. He hasn't noticed a big change in the traffic on the east side of town in regards to Costco.

Council Member Rob Hernandez reported that he attended the Fire District No. 3 Strategic Planning meeting and the Southern Oregon Timber Industry meeting.

Council Member Bruce Dingle reported that he attended the November Study Session.

Council Member Tanea Browning reported that:

- She attended the Costco Ribbon Cutting and VIP night.
- She attended the November Study Session.
- She attended the November Greeters at Rogue Credit Union.
- She participated in the Fire District 3 Strategic Planning Process. They had a great facilitator.
- She attended the League of Oregon Cities Board of Directors Orientation and Board meeting in Beaverton at the end of November.
- Decorate downtown event went great. Businesses now have garland that was sponsored by Chamber members. The event included caroling, cocoa, baked goods and garland hanging.
- She attended the Crater Foundation Auction where they raised over \$80,000 for Crater Graduate Scholarships.
- RVCOG has requested participation in their Shake Alert from member cities. She has reported on this program in the past and the ability to allow agencies to get ahead of a seismic event like Cascadia to minimize some of the effects, like water treatment plants, bridges and infrastructure.

Council Member Allen Broderick reported that:

- He attended the Costco Grand Opening night.
- He attended the November Study Session.
- There is an office vacancy in his commercial building. He was approached by someone who wants to sell marijuana accessories. We have a code prohibiting the sale of these types of items that should be cleared up now that Marijuana is legal in the State.

## **XII. DEPARTMENT REPORTS**

Parks and Public Works Director Matt Samitore:

- presented before and after photos of 466 S. 1<sup>st</sup> Street. There is a remarkable difference in this property now that the accumulations of junk and old buildings have been removed.
- There has been another delay for the Pine Street project. It looks like the sewer laterals need to be replaced. This will be done while the sections of street are open for the construction but may put a delay in the project completion. Rogue Valley Sewer District will be invoiced for this additional work.

Police Captain Dave Croft reported that:

- He is happy with the way all the departments worked together regarding the issues at 466 1<sup>st</sup> Street. It will be nice to not have to work on those violations again.
- The department did a greenway sweep last week. We are trying to do them monthly to keep the Central Point end of the greenway transient camp free.
- No Shave November has come to an end. The department raised funds for Cancer prevention by not shaving and collecting pledges.
- They started the interview process today for the Police Office Support position.
- One of our off duty officers spotted a stolen vehicle today, he called for back-up and we were able to locate and apprehend the suspect.

Finance Director Steve Weber reported that:

- The Audit presentation will be in January.
- The city will be using a new vendor for utility billing statements. There will be a new fresh look to the water bills in January.

Community Development Director Tom Humphrey reported that:

- They have received building permits for the old Saxbury Building location, and the first phase of Smith Crossing.
- Micro devices are still working on their plans to move into Central Point.
- The City has received two façade improvement grant requests.

City Attorney Sydnee Dreyer complemented the City Staff and Police Department on a job well done regarding the 1<sup>st</sup> Street property. They all worked together to clean up the property for resale. Staff and Council are welcome to the Attorney Office Holiday Party. If anyone needs directions feel free to contact her.

**XIII. EXECUTIVE SESSION ORS 192.660(2)(i) – City Manager Evaluation**

**Brandon Thueson moved to adjourn to Executive Session Under ORS 192.660(2)(i) to review the City Manager Evaluation.** Mike Quilty seconded. All said “aye” and the Council Adjourned to Executive Session at 9:12 p.m.

Council returned to regular session at 9:58 p.m.

**Brandon Thueson moved to approve the City Manager Agreement with recommended changes to Differed Comp Contribution and a 5% wage increase after the City Attorney reviews for legal language and submitted for review of Council by electronic mail.** Mike Quilty seconded. Roll call: Hank Williams, yes; Bruce Dingler, yes; Tanea Browning, yes; Brandon Thueson, yes; Allen Broderick, yes; Rob Hernandez, yes; and Mike Quilty, yes. Motion approved.

**XIV. ADJOURNMENT**

Mike Quilty moved to adjourn, Tanea Browning seconded, all said “aye” and the Council Meeting was adjourned at 10:02 p.m.

The foregoing minutes of the December 14, 2017, Council meeting were approved by the City Council at its meeting of January 11, 2018.

Dated:

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

ATTEST:

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

# **Resolution**

## **Declaring Surplus Property for 466 S. First Street**



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

**ISSUE SUMMARY**

MEETING DATE: January 11, 2018  SUBJECT: 466 South First Street/75 Bush Street	STAFF MEMBER: Steve Weber  DEPARTMENT: Finance
ACTION REQUIRED:  <input checked="" type="checkbox"/> Motion <input checked="" type="checkbox"/> Public Hearing <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information/Direction <input type="checkbox"/> Consent Agenda Item <input type="checkbox"/> Other	RECOMMENDATION:  <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not applicable  Comments:

**BACKGROUND INFORMATION:** The residential property at 466 South First Street and related commercial business at 75 Bush Street has a long history of criminal activity and chronic nuisance for the accumulation of junk. The Central Point Police Department responded to extensive calls over the years. Attempts were made to work with the property owners and/or occupants but the activity would return. The Police Department began issuing citations for the accumulation of junk which were first heard through the City's Municipal Court and later through the Jackson County Justice Court, acting as the City's municipal court, when the City contracted with Jackson County to perform municipal court services. The Jackson County Circuit Court issued multiple judgments against the property owner and/or occupants for the outstanding citations which remained unpaid.

The Council approved Resolution No. 1496 to commence the foreclosure on the property. However, while working through the process of getting the City's notice of foreclosure lien sale published it was discovered that the priority lien holder on the property had already set a foreclosure sale for September 6<sup>th</sup>, 2017. Council authorized City staff to bid on the property at the foreclosure sale. Following successful bidding at the sale at the price of \$50,000.00, the City filed an action with the Court to evict the occupants from the property, and following inspection of the property determined that the structures required demolition, which has now been completed. The City has expended significant funds in enforcement actions against the property, subsequent initiation of a foreclosure proceeding, the purchase of the property, eviction process, and demolition and cleanup of the property.

The Council's intent in purchasing the property was to cease the ongoing criminal and/or chronic nuisance at the property, and upon future sale of the property, to recoup some of the City's costs in dealing with this property. The City has no other reasonable use for the property and its sale will help to offset the City's costs.

City staff recommends the City obtain an appraisal of the property and/or use a comparative market analysis conducted by a licensed realtor to determine fair market value. In preliminary discussions, the value for such property is \$9 to \$12 per square foot, with an estimated fair market value of \$70,875 to \$94,500. Jackson County currently lists the real market value at \$102,630.

The monies acquired from the conveyance of this property would go into the general fund. Prior to formal listing of the Property, the City will bring back the recommended sale price for Council review and direction.

**FINANCIAL ANALYSIS:** The City will receive reimbursement of some of its costs associated with enforcement, purchase, eviction and improvement of this property.

**LEGAL ANALYSIS:** N/A

**COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:** N/A

**STAFF RECOMMENDATION:** Approve resolution as presented.

**RECOMMENDED MOTION:** Move to approve Resolution No. \_\_\_\_ Declaring Certain Real Property at 466 South First Street/75 Bush Street Surplus and Authorizing the Sale of Such Property.

**ATTACHMENTS:** Resolution declaring the property to be surplus and authorizing its sale.



**A RESOLUTION DECLARING CERTAIN REAL PROPERTY AT 75 BUSH STREET/466 SOUTH FIRST STREET SURPLUS AND AUTHORIZING THE SALE OF SUCH PROPERTY**

Recitals:

- A. The City of Central Point acquired a parcel of residential real property located at 466 South First Street and related commercial business at 75 Bush Street consisting of .18 acres, more particularly described in the attached deed at Exhibit "A" incorporated herein by reference, and commonly referred to as Map No. 372W11BC, Tax Lot 3800 (the "Property"), at a foreclosure sale following a long history of criminal activity and chronic nuisance for the accumulation of junk. Attempts were made to work with the Property owners and/or occupants but the activity would return. The Council approved Resolution No. 1496 to commence the foreclosure process on the Property. However, while working through the process of getting the City's notice of foreclosure lien sale published it was discovered that the priority lien holder on the Property had already set a foreclosure sale for September 6<sup>th</sup>, 2017.
- B. Council authorized City staff to bid on the Property at the foreclosure sale. Following successful bidding at the sale, the City filed an action in Circuit Court to evict the occupants, and following inspection of the Property determined that the structures required demolition, which has now been completed.
- C. The City has no other reasonable use for the Property and its sale will help to offset the City's cost of enforcement, initiation of foreclosure process, and subsequent purchase of the Property to resolve the chronic nuisance.
- D. The City has determined that no public purpose would be furthered by retaining ownership of the above Property and that said Property is deemed surplus and should be sold and listed with an agent based upon the fair market value or appraised value of the Property or at a publicly advertised auction to the highest bidder.

The City of Central Point resolves as follows:

Section 1. The Property is declared to be surplus.

Section 2. The Property shall be sold and listed with an agent based upon its fair market value, appraised value, or at a publicly advertised auction to the highest bidder. The City Manager or his designee is authorized to retain a realtor and take any other steps necessary to effectuate the terms of this resolution.

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Passed by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of January, 2018.

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Mayor Hank Williams

ATTEST:

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City Recorder

# **Ordinance**

## **Second Reading – Amending CPMC 17.05.600(H) Council Call Up Provisions**



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

**ISSUE SUMMARY**

<p>MEETING DATE: January 11, 2018</p> <p>SUBJECT: Consideration of an Ordinance amending the Central Point Municipal Code Section 17.05.600(h) regarding City Council review provisions.</p>	<p>STAFF MEMBER: Tom Humphrey AICP, Community Development Director</p> <p>DEPARTMENT: Community Development</p>
<p>ACTION REQUIRED:</p> <p><input type="checkbox"/> Motion</p> <p><input type="checkbox"/> Public Hearing</p> <p><input type="checkbox"/> Ordinance 1<sup>st</sup> Reading</p> <p><input checked="" type="checkbox"/> Ordinance 2<sup>nd</sup> Reading</p> <p><input type="checkbox"/> Resolution</p> <p><input type="checkbox"/> Information/Direction</p> <p><input type="checkbox"/> Consent Agenda Item</p> <p><input type="checkbox"/> Other</p>	<p>RECOMMENDATION:</p> <p><input checked="" type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input type="checkbox"/> Not applicable</p> <p>Comments:</p>

**BACKGROUND INFORMATION:**

Upon Council consideration to utilize Council Review procedures, it was determined there were insufficient provisions in place with respect to: timing of call-up procedures, vote requirements for call-up procedures, hearings procedures, and overlapping appellate procedures. Council directed staff and the city attorney to research similar processes in other cities and to bring back recommended code revisions that prescribe the council review process.

The Planning Commission considered these amendments at a public hearing on November 7<sup>th</sup> and raised questions about conflicting processes and wondered whether the Council might remand Commission decisions once they are reviewed. The City Attorney resolved potential conflicts and recommended against language to allow remand due to the time limitations the City is under once it accepts a land use application. Whether upon review or as a result of an appeal, the City Council will retain the 'last word' in land use decisions.

**FINANCIAL ANALYSIS:**

If Council were to exercise its review authority after an appeal was filed, the appellate fee would be refunded to the appellant.

**LEGAL ANALYSIS:**

The amendments are necessary to ensure the Council Review authority is well defined and the process set forth to avoid inconsistent application and/or to avoid appeal based upon failure to

follow appropriate procedure.

**COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:**

Managed Growth and Infrastructure, Goal 4; Continually ensure that planning and zoning review and regulations are consistent with comprehensive plans and vision.

**STAFF RECOMMENDATION:**

Consider the proposed amendment to the municipal code, and 1) approve the ordinance; 2) approve the ordinance with revisions; 3) deny the ordinance amendment.

**RECOMMENDED MOTION:**

Approve Ordinance No. \_\_\_\_ An Ordinance Amending CPMC Chapter 17.05.300 (C); 17.05.300 (E) and 17.05.400 (C), to Increase the Public Notification Requirements for Type II and Type III Land Use Applications.

**ATTACHMENTS:**

Attachment "A" – Ordinance No. \_\_\_\_ An Ordinance amending the Central Point Municipal Code Section 17.05.600(h) regarding City Council review provisions.

+

ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AMENDING THE CENTRAL POINT MUNICIPAL CODE SECTION 17.05.600(H) REGARDING CITY COUNCIL REVIEW PROVISIONS**

**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 Section 17.05.600(H) Council Review Procedures is necessary in order to more clearly define the process for Council review of land use matters.
- C. The amendment is intended to set forth the timing and procedure for Council review.
- D. 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 17.05.600(H), City Council Review is hereby amended to read:

**CHAPTER 17.05**  
**Applications and Development Permit Review Procedures**

17.05.600 General procedural provisions.

\*\*\*

H. City Council Review.

**1. Authority. Whether or not an appeal is filed, pursuant to Section 17.05.550, the city council shall, by majority vote, have the authority to call up any Type II or Type III application for review upon a finding that errors of law were made and/or there was not substantial evidence to support the decision.** ~~The decision to call up an application may occur at any time after the application is filed until the decision is otherwise final. When the city council calls up an application, the council shall, in its order of call up, determine the procedure to be followed, including the extent of preliminary processing and the rights of the parties. At a minimum, the council shall follow the procedures in Section 17.05.550 regarding appeals from Type III decisions.~~

## **2. Procedures:**

- a. A summary of Type II and Type III decisions shall be forwarded by mail or electronic mail to the City Council as an information item by the Community Development Director at the time the decision is mailed to the applicant.**
- b. Review under this Section shall be initiated by the City Council before the adjournment of the first regular City Council meeting, following the date the City Council receives notification of the decision.**
- c. Any member of the City Council or the Mayor may make a motion to review the Type II or Type III decision which shall require majority of the Council present to approve. Notwithstanding the foregoing, a Council member or the Mayor is prohibited from initiating or voting upon the motion if such individual has a conflict of interest or has participated in the proceedings below in his/her individual capacity.**
- d. Unless subsequently discontinued by majority vote, City Council review pursuant to this section shall supersede and replace any appeal filed under Section 17.05.550. The appellant(s) of any appeal filed before a City Council call for review shall receive a full refund of the filing fee.**
- e. The City Recorder shall set the hearing date for the next regularly scheduled Council meeting, that falls not less than fourteen (14) days after the date the Council approves the motion to review the application.**
- f. City Council review shall be on the record which means that Council review is limited to the application materials, evidence, documentation, and specific issues raised in the initial proceedings and participation shall be limited to the applicant or owner of the subject property and any person who participated in the proceeding by submitting timely written and/or oral comments on the record prior to the decision.**
- g. The notice, hearing and decision procedures for a City Council review shall follow the provisions of the Central Point Municipal Code for appeals.**
- h. The decision of the City Council upon review shall become final on the date when written notice of the decision is mailed to persons entitled to notice of the decision. Any further appeal shall be to the Oregon Land Use Board of Appeals.**

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 January 2018.

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

ATTEST:

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



# **Resolution**

## **Approval of 2018 Council Rules**



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

**ISSUE SUMMARY**

MEETING DATE: January 11, 2018

STAFF MEMBER: Sydnee Dreyer

SUBJECT: Council Rules

DEPARTMENT: City Attorney

**ACTION REQUIRED:**

- Motion
- Public Hearing
- Ordinance 1<sup>st</sup> Reading
- Ordinance 2<sup>nd</sup> Reading
- Resolution
- Information/Direction
- Consent Agenda Item
- Other

**RECOMMENDATION:**

- Approval
- Denial
- None Forwarded
- Not applicable

Comments:

**BACKGROUND INFORMATION:**

The Council considered the proposed Council Rules at its November study session. The new rules incorporate many recommended provisions from the League of Oregon Cities model rules, add new provisions regarding managing disruptions at meetings and Council decorum, and reorganize in a structure that flows well. The Council requested staff bring the rules to a regular meeting with a few minor revisions, which have been made. It is intended that the new rules would supersede and replace the existing rules.

**FINANCIAL ANALYSIS:**

None.

**LEGAL ANALYSIS:**

None.

**COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:**

None.

**STAFF RECOMMENDATION:**

Staff recommends approval of the new rules effective January 2018.

**RECOMMENDED MOTION:**

Move to approve Resolution No. \_\_\_\_\_ a Resolution Adopting the Rules of the City Council of Central Point Oregon Effective January 2018.

**ATTACHMENTS:**

Resolution No. \_\_\_\_\_  
Rules of the City Council of Central Point Oregon Effective January 2018

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

A RESOLUTION APPROVING THE RULES OF THE CITY COUNCIL OF CENTRAL  
POINT, OREGON EFFECTIVE JANUARY 2018

Recitals:

- A. The City Council is required, by Section 10 of the City Charter to adopt rules governing its meetings.
- B. In January 2017 Council amended its Council Rules pursuant to Resolution No. 1483.
- C. The City Council desires to make changes in its Council Rules to better organize and efficiently conduct City Council meetings.
- D. To amend the Rules of the City Council of Central Point, the rules require adoption of a Resolution.

The City of Central Point resolves as follows:

Section 1. Adopting Rules of City Council. Resolution No. 1483 is hereby repealed. The Rules of the City Council of Central Point, Oregon are hereby adopted in their entirety to read as set forth in Exhibit 1, attached hereto.

Section 2. Severability. If any section, sentence, clause, or phrase of this Resolution or any resolution adopted or amended hereby, should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phase of this Resolution..

Passed by the Council and signed by me in authentication of its passage this \_\_\_\_\_ day of January, 2018.

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

ATTEST:

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

## **EXHIBIT 1 TO RESOLUTION**

### **RULES OF THE CITY COUNCIL OF CENTRAL POINT, OREGON EFFECTIVE JANUARY 2018**

#### **CHAPTER 1 – GENERAL GOVERNANCE**

##### **I. Rules of Procedure.**

**A.** Unless otherwise provided by charter, ordinance or these rules, the procedure for Council meetings, and any subcommittee of a City Council, shall be guided by Robert’s Rules of Order, 11th Edition.

**B.** Members of the Council are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert’s Rules of Order when such points will obscure the issues before the Council and confuse members of the public.

**C.** Whenever these rules and Robert’s Rules of Order conflict, these rules shall govern.

##### **II. Quorum.** A quorum is required to conduct official City business.

**A.** The members of the Council are the City councilors and mayor. Fifty-percent plus one of the members of the Council shall constitute a quorum. Vacancies in office do not count towards determining a quorum.

**D.** In the event a quorum is not present, the members of Council present shall adjourn the meeting.

##### **III. Presiding Officer.**

**A.** The mayor shall preside over all meetings and have authority to preserve order, enforce the rules of Council and determine the order of business under the Rules of the Council. The mayor shall retain all rights and privileges of the office of the mayor as set out in the City charter when acting in this capacity.

**B.** In the mayor’s absence the president of the Council shall preside over the meeting. The president of the Council shall retain all rights and privileges of the office of the mayor as set out in the City charter when acting in this capacity

**C.** If both the mayor and the president of the Council are absent from the meeting, the following procedure shall be utilized to determine who is the presiding officer:

- 1.** The City recorder shall call the Council to order and call the roll of the members.

2. Those members of Council present shall elect, by majority vote, a temporary presiding officer for the meeting.
3. Should either the mayor or the president of the Council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
4. The presiding officer shall retain all rights and privileges of a member of Council when acting in this capacity.

#### **IV. Appointed Officers & Employee Duties.**

**A. City Recorder.** The City recorder shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the City recorder shall keep the official minutes of the Council.

**B. City Manager.** The City manager is required to attend all meetings of the Council and is permitted to participate in any discussion; however, the City manager has no authority to cast a vote in any decision rendered by the Council.

**C. City Attorney.** The City attorney shall, unless otherwise directed by the City Manager, attend any meeting of the Council, and will, upon request, give an opinion, either written or oral, on legal questions.

**V. Agendas.** The City manager shall prepare an agenda for every regular meeting, and, if requested by the presiding officer, for every special meeting.

**A.** Agendas and informational material for meetings shall be distributed to the Council at least three (3) days preceding the meeting.

**B.** No Council approval shall be required for an agenda of any meeting.

**C.** The City manager may place routine items and items referred by staff on the agenda without Council approval or action.

**D.** The City manager may remove any items on the consent agenda, any item of old business, any resolution, or any ordinance placed for first reading from the agenda at any time prior to the time the meeting is convened. The presiding officer shall announce such removal under announcements/proclamations.

**E.** A member of the Council who wishes to have an item placed on the agenda shall advise the City manager at least one week prior to the meeting.

**F.** Agenda items that are of special importance to Council may be treated as Special Orders of Business. Special Orders of Business take precedence over all other items except the Pledge of Allegiance.

**G.** A request to add an item for Council consideration may be presented at the Council meeting but shall require a majority concurrence of the members present to be so added. These items are limited to emergency items.

**VI. Order of Business.** The order of business for all regular meetings shall be as follows, however when it appears to be in the best interest of the public, the order of business may be changed for any single meeting by a majority vote:

- I.** Call to Order
- II.** Pledge of Allegiance
- III.** Roll Call
- IV.** Announcements/Special Recognition (when appropriate)
- V.** Public Appearances
- VI.** Consent Agenda
- VII.** Items Removed from Consent Agenda
- VIII.** Public Hearings, Ordinances & Resolutions
- IX.** Business
- X.** Mayor's Report
- XI.** City Manager's Report
- XII.** Council Reports
- XIV.** Department Reports
- XV.** Executive Session
- XVI.** Adjournment

**A. Call to Order.** The presiding chair shall call all meetings of the Council to order. The call to order shall note the date, time and location of the meeting so that it may accurately be reflected in the minutes.

**B. Roll Call.** The City recorder shall conduct a roll call to determine which members of the Council are present and which are absent.

- 1. The attendance shall be properly reflected in the minutes.
- 2. If roll call determines that a quorum is not present, the meeting shall be adjourned.

**C. Announcements/Special Recognition.** Announcements are intended to be procedural in nature, such as an item being removed from the agenda. Special Recognitions are awards or recognition of individuals by the Council.

**D. Public Comment**

- 1. **Policy.** The Council recognizes that public input into the governmental process is an invaluable aid to informed decision making. Therefore, it is the policy of the Council that all citizens shall have the right to speak before the Council on matters of public concern, but each citizen shall be responsible for abuse of such right. Consequently, to ensure that the greater public interest is fostered, each citizen or

group of citizens who desires to speak before the Council shall have the duty to exercise this right in a manner which furthers the greater public interest.

**2. Public Comment Generally.** Any member of the general public wishing to address the Council on a matter of public concern may do so at the time set for public comments during each regular session of the Council. The Council, in its sole discretion, may extend this time, or may request further information be presented to the Council on such date and in such manner as it deems appropriate. Public comment is limited to items not on the agenda, or items on the agenda which are not public hearings.

If a member of the public wishes to speak on an item that is scheduled for a public hearing at that same meeting, the speaker shall wait until that public hearing. Public comment shall not be used to testify about a quasi-judicial land use matter, or to provide or gather additional testimony or information on any matter after the official record has been closed on any matter which has been the subject of a public hearing.

Speakers are limited to three (3) minutes, for individuals and five (5) minutes for persons representing a group of two or more. Generally, the speakers will be called upon in the order in which they have signed in on the speaker's roster. Speakers shall identify themselves by their names and by their place of residence. The presiding officer may allow additional persons to speak if they have not signed the speaker's roster and sufficient time is left.

Councilors may, after obtaining the floor, ask questions of speakers during public comment. Councilors shall use restraint when exercising this option, and shall attempt to limit questioning to no more than three minutes. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

Speakers may play electronic audio or visual material during the time permitted for their comment. Speakers may utilize City-provided audio or visual equipment located in the Council chambers as a part of their comment, but must provide the materials in a readable format to City staff prior to the meeting so that it may be installed on the City's equipment to avoid a delay or disruption of the meeting.

**E. Consent Agenda.** In order to expedite the Council's business, the approval of minutes and other routine agenda items shall be placed on the consent agenda.

**1.** All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.

**2.** Any item on the consent agenda may be removed for separate consideration by any member of the Council.

**3.** For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the staff report, a determination



that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member of Council must declare a conflict of interest.

4. Examples of items for Consent Agendas include Council Committee Minutes, OLCC requests, temporary street closures, annual proclamations and routine housekeeping items.

## **F. Ordinances and Resolutions – See Chapter 3**

### **G. Public Hearings Generally**

1. A public hearing may be held on any matter upon majority vote of the Council. Public hearings may be held to consider legislative, quasi-judicial or administrative matters.

2. Persons wishing to speak shall sign the “hearing roster” with the person’s name and address prior to the commencement of the public hearing at which the person wishes to speak.

3. The City recorder shall announce at the commencement of any public hearing the subject of the hearing as it is set forth on the agenda. The presiding officer shall then declare the hearing open.

4. Each person shall, prior to giving testimony, give his or her name, shall indicate whether they are a resident of the City, and may give their address. All remarks shall be addressed to the Council as a body and not to any member thereof.

5. Council shall set the time limits for the applicant, appellant, or other interested persons. Except as otherwise provided an applicant or appellant shall be provided fifteen minutes. Other interested persons shall be given three minutes for individuals and five minutes for a group of two or more.

6. Councilors may, after recognition by the presiding officer, ask clarifying or follow up questions of individuals providing testimony after that individual has completed his or her testimony. Questions posed by councilors should be to provide clarification or additional information on testimony provided. Questions should not be used as an attempt to lengthen or expand the testimony of the individual. Councilors shall be expected to use restraint and be considerate of the meeting time of the Council when exercising this option. The presiding officer may intervene if a councilor is violating the spirit of this guideline.

7. Councilors may, after the presentation of testimony of all interested persons, ask clarifying or follow-up questions of staff. Questions posed by City councilors should be to provide clarification or additional information on testimony provided.

8. The presiding officer may exclude or limit cumulative, repetitious, or immaterial matter. The presiding officer may order the testimony, alternating those speaking in favor and those in opposition or have all speaking in favor testify, followed by all those in opposition. The presiding officer, with the approval of the Council, may further limit the time and/or number of speakers at any public hearing; provided that the presiding officer shall announce any such restrictions prior to the commencement of the testimony. In the event of large numbers of interested persons appearing to testify, the presiding officer, to expedite the hearing, may in lieu of testimony call for those in favor of the pending proposal or those in opposition to rise and direct the City recorder to note the numbers in the minutes.

9. At the end of public testimony and questions of staff, the Council shall initiate deliberations by introducing a motion on the matter; continue the hearing; or keep the record open for additional written testimony. During deliberations, each member of the Council shall have the opportunity to comment on or discuss testimony given during the public hearing.

10. A copy of any written testimony or physical evidence, which a party desires to have introduced into the record of the hearing, shall be submitted to the City recorder at the time of the hearing. Communications concerning quasi-judicial matters received prior to the hearing are ex parte contacts, and a councilor receiving any such communication must disclose the fact that such a communication has been received, and the content of the communication.

11. Documents submitted to the City as evidence or written testimony during a public hearing are public records. If such a document contains the name, address, including email address, and telephone number of the person, then it will be included in the record of the proceeding. Because the name, address, including email address, and telephone number are part of a public record, this information will be generally disseminated to the public, and must be disclosed if a public records request is submitted for the documents. A person who believes such disclosure would present a danger to his or her personal safety, and who wishes to exempt his or her address, including email address, and telephone number from disclosure must submit a written request for nondisclosure to the City recorder pursuant to ORS 192.455(1).

## **H. Conduct of Hearings on Land Use Matters – See Chapter 4**

### **I. Written Communications to Council.**

1. Unsolicited communications to the mayor and/or Council concerning matters on the agenda shall be forwarded to the Council in the agenda packet, but shall not be individually itemized on the agenda.

2. Unsolicited communications to the mayor and/or Council concerning matters that are not on an agenda shall be forwarded to the mayor and/or Council but shall not be included in the agenda packet.

3. The City manager may, in his or her discretion, bring any matter raised by an unsolicited communication to the attention of the Council as an agenda item, provided that such communication is accompanied by a staff report setting forth the reason the matter should be considered by the Council, and making a recommendation for Council action.

**J. Anonymous Communications.** Anonymous and unsigned communications shall not be introduced at Council meetings.

## CHAPTER 2 – MEETING TIME, LOCATION AND FREQUENCY

**I. Regular meetings.** The Council shall meet the second and fourth Thursday of each month except in those cases where the Council finds it necessary to designate another date due to conflicts and with the exception of designated holidays and/or Council recesses.

A. Meetings shall begin at 7:00 p.m.

B. Meetings shall adjourn at 10:00 p.m., but may be extended upon a majority vote of the Council. In no event shall meetings extend beyond 11:00 p.m.

**II. Special meetings.** Special meetings may be called by the presiding officer, by request of three members of the Council, or by the City manager and must be approved by a majority of the Council.

A. Notice of the special meeting shall be given to each member of the Council, the City manager, and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.

B. Notice of the special meeting shall be given to all members of the Council and the City manager via telephone and email.

C. Special meetings shall be noticed in accordance with Oregon's public meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place.

**III. Emergency meetings.** Emergency meetings may be called by the presiding officer, by the request of three members of Council, or by the City manager.

A. Notice of the emergency meeting shall be given to each member of the Council, the City manager, and each local newspaper, and radio and television station which has on file a written request for notice of special meetings.

B. Notice of the emergency meeting shall be given to all members of Council and the City manager via telephone and email.

**C.** Emergency meetings are those meetings called with less than 24 hours' notice and the Council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.

**D.** The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

**IV. Executive Sessions.** Executive sessions may be called by the presiding officer, by the request of three members of Council, by the City manager or by the City attorney.

**A.** Only members of the Council, the City manager and persons specifically invited by the City manager or the Council shall be allowed to attend executive sessions.

**B.** Representatives of recognized news media may attend executive sessions, other than those sessions during which the Council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation and the news media is a party to the litigation.

**V. Study Sessions.** Study sessions are permitted to present information to the Council so that the Council is prepared for regular or special meetings.

**A.** All study sessions are subject to Oregon's public meetings law and must be noticed accordingly.

**B.** Study sessions are intended to allow for preliminary discussions, and the Council is not permitted to take formal or final action on any matter at a study session.

**C.** Study sessions are to be scheduled by the City manager.

**D.** The City manager is to invite any relevant staff to study sessions so that the sessions are as productive as possible.

**VI. Holidays.** In the event a regular meeting falls on a holiday recognized by the City, the regular meeting for that week shall be cancelled.

**VII. Location.** Council meetings shall be held at city hall.

**A.** In the event City hall is not available for a meeting, the Council shall meet at a venue open to the public which is located within the jurisdictional limits of the City.

**B.** Training sessions may be held outside of the City's jurisdictional limits, provided no deliberations toward a decision are made.

**C.** Interjurisdictional meetings may be held outside of the City's jurisdictional limits, but should be held as close as practical to the City, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

**D.** No Council meeting shall be held at any place where discrimination on the basis of an individuals' race, religion, color, sex, national origin, ethnicity, marital status, familial status, age, sexual orientation, source of income or disability is practiced.

**VIII. Notice.** The City recorder shall provide notice of all meetings in accordance with Oregon's public meeting law.

**IX. Attendance.** Members of the Council shall advise the City manager if they will be unable to attend any meetings. Under the charter, a Council position becomes vacant if the member of Council is absent from the City for more than 30 days without Council permission or absent from all meetings of the Council within a 60-day period.

### **CHAPTER 3 – ORDINANCES AND RESOLUTIONS**

**I. Ordinances.** All ordinances considered by and voted upon by the Council shall adhere to the rules outlined herein.

**A. Numbering.** The City recorder shall number all ordinances with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall begin with the year in which the ordinance was introduced.

**B. Preparation and Introduction.**

**1.** All ordinances shall, before presentation to the Council, have been approved by the City manager, or the City attorney.

**2.** No ordinance shall relate to more than one subject, which shall be clearly expressed in its title, and no ordinance, or section thereof, shall be amended or repealed unless the new ordinance contains the title of the ordinance or section amended or repealed.

**C. Calendar of Ordinance.**

**1.** An ordinance is introduced for consideration by the Council for presentation for first reading. After introduction, the Council may direct that:

- a.** A public hearing on the ordinance be held;
- b.** Refer the ordinance to committee for review and recommendation;
- c.** Refer the ordinance to the City manager or staff for further revision;
- d.** Pass the ordinance to a second reading; or
- e.** Reject the ordinance in whole or in part.

2. All ordinances when introduced for first reading shall be identified by title and number on a calendar of first reading and may be passed to a second reading as a group without further reference.
3. Except as otherwise provided by this section, on second reading all ordinances shall be placed by title and number on the agenda for second reading, and may be passed as a group, provided that such ordinances are placed by title and number on a calendar of second reading, and the vote for the passage of the calendar is unanimous. Should any member of the Council object to any ordinance at the time of second reading, that ordinance shall be removed from the calendar of second reading, and considered separately. Ordinances to be considered separately shall be read by title only.
4. When a calendar of second reading of an ordinance which is to be considered separately is placed before the Council for final passage, the City recorder shall call the roll and enter the ayes, nays and abstentions in the record.
5. All proposed amendments to an ordinance shall be in writing, and may be made by interlineation upon the ordinance.
6. The Council may adopt an ordinance at a single meeting by the approval of a majority of the Council, provided the proposed ordinance is available in writing to the public at least one week before the meeting.
7. An affirmative vote of at least a majority of the quorum shall be necessary to pass an ordinance.

**II. Resolutions.** All resolutions considered by and voted upon by the Council shall adhere to the rules outlined herein.

**A. Numbering.** The City recorder shall number all resolutions with a consecutive identification number during each calendar year, in the order of their introduction. Each number shall be followed by the last two digits of the year in which the resolution was introduced.

**B. Preparation and Introduction.**

1. All resolutions shall, before presentation to the Council, have been approved by the City manager or the City attorney.

**C. Calendar of Resolution.**

1. A resolution is introduced for consideration by the Council at a single meeting. After introduction, the Council may direct that:

- a. The resolution be approved;

- b. A public hearing on the resolution be held; or
- c. Reject the resolution in whole or in part.

2. All resolutions when introduced for first reading shall be identified by title and number on a calendar.

3. All proposed amendments to a resolution must be read aloud or made available in writing to the public at the meeting before the Council adopts the resolution.

4. An affirmative vote of a majority of the quorum shall be necessary to pass a resolution.

## **CHAPTER 4 – LAND USE HEARINGS**

### **I. General Conduct of Hearings.**

A. Any party may speak in person, through an attorney or agent.

B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the City recorder at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the City recorder, it shall not be included in the record for the proceeding.

C. No person may speak more than once without obtaining permission from the presiding officer.

D. Upon being recognized by the presiding officer, any member of the Council, the City manager, planning director or the City attorney may question any person who testifies.

E. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the Council.

F. The presiding officer may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the City recorder shall note the numbers of such persons for the record in the minutes.

### **II. Quasi-Judicial Land Use Matters.**

#### **A. Conflicts of Interest.**

1. A member of the Council shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:

- a. The member has an actual conflict of interest as defined by the Oregon Revised Statutes or the City charter.
- b. The member was not present during the public hearing; provided, however, members may participate if they have reviewed the evidence, including recordings of the hearing, and declared such fact for the record.

2. Members of the Council shall reveal any ex parte contacts with regard to the proceeding at the commencement of any quasi-judicial land use proceeding. If such contact impairs the member's impartiality, the member shall state this fact and abstain from participation in the matter.

**C. Burden of Proof.** The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

1. The decision of the Council shall be based on the applicable standards and criteria as set forth in the City's municipal code, the City's comprehensive plan, and, if applicable, any other land use standards imposed by state law or administrative rule.

2. The proponent, any opponents, and/or City staff may submit to the Council a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

**D. Hearing Procedures.** The order of hearings in quasi-judicial land use matters shall be:

1. Land Use Hearing Disclosure Statement. The presiding officer shall read the land use hearing disclosure statement, which shall include:

- a. A list of the applicable criteria;
- b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
- c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the Council and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and
- d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

2. Call for ex parte contacts. The presiding officer shall inquire whether any member of the Council has had ex parte contacts. Any member of the Council announcing an ex parte contact shall state for the record the nature and content of the contact.



**3. Call for abstentions.** The presiding officer shall inquire whether any member of the Council must abstain from participating in the hearing due to a conflict of interest or bias. Any member of the Council announcing a conflict of interest or bias shall state the nature of the conflict or bias, and shall not participate in the proceeding, unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

**4. Staff summary.** Planning staff shall present a summary and recommendation concerning the proposal.

**5. Presentation of the Case.**

- a.** Proponent's case. Twenty minutes total.
- b.** Persons in favor. Five minutes per person.
- c.** Persons opposed. Five minutes per person.
- d.** Other interested persons. Five minutes per person.
- e.** Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.

**6. Close of hearing.** No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.

**7. Deliberations.** Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.

**8. Findings and Order.** The Council may approve or reject the proposal.

- a.** The Council shall adopt findings to support its decision.
- b.** The Council may incorporate findings proposed by the proponent, the opponent or staff in its decision.

**E. Continuances.** Only one continuance is available by right. However, nothing in this section shall restrict the Council, in its discretion, from granting additional continuances. Any continuance shall result in a corresponding extension of the 120-day time limitations imposed by the Oregon Revised Statutes.

### **III. Legislative Land Use Matters.**

**A. Hearings Procedures.** The order of procedures for hearings on legislative land use matters shall be:

1. Call for abstentions. Inquire whether any member of the Council wishes to abstain from participation in the hearing. Any member announcing an abstention shall identify the reason therefor and shall not participate in the proceedings.
2. Staff summary. Staff shall present a statement of the applicable criteria, and a summary and recommendation concerning the proposal.
3. Presentation of the Case.
  - a. Proponent's case. Twenty minutes total.
  - b. Persons in favor. Five minutes per person.
  - c. Persons opposed. Five minutes per person.
  - d. Other interested persons. Five minutes per person.
4. Close of hearing. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
5. Deliberations. Deliberations shall immediately follow the hearing. The Council may delay deliberations to a subsequent time certain.
6. Reopening hearing. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the Council, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

## **CHAPTER 5 – MOTIONS, DEBATE, PUBLIC COMMENT AND VOTING**

**I. Motions.** All motions shall be distinctly worded.

**A.** The following rules shall apply to motions:

1. If a motion does not receive a second, it dies.
2. The Council will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
3. Any motion shall be reduced to writing if requested by a member of the Council.
4. A motion to amend can be made to a motion that is on the floor and has been seconded.
5. No motion shall be received when a question is under debate except for the following:

- a. To lay the matter on the table;
- b. To call for the previous question;
- c. To postpone;
- d. To refer; or
- e. To amend.

6. A motion may be withdrawn by the mover at any time without the consent of the Council.

7. Amendments are voted on first, then the main motion if voted on as amended.

8. A member of the Council may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.

9. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.

- a. A call for the question fails without a majority vote.
- b. Debate on the main subject resumes if the motion fails.

10. A motion that receives a tie vote fails.

11. The presiding officer shall repeat the motion prior to a vote.

12. A motion to adjourn cannot be amended.

**B. Motion to Reconsider.** A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.

1. No motion shall be made more than once.

2. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the Council.

**II. Debate.** The following rules shall govern the debate of any item being discussed by the Council:

**A.** Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, refrain from impugning the motives of any member's argument or vote, and at all times act and speak in a respectful manner. No member shall address the presiding officer or demand the floor while a vote is being taken.

**B.** Members shall limit their remarks to five minutes unless granted additional time by the majority of the Council. No Council Member shall be allowed to speak more than once upon any one subject until every other member choosing to speak thereon has spoken.

**C.** A member, once recognized, shall not be interrupted when speaking unless called to order by the Mayor or Presiding Officer, or unless a point of order is raised by any Council Member while he or she is speaking, in which case said member shall cease speaking immediately until the point is determined. If ruled to be in order, said member shall be permitted to proceed; if ruled to be out of order, said member shall remain silent or shall alter his/her remarks to comply with the ruling.

**D.** The member of the Council moving the adoption of any ordinance or resolution shall have the privilege of closing the debate.

**III. Public Comment.** The public shall be entitled to comment on all matters before the Council that require a vote.

**A.** Public comment shall occur either during the public comment portion of the meeting, or at Council's election, after the matter up for vote has been presented by City staff and before the Council takes any formal action on the matter.

**B.** Each member of the public is entitled to comment on the matter before the Council for three minutes.

**C.** Public comment is a time for comment, it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the Council or City staff.

**D.** Each person desiring to give public comments shall provide the Council with his or her name and address prior to giving comment. This information shall be used to ensure the minutes of the meeting properly reflect those persons who provided public comment.

**IV. Voting.** The following rules shall apply to voting on matters before the Council, unless amended in the manner outlined in Chapter 4 of these Rules.

**A.** The following require a majority of the quorum to pass.

- i. Reports.** (No vote is required if the report is only for informational purposes).
- ii. Consent Agenda.**
- iii. Resolutions.**
- iv. An Ordinance Involving a Fee or Fine.**
- v. An Ordinance Not Involving a Fee.**
- vi. Emergency Ordinance.**
- vii. Budget.**
- viii. Franchise.**

**B. Suspension of Rules.** A unanimous vote of all members of the Council present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules in this chapter which also appear in the City's charter shall not be suspended or rescinded.

**C. Votes must be Recorded.** All votes shall be recorded in the minutes.

**D. Ties.** Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower City body or commission, a tie shall render the lower body's decision approved.

**E. Effective date.**

1. A resolution shall become effective upon adoption unless otherwise stated in the resolution.
2. Emergency ordinances shall take effect immediately upon their passage:
3. All other ordinances shall take effect thirty days after passage unless a later date is fixed on the ordinance, in which event it shall take effect at the later date.
4. The filing of a referendum petition shall suspend the effective date of an ordinance.

## **CHAPTER 6 – MINUTES**

**I. Generally.**

**A.** All minutes shall be in written form, with an electronic copy of the meeting maintained by the City recorder in accordance with the appropriate record retention schedule.

**B.** The minutes shall contain the following information:

1. The date, time and place of the meeting;
2. The members present;
3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
4. The results of all votes and the vote of each member by name;
5. The substance of any discussion on any matter; and
6. A reference to any document discussed at the meeting.

**II. Approval.** The Council shall approve all minutes of any meeting.

**A.** All minutes shall be approved within ninety days of the meeting having occurred.

**B.** The draft minutes shall be submitted to the Council as part of the Council's packet prior to the meeting where they will be discussed.

**C.** Any member of the Council may request an amendment or correction of the minutes prior to a final vote being taken on the minutes.

## **CHAPTER 7 – APPOINTMENTS**

**I. Appointments of City Staff.** The Council appoints and can remove the City manager and municipal judge as per the City's charter. All appointments require a majority vote of the entire Council.

**A. Reviews.** Any person appointed by the Council may be subject to an annual review by the Council.

**B. Removals.** All appointed persons may be removed by a majority vote of the entire Council.

**C. Interference.** If the Council appoints a municipal judge, the Council may meet with the judge, but in no instance shall the Council be permitted to interfere with the judge's exercise of judicial authority or discretion.

## **II. Appointments of Members to Boards, Commissions and/or Committees.**

**A. City Boards, Commissions, and Lay Committees.** Unless otherwise provided by statute, ordinance or resolution, the following shall be the procedure for the creation of and appointments to all City Boards, Commissions, and Lay Committees:

**1. Creation and Dissolution.** At any time, the Council may, by ordinance or resolution, establish any City Board, Commission or Lay Committee deemed necessary and in the best interests of the City, other than the Planning Commission. Any committee so created may contain one or more Council Members as members, and unless otherwise provided, all City Boards, commissions, and Lay Committees so created shall sunset at the end of their mission, but in all events shall be reviewed yearly from the date of initial creation, and at such time shall either be preauthorized or dissolved.

**2. Qualifications.** All appointees to City Boards, Commissions, and Lay Committees shall be registered electors and shall reside in the City of Central Point for a period of one year. No appointee may serve on more than two City Boards, Commissions, and/or Lay Committees at any one time.

**3. Term.** The term of all appointments shall be for one year or less, unless otherwise stated, beginning with the first Council meeting in January. Appointments may be renewed for any number of terms.

**4. Vacancies.** Any qualified citizen may submit a letter of interest for any open position on a City Board, Commission, or Lay Committee. Vacancies shall be advertised in the local media and letters of interest shall be received only during the time set forth in the advertisement.

**5. Nomination and Confirmation.** Except as otherwise provided by Code or the Charter, nominations for positions on City Boards, Commissions, and Lay Committees may be made by the Mayor or by any two Council Members, and shall be subject to confirmation by the Council.

**6. Notification of Expiration of Terms.** The City Manager shall give written notice to the Council of the expiration of the term of office of all members of City Boards, Commissions, and Lay Committees at least thirty (30) days prior to expiration date of any appointee's term of office.

**7. Removal.** All lay members of City Boards, Commissions, and Lay Committees serve at the pleasure of the Council and may be removed at any time for any reason whatsoever upon motion and vote by a majority of the Council.

All Council Member seats on the City Boards, Commissions, and Lay Committees are reserved for sitting Council Members and upon expiration of any Council Members term, or upon resignation, removal, or death, the Council Member's seat on any City Boards, Commissions, and Lay Committees occupied by that person shall be immediately declared vacant, and a sitting Council Member appointed as a replacement.

## **B. Council Committees.**

**1. Creation and Dissolution.** Council Committees may be created at any time by resolution or motion. All Council Committees shall have a Chairperson and Secretary, who may be either appointed by the Mayor, or by a majority vote of the members of the committee in the absence of such appointment. Such committee shall report to the Council without unnecessary delay upon matters referred to them. All Council Committees, so created, shall sunset at the end of their mission, but in all events shall be reviewed at the first Council meeting of January each year for preauthorization, and at such time shall either be preauthorized or dissolved.

**2. Membership.** Membership on such Council Committees shall include only sitting Council Members, who shall be appointed by the Mayor or Presiding Officer, subject to confirmation by the Council. Council Committee appointments shall be for a term of one year, unless otherwise stated, and Councilors may be reappointed for an indefinite number of terms.

**3. Meetings.** Council Committee meetings may be called by the Chairman, or by any two members. A majority of the members of a Committee shall constitute a quorum to do business.

**C. Meetings Subject to Oregon Open Meetings Law.** All meetings of any City Boards, Commissions, and Lay Committees or Council Committees shall be subject to and comply with the Oregon Public Meetings Law, ORS 192.610-192.710.

**D. Quorums.** A majority of the sitting members of any City Boards, Commissions, and Lay Committees or Council Committees shall constitute a quorum to do business.

**E. Registry.** The City Recorder shall prepare, keep current, and retain on file in the Office of the City Recorder a list of all appointees to all City Boards, Commissions, and Lay Committees, the date of their appointment, the length of their unexpired term, and their addresses and phone numbers. All Council Members shall be given a copy of this list at least once yearly or upon any substantial change in membership of any City Board, Commission, and Lay Committee.

## **CHAPTER 8 – ETHICS, DECORUM, OUTSIDE STATEMENTS**

**I. Ethics.** All members of the Council shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the Council shall refrain from:

**A.** Disclosing confidential information.

**B.** Taking action which benefits special interest groups or persons at the expense of the City as a whole.

**C.** Expressing an opinion contrary to the official position of the Council without so saying.

**D.** Conducting themselves in a manner so as to bring discredit upon the government of the City.

### **II. Decorum.**

**A.** The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the Council.

**B.** Members of the Council shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.

**C.** Members of the City staff and all other persons attending meetings shall observe the Council's rules of proceedings and adhere to the same standards of decorum as members of Council.



### **III. Rules of Conduct at City Council Meetings, Ejection and Exclusion.**

**A.** To preserve order and decorum, the presiding officer or designee may direct that any person who disrupts any Council meeting, or any person who engages in dangerous or threatening behavior, after first having been warned to cease and desist from such disruption or dangerous or threatening behavior, be ejected or excluded from Council Chambers or such other place as the Council may be in session.

**B.** For purposes of this Section, an ejection is an order made by the presiding officer to immediately leave the meeting, and an exclusion is an order made by a majority of the Council prohibiting a person from entering or remaining at future meetings for a specified period of time.

#### **C. Ejection or exclusion shall be issued in the following manner:**

**1.** The presiding officer or designee will give a warning to the person engaging in disruptive, dangerous or threatening behavior. If the person engaging in disruptive, dangerous or threatening behavior does not cease that behavior following the warning, the presiding officer or designee will issue an ejection. An ejection shall be for the remainder of the session at which the disruptive, dangerous or threatening behavior has occurred.

**2.** For purposes of this Section, a person disrupts a meeting of the Council if the person engages in any conduct that obstructs or impedes the orderly carrying on of the business of the meeting. Such conduct includes, but is not limited to: any conduct that substantially prevents any other person from hearing, viewing or meaningfully participating in the meeting including booing or speaking out from anywhere other than the designated podium; carrying or displaying signs; any conduct that substantially interferes with ingress or egress to or free movement within the Council Chambers; shouting over, or otherwise disrupting, any person who is recognized by the presiding officer; any conduct that substantially interferes with City business conducted by City staff present at the session; or failure to obey any reasonable direction of the presiding officer.

**3.** A direction of the presiding officer is reasonable if it is reasonably related to maintaining order and decorum. A direction of the presiding officer is not reasonable if it is directed to speech or conduct the right to engage in which is, under the circumstances, protected by the federal or Oregon constitution.

**4.** For purposes of this Section, behavior is dangerous or threatening if a reasonable person, exposed to or experiencing such behavior, could believe that the person was in imminent danger of physical harm from the behavior. Notwithstanding the provisions of this Section, if the presiding officer reasonably believes that a person's dangerous or threatening conduct constitutes an emergency, the presiding officer is not required to give the person a warning before ordering the person ejected.

**D.** If a person has previously been ejected for dangerous or threatening behavior before the Council within 1 year before the date of the present ejection, or for disruptive behavior on three or more separate occasions within 1 year before the date of the present ejection, the person shall be excluded from Council meetings for 30 days. Written notice of such exclusion shall be given as provided in this Section.

**E.** If a person has been excluded from the Council on one or more occasions within 1 year before the date of the present exclusion, the person shall be excluded from Council meetings for 60 days. Written notice of such exclusion shall be given as provided in this Section.

**F.** The presiding officer, or designee, shall give written notice of any exclusion issued under this Section, and the person excluded may appeal the exclusion to the Municipal Court in the manner provided in the Municipal Code.

**G.** Notwithstanding any other provisions of this Section, the Municipal Court's review of the question of whether the excluded person in fact engaged in disruptive, dangerous or threatening behavior shall be based upon the audio and video record of the meeting, applying the criteria described in this Section. Under no circumstances shall the presiding officer or any member of the Council be compelled to testify at the hearing, or in any proceeding connected therewith. The exclusion shall be stayed upon the filing of the notice of appeal, but any stayed exclusion shall be counted in determining the length of any subsequent exclusion under this Section. If any exclusion is reversed on appeal, the effective periods of any exclusions that are not reversed shall be adjusted accordingly. If multiple exclusions issued to a person are simultaneously stayed, the effective periods for those which are affirmed shall run consecutively.

**H.** It shall be unlawful for any person to be in the Council Chambers or in any other place where the Council is meeting, at any time during which there is in effect an ejection or an exclusion of the person from Council meetings.

**I.** An exclusion issued under this Section does not affect or limit the right of the person excluded to submit written testimony or materials to the City recorder for inclusion in the record and for consideration by the Council, or otherwise lawfully to petition or seek redress from the City or its elected officials.

**J.** The provisions of this Section apply to any public meeting of a City board or commission. If a person engages in disruptive, dangerous or threatening behavior at a public meeting of a City board or commission, any presiding officer may eject that person by applying the provisions of this Section.

#### **IV. Statements to the Media and Other Organizations**

**A. Representing City.** If a member of the Council, to include the mayor, appears as a representative of the City before another governmental agency, any City board or commission, the Council, the media or an organization to give a statement on an issue, the

member may only state the official position of the City, as approved by a majority of the Council.

**B. Personal Opinions.** If a member of the Council, to include the mayor, appears in their personal capacity before another governmental agency, City board or commission, the Council, the media or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the City before giving their statement.

## **CHAPTER 9 – INTERACTIONS WITH STAFF & CITY ATTORNEY**

**I. Staff.** All members of the Council shall respect the separation between the Council’s role and the City’s manager’s responsibility by:

**A.** Not interfering with the day-to-day administration of City business, which is the responsibility of the City manager.

**B.** Refraining from actions that would undermine the authority of the City manager or a department head.

**C.** Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff’s day-to-day responsibilities. Questions of a more complex nature shall be directed to the City manager.

**1.** Questions from individual members of the Council requiring significant time or resources (two hours or more) shall normally require approval of the Council.

**2.** Members of the Council shall normally share any information obtained from staff with the entire Council. This section is not intended to apply to questions by members of the Council acting in their individual capacities rather than as members of the Council, nor to questions regarding conflict of interest or similar issues particular to a member of the Council.

**II. City Attorney.** In general, Council questions for the City Attorney should be directed to the City Manager, unless the City Manager authorizes the Council to proceed directly to the City Attorney.

## **CHAPTER 10 – CENSURE [AND REMOVAL]**

**I.** The Council may enforce these rules and ensure compliance with City ordinances, charter and state laws applicable to governing bodies. If a member of Council violates these rules, City ordinances, the City charter or state laws applicable to governing bodies, the Council may take action to protect the integrity of the Council and discipline the member with a public reprimand or removal as provided for in the city charter.

**II.** The Council may investigate the actions of any member of Council and meet in executive session under ORS 192.660(2)(b) to discuss any finding that reasonable grounds exist that a violation of

these rules, local ordinance, the City charter or state laws applicable to governing bodies has occurred. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

## **CHAPTER 11 – AMENDMENT AND REPEAL**

**I. Amendment.** These rules of procedure are subject to amendment by the Council in accordance with the rules noted herein.

- A.** Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
- B.** All amendments to these rules require a majority vote of the entire Council and shall be adopted by resolution.
- C.** Amended rules shall not go into effect until the meeting after the rule was approved.

**II. Repeal.** These rules of procedure are subject to repeal and replacement by the Council in accordance with the rules noted herein.

- A.** Any proposed repeal of these rules shall be accompanied by a proposed replacement.
- B.** Any proposed repeal and replacement of these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.
- C.** Any repeal and replacement of these rules requires a majority vote of the entire Council.
- D.** Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved.

**STATEMENT OF ACKNOWLEDGMENT  
CONFLICT OF INTEREST/CODE OF ETHICS**

I, \_\_\_\_\_, am a member of the City of Central Point City Council.

I acknowledge that I have received a current copy of the Central Point City Rules of the City Council. I agree to be bound by such rules and to conduct myself as a member of the Council in a manner reflecting high ethical standards.

I also acknowledge that I have received a copy of the Conflict of Interest Resolution adopted by the Council. I am not involved in any situation which could be construed as placing me in the position of having a potential conflict of interest with the City, except possibly the following:

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_, 20\_\_.

# **Resolution**

## **Authorizing Agreement with RVCOG for Brownfields Assessment Coalition**



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

**ISSUE SUMMARY**

MEETING DATE: January 11, 2018	STAFF MEMBER: Tom Humphrey AICP, Community Development Director
SUBJECT: Resolution to Enter into an Agreement with RVCOG to Participate in EPA Brownfield Grant Implementation	DEPARTMENT: Community Development
ACTION REQUIRED:  <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Information/Direction <input type="checkbox"/> Consent Agenda Item <input type="checkbox"/> Other	RECOMMENDATION:  <input checked="" type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not applicable  Comments:

**BACKGROUND INFORMATION:**

As part of the Brownfield Communitywide Assessment Grant awarded to RVCOG, EPA requested that all members of the coalition sign a Memorandum of Agreement as an early action item. EPA is also reviewing the draft work plan to make sure that it meets their goals for the grant.

City staff attended a meeting in December to kick off the Brownfield assessment project and to discuss what the region would accomplish in the application. We also identified where we are in the process, talked about priorities and the Brownfield Advisory Committee, and developed a general schedule. A page has been created on RVCOG's website which contains general information on the project including documents and meetings. The page will be updated and expanded over the life of the project. Please see below for the web link.

<http://rvcog.org/what-we-do/natural-resources/major-natural-resources-programs-and-projects/brownfield-community-wide-assessment/>

**FINANCIAL ANALYSIS:**

Central Point's commitment is not monetary but rather 'in-kind' staff time to attend meetings, provide land use and environmental information to consultants and make presentations.

**LEGAL ANALYSIS:**

A Memorandum of Agreement (MOA) is the simple tool that satisfies the EPA and commits the City to the Rogue Valley Coalition.

**COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:**

Proactive Government – Goal 1, Strategy b. Collaborate with other government agencies  
Economic Development – Goal 1, Strategy b. Develop ‘Shovel Ready’ sites. Action a Assemble information on vacant land, and identify inventory of land with development potential.

**STAFF RECOMMENDATION:**

Authorize City staff to participate in the Brownfields Assessment Coalition by approving the attached resolution

**RECOMMENDED MOTION:**

Approve Resolution No. \_\_\_\_ A Resolution Authorizing Staff to enter into An Agreement Between the City of Central Point and the Rogue Valley Council of Governments (RVCOG) to Participate in the Brownfields Assessment Coalition

**ATTACHMENTS:**

Resolution No. \_\_\_\_ A Resolution Authorizing Staff to enter into An Agreement Between the City of Central Point and the Rogue Valley Council of Governments (RVCOG) to Participate in the Brownfields Assessment Coalition



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

**A RESOLUTION AUTHORIZING STAFF TO ENTER INTO AN AGREEMENT BETWEEN THE CITY OF CENTRAL POINT AND THE ROGUE VALLEY COUNCIL OF GOVERNMENTS (RVCOG) TO PARTICIPATE IN THE BROWNFIELDS ASSESSMENT COALITION**

WHEREAS, the City endorsed RVCOG’s application for an EPA Brownfield Communitywide Assessment Grant; and

WHEREAS, the City obligated to participate in the grant application as a coalition partner should the grant be awarded; and

WHEREAS, there are Brownfield sites located in the City of Central Point that Coalition members will assess; and

WHEREAS, the City Council of the City of Central Point deems that the necessity, convenience and the general welfare of the public will benefit by this agreement;

NOW, THEREFORE, THE CITY OF CENTRAL POINT RESOLVES AS FOLLOWS, to enter into an agreement with the Rogue Valley Council of Governments (RVCOG) in the manner stated in said agreement which is Exhibit “A”.

BE IT FURTHER RESOLVED that the City Council directs the City Manager to consummate the agreement (Exhibit “A”) following the adoption of this resolution.

PASSED by the City Council and signed by me in authentication of its passage this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

ATTEST:

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

MEMORANDUM OF AGREEMENT  
BETWEEN THE FOLLOWING PARTIES:  
ROGUE VALLEY COUNCIL OF GOVERNMENTS (RVCOG), THE CITY OF  
CENTRAL POINT, THE CITY OF GRANTS PASS, THE CITY OF MEDFORD, AND  
JACKSON COUNTY

This Memorandum of Agreement documents the roles and responsibilities of the various parties involved in the Assessment Coalition Cooperative Agreement No: BF001J40701.

1. The Cooperative Agreement is managed by the Project Coalition Lead, RVCOG. The grant period is October 1, 2017 through September 30, 2020.
2. It is the responsibility of RVCOG to provide timely information to the other coalition partners regarding the management of the cooperative agreement and any changes that may be made to the cooperative agreement over the three year period of performance.
3. The Coalition Partners are the City of Central Point, the City of Grants Pass, the City of Medford, and Jackson County. The contact information is as follows:

Tom Humphrey  
Community Development Director, Central Point  
140 S 3<sup>rd</sup> Street  
Central Point, OR. 97502  
(541) 664-3321 ext. 231  
[tom.humphrey@centralpointoregon.gov](mailto:tom.humphrey@centralpointoregon.gov)

Scott Lindberg  
Grants Specialist, Grants Pass  
101 NW "A" St  
Grants Pass, OR. 97526  
(541) 450-6015  
[slindberg@grantspassoregon.gov](mailto:slindberg@grantspassoregon.gov)

Matt Brinkley  
Planning Director, City of Medford  
200 South Ivy Street  
Room 240, Lausmann Annex  
Medford, OR. 97501  
(541) 774-2380  
[matt.brinkley@cityofmedford.org](mailto:matt.brinkley@cityofmedford.org)

And

Ted Zuk  
Development Services Director, Jackson County  
10 S Oakdale Ave  
Medford, OR. 97501  
(541) 774-6003  
[Zuktj@jacksoncounty.org](mailto:Zuktj@jacksoncounty.org)

4. The Project Coalition Lead and the Coalition Partners agree to check-in and/or meet regularly in person, via phone, through email, at committee meetings, or other methods. Frequency is anticipated to be higher in the beginning of the project (twice a month during first 6 months) and monthly thereafter. Time, format, and location will be jointly agreed upon.
5. Stantec consulting was retained through a competitive procurement process consistent with the requirements of 2 CFR 200.317-326 to undertake activities funded through the cooperative agreement. These activities include inventory preparation, site selection criteria development, assessments, cleanup planning, and outreach materials and implementation, and other eligible activities.
6. At a minimum, (and to the extent practicable), each Coalition Partner will have a minimum of one Phase I and one Phase II performed at brownfields sites in their jurisdiction. These sites will be submitted to EPA for approval. This minimum will ensure that the EPA requirement of five sites will be successfully met.
7. Upon designation of the specific sites, it will be the responsibility of the coalition partner in whose geographic area the site is located to work with Stantec and RVCOG to prepare a scope of work. It will be the responsibility of this partner to ensure all required permits, easements, and/or access agreements as may be necessary to undertake assessments at the selected site are obtained.
8. The coalition will work together with Stantec to develop Site Prioritization Criteria based on environmental, economic and land use factors. Scoring will be established in order to choose remaining sites to successfully utilize the funding within the three-year period of performance.
9. After the preliminary sites are chosen, the coalition will utilize the Site Prioritization Criteria to prioritize additional sites to utilize the remaining funding.
10. Other activities, such as community outreach and involvement, will be mutually agreed upon and a schedule established for implementation.

Approved:

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RVCOG, Project Coalition Lead

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City of Central Point, Coalition Partner

# **Business**

## **Planning Commission Report**



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

**ISSUE SUMMARY**

<p>MEETING DATE: January 11, 2018</p> <p>SUBJECT: Planning Commission Report</p>	<p>STAFF MEMBER: Tom Humphrey AICP, Community Development Director</p> <p>DEPARTMENT: Community Development</p>
<p>ACTION REQUIRED:</p> <p><input type="checkbox"/> Motion</p> <p><input type="checkbox"/> Public Hearing</p> <p><input type="checkbox"/> Ordinance 1<sup>st</sup> Reading</p> <p><input type="checkbox"/> Ordinance 2<sup>nd</sup> Reading</p> <p><input type="checkbox"/> Resolution</p> <p><input checked="" type="checkbox"/> Information/Direction</p> <p><input type="checkbox"/> Consent Agenda Item</p> <p><input type="checkbox"/> Other</p>	<p>RECOMMENDATION:</p> <p><input type="checkbox"/> Approval</p> <p><input type="checkbox"/> Denial</p> <p><input type="checkbox"/> None Forwarded</p> <p><input checked="" type="checkbox"/> Not applicable</p> <p>Comments:</p>

The following items were presented by staff and discussed by the Planning Commission at its regular meeting on January 2, 2018.

**A. Public Hearing, Land Use Element (Working Draft) City of Central Point Comprehensive Plan, Applicant: City of Central Point, File No. 17003.** The Planning Commission was presented with the draft Land Use Element which included text, mapping, goals and policies revised from the original plan element. The Land Use Element addresses the purpose and scope of each land use allocation, and assigns a specific land use to each property within the City's urban area. It was noted that changes to the text, goals and policies of the Land Use Element reflect changes in policy since the last Land Use Element was amended in 1983. Changes to the map correct errors and inconsistencies, incorporate changes proposed by others and address changing conditions. The Planning Commission conducted a public hearing, proposed minor revisions by staff and recommended approval by the City Council.

# **Business**

## **2018 Utility Rate Discussion**



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

**ISSUE SUMMARY**

MEETING DATE: 1-11-2018	STAFF MEMBER: Matt Samitore
SUBJECT: 2018 Water Rates	DEPARTMENT: Public Works
<b>ACTION REQUIRED:</b>  <input type="checkbox"/> Motion <input type="checkbox"/> Public Hearing <input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading <input type="checkbox"/> Ordinance 2 <sup>nd</sup> Reading <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Information/Direction <input type="checkbox"/> Consent Agenda Item <input type="checkbox"/> Other	<b>RECOMMENDATION:</b>  <input type="checkbox"/> Approval <input type="checkbox"/> Denial <input type="checkbox"/> None Forwarded <input type="checkbox"/> Not applicable  Comments: Seeking Council direction and discussion. Final recommendation will receive future council approval via resolution.

**BACKGROUND INFORMATION:**

The Medford Water Commission recently completed an annual rate review/analysis (analysis performed by HDR Engineering) and determined that the “other cities” water rate category, which includes the City of Central Point, should be increased by 11% beginning March 1, 2018. Subsequent to HDR’s recommendation—during a December 2017 Water Commission Board meeting—the Board approved the recommended increase effective March 1, 2018. This adjustment equates to an additional \$77,000 in estimated cost for the purchase of bulk water during the course of 2018.

The Water Commission’s rates have a direct impact upon the City’s water rate structure. Moreover, the City’s long-term rate plan indicates a 4% increase for the 2017-2018 budget year, which includes an increase from the Medford Water Commission. The 2010 study (long-term analysis performed by FCSG Consulting) considers several assumptions regarding annual employee costs, water infrastructure debt service and annual Medford Water Commission rate increases. In analyzing the recommended rates and adding in the ENR Construction Price Index for 2017 of 2.2%, the City needs a 4.57% increase for the 2018-2019 budget year to offset the cost inflation and the most recent increase from the Medford Water Commission.

**FINANCIAL ANALYSIS:**

Central Point’s current rates consist of several cost components including: bulk water purchase (MWC), infrastructure maintenance, capital replacement, personnel costs and general overhead/administration. In an effort to accommodate these cost components and avoid future rate increases that seem unreasonable, the following adjustment is being recommended: A rate increase specific to the base rate which provides more accurate annual budgeting and predictable expenses for our customers/citizens. An alternative option presented allows the increase to be split between the base rate and the consumptive tier rates.

**Current Rates:**

Residential							
Meter Size	Monthly Base Charge	Monthly R & R Charge	Total Monthly Fixed Charge	Volume Charge First 8 ccf	Volume Charge 8 - 22 ccf	Volume Charge Over 22 ccf	
5/8"	13.15	1.00	14.15	0.90	1.73	2.84	
1"	18.15	2.45	20.60	0.90	1.73	2.84	
1.5"	23.15	8.15	31.30	0.90	1.73	2.84	
2"	33.15	11.15	44.30	0.90	1.73	2.84	
3"	53.15	25.25	78.40	0.90	1.73	2.84	
4"	73.15	43.85	117.00	0.90	1.73	2.84	
6"	138.15	86.00	224.15	0.90	1.73	2.84	
8"	213.15	139.50	352.65	0.90	1.73	2.84	

**Option 1: 4.57% Increase – Base Rate Only**

Residential							
Meter Size	Monthly Base Charge	Monthly R & R Charge	Total Monthly Fixed Charge	Volume Charge First 8 ccf	Volume Charge 8 - 22 ccf	Volume Charge Over 22 ccf	
5/8"	13.75	1.00	14.75	0.90	1.73	2.84	
1"	18.98	2.45	21.43	0.90	1.73	2.84	
1.5"	24.21	8.15	32.36	0.90	1.73	2.84	
2"	34.66	11.15	45.81	0.90	1.73	2.84	
3"	55.58	25.25	80.83	0.90	1.73	2.84	
4"	76.49	43.85	120.34	0.90	1.73	2.84	
6"	144.46	86.00	230.46	0.90	1.73	2.84	
8"	222.89	139.50	362.39	0.90	1.73	2.84	

The increase as shown equates to \$0.60 increase on the base rate no increases on the tier rates.

**Option 2: 4.57% Increase split between Base Rate and Consumptive Tiers**

Residential							
Meter Size	Monthly Base Charge	Monthly R & R Charge	Total Monthly Fixed Charge	Volume Charge First 8 ccf	Volume Charge 8 - 22 ccf	Volume Charge Over 22 ccf	
5/8"	13.39	1.00	14.39	0.92	1.78	2.92	
1"	18.48	2.45	20.93	0.92	1.78	2.92	
1.5"	23.57	8.15	31.72	0.92	1.78	2.92	
2"	33.76	11.15	44.91	0.92	1.78	2.92	
3"	54.12	25.25	79.37	0.92	1.78	2.92	
4"	74.49	43.85	118.34	0.92	1.78	2.92	
6"	140.68	86.00	226.68	0.92	1.78	2.92	
8"	217.05	139.50	356.55	0.92	1.78	2.92	



Option 2 provides a way to split the increase based on how historical revenue is generated from the rates. 1.83% would be assigned to the base rate equaling a \$0.11 cent increase, with the remainder (2.74%) being added to the consumptive rates, which equates to a \$0.02 increase per 100 cubic feet for tier 1, a \$0.05 increase in tier 2 and a \$0.08 increase to tier 3.

**LEGAL ANALYSIS:**

Not Applicable

**COUNCIL GOALS/STRATEGIC PLAN ANALYSIS:**

Not Applicable

**STAFF RECOMMENDATION:**

Last year Council decided not to increase water rates for fiscal year 2017/18 FY because Medford Water Commission decrease rates beginning March 2017. However, staff is currently recommending that council discuss—and provide staff direction—on the above-described options. In summary: Option 1 would pass along the increases purely to the base rate; Option 2 would split the increase between the base and consumptive rates; Option 3 would include not passing along the rates at all or directing staff to bring back an alternative option.

**RECOMMENDED MOTION:**

I move to direct staff to prepare a 2018 water rate increase resolution (including specifics) for formal council consideration.

**ATTACHMENTS:**

Medford Water Commission Rate Increase Public Hearing Information.



## BOARD OF WATER COMMISSIONERS MEETING

Wednesday, December 20, 2017 – 12:15 pm

Lausmann Annex Room 151/157

200 S. Ivy Street, Medford, Oregon 97501

### AGENDA

11:30 a.m. LUNCH

11:45 a.m. STUDY SESSION – Annual Audit Presentation (Paul Nielson, Isler CPA)

12:15 p.m. BOARD MEETING – Shall Begin at the Conclusion of the Study Session

**1. Roll Call**

**2. Pledge of Allegiance**

**3. Approval or Correction of the Minutes of the Last Regular Meeting of December 6, 2017**

**4. Comments from the Audience**

Comments will be limited to 4 minutes per individual, group or organization; please sign in.

**5. Public Hearing**

Comments will be limited to 4 minutes per individual, group or organization; please sign in.

5.1 Consider Resolution No. 1661, A RESOLUTION Prescribing and Establishing Rates for the Use and Sale of Water From the Municipal Water System of the City of Medford, Oregon, Within and Without said City, to Intermittent Users, and to Special Outside Customers, Repealing All Prior Rates in Conflict Herewith and Providing that the Modifications as Set Forth in the 2017 Cost of Service Study Shall Become Effective on March 1, 2018, and Thereafter

**6. Authorization of Vouchers**

**7. Staff Reports**

7.1 Engineer's Report (Principal Engineer Eric Johnson)

7.2 Operations Report (Operations Superintendent Ken Johnson)

7.3 Water Quality/Treatment Report (Water Quality Superintendent Jim Stockton)

7.4 Finance Report (Finance Director Tessa DeLine)

**8. Manager's Report**

**9. Propositions and Remarks from the Commissioners**

**10. Adjourn**

DATES TO REMEMBER					
DATE	DAY	TYPE OF MEETING	STUDY SESSION TIME & TOPIC	REGULAR MEETING	LOCATION
<i>Monday, December 25, 2017 – Christmas Holiday – Offices closed</i>					
<i>Monday, January 1, 2018 – New Year's Day – Offices closed</i>					
01/03/18	Wed	Board Meeting	11:45am – BBS & Willow Lake Update	12:15pm	Lausmann Annex, RM 151
<i>Monday, January 15, 2018 – Martin Luther King Jr. Day – Offices closed</i>					
01/17/18	Wed	Board Meeting	11:45am – Staffing Levels	12:15pm	Lausmann Annex, RM 151
02/07/18	Wed	Board Meeting	11:45am – Water Quality	12:15pm	Lausmann Annex, RM 151
<i>Monday, February 19, 2018 – Presidents' Day – Offices closed</i>					
02/19/18	Wed	Board Meeting	11:45am – Board & Staff Goals	12:15pm	Lausmann Annex, RM 151

**5.1 Public Hearing to Consider Resolution No. 1661, A RESOLUTION Prescribing and Establishing Rates for the Use and Sale of Water From the Municipal Water System of the City of Medford, Oregon, Within and Without said City, to Intermittent Users, and to Special Outside Customers, Repealing All Prior Rates in Conflict Herewith and Providing that the Modifications as Set Forth in the 2017 Cost of Service Study Shall Become Effective on March 1, 2018, and Thereafter**

Consultant Shawn Koorn of HDR, Inc. presented study sessions to the Board on November 1 and November 15 on the Cost of Service Study, as well as a refined version of the study during the December 6 meeting. Based on HDR's analysis, staff recommends Board consideration of modifications in the monthly and gallonage charges for all customer groups. The new rates would be effective March 1, 2018. Notice of the public hearing was provided to all customer groups, other interested parties, as well as the general public. A copy of the resolution and summary sheet is attached; staff recommends approval.

**RESOLUTION NO. 1661**

**ITEM NO. 5.1(a)**

A RESOLUTION Prescribing and Establishing Rates for the Use and Sale of Water From the Municipal Water System of the City of Medford, Oregon, Within and Without said City, to Intermittent Users, and to Special Outside Customers, Repealing All Prior Rates in Conflict Herewith and Providing that the Modifications as Set Forth in the 2017 Cost of Service Study Shall Become Effective on March 1, 2018, and Thereafter

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF WATER COMMISSIONERS OF THE CITY OF MEDFORD, OREGON, AS FOLLOWS, THAT:

SECTION 1. On the twenty-eighth day of February 2018, all rates heretofore prescribed and established for the use and sale of water from the municipal water system of the City of Medford, Oregon, within and without said City, shall be repealed.

SECTION 2. Beginning with the billing for water service on the 1st day of March 2018, and thereafter, the rates for the use and sale of water from the municipal water system of the City of Medford, Oregon, within and without said City, shall be as set forth in the Schedules of the 2017 Cost of Service Study, a copy of which is on file in the Commission office and by reference made a part hereof, and summarized as follows, to-wit:

<u>INSIDE CUSTOMERS:</u>		<u>CURRENT</u>	<u>PROPOSED</u>
Residential	0 – 5,000 gal/month	\$0.61	\$0.67
	6,000-25,000 gal/month	\$1.10	\$1.21
	Over 25,000 gal/month	\$1.60	\$1.76
Non-Residential	Summer (May-Sept)	\$1.08	\$1.18
	Winter (Oct-Apr)	\$0.88	\$0.98
Typical Residential Monthly Charge (¾")		\$10.62/mo	\$11.62/mo

<u>OUTSIDE CUSTOMERS:</u>		<u>CURRENT</u>	<u>PROPOSED</u>
Residential	0 – 5,000 gal/month	\$0.90	\$0.99
	6,000-25,000 gal/month	\$1.63	\$1.79
	Over 25,000 gal/month	\$2.39	\$2.63
Non-Residential	Summer (May-Sept)	\$1.43	\$1.56
	Winter (Oct-Apr)	\$1.23	\$1.36
Typical Residential Monthly Charge (¾")		\$14.77/mo	\$16.16/mo

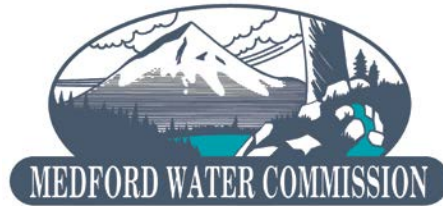
<u>OTHER CITIES:</u>		<u>CURRENT</u>	<u>PROPOSED</u>
	Summer (May-Sept)	\$0.74	\$0.82
	Winter (Oct-Apr)	\$0.54	\$0.62

<u>DISTRICTS:</u>		<u>CURRENT</u>	<u>PROPOSED</u>
	Summer (May-Sept)	\$1.03	\$1.09
	Winter (Oct-Apr)	\$0.83	\$0.89
Typical Residential Monthly Charge (¾")		\$9.80/mo	\$10.38/mo

PASSED by the Board of Water Commissioners and signed by me in authentication of its passage this 20th day of December 2017.

ATTEST: \_\_\_\_\_  
Karen Spoons, City Recorder

\_\_\_\_\_  
John Dailey, Chair



## 2017 Cost of Service Study SUMMARY

The effect of this analysis was to accurately adjust the revenue requirements for all customer groups. The analysis recommended monthly and gallonage charge modifications for all customer groups, effective March 1, 2018. The Commission's last rate action went into effect on March 1, 2017.

The proposed water consumption rates (per 1,000 gallons) and monthly charges are as follows:

<u>INSIDE CUSTOMERS:</u>		<u>CURRENT</u>	<u>PROPOSED</u>	<u>CHANGE</u>
<b>Residential Gallonage/Mo:</b>	0 – 5,000	\$0.61	\$0.67	+ <b>\$0.06</b>
	6,000-25,000	\$1.10	\$1.21	+ <b>\$0.11</b>
	Over 25,000	\$1.60	\$1.76	+ <b>\$0.16</b>
<b>Non-Residential Gallonage Blocks:</b>	Summer (May-Sept)	\$1.08	\$1.18	+ <b>\$0.10</b>
	Winter (Oct-Apr)	\$0.88	\$0.98	+ <b>\$0.10</b>
<b>Typical Residential Monthly Charge (¾")</b>		\$10.62/mo	\$11.62/mo	+ <b>\$1.00</b>
<u>OUTSIDE CUSTOMERS:</u>		<u>CURRENT</u>	<u>PROPOSED</u>	<u>CHANGE</u>
<b>Residential Gallonage/Mo:</b>	0 – 5,000	\$0.90	\$0.99	+ <b>\$0.09</b>
	6,000-25,000	\$1.63	\$1.79	+ <b>\$0.16</b>
	Over 25,000	\$2.39	\$2.63	+ <b>\$0.24</b>
<b>Non-Residential Gallonage Blocks:</b>	Summer (May-Sept)	\$1.43	\$1.56	+ <b>\$0.13</b>
	Winter (Oct-Apr)	\$1.23	\$1.36	+ <b>\$0.13</b>
<b>Typical Residential Monthly Charge (¾")</b>		\$14.77/mo	\$16.16/mo	+ <b>\$1.39</b>
<u>OTHER CITIES:</u>		<u>CURRENT</u>	<u>PROPOSED</u>	<u>CHANGE</u>
<b>Gallonage Blocks:</b>	Summer (May-Sept)	\$0.74	\$0.82	+ <b>\$0.08</b>
	Winter (Oct-Apr)	\$0.54	\$0.62	+ <b>\$0.08</b>
<u>DISTRICTS:</u>		<u>CURRENT</u>	<u>PROPOSED</u>	<u>CHANGE</u>
<b>Gallonage Blocks:</b>	Summer (May-Sept)	\$1.03	\$1.09	+ <b>\$0.06</b>
	Winter (Oct-Apr)	\$0.83	\$0.89	+ <b>\$0.06</b>
<b>Typical Residential Monthly Charge (¾")</b>		\$9.80/mo	\$10.38/mo	+ <b>\$0.58</b>